OUDTSHOORN
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A TOWN TO WORK, LEARN, PLAY AND PROSPER

MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF OUDTSHOORN LOCAL MUNICIPALITY, TUESDAY, 04 AUGUST 2020, COUNCIL CHAMBER, VOORTREKKER ROAD, OUDTSHOORN, 14:00.

Resolution no: 63.1/08/20

OPENING

The Speaker welcomed Councillors, officials, the media and members of the public where after Council maintained a moment of silence as a token as prayer.

ATTENDANCE

COUNCILLORS

Councillor J Le Roux Krowitz	(Speaker)
Councillor NV Mwati	(Executive Deputy Mayor)
Councillor GJ Kersop	
Councillor CD MacPherson	
Councillor DJ Fourie	
Councillor J Lambaatjeen	
Councillor RR Wildschut	
Councillor MBG Theyse	
Councillor H Botha	
Councillor LS Stone	
Councillor N Magopeni	
Councillor J Floors	
Councillor H Tyatya	
Councillor CL Cobus	
Councillor GR Gertse	
Councillor DR Maarman	
Councillor BV Owen	
Councillor VM Donson	
Councillor GH Juthe	

MUNICIPAL OFFICIALS

Mr GP de Jager	(Chief Financial Officer)
Ms S Sims	(Acting Director: Human Settlements)
Mr L Fatuse	(Manager: Risk Management)
Mr S Mle	(Acting Senior Manager: Legal Services)
Mr P Goliath	(Acting Manager: Council Support Services)
Mr N Mangqwengqwe	(Senior Officer: Media & Communications)
Mrs J Metembo	(Officer: Council & Support Services)
Mrs M Sederstroom	(Officer: Council & Support Services)

Resolution n: 63.2/08/20

APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED

That the following applications for leave of absence received be recorded:

Councillor LPO Wagenaar
Councillor K Windvogel

Absent without an apology:

Councillor E Fortuin
Councillor H Ruiters
Councillor N Soman
Councillor H Human

Resolution no: 63.3/08/20

CONSTITUTING OF MEETING

The presence of a simple majority of Councillors constitutes a quorum. Nineteen (19) Councillors out of twenty five (25) were present, at the scheduled time of the meeting, therefore the meeting was duly constituted.

Resolution no: 63.4/08/20

DECLARATION OF INTEREST BY COUNCILLORS AND OFFICIALS IN RESPECT OF ITEMS ON THE AGENDA

RESOLVED

That no declaration of interest was made by Councillors or officials in respect of items on the agenda.

Resolution no: 63.5/08/20

NOTICES OF CONDOLENCES AND/OR CONGRATULATIONS

The Speaker, on behalf of Council congratulated Councillors and municipal officials on their birthdays.

Resolution no: 63.6/08/20

ELECTION OF EXECUTIVE MAYOR

It should be recorded that the administration circulated nomination forms amongst Councillors. The Acting Manager: Council Support Services facilitated the election process. The following nominations were received:

PROPOSAL 1

1. Councillor MacPherson was nominated as the Executive Mayor.

PROPOSED: COUNCILLOR H BOTHA
SECONDED: COUNCILLOR DJ FOURIE

PROPOSAL 2

1. Councillor Cobus was nominated as the Executive Mayor.

PROPOSED: COUNCILLOR J FLOORS
SECONDED: COUNCILLOR G GERTSE

After the above mentioned proposals were brought to a secret ballot, the following results were acquired:

Proposal 2 - **7 votes** in favour of proposal,
Proposal 1 - **11 votes** in favour of proposal,
One (1) spoiled ballot

It was thus:

RESOLVED BY COUNCIL

1. Council elected Councillor MacPherson as the Executive Mayor by a majority of votes.

PROPOSED: COUNCILLOR H BOTHA
SECONDED: COUNCILLOR DJ FOURIE

Resolution no: 63.7/08/20

ELECTION OF DEPUTY EXECUTIVE MAYOR

It should be recorded that the administration circulated nomination forms amongst Councillors. The Acting Manager: Council Support Services facilitated the election process. The following nominations were received:

