

**RUSTENBURG  
LOCAL MUNICIPALITY**

M I N U T E S OF THE (04/2019) COUNCIL MEETING OF THE RUSTENBURG LOCAL MUNICIPALITY HELD ON TUESDAY 25 SEPTEMBER 2019 AT 10:00 IN THE COUNCIL CHAMBER, UPPER LEVEL, CIVIC CENTRE, RUSTENBURG.

**PRESENT**

<b>Cllr Mabale-Huma S S K</b>	-	<b>Speaker</b>
<b>Cllr Khunou M E</b>	-	<b>Executive Mayor</b>
Cllr Bothomane P		
Cllr Chauke O R		
Cllr Coetzee D		
Cllr Cronje J C		
Cllr Damoyi M		
Cllr du Plessis G J		
Cllr Edwards I		
Cllr Fetmani E M		
Cllr Gegula D		
Cllr Habi A S		
Cllr Jikeka P		
Cllr Jongela A S		
Cllr Kgaladi P		
Cllr Kombe O J		
Cllr Kwanaite A M		
Cllr Lekoro B F		
Cllr Lerm M F E		
Cllr Mafoko S D		
Cllr Magadane G L		
Cllr Magadla E B		

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Cllr Makhaula V N  
Cllr Malan P A  
Cllr Malla A D  
Cllr Mashishi-Ntsime J I  
Cllr Masondo N G  
Cllr Mataboge A L  
Cllr Megalanyane S T  
Cllr Mhlungu S B M  
Cllr Miny C  
Cllr Mjekula E N  
Cllr Mmolotsi C N  
Cllr Mnisi B P  
Cllr Mnisi A L  
Cllr Mntombi S P  
Cllr Mogotsi H B  
Cllr Mohube M M  
Cllr Mokgatle O O  
Cllr Mokotedi K G  
Cllr Mokwele L P  
Cllr Moleme K G  
Cllr Molubi J N  
Cllr Monageng V N  
Cllr Monaise K I  
Cllr Morei K B  
Cllr Mosoeu S M S  
Cllr Motlhamme G S  
Cllr Mpolokeng B J  
Cllr Mqanqeni N V  
Cllr Mvula P  
Cllr Ngwato J D  
Cllr Nhacuangue N  
Cllr Njikelane M  
Cllr Nkgoang L I

Cllr Nkosi L M  
Cllr Nongqoqo M I  
Cllr Ntimba M S  
Cllr Omarjee M  
Cllr Pelesi K L  
Cllr Radebe M W  
Cllr Rantho M R  
Cllr Rootman A P  
Cllr Seleka A  
Cllr Sephai J L  
Cllr Snyders L B  
Cllr Tlhapi P A  
Cllr Tsienyane P  
Cllr Venter P A G  
Cllr Wolf J  
Cllr Wolmarans S D  
Cllr Xatasi N S  
Cllr Xhinela Z

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## OFFICIALS

Mr Komane E	-	Acting Municipal Manager
Mr Ditsele G	-	Chief Financial Officer
Ms Roboji Y	-	Director: Corporate Support Services
Ms Tebeli M	-	Manager: Office of the Single-Whip
Mr Masilo O	-	Director: Technical & Infrastructural Services
Ms Rampete N	-	Director: Community Development
Ms Halenyane M	-	Director: Planning & Human Settlement
Mr Boikanyo K	-	Director: Public Safety
Ms Mantswe P D	-	Acting Director: Local Economic Development
Mr Moleele O	-	Acting Director: Roads and Transport
Mr Molotsane L	-	Unit Head: Legal & Valuation
Mr Pholose A	-	Manager: Corporate Support Services
Mr Kgosimore P	-	Manager: Office of the Executive Mayor
Ms Hlatswayo L	-	Manager: Office of the Speaker
Mr Makinita R	-	Sergeant-at-arms: Public Safety
Mr Jansen van Vuuren J W	-	Section Manager: Administration Administrative Support Services
Ms Makona P	-	Section Manager: Committee Work Administrative Support Services
Ms Manthata J	-	Supervisory Typist Administrative Support Services
Ms Letshwiti M	-	Committee Administrator Administrative Support Services
Ms Mahupela D	-	Typist Administrative Support Services
Ms Rapelego M	-	Typist Administrative Support Services

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- Ms Mogakwe K - Acting Administrative Assistant  
Administrative Support Services
- Ms Makonye T - Typist  
Administrative Support Services
- Mr Mkhuzangwe S - Council Interpreter

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**1. OPENING PRAYER AND WELCOME:**

- 1.1 The meeting was opened with a prayer by Cllr Snyders L N, where-after the Speaker welcomed all members present and further extended her welcome to the members of the public seated in the gallery;
- 1.2 That Council note the resignation of Cllr Mataboge A L as the Single Whip of Council;
- 1.3 That Council note the resignation of Cllr Setshoane F as the member of the Economic Freedom Fighters;
- 1.4 It be noted that the item that relates to the appointment of a new Single Whip will be submitted to the next Council sitting;
- 1.5 It be noted that the Speaker introduced and welcomed the Councillor who replaces Cllr Tsamai A of the Democratic Alliance, Cllr Nhacuangue N.

