

ITEM NUMBER: C 27/10/20

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 6 OCTOBER 2020

MC 10/10/20 AUTHORITY TO ENTER INTO AN AGREEMENT WITH THE FRIENDS OF VAN RIEBEECK PARK AND AUTHORITY FOR THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES AND HEALTH TO CONCLUDE SIMILAR AGREEMENTS WITH OTHER FRIENDS GROUPS

Ald. JP Smith proposed that additional recommendations (c) and (d) as set out below, be included in the recommendation to Council for consideration.

The above proposal was duly supported.

It is **RECOMMENDED** that:

- (a) Council grants to the Executive Director: Community Services and Health the authority to conclude an agreement with the Friends of Van Riebeeck Park
- (b) Council grants to the Executive Director: Community Services and Health, or any other official duly authorised in terms of the Systems of Delegations and in consultation with Legal Services, the authority to enter into and sign contracts and other documents, with or without financial consequences, with the "Friends" groups, businesses, communities, donors and other departments as envisaged by the Parks Development Policy, or its successor(s)-in-title
- (c) Council grants to the Executive Director: Community Services and Health the authority to conclude an agreement with Friends of groups across the City and to allow that such agreements include the right to achieve revenue streams from the Council facilities to be derived from their management of the sites in order to ensure sustainable management and maintenance of these spaces
- (d) Council grants to the Executive Director: Community Services and Health, or any other official duly authorised in terms of the Systems of Delegations and in consultation with Legal Services, the authority to resolve the indemnity cover that is being required of these organisations by the City of Cape Town and to absolve these not-for-profit organisations of the costs of such indemnity cover.

REPORT TO: COUNCIL

1. ITEM NUMBER MC 10/10/20

2. SUBJECT

AUTHORITY TO ENTER INTO AN AGREEMENT WITH THE FRIENDS OF VAN RIEBEECK PARK AND AUTHORITY FOR THE EXECUTIVE DIRECTOR: COMMUNITY SERVICES AND HEALTH TO CONCLUDE SIMILAR AGREEMENTS WITH OTHER FRIENDS GROUPS.

ONDERWERP

MAGTIGING OM 'N OOREENKOMS MET DIE VRIENDE VAN VAN RIEBEECK-PARK TE SLUIT EN MAGTIGING AAN DIE UITVOERENDE DIREKTEUR: GEMEENSKAPSDIENSTE EN GESONDHEID OM SOORTGELYKE OOREENKOMSTE MET ANDER "VRIENDE"-GROEPE TE SLUIT.

ISIHLOKO

MAKUNIKEZELWE IGUNYA LOKUNGENA KWISIVUMELWANO KUNYE NABE-FRIENDS OF VAN RIEBEECK PARK NEGUNYA LOKUBA UMLAWULI WESIGQEBA KWIINKONZO ZOLUNTU NEZEMPILO UKUBA UKUBA AQUKUMBELE ISIVUMELWANO ESIKWANJALO KUNYE NABANYE ABANGABE- FRIENDS GROUPS.

M0354

3. DELEGATED AUTHORITY

In terms of delegation

This report is FOR DECISION BY

Committee name :

The Executive Mayor together with the Mayoral Committee (MAYCO)

Council

4. DISCUSSION

The aim of the City's Parks Development Policy ("Policy") is the development of parks which address the needs of communities and to ensure sustainability of park developments within the context of scarce and limited resources.

A key Policy Directive prescribes that the Recreation and Parks Department ("Department") shall promote and facilitate collaboration in the design, development and maintenance of parks with inter alia "Friends" Groups. The Department must also ensure that suitable formal agreements are prepared and signed by all parties to mitigate risk and promote collaboration that are to be reviewed periodically in line with the City's Delegations.

There are currently forty-one (41) "Friends" Groups related to parks in the City, varying in size and function, assisting the Department with the management of its parks at no cost. These groups not only make a valuable contribution to the management of parks but also create a sense of involvement and ownership by the community. The nature and composition of these "Friends" Groups vary from individuals to registered Non-Profit Organisations ("NPO's"). Functions performed by the "Friends" Groups include:

- Monitoring and reporting illegal activity, incidents and maintenance requirements;
- Locking and unlocking of gates in line with opening and closing times;
- Performing basic tasks and operational activities including basic maintenance and cleaning etc.;
- Assisting with the safeguarding, and facility monitoring;
- Liaising with officials with regards to risks, operational shortcomings and possible projects or future plans;
- In some instances, creating employment opportunities for local workers or technical experts;
- Raising funds or other resources to implement local projects;
- Providing subject matter expert advice and guidance;
- Hosting awareness programmes and organising events.

In accordance with the Policy, the Department has embarked on a regularisation process to ensure that formal agreements are in place between the City and "Friends" Groups. The Department has engaged the City's Legal Services Department and a standard agreement template has been developed that would define the scope, rights and duties of the parties.

