

**RUSTENBURG
LOCAL MUNICIPALITY**

M I N U T E S OF THE (04/2022) ORDINARY COUNCIL MEETING OF THE
RUSTENBURG LOCAL MUNICIPALITY HELD ON TUESDAY THE 26TH JULY 2022
AT 12H30.

PRESENT

Cllr Mogomotsi K	-	Speaker
Cllr Mabale-Huma S S K	-	Executive Mayor
Cllr Mabe L L	-	Single Whip
Cllr Bogatsu P N		
Cllr Bossau A A		
Cllr Bridger A T		
Cllr Coetzee M		
Cllr Cronje J C		
Cllr de Beer J C		
Cllr du Plessis G J		
Cllr Dumani MC		
Cllr Edwards I		
Cllr Fulani W		
Cllr Gaonakala M I		
Cllr Grove A S		
Cllr Gumede J S		
Cllr Keyser J		
Cllr Kgotse P C		
Cllr Khoeli L		
Cllr Kombe O J		
Cllr Langeni E		
Cllr Lebelo S M		
Cllr Lebethe P O		
Cllr Macone I S		
Cllr Makhuto A		

K. M

Cllr Malan P A
Cllr Manyaku E S
Cllr Marekoa B B
Cllr Mashiakgomo K D
Cllr Matjene T E
Cllr Melanzi J A
Cllr Mkhholwa S P
Cllr Mmapitsa O C
Cllr Moatshe F S
Cllr Moduke T O
Cllr Mogwera J G
Cllr Mohulatsi T P
Cllr Mokapi C T
Cllr Mokgatle O J
Cllr Mokgosi T C
Cllr Mokhaba NE
Cllr Monaise K I
Cllr Mooketsi T Z
Cllr Morapedi M P
Cllr Morei K B
Cllr Moreki B I
Cllr Mosete M E E
Cllr Mosito A M
Cllr Motshegwe S M
Cllr Mpele J B
Cllr Mputle V
Cllr Mtoto M
Cllr Myoli V N
Cllr Nageng V B

Cllr Nhacuangue N
Cllr Nke H S R R
Cllr Nkgwang V K
Cllr Nkgweng G
Cllr Nortje J J
Cllr Notshaya N G
Cllr Phalole M D
Cllr Phiri K B
Cllr Phutu K K
Cllr Pooe M M
Cllr Pule E S T
Cllr Pule L J
Cllr Qobeka J
Cllr Ralokwakweng J O
Cllr Rampou D T
Cllr Rangwaga M J
Cllr Rootman A P
Cllr Rothman T
Cllr Salang J
Cllr Seleka A S
Cllr Sentsho S L
Cllr Serongoane P H
Cllr Serunye C K
Cllr Shomang V
Cllr Snyders L B
Cllr Tause S S
Cllr Vena E K
Cllr Xhinela Z
Cllr Zimba K M

K. M

OFFICIALS

Mr Makona V	-	Municipal Manager
Mr Ditsele G	-	Chief Financial Officer
Mr Mahapela P	-	Acting Director: Corporate Support Services
Ms Rampete N	-	Director: Community Development
Ms Halenyane M	-	Director: Planning & Human Settlement
Mr Boikanyo K	-	Director: Public Safety
Mr Moleele O	-	Acting Director: Roads & Transport
Mr Komane E	-	Director: Local Economic Development
Ms Manuel B	-	Manager: Office of the Municipal Manager
Ms Tebeli M	-	Manager: Office of the Speaker
Mr Mfuloane D	-	Manager: Office of the Executive Mayor
Mr Ramantsi K	-	Manager: Office of the Single Whip
Mr Molotsane L	-	Unit Head: Legal & Valuation
Mr Makinita J	-	Sergeant-at-Arms
Mr Marumola F	-	Manager: Municipal Public Accounts
Ms Makona P	-	Acting Unit Manager: Administrative Support Services
Mr van Vuuren J	-	Section Manager: Administrative Support Services
Ms Mokwatsi R	-	Admin Officer: Administrative Support Services
Ms Khunou N	-	Admin Officer: Administrative Support Services
Ms Rapelego M	-	Administrative Assistant: Administrative Support Services



Ms Khunou B	-	Administrative Assistant: Administrative Support Services
Ms Letshwiti M	-	Committee Administrator: Administrative Support Services
Ms Mogakwe K	-	Typist Administrative Support Services
Ms Makonye T	-	Typist Administrative Support Services
Ms Mahupela D	-	Typist Administrative Support Services
Mr Mkhuzangwe S	-	Council Interpreter -----

K. M

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1. **OPENING PRAYER AND WELCOME:**

- 1.1 The meeting was opened with a prayer by Cllr Phiri K B where-after the Honourable Speaker – Cllr Mogomotsi K welcomed all members present.

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

- 2.1 That leave of absence be granted to the following Councillors: Cllr Petlele P , Cllr Xatasi NS, Cllr Letlape S M, Cllr Motlhamme G S, Cllr Malinga M, Cllr Sethonga D M;
- 2.2 It be noted that the following Councillors requested to be late: Cllr Gumede J S (Arrived) Cllr Langeni E (Arrived), Cllr Mokapi C T (Arrived), Cllr Mogwera J G (Arrived), Cllr Morei K B (Arrived) Cllr Nkgwang V K (Arrived), Cllr Rangwaga M J (Arrived), Cllr Tause S S(Arrived) Cllr Vena E K (Arrived) and Cllr Xhinela Z (Arrived);
- 2.3 It be noted that Cllr Bossau A A requested to be recused at 22h00, Cllr Keyser J at 14h30 and returned 16h15.

3. **OFFICIAL NOTICES:**

None.

