

RUSTENBURG
LOCAL MUNICIPALITY

M I N U T E S OF THE (07/2019S) ***SPECIAL COUNCIL*** MEETING OF THE
RUSTENBURG LOCAL MUNICIPALITY HELD ON FRIDAY **23RD AUGUST 2019** AT
14:13 IN THE COUNCIL CHAMBER, UPPER LEVEL, CIVIC CENTRE, RUSTENBURG.

PRESENT

Cllr Mabale-Huma S S K	-	Speaker
Cllr Khunou M E	-	Executive Mayor
Cllr Bothomane P		
Cllr Chauke O R		
Cllr Coetzee M		
Cllr Cronje J C		
Cllr Du Plessis G J		
Cllr Edwards I		
Cllr Habi A S		
Cllr Kgaladi L P		
Cllr Kombe O		
Cllr Legopelo J B		
Cllr Lekoro B F		
Cllr Mafoko S D		
Cllr Magadane G L		
Cllr Magadla E B		
Cllr Majolo W L		
Cllr Makgale T A		
Cllr Makhaula V N		
Cllr Malan P A		
Cllr Malla AD		
Cllr Mashishi-Ntsime J I		
Cllr Masilo T I		

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Cllr Masondo N G
Cllr Mataboge A L
Cllr Megalanyane ST
Cllr Mhlungu S B M
Cllr Miny C
Cllr Mmolotsi C N
Cllr Mnisi B P
Cllr Mntombi S P
Cllr Moatshe F S
Cllr Mohube M
Cllr Mokgatle O O
Cllr Mokwele L P
Cllr Molatlhegi P R
Cllr Moleme K G
Cllr Monageng V N
Cllr Monaise K I
Cllr Morei K B
Cllr Mosoeu S M S
Cllr Motlhamme G S

Cllr Motshwane J
Cllr Mpolokeng B J
Cllr Mvula P
Cllr Ngwato J D
Cllr Njikelane M
Cllr Nkgoang L I
Cllr Ntimba M S
Cllr Omarjee M
Cllr Pelesi K L
Cllr Rantho M R
Cllr Rootman A P
Cllr Sephai J L
Cllr Snyders L B
Cllr Tjie P
Cllr Tlhapi P A
Cllr Tsienyan P
Cllr Venter P A G
Cllr Wolf J
Cllr Xatasi N S

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OFFICIALS

Mr Komane E	-	Acting Municipal Manager
Mr Ditsele G	-	Chief Financial Officer
Ms Roboji Y	-	Director: Corporate Support Services
Mr Boikanyo K	-	Director: Public Safety
Ms Halenyane M	-	Director: Planning and Human Settlement
Ms Rampete N	-	Director: Community Development
Mr Masilo O	-	Director: Technical & Infrastructure Service
Mr Moleele O	-	Acting Director: Roads and Transport
Mr Sehloho T	-	Acting Director: Local Economic Development
Ms Hlatswayo L	-	Manager: Office of the Speaker
Mr Kgosimore P	-	Manager: Office of the Executive Mayor
Ms Manuel B	-	Manager: Office of Municipal Manager
Mr Khumalo OJ	-	Sergeant-at-arms: Public Safety
Mr Molotsane L	-	Unit Head: Legal & Valuation
Mr Pholose A	-	Manager: Corporate Support Services
Mr Jansen van Vuuren J	-	Section Manager: Administration Administrative Support Services
Ms Makona P	-	Section Manager: Committee Work Administrative Support Services
Ms Mahupela D	-	Typist Administrative Support Services
Ms Rapelego M	-	Typist Administrative Support Services
Ms Mogakwe K	-	Typist Administrative Support Services
Mr Mkhuzangwe S	-	Council Interpreter

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1. **OPENING AND WELCOME:**

It be noted that the meeting was opened with a prayer by Cllr MM Mohube where-after the honourable Speaker welcomed all members present and further welcomed the community in the Public Gallery.

2. **APPLICATION FOR LEAVE OF ABSENCE:**

2.1 That leave of absence be granted to the following Councillors: Cllr Babe NB, Gegula D, Kwanaite AM, Lerm MFE, Matlhoko AM, Mjekula EN, Mokotedi KG, Mqanqeni NV, Nonqoqo MI, Setshoane FL, Sikwane CK and Wolmarans SD.

