

POLICY AND PROCESS TO DEAL WITH URGENT MATTERS

Item B-CL (72-2003)
MC 15.1.2004

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RESOLVED:

1. **That** the report regarding the policy and process to deal with urgent matters **BE NOTED**.
2. **That** the following **BE ADOPTED** as the policy and process to deal with urgent matters:
 - (a) As a principle, it is confirmed that matters must be dealt with in compliance with and in the ordinary course of Council's policies and procedures as well as the normal decision making processes.
 - (b) A deviation from such approved procedures should only be permitted in the following circumstances:
 - (i) Where legislation or other compelling prescripts (e.g. court orders) dictate, require or permit otherwise.
 - (ii) Where an emergency situation has arisen and appropriate but still authorised steps need to be taken to address such emergency (i.e. expedited procurement of goods or services in an emergency).
 - (iii) Where circumstances of an urgent nature or in the best interest of Council require that authorised expedited or dispensing procedures be followed.

Note: Cases contemplated above relate to expedited procurement, dispensing with the calling of tenders, nomination of Council representatives to serve on bodies or attend overseas or local trips or other functions or meetings, or similar matters.
 - (c) In the event of the circumstances in (2)(ii) above prevailing, any deviation (or decision thereto) from the approved procedures must still comply with the legislative and Council policy frameworks, System of Delegations and/or any other formalities or prescripts.
 - (d) If the emergency situation or urgency contemplated in (2)(ii) or (2)(iii) above is due to the negligent or irregular conduct or omission of any member, official, functionary or structure of Council, due consideration must be given to the taking of disciplinary action or not.
 - (e) Any decision to deviate as provided for above must be in writing with due motivation therefore, as well as contain reference to the enabling provision or mechanism.
 - (f) Such a decision must be countersigned by the relevant Director, the Executive Director and Strategic Executive Director, as well as MMC, to the extent required in terms of the System of Delegated Powers, before submission of the report in (e) above to the City Manager. Functionaries are not permitted to submit such reports directly to the City Manager. If a report has to be signed by the City Manager, it should be submitted via, the relevant Strategic Executive Director.
 - (g) The City Manager or nominee, authorised thereto in writing, will submit the report to the Executive Mayor for approval if it is required. Again, functionaries are not permitted to submit such reports directly to the Executive Mayor.

- (h) All reports that normally require the comments from any or all other departments must still contain such comments.
 - (i) Once a report is countersigned by all the relevant role-players indicated above and to the extent required in terms of Council's System of Delegations, the original signed document must be forwarded to Records for filing and safekeeping. The Department concerned may make such copies required to implement the approval.
 - (j) If any formalities dictate or require subsequent condonation, ratification or noting by a higher authority, a report to this effect must be submitted forthwith by the responsible department, functionary or structure of Council to the relevant Portfolio Committee, Mayoral Committee and Council.
3. **That** the matter **BE FORWARDED** to the Executive Directors, Strategic Executive Directors and the City Manager for information.