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

That the following Councillors be congratulated on their birthdays:

JULY

Cllr Keyser J W D	05 July
Cllr Mmapitsa O C	11 July
Cllr Mputle V	16 July
Cllr Xatasi N	17 July
Cllr Rampou D T	19 July
Cllr Moatshe F S	20 July
Cllr Mooketsi T Z	22 July
Cllr Nhacuangue N	27 July

AUGUST

Cllr Lebethe P O L	03 August
Cllr Sethonga D M	09 August
Cllr Mashiakgomo K D	21 August
Cllr Marekoa B B	22 August
Cllr Macone I S	24 August

K. M

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5. PROPOSALS OF CONDOLENCES OR CONGRATULATIONS BY OTHER MEMBERS:

- 5.1 It be noted that Cllr Vena E of the African National Congress congratulated Cllr Tause S S for acquiring a drivers licence;
- 5.2 It be noted that Cllr Nkgwang V K of the Economic Freedom Fighters congratulated Banyana Banyana National Football team for winning the WAFCON Championship;
- 5.3 It be noted that Cllr Marekoa B B congratulated that South African Communist Party for hosting a successful elective conference on the 13th July 2022 with Mr Solly Mapaila being elected as the General Secretary of the party;
- 5.4 It be noted that Cllr Tause S S congratulated the youth of Bojanala Region for hosting a successful revolutionary conference;
- 5.5 It be noted that Cllr Mokgosi T C of the Economic Freedom Fighters congratulated the Economic Freedom Fighters Student Command for hosting a successful and peaceful 4th National Student Assembly that was held from the 22nd to the 24th July 2022;
- 5.6 It be noted that Cllr Snyders L B of the Democratic Alliance congratulated Banyana Banyana National Football team for winning the WAFCON Championship and further congratulated the City of Cape Town announced another step as part of its plans to end load shedding and become energy secure. The city will now pay cash to business for the excess renewable energy they produce and sell back to the city;
- 5.7 It be noted that Cllr Gaonakala M I congratulated three women from Ward 39 - Ramochana for voluntarily cleaning the R510 without expecting any form of remuneration;
- 5.8 It be noted that Cllr Monaise K I congratulated the Economic Freedom Fighters for their 9th year anniversary and that a celebration will be held in the Free State – Dr Molemela Stadium from the 30th July to the 6th August 2022;
- 5.9 It be noted Cllr Langeni E of the African National Congress congratulated Kgosana Mojalefa Mogono for being appointed as the Consul General in Hong Kong;
- 5.10 It be noted that Cllr Pooe M M congratulated the African Christian Democratic Party for representing Standard Bank employees against mandatory vaccination and they were reinstated;
- 5.11 It be noted that Cllr Module T congratulated the African National Congress in Kwa-Zulu Natal for hosting a successful 9th Provincial conference;

K. M

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- 5.12 It be noted that MMC Pule EST congratulated MMC Marekoa B B for being appointed as the SALGA Chairperson of the Women's Caucus in the Rustenburg Local Municipality Council and further more conveyed a message of condolences to the families of the patrons who were shot in Lefaragatlhe;
- 5.13 It be noted that Cllr Zimba K M conveyed a message of condolences to families of the youth that passed on at Enyobeni tavern in the Eastern Cape on the 27th of June 2022 and the victims of the mass shooting in Soweto.

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

None.

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

Minutes of the Ordinary Council meeting held on 31st May 2022;
Minutes of the Special Council meeting held on 07th June 2022;
Minutes of the Special Council meeting held on 21st June 2022.

K. M

I N D E X

NO	HEADING	MC / CC
125.	Implementation of Consequence Management to Council by Executive Mayor	CC
126.	Report: Deployment of Rustenburg Local Municipality Search and Rescue Team to April 2022 Kwa-Zulu Natal Floods Disaster	CC
127.	Rustenburg Local Municipality as Member City of the South African Cities Network	OMM
128.	Progress Report: Memorandum of Agreement between the South African National Roads Agency Soc Limited (SANRAL) and the Rustenburg Local Municipality - Management, Control, Maintenance and Rehabilitation of the Specified Sections as Indicated in Annexure B of the Agreement for the National Road R24 and the National Road N4 Interchange	CC
129.	Progress Report: -Request for Support of Rustenburg Local Municipality for the Application by the Glencore Merafe Chrome Venture to Eskom for Negotiated Electricity Pricing Agreement	CC
130.	Agreement of Sale and Development: Rustenburg Local Municipality//Municipal Employees Pension Fund (Registration Number 12/8/5625/1) // Erf 2673 Rustenburg Township in Extent 1.3102 Hectares	CC
131.	Determination in terms of Section 14 of the Municipal Finance Management Act (Act 56 of 2003): Lease of the Rustenburg Aerodrome	DPHS
132.	Third (3 rd) Quarter Performance Report 2021/2022	CC
133.	Progress Report on Implementation of Unauthorised, Irregular and Fruitless and Wasteful Expenditure Reduction Plans – March 2022	BTO
134.	Report on Withdrawals from Municipal Bank Account for The Period January 2022 to March 2022	CC
135.	Monthly Budget Statement in Terms of Section 52(D) And 71 of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) – March 2022	BTO
136.	Supply Chain Management: Bids Awarded Above R200 000: April 2022 to May 2022	BTO
137.	Draft Report on Debt Collection Incentive Scheme	CC

I N D E X

NO	HEADING	MC / CC
139.	Appointment of Section 56 Employees: Request to Advertise the Position Director Community Development and Appointment of the Selection Panel	CC
140.	Appointment of Section 56 Employees: Request to Advertise the Position Director Local Economic Development and Appointment of the Selection Panel	CC
141.	Appointment of Section 57 Employees: Appointment of Director Roads and Transport	CC
142.	Appointment of Section 57 Employees: Appointment of Director Corporate Support Services	CC
143.	Appointment of Section 57 Employees: Appointment of Director Technical and Infrastructure Services	CC
144.	Report on Late Submission of the Report to Council: Supply Chain Management Bid Awarded Above R200 000 for January 2022 to March 2022	CC
145.	Progress Report by Council Representatives from Bojanala Platinum District Municipality	CC
146.	Feedback on Establishment of Local Municipal Structure of Multi-Party Women Caucus: June 2022	CC
147.	Report Back: SALGA Local Economic Development (LED) Portfolio Based Training for Councillors	CC
148.	Allegations of Breach of Code of Conduct Against Cllr S. Lebelo	OSP
149.	Allegations of Breach of Code of Conduct Against Cllr L.L Mabe	OSP
150.	Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils	CC
151.	Memorandum from Community of Phokeng (Ward 06), Ramochana (Ward 39) and Marikana (Ward 31 & 32)	CC
152.	Non-Attendance of Council and Portfolio Committee Meetings by Councillors: February - June 2022	CC

