

**RUSTENBURG
LOCAL MUNICIPALITY**

M I N U T E S OF THE (01/2021S) VIRTUAL *SPECIAL* COUNCIL MEETING OF THE
RUSTENBURG LOCAL MUNICIPALITY HELD ON MONDAY 18th JANUARY 2021 AT
10H12.

PRESENT

Cllr Mabale-Huma S S K	-	Speaker
Cllr Khunou M E	-	Executive Mayor
Cllr Babe N B		
Cllr Bothomane P		
Cllr Cronje J C		
Cllr Damoyi M		
Cllr Du Plessis G		
Cllr Edwards I		
Cllr Fetmani E M		
Cllr Gegula D		
Cllr Jikeka P		
Cllr Jongela S		
Cllr Kgaladi P		
Cllr Kombe O J		
Cllr Langeni E		
Cllr Legopelo J B		
Cllr Lekoro B F		
Cllr Lerm M F E		
Cllr Mafoko S D		
Cllr Magadane G L		
Cllr Majolo W L		
Cllr Makgale T A		
Cllr Makhaula V N		
Cllr Malan P A		
Cllr Malatji M W		

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Cllr Malla A D
Cllr Mashishi-Ntsime J I
Cllr Masilo T I
Cllr Mataboge A L
Cllr Matlhoko A M
Cllr Mekgoe T S
Cllr Mhlungu S B M
Cllr Miny C
Cllr Mmolotsi C N
Cllr Mnisi B P
Cllr Mnisi A L
Cllr Mogotsi H B
Cllr Mohube M M
Cllr Molatlhegi P R
Cllr Moleme K G
Cllr Molotsane D M
Cllr Molubi J N
Cllr Monaise K I
Cllr Morei K B
Cllr Motlhamme G S
Cllr Mqanqeni N V
Cllr Nhacuangue N
Cllr Njikelane M
Cllr Nkgoang L I
Cllr Nkgwang V K
Cllr Nongqoqo M I
Cllr Pelesi K L
Cllr Radebe M W
Cllr Rantho M R
Cllr Rootman A P
Cllr Seleka A
Cllr Sephai J L

Cllr Tjie P
Cllr Tlhapi P A
Cllr Tshabalala T E
Cllr Tsienyane P
Cllr Venter P A G
Cllr Wolf J
Cllr Wolmarans S
Cllr Xatasi N S
Cllr Xhineła Z

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OFFICIALS

Mr Makona S V	-	Municipal Manager
Mr Ditsele G	-	Chief Financial Officer
Ms Roboji Y	-	Director: Corporate Support Services
Mr Masilo O J	-	Director: Technical & Infrastructure Services
Ms Rampete N	-	Director: Community Development
Ms Halenyana M	-	Director: Planning & Human Settlement
Mr Boikanyo K	-	Director: Public Safety
Mr Komane E	-	Director: Local Economic Development
Mr Moleele O	-	Acting Director: Roads and Transport
Mr Mesesa T	-	Acting Manager: Office of the Executive Mayor
Ms Hlatshwayo L	-	Manager: Office of the Speaker
Ms Tibeli M	-	Manager: Office of the Single Whip
Ms Mokgope M	-	Acting Unit Manager Corporate Support Services
Ms Khunou B	-	Administrative Assistant: Administrative Support Services
Ms Rapelego M	-	Administrative Assistant: Administrative Support Services
Ms Letshwiti M	-	Committee Administrator: Administrative Support Services
Mr Mkhuzangwe S	-	Council Interpreter

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(i)

1. OPENING AND WELCOME:

- 1.1 The meeting was opened with a prayer by Cllr Mataboge A L whereafter the Honourable Speaker welcomed all members present;
- 1.2 It be noted that the Speaker wished all Councillors a happy new year (2021), even though the county is enduring trying times of the NOVEL COVID-19 pandemic, where the citizens find themselves losing their loved ones on a daily basis and further encouraged Councillors to adhere to the regulations, sanitize, wash their hands and maintain social distance.

