

**RUSTENBURG
LOCAL MUNICIPALITY**

M I N U T E S OF THE (07/2023S) **ADJOURNED SPECIAL** COUNCIL MEETING OF
THE RUSTENBURG LOCAL MUNICIPALITY HELD ON TUESDAY THE 10TH MAY
2023 AT 08:26, COUNCIL CHAMBER, RUSTENBURG CIVIC CENTRE.

PRESENT

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

K-M

Cllr Malinga M
Cllr Marekoa B B
Cllr Mashiakgomo K D
Cllr Matjene T E
Cllr Melanzi J A
Cllr Mkholwa S P
Cllr Mmapitsa O C
Cllr Moatshe F S
Cllr Mogwera J G
Cllr Mokgatle O J
Cllr Mokgosi T C
Cllr Monaise K I
Cllr Morapedi M P
Cllr Morei K B
Cllr Moreki B I
Cllr Mosito A M
Cllr Motshegwe S M
Cllr Mpele J B
Cllr Mputle V
Cllr Mtoto M
Cllr Myoli V N
Cllr Ngwenya L M
Cllr Nhacuangué N
Cllr Nke H S R R
Cllr Nkgweng G N
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 Pule T D
Cllr Qobeka J
Cllr Ralokwakweng J O
Cllr Rampou D T
Cllr Rootman A P
Cllr Rothman T
Cllr Salang J
Cllr Seleka A
Cllr Sentsho S L
Cllr Serongoane P H
Cllr Serunye C K
Cllr Sethonga D M
Cllr Sikwane C K
Cllr Snyders L B
Cllr Tause S S
Cllr Vena E K
Cllr Xatasi N S
Cllr Xhinela Z
Cllr Zimba K M

K.M

OFFICIALS

- Mr Mosiane R J - Acting Municipal Manager
- Ms Mdhlu V - Acting Chief Financial Officer
- Ms Sefike L - Acting Director: Community Development
- Mr Sehloho T - Acting Director: Local Economic Development
- Mr Moleele O - Acting Director: Roads and Transport
- Mr Ramothwala M - Acting Director: Public Safety
- Mr Dire M - Acting Director: Corporate Support Services
- Mr Mahlangu G - Acting Director: Technical and Infrastructure Services
- Mr Molotsane L - Head: Legal and Valuation
- Ms Tebeli M - Acting Manager: Office of the Speaker
- Mr Makinita J - Sergeant-at-Arms
- Ms Makona P - Unit Head:
Administrative Support Services
- Mr van Vuuren J - Section Manager:
General Administration
- Ms Mokwatsi R - Administrative Officer:
Administrative Support Services
- Ms Rapelego M - Administrative Assistant:
Administrative Support Services
- Ms Letshwiti M - Committee Administrator:
Administrative Support Services
- Ms Dintwe T - Administrative Assistant:
Administrative Support Services
- Mr Mkhuzangwe S - Council Interpreter

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1. OPENING PRAYER AND WELCOME:

That a moment of silence was observed where-after the Honourable Speaker – Cllr Mogomotsi K welcomed all members present, community members in the gallery as well as those following on livestream.

2. APPLICATIONS FOR LEAVE OF ABSENCE:

2.1 That leave of absence be granted to the following Councillors: Moduke T O, Mosete M E E, Letlape M S, Motlhamme G Sand Mokapi C T, Grove A;

2.2 It be that the following councillors will arrive late: Pule L J (arrived), Rothman T (arrived), Edwards I (arrived), Keyser J (arrived), Gumede J S (arrived), Mokgatle O J(arrived), Mashiakgomo K D (arrived), Pule T D (arrived), Ralokwakweng J O (arrived) and Monaise K I (arrived);

