

RUSTENBURG

LOCAL MUNICIPALITY

MINUTES OF THE (01/2018) ADJOURNED ORDINARY COUNCIL MEETING OF THE RUSTENBURG LOCAL MUNICIPALITY HELD ON TUESDAY 13th FEBRUARY 2018 AT 16:08 IN THE COUNCIL CHAMBER, UPPER LEVEL, CIVIC CENTRE, RUSTENBURG.

PRESENT

Cllr Mabale-Huma SSK - Speaker

Cllr Khunou M E – Executive Mayor

Cllr Babe N B

Cllr Bothomane P

Cllr Damoyi M

Cllr Fetmani E M

Cllr Gegula D

Cllr Habi A S

Cllr Jikeka P

Cllr Jongela S

Cllr Kgaladi P

Cllr Kombe O J

Cllr Kwanaite A M

Cllr Legopelo J B

Cllr Lekoro B F

Cllr Letlape S M

Cllr Mafoko S D

Cllr Magadla E B

Cllr Majolo W L

SSK

Cllr Makhaua V N
Cllr Malan P A
Cllr Malinga M
Cllr Malla A D
Cllr Mashishi-Ntsime J I
Cllr Masilo T I
Cllr Masondo N G
Cllr Mataboge A L
Cllr Mataboge G M
Cllr Matlhoko A
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 Moatshe F S
Cllr Mohube M M
Cllr Mokgatle O O
Cllr Mokotedi K G
Cllr Mokwele L P
Cllr Molatlhegi P R
Cllr Moleme K G
Cllr Molotsane D M
Cllr Molubi J N
Cllr Monageng V N
Cllr Morei K B
Cllr Mosoeu S M S
Cllr Motlhamme G S

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Cllr Motshwane J
Cllr Mpolokeng B J
Cllr Mqanqeni N V
Cllr Mvula P
Cllr Nel D
Cllr Ngwato J D
Cllr Njikelane M
Cllr Nkgoang L I
Cllr Ngwato V K
Cllr Nkosi L M
Cllr Nongqoqo M I
Cllr Omarjee M
Cllr Pelesi K L
Cllr Radebe M W
Cllr Rantho M R
Cllr Seleka A
Cllr Sephai J L
Cllr Setshoane F L
Cllr Sikwane C K
Cllr Snyders L B
Cllr Tjie P
Cllr Tlhapi P A
Cllr Tsamai A
Cllr Tshabalala T E
Cllr Tsienyane P
Cllr Venter P A G
Cllr Wolf J
Cllr Wolmarans S D
Cllr Xatasi N S
Cllr Xhanela Z

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OFFICIALS

Ms Sithole N - Municipal Manager

Mr Mashile K - Director: Technical & Infrastructure Service

Mr Maposa K - Chief Financial Officer

Ms Halenyane M - Director Planning and Human Settlement

Ms Rampete N - Director: Community Development

Mr Moleele O - Acting Director: Roads & Transport

Mr Mfulwe B - Acting: Director Public Safety

Mr Komane E - Local Economic Development

Mr Nontyi V F - Acting Manager: Office of the Speaker

Ms Kgosimore B P - Manager: Office of the Executive Mayor

Mr Pholose A - Acting Director: Corporate Support Services

Ms Dintwe T - Administrative Assistant:
Administrative Support Services

Mr JwJv Vuuren - Section Manager: General Administrator
Administrative Support Services

Ms Khunou B - Administrative Assistant:
Administrative Support Services

Ms Khunou N - Administrative Officer
Administrative Support Services

Ms Makona P - Section Manager: Committee work
Administrative Support Services

Mr Modise K - Typist
Administrative Support Services

Ms Mogakwe K - Typist
Administrative Support Services

Ms Rapelego M - Typist:
Administrative Support Services

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1. OPENING PRAYER AND WELCOME:

