EXCO 04/12/02 ARRANGEMENTS IN RESPECT OF THE SUBMISSION OF ITEMS: SIGNATURES

RESOLVED that:

(a) only the relevant Executive Councillor and member of the Executive Management Board be required to sign items for submission to the Executive Committee, provided that:

- late items submitted after the agenda closing date have the Mayor's signed approval, and any items proposing expenditure not provided for on the approved budget, have the required signed approval of the Executive Councillor: Finance and Executive Director: Finance.

INFORMATION: DR S A FISHER
ACTION: G S KENHARDT , EMB

ARRANGEMENTS IN RESPECT OF THE SUBMISSION OF ITEMS: SIGNATURES
087

FOR DECISION BY EXECUTIVE COMMITTEE

EXCO 04/12/02

G S KENHARDT
021 – 400 1223
6 NOVEMBER 2002

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1 EXECUTIVE SUMMARY

The Executive Members and Executive Management Team were authorised by Council to "sign-off" reports to the Executive Committee. The purpose of this report is to review the process.

2 BUSINESS PLAN REFERENCE

Directorate:	Office of the Assistant City Manager
Department:	Committee Services
Business Plan Heading:	Provide an effective and efficient committee service and support to Council and its committees

3 DELEGATED AUTHORITY

Delegated to the Executive Committee. Paragraph 8.4.1.10 Sets policy to guide the executive falling below the level of the Executive Committee in their decision-making process.

4 POLICY:STATUS QUO

Council on 14 February 2001 set guidelines for signatures to reports to the Executive Committee. The Executive Committee on 20 November 2001 reviewed these guidelines. See background information set out in this report in paragraph 6.

5 LEGAL REQUIREMENTS

None. See paragraph 7 of the report namely "Discussion".

6 BACKGROUND

In February 2001 Council resolved:

"*(a) the members of the Executive Committee and the Chairpersons of the Portfolio Committees, be mandated to approve and, if necessary, request the amendment of all reports submitted to their respective Portfolio Committees prior to these reports being circulated on any agenda. If the Acting Municipal Manager* is not satisfied that an amendment requested by a member of the Executive Committee will be in the interest of Council, then such report must be* *submitted to the Executive Committee to decide on the amendments requested prior to this report being submitted. In respect of such reports, the Mayor must also be given the opportunity to give his prior approval to the submission thereof.*

(b) all reports must bear the signature of the Acting Municipal Manager, the relevant member of the Executive Committee, the relevant Chairperson's of a Portfolio Committee and, where provision is not made for the matter on the current budget or where over expenditure occurs, requiring a large virementation of funds, the approval of the Chairperson of the Finance Committee must also be obtained and he shall be required to sign the report."*

The Executive Management Team in turn resolved that when reports to the Executive Committee dealt with budgetary issues where provision was not made for on the current budget or where over-expenditure occurs requiring a large virement of funds, it was necessary for the Executive Director: Finance to sign the report before it served before the Executive Committee.

In a memorandum from the Legal Advisor to all Executive Councillors, the Acting Municipal Manager and Interim Managers dated 22 February and 9 March 2001 respectively it was advised that once a portfolio committee had completed its proposal on a policy or bylaw, the Portfolio Committee under the hand of its chairperson, must submit a report to the executive containing the proposal.

*The Executive Committee on 20 November 2001 resolved that:

"*(a) the relevant members of the Executive Management Team (Executive Director, Strategic Director, Director, Assistant City Manager) be authorised to "sign-off" reports to the Executive Committee and individual Executive Councillors in future*

(b) the City Manager only be required to sign off reports, when such authorisation is deemed necessary by the relevant member of the Executive Management Team or Executive Councillor."

When officials wish to submit reports after the deadline for the closure of an Executive Committee agenda, and the responsible author is of the opinion that it is critical that it be included as a late item, a covering report motivating why the report should be accepted as a late item is to be submitted to the Mayor whose prerogative it is to either approve of reject the inclusion of the late item.

7 DISCUSSION

The intention of the above recommendations was to allow Executive Councillors and Portfolio Committee Chairpersons to give political guidance hence the prior signature of a report merely indicates that the relevant councillor concurs with the contents of the report. Failure to sign a report does not create a legal procedural deficiency. The Interim Manager: Legal Services confirmed the latter in a report to the Executive Committee on 21 August 2001.

The background information demonstrates how protracted and confusing this process is. Often a report deals with many issues, which may impact on more than one Executive Committee member. The author of the report will then be required to obtain a combination of signatures, for example:

"A report to the Executive Committee deals with issues falling within the portfolio of the Executive Member of Trading Services and also has an impact on the portfolio of the Executive Member of Housing. In addition, the report deals with budgetary issues where provision was not made for on the budget.

The author of the report would in the above instance require the following signatures:

1. Author of report
2. Either the Strategic Executive/Executive Director/Director/Assistant City Manager (in this instance two signatures for the functional area the report affects)
3. The Strategic Executive of Finance
4. The Executive Member of Trading Services
5. The Executive Member of Housing
6. The Executive Member of Finance

In the case of reports coming from a Portfolio Committee to the Executive Committee the following signatures are:

1. Author of Report
2. Chairperson of the Portfolio Committee
3. Strategic Executive/Executive Director etc.
4. The relevant Executive Member or Members

Should there be a budgetary impact then the Executive Member of Finance as well as the Strategic Executive would be required to authorise the report."

The only overlap of signatures that occurs is when reports are submitted to the Portfolio Committees that then go on to the Executive Committee. In these instances, the report to the Portfolio Committee is signed by the relevant Chairperson who is also required to sign the report again (the report will only be amended to include the recommendation of the Portfolio Committee) when it is submitted to the Executive Committee.

To aid officials in obtaining the correct signatures, Committee Services has compiled a set of 35 templates catering for every scenario. These templates have been integrated into a user-friendly tool that can be accessed by councillors and officials on the Intranet. By following the simple instructions the correct template will be generated which will indicate to the user what signatures are required.

8 STAFF IMPLICATIONS

Considerable time is spent coordinating the signatures and keeping track of reports in the system for signatures and for this reason a member of staff is dedicated to assist in this regard.

9 COMMENTS FROM OTHER DIRECTORATES

None.

10 PUBLICITY IMPLICATIONS

None.

11 RECOMMENDATION

It is recommended that:

11.1 Only the relevant Executive Councillor and member of the Executive Management Board be required to sign items for submission to the Executive Committee, provided that:

11.1 Late items submitted after the agenda closing date require the Mayor's signed approval

11.2 Any items proposing expenditure not provided for on the approved budget, requires the signed approval of the Executive Councillor: Finance and Executive Director: Finance.

AUTHOR OF REPORT

DATE 8 November 2002

400 1223

ASSISTANT CITY MANAGER

TELE NO 400 1230

DATE 8.11.02

Comment

DEPUTY MAYOR

TELE NO

DATE 8-11-02

Comment