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I N D E X

NO	HEADING	MC / CC
153.	Material Irregularity: Penalties Paid As A Result Of Late Submission Of Vat Returns Raised By The Auditor General Of South Africa In The 2021/2022 Audit Period	CC

K. M

IT BE NOTED THAT COUNCIL DISCUSSED IN-COMMITTEE ITEM 125

IT BE NOTED THAT THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS FOR FIFTEEN (15) MINUTES, WHICH THE SPEAKER GRANTED

IT BE NOTED THAT THE AFRICAN NATIONAL CONGRESS REQUESTED A CAUCUS FOR TEN (10) MINUTES, WHICH THE SPEAKER GRANTED

IT BE NOTED THAT WHEN COUNCIL RESUMED FROM IN-COMMITTEE SESSION, THE SPEAKER CONFIRMED THAT ITEMS 125, 141, 142, 143 AND 153 WERE DISCUSSED

125. **REPORT ON THE IMPLEMENTATION OF CONSEQUENCE MANAGEMENT TO THE COUNCIL BY THE EXECUTIVE MAYOR**

(Office of the Executive Mayor)

SSK

PURPOSE OF THE REPORT

- 2.1 This report is presented before Council in line with Sections 61 (1) (a) and 62 (1) (a) (b) (c) (d) of the Municipal Finance Management Act, Act 56 of 2003 ("MFMA"), which outlines the fiduciary responsibilities of the Accounting Officer.
- 2.2 The tabling of this report is further empowered by Section 56 (3) (d) of the Amended Structures Act, which provides authority to the Executive Mayor to monitor the performance of the municipal administration led by the Accounting Officer.
- 2.3 This report is tabled before Council in response to Council Resolution No.24 of Item No. 98, of the Council sitting held on the 21st June 2022 to request the Executive Mayor to table a report on consequence management, and seeks that Council note the said report with concern.

RESOLVED:

ACTION

- | | |
|--|----------|
| 1. That the report is noted; | CC |
| 2. That the Municipal Manager be given the opportunity to respond to allegations within seven 7 days; | MM |
| 3. That the Executive Mayor table the report after it has been submitted in seven (07) days; | CC |
| 4. That the Municipal Manager and the Executive Mayor present a plan to Council on how service delivery and infrastructure challenges will be addressed; and | EM
MM |
| 5. That the Executive Mayor provide a report on the number of meetings held with the Municipal Manager and instances when they were scheduled but not held. | EM |

K. M

126. **REPORT: DEPLOYMENT OF RUSTENBURG LOCAL MUNICIPALITY SEARCH AND RESCUE TEAM TO APRIL 2022 KWA-ZULU NATAL FLOODS DISASTER**

(Directorate: Public Safety)

(ME)

PURPOSE OF THE REPORT

To appraise the council on the deployment of Rustenburg Local Municipality fire fighters to perform search and rescue operations in Kwa-Zulu Natal during April 2022 floods disaster.

RESOLVED:

ACTION

1. That the report to Council on the deployment of Rustenburg Local Municipality fire fighters to perform search and rescue operations in Kwa-Zulu Natal during April 2022 disaster is noted. CC

127. **RUSTENBURG LOCAL MUNICIPALITY AS MEMBER CITY OF THE SOUTH AFRICAN CITIES NETWORK**

(Office of The Municipal Manager) (0013922)

(4/3/3)

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's approval for the enrolment of the Rustenburg Local Municipality as a member city of the South African Cities Network.

RESOLVED:

ACTION

1. That the item is withdrawn. OMM

128. **PROGRESS REPORT: MEMORANDUM OF AGREEMENT BETWEEN THE SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED (SANRAL) AND THE RUSTENBURG LOCAL MUNICIPALITY - MANAGEMENT, CONTROL, MAINTENANCE AND REHABILITATION OF THE SPECIFIED SECTIONS AS INDICATED IN ANNEXURE B OF THE AGREEMENT FOR THE NATIONAL ROAD R24 AND THE NATIONAL ROAD N4 INTERCHANGE**

(Directorate Technical and Infrastructure Services) 14/3/6 0013418

(vpb)

PURPOSE OF THE REPORT

The purpose of the report is to submit a progress report to Council regarding the final Memorandum of Agreement submitted by SANRAL with regard to the management, control, maintenance and rehabilitation of the specified sections of the National Road R24 and the National Roads N4.

K. M

RESOLVED:**ACTION**

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|----|---|-----|
| 1. | That the report “progress report: Memorandum of Agreement between the South African National Roads Agency SOC Limited (SANRAL) and the Rustenburg Local Municipality - management, control, maintenance and rehabilitation of the specified sections of the National Road R24 and the National Road N4 interchange” is noted; | CC |
| 2. | That SANRAL has resolved to take care of the maintenance of street lighting in R24 under their Routine Road Maintenance (RRM) contract; | CC |
| 3. | That SANRAL has appointed a Contractor for a period of 3 years to refurbish the Public lighting namely the Traffic Signals and the High Mast lights on the R24; | CC |
| 4. | That SANRAL re-submitted an updated and vetted Memorandum of Agreement which clearly indicate the intentions that the High Mast lights will stay the assets of SANRAL; | CC |
| 5. | That the “SANRAL VETTED MEMORUNDUM OF AGREEMENT RLM (V)” which clearly indicating the ownership and maintenance requirements of both parties be signed; and | CC |
| 6. | That another Memorandum of Understanding be entered to with SANRAL in relation to other roads that are within the jurisdiction of Rustenburg. | OMM |

129. **PROGRESS REPORT: GLENCORE MERAFA CHROME VENTURE APPLICATION FOR NEGOTIATED ELECTRICITY PRICING AGREEMENT**

(Directorate – Technical and Infrastructure Services) 14/13/1 0013594

PURPOSE OF THE REPORT

The purpose of the item is to give a progress report to Council on the ongoing negotiations for Electricity Pricing Agreement between Rustenburg Local Municipality and Glencore Merafe Chrome Venture.