2.2 It be noted that the following Councillors requested to be recused: Cllr Chauke OR at 15:00 and all Economic Freedom Fighters councillors at 16h00.

3. **REPORTS:**

That the Rules of Order by-law be amended to make provision for the following point:

- DECLARATION OF INTEREST BY MEMBERS RELATING TO ANY ITEM, as in the agenda of an ordinary Council meeting.

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ITEM	HEADING	CC
168.	Report on the Multi-Party Committee on Corruption Involving Councillors	CC
169.	Appointment of Section 56 Employees: Acting Director: Local Economic Development	CC
170.	Report on the Appointment of the Rustenburg Water Services Trust Board of Trustees	CC
171.	Adoption of the Oversight Report on the Annual Report 2017/2018 of the Rustenburg Local Municipality	CC
172.	Reconstitution of the Municipal Public Accounts Committee	CC
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IT BE NOTED THAT CLLR MOTSHWANE J WAS ASKED BY THE HOUSE TO RECUSE HIMSELF BEFORE THE DISCUSSION ON ITEM 168

168. **REPORT ON THE MULTI-PARTY COMMITTEE ON CORRUPTION INVOLVING COUNCILLORS**

(Office of the Speaker)

(LH/oit)

PURPOSE OF THE REPORT

The purpose of the report is to provide Council with a report on the Multi-Party Committee sitting regarding the alleged corruption involving Councillors.

RESOLVED:

ACTION

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| 1. That the report be noted; | CC |
| 2. That a report on the opened criminal cases against Councillor Motshwane J, Tsamai A and Mr Clappen be submitted at the next Council meeting; | OSP |
| 3. That Council recommend to the MEC Local Government that Cllr J Motshwane be removed from office as a councillor as per the Code of Conduct; | CC |
| 4. That the Office of the Speaker communicates the recommended sanctions to the Office of the MEC as per section 14 schedule 1 of the Code of Conduct for Councillors (Municipal Systems Act); | OSP |
| 5. That Council note the resignation of Cllr A Tsamai. | CC |

- IT BE NOTED THAT THE ECONOMIC FREEDOM FIGHTERS DO NOT AGREE WITH THE ITEM;
- IT BE NOTED THAT CLLR BOTHOMANE P DOES NOT ALIGN HIMSELF WITH THE RESOLUTIONS DUE TO CONTRAVENTION OF UTRAQUE CONSIDERATIONE AS WELL AS AUDI ALTERAM PARTEM PRINCIPLES OF THE LAW;
- IT BE NOTED THAT CLLR MOTSHWANE J RETURNED TO THE MEETING AFTER THE DISCUSSION ON ITEM 168.

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169. **APPOINTMENT OF SECTION 56 EMPLOYEES: ACTING DIRECTOR: LOCAL ECONOMIC DEVELOPMENT**

(Directorate: Corporate Support Services)

(Personnel) (JPM//rts)

PURPOSE OF THE REPORT

The purpose of the report is to request Council to appoint an Acting Director: Local Economic Development on a month-to-month basis.

RESOLVED:

ACTION

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| 1. | That Appointment of Section 56 Employees: Acting Director: Local Economic Development report be noted; | CC |
| 2. | That Ms Petronella Diane Mantswe be appointed as the Acting Director: Local Economic Development on a month-to-month basis from 27 August 2019. | CC |

IT BE NOTED THAT THE ECONOMIC FREEDOM FIGHTERS DO NOT AGREE WITH THE RESOLUTION.

- IT BE NOTED THAT CLLR KOMBE O J RECUSED HIMSELF BEFORE THE DISCUSSION ON ITEM 170;
- IT BE NOTED THAT THE SPEAKER ORDERED CLLRS MPOLOKENG J AND MOTSHWANE J TO LEAVE THE HOUSE FOR CONTRAVENING THE RULES OF ORDER;
- IT BE NOTED THAT CLLR MOLATLHEGI P REQUESTED A FIVE MINUTES CAUCUS FOR THE ECONOMIC FREEDOM FIGHTERS WHICH THE SPEAKER ALLOWED.

170. **REPORT ON THE APPOINTMENT OF THE RUSTENBURG WATER SERVICES TRUST BOARD OF TRUSTEES**

(Office of the Speaker)

(LH/)

PURPOSE OF THE REPORT

The purpose of the report is to provide the Council with a report regarding the Rustenburg Water Services Trust Board of Trustees.

