

RUSTENBURG LOCAL MUNICIPALITY

Draft Terms of Reference

Rustenburg Business Council

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1. Introduction

Rustenburg Local Municipality intends to facilitate the establishment of the Rustenburg Business Council which would provide various sectors of the business community with the opportunity to interact with the Municipality on a more recognized basis.

Rustenburg Local Municipality intends to close the gap between business and the City by providing a platform where the leadership and senior management of the Rustenburg Local Municipality can adequately engage with the business fraternity.

The Structure will report to LED and subsequently LED will report to Council on the work of the Structure.

2. Purpose and objectives of the Business Council

The purpose of the Rustenburg Business Council is:

- 2.1 To interact with the representatives of the business community on matters that affect business in Rustenburg
- 2.2 To utilize this platform for soliciting inputs/ comments from the business sector on various issues relating to the Rustenburg Municipality
- 2.3 To assist business where necessary and within the confines of the law
- 2.4 To promote transparency in Rustenburg's strategic and operational plans and processes of the Municipality

- 2.5 To review progress made in achieving objectives within the Rustenburg Municipality
- 2.6 To provide avenues for partnerships between public and private sector to advance the Municipality's development objectives
- 2.7 To further local economic development objectives in Rustenburg

3. Principles of the Business Council

All members are obliged to observe the following principles of the Council:

- 3.1 Promote the common goals of the Business Council in the best interest of Rustenburg
- 3.2 Exercise due diligence and skill in the execution of the Business Council responsibilities

4. Appointment and Composition of the Rustenburg Business Council

The Business Council comprise of up to 10 members plus the Rustenburg Local Municipality's nominated representatives and nominated Ex-Officio members.

The following process would be followed with respect to the nomination of representatives to the Business Council

4.1 Municipal representation

- 4.1.1 Rustenburg Local Municipality will appoint a Member of Mayoral Committee for Local Economic Development to the Business Council in writing

4.1.2 The Rustenburg Local Municipality will appoint Director LED and/or Unit Manager to the Business Council in writing

4.2 Business representation

4.2.1 As far as the composition of the Council is concerned, there should be a balance between the number of representatives from different sectors of the economy, i.e. the establishment of the main body (RBC) will be done after the establishment of sub-structures by sectors which includes Agriculture and Agro-processing, Tourism, Arts & Culture, Mining & Construction, Industrial Development, Informal Trading, Manufacturing & Green Economy.

4.2.2 The Chairpersons of the sub-sector will automatically serve as members of the Business Council

4.2.3 Any member elected to serve as an Executive Committee member will relinquish their seat at the sectoral sub-structure

4.2.4 Nominations from various local business formations must be made in writing to the Secretary of the Business Council

4.2.5 Nominations from various local business formations to follow their internal processes to be disclosed to the Business Council for vetting nominations

4.2.6 Further nominations by the business sector can be tabled at any of the scheduled Business Council Meetings

4.2.7 An appointment to the Business Council would be subject to an election of the nominated business formation representative to the 10 Member Council.

4.3 Co-option of members

4.3.1 The Business Council may from time to time co-opt persons who, by virtue of their knowledge and understanding of a particular matter which the Business Council has to deliberate on, can contribute to informed decision-making. These may comprise of national and provincial government departments as well as industry experts.

The Business Council will be managed by an Executive Committee comprising of the following:

- I. Chairperson
- II. Deputy Chairperson
- III. Secretary
- IV. Member of Mayoral Committee
- V. Director
- VI. Unit Manager
- VII. Chairperson and Secretary of Sector Sub-Structures serving as *ex officio*

5. Membership

5.1 A Director of a company registered can be a member and can only be voted for after 3 years of being a member of the Business Council

5.2 To be an eligible member of the Council, proven sole proprietor that has been operating for 3 years

- 5.3 Voting rights will be for members who has been registered and operating for 3 years
- 5.4 Business only allowed to participate in one sector

6. Term of Office of Council Executive Committee Members

- 6.1 The term of office for the executive committee appointed to the Business Council would be 3 (three) years from date of establishment of the Business Council.
- 6.2 The term of office for members appointed to the Business Council could be extended only once for a maximum 6 months, failure to re-establish the structure within the extension period the structure will be dissolved, and Rustenburg Local Municipality will establish the new structure.
- 6.3 Executive will be reviewed annually on reports.
- 6.4 A member can only serve for a maximum of 2 terms, no cool off period.

7. Disqualification of Members of the Business Council

- 7.1 No person may be appointed to the executive committee of the Business Council if he or she –
 - 7.1.1 has been declared to be of unsound mind by a competent court of the Republic; or
 - 7.1.2 has been convicted of an offence
- 7.2 A member may be disqualified if the Rustenburg Business Council at a Business Council meeting, deems the member to

have brought the Council into disrepute. Such a decision would be taken by the executive members of the Business Council and to be ratified by a formally constituted Business Council meeting.