- 1.1 It be noted that the meeting was opened with a prayer by Cllr Tsamai A, where after the Speaker welcomed all members present and members of the public in the gallery.
- 1.2 It be noted that the Speaker made the following remarks :
- That the ordinary Council meeting of the 30th January 2018 continued until the 31st January 2018 and was adjourned by the Speaker after disruptions;
 - The Speaker convened a meeting with all Party Whips and they concluded that the adjourned meeting be held on the 1st of February 2018;
 - That after the meeting of 01st February 2018, a legal opinion was obtained with regards to the legality of the meeting, which advised that the meeting was illegal;
 - The Speaker then prepared a notice to call this Council meeting of 13th February 2018, which was circulated to all councillors.
- 1.3 It be noted that Council nullified the meeting of the 1st February 2018 and its decisions;
- 1.4 It be noted that the EFF requested a caucus, which the Speaker granted;
- 1.5 The EFF reported the following from their caucus:
- That the legal advice that the Speaker mentioned in her opening remarks should have been circulated to all councillors;
 - That Council need to separate business on the agenda of 30th January 2018 (Ordinary Council) from that of 31st January 2018 (Special Council);
 - That it be clarified as to whether this is a special or ordinary Council meeting.
- 1.6 It be noted that the meeting of 13th February 2018 is an Adjourned Ordinary Council meeting;
- 1.7 It be noted that Council agreed during its meeting on the 30th January 2018 to incorporate the business of the special Council of 31st January into that of 30th January 2018 ordinary Council;
- 1.8 That the Rules of Order by-law be amended to cater for meetings that are adjourned due to unforeseen circumstances;
- 1.9 The EFF requested a caucus for opposition parties, which the Speaker granted and feedback is as follows:
- That having nullified the status of the meeting of 01st February 2018, today's meeting should proceed by discussing the reports that were outstanding when the ordinary Council meeting was adjourned on the 31st January 2018.

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

- 2.1 That leave of absence be granted to the following Councillors: Du Plessis G, Chauke O, Edwards I, Matebesi M, Ledwaba-Kabelo B D, Monaise K I and Webster N.
- 2.2 It be noted that the following Councillors requested to be recused at the following times: Jikeka P at 13h00 (left), Malan P at 14h00(left), Matebesi M at 14h00 (left), Motlhamme G S at 13h00(left), Ormajee at 11h00(left), Snyders at 14h30(left) and Tsamai A at 13h30(left).

3. **OFFICIAL NOTICES:**

It be noted that the State of the Province Address (SOPA) has been postponed to the 23rd February 2018 and that the venue remains Marikana Community Hall at 10h00.

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

That the following Councillors be congratulated on their birthdays:

FEBRUARY

Cllr Ngwato JD	05 February
Cllr Malinga M	07 February
Cllr Mokotedi KG	09 February
Cllr Wolf J	15 February
Cllr Phillips C	23 February
Cllr Wolmarans SD	24 February
Cllr Masilo TI	28 February

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

- 5.1 It be noted that Cllr Monageng V N conveyed a message of condolence to himself and his family for the passing on of their niece and that her soul rest in peace;
- 5.2 It be noted that Cllr Snyders L B congratulated the African National Congress (ANC) for removing President Jacob Zuma as the president of the Republic of South Africa and further conveyed a message of condolence to Cllr Tsamai A on the passing on of her brother;
- 5.3 It be noted that Cllr Matlhoko A conveyed his message of condolences to the family of Mr Tumakgale, a stalwart and activist who passed on the past weekend and that his soul rest in peace;