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

- 2.1 That leave of absence be granted to the following Councillors: Moatshe F S, Makgale T A, Masilo T, Tshabalala T E, Wolmarans S D, Wolf J and Matlhoko A M.
- 2.2 It be noted that the following Councillors will join the meeting later: Kombe O (arrived), Ntimba M (arrived), and Monageng V N (arrived).
- 2.3 It be noted that the following Councillors requested to be recused early: Lerm M FE at 4pm, Mohube M M at 5pm, Venter P A at 4pm, Chauke O R at 2pm, Edwards I at 12pm and Habi S at 2pm.
- 2.4 It be noted that the following members of the Economic Freedom Fighters were not in agreement with the items on the agenda and therefore staged a walk out from Council:
  - Mpolokeng J
  - Monaise K
  - Fetmani E
  - Jikeka P
  - Kwanaite A
  - Magadane G
  - Mnisi A L
  - Mntombi S P
  - Moleme K G
  - Motlhamme K G
  - Mvula P
  - Radebe M

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3. **OFFICIAL NOTICES:**

- 3.1 Ward Councillors are urged to attend a meeting to be called by the IDP Office that deals with the IDP Top 10 Priority Needs.

4. **PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER:**

That the following Councillors be congratulated on their birthdays:

**SEPTEMBER**

Cllr Cronje J C	02 September
Cllr Mafoko S D	03 September
Cllr Jongela S	06 September
Cllr Mokwele L P	09 September
Cllr Mvula P	14 September
Cllr Coetzee M	20 September
Cllr Gegula D	20 September
Cllr Mqanqeni N V	20 September
Cllr Habi S	23 September
Cllr Nkgoang L I	24 September

**OCTOBER**

Cllr Mataboge A L	05 October
Cllr Makgale T A	10 October
Cllr Legopelo J B	13 October
Cllr du Plessis G J	21 October
Cllr Nkgwang V K	24 October
Cllr Venter P A G	28 October
Cllr Pelesi K L	29 October

**NOVEMBER**

Cllr Mokgatle O O	05 November
Cllr Xhinela Z	05 November
Cllr Makhaula V N	14 November
Cllr Kombe O	18 November
Cllr Sikwane C K	18 November
Cllr Jikeka P	21 November
Cllr Mashishi-Ntsime J I	22 November
Cllr Mjekula E N	23 November
Cllr Mohube M M	25 November
Cllr Molubi J N	26 November
Cllr Omarjee M	26 November
Cllr Motshwane J	30 November

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**5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS:**

- 5.1 Cllr Chauke O R on behalf of the Democratic Alliance passed on messages of condolences to the family of the former President of Zimbabwe Mr Robert Mugabe and to the families that lost their loved ones to gender based violence;
- 5.2 The Honourable Councillor also mentioned that residents of Ward 2 and 4 were affected by the gender-based violence as they also lost community members;
- 5.3 She also stated that those who lost their lives during the xenophobic attacks that was experienced in South Africa over the past few weeks were remembered;
- 5.4 Cllr Chauke O R further urged the Office of the Speaker and the Office of the Executive Mayor that en-route to the 16 Days of Activism For No Violence Against Women and Children, there should be a concrete programme that would address the issue of gender based violence and that the programme should not only be limited to the 16 Days of Activism For No Violence Against Women and Children, should be a campaign that would be on-going and continuous;
- 5.5 Cllr Chauke O R requested that a moment of silence be observed for the above mentioned;
- 5.6 Cllr Bothomane P congratulated the President Mr Cyril Ramaphosa, for having demonstrated leadership on the 14<sup>th</sup> of September 2019 in Zimbabwe, when he rose on behalf of the good citizens of South Africa and tendered an apology to the Zimbabwean people and the rest of fellow Africans. He further stated that human life is valuable, regardless of where one originates from, ethnicity or even country of origin. South Africans if they are abiding by the spirit of ubuntu (botho) they should treat fellow Africans as they treat people from the rest of the world, including the Chinese, Americans, New Zealanders and the British. People from Nigeria, Zimbabwe and all over Africa should be treated the same as South African's treat every human being, otherwise criminality and xenophobic tendencies are overriding all the perceptions of freedom. The leaders in South Africa need to be condemned who vilified the President who represented South Africa for apologizing to the rest of Africa.
- 5.7 Cllr Nongqoqo M I congratulated the Executive Mayor, Mr Mpho Khunou on his trip to the USA and for his safe return back home.

**6. DECLARATIONS OF INTEREST BY MEMBERS RELATING TO ANY ITEM:**

None

**7. MINUTES OF THE PREVIOUS MEETINGS:**

- Minutes of the (03A/2019) Adjourned Council meeting held on 13 August 2019;  
--- Minutes of the (07/2019) Special Council meeting held on 23 August 2019;

8. **REPORT OF THE EXECUTIVE MAYOR:****I N D E X**

<b>ITEM</b>	<b>HEADING</b>	<b>CC</b>
173.	Progress on the Development of Strumosa Waste Drop-Off Facility.	CC
174.	Leasing of Municipal Sporting Facilities.	CC
175.	Approval of Working Relationship Management Agreement with The Rustenburg Swimming Club	CC
176.	Progress Report: Conversion of Krematart Mini Transfer Station into a Burial Site	CC
177.	Progress Report on Bobbies Rugby Club Developments	CC
178.	Progress Report on the Establishment of a Municipal Entity to Manage Revenue Generating Facilities of the Municipality	CC
179.	Progress on the Closure and Rehabilitation of Townlands Landfill Site.	CC
180.	Update on the Phatsima Agricultural Project Turnaround Strategy	CC
181.	Report Back: Draft Rustenburg Local Municipality Investment Incentives Policy	CC
182.	Consolidated Strategy and Action Plan for Electrification of Informal and Formal Settlements	CC
183.	Progress Report on the Strategy and Implementation Plan to Address Electrical Losses	CC
184.	Progress Report on the Implementation of the Rustenburg Rapid Transport Project	CC
185.	Progress Report on the Implementation of the Rustenburg Rapid Transport Project	CC
186.	Progress Report on Taxi and Bus Industry Transition Process for the Rustenburg Rapid Transport Project.	CC