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RESOLVED:**ACTION**

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| 1. | That the report be noted; | CC |
| 2. | That Council approve the appointment of the top scoring candidates as follows: | CC |
| 2.1 | K. Kumbe | |
| 2.2 | B. Mpete | |
| 2.3 | V. Dislook | |
| 2.4 | J. Kruger | |
| 3. | That their appointments be effective from the 1 st September 2019. | CC |

- IT BE NOTED THAT CLLR BOTHOMANE P DOES NOT AGREE WITH COUNCIL APPROVING THE ITEM WITHOUT FULL INFORMATION IN TERMS OF SECTION 93E (C) OF MUNICIPAL SYSTEMS ACT, 1993;
- IT BE NOTED THAT THE ECONOMIC FREEDOM FIGHTERS DO NOT ALIGN THEMSELVES WITH THE ITEM;
- IT BE NOTED THAT CLLR KOMBE O J RETURNED TO THE MEETING AFTER THE DISCUSSION ON ITEM 170.

IT BE NOTED THAT THE SPEAKER ALLOWED A PRESENTATION BY A MEMBER OF THE COMMUNITY (MR FRANS ROOTMAN), BEFORE THE DISCUSSION ON ITEM 171.

171. ADOPTION OF THE OVERSIGHT REPORT ON THE ANNUAL REPORT 2017/2018 OF THE RUSTENBURG LOCAL MUNICIPALITY
(Office of the Municipal Public Accounts Committee)

PURPOSE OF THE MEETING

This report sets background and the recommendations of the Oversight Report for full consideration of the Annual Report 2017/2018 by Council to take resolutions on the basis of the delegated oversight work by the Municipal Public Accounts Committee in its meetings held amongst stakeholders, business sector, community organisations and community members.

RESOLVED:**ACTION**

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| 1. | That the review and analysis in the Oversight Report on the Annual Report 2017/2018, be noted; | CC |
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| 2. | That the Municipal Council having made full consideration of the Annual Report of 2017/2018 Financial Year, of the municipality and representations thereto, adopt the Oversight Report on the Annual Reports of 2017/2018 in terms of Sections 129(1) of the Municipal Finance Management Act, No. 56 of 2003; and | CC |
| 3. | <p>That Council approves the 2017/2018 Annual Report with reservations in terms of Section 129(1)(a) of the MFMA. These reservations include but are not limited to:</p> <ul style="list-style-type: none"> • Property, Plant and Equipment, • Irregular Expenditure, • Government Grants and Subsidies, • Payables from exchange transactions, • Commitments, • Receivables from exchange transactions, • VAT receivables, • Fines, penalties and forfeits, • Contingencies, • Annual financial statements and annual reports, • Strategic planning and performance management, • Utilization of conditional grants, • Expenditure management, • Procurement and Contract Management, • Asset Management, • Consequence Management, • Human Resource Management and • Internal Control deficiencies; | CC |
| 4. | That the Municipal Manager publicise the Oversight Report on the 2017/2018 Annual Report in terms of Section 129(3) of the MFMA; | MM |
| 5. | That the Municipal Manager submit the Oversight Report to the Speaker of the North West Provincial Legislature, Provincial Public Accounts Committee, Department of Local Government and Human Settlements, Auditor-General of South Africa and any other relevant authorities; | MM |
| 6. | That Council consider representations that emanate from public participation and written submission, delegate the Municipal Manager to resolve on all strategic and administrative concerns, and the report be submitted to the next Ordinary Council meeting; | CC
MM |
| 7. | That the Municipal Manager must ensure the efficiency of the implementation of Post Audit Action Plan of 2017/2018 Audit Report, and Council be furnished with quarterly progress report of its implementation; | MM |

