

**RUSTENBURG
LOCAL MUNICIPALITY**

M I N U T E S OF THE (02/2021) VIRTUAL *SPECIAL* COUNCIL MEETING OF THE
RUSTENBURG LOCAL MUNICIPALITY HELD ON TUESDAY THE 23rd FEBRUARY
2021 AT 10:20.

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

SSK

Cllr Du Plessis G J

Cllr Edwards I

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 Majolo W L

Cllr Makgale T A

Cllr Makhaula V N

Cllr Malan P A
Cllr Malatji M W
Cllr Malla A D
Cllr Mashishi-Ntsime J I
Cllr Masilo T I
Cllr Masondo N G
Cllr Mataboge A L
Cllr Megalanyane S T
Cllr Mekgoe T S
Cllr Mhlungu S B M
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 Mogotsi H B
Cllr Mohube M M
Cllr Mokgatle O O
Cllr Mokotedi K G
Cllr Mokwele L P
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
Cllr Mqanqeni N V
Cllr Ngwato J D
Cllr Nhacuangu N
Cllr Njikelane M
Cllr Nkgoang LI
Cllr Nongqoqo M
Cllr Ntimba M S
Cllr Omarjee M
Cllr Pelesi K L
Cllr Radebe M W
Cllr Rantho M R
Cllr Rootman A P
Cllr Sephai J L
Cllr Sikwane C K
Cllr Snyders L B
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 D
Cllr Xatasi N S
Cllr Xhanela Z

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OFFICIALS

Mr Makona V	-	Municipal Manager
Mr Ditsele G	-	Chief Financial Officer
Mr Masilo O	-	Director: Technical & Infrastructure Services
Ms Rampete N	-	Director: Community Development
Ms Halenyane 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
Ms Roboji Y	-	Director: Corporate Support Services
Ms Hlatswayo L	-	Manager: Office of the Speaker
Mr Molotsane L	-	Unit Head: Legal & Valuation
Ms Khiba N	-	Manager: Office of the Municipal Manager
Mr Magae B	-	Communications Office of the Executive Mayor
Ms Mokgophe M	-	Acting Unit Manager: Administrative Support Services
Mr van Vuuren J	-	Section Manager: Administrative Support Services
Ms Makona P	-	Section Manager: Committee Work Administrative Support Services
Ms Letshwiti M	-	Committee Administrator Administrative Support Services
Ms Rapelego M	-	Administrative Assistant: Administrative Support Services
Ms Khunou B	-	Administrative Assistant Administrative Support Services

SSK

Ms Khunou N

- Administrator
Administrative Support Services

SSK

(i)

1. **OPENING AND WELCOME:**

- 1.1 The meeting was opened with a prayer by Cllr Njikelani M whereafter the Honourable Speaker welcomed all members present;

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

- 2.1 That leave of absence be granted to the following councillors: Coetzee M
- 2.2 It be noted that councillor Matlhoko A was struggling with connecting in the meeting (did not connect); and that Councillor Mekgoe S T requested to be recused at 12:00
- 2.3 It be noted that the apologies were accepted.

3. **REPORTS:** SSK

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I N D E X

NO	HEADING	CC
35.	Tabling of the Adjustment Budget: 2020/2021	CC
36.	Submission of Mid-Year Assessment Report in Compliance with Section 72 of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) as well as Section 23 of the Local Government Municipal Budget and Reporting Regulations (MBRR)	CC
37.	Monthly Budget Statement in terms of section 52(d) and 71 of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) – September 2020	CC
38.	Monthly Budget Statement in terms of section 71 of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) – October 2020	CC
39.	Monthly Budget Statement in terms of section 71 of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) – November 2020	CC
40.	Monthly Budget Statement in terms of section 71 and 52 (d) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) – December 2020	CC
41.	Progress Report: Eskom Dispute with Rustenburg Local Municipality Concerning the Electricity Supply to Waterkloof Electrical Substation	CC
42.	Progress Report: Investigation Report of the Public Protector in Respect of Allegations of Unlawful Impoundment of a Motor Vehicle Belonging to Mr Aaron Maepe	CC
43.	Filling of One (1) Performance Audit Committee Member Position	CC
44.	Revised Recruitment and Selection Policy for Rustenburg Local Municipality	CC
45.	Revised Acting Appointments and Allowance Policy for Rustenburg Local Municipality	CC
46.	Revised Occupational Health, Safety And Environmental Policy for Rustenburg Local Municipality	CC
47.	Request for Support of Rustenburg Local Municipality for the Application by the Glencore Merafe Chrome Venture to Eskom for Negotiated Electricity Pricing Agreement	CC

SSK

35. **TABLING OF THE ADJUSTMENTS BUDGET: 2020/2021**
 (Budget and Treasury Office) (MD)

PURPOSE OF THE REPORT

The purpose of the report is to make recommendations on the possible adjustment to the approved budget.