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ITEM	INDEX	CC
187.	Progress Report on the Criminal Investigations and Financial Recovery	CC
188.	Report on Status of By-Laws Enforcement in Rustenburg	CC
189.	Probation Report of the Director: Technical and Infrastructure Services for the Probation Period 07 January to 06 July 2019	CC
190.	Evaluation Report: Chief Financial Officer (CFO)	CC
191.	Litigation Cases That Arose as a Result of Contested Tenders	CC
192.	Replacement and Appointment of the Municipal Planning Tribunal Members in terms of Section 38(6) of the Spatial Planning and Land Use Management Act 16 Of 2013.	CC
193.	Reasons for Late Tabling of the 3 <sup>rd</sup> Quarter Performance Report 2018-2019	CC
194.	Annual Performance Report 2018-2019	CC
195.	Alienation of Portion 22 & The Remaining Extent of Portion 1 Of the Rustenburg Town & Townlands 272 Jq	CC
196.	Request to Avail Several Sites in Several Communities of for the Establishment of Digital Resources Centre	CC
197.	Cancellation of Special Consent Granted on Erf 1139, Proteapark Extension 1. (36 Essenhoust Street)	CC
198.	Progress Report: Acquisition of Alternative Land to Resettle the Residents of Rietvlei	CC
199.	Report on Withdrawals from the Municipal Bank Accounts for Period 01 July 2018 to 30 June 2019 in terms of Section 11 of the Municipal Financial Management Act 56 Of 2003 (MFMA).	CC
200.	Progress Report on Unpaid Data Bundles in terms of the Previous Determination of Upper Limits of Salaries, Allowances and Benefits of 2017 of Different Members of Municipal Council	CC
201.	Progress Report on Unpaid Data Bundles in terms of the Previous Determination of Upper Limits of Salaries, Allowances and Benefits of 2017 of Different Members of Municipal Council	CC
202.	Monthly Budget Statement in terms of Section 71 of the Municipal Finance Management Act, Act 56 Of 2003 (MFMA) – April 2019	CC

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ITEM	INDEX	CC
203.	Monthly Budget in terms of Section 71 of the Municipal Finance Management Act, Act 56 Of 2003 (MFMA) – May 2019	CC
204.	Progress Report for Council to Consider Approval to Access the Overdraft Facility (R50 Million)	CC
205.	Report on Implementation of Salary Increases for 2019/20 Period	CC
206.	Progress Report on mSCOA System Implementation	CC
207.	Supply Chain Management: Bids Awarded Above R200 000-October 2018	CC
208.	Supply Chain Management: Bids Awarded Above R200 000-November 2018	CC
209.	Supply Chain Management: Bids Awarded Above R200 000-December 2018	CC
210	Secondment of Mr M Mokgwamme, the Former Director: Technical and Infrastructure Services to Ventersdorp Local Municipality	CC
211.	Non-Attendance of Council Sitings and Portfolio Committee Meetings by Councillors: January – June 2019	CC
212.	Outcome Investigation Report of the Public Protector in Respect of Allegations of Unlawful Impoundment of Unlawful Impoundment of a Motor Vehicle Belonging to Mr Aaron Maepe	CC
213.	Progress Report on Council Resolutions for January to August 2019.	CC

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173. **PROGRESS ON THE DEVELOPMENT OF STRUMOSA WASTE DROP-OFF FACILITY.**

(Directorate: Community Development)

(JN)

**PURPOSE OF THE REPORT**

The purpose of this report is to provide Council with a progress on the development of the Strumosa Waste Drop-off facility as per the resolution 100 of 28 May 2019.

**RESOLVED:**

**ACTION**

That the item be referred back for corrections and be submitted to the next Council sitting.

CC

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174. **LEASING OF MUNICIPAL SPORTING FACILITIES.**

(Directorate: Community Development)

CB)

**PURPOSE OF THE REPORT**

The purpose of this report is to request Council to approve a new lease agreement for the Impala Bowling Club, the Impala Cricket Club and the Impala Rugby Club respectively.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee: Community Development for further discussions and the inclusion of additional information.

CC

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175. **APPROVAL OF WORKING RELATIONSHIP MANAGEMENT AGREEMENT WITH THE RUSTENBURG SWIMMING CLUB**

(Directorate: Community Development)

(/cb)

**PURPOSE OF THE REPORT**

The purpose of this report is to request Council to approve a working relation management agreement with the Rustenburg Swimming Club.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee: Community Development.

CC

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176. **PROGRESS REPORT: CONVERSION OF KREMATART MINI TRANSFER STATION INTO A BURIAL SITE**

(Directorate: Community Development)

**PURPOSE OF REPORT**

The purpose of this report is to inform Council about the progress made on the conversion of Krematart Mini Transfer Station into a burial site.

