

CONFIDENTIAL

**AGENDA
for a
SPECIAL MEETING**

**MANGAUNG
METROPOLITAN
MUNICIPAL COUNCIL**

**COUNCIL CHAMBER
FIRST FLOOR
BRAM FISCHER BUILDING
BLOEMFONTEIN**

**FRIDAY
JUNE 2, 2023
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**



MANGAUNG METROPOLITAN MUNICIPALITY

**Bram Fischer Building
BLOEMFONTEIN
29 MAY 2023**

**MEMBERS OF THE METROPOLITAN MUNICIPAL COUNCIL OF THE MANGAUNG
METROPOLITAN MUNICIPALITY**

Ladies and gentlemen

Notice is hereby given in terms of the provisions of
Section 29(1) of the Local Government:
Municipal Structures Act, 1998 (Act No 117 of 1998) and
Rule 5.1 of the Council's Standing Rules and Orders that

**A SPECIAL MEETING OF THE
MANGAUNG METROPOLITAN MUNICIPAL COUNCIL**

**will be held in the
COUNCIL CHAMBER, FIRST FLOOR
BRAM FISCHER BUILDING, BLOEMFONTEIN
ON
FRIDAY, JUNE 2, 2023
at 10:00**

To consider the items as set out in this agenda.



**SPEAKER OF COUNCIL
COUNCILLOR MARYKE DAVIES**

DATE: 31/05/2023

Note by Secretariat

1. **Attendance Register:** Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.
2. **Leave Register:** In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register 12 hours before the commencement of the meeting (Rule 22.2) (Leave Form).
3. **Name-plates:** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
4. **Apologies during the course of the Council meeting:** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose (Leave Form).
5. **Code of Conduct:** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

Attendance at Meetings: A councillor must attend each meeting of the Municipal Council and of a Committee of which that councillor is a member, except when:

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.

6. Meeting rules:

- i. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
- ii. Cellular phones **must be in silent mode and speaking on a cellular phone during the meeting is prohibited**; (Rule 50.2a)
- iii. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion**; (Rule 31)
- iv. Unless expressly otherwise determined, a Councillor **may speak only once on a matter**; (Rule 32)
- v. No speech shall exceed **five (5) minutes** in length without the consent of the Speaker. (Rule 34.1)
- vi. Council members are reminded to uphold high level of good conduct during Council proceedings (No disruptions, no interruptions, no howling, no swearing to other Council members, less movement in the Chamber, no abuse of the PA system).

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**AGENDA
(OPEN COUNCIL)**

**78.
OPENING
(MOMENT OF SILENT CONTEMPLATION FOR MEDITATION AND PRAYERS)**

**79.
NOTICE OF THE MEETING**

**80.
APPLICATIONS FOR LEAVE OF ABSENCE**

**81.
ACCEPTANCE OF THE AGENDA**

**82.
ANNOUNCEMENTS**

1.

APPROVAL OF MANGAUNG METROPOLITAN MUNICIPALITY DISTRICT DEVELOPMENT MODEL ONE PLAN

Annexure : Report dated May 17, 2023 submitted by the GM: Intergovernmental and international Relations, supported by the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

RECOMMENDATION It is accordingly submitted that the One Plan has been updated as per the guidelines stipulated and as per the guidance received from National CoGTA, FS CoGTA and the FS OTP.

It is recommended that

- I. The Council endorse the MMM DDM One Plan submitted.
- II. The Council should receive quarterly reports on the implementation of the One Plan.
- III. The DDM One Plan should be submitted to FS CoGTA and the FS OTP.

2.

REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2022/2023 (PERIOD 01 JANUARY – 31 JUNE 2023)

Annexure : Report submitted by the Acting City Manager, approved by the Acting Executive Mayor and ratified by NCR.

RECOMMENDATION that Council

- (a) Approves the Revised SDBIP 2022/2023.
- (b) Notes that the revised SDBIP will be submitted to both Provincial and National Treasury.
- (c) Notes that the revised SDBIP will be published on the municipal website.

3.

MFMA : SECTION 52(d) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN THIRD QUARTER

Annexure : Report dated April 1, 2023 submitted by the Acting City Manager, approved by the Acting Executive Mayor and ratified by NCR.

RECOMMENDATION that Council approves the MFMA Section 52(d) SDBIP 3rd quarter report (01 January – 31 March 2023).

4. MANGAUNG METROPOLITAN MUNICIPALITY ADJUSTMENT BUDGET – MAY 2022/23

Annexure : Report submitted by the Acting City Manager.