2.3 It be noted that the following Councillors requested to be recused: Motshegwe S M and Rootman A at 10h00;

2.4 It be noted that Council approved the prolonged leave of Cllr Lebelo S M and Nkgetse A.

3. REPORTS:



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I N D E X

NO	HEADING	CC
102.	Report on Invitation to Submit Views and Representations for Class 2 – 4 Municipal Boundary Proposals	CC
103	Submission of Risk Management Committee Charter for Council Approval	CC
104	Submission of Risk Management Policy for Council Approval	CC
105	Submission of Risk Management Strategy for Council Approval	OMM
106.	Submission of Risk Management Strategy for Council Approval	CC
107	Progress Report on Purchase of a Portion of Erf 4413 of Boitekong Extension 4 For Church Purposes	CC
108	Progress Report on the Objection Received against the 6m Right of Way Servitude Over Park Erf 24 Cashan in terms of Section 79(18) of the Local Government Ordinance 17 Of 1939	CC
109	Progress Report on the Application for the Informal Trading on Erf 23590 Boitekong X 35 in terms of Section 14 of the Local Government Municipal Finance Management Act	CC
110	Request for the Approval of Deviation Regarding a Tender Concerning: Erf 7193 Rustenburg Extension 30	DPHS
111.	Consent by the Rustenburg Local Municipality to Remove Condition 5 in respect of the Reversionary Right as Contained in the Existing Title Deeds	DPHS
112.	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
113	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
114.	Remuneration of Salaries and Allowances of Seconded Official to the Municipality: RJ Mosiane - Acting Municipal Manager	CC
115.	Report: Section 33 (MFMA) Economic Beneficiation of Townlands Landfill Site	CC

R. M.

102. **REPORT ON INVITATION TO SUBMIT VIEWS AND REPRESENTATIONS FOR CLASS 2 – 4 MUNICIPAL BOUNDARY PROPOSALS**
(Office of the Speaker) (MMT/mmd)

PURPOSE OF THE REPORT

The purpose of the report is to request Council to approve a submission of application to the Municipal Demarcation Board (MDB) for redetermination of the Rustenburg Local Municipality’s outer boarders as per the proposed redeterminations categories Class 2-4 by the Demarcation Board.

RESOLVED:

ACTION

- | | | |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1 | That the REPORT ON INVITATION TO SUBMIT VIEWS AND REPRESENTATIONS FOR CLASS 2 – 4 MUNICIPAL BOUNDARY PROPOSALS be noted; | CC |
| 2 | That Council rescind resolutions of item 98 taken on the 31 st March 2023 regarding the establishment of a Section 79 – Demarcation Committee; and | CC |
| 3 | That the submission sent to the Demarcation Board on the 31 st March 2022 be withdrawn. | CC |

103. **SUBMISSION OF RISK MANAGEMENT COMMITTEE CHARTER FOR COUNCIL APPROVAL**
(Office of the Municipal Manager – Risk Management) 7/1/2/7 (001600104)

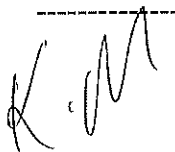
PURPOSE OF THE REPORT

The purpose of this report is to provide an overview of risk management functions to council and to also seek approval of the Risk Management Committee Charter.

RESOLVED:

ACTION

- | | | |
|----|-----------------------------------------------------|----|
| 1. | That the report by noted; and | CC |
| 2. | That risk management committee charter be approved. | CC |



(2)

104. **SUBMISSION OF RISK MANAGEMENT POLICY FOR COUNCIL APPROVAL**
(Office of the Municipal Manager – Risk Management) 5/1/P (00150054)

PURPOSE OF THE REPORT

The purpose of this report is to provide an overview of risk management functions to council and to also seek approval of the Risk Management Policy.

RESOLVED:

ACTION

- | | |
|---------------------------------------------|----|
| 1. That the report be noted; and | CC |
| 2. That risk management policy be approved. | CC |
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105. **SUBMISSION OF RISK MANAGEMENT STRATEGY FOR COUNCIL APPROVAL**
(Office of the Municipal Manager – Risk Management) 7/1/2/7 (001600100)

PURPOSE OF THE REPORT

The purpose of this report is to provide an overview of risk management functions to council and to also seek approval of the Risk Management Strategy.