**RESOLVED:**

**ACTION**

- |    |  |     |
|----|--|-----|
| 1. | That the report be noted;  | CC  |
| 2. | That a progress report be submitted to every ordinary Council sitting;   | DCD |
| 3. | That an overall report on the availability of funds with regards to the burial sites in Rustenburg be submitted at the next Council sitting. | DCD |

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177. **PROGRESS REPORT ON BOBBIES RUGBY CLUB DEVELOPMENTS**

(Directorate: Community Development)

(CB)

**PURPOSE OF THE REPORT**

The purpose of this report is to provide Council with an update on the developments at Rustenburg East Sports Facility also referred to as Bobbies Rugby Club.

**RESOLVED:**

**ACTION**

- |  |  |    |
|--|--|----|
|  | That the report be referred back for all relevant information to be attached and the report be re-submitted at the next Council meeting. | CC |
|--|--|----|

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178. **PROGRESS REPORT ON THE ESTABLISHMENT OF A MUNICIPAL ENTITY TO MANAGE REVENUE GENERATING FACILITIES OF THE MUNICIPALITY**

(Directorate: Community Development)

**PURPOSE OF THE REPORT**

The purpose of the report is to submit to progress report on the Council for the work undertaken in efforts to implement the decision to consider the establishment of municipal entity to manage revenue generating facilities of the municipality.

**RESOLVED:**

**ACTION**

- |    |  |    |
|----|--|----|
| 1. | That the progress report be noted;   | CC |
| 2. | That a report on the engagement with DBSA on the Feasibility Study be submitted at the next Council sitting. |    |

----- SSK

179. **PROGRESS ON THE CLOSURE AND REHABILITATION OF TOWNLANDS LANDFILL SITE.**

(Directorate: Community Development) (JM/nr)

**PURPOSE OF REPORT**

This report serves to update Council on progress pertaining to the closure and rehabilitation of Townlands landfill site.

**RESOLVED:**

**ACTION**

- |  |     |
|--|-----|
| 1. That the report be noted;   | CC  |
| 2. That the engagements with DBSA for possible funding of the feasibility study of Townlands Landfill site be noted; | CC  |
| 3. That a progress report be submitted to the next ordinary Council.   | DCD |
- 

180. **UPDATE ON THE PHATSIMA AGRICULTURAL PROJECT TURNAROUND STRATEGY**

(Directorate: Local Economic Development)

(MEM)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide feedback on the resolution 93 of 27 March 2019 - "That a sustainability plan of the project be submitted".

**RESOLVED:**

**ACTION**

- |  |    |
|--|----|
| That the report be referred back and be submitted at the Portfolio Committee Local Economic Development with complete attachments. | CC |
|--|----|
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181. **REPORT BACK: DRAFT RUSTENBURG LOCAL MUNICIPALITY INVESTMENT INCENTIVES POLICY**

(Directorate: Local Economic Development)

PDM

**PURPOSE OF THE REPORT**

The purpose of the report is request Council to approve the draft Investment Incentives Policy.

**RESOLVED:**

**ACTION**

- |   |    |
|---|----|
| 1. That the report be noted;  | CC |
| 2. That the Policy be dealt with during the tabling of the 2020/21 MTREF. | CC |
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182. **CONSOLIDATED STRATEGY AND ACTION PLAN FOR ELECTRIFICATION OF INFORMAL AND FORMAL SETTLEMENTS**  
(Directorate: Technical and Infrastructure Services)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide Council with a monthly progress report on the action plan and proposed strategy on electrification of informal and formal settlements.

<b>RESOLVED:</b>	<b><u>ACTION</u></b>
1. That the report be noted;	CC
2. That the pre-engineering and preliminary designs be compiled once the Draft Township Layouts are available from DPHS;	CC
3. That the current informal and formal settlements be connected to the electrical grid once all Criteria is met and in accordance with the available budgets;	CC
4. That a detailed strategy report inclusive of electrification in all areas be submitted to Council.	DTIS

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183. **PROGRESS REPORT ON THE STRATEGY AND IMPLEMENTATION PLAN TO ADDRESS ELECTRICAL LOSSES**  
(Directorate: Infrastructure and Technical Services) (vpb)

**PURPOSE OF THE REPORT**

The purpose of the item is to report the progress on the strategy and implementation plan to address electrical losses to the Performance Audit Committee.

<b>RESOLVED:</b>	<b><u>ACTION</u></b>
1. That the report be noted.	DTIS

SSK

184. **MOTIVATION FOR PARTICIPATION ALLOWANCE FOR MEMBERS OF THE TAXI NEGOTIATING FORUM (TNF) FOR THEIR ENGAGEMENT WITH RUSTENBURG LOCAL MUNICIPALITY DURING THE 2019/20 FINANCIAL YEAR**

(Directorate: Roads & Transport)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide motivation for provision of reimbursement of costs for the members of the Taxi Negotiating Forum (“TNF”) for their participation in the implementation of the Rustenburg Rapid Transport project.