2. APPLICATION FOR LEAVE OF ABSENCE:

- 2.1 That leave of absence be granted to the following councillors: Mjekula E N, Ntimba M S, Omarjee M, Snyders L B;
- 2.2 It be noted that the following Councillor will connect later: Chauke O R (did not connect); and
- 2.3 It be noted that the apologies were accepted.

3. REPORTS:

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(i)

I N D E X

NO	HEADING	CC
1.	Progress Report on the Implementation of Workplace Skills Plan (WSP) 2020/21	DCS BTO
2.	Progress Report on the Review of the Organizational Structure	DCS
3.	Annual Salary Inflationary Increment for the Municipal Manager and Managers Reporting Directly to the Municipal Manager	DCS
4.	Progress Report on the Implementation of the 2018 – 2022 Employment Equity Plan	DCS
5.	Progress Report on Council Resolutions for January to December 2019 and January to September 2020.	DCS
6.	Report to Council on the Progress of Operationalisation of Marikana Fire Station at Rustenburg Local Municipality During November 2020	CC
7.	Development Bank of South Africa (DBSA) to Support Rustenburg Local Municipality with the Development and Implementation of the Asset Care Programme	DTIS
8.	Report on Litigation Cases that Arose as a Result of Contested Tenders	OMM LEGAL
9.	Investigation of RNT / UPS and KSP Contracts: Pending Litigation	CC
10.	Filling of two Performance Audit Committee Members Positions <i>(Implementation of Council Resolution – 22 May 2020 Item 38)</i>	CC
11.	Progress Report on the Compliance with the Procurement Plan	CC
12.	Non-Attendance of Council Sitings and Portfolio Committee Meetings by Councillors: July – September 2020	CC
13.	Report of the Multi-party Demarcation Committee	CC

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(1)

1. **PROGRESS REPORT ON THE IMPLEMENTATION OF WORKPLACE SKILLS PLAN (WSP) 2020/21**

(Directorate: Corporate Support Services) (BMM)

4/2/1/2 (0013464)

PURPOSE OF THE REPORT

The purpose of the report is to give progress to the Council on the implementation of the Workplace Skills Plan 2020/21.

RESOLVED:

ACTION

- | | |
|--|------------|
| 1. That the report be referred back to the Portfolio Committees: Corporate Support Services and Budget & Treasury; | DCS
BTO |
| 2. That the report be inclusive of the implementation of WSP of Councillors and Ward Committee members; and | DCS |
| 3. That the report be submitted to the next ordinary Council meeting of March 2021. | DCS |
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2. **PROGRESS REPORT ON THE REVIEW OF THE ORGANIZATIONAL STRUCTURE**

(Directorate: Corporate Support Services)

4/1/1/1 (0013465)

(YR/ss)

PURPOSE OF THE REPORT

The purpose of the item is to submit a report on the review of the Organizational Structure.

RESOLVED:

ACTION

- | | |
|---|-----|
| 1. That the report be referred back to the Portfolio Committee: DCS and be submitted to the next ordinary Council meeting; and | DCS |
| 2. That a separate report on employees who are placed in positions that are not in the approved Organisational Structure, must be submitted in terms of Section 66 of the Municipal Systems Act, in a format of Section 66 of the MFMA. | DCS |

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(2)

3. **ANNUAL SALARY INFLATIONARY INCREMENT FOR THE MUNICIPAL MANAGER AND MANAGERS REPORTING DIRECTLY TO THE MUNICIPAL MANAGER**

(Directorate: Corporate Support Services) 4/5/1/1 (0013289 (YR/yr)

PURPOSE OF THE REPORT

The purpose of the report is to propose that the annual salary inflationary increment for the Municipal Manager and Managers reporting directly to the Municipal Manager paid from 01 July 2019.

RESOLVED:

ACTION

1. That the report be referred back and be submitted to the next ordinary Council meeting. DCS

4. **PROGRESS REPORT ON THE IMPLEMENTATION OF THE 2018 – 2022 EMPLOYMENT EQUITY PLAN**

(Directorate: Corporate Support Services) 4/1/2/1/7 (0013325) (TM)

PURPOSE OF THE REPORT.