RESOLVED:

ACTION

- | | |
|--------------------------------------|----|
| 1. That the report be referred back. | CC |
|--------------------------------------|----|
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106. **SUBMISSION OF RISK MANAGEMENT STRATEGY FOR COUNCIL APPROVAL**
(Office of the Municipal Manager – Risk Management)

PURPOSE OF THE REPORT

The purpose of the report is to provide an overview of risk management functions to council and to also seek approval of the Risk Management Strategy.

RESOLVED:

ACTION

- | | |
|-----------------------------------------------------------------------------------------------------------------|-----|
| 1. That the report for Risk Management Strategy be noted; | CC |
| 2. That the Risk Management Strategy served at Mayoral to address the audit findings of 2022/2023 be approved; | CC |
| 3. That the Strategy will still be applicable for 2023/2024 which effective from 1 st July 2023; and | OMM |

K.M

(3)

4. That the Risk Management Strategy be approved.

CC

IT BE NOTED THAT CLLR POOE M RECUSED HIMSELF BEFORE THE DISCUSSION OF ITEM 107

107. **PROGRESS REPORT ON PURCHASE OF A PORTION OF ERF 4413 OF BOITEKONG EXTENSION 4 FOR CHURCH PURPOSES**

(Directorate: Planning & Human Settlement)

L Claries

PURPOSE OF THE REPORT

The purpose of this report is to provide council with progress report of the purchase a portion of Erf 4413 Boitekong Extension 4.

RESOLVED:

ACTION

1. That the report be noted.

CC

IT BE NOTED THAT CLLR POOE M RETURNED TO THE MEETING AFTER THE DISCUSSION OF ITEM 107

108. **PROGRESS REPORT ON THE OBJECTION RECEIVED AGAINST THE 6M RIGHT OF WAY SERVITUDE OVER PARK ERF 24 CASHAN IN TERMS OF SECTION 79(18) OF THE LOCAL GOVERNMENT ORDINANCE 17 OF 1939**

(Directorate: Planning and Human Settlement)

R Barnard

PURPOSE OF THE REPORT

The purpose of this report is to provide progress made on the Council resolution taken on 31 January 2023 per item 8 regarding the objection received against the 6m right of way to be registered against Park Erf 24 Cashan as to provide access to Portion 1 of Erf 1173 Cashan and Portion 1 of Erf 74 Cashan.

RESOLVED:

ACTION

1. That the report be noted; and

CC

2. That the report be referred to the Municipal Planning Tribunal (MPT) to deal with the matter and a final report be submitted to Council.

DPHS



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109. **PROGRESS REPORT ON THE APPLICATION FOR THE INFORMAL TRADING ON ERF 23590 BOITEKONG X 35 IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT**
(Directorate: Planning and Human Settlement) R Barnard

PURPOSE OF THE REPORT

The purpose of the report is to provide progress on the application for the informal trading on Erf 23590 Boitekong X 35 in terms of section 14 of the Local Government Municipal Finance Management Act.

RESOLVED:

ACTION

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1. That the progress report on the application for the informal trading on Erf 23590 Boitekong X 35 in terms of Section 14 of the Local Government Municipal Finance Management Act be noted; | CC |
| 2. That the final approval be done in line with the Local Economic Development requirements; and | DPHS
DLED |
| 3. That Council approves the sale of Erf 23590 Boitekong X 35. | CC |
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110. **REQUEST FOR THE APPROVAL OF DEVIATION REGARDING A TENDER CONCERNING: ERF 7193 RUSTENBURG EXTENSION 30**
(Directorate: Planning and Human Settlement) (RB)

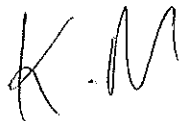
PURPOSE OF THE REPORT

The purpose of the report is to accept the deviation regarding to the Sale and Development Agreement on the Rustenburg Mall/ Rustenburg Extension 30 received from Kylipac.