**RESOLVED:**

**ACTION**

- |   |     |
|---|-----|
| 1. That the report be noted;  | MM  |
| 2. That the reimbursement at the proposed rates to the TNF members be approved in the 2019/20 financial year;     | MM  |
| 3. That a report on the number of meetings held and attendance registers of the meetings be submitted to Council. | DRT |

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185. **PROGRESS REPORT ON THE IMPLEMENTATION OF THE RUSTENBURG RAPID TRANSPORT PROJECT**

(Directorate: Roads & Transport)

**PURPOSE OF THE REPORT**

The purpose of the item is to provide progress report on the overall implementation of the Rustenburg Rapid Transport system as at the end of the 2018/19 financial year.

**RESOLVED:**

**ACTION**

- |  |     |
|--|-----|
| 1. That the report be noted;   | CC  |
| 2. That a progress report with shortcomings be submitted to every Council meeting;                                     | DRT |
| 3. That a separate report on the investigation conducted with regard to the collapsed station be submitted to Council. | DRT |

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186. **PROGRESS REPORT ON TAXI AND BUS INDUSTRY TRANSITION PROCESS FOR THE RUSTENBURG RAPID TRANSPORT PROJECT**

(Directorate: Roads & Transport)

**PURPOSE OF THE REPORT**

The purpose of this item is to provide progress report on the taxi and bus industry transition process in line with the Rustenburg Rapid Transport project.

**RESOLVED:**

**ACTION**

1. That the report be noted.

CC

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187. **PROGRESS REPORT ON THE CRIMINAL INVESTIGATIONS AND FINANCIAL RECOVERY**

(Directorate: Public Safety)

14/1 DG/dg

**PURPOSE OF THE REPORT**

The Purpose of this report is to provide progress to Council regarding the following criminal investigations and financial recovery thereof.

- Total number of cases opened – 13
- Total Number of cases on the Court roll – 0
- Total Number of cases not on the court roll - 0
- Undetected cases – 13
- Cases closed due to fine paid – 0

**RESOLVED:**

**ACTION**

- That the report be referred back to the Portfolio Committee Public Safety.

CC

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188. **REPORT ON STATUS OF BY-LAWS ENFORCEMENT IN RUSTENBURG**

(Directorate: Public Safety)

14/1 DG/dg

**PURPOSE OF THE REPORT**

The purpose of the item is to provide Council with a progress report on the of By-Law enforcement within Rustenburg.

**RESOLVED:**

**ACTION**

1. That the report be noted;
2. That a by-law on noise pollution as envisaged by South Africa National Environment Management Act (NEMA) be finalized and be submitted at the next Council sitting;

CC

DCD

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- |   |      |
|---|------|
| 3. That a plan to subject all applicable By-laws to a review process be submitted at the next Council sitting;                  | DIRS |
| 4. That specialized Law Enforcement sections in various Directorates be strengthened;   | DIRS |
| 5. That the request to Council to approve all municipal By-Laws not reviewed be reviewed and subjected to public participation; | DPS  |
| 6. That all By-Laws be in line with the Constitutional Dispensations;   | DPS  |
| 7. That the report on the Outdoor Advertising By-Law be submitted at the next Council sitting.                                  | DPS  |

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**IT BE NOTED THAT CLLR MOHUBE M M REQUESTED A 5 MINUTE CAUCUS FOR THE DEMOCRATIC ALLIANCE, WHICH THE SPEAKER GRANTED**

**189. PROBATION REPORT OF THE DIRECTOR: TECHNICAL AND INFRASTRUCTURE SERVICES FOR THE PROBATION PERIOD 07 JANUARY TO 06 JULY 2019**

(Office of the Municipal Manager)

DTIS/ojm

**PURPOSE OF THE REPORT**

The purpose of the report is to submit to Council the evaluation report of the Director: Technical and Infrastructure Services Mr Ofentse J Masilo for the probation period of 6 months, from 07 January to 06 July 2019.

**RESOLVED:**

**ACTION**

- |    |   |    |
|----|---|----|
| 1. | That the report be noted;   | CC |
| 2. | That the Director: Technical and Infrastructure Services be considered to have successfully completed his probation period;   | CC |
| 3. | That the remuneration of the Director: Technical and Infrastructure Services be reviewed as at the end of the probation period in line with the Council resolution of 18 December 2018; | CC |
| 4. | That the Director: Technical and Infrastructure Services be placed on the second notch retrospectively with effect from 07 July 2019.   | CC |

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- **IT BE NOTED THAT THE DEMOCRATIC ALLIANCE IS NOT IN AGREEMENT WITH THE RESOLUTIONS;**
- **THE DEMOCRATIC ALLIANCE PREFERS THAT THE PROBATION PERIOD FOR DIRECTOR TECHNICAL AND INFRASTRUCTURE SERVICES BE EXTENDED WITH ANOTHER 3 MONTHS;**
- **THAT THE NOTCH BE RETAINED AS IS AND ONLY BE REVIEWED AFTER THE NEXT EVALUATION.**

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190. **EVALUATION REPORT: CHIEF FINANCIAL OFFICER (CFO)**  
(Office of the Municipal Manager)

OMM

**PURPOSE OF THE REPORT**

The purpose of the report is to submit to Council an evaluation report pertaining to the performance of the Chief Financial Officer (Mr. Godfrey Ditsele) for the probation period of six (6) months that ended on the 17<sup>th</sup> August 2019.