RECOMMENDATION

1. Based on the details as outlined above it is recommended that Council approves the Adjustment Budget as contained herein, together with the resolutions as contained here below;
2. That Council approves changes as contained in Table B1 to Table B10 as well as all other supporting schedules for the Adjustment Budget.

RESOLUTIONS

- 2.1 That the original budget as approved on 22 June 2022 be adjusted accordingly. Operating Income be decreased by R163,37 million to the revised amount of R8,65 billion. The Operating Expenditure be decreased by R62,43 million to the revised amount of R7,97 billion. The Capital Expenditure Budget be decreased by R39,65 million to the revised amount of R1,24 billion for the 2022/23 financial year as set out in the following tables:

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- 2.2 That the financial position, cash flow, backed reserve/accumulated surplus, asset management be adopted as set-out in the following tables:

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5.

MUNICIPAL FINANCE MANAGEMENT ACT (MFMA): PRELIMINARY BUDGET AND PERFORMANCE ASSESSMENT REPORT IN TERMS OF THE MFMA, SECTION 52(D), FOR THE QUARTER ENDED 31 MARCH 2023

Annexure : Report dated April 21, 2023 submitted by the Acting CFO and quality certified by the Acting City Manager.

RECOMMENDATION that, in compliance with Section 52(d) of the MFMA

- (a) the Accounting Officer submits to the Executive Mayor this statement reflecting the implementation of the budget and the financial state of affairs of the Municipality for the quarter ending 31 March 2023 and,
- (b) the Executive Mayor of the municipality must, within 30 days of the end of each quarter, submit a report to the Council on the implementation of the budget and the financial state of affairs of the municipality and,
- (c) in order to comply with Section 71(4) of the MFMA, the Accounting Officer ensure that this statement be submitted to National Treasury and the Provincial Treasury, in both a signed document format and in electronic format,
- (d) that Council takes note that this is preliminary financial information, final Section 52 report will be submitted after finalization of the 2022/2023 Annual Financial Statements.

6.

REPORT ON THE IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY FOR THE QUARTER ENDING MARCH 2023

Annexure : Report dated March 31, 2023 submitted by the Acting CFO, approved by the Acting City Manager and ratified by the NCR.

RECOMMENDATION that Council take note of the Supply Chain Management report for the third quarter ending March 2023.

7.

APPROVAL OF INDIGENT ACCOUNTS FOR INCLUSION IN THE 2023/25 INDIGENT REGISTER

Annexure : Report submitted by the Acting CFO, recommended by the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

Note by Secretariat:

The indigent register is only available electronically due to its huge volume and both the Acting Executive Mayor and NCR signed the report, on different pages.

RECOMMENDATION

- (a) That Council approves the 14 410 applications for inclusion in the 2023/2025 indigent register and are provided with 6 kilolitres of water monthly as stipulated in the indigent policy.
- (b) That Council approves the 15 147 applications for inclusion in the 2023/2025 indigent register and are provided with free 50 kWh of electricity monthly.
- (c) That Council write off the R 275 829 087.52 owed by 14 410 indigents.

8.

REQUEST FOR A COUNCIL RESOLUTION TO WRITE OFF PAYMENTS INTO SUSPENSE ACCOUNT AND INACTIVE/CLOSE MUNICIPAL ACCOUNT WITH CREDIT BALANCES OLDER THAN THREE (3) YEARS

Annexure : Report submitted by the Acting CFO, recommended by the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

Note by Secretariat:

The indigent register is only available electronically due to its huge volume.

RECOMMENDATION

- (a) That Council approves the write-off of both the unallocated/unclaimed into the suspense account and unclaimed inactive/closed municipal account that are older than three years (3 years) this financial year 2022/23 amounting to a total of **R 33 561 955,10** be written off in Annexure "B" and
- (b) That it should be noted by Council that this balance may be lower than the actual write-off that will be processed, depending on customers providing the municipality with proof of payment for allocation or transfer/claims of the credit balances from inactive/closed municipal accounts, after the 30 days public notice to be issued after soliciting Council approval.

9.

REQUEST FOR APPROVAL FOR WATER DEBT WRITE OFF

Annexure : Report submitted by the Acting CFO, recommended by the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

RECOMMENDATION that

- (a) Council approve the write off **R 470 871,41**.
It should be noted that recommended write off amount is subject to change due to the monthly interest charged due to the debt on the account.
- (b) That a full investigation be conducted on the events that led to water consumption by the informal settlement dwellers which resulted to debt incurred and to be written off.

10.