RESOLVED:

ACTION

- | | |
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| 1. That the report be referred back to the PFC: Planning and Human Settlement. | DPHS |
|--------------------------------------------------------------------------------|------|
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111. **CONSENT BY THE RUSTENBURG LOCAL MUNICIPALITY TO REMOVE CONDITION 5 IN RESPECT OF THE REVERSIONARY RIGHT AS CONTAINED IN THE EXISTING TITLE DEEDS**
(Directorate: Planning and Human Settlement) R.B.

PURPOSE OF THE REPORT

The purpose of the report is to provide the Municipal Council of the RLM with the information needed to enable the Municipal Council to give its consent to the removal of reversionary rights (to take retransfer of immovable properties sold by the RLM) given in favour of the RLM in certain Title Deeds, namely T 72229/2020; T 72225/2020 and T 72228/2020 (“Title Deeds”) which all relate to Erf 7205.

RESOLVED:

ACTION

1. That the report be referred back to the PFC: Planning and Human Settlement. DPHS

IT BE NOTED THAT DURING THE DISCUSSION OF ITEM 112 THE POWER WENT OFF AND COUNCIL WAS ADJOURNED. COUNCIL LATER RESUMED AT A DIFFERENT VENUE - RUSTENBURG CIVIC CENTRE ATRIUM, AT 11H30.

112. **PROGRESS REPORT: REQUEST FOR SUPPORT OF RUSTENBURG LOCAL MUNICIPALITY FOR THE APPLICATION BY THE GLENCORE MERAFAE CHROME VENTURE TO ESKOM FOR NEGOTIATED ELECTRICITY PRICING AGREEMENT**
(Directorate – Technical and Infrastructure Services) (PB/pb)

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 Merafae Chrome Venture if the agreement and proposed tariffs is approved by ESKOM and NERSA with the comments from Rustenburg Municipality on the NPA requested.

RESOLVED:

ACTION

1. That the “PROGRESS REPORT: -REQUEST FOR SUPPORT OF RUSTENBURG LOCAL MUNICIPALITY FOR THE APPLICATION BY THE GLENCORE MERAFAE CHROME VENTURE TO ESKOM FOR NEGOTIATED ELECTRICITY PRICING AGREEMENT” be noted; CC
2. It be noted that the NPA process is still not yet finalized by Eskom; CC

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3. That Council note the implications of the possible closure of the plant should an amicable agreement not be reached; CC
4. That council note the implications should the municipality become a Metro while 0% surcharge is approved; CC
5. That a copy of the complete NPA application with possible tariffs be shared by Eskom to the Municipality to enable comments from RLM Directorates involved prior to submitting the final NPA to Nersa; CC
6. That the baseline for negotiation for the auxiliaries will be based on the declared auxiliary's consumption by Glencore; CC
7. That the altered tariffs after the NPA process is approved by Eskom and NERSA including the final surcharge is approved by Council the Municipality must inform NERSA of the new tariffs and agreement; and CC
8. That the proposed 10% surcharge be reduced to 6.1%, noting the financial burden of the Municipality. DTIS

IT BE NOTED THAT THE DEMOCRATIC ALLIANCE REQUESTED A TWO (02) MINUTES CAUCUS

113. **SECONDMENT OF SECTION 56 EMPLOYEES - ACTING DIRECTOR: PLANNING AND HUMAN SETTLEMENT FOR A PERIOD NOT EXCEEDING 3 MONTHS**
(Office of the Municipal Manager) (RJM/mmd)

PURPOSE OF THE REPORT

The purpose of the report is to request Council to seek secondment of the person to act as Director Planning and Human Settlement.