RESOLVED:**ACTION**

- | | | |
|----|--|----|
| 1. | That the “Glencore Merafe chrome venture application for negotiated electricity pricing agreement” is noted; | CC |
|----|--|----|

(4)

2. It be noted that no feedback was received by Rustenburg Local Municipality from Glencore regarding the proposal tabled by Rustenburg Local Municipality on a meeting held on 13th May 2022; and CC
3. That reports be submitted to Council on a quarterly basis on progress made regarding the negotiations. DTIS

130. **AGREEMENT OF SALE AND DEVELOPMENT: RUSTENBURG LOCAL MUNICIPALITY//MUNICIPAL EMPLOYEES PENSION FUND (REGISTRATION NUMBER 12/8/5625/1) // ERF 2673 RUSTENBURG TOWNSHIP IN EXTENT 1.3102 HECTARES**

(Directorate: Planning and Human Settlement) E2673 RTB 0013554 (IM)

PURPOSE OF THE REPORT

To purpose of this report is to provide progress with regard to the agreement of sale and transfer of ERF 2673 Rustenburg Township from Rustenburg Local Municipality to the Municipal Employees Pension Fund.

RESOLVED:

ACTION

1. The progress report on the agreement of sale and development: Rustenburg Local Municipality//Municipal Employees Pension Fund (registration number 12/8/5625/1) // erf 2673 Rustenburg township in extent 1.3102 hectares is noted; CC
2. It be noted that the agreement of sale has lapsed and automatically cancelled; and CC
3. That the new valuation will not be obtained as it will amount to wasteful and fruitless expenditure as there is no existing agreement. CC

131. **DETERMINATION IN TERMS OF SECTION 14 OF THE MUNICIPAL FINANCE MANAGEMENT ACT (ACT 56 OF 2003): LEASE OF THE RUSTENBURG AERODROME**

(Directorate: Planning & Human Settlement) 7/1/2/4 0013722 PL

PURPOSE OF THE REPORT

To request Council to make a determination in terms of Section 14 of the Municipal Finance Management Act (Act 56 of 2003), in respect of the Rustenburg Aerodrome (a Portion of Townlands and Townlands 272 JQ).

K. M.

RESOLVED:

ACTION

1. That the item is referred back.

DPHS

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132. **THIRD (3RD) QUARTER PERFORMANCE REPORT 2021/2022**
(Office of the Municipal Manager – Strategy and Planning)

PURPOSE OF THE REPORT

This report serves to table to Council the 3rd Quarter Report for the financial year 2021/2022.

RESOLVED:

ACTION

1. That the 3rd Quarter Performance Report 2021/2022 is noted;
and CC
2. That the 3rd Quarter Performance Report 2021/2022 is approved. CC

-
133. **PROGRESS REPORT ON IMPLEMENTATION OF UNAUTHORISED, IRREGULAR AND FRUITLESS AND WASTEFUL EXPENDITURE REDUCTION PLANS – MARCH 2022**
(Budget and Treasury Office) 7/1/1/2 (0013734) GD

PURPOSE OF THE REPORT

The purpose of the report is to provide Council with the progress made in implementation of the Unauthorised, Irregular and Fruitless and Wasteful (UIFW) reduction plan.

RSOLVED:

ACTION

1. That the item is withdrawn.

BTO

-
134. **REPORT ON WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE PERIOD JANUARY 2022 TO MARCH 2022**
(Budget and Treasury Office) 5/2/14/4 (0014943) (MM)

PURPOSE OF THE REPORT

The purpose of the report is to provide Council with a report on withdrawals made from the Municipal bank account for the 3rd quarter of the 2021/22 financial year.

RESOLVED:

ACTION

1. That Council notes the late submission of the report and the reasons thereof; CC

K. M

- | | | |
|----|---|-----|
| 2. | That Council condones the late submission of the report; | CC |
| 3. | That a copy of the report be submitted to National and provincial Treasuries and the Auditor General (South Africa), as prescribed by the section 11 (4) of the Municipal Finance Management Act (MFMA) ; and | BTO |
| 4. | That a report on withdrawals from Municipal Bank Accounts for the 3 rd quarter of 2021/22 financial year, is noted by council. | CC |

135. **MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 52(d) AND 71 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – MARCH 2022**

(Budget and Treasury Office)

5/1/1 (0014938)

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with the financial result for period ending **31st March 2022** in order to enable oversight on management of the resources of the municipality, as required by Section 52(d) and 71 of the MFMA.

RESOLVED:

ACTION

1. The report is withdrawn.

BTO

136. **SUPPLY CHAIN MANAGEMENT: BIDS AWARDED ABOVE R200 000: APRIL 2022 TO MAY 2022**

(Budget and Treasury Office)

6/1/1/2 (0014933)

GD

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with the progress regarding the implementation of the supply chain management system for the months of April 2022 to May 2022.

RESOLVED:

ACTION

1. That the item is referred back and a detailed report on the Supply Chain Processes followed relating to service provider appointed be submitted at the next Council sitting.

BTO

K. M

137. **REPORT ON DEBT COLLECTION INCENTIVE SCHEME**

(Directorate: Budget and Treasury)

5/2/12/4/3 (0014944)

LM/pm

PURPOSE OF THE REPORT

The purpose of this report is to request Council's approval on an approach to encourage payment for municipal services through an incentive scheme.