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| 8. | That the Municipal Manager must re-look into capacitating Records Management Unit Officials in terms of skills, Tools of Trade and Equipment, including Personnel of each Directorate who are responsible for record keeping, e.g. SCM and Public Safety; under a centralized system. | MM |
| 9. | That the quality assurance inspection on the submission of forthcoming financial statements to the Auditor-General be conducted; | MM |
| 10. | That the Municipal Manager must re-look into capacitating Assets Management Unit Officials in terms of skills, Tools of Trade and Equipment, including the revision of the Assets Registers; | MM |
| 11. | That the Municipal Manager must ensure that there is an intensive assets verification, classification and compilation of GRAP compliant asset register regarding the PPE, Investment Property and Inventory, including immovable and underground municipal assets, finally the report be submitted to Council; | MM |
| 12. | That the Municipal Manager must ensure that compliant Service Level Agreement/s are adhered to between the municipality and all appointed service providers, including regulatory terms and conditions of skills transfer; | MM |
| 13. | That MPAC Guide and Toolkit be adopted and supported by Council; | CC |
| 14. | That the Municipal Manager must ensure that the process of investigation on the Irregular Expenditure is attended to/finalised and the report be furnished to Council; | MM |
| 15. | That the report regarding the finalisation of effecting consequence management regarding the fruitless and wasteful expenditure be furnished to MPAC by the Disciplinary Board; | OMM |
| 16. | That the Municipal Manager must ensure that the investigation and remedial measures are being effected in relation to unauthorised expenditure and the report is furnished to Council; | MM |
| 17. | That the Municipal Manager must ensure that all service provider/suppliers are paid on time, within 30 days in accordance with legislation. | MM |
| 18. | That the Municipal Manager must ensure compliance to Section 22(1)(2) of Supply Chain Management Regulations, i.e. competitive bidding process to avert the recurrence of the audit finding of the year under review; | MM |
| 19. | That the Municipal Manager must ensure compliance to Section 29(2) of Supply Chain Regulations that dictates to the conditions of | MM |

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constitution of the Bid Adjudication in order to avert the recurrence of the audit finding of the year under review;

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| 20. | That the Municipal Manager must ensure that there are administrative systems that are able to help the municipality in determining business conflict of interest of municipal officials and Councillors in complying with Section 46(2)(e) of the Supply Chain Management Regulations; | MM |
| 21. | That the Municipal Manager must ensure that ALL Capital Projects that are listed within the Annual Report, were funded and implemented in that specific financial year; | MM |
| 22. | That the Municipal Manager must ensure that there is regular performance measurement, monitoring and evaluation for all officials as per PMS Policy Framework and Section 67(1)(d) of the Municipal Systems Act; | MM |
| 23. | That the Municipal Manager must refrain from appointing officials into positions which do not form part of the Organisational Structure to prevent the recurrence of the audit finding of the year under review; | MM |
| 24. | That there is an intensification of campaign on water and electricity losses, regular progress report be submitted to Council; | DTIS |
| 25. | That the Municipal Manager must itemize ward-based service delivery projects as outlined in the IDP document of the year under review for the purpose and interest of residents; | MM |
| 26. | That MPAC Work Plan be adopted and supported by Council. | CC |

172. **RECONSTITUTION OF MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**
(Office of the Speaker) (.....)

PURPOSE OF THE REPORT

The purpose of this report is to request Council to reconstitute the Municipal Public Accounts Committee as per Council Resolution No 118 of 25 June 2019.

Reconstitution of the Municipal Public Accounts Committee is aimed at ensuring that good governance, transparency, accountability and value for money on the use of municipal resources are promoted.

RESOLVED:

ACTION

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| 1. | That the report be noted; | CC |
| 2. | That Municipal Public Accounts Committee be reconstituted in accordance with the National Treasury Guideline for Establishment of Municipal Public Accounts Committees and the following Councillors be appointed: | CC |

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- 2.1 Cllr JL Sephai;
- 2.2 Cllr FS Moatshe;
- 2.3 Cllr P Tlhapi;
- 2.4 Cllr M Njikelane;
- 2.5 Cllr Z Xhinela;
- 2.6 Cllr M Rantho;
- 2.7 Cllr M Omarjee;
- 2.8 Cllr L Snyders;
- 2.9 Cllr RP Molatlhegi;
- 2.10 Cllr A Kwanaite;
- 2.11 Cllr KI Monaise and
- 2.12 Cllr P Bothomane;

- 3. That the Municipal Public Accounts Committee (MPAC) – Guide and CC
Toolkit be adopted.

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4. **APPROVAL OF MINUTES:**

Minutes of the (07/2019S) Special Council meeting of the Rustenburg Local Municipality, held on **23RD AUGUST 2019.**

5. **CLOSURE.**

The business of the meeting was concluded at 16h30.

SPEAKER:

A handwritten signature in blue ink, appearing to read 'R. B. ...', is written over the word 'SPEAKER:'.

DATE APPROVED: 28/08/2019