The purpose of the report is:

- To update Council on the progress of the implementation of the 2018-2022 RLM Employment Equity Plan (EEP) and
- The Establishment of the Employment Equity Committee and its Terms of Reference.

RESOLVED:

ACTION

1. That the report be referred back to the Portfolio Committee: DCS and be submitted to the ordinary Council meeting in March 2021; and DCS
2. That all the remedial actions form part of recommendations and all the unrealistic targets referred to in the report be included in the report. DCS

5. **PROGRESS REPORT ON COUNCIL RESOLUTIONS FOR JANUARY TO DECEMBER 2019 AND JANUARY TO SEPTEMBER 2020.**

(Directorate: Corporate Support Services) (/nk)

PURPOSE OF REPORT

The purpose of the report is to submit to Council progress on outstanding Council resolutions for the period January to December 2019 and January to September 2020 as resolved by Council on the 29 September 2020 per item 193.

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(3)

RESOLVED:

ACTION

1. That the reports be referred back and a comprehensive report be submitted to Council at the end of March 2021; DCS
2. That a report on the Rustenburg University be submitted to the next Council meeting; and DCS
3. That a report on all suspended employees of the Rustenburg Local Municipality be submitted to the next Council meeting. DCS

6. **REPORT TO COUNCIL ON THE PROGRESS OF OPERATIONALISATION OF MARIKANA FIRE STATION AT RUSTENBURG LOCAL MUNICIPALITY DURING NOVEMBER 2020**

Directorate: Public Safety

7/1/21 (0013468)

PURPOSE OF THE REPORT

To report to council on the progress of operationalization of Marikana Fire Station at Rustenburg Local Municipality during November 2020.

RESOLVED:

ACTION

1. That the **REPORT TO COUNCIL ON THE PROGRESS OF OPERATIONALIZATION OF MARIKANA FIRE STATION AT RUSTENBURG LOCAL MUNICIPALITY DURING NOVEMBER 2020** is noted. CC

7. **DEVELOPMENT BANK OF SOUTH AFRICA (DBSA) TO SUPPORT RUSTENBURG LOCAL MUNICIPALITY WITH THE DEVELOPMENT AND IMPLEMENTATION OF THE ASSET CARE PROGRAMME**

(Directorate Technical and Infrastructure Services)

(jdj)

PURPOSE OF THE REPORT

The purpose of the report is to obtain approval from Council to delegate the Municipal Manager to enter into an Agreement with DBSA with regard to the development and implementation of a Asset Care Programme for the Rustenburg Local Municipality through DBSA.

RESOLVED:

ACTION

1. That the report be referred back to be updated and be submitted to Council on the 26 January 2021. DTIS

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(4)

8. **REPORT ON LITIGATION CASES THAT AROSE AS A RESULT OF CONTESTED TENDERS**

(Office of the Municipal Manager) (Unit Legal & Valuation Services) (SLM/pms)
1/2/1/1 (0013470)

PURPOSE OF THE REPORT

The purpose of this report is to provide a progress report regarding the status of the litigation cases in respect of the three matters, namely UPS, KSP Group and RNT (Pty) Ltd.

RESOLVED:

ACTION

- | | |
|--|--------------|
| 1. That the report be referred back and a comprehensive report be submitted to the Ordinary Council meeting in March 2021. | OMM
LEGAL |
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9. **INVESTIGATION OF RNT / UPS AND KSP CONTRACTS: PENDING LITIGATION**

(Office of the Municipal Manager) (VM) 1/2/2/1/156 (0013466)

PURPOSE OF THE REPORT

The purpose is to provide the Council with the latest developments concerning the three companies namely, Rise Now Trading (RNT), Umkhonto Professional Services (UPS) and KSP Group PTY LTD.