RESOLVED:**ACTION**

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|---|------------|
| 1. That Council notes the report on proposed debt incentive scheme; | CC |
| 2. That Council approves the proposed incentive scheme for implementation effective September 2022; | CC |
| 3. That the incentive scheme be incorporated into a stakeholder engagement drive #MyCityMyResponsibility; | BTO |
| 4. That the proposed plan on challenges impacting implementation be implemented; | BTO
OMM |
| 5. That the incentive be enforced for a period of twelve (12) months and thereafter be reviewed for a possible extension; | BTO |
| 6. That the budget implication be considered during the adjustments budget of 2022/23; and | BTO |
| 7. That a complete campaign and communication strategy be submitted at the next ordinary sitting of Council and must also reflect the progress of the campaign. | BTO |

138. **APPOINTMENT OF SECTION 56 EMPLOYEES: REQUEST TO ADVERTISE THE POSITION DIRECTOR PLANNING AND HUMAN SETTLEMENT AND APPOINTMENT OF THE SELECTION PANEL**

(Directorate: Corporate Support Services)

(JPM)

PURPOSE OF THE REPORT

The purpose of the report is to request the Council to advertise the position of the Director: Planning and Human Settlement and to appoint the selection panel.

RESOLVED:**ACTION**

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|---|----|
| 1. That the report appointment of Section 56 Employees: Request to advertise the position Director Planning and Human Settlement and Appointment of the Selection Panel is noted; | CC |
|---|----|

- | | | |
|----|---|-----|
| 2. | That the due-to-be vacant position of Director: Planning and Human Settlement be advertised within seven (07) days; | CC |
| 3. | That Council constitutes a selection panel as follows: | CC |
| | <ul style="list-style-type: none">• Municipal Manager as the Chairperson;• Member of the Mayoral Committee for Planning and Human Settlement;• Municipal Manager from another Municipality; | |
| 4. | That the administrative support be provided in line with Regulation 12 (8) of the MSA; | DCS |
| 5. | That interviews be conducted publicly; | DCS |
| 6. | That vetting process be finalised before the report is submitted to Council; | DCS |
| 7. | That employment equity targets be considered; and | DCS |
| 8. | That a competency assessment report be attached. | DCS |

139. **APPOINTMENT OF SECTION 56 EMPLOYEES: REQUEST TO ADVERTISE THE POSITION DIRECTOR COMMUNITY DEVELOPMENT AND APPOINTMENT OF THE SELECTION PANEL**

(Directorate: Corporate Support Services)

(JPM)

PURPOSE OF THE REPORT

The purpose of the report is to request the Council to advertise the position of the Director: Community Development and to appoint the selection panel.

RESOLVED:

ACTION

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|----|---|----|
| 2. | That the report appointment of Section 56 employees: Request to advertise the position Director Community Development and appointment of the selection panel is noted; | CC |
| 3. | That the due-to-be vacant position of Director: Community Development be advertised within seven (07) days; | CC |
| 3. | That Council constitutes a selection panel as follows: | CC |
| | <ul style="list-style-type: none">• Municipal Manager as the Chairperson;• Member of the Mayoral Committee for Community Development;• Municipal Manager from another Municipality; | |

K. M

- | | | |
|----|---|-----|
| 4. | That the administrative support be provided in line with Regulation 12(8) of the MSA; | DCS |
| 5. | That interviews be conducted publicly; | DCS |
| 6. | That vetting process be finalised before the report is submitted to Council; | DCS |
| 7. | That employment equity targets be considered; and | DCS |
| 8. | That a competency assessment report be attached. | DCS |

140. **APPOINTMENT OF SECTION 56 EMPLOYEES: REQUEST TO ADVERTISE THE POSITION DIRECTOR LOCAL ECONOMIC DEVELOPMENT AND APPOINTMENT OF THE SELECTION PANEL**

(Directorate: Corporate Support Services)

(JPM)

PURPOSE OF THE REPORT

The purpose of the report is to request the Council to advertise the position of the Director: Local Economic Development and to appoint the selection panel.

RESOLVED:

ACTION

- | | | |
|----|---|-----|
| 1. | That the report appointment of Section 56 employees: Request to advertise the position Director Local Economic Development and appointment of the selection panel is noted; | CC |
| 2. | That the due-to-be vacant position of Director: Local Economic Development be advertised within seven (07) days; | CC |
| 3. | That Council constitutes a selection panel as follows: <ul style="list-style-type: none"> • Municipal Manager as the Chairperson; • Member of the Mayoral Committee for Local Economic Development; • Municipal Manager from another Municipality; | CC |
| 4. | That the administrative support be provided in line with Regulation 12(8) of the MSA; | DCS |
| 5. | That interviews be conducted publicly; | DCS |
| 6. | That vetting process be finalised before the report is submitted to Council; | DCS |
| 7. | That employment equity targets be considered; and | DCS |
| 8. | That a competency assessment report be attached. | DCS |

K. M

IT BE NOTED THAT ITEM 141 WAS DISCUSSED IN-COMMITTEE

141. **APPOINTMENT OF SECTION 57 EMPLOYEES: APPOINTMENT OF DIRECTOR
ROADS AND TRANSPORT**

(Directorate: Corporate Support Services)

(Personnel) (JPM)

PURPOSE OF THE REPORT

The purpose of the report is to request council to approve the appointment of Section 57 employees:
Appointment of Director Roads and Transport.

RESOLVED:

ACTION

- | | | |
|----|--|-----|
| 1. | That the report on the appointment of Section 57 employees:
Appointment of Director Roads and Transport is noted; | CC |
| 2. | That the Council notes the discussions in terms of regulation on the
appointment if senior managers; | CC |
| 3. | That the Municipal Manager be authorised to advertise as per
Regulation 10 of the Local Government Regulation on Appointment
and Conditions of Employment of Senior Managers; | DCS |
| 4. | That Council constitutes a selection panel as follows:
<ul style="list-style-type: none">• Municipal Manager as the Chairperson;• MMC for Roads and Transport;• Municipal Manager from another Municipality | CC |
| 5. | That the administrative support be provided in line with Regulation
12(8) of MSA; | DCS |
| 6. | That a progress report be submitted in next Ordinary Council sitting; | DCS |
| 7. | That interviews be conducted publicly; and | DCS |
| 8. | That employment equity targets be considered. | DCS |

K. M

IT BE NOTED THAT ITEM 142 WAS DISCUSSED IN-COMMITTEE

142. **APPOINTMENT OF SECTION 57 EMPLOYEES: APPOINTMENT OF DIRECTOR CORPORATE SUPPORT SERVICES**

(Directorate: Corporate Support Services)

(Personnel) (JPM)

PURPOSE OF THE REPORT

The purpose of the report is to request council to approve the APPOINTMENT OF SECTION 57 EMPLOYEES: APPOINTMENT OF DIRECTOR CORPORATE SUPPORT SERVICES.