RESOLVED:

ACTION

- | | |
|---|-----------|
| 1. The adjustment budget is approved; | ALL |
| 2. The B1 to B10 of adjustment budget is approved; | ALL |
| 3. That revenue and expenditure is adjusted accordingly; | ALL |
| 4. That the Adjustments Budget has a surplus R287.6 million be reduced to R250 million; | ALL |
| 5. That R37,7 million be utilised towards augmenting our maintenacne budget in accordance with the following breakdown; | ALL |
| 5.1 That R12.6 million be made available for the road maintenance and resealing of roads; | |
| 5.2 That R10 million be made available to the mechanical workshop for yellow and white fleet; | |
| 5.3 That an additional R10 million for electricity network maintenance; | |
| 5.4 That an additional R5 million for water and sanitation units; | |
| 6. That spending of capital project be accelerated on grants funded projects; | Directors |
| 7. That the cash flow projections, procurement plan be revised and be aligned to the grant funding payment schedule; | Directors |
| 8. That the SDBIP be amended subsequent to the approval of the Adjustment Budget; | ALL |
| 9. That a revised Top Layer SDBIP be tabled to Council at the end of March 2021; | ALL |

GSK

(2)

10. That the Adjustment Budget be submitted to National and Provincial Treasury; BTO
11. That within ten working days after the approval of the budget, the Directorate Budget and Treasury Office in accordance with section 21A of the Municipal Systems Act makes public the approved Adjustment Budget and supporting documentation; BTO
12. That expenditure on maintenance on the assets of the Municipality be specifically monitored and highlighted via the monthly Sec 71 reports; BTO
13. That a special item be submitted at the next council meeting indicating outstanding balances and payments to Rustenburg Water Service Trust, also indicating budgeted payment reducing the outstanding to Zero; BTO
14. That a special item be submitted at the next council meeting indicating outstanding balances and payments to Rustenburg Water Service Trust; BTO
15. That the revenue per ward in line with MSCOA be submitted as an annexure to the monthly Section 71 reports; BTO
16. That the implementation plans on the service delivery intervention as a result of additional funding in the adjustments budget be tabled to Council at the end of March 2021; BTO
17. That a report on the water service trust be submitted to Council at the end of March 2021; and BTO
18. That a report on the recovery plan be submitted at the next Council sitting at the end of March 2021. BTO

SSK

36. **SUBMISSION OF MID-YEAR ASSESSMENT REPORT IN COMPLIANCE WITH SECTION 72 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) AS WELL AS SECTION 23 OF THE LOCAL GOVERNMENT MUNICIPAL BUDGET AND REPORTING REGULATIONS (MBRR)**
(Directorate: Budget and Treasury) GD)

PURPOSE OF THE REPORT

The purpose of the report is to submit to Council the mid-year Budget Assessment Report in compliance with Section 72 of the Municipal Finance Management Act No. 56 of 2003 (MFMA) as well as Section 23 of the Local Government: Municipal Budget and Reporting Regulations (MBRR).

RESOLVED:

ACTION

- | | |
|---|-----|
| 1. This Report on the submission of the Mid-Year Budget Assessment in compliance with Section 72 of the Municipal Finance Management Act No. 56 of 2003, as well as Section 23 of the Local Government: Municipal Budget and Reporting Regulations (MBRR) be noted; | ALL |
| 2. That an adjustments budget is necessary to address all the mentioned issues in the report; | ALL |
| 3. That the Mid-Year report submitted to both National Treasury and Provincial Treasury; and | BTO |
| 4. . That the Mid-Year report be made public in line with requirements of Section 21(A) of Municipal Systems Act of 2000 within five (5) days of approval by Council. | BTO |

SSK

37. **MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 52(d) and 71 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – SEPTEMBER 2020**

(Directorate: Budget and Treasury)