RESOLVED:

ACTION

- | | |
|---|-----|
| 1. That the Council take note of the report; | CC |
| 2. That the report be tabled before the Council after the finalisation of the litigation matter; and | CC |
| 3. That a report on the investigations conducted by the Accounting Officer in terms of Section 32 of the MFMA be submitted to the Ordinary Council sitting in March 2021. | OMM |

10. **FILLING OF TWO PERFORMANCE AUDIT COMMITTEE MEMBERS POSITIONS (IMPLEMENTATION OF COUNCIL RESOLUTION – 22 MAY 2020 ITEM 38)**

(Office of the Municipal Manager) 4/1/3/1 (0013467) (.../...../R) (SVM)

PURPOSE OF THE REPORT

The purpose is to report to Council on the progress of the implementation of the council resolution dated 22 May 2020 (copied below):

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(5)

RESOLVED:

ACTION

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|----|---|----|
| 1. | That the progress report is noted; | CC |
| 2. | That Council note the Annexure of applications received; | CC |
| 3. | That Council appoint the following two members of the Performance Audit Committee for a period of three years.
(a) Adv. W.E Huma
(b) Mr J Lesolang; and | CC |
| 4. | That Council appoint Adv. W.E Huma as the Chairperson of the Performance Audit Committee. | CC |

11. **PROGRESS REPORT ON THE COMPLIANCE WITH THE PROCUREMENT PLAN**
(Office of the Municipal Manager) (SVM)

PURPOSE OF THE REPORT

The purpose of the item is to provide the Executive Mayor with the progress made with regards to the compliance with the procurement plan.

RESOLVED:

ACTION

- | | | |
|------|---|-----|
| 1. | That the report is noted; | CC |
| 2. | That the REPORT ON THE ALLEGATIONS OF MISCONDUCT LEVELED AGAINST SENIOR MANAGEMENT is noted; | CC |
| 3. | That an Investigator to investigate the allegations made against Senior Management, be appointed within 7 Days; | OMM |
| 4. | That the scope of investigation be extended to also cover the role played by other members of the Bid Committees who are not Senior Managers, in relation to the following: | OMM |
| 4.1. | Non-adherence to the time lines as contained in the approved Procurement plans; | |
| 4.2. | The non-functionality of Supply Chain Bid Committees; | |
| 4.3. | Poor monitoring of Supply Chain Bid Committees by the Supply Chain Management Unit; | |
| 4.4. | Non – compliance to the Procurement Plan; | |
| 4.5. | Re-advertisement of the Tenders due to material errors; | |

SSK

(6)

- 4.6. Overall functionality of the Supply Chain Management Unit;
5. That the appointed Investigator finalises his investigation within 30 days and that a report of the Investigator be tabled before Council; OMM
6. That the revised Procurement Plan and Implementation Plan be noted; CC
7. That the Municipal Manager be directed to ensure full compliance to the revised Procurement and Implementation Plan; CC
8. That monthly progress reports be submitted to the Mayoral Committee enroute to Council; and OMM
9. That a separate report on the status of all suspended employees be submitted to Council in March 2021. OMM
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12. **NON-ATTENDANCE OF COUNCIL SITTINGS AND PORTFOLIO COMMITTEE MEETINGS BY COUNCILLORS: JULY – SEPTEMBER 2020**
(Office of the speaker) (0013382) (SS/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 setting or/and portfolio committee meetings.

RESOLVED:

ACTION

1. That the report is noted.

ROO

13. **REPORT OF THE MULTI-PARTY DEMARCATION COMMITTEE**
(Office of the Speaker) (0013215) (SS)

PURPOSE OF THE REPORT

The purpose of the report is to bring into the attention of the Council the report of the Multiparty Demarcation Committee.

RESOLVED:

ACTION

1. That the Multi-party Demarcation Committee Report is noted; and CC
2. That the Committee be dissolved. OSK CC

(ii)

4. **APPROVAL OF MINUTES:**

Minutes of the (01/2021S) Virtual Special Council meeting of the Rustenburg Local Municipality, held on 18th January 2021 were approved.

5. **CLOSURE.**

The business of the meeting was concluded at 14h06.

SPEAKER



DATE APPROVED: 20/01/2021