RESOLVED:

ACTION

- | | | |
|----|---|-----|
| 1. | That the report on the appointment of Section 57 employees: Appointment of Director Corporate Support Services is noted; | CC |
| 2. | That Council notes the discussion in terms of regulation on the appointment if senior managers; | CC |
| 3. | That the Municipal Manager be authorised to advertise as per Regulation 10 of the Local Government Regulation on Appointment and Conditions of Employment of Senior Managers; | DCS |
| 4. | That Council constitutes a selection panel as follows: <ul style="list-style-type: none"> • MM as the Chairperson; • MMC for Corporate Service Support; • MM from another Municipality | CC |
| 5. | That the administrative support be provided in line with Regulation 12(8) of Municipal Systems Act; | DCS |
| 6. | That a progress report be submitted in next Ordinary Council sitting; | DCS |
| 7. | That interviews be conducted publicly; and | DCS |
| 8 | That employment equity targets be considered. | DCS |

K. M

IT BE NOTED THAT ITEM 143 WAS DISCUSSED IN-COMMITTEE

143. **APPOINTMENT OF SECTION 57 EMPLOYEES: APPOINTMENT OF DIRECTOR TECHNICAL AND INFRASTRUCTURE SERVICES**

(Directorate: Corporate Support Services)

(Personnel) (JPM)

PURPOSE OF THE REPORT

The purpose of the report is to request council to approve the APPOINTMENT OF SECTION 57 EMPLOYEES: APPOINTMENT OF DIRECTOR TECHNICAL AND INFRASTRUCTURE SERVICES.

RESOLVED:

ACTION

- | | | |
|----|--|-----|
| 1. | That the report on the appointment of Section 57 employees: Appointment of Director Technical and Infrastructure Services is noted; | CC |
| 2. | That Council notes the discussion in terms of regulation on the appointment if senior managers; | CC |
| 3. | That the Municipal Manager be authorised to advertise as per Regulation 10 of the Local Government Regulation on Appointment and Conditions of Employment of Senior Managers; | DCS |
| 4. | That Council constitutes a selection panel as follows:

Municipal Manager as the Chairperson;
MMC for Technical and Infrastructure Services
MM from another Municipality | CC |
| 5. | That the administrative support be provided in line with Regulation 12(8) of Municipal Systems Act; | DCS |
| 6. | That a progress report be submitted in next Ordinary Council sitting; | DCS |
| 7. | That interviews be conducted publicly; and | DCS |
| 8 | That employment equity targets be considered. | DCS |

K. M

144. **REPORT ON LATE SUBMISSION OF THE REPORT TO COUNCIL: SUPPLY CHAIN MANAGEMENT BID AWARDED ABOVE R200 000 FOR JANUARY 2022 TO MARCH 2022**

(Budget and Treasury Office)

6/1/1/2 (0014704)

(GD)

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with reasons for late submission of the report to Council: Supply Chain Management ("SCM") - Bids awarded above R200 000 for January 2022 to March 2022.

RESOLVED:

ACTION

1. That Council notes the report.

CC

145. **PROGRESS REPORT BY COUNCIL REPRESENTATIVES FROM BOJANALA PLATINUM DISTRICT MUNICIPALITY**

(Office of the Speaker)

PURPOSE OF THE REPORT

The purpose of the report is to provide Council with the progress report regarding Rustenburg Local Municipality Councillors who have been seconded to serve at Bojanala Platinum District Municipality.

RESOLVED:

ACTION

- | | |
|---|-----|
| 1. That the progress report is noted; | CC |
| 2. That Cllr Langeni E be appointed as the convener of Councillors that are seconded to serve at Bojanala Platinum District Municipality; and | CC |
| 3. That all resolutions taken by the Bojanala Platinum District Municipality that have an impact on the Rustenburg Local Municipality be highlighted as part of the report and be submitted at the next ordinary Council sitting. | OSP |

146. **FEEDBACK ON ESTABLISHMENT OF LOCAL MUNICIPAL STRUCTURE OF MULTI-PARTY WOMEN CAUCUS: JUNE 2022**

(Office of the Speaker)

(MMT)

PURPOSE OF THE REPORT

The purpose of the item is to inform Council about the establishment of Local Municipal Multi-Party Women Caucus: June 2022

K. M

RESOLVED:

ACTION

- | | | |
|----|---|-----|
| 1. | That the report is noted; | CC |
| 2. | That the Women Caucus be recognised and they submit reports to the office of the Speaker; and | CC |
| 3. | That the reports from the Women Caucus be submitted to Council on a quarterly basis. | OSP |

-
147. **REPORT BACK: SALGA LOCAL ECONOMIC DEVELOPMENT (LED) PORTFOLIO BASED TRAINING FOR COUNCILLORS**
(Office of the Speaker) (MMT)

PURPOSE OF THE REPORT

The purpose of the report is to report back to Council on the attendance of the SALGA Local Economic Development Portfolio Based Training held from 21-22 June 2022 at Mahikeng, Hotel School.