PROPOSAL 1

1. Councillor Juthe was nominated as the Deputy Executive Mayor.

PROPOSED: COUNCILLOR VM DONSON
SECONDED: COUNCILLOR DR MAARMAN

PROPOSAL 2

1. Councillor Tyatya was nominated as the Deputy Executive Mayor.

PROPOSED: COUNCILLOR J FLOORS
SECONDED: COUNCILLOR CL COBUS

After the above mentioned proposals were brought to a secret ballot, the following results were acquired:

Proposal 2 - **6 votes** in favour of proposal,
Proposal 1 - **13 votes** in favour of proposal,

It was thus:

RESOLVED BY COUNCIL

1. Council elected Councillor Juthe as the Deputy Executive Mayor by a majority of votes.

PROPOSED: COUNCILLOR VM DONSON
SECONDED: COUNCILLOR DR MAARMAN

CONSIDERATION OF MOTION OF EXIGENCY

Resolution no: 63.8/08/20

MOTION 1

Councillor Tyatya tabled a Motion of Exigency: Distribution of Housing Material

After the above mentioned motion were brought to a vote, the following results were acquired:

In favour of Motion tabled	**- 9 votes**
Not in favour of the tabling of the motion	**-10 votes**

RESOLVED BY COUNCIL

1. The motion regarding the distribution of housing material was defeated with nine (9) votes in favour and ten (10) votes against it.

Resolution no: 63.9/08/20

MOTION 2

Councillor Tyatya tabled a Motion of Exigency: COVID 19, Informal Settlements

After the above mentioned motion were brought to a vote, the following results were acquired:

In favour of Motion tabled	**- 9 votes**
Not in favour of the tabling of the motion	**-10 votes**

RESOLVED BY COUNCIL

1. The motion regarding the COVID 19, Informal Settlements was defeated with nine (9) votes in favour and ten (10) votes against it.

Resolution no: 63.10/08/20

Councillor Tyatya tabled a Motion of Exigency: COVID 19 Solidarity Fund

After the above mentioned motion were brought to a vote, the following results were acquired:

In favour of Motion tabled	**- 9 votes**
Not in favour of the tabling of the motion	**-10 votes**

RESOLVED BY COUNCIL

1. The motion regarding the COVID 19 Solidarity Fund was defeated with nine (9) votes in favour and ten (10) votes against it.

Resolution no: 63.11/08/20

WORKSHOP BETWEEN COUNCILLORS AND SENIOR MANAGEMENT

RESOLVED BY COUNCIL

1. Council resolved to workshop the Ordinary Council Agenda of 30 June 2020.

2. That the Administration arrange a workshop between Councilors and Senior Management for Wednesday, 12 August 2020.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

NON-DELEGATED MATTERS

SECTION 1
OFFICE OF THE MUNICIPAL MANAGER

Resolution no: 63.12/08/20

REPORT: INTERIM AUDIT COMMITTEE

UNANIMOUSLY RESOLVED

1. Council approved the interim arrangement to negotiate with the Garden Route District Municipality (GRDM) to avail the Audit Committee of the GRDM for an interim period of 3 months or until the appointment of an Audit Committee for Oudtshoorn Local Municipality is finalized.

2. Council approved the financial implications towards the payment of honoraria according to DRDM policy as well as the direct cost involved for travelling arrangements also in line with GRDM policy.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

EXECUTION: CHIEF AUDIT EXECUTIVE

Resolution no: 63.13/08/20

REPORT: RELIEF ON MUNICIPAL ACCOUNTS – COVID 19 PERIOD

UNANIMOUSLY RESOLVED

1. Council approved the relief on consumer's municipal accounts, in the form of exempting the billing of interest on all overdue consumers' accounts for a period of six (6) months from July 2020 – December 2020.