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- 5.4 It be noted that Cllr Bothomane P conveyed a message of condolences to Cllr Tsamai A for the passing on of her brother and further conveyed a message of condolences to the nation of Bakwena baModimosana for the passing on of their King, King Maselwane;
- 5.5 It be noted Cllr Bothomane P conveyed a message of appreciation to the African National Congress (ANC) for taking a stand in acting upon the nation's interest by removing President Jacob Zuma as the president of the republic of South Africa;
- 5.6 It be noted that Cllr Masilo T congratulated Ms Patricia de Lille for defending a motion of no confidence against her.
- 5.7 It be noted that Cllr Mpolokeng J congratulated the Economic Freedom Fighters (EFF) in Bojanala Region and Dr Ruth Mompoti for successfully hosting Regional Assemblies.
6. **DECLARATION OF INTEREST BY MEMBERS RELATING TO ANY ITEM:**
None.
7. **MINUTES OF THE PREVIOUS MEETINGS:**
- Minutes of the (09/2017) Ordinary Council meeting held on 28 November 2017;
--- Minutes of the (10/2017) Special Council meeting held on 11 December 2017;
- Minutes 28 November 2017: Correction on President Ramaphosa who is the Deputy President of South Africa and President of the African National Congress.

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8. **REPORT OF THE EXECUTIVE MAYOR:**

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NO	HEADING	MC/CC
2.	Request for Additional Space for Informal Trading	CC
3.	Transfer of a non-exempt asset being a portion of Erf 2473 Cashan Ext. 28 (Referred to as the Civic Centre) Measuring 5 Ha for the development of a Rustenburg Gateway Convention Centre	CC
4.	Progress Report on the Phatsima Agricultural Project and second phase with Sibanye Mine	CC
5.	Progress Report: Bojanala District Agricultural Park Operational Task Team (D.A.P.O.T.T) Project Implementation	CC
6.	Business Support Programme for Cooperatives: Proposed workshop schedule for municipal clusters	CC
7.	Response to item 362 of 03 rd October 2017: Council resolution monthly progress report: Marikana Agri Hub Special Presidential package	CC
8.	Partnership with ABSA bank limited for enterprise development in Rustenburg	CC
9.	Progress report on the Hospitality Youth Learnership Programme – initiated by the National Department of Tourism; through the CATHS-SETA.	CC
10.	Update report on informal trading at the taxi rank	CC
11.	Progress report regarding the establishment of a municipal entity at Olympia Park Stadium and its amenities	CC
12.	Progress report: Rehabilitation of Kremetart mini transfer station as per Council resolution 343 of 05 September 2017	CC
13.	Item 390: North-South Cooperation Project: Report on the intensive training of two (2) officials (Waste Management official and Economic Development) that took place in LATHI	CC
14.	Progress report on the revision of Integrated Waste Management Plan (IWMP)	CC

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NO	HEADING	MC/CC
15.	Progress on the development of Strumosa Science, Environmental and Business Centre (SSEBC) as per items 226 of 28 August 2012 and 344 Of 05 September 2017.	CC
16.	Application on offer to donate land to the Rustenburg Local Municipality by the Rustenburg Platinum Mines: Portions 109, 26 and 50 of farm Paardekraal 279 JQ.	CC
17.	Application in terms of Section 14 of the MFMA, Act 56 Of 2003 – Erf 2281 Rustenburg Extension 9	CC
18.	Application to lease on remainder of Portion 1 of Town and Townlands of Rustenburg 272 JQ, Rustenburg	CC
19.	Application for a long-term lease between Rustenburg Platinum Mines (Sibanye Rustenburg Platinum Mines Property Limited) with Rustenburg Local Municipality: portion of the farm Rustenburg Town & Townlands 272 JQ K5/K6	CC
20.	Progress report on functionality of the Rustenburg Municipal Court	CC
21.	Cost Benefit Analysis: In-House vs Out-Sourced Security Services	CC
22.	Roads & Transport: Report on the Bus Acquisition for the Rustenburg Rapid Transport Project	CC
23.	Roads & Transport: Progress Report on the implementation of the Rustenburg Rapid Transport Project	CC
24.	Roads and Transport: Progress report on Taxi and Bus Industry Transition Process for the Rustenburg Rapid Transport Project	CC
25.	Roads and Transport: Comprehensive Integrated Transport Plan for Rustenburg Local Municipality for the period 2017 – 2021 – Final Draft	CC
26.	Public Participation Report: Policy Framework and guidelines for the implementation of Fire Brigade Services Reservists Program (Rustenburg)	CC