**RESOLVED:**

**ACTION**

- |  |    |
|--|----|
| 1. That the report on the evaluation report: Chief Financial Officer probation period which ended the 17 <sup>th</sup> August 2019 be noted;                             | CC |
| 2. That the Chief Financial Officer be considered to have successfully completed his probation period;   | CC |
| 3. That the remuneration of the Chief Financial Officer be reviewed as at the end of the probation period in line with the Council resolution of the 18th December 2018, | CC |
| 4. That the Chief Financial Officer be placed on the second notch with effect from 18 <sup>th</sup> August 2019 when his probation period ended.                         | CC |

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- **IT BE NOTED THAT THE DEMOCRATIC ALLIANCE IS NOT IN AGREEMENT WITH THE RESOLUTIONS;**
- **THE DEMOCRATIC ALLIANCE PREFERS THAT THE PROBATION PERIOD FOR CHIEF FINANCIAL OFFICER BE EXTENDED WITH ANOTHER 3 MONTHS;**
- **THAT THE NOTCH BE RETAINED AS IS AND ONLY BE REVIEWED AFTER THE NEXT EVALUATION.**

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191. **LITIGATION CASES THAT AROSE AS A RESULT OF CONTESTED TENDERS**  
(Office of Municipal Manager) SLM/

**PURPOSE OF THE REPORT**

The purpose of this report is to provide the Municipal Council with an additional list of contested tenders or supply chain management matters that are pending the court.

**RESOLVED:** ACTION

1. That the report be noted; CC
  2. That the Council take note of the attached list of contested cases that arose as a result of supply chain management; CC
  3. That a progress report be submitted to every ordinary Council sitting. OMM
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192. **REPLACEMENT AND APPOINTMENT OF THE MUNICIPAL PLANNING TRIBUNAL MEMBERS IN TERMS OF SECTION 38(6) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013.**  
(Office of the Municipal Manager) (EK)

**PURPOSE OF THE REPORT**

The purpose of the report is to obtain Council decision on the replacement and appointment of the Municipal Planning Tribunal (MPT) members in terms of 38(6) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

**RESOLVED:** ACTION

1. That the report be noted; CC
2. That the following individuals be removed as members of the Municipal Planning Tribunal: OMM
  - Mr Kgodiso Mashile
  - Mr Obadia Mokonyama
3. That the following officials be appointed to fill the vacancies of the removed members, for the remaining term of office, in accordance with Section 38(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013): OMM
  - Ms Mphoentle Halenyane
  - Mr Pierre Bergh
4. That the Municipal Manager publish the names of the newly appointed members in the Provincial Gazette. OMM

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SSK

193. **REASONS FOR LATE TABLING OF THE 3<sup>RD</sup> QUARTER PERFORMANCE REPORT 2018-2019**

(Office of the Municipal Manager - PMS)

**PURPOSE OF THE REPORT**

The purpose of the report is to advance reasons for late tabling of the 3<sup>rd</sup> quarter performance report for the 2018-2019 financial year.

**RESOLVED:**

**ACTION**

That the report be noted.

MM

194. **ANNUAL PERFORMANCE REPORT 2018-2019**

(Office of the Municipal Manager – Strategy and Planning)

**PURPOSE OF THE REPORT**

The purpose of the report is to table before Council the 2018/19 Annual Performance report.

**RESOLVED:**

**ACTION**

1. That the report be noted;

OMM

2. That the 2018/2019 Annual Performance Report be adopted;

CC

3. That a Framework be developed for the 2019/20 and further years to categorize the top layer SDBIP in terms of components, layers, time frames, wards and departments in accordance with National Treasury circulars 12, 13, 63, 88 taking cognizance of differentiation between input, activities, output, outcomes and impact.

OMM

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SSK

195. **ALIENATION OF PORTION 22 & THE REMAINING EXTENT OF PORTION 1 OF THE RUSTENBURG TOWN & TOWNLANDS 272 JQ**

(Directorate: Planning & Human Settlement)

M Pharasi

**PURPOSE OF THE REPORT**

This report serves to inform Council on the public participation process that has been undertaken to get the community's inputs, comments or objections on the proposed alienation of portion 22 and the remaining extent of portion 1 of the Rustenburg Town & Townlands 272 JQ, as well as request a final decision from Council on a request by Kylipac (Pty) Ltd to acquire additional 12 hectares of land.

<b>RESOLVED:</b>	<b>ACTION</b>
1. That the report be noted;	CC
2. That Council note that an objection was received from Cllr Bothomane P;	CC
3. That the objection be dismissed;	CC
4. That the Council approves the deviation from the Land Disposal Policy, in terms of Chapter 8, section 8.7;	CC
5. That Council approves the disposal of additional 12 hectares, as per the valuation report for the land, which is R6 000 000;	CC
6. That the developer moves and upgrades the affected sporting fields (hockey, soccer, cricket and netball fields) and the club house at the cost of the developer;	DCD
7. That the Municipality provide the developer with specifications for the re-establishment of the sporting facilities;	DCD
8. That the developer contributes R3 000 000 for the taxi rank regeneration, in line with the submitted proposal;	R&T
9. That the Accounting Officer be mandated to sign all documentation that will contribute to giving effect to the Council decision.	OMM

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**CLLR BOTHOMANE P MENTIONED THAT THE DECISION TAKEN BY COUNCIL OF EXTENDING TO 12 HECTARES EMINATES FROM A WRONGFUL AGREEMENT TAKEN ON THE 10 DECEMBER 2014.**

SSK

196. **REQUEST TO AVAIL SEVERAL SITES IN SEVERAL COMMUNITIES OF RUSTENBURG FOR THE ESTABLISHMENT OF DIGITAL RESOURCES CENTRE**  
(Directorate: Planning & Human Settlement) (MP)

**PURPOSE OF THE REPORT**

The purpose of the report is to request Council to consider allocating sites for Digital Resources Centre's within several communities in Rustenburg.