2. Council extended the consumer incentive scheme original approved by Council on 19 December 2019, resolution number 60.162/12/19, whereby consumers would be required to settle 50% of debt in arrears before 30 June 2020 once-off, and will then be assisted through the write-off of the remainder 50% of the debt, from July 2020 – December 2020. The above mentioned incentive scheme will only be applicable on debt older than 30 days. That the above incentive scheme also been introduced to debt which is handed-over to the attorneys for collection.

3. That all consumers, except municipal officials and councilors as the latter received full remuneration during the COVID 19 pandemic remain unblocked from 01 May 2020 – 31 January 2021, to enable the purchase of electricity over the COVID 19 pandemic period. This will exclude consumers disconnected or blocked and have penalties for tampering with their electricity meter box/supply.

4. That a compulsory auxiliary percentage charge of 40% collection be implemented on all electricity pre-paid consumers that is unblocked for the mentioned period, and that accrued outstanding debt during this pandemic period of COVID 19, to prohibit debt escalating that could result in the municipality becoming totally financially unsustainable.

5. That all residential consumers currently utilizing a conventional electricity meter box, be convert to a pre-paid electricity meter box, starting with the consumers which is in arrears with their municipal service accounts, at the cost of the municipality, to implement point 4 above fairly across the Greater Oudtshoorn municipality consumers. Funding to execute the above mentioned will be dully verified in the 2020/2021 MTREF Budget, where possible savings can be identified and will be utilized.

6. That the extension of the Incentive Scheme be advertised on all media platforms to inform consumers of such extension up to 31 December 2020.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

It should be recorded that Council resolved to place the above item also on the Agenda of the Workshop between Councillors and Senior Management, Wednesday 12 August 2020.

EXECUTION: CHIEF FINANCIAL OFFICER

Resolution no: 63.14/08/20

REPORT: PROVINCIAL TREASURY REVIEW AND FEEDBACK: FINAL BUDGET 2020/ 21

UNANIMOUSLY RESOLVED

1. Council noted the PROVINCIAL TREASURY REVIEW AND FEEDBACK: FINAL BUDGETS - 2020/21 assessment report.

2. Council noted the assessment report highlights the operating budget deficit the municipality, before capital transfers and that council to work on it by trying not to approve budgets as such.

3. Council noted that the Municipality is advised to monitor the operating expenditure increases over the 2020/21 MTREF as it might surpass operational income and might put pressure on the operating revenue budget and cash surpluses in the long run by limit non-priority spending and implement stringent cost-containment measures.

4. Council noted that there is difference of opinion between the assessment and administration on the funded status of the budget due to the unavailability of the same assessment tool used by National Treasury which is not legally regulated

5. Council recommended to National Treasury as part of the feedback to them that they either provide all municipalities with the assessment tool or to provide guidelines on assumptions to be used with provisions (e.g. Leave provisions) to bring more certainty on the funded status of the budget.

6. Council noted that a new Long Term Financial Plan will have to be developed again after the audited information has become available.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

EXECUTION: CHIEF FINANCIAL OFFICER

Resolution no: 63.15/08/20

SECTION 52 BUDGET AND PERFORMANCE REPORT FOR JUNE 2020

UNANIMOUSLY RESOLVED

1. Council noted the Fourth Quarterly Budget and Performance report as at 30 June 2020.

2. Council noted that the figures in this report are subject to changes as a result of all the year-end processes to compile the Annual Financial Statements.

3. Council noted that due to the fact that the Annual Financial Statements has not been finalized, the fourth quarterly performance report does not reflect the actuals of the financial performance ratios as it still needs to be updated after the finalization of the Annual Financial Statements in order to avoid any misstatements between the fourth quarterly performance report and annual performance report.

4. That once the Annual Financial Statements have been completed and finalized, the full SDBIP report 2019/20 be presented to Council with the Annual Report and Annual Financial Statements.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

It should be recorded that Council resolved to place the above item also on the Agenda of the Workshop between Councillors and Senior Management, Wednesday 12 August 2020.