RESOLVED:

ACTION

- | | | |
|----|---------------------------|----|
| 1. | That the report is noted. | CC |
|----|---------------------------|----|
-

IT BE NOTED THAT CLLR LEBELO S RECUSED HIMSELF ON ITEM 148

148. **ALLEGATIONS OF BREACH OF CODE OF CONDUCT AGAINST CLLR S. LEBELO**
(Office of the Speaker) (MMT)

PURPOSE OF THE REPORT

The purpose of the report is to provide the Council with a report regarding allegations of breach of code of conduct against Cllr S. Lebelo

RESOLVED:

ACTION

- | | | |
|----|--|-----|
| 1. | That the report be referred back for a legal opinion to be sought; and | OSP |
| 2. | That the legal opinion be submitted at the next Council sitting. | OSP |
-

IT BE NOTED THAT AFTER THE DISCUSSION ON ITEM 148, CLLR LEBELO S WAS ALLOWED BACK INTO THE CHAMBER

K. M.

IT BE NOTED THAT SIGLE WHIP - CLLR MABE L L RECUSED HERSELF FROM ITEM 149

IT BE NOTED THAT AFTER THE RECUSAL OF THE SINGLE WHIP, NOMINATION ON THE ELECTIONS OF THE ACTING SINGLE WHIP WERE CONDUCTED

IT BE NOTED THAT THE EXECUTIVE MAYOR NOMINATED CLLR BOSSAU A A TO BE APPOINTED AS INTERIM SINGLE WHIP DURING THE DISCUSSION ON ITEM 149

IT BE NOTED THAT CLLR VENA E K SECONDED THE NOMINATION BY THE EXECUTIVE MAYOR SUBSEQUENT TO CLLR BOSSAU A A ACCEPTING THE NOMINATION

149. **ALLEGATIONS OF BREACH OF CODE OF CONDUCT AGAINST CLLR L.L MABE**
(Office of the Speaker) (MMT)

PURPOSE OF THE REPORT

The purpose of the report is to provide the Council with a report regarding allegations of breach of code of conduct against Cllr L.L Mabe.

RESOLVED:

ACTION

- | | | |
|----|--|-----|
| 1. | That the report be referred back for legal opinion to be sought; and | OSP |
| 2. | That the legal opinion be submitted at the next Council sitting. | OSP |
-

IT BE NOTED THAT AFTER THE DISCUSSION ON ITEM 149, CLLR MABE L L WAS ALLOWED BACK INTO THE CHAMBER

150. **DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS**
(Office of the Speaker) MMT

PURPOSE OF THE REPORT

The purpose of this report is to table before Council the attached Government Notice No. 11440 of Gazette No 46470 on Determination of Upper Limits of Salaries, Allowances and Benefits of the Different Members of Municipal Councils, that takes effect from the 02 June 2022 for consideration by Council.

RESOLVED:

ACTION

- | | | |
|----|---------------------------|----|
| 1. | That the report is noted; | CC |
|----|---------------------------|----|

K. M

- | | | |
|----|---|------------|
| 2. | That the notice of the Minister on determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils is noted; | CC |
| 3. | That Council approves the determination of upper limits of salaries, allowances and benefits of different members of Municipal Council subject to receipt of the concurrence by the MEC; | OSP
BTO |
| 4. | That upon approval, the determination of upper limits of salaries, allowances and benefits of different members of Municipal Council, be implemented as per Government Gazette No. 1440 dated 02 June 2022; and | OSP
BTO |
| 5. | That a report be submitted to Council on the necessity of the Personal Security for the Single Whip of Council. | DCS |

IT BE NOTED THAT ARONA DOES NOT ALIGN ITSELF WITH RESOLUTIONS 3 AND 4

151. **MEMORANDUM FROM COMMUNITY OF PHOKENG (WARD 06), RAMOCHANA (WARD 39) AND MARIKANA (WARD 31 & 32)**
(Office of the Speaker) (MMT)

PURPOSE OF THE REPORT

The purpose of the report is to notify Council on the Memorandums received by Office of the Speaker.

RESOLVED:

ACTION

- | | | |
|----|---|------|
| 1. | That the report is noted; | CC |
| 2. | That the Executive Mayor bring all the memorandums submitted to the office to Council; and | OEM |
| 3. | That the memorandum from the Ramochana community be tabled in the PFC: Technical and Infrastructure Services. | DTIS |

K. M.

152. **NON-ATTENDANCE OF COUNCIL AND PORTFOLIO COMMITTEE MEETINGS BY COUNCILLORS: FEBRUARY- JUNE 2022**

(Office of the speaker)

(MMT)

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 and Portfolio Committee meetings.

RESOLVED:

ACTION

- | | | |
|----|--|-----|
| 1. | That report is noted; | CC |
| 2. | That the Speaker convene a meeting with Whips of different political parties on the review of deployment of Councillors to different Portfolio Committees; and | OSP |
| 3. | That resolution 4 of item 68 that served at Council of 8 th March 2022 be rescinded. | CC |

IT BE NOTED THAT BOTHO COMMUNITY MOVEMENT DOES NOT ALIGN ITSELF WITH RESOLUTIONS

IT BE NOTED THAT ARONA DOES NOT ALIGN ITSELF WITH THE RECOMMENDATION

K. M

IT BE NOTED THAT ITEM 153 WAS DISCUSSED IN-COMMITTEE

IT BE NOTED THAT THE ECONOMIC FREEDOM FIGHTERS REQUESTED A CAUCUS FOR 5 MINUTES, WHICH THE SPEAKER GRANTED

153. **MATERIAL IRREGULARITY: PENALTIES PAID AS A RESULT OF LATE SUBMISSION OF VAT RETURNS RAISED BY THE AUDITOR GENERAL OF SOUTH AFRICA IN THE 2021/2022 AUDIT PERIOD**
(Office of the Municipal Manager) SVM/vp

PURPOSE OF THE REPORT

The purpose of this item is to report to Council on Material Irregularity: Penalties paid as a result of late submission of VAT returns raised by the Auditor General of South Africa in the 2021/2022 audit period

RESOLVED:

ACTION

- | | | |
|----|--|-----|
| 1. | That the report on Material Irregularity: Penalties Paid as a Result of Late Submission of VAT Returns Raised by the Auditor General of South Africa in the 2021/2022 Audit Period is noted; | CC |
| 2. | That the Chief Financial Officer be provided with an opportunity to make written representation to the municipal council on the allegations raised within seven (07) days; and | CFO |
| 3. | That a Special Council meeting be arranged to consider the Chief Financial Officer's response within seven (07) days of the receipt of responses. | OSP |

K. M

9. **SUBMISSION OF REPORTS BY COUNCIL REPRESENTATIVES FROM BOJANALA DISTRICT MUNICIPALITY:**

Item 145 refers.