**RESOLVED:**

**ACTION**

That the report be referred back.  
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CC

197. **CANCELLATION OF SPECIAL CONSENT GRANTED ON ERF 1139, PROTEAPARK EXTENSION 1. (36 ESSENHOUST STREET)**  
(Directorate: Planning and Human Settlement) (13/1/8)(12130)(R.B)

**PURPOSE OF THE REPORT**

The purpose of this report is to request Council to rescind the resolution taken by the Portfolio: Planning and Human Settlement of 2 June 2010 per item 64 to approve a guesthouse on Erf 1139 Proteapark Extension 1 (36 Essenhout Street).

**RESOLVED:**

**ACTION**

That the report be referred to administration.  
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DPHS

198. **PROGRESS REPORT: ACQUISITION OF ALTERNATIVE LAND TO RESETTLE THE RESIDENTS OF RIETVLEI**  
(Directorate: Planning and Human Settlement) (BR)

**PURPOSE OF THE REPORT**

The purpose of the report is to inform Council on the progress made in finding alternative land to resettle the residents of Rietvlei.

**RESOLVED:**

**ACTION**

That the report be noted.

SSK

DPHS

199. **REPORT ON WITHDRAWALS FROM THE MUNICIPAL BANK ACCOUNTS FOR PERIOD 01 JULY 2018 TO 30 JUNE 2019 IN TERMS OF SECTION 11 OF THE MUNICIPAL FINANCIAL MANAGEMENT ACT 56 OF 2003 (MFMA).**

(Directorate: Budget and Treasury Office)

(TL)

**PURPOSE OF THE REPORT**

The purpose of this report is to update Council on withdrawals made from Municipal Accounts for the period July 2018 to June 2019.

**RESOLVED:**

**ACTION**

- |  |     |
|--|-----|
| 1. That the report be noted;   | CC  |
| 2. That the report be subjected to external investigation and a progress report be submitted at the next Council sitting;        | BTO |
| 3. That quarterly reports on withdrawals in terms of Section 11 of the Municipal Finance Management Act be submitted to Council. | BTO |

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200. **PROGRESS REPORT ON UNPAID DATA BUNDLES IN TERMS OF THE PREVIOUS DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF 2017 OF DIFFERENT MEMBERS OF MUNICIPAL COUNCIL**

(Directorate: Budget and Treasury Office)

(VM)

**PURPOSE OF THE REPORT**

The purpose of this report is to update Council on the non-payment of data bundle allowances for Councillors in line with Government Gazette of 2017 on Upper Limits of Salaries and Allowances of Municipal Councillors.

**RESOLVED:**

**ACTION**

That the report be noted.

SSK

CC

201. MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 71 and 52 (d) OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – MARCH 2019

(Budget and Treasury Office)

(VM)

PURPOSE OF THE REPORT

This report is submitted to enhance sound financial management and inform the Accounting Officer, Senior Managers and Council of the financial result for period ending **31<sup>st</sup> March 2019** in order to enable the directorates to manage and use resources efficiently and keep track of the implementation of the budget in compliance with Section 71 and Section 52 (d) of the MFMA 56 of 2003.

Apart from the legislative requirement to report, it is of utmost importance that directorates have sufficient and correct management information available to take informed decisions when policies, the IDP and SDBIP are implemented.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee Budget & Treasury.

CC

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202. MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 71 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – APRIL 2019

(Budget and Treasury Office)

(VM)

PURPOSE OF THE REPORT

This report is submitted to enhance sound financial management and inform the Accounting Officer, Senior Managers and Council of the financial result for period ending **30<sup>th</sup> April 2019** in order to enable the directorates to manage and use resources efficiently and keep track of the implementation of the budget in compliance with Section 71 and Section 52 (d) of the MFMA 56 of 2003.

Apart from the legislative requirement to report, it is of utmost importance that directorates have sufficient and correct management information available to take informed decisions when policies, the IDP and SDBIP are implemented.

**RESOLVED**

**ACTION**

That the report be referred back to the Portfolio Committee Budget & Treasury.

CC

SSK

203. **MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 71 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – MAY 2019**

(Budget and Treasury Office)

**PURPOSE OF THE REPORT**

This report is submitted to enhance sound financial management and inform the Accounting Officer, Senior Managers and Council of the financial result for period ending **31<sup>st</sup> May 2019** in order to enable the directorates to manage and use resources efficiently and keep track of the implementation of the budget in compliance with Section 71 of the MFMA 56 of 2003.

Apart from the legislative requirement to report, it is of utmost importance that directorates have sufficient and correct management information available to take informed decisions when policies, the IDP and SDBIP are implemented.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee Budget & Treasury.

CC

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204. **PROGRESS REPORT FOR COUNCIL TO CONSIDER APPROVAL TO ACCESS THE OVERDRAFT FACILITY (R50 MILLION)**

(Directorate: Budget and Treasury)

GD

**PURPOSE OF THE REPORT**

The purpose of the report is to provide Council with progress and update on the request for the municipality to access the overdraft facility of R50 million offered by ABSA.