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NO	HEADING	MC/CC
27.	Application in Terms of Section 14 of the MFMA (2003) – Extension 10, Geelhoutpark	CC
28.	Supply Chain Management Awards Made: July-December 2017	CC
29.	Monthly Budget Statements in Terms in Section 71 and Section 52(D) of the Municipal Finance Management Act, Act 56 of 2003 and Quarterly Financial Information's in Terms of Section 71 of the Municipal Finance Management Act 56 of 2003	CC
30.	Monthly Budget Statements in Terms of Section 71 of the Municipal Finance Management Act, Act 56 of 2003 and Quarterly Financial Information in Terms of Section 71 of the Municipal Finance Management Act 56 of 2003	CC
31.	Progress on the Financial Loss Suffered by the Municipality	CC
32.	Secondment of Director: Technical & Infrastructural Services to Ventersdorp Local Municipality	CC
33.	Revenue Enhancement Report	CC
34.	Supply Chain Management: Approved Deviations for July to December 2017	CC
35.	Item 329: Progress Report on Debt owed by Municipal Councillors: December 2017	CC
36.	Item 415 No.4 Current Status on the Litigation between the Rustenburg Local Municipality (Hereinafter "RLM") and Fleetmatics VMS (Pty) Ltd	CC
37.	2016/17 Regularity Audit	CC
38.	Progress Report on debt owed by Municipal Employees: December 2017	CC
39.	383: Progress Report – Sector Plans – Directorate: Technical and Infrastructure Services (Water Services Master Plan)	CC
40.	383: Progress Report – Sector Plans – Directorate: Technical and Infrastructure Services (Water Services Development Plan)	CC

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NO	HEADING	MC/CC
41.	Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Council	CC
42.	Report on the Vetting of Qualification of Employees as per Item 295 of 2 December 2016	CC
43.	Progress Report on Resolution No. 56 Of March 2017: Appointment of Temporary Employees who were Terminated on 30 April 2016	CC
44.	Back to basics: Action Plan	CC
45.	Report on Local Economic Development Implementation Programme	CC
46.	Appointment of section 56 employees: Acting Director Corporate Support Services	CC
47.	Appointment of Section 56 Employees: Acting Director: Public Safety	CC
48.	Report on the Probation Period of the Chief Financial Officer	CC
49.	Progress report for War on Illegal Dumping around Rustenburg	
50.	Quarterly progress report on Integrated and Coordinated By – Law Enforcement	
51.	Salaries – July 2017 to December 2017	

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IT BE NOTED THAT COUNCIL WAS ADJOURNED ON THE 31ST OF JANUARY 2018, AFTER THE DIVISION OF THE HOUSE WAS CONDUCTED IN ITEM 41 AND BEFORE THE RESULTS WERE ANNOUNCED.

MOTION FOR DIVIDING THE HOUSE:

- THAT COUNCILLORS BE REMUNERATED IN TERMS OF GRADE SIX (6)

THAT THE OUTCOME FOR THE DIVISION OF THE HOUSE CONDUCTED ON 31ST JANUARY 2018 IS NOTED AS FOLLOWS:

IN FAVOUR	: 29
NOT IN FAVOUR	: 36
ABSTAINED	: 0
ABSENT	: 24

IT BE NOTED THAT THE EFF DID NOT AGREE WITH THE OUTCOME OF THE DIVISION OF THE HOUSE

41. **DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCIL**
(Directorate: Corporate Support Services)

PURPOSE OF THE REPORT

The purpose of this report is to inform Council about the Determination of Upper Limits of Salaries, Allowances and Benefits of different members of Municipal Council issued by the minister of Cooperative Governance and Traditional Affairs on 15 December 2017.