EXECUTION: CHIEF FINANCIAL OFFICER

Resolution no: 63.19/08/20

MONTHLY DEVIATION REPORT: JUNE 2020

UNANIMOUSLY RESOLVED

1. Council noted the deviations approved for the month of June 2020.

Resolution no: 63.20/08/20

REPORT ON THE QUARTERLY IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY AND THE INFRASTRUCTURE PROCUREMENT POLICY FOR THE PERIOD 01 APRIL 2020 TO 30 JUNE 2020

UNANIMOUSLY RESOLVED

1. Council noted the Supply Chain Management Quarterly Implementation Report from 01 April 2020 to 30 June 2020, (Quater 4) of the 2019/ 2020 financial year in terms of Section 6(3) of the SCM Policy and Section 3.1.3 (c) of the Infrastructure Procurment Policy.

2. That it be noted that there were fifteen (15) deviations that occured for the period 01 April 2020 to 30 June 2020 to the amount of R 2 638 762,50. All considered and approved in line with Regulation 36 of the SCM Regulations 2005 and Oudtshoorn SCM Policy.

3. That the irregular, fruitless and wasteful expenditure identified be referred to the Municipal Public Accounts Committee for investigation and a recommendation to Council.

4. That in future all items be referred to the Portfolio Committees, Executive Mayoral Committee and than to Council.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

EXECUTION: CHIEF FINANCIAL OFFICER

Resolution no: 63.21/08/20

TABLING OF QUARTERLY REPORT ON COUNCILLORS AND OFFICIALS OUTSTANDING DEBT, ENDING 30 JUNE 2020

UNANIMOUSLY RESOLVED

1. Council noted the outstanding debt of councillors, and staff members as at 30 June 2020.

2. That an internal memorandum be circulated to all staff members informing them that all overdue accounts of staff members must be settled on or before 15 August 2020, failure to settle overdue accounts will lead to the disconnection of conventional/prepaid electricity and/or the handover of accounts to the external debt collection attorneys for collection.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

EXECUTION: CHIEF FINANCIAL OFFICER

Resolution no: 63.22/08/20

REPORT ON THE ANNUAL IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY AND THE INFRASTRUCTURE PROCUREMENT POLICY FOR THE 2019/ 2020 FINANCIAL YEAR

UNANIMOUSLY RESOLVED

1. Council noted the Annual Implementation report of the Supply Chain Management Policy for Goods and Services and the Infrastructure Procurement Policy from, 01 July 2019 to 30 June 2020 of the 2019/ 2020 financial year in terms of Section 6(2) of the SCM Policy and Section 3.1.3 (a) of the Infrastructure Procurement Policy.

2. That it be noted that there is thirty five (35) deviations approved for the periof 01 July 2020 to the sum of R 3,011,282.72 inclusive of all costs.

3. That it be noted that a stock take was performed at year end 29 & 30 June 2020 in line with Oudtshoorn SCM Policy paragraph 39.

4. That the irregular, fruitless and wasteful expenditure identified for the 2019/ 2020 financial year be referred to the Municipal Public Accounts Committee for investigation.

PROPOSED: COUNCILLOR G KERSOP
SECONDED: COUNCILLOR CD MACPHERSON

EXECUTION: CHIEF FINANCIAL OFFICER

Resolution no: 63.23/08/20

CONFIRMATION OF MINUTES (NEW MINUTES)

RESOLVED BY COUNCIL

1. That the minutes be referred to the Workshop between Councillors and Senior Management, Wednesday, 12 August 2020.

Resolution no: 63.24/08/20

MOTION OF EXIGENCY

It should be recorded that due to the presence of only ten (10) Councillors the Motion of Exigency tabled by Councillor Kersop was not considered.

CLOSURE

The Speaker adjourned the meeting at 18:10.

I, **Councillor Julia Le Roux Krowitz** in my capacity as **SPEAKER** the **Oudtshoorn Local Municipality** hereby certify that the **Special Council Minutes** of **04 August 2020** was approved by the **Oudtshoorn Municipal Council** on **30 September 2020.**

CLLR J LE ROUX-KROWITZ
SPEAKER