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 **30th September 2020** 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

- | | |
|--|-----|
| 1. This Report which is submitted in compliance with Section 71 of the MFMA and in terms of Government Notice 32141 dated 17th April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations” as of 30 th September 2020, is noted by council; | CC |
| 2. That the report placed on municipal website; and | BTO |
| 3. That the Annexure A to the report submitted to provincial treasury | BTO |

SSK

38. **MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 71 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – OCTOBER 2020**

(Directorate: Budget and Treasury)

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 **31st October 2020** 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

- | | |
|--|-----|
| 1. This Report which is submitted in compliance with Section 71 of the MFMA and in terms of Government Notice 32141 dated 17th April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations” as at 31 st October 2020, is noted by council; | CC |
| 2. That the report be placed on municipal website; and | BTO |
| 3. That the Annexure A to the report submitted to provincial treasury. | BTO |

SSK

39. **MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 71 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – NOVEMBER 2020**

(Directorate: Budget and Treasury)

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 **30th November 2020** 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

- | | |
|---|-----|
| 1. This Report which is submitted in compliance with Section 71 of the MFMA and in terms of Government Notice 32141 dated 17th April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations” as at 30 th November 2020, is noted by council; | CC |
| 2. That the report be placed on municipal website; | BTO |
| 3. That the Annexure A to the report submitted to provincial treasury. | BTO |

SSK

40. **MONTHLY BUDGET STATEMENT IN TERMS OF SECTION 71 AND 52 (d) OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003 (MFMA) – DECEMBER 2020**

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 **31st December 2020** 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:	<u>ACTION</u>
1. This Report which is submitted in compliance with Section 71 of the MFMA and in terms of Government Notice 32141 dated 17th April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations” as at 31st December 2020, is noted by council	CC
2. That the report be placed on municipal website; and	BTO
3. That the Annexure A to the report submitted to provincial treasury.	BTO

SSK

41. **PROGRESS REPORT: ESKOM DISPUTE WITH RUSTENBURG LOCAL MUNICIPALITY CONCERNING THE ELECTRICITY SUPPLY TO WATERKLOOF ELECTRICAL SUBSTATION**
(Office of Municipal Manager) (Legal & Valuation Services) (SLM/pms)

PURPOSE OF THE REPORT

The purpose of this report is to provide the Council with a detailed report concerning the dispute between Eskom and the Municipality in connection with the electricity supply to Waterkloof Substation.

RESOLVED:

ACTION

That the report be referred to the next ordinary Council sitting at the end of March 2021 OMM

42. **PROGRESS REPORT: INVESTIGATION REPORT OF THE PUBLIC PROTECTOR IN RESPECT OF ALLEGATIONS OF UNLAWFUL IMPOUNDMENT OF A MOTOR VEHICLE BELONGING TO MR AARON MAEPE**
(Office of Municipal Manger) (Legal & Valuation Services) (SLM/pms)

PURPOSE OF THE REPORT

The purpose is to provide a progress report concerning the implementation of the Council resolution concerning the Public Protector investigation on allegations of unlawful impoundment of a motor vehicle belonging to Aaron Maepe.

RESOLVED:

ACTION

1. That the Council take cognisance of the report; CC
2. That an outcome report will be submitted to the Council after the disciplinary process has been finalised; and OMM
3. That a progress report on the disciplinary process be submitted to the next Ordinary Council sitting at the end of March 2021. OMM

SSK

43. **FILLING OF ONE (1) PERFORMANCE AUDIT COMMITTEE MEMBER POSITION**
(Office of the Municipal Manager) (02/2021/PAC) (CM)

PURPOSE

The purpose is to request Council approval to start the process of filling of the position of the one (1) Performance Audit Committee (PAC), whose term is ending on the 28th of May 2021.

RESOLVED:

ACTION

- | | | |
|----|---|-----|
| 1. | That the report is noted; | CC |
| 2. | That Council take note of the imminent Performance Audit Committee (PAC) position on 28 May 2021; | CC |
| 3. | That Performance Audit Committee (PAC) vacant positions be advertised; | CC |
| 4. | That Council authorize the Municipal Manager and the Chairperson of the PAC to do the recruitment process; and | CC |
| 5. | That a report that clarifies the allegations made against the Performance Audit Committee Chairperson (PAC) be submitted at the next Council sitting of March 2021. | OEM |

44. **REVISED RECRUITMENT AND SELECTION POLICY FOR RUSTENBURG LOCAL MUNICIPALITY**

(Directorate: Corporate Support Services) (0012890) (mms)

PURPOSE OF THE REPORT

To request the Council to approve the Recruitment and Selection Policy.