APPOINTMENT OF SELECTION PANELS FOR RECRUITMENT, SELECTION AND APPOINTMENT OF HEADS OF DEPARTMENTS AT MANGAUNG METROPOLITAN MUNICIPALITY IN ACCORDANCE WITH THE LOCAL GOVERNMENT REGULATIONS for the CONDITION AND APPOINTMENT OF SENIOR MANAGERS

Annexure : Report dated May 23, 2023 submitted by the Acting HOD: Corporate Services, approved by the Acting City Manager and ratified by the NCR.

RECOMMENDATION

Establish and appoint selection panels members in furtherance of Council executive obligations to recruitment, selection and appoint Heads of Departments (HOD) in accordance with the Regulations and Council approved Macro Organisational Structure.

- a. **HOD: Corporate Services**
 - i. **Chairperson** – City Manager.
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in LG human resource and systems / legal governance and ICT.
 - iv. **Observer** – NCR Governance Expert.
- b. **Chief Finance Officer**
 - i. **Chairperson** – City Manager.
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in municipal fiscal management, budgeting, and revenue enhancement.
 - iv. **Observer** – NCR Finance Expert.
- c. **HOD Engineering Services**
 - i. **Chairperson** – City Manager.
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in LG Built environment and engineering with experience in MEGA planning and budgeting.
 - iv. **Observer** – NCR Service Delivery.

- d. **HOD Planning, Economic and Rural Development and Human Settlements**
 - i. **Chairperson** – City Manager.
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in urban, regional planning and human settlements.
 - iv. **Observer** – NCR Service Delivery.

- e. **HOD Community Safety and Waste Management**
 - i. **Chairperson** – City Manager.
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in waste management and municipal services.
 - iv. **Observer** – NCR Service Delivery.

- f. **HOD Corporate Planning, Quality Assurance, Knowledge Management.**
 - i. **Chairperson** – City Manager.
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in municipal strategy development and quality assurance (audit, risk and fraud management).
 - iv. **Observer** – NCR Service Delivery.

- g. **HOD Public Safety and Security**
 - i. **Chairperson** – City Manager
 - ii. **Panel Member** – MMC responsible for the portfolio.
 - iii. **Panel Member** – Expert in road traffic management, public safety and policing and law enforcement.
 - iv. **Observer** – NCR Service Delivery.

11.

STAFF ESTABLISHMENT/ORGANISATIONAL STRUCTURE FOR PUBLIC OFFICE BEARERS' (POB) FOR MANGAUNG METROPOLITAN MUNICIPALITY (MMM)

Annexure : Report dated May 20, 2023 submitted by the Acting HOD: Corporate Services, approved by the Acting City Manager and ratified by the NCR.

RECOMMENDATION that Council:

- (a) Approve reviewed staff establishment of Public Office Bearers aligned to the Municipal Staff Regulations (MSR) come into effect from 01 July 2022 and employee related costs savings employees due to the alignment to the Municipal Staff Regulations.
- (b) Approve the additional **24** posts (30%) that deviation will be sought from MEC and consider and approve one of the proposed salary packages (SALGBC or Total Cost to Employer as remuneration packages for staff at Public Office Bearer.
- (c) Approve that the acting City Manager immediately facilitate the filling of the positions with support from response handling company to compile long list, conduct reference, qualifications, and personal credentials of applicants to reduce turnaround time of filling these positions.

12.

FILLING OF CRITICAL FUNDED VACANCIES FOR STAFF BELOW MANAGEMENT

Annexure : Report dated May 20, 2023 submitted by the Acting HOD: Corporate Services, approved by the Acting City Manager and ratified by the NCR.

RECOMMENDATION

It is recommended that council:

- (a) Rescind item 196-19/12/2022 -moratorium on filling of critical funded posts for staff below management which was council overreach. Municipal Manager is the duly authorised person regarding filling of positions of staff below management;
- (b) Note the Recruitment, selection and appointment plan in accordance with the approved staff establishment;
- (c) That Acting City Manager must commence with filling of critical funded positions as the authorised accounting officer in accordance with the Municipal Systems Act read together with the Municipal Staff Regulations pending the final review of organisational structure for staff below management.

13.

TEMPORARY RELOCATION OF PHASE 4 COMMONAGE (BLOEMFONTEIN) TO RE/109 AND 175 LAKEVIEW MUNICIPAL PLOTS (BLOEMFONTEIN)

Annexure: Report dated May 15, 2023 received from the Acting HOD: Economic and Rural Development, supported by the MMC: Rural Development and the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

RECOMMENDATION that Council approve temporary relocation of Phase 4 Commonage in Bloemfontein to RE/109 Bardenstraat plots, 175 Orangestraat Lakeview Bloemfontein. Consisting of approximately 11 owners with a total 182 small livestock, at no cost the municipality.