Based on this standard template, the City's Legal Services Department has drafted an agreement with the Friends of Van Riebeeck Park, Cape Town, and this report seeks authority for the conclusion of the agreement by the Executive Director: Community Services and Health.

The draft agreement is attached marked annexure “A”.

Authority is also sought for the Executive Director: Community Services and Health to conclude the agreements with the “Friends” Groups and other relevant entities referred to in the Policy. The Policy stipulates that the Department “...shall promote and facilitate collaborations in the development and maintenance of parks with “Friends” groups, businesses, communities, donors and other departments, provided that there are mutual benefits and that adequate consultation has occurred with the community.” It stipulates further that the Department “...shall ensure that suitable formal agreements, for example, partnerships or memoranda of agreements, are prepared and signed by all parties to mitigate risk and promote collaboration, and that these are reviewed periodically in line with the City’s delegations.”

There has been ongoing engagement with community representatives over several years regarding the establishment of A Friends of Van Riebeeck Park forum, with formal public participation engagements also taking place in the form of public meetings on 2 August 2016 at Herzlia High School, on 15 March 2017 at Herzlia High School and on 17 October 2018 at Good Hope Seminary.

- 4.1. Financial Implications None Opex Capex
- Capex: New Projects
 - Capex: Existing projects requiring additional funding
 - Capex: Existing projects with no additional funding requirements

Legal Compliance

4.2. Staff Implications Yes No

4.3. Risk Implications Yes No

5. RECOMMENDATIONS

It is recommended that:



1. Council grants to the Executive Director: Community Services and Health the authority to conclude an agreement with the Friends of Van Riebeeck Park;
2. Council grants to the Executive Director: Community Services and Health or any other official duly authorised in terms of the Systems of Delegations and in consultation with Legal Services, the authority to enter into and sign contracts and other documents, with or without financial consequences, with the “Friends” groups, businesses, communities, donors and other departments as envisaged by the Parks Development Policy or its successors in title.

Daar word aanbeveel dat:

1. Die Raad magtiging aan die uitvoerende direkteur: gemeenskapsdienste en gesondheid verleen om 'n ooreenkoms met die Vriende van Van Riebeeck-park aan te gaan;
2. Die Raad magtiging aan die uitvoerende direkteur: gemeenskapsdienste en gesondheid of enige ander amptenaar wat behoorlik ingevolge die delegasiesistelsel daartoe gemagtig is, verleen om in oorleg met regsdiens, kontrakte en ander dokumente, met of sonder finansiële implikasies, met die “Vriende”-groepe, -besighede, -gemeenskap, -skenkings en met ander departemente, soos beoog deur die beleid op parkontwikkeling, of hulle regsopvolgers, te sluit en te onderteken.

Kundululwe ukuba:

1. IBhunga malinikezele igunya kuMlawuli weSigqeba kwiiNkonzo zoLuntu nezeMpilo lokuba aqukumbele isivumelwano kunye nabe-Friends of Van Riebeeck Park;
2. IBhunga malinikezele igunya kuMlawuli weSigqeba kwiiNkonzo zoLuntu nezeMpilo okanye nalo naliphina igosa eligunyaziswe ngokweeNkqubo zoGunyaziso kwaye ecebisana nabeeNkonzo zoMthetho ukuba angene kwaye atyikitye iikhontrakthi kunye namanye amaxwebhu akunye okanye ngaphandle kwemiphumela engezimali kunye nabe-“Friends” groups, abezoshishino, uluntu, abanikeli namanye amasebe, njengoko kubonakalisiwe kuMgaqo-nkqubo ongoPhuhliso lweePaki okanye abangena ezihlangwini zabo ngokwetayitile.

ANNEXURES

Copy of Draft Agreement

FOR FURTHER DETAILS CONTACT

NAME	David Dunn	CONTACT NUMBER	0214003627
E-MAIL ADDRESS	David.dunn@capetown.gov.za		
DIRECTORATE	Community Services and Health	FILE REF NO	
SIGNATURE : MANAGER			
SIGNATURE : DIRECTOR	Jan Fourie	Digitally signed by Jan Fourie Date: 2020.08.25 14:20:07 +02'00'	

EXECUTIVE DIRECTOR

NAME	Vincent Botto	COMMENT:
DATE	31 August 2020	
SIGNATURE	 Digitally signed by Vincent Botto Date: 2020.08.31 10:39:54 +02'00'	

CHIEF FINANCIAL OFFICER

NAME		COMMENT:
DATE		
SIGNATURE		

LEGAL COMPLIANCE

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION. NON-COMPLIANT

NAME	Joan-Mari Holt	COMMENT:
DATE	Digitally signed by Joan-Mari Holt Date: 2020.09.08 09:03:25 +02'00'	Certified as legally compliant based on the contents of the report.

SIGNATURE

Note: Recommendation 5.2 is subject to compliance with clause 7(4)(b)(ii) of Council's Parks Development Policy.