RESOLVED:

ACTION

1. That the report **SECONDMENT OF SECTION 56 EMPLOYEES: ACTING DIRECTOR: PLANNING AND HUMAN SETTLEMENT FOR A PERIOD NOT EXCEEDING 3 MONTHS** be noted; CC
2. That Ms R. Barnard be appointed as the Acting Director Planning and Human Settlement on a month-to-month basis for a period not exceeding three (03) months; and CC
3. That Council waive the provision of the Municipal Staff Regulation 28(4) on the acting appointments. CC

K.M

114. **REMUNERATION OF SALARIES AND ALLOWANCES OF SECONDED OFFICIAL TO THE MUNICIPALITY: RJ MOSIANE - ACTING MUNICIPAL MANAGER**
(Office of the Executive Mayor) (SSK/)

PURPOSE OF THE REPORT

The purpose of the report is to request the Council to note the provision made by Regulation on employments and of senior managers, 17 January 2014, Regulation 2014, that provides for the paying of an allowance for the secondee.

RESOLVED:

ACTION

1. That the report remuneration of salaries and allowances of seconded official to the municipality: RJ Mosiane, Acting Municipal Manager be noted; and CC
 2. That the difference between Mr R.J. Mosiane's salary and the minimum budgeted salary of the Acting Municipal Manager be paid. BTO
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115. **REPORT: SECTION 33 (MFMA) ECONOMIC BENEFICIATION OF TOWNLANDS LANDFILL LANDFILL SITE**
(Directorate: Community Development) (JM/lS)

PURPOSE OF REPORT

The purpose of this report is to update and request Council's final approval on the outcome of the Municipal Finance Management Act (MFMA) (56 of 2003) for the Economic Beneficiation of Townlands Landfill Site.

RESOLVED:

ACTION

1. That the report on the provision of MFMA Section 33 be noted; CC
2. That the comments made during the public participation process be noted and incorporated into the service level agreement and Power Purchase agreement; CC
3. That in the event that Rustenburg Local Municipality experiences delays in the receiving of views and determinations as envisaged in the recommendation, dispute resolutions procedures outlined in Chapter 3 of the Constitution, 1996 and Chapter 5 of the Intergovernmental Relations Framework Act, 2005 be commenced with; CC
4. That Council Authorise the Accounting Officer to enter into long term contracts exceeding three years and limited to 20 years for the Procurement AC

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of clean electricity with the Service Provider in relation to the proposal;
and

5. That approval of the Accounting Officer to conclude the agreement be on a suspensive condition on the following conditions:

CC

5.1 The Accounting Officer seek external legal opinion on the terms and conditions of the agreement, and such opinion be submitted to the Executive Mayor for consideration prior to the conclusion of the agreement with thirty (30) days from the date of this resolution;

5.2 That a progress report on the implementation of the resolutions be submitted at the next ordinary Council sitting, whichever comes first;

5.3 That the Accounting Officer through the Directorate Community Development submit an EIA report, comments from the DMRE on the establishment of the solar plant as previously approved by Council;

5.4 That a report on the compliance with National Treasury Circular on the Public Private Partnerships on the implementation of these resolutions be submitted to the Executive Mayor.

IT BE NOTED THAT THE DEMOCRATIC ALLIANCE REQUESTED A FIVE (05) MINUTES CAUCUS

A handwritten signature in black ink, appearing to be the initials 'K.M.' or similar, located below the text of the minutes caucus request.

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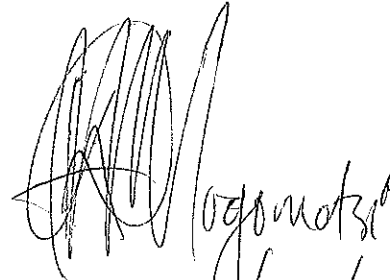
3. **ADOPTION OF MINUTES:**

It be noted that due to the power outage, Council resolved that the minutes of the (07/2023S) Adjourned Special meeting of Council held on **10th May 2023** be forwarded to the Whips of Political Parties for verification, before the Speaker of Council can sign them.

4. **CLOSURE:**

The business of the meeting was concluded at 13:25.

SPEAKER:

A large, stylized handwritten signature in black ink, appearing to read 'Logomatsi'.

DATE APPROVED:

12/05/2023