- (a) That all livestock be relocated to Lakeview and SPCA determine if any livestock is not suffering from contagious disease or may prove dangerous to human life
- (b) That any livestock found to be contagious disease or prove dangerous to human life be impounded by SPCA and dealt with in accordance with the provisions of the Keeping of Animals, Poultry and Bees By-Law (as promulgated by Local Government Notice No.35 of 24 June 2016) and the Animal Diseases Act (Act no 35 of 1984).
- (c) That the identified municipal smallholdings be utilized for the livestock farming and commonage purpose only.

14.

TEMPORARY RELOCATION OF JB MAFORA COMMONAGE (BLOEMFOTEIN) TO MARTINDALE (BLOEMFONTEIN).

Annexure: Report dated May 15, 2023 received from the Acting HOD: Economic and Rural Development, supported by the MMC: Rural Development and the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

RECOMMENDATION

- (a) That Council approve temporary relocation of JB Mafora Commonage in Bloemfontein to Martindale plots 8, 107, 162, 168, 169 consisting of approximately 48 owners with a total 1429 small livestock, at no cost to the municipality.
- (b) That all livestock be relocated to Martindale to determine if any livestock is not suffering from contagious disease or may prove dangerous to human life.
- (c) That any livestock found to be contagious disease or prove dangerous to human life be impounded by SPCA and dealt with in accordance with the provisions of the Keeping of Animals, Poultry and Bees By-law (as promulgated by Local Government Notice No. 35 of 24 June 2016) and the Animal Disease Act, (Act no. 35 of 1984).
- (d) That the identified municipal small holdings be utilized for the livestock farming and commonage purpose only.

15.

ACCEPTANCE OF DONATION: 5 FARMS FOR COMMONAGE PURPOSES TO MANGAUNG METROPOLITAN MUNICIPALITY

Annexure: Report dated May 15, 2023 received from the Acting HOD: Economic and Rural Development, supported by the MMC: Rural Development and the Acting City Manager, approved by the Acting Executive Mayor and ratified by the NCR.

RECOMMENDATION

1. That Council accept the donation of 5 Farms for commonage purposes to the Mangaung Metro Municipality;
2. Appoint a conveyancer who will represent the Municipality and be responsible for the transfer/registration process. The details of the appointed conveyancer must be forwarded to the Department of Agriculture, Land Reform and Rural Development;
3. Forward a Council Resolution with an ID copy of the delegated official who will represent the Municipality to sign any document;
4. On request the Municipality will be responsible to declare the values of the properties by issuing valuation certificates; and
5. To issue clearance certificate, on request, valid for 6 months.

84.	NATIONAL CABINET REPRESENTATIVE
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1.

NCR REPORT TO COUNCIL – MAY 2023

Annexure : Report submitted by the National Cabinet Representative, Ms G Malaza.

FOR CONSIDERATION

85.	REPORTS FROM THE SPEAKER
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1.

NON-COMPLIANCE WITH TIME PROVISIONS OF OVERSIGHT REPORT (SECTION 129 OF THE MFMA)

Annexure : Report dated May 24, 2023 submitted by the Head: Office of the Speaker, approved by the Acting City Manager, approved by the Speaker and ratified by the NCR.

RECOMMENDATION

- (a) That the Municipal Council take note of this report.
- (b) The Municipal Council mandate the Speaker to investigate the reasons for failure of MPAC to finalize and table the Oversight Report within the required time-frames.
- (c) That the Speaker should report back to Council within a period of 30 days.
- (d) That the Council directs MPAC to submit the Oversight Report by end of June 2023.

86.	REPORTS FROM THE AUDIT AND PERFORMANCE COMMITTEE
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1.

AUDIT COMMITTEE REPORT TO COUNCIL COVERING QUARTER 3 OF 2022/23

Annexure : Report dated May 24, 2023 submitted by the Chairperson of the Audit Committee, Ms PME Kaota

RECOMMENDATION that the report is submitted to Council in accordance with provisions of MFMA Section 166(2) and Regulation 14(4) of the Local Government Municipal Planning and Performance Management Regulations of 2001 for consideration and approval.

87.	REPORTS FROM THE MPAC
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NONE

88.	IN COMMITTEE REPORTS
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1.

REPORT OF THE SPEAKER TO THE COUNCIL OF MANGAUNG METROPOLITAN MUNICIPALITY ON THE APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBERS

The report will be availed at the meeting.

89.	CLOSING OF THE SPECIAL COUNCIL MEETING
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