COUNCIL RESOLVED:	<u>ACTION</u>
1. That the report is noted;	ALL
2. That the municipality continue paying Councillors in terms of grade five (5) for the remainder of the 2017/2018 financial year;	BTO
3. That Councillors be remunerated in terms of grade six (6) from the beginning of the 2018/2019 financial year;	BTO
4. The Accounting Officer initiate the process to get concurrence from the MEC of Local Government to implement the upper limits.	MM

IT BE NOTED THAT THE EFF DID NOT AGREE WITH THE RESOLUTIONS IN ITEM 41;

IT BE NOTED THAT CLLR NEL DID NOT AGREE WITH THE INCREMENT.

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43. **PROGRESS REPORT ON RESOLUTION NO. 56 OF MARCH 2017: APPOINTMENT OF TEMPORARY EMPLOYEES WHO WERE TERMINATED ON 30 APRIL 2016**
(Directorate: Corporate Support Services) (FS/ss)

PURPOSE OF THE REPORT

The purpose of the report is to request Council to consider the implementation plan in relation to Council Resolution No. 56 of March 2017.

COUNCIL RESOLVED:	<u>ACTION</u>
1. That the report is noted;	CC
2. That a report on the implementation of Council resolution with regards to the affected employees be tabled to Council on 27 February 2018;	DCS
3. That the report as in resolution 2 above should include full information on the following: - arbitration award; and - whether review has been lodged;	DCS
4. That a report be submitted explaining reasons as to why the information as in resolution 3 above was not included in the report;	DCS
5. That consequence management be implemented with regards to the insufficient information provided:	MM
6. That a report on all arbitration awards and labour related cases be submitted to Council at the end of March 2018;	OMM
7. That a report on all cases before court, including court judgements be submitted to Council at the end of March 2018.	OMM

46. **APPOINTMENT OF SECTION 56 EMPLOYEES: ACTING DIRECTOR CORPORATE SUPPORT SERVICES**
(Directorate: Corporate Support Services)

PURPOSE OF THE REPORT

The purpose of the report is to request Council to appoint an Acting Director Corporate Support Services.

COUNCIL RESOLVED:	<u>ACTION</u>
1. That the report is noted;	CC

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| 2. That Council appoint Mr. AE Pholose as the acting Director for a period not exceeding three (03) months, effective from 13 th February 2018; | CC |
| 3. That the appointment be done subject to verification of qualifications of Mr AE Pholose in line with the prescriptions of Systems Act; | DCS |
| 4. That the Framework on the appointment of Senior Managers be reviewed and submitted to Council at the end of March 2018. | MM |

48. **REPORT ON THE PROBATION OF THE CHIEF FINANCIAL OFFICER**
(Office of the Municipal Manager)

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 for the probation period of six months ended 31st December 2017 in line with Council Resolution 181 (2 and 3). The report further seeks to obtain approval from Council that the probation period be extended with additional three months given the situation Budget and Treasury Office is in and the CFO has formulated a strategy to implement corrective measures.

COUNCIL RESOLVED:

ACTION

- | | |
|--|----|
| 1. That the Council note the report. | MM |
| 2. That Council extends the Chief Financial Officer's probation period by three (03) months; | CC |
| 3. That after three (03) months an assessment be done of his performance and a determination be made thereafter; | MM |
| 4. That further interactions be conducted between the Accounting Officer and Whips of political parties in terms of the issues raised in the report. | MM |

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

None.

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

None.

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

None.

12. **REPORT ON SALGA ACTIVITIES:**

None.

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

None.

14. **REPORTS BY THE SPEAKER:**

None.

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

Item 52 of 30 January 2018.

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

Item 53 of 30 January 2018.

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

None.

18. **NEW MOTIONS OR PETITIONS:**

None.

19. **QUESTIONS:**

None.

20. **ADOPTION OF MINUTES:**


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Minutes of the (01/2018) Ordinary meeting of Council held on **30 January 2018**;
Minutes of the (01/2018) Adjourned Ordinary meeting of Council held on **13 February 2018**.

21: **CLOSURE: 15h11.**

SPEAKER



DATE APPROVED: 22/02/2018