RESOLVED:

ACTION

- | | | |
|----|---|----|
| 1. | That resolution of item 170 of 24 June 2014 reading as follows is rescinded:

<i>“1. That the revised Recruitment Policy be noted;
2. That the revised Recruitment Policy be approved with amendments.”</i> | CC |
| 2. | That the Revised Recruitment and Selection Policy be approved; and | CC |
| 3. | That the policy be approved for implementation with immediate effect. | CC |

SSK

45. **REVISED ACTING APPOINTMENTS AND ALLOWANCE POLICY FOR RUSTENBURG LOCAL MUNICIPALITY**
 (Directorate: Corporate Support Services) (0012895) (mms)

PURPOSE OF THE REPORT

To request the Council to approve the Revised Acting Appointments and Allowance Policy intended to guide and regulate acting appointments and the payment of acting allowances in the workplace.

RESOLVED: **ACTION**

- | | |
|--|----|
| 1. That resolution of item 218 of 28 September 2010 reading as follows is rescinded: | CC |
| <i>“1. That the report on the Acting Allowance Policy be noted;</i> | |
| <i>1. That the Acting Allowance Policy as amended be approved.”</i> | |
| 2. That the Revised Acting Appointments and Allowance Policy be noted; and | CC |
| 3. That the Revised Acting Appointments and Allowance Policy be approved. | CC |

46. **REVISED OCCUPATIONAL HEALTH, SAFETY AND ENVIRONMENTAL POLICY FOR RUSTENBURG LOCAL MUNICIPALITY**
 (Directorate: Corporate Support Services) (0012893) (mms)

PURPOSE OF THE REPORT

To request the Council to approve the Revised Occupational Health, Safety and Environmental Policy intended to guide and regulate OHS Environmental matters in the workplace.

RESOLVED: **ACTION**

- | | |
|--|----|
| 1. That resolution of item 86 of 29 March 2016 reading as follows is rescinded: | CC |
| <i>“1. That the Occupational Health and Safety reviewed policy be noted;</i> | |
| <i>2. That Council notes that the amended policy was presented before the Local Labour Forum</i> | |
| <i>3. That the policy be approved”</i> | |
| 2. That the Revised Occupational Health, Safety and Environmental Policy be noted; and | CC |

SSK

3. That the Revised Occupational Health, Safety and Environmental Policy be approved. CC

47. **REQUEST FOR SUPPORT OF RUSTENBURG LOCAL MUNICIPALITY FOR THE APPLICATION BY THE GLENCORE MERAPE CHROME VENTURE TO ESKOM FOR NEGOTIATED ELECTRICITY PRICING AGREEMENT**
(Directorate – Technical and Infrastructure Services)

PURPOSE OF THE REPORT

The purpose of the report is to seek approval from Council to mandate the Municipal Manager to issue and sign a supporting letter which supports the negotiated electricity pricing agreement application of Glencore Merafe Chrome Venture.

RESOLVED:

ACTION

- | | |
|--|----|
| 1. That the report on “ <u>REQUEST FOR SUPPORT OF RUSTENBURG LOCAL MUNICIPALITY FOR THE APPLICATION BY THE GLENCORE MERAPE CHROME VENTURE TO ESKOM FOR NEGOTIATED ELECTRICITY PRICING AGREEMENT</u> ” is noted. | CC |
| 2. That Rustenburg Local Municipality supports the Glencore Merafe Chrome Venture negotiated electricity pricing agreement to be submitted to Eskom subject to further negotiations on the surcharge | CC |
| 3. That the Municipal Manager be mandated to expedite the negotiations and a final report be submitted to Council at the end of March 2021; and | MM |
| 4. That a separate report on the existing Supply Agreement between RLM and Glencore be submitted to the next ordinary Council sitting at the end of March 2021. | CC |

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4. **ADOPTION OF MINUTES:**

Minutes of the (02/2021) Virtual Special meeting of Council held on **23rd February 2021**

5. **CLOSURE.**

The business of the meeting was concluded at 13:15.

SPEAKER: 

DATE APPROVED: 25/02/2021