**RESOLVED:**

**ACTION**

1. That the report be noted;

CC

2. That Council should not approve any overdraft.

CC

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SSK

205. **REPORT ON IMPLEMENTATION OF SALARY INCREASES FOR 2019/20 PERIOD**  
(Directorate Budget and Treasury Office)

(VM)

**PURPOSE OF THE REPORT**

The purpose of this report is to update Council on implementation of 2019/20 salary increases and inform Council of the difference between the budgeted salary increase of 6.2% and the actual salary increase of 6.5% implemented effective 01 July 2019.

**RESOLVED:**

**ACTION**

That the report be noted.

CC

206. **PROGRESS REPORT ON MSCOA SYSTEM IMPLEMENTATION**  
(Directorate Budget and Treasury Office)

(VM)

**PURPOSE OF THE REPORT**

The purpose of this report is to provide Council with progress on the implementation of the mSCOA system.

**RESOLVED:**

**ACTION**

1. That the report be noted;

CC

2. That the implementation of the system be subjected to external audit and a progress report be submitted at the next Council sitting;

BTO

3. That the Municipal Public Accounts Committee conduct an investigation on the collapse of the Phoenix System.

MPAC

207. **SUPPLY CHAIN MANAGEMENT: BIDS AWARDED ABOVE R200 000- OCTOBER 2018**

(Directorate: Budget and Treasury)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide the management and Council with the progress regarding the implementation of the supply chain management system for the month of October 2018.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee Budget & Treasury.

CC

SSK

208. **SUPPLY CHAIN MANAGEMENT: BIDS AWARDED ABOVE R200 000-NOVEMBER 2018**

(Directorate: Budget and Treasury)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide the management and Council with the progress regarding the implementation of the supply chain management system for the month of November 2018.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee Budget & Treasury.

CC

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209. **SUPPLY CHAIN MANAGEMENT: BIDS AWARDED ABOVE R200 000-DECEMBER 2018**

(Directorate: Budget and Treasury)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide the management and Council with the progress regarding the implementation of the supply chain management system for the month of December 2018.

**RESOLVED:**

**ACTION**

That the report be referred back to the Portfolio Committee Budget & Treasury.

CC

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210. **SECONDMENT OF MR M MOKGWAMME, THE FORMER DIRECTOR: TECHNICAL AND INFRASTRUCTURE SERVICES TO VENTERSDORP LOCAL MUNICIPALITY**

(Directorate: Corporate Support Services)

(YR/yr)

**PURPOSE OF THE REPORT**

The purpose of the report is to provide feedback in relation to the matter on the secondment of Mr M Mokgwamme, the former Director: Technical and Infrastructure Services to Ventersdorp Local Municipality, item 32 of Council of the 30th January 2018.

**RESOLVED:**

**ACTION**

That the Executive Mayor be mandated to have a consultation with the MEC of Corporative Governance, Human Settlement and Traditional Affairs and report back to the Whips of Political Parties and report back to Council.

CC

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SSK

211. **NON-ATTENDANCE OF COUNCIL SITTINGS AND PORTFOLIO COMMITTEE MEETINGS BY COUNCILLORS: JANUARY – JUNE 2019**

(Office of the speaker)

(LH/oit)

**PURPOSE OF THE REPORT**

To inform Council in terms of Rules of Order By-law regarding councillors who did not attend three or more consecutive council sitting or/and portfolio committee meetings.

**RESOLVED:**

**ACTION**

That report be noted.

CC

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212. **OUTCOME INVESTIGATION REPORT OF THE PUBLIC PROTECTOR IN RESPECT OF ALLEGATIONS OF UNLAWFUL IMPOUNDMENT OF UNLAWFUL IMPOUNDMENT OF A MOTOR VEHICLE BELONGING TO MR AARON MAEPE**

(Office of Speaker)

Speaker

**PURPOSE OF THE REPORT**

The purpose of this report is to inform the Council about the outcome of the investigation by the Public Protector in respect of allegations of unlawful impoundment of a motor vehicle belonging to Mr Aaron Maepe. Further to request the Council to lodge a review application against the remedial action of the Public Protector before the High Court.

**RESOLVED:**

**ACTION**

1. That the report be noted;

CC

2. That the Council consider challenging the Public Protector findings;

CC

3. That the Acting Municipal Manager be mandated to lodge a review application against the decision of the Public Protector.

AMM

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213. **PROGRESS REPORT ON COUNCIL RESOLUTIONS FOR JANUARY TO AUGUST 2019.**

(Directorate: Corporate Support Services)

(/nk)

**PURPOSE OF REPORT**

The purpose of the report is to submit to council a progress report on outstanding Council resolutions for the period January to August 2019 as resolved by Council on the 13 August 2019 per item 168.

**RESOLVED:**

**ACTION**

That the report be noted.

CC

SSK  
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(vii)

17. **MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETINGS:**

None.

18. **NEW MOTIONS OR PETITIONS:**

None.

19. **QUESTIONS:**

None.

20. **ADOPTION OF MINUTES:**

It be noted that the minutes of the (04/2019) Ordinary Council meeting of the Rustenburg Local Municipality held on 25 September 2019 were adopted.

21. **CLOSURE:**

The business of the meeting was concluded at 17h07.

SPEAKER: 

DATE APPROVED: 17/10/2019