7.3 A member of the Business Council would be disqualified if the member has:

7.3.1 abused the municipality's / municipal entity's supply chain management system or committed any improper conduct in relation to such system.

7.3.2 wilfully neglected, reneged on, or failed to comply with any government, municipal or other public-sector contract during the past five-year period as a member of the Business Council

7.3.3 been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).

7.3.4 Non-attendance of members to 5 consecutive meeting without written notice

7.3.5 Non-attendance of executive members to 2 consecutive meetings without written notice

8. Functions of the Business Council

The functions of the Business Council would be:

8.1 To advise Rustenburg Local Municipality on best practices in relation to public private partnerships

8.2 To present businesses' viewpoint on existing policies of the Municipality

8.3 Make recommendations to Rustenburg Local Municipality on matters resolved by the Business Council to seek the Municipality's involvement

9. Meetings of the Business Council

9.1 Frequency

9.1.1 The Business Council will meet on a bi-monthly basis

9.1.2 In addition, the Chairperson may also call special Business Council meetings as the need arises

9.1.3. Business representatives can request special Business Council meetings in writing to the Chairperson as the need arises

9.1.4 The Business Council to determine suitable venue to host its meetings

9.1.5 The Business Council's Secretariat to manage all its meeting administration and records keeping

9.1.6 Members of the Business Council may bring other officials as invitees for the purpose of contributing to specific agenda items

9.1.7 All non-attendance needs to be reported to the Chairperson.

9.1.8 Continuous non-attendance of 2 consecutive meetings without written and approved would lead to the disqualification of a member.

9.1.9 Each sectoral sub-committee must meet monthly

9. 2 Quorum and voting

9.2.1 the meeting will be convened by no less than a 50% + 1 quorum.

9.2.2 Decisions shall me made by a 50% + 1 majority vote.

10. Administration of the Business Council

10.1 The Business Council would be administered by the Business Council's Executive Committee in consultation with the Municipality's nominated Member of Mayoral Committee's office

10.2 The secretariat functions of the Council would be managed by the Business Council in consultation

10.3 All costs relating to the administration of the Business Council would be borne by the Business Council. The Municipality may provide financial assistance limited to the administration of the Business Council meetings subject to the Municipality's approval processes

10.4 The Business Council would have reasonable access to municipal facilities and any other resources necessary and required to discharge its functions. This would be subject to the Chairperson's written request for the relevant resources from the affected Directorates and attaining written approval thereof

10.5 Any support needed by the Council from stakeholders will be done through Directorate: Local Economic Development

11. Dispute Resolution

A declared dispute shall be independently adjudicated upon through a process determined by a 50% + 1 majority vote.

12. Conflict of interest

12.1 All Business Council members shall declare all other committee seats occupied by themselves.

12.2 It will be each Business Council member's responsibility to keep the register of outside interests up to date. Any failure to disclose such outside interests shall constitute grounds for a possible suspension and/or expulsion from the Business Council.

13. Presiding of Business Council Meetings

13.1 The Inaugural Business Council meeting would be presided over by the Member of the Mayoral Committee for Local Economic Development on the election of the Executive Committee

13.2 In the absence of the Chairperson, the Deputy Chairperson would automatically act as the Chairperson of the Business Council including during scheduled Business Council meetings

13.3 In the absence of the Chairperson and the Deputy Chairperson, the Council will elect an Acting Chairperson of the meeting within the Executive

14. Agenda of the Business Council Meetings

14.1 Notice and Agenda for the Ordinary Council meeting must be circulated by the secretariat with the approval of the Chairperson to all members of the Business Council 5 days prior to the meeting

14.2 Notice and Agenda for the Special Council meeting must be circulated by the secretariat with the approval of the Chairperson to all members of the Business Council 2 days prior to the meeting

14.3 Any member who requires items to be placed on the Business Council agenda should request in writing or in a formal Business Council meeting.

15. Reports by the Business Council

15.1 Minutes of all meetings to be kept by the secretariat

15.2 Resolutions of the meeting should be formally approved at the end of the Business Council Meeting.

14.3 Business Council to submit a bi-monthly report to the Municipality's Member of Mayoral Committee for Local Economic Development.

16. Remuneration of members

16.1 Due to the nature of this interaction between business and government, **there would be no remuneration** that is payable for attendance of Business Council meetings

17. Vacation of Office by the Business Council Members

17.1 Municipal Appointments

17.1.1 A member would be deemed to have vacated the office if the member's term of appointment has lapsed and is subsequently not reappointed.

17.1.2 A member would be deemed to have vacated the office if such a member is no longer in the service of the Rustenburg Local Municipality

17.1.3 A member would be deemed to have vacated the office if such a member is no longer

18.2 Business nominations

18.2.1 A member would be deemed to have vacated the office if the organization the member represents has, in writing, terminated his/her nomination to the Business Council or the member ceases to be employed by the organization they represent.

19. Review of the Terms of Reference

19.1 The Terms of Reference for the Rustenburg Business Council may be submitted, discussed, and recommended for approval by the Rustenburg Municipal Council meeting