10. **REPORTS FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE:**

None.

11. **REPORTS FROM THE AUDIT COMMITTEE:**

None.

12. **REPORT ON SALGA ACTIVITIES:**

Items 146 and 147 refer.

13. **SUBMISSIONS BY THE TRADITIONAL LEADERS:**

None.

14. **REPORTS BY THE SPEAKER:**

Items 148 to 152 refer.

15. **REPORT BY THE SINGLE WHIP:**

None.

16. **REPORT BY THE MUNICIPAL MANAGER ON IMPLEMENTATION OF COUNCIL RESOLUTIONS:**

None.

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

It be noted that Cllr Nke H S R R requested that an amendment be carried on the original motion in line with Rule 69 of the Rules of Order By-law and the amendment was carried and replaced the original motion.

The amended motion was therefore carried by Council

MOTION NO. 01/2022: ENFORCING SECTION 79 OF THE STRUCTURES ACT 117 OF 1998 TO PROMOTE THE FUNCTIONALITY OF THE MPAC COMMITTEE

- 17.1 That Cllr Dumani M C be removed from the Municipal Public Accounts Committee with immediate effect;



- 17.2 That a Special Committee be appointed in terms of item 16(1) b of schedule 7 of the Municipal Local Government Structures Act to deal with the matter;
- 17.3 It be noted that the following two proposals were received on the procedure to establish the committee:
- 17.3.1 In Favour of a multi-party committee of seven members;
- 17.3.2 Against the multi-party committee and for a committee of seven members;
- 17.4 It be noted that the Speaker divided the house and the following results were recorded;
- In Favour of a multi-party committee of seven members – 37 Councillors;
 - Against the multi-party committee and for a committee of seven members – 43 Councillors;
 - Abstained – 1 Councillors;
 - Absent – 9 Councillors;
- And Council resolved that a committee of seven members be established;
- 17.5 The following ten (10) names of councillors were nominated to be members of the committee:
- Cllr Sentsho S L was nominated by Cllr Moduke T O, seconded by Cllr Lebelo S M;
 - Cllr de Beer J M was nominated by Cllr Bossau A A, seconded by Cllr Rootman A P;
 - Cllr Motshegwe S M was nominated by Cllr Rampou D T, seconded by Cllr Seleka A A;
 - Cllr Lebethe P O L was nominated by Cllr Monaise K I, seconded by Cllr Manyaku E S;
 - Cllr Langeni E was nominated by Cllr Phiri K B, seconded by Cllr Xhinela Z;
 - Cllr Snyders L B was nominated by Cllr Nhacaungue N, seconded by Cllr Cronje J C;
 - Cllr Nkgweng G N was nominated by Cllr Moatshe F S, seconded by Cllr Gaonakala M I;
 - Cllr Nkgwang V K was nominated by Cllr Mashiakgomo K D, seconded by Cllr Nageng B V;
 - Cllr Matjene T E was nominated by Cllr Gumede, seconded by Cllr Mokhaba;
 - Cllr Vena E K was nominated by Cllr Xhinela Z and seconded by Cllr Moduke;
- 17.5 It be noted that the Speaker allowed councillors to vote by show of hands and the following votes were recorded:
- Cllr Sentsho S L – 43 votes;
 - Cllr de Beer J M – 37 votes;
 - Cllr Motshegwe S M – 43 votes;
 - Cllr Lebethe P O L – 38 votes;
 - Cllr Langeni E – 43 votes;
 - Cllr Snyders L B – 38 votes;
 - Cllr Nkgweng G N – 43 votes;

K. M

- Cllr Nkgwang V K – 38 votes;
- Cllr Matjene T E – 38 votes;
- Cllr Vena E K – 44 votes;

17.6 It be noted that in exercising the elimination process, the name of Cllr de Beer J M fell off as she received the least votes and both Cllr Lebethe P O L and Cllr Nkgwang V K withdrew;

17.7 The following seven (7) Councillors were appointed as members of the Special Committee:

- Cllr Sentsho S L as the Chairperson;
- Cllr Motshegwe S M;
- Cllr Langeni E;
- Cllr Snyders L B;
- Cllr Nkgweng G N;
- Cllr Matjene T E;
- Cllr Vena E K;

17.8 That the Special Committee submits a report at the next ordinary Council sitting;

IT BE NOTED THAT THE ECONOMIC FREEDOM FIGHTERS REQUESTED A TWENTY (20) MINUTES CAUCUS, WHICH THE SPEAKER GRANTED

18. **NEW MOTIONS OR PETITIONS:**

IT BE NOTED THAT THE DEMOCRATIC ALLIANCE REQUESTED A FIFTEEN (15) MINUTES CAUCUS, WHICH THE SPEAKER GRANTED

MOTION NO. 02/2022: MOTION OF NO CONFIDENCE IN THE EXECUTIVE
MAYOR – CLLR SHEILA MABALE-HUMA

18.1 The Speaker allowed Cllr Bogatsu P N to present the motion as the proposer, seconded by Cllr Mokgosi C T;

18.2 It be noted that the following two proposals were received on dealing with the motion:

- 17.3.1 That the motion be postponed in line with Rule 59 (2);
- 17.3.2 That the motion be dealt with immediately;

18.3 It be noted that the Speaker divided the house and the following results were recorded;

- Against the motion being postponed – 35 Councillors;
- In favour of the motion being postponed- – 45 Councillors;
- Abstained – none;
- Absent – 10 Councillors;

18.4 It be noted that the motion submitted by the Economic Freedom Fighters will be dealt with in the next ordinary Council sitting by means of a secret ballot.

K. M

(x)

19. **QUESTIONS:**

None.


20. **ADOPTION OF MINUTES:**

Minutes of the (04/2022) Ordinary meeting of Council held on **26th July 2022** were approved.

21. **CLOSURE.**

The business of the meeting was concluded at 02h40.

SPEAKER:

 *Hogomotsi*

DATE APPROVED:

27/07/2022