

CSS14 of 2018

PROGRESS REPORT ON LLF RESOLUTIONS (ED: CSS) (16/1)

PURPOSE

To submit a progress report to the Corporate Services Section 80 Committee on LLF resolutions, for noting.

BACKGROUND

In Local Government practices and processes, submission of written reports to Council and its Committees is fundamental as a tool for measuring the performance of the Municipality and to enable Council to effectively perform its role of playing oversight over the Executive and the Administration components of the Municipality. Thus Council resolved that in all of its Ordinary Sitzings, a report on the execution of its resolutions must be tabled.

DISCUSSION

This report on audit of LLF resolutions covers the months from July 2017 to date.

***** Attached on page 1 to page 9 of the Addendum Annexures is the LLF Resolution Audit.**

POLICY POSITION

Main Collective Agreements
Collective Agreement for Free State
Legal action against the Municipality
Compliance Order issued by SALGBC

FINANCIAL IMPLICATION

None

LEGAL IMPLICATIONS

None

SUBMITTED FOR INFORMATION

CSS15 of 2018

STATUS REPORT ON EMPLOYMENT EQUITY IN MATJHABENG LOCAL MUNICIPALITY (ED: CS) (5/6/2/8)

PURPOSE

To provide a status report on Employment Equity in Matjhabeng Local Municipality.

PROBLEM STATEMENT

Matjhabeng Local Municipality is not complying with the Employment Equity Act as it has not been submitting the Employment Equity Plan in terms of the Act.

The Municipal Manager has appointed members to form part of the Employment Equity Committee, however this committee has not been able to sit.

A request has been submitted to the Department of Labour to come and assist Matjhabeng Local Municipality with the establishment and implementation of the Employment Equity Committee including ensuring compliance with the law to ensure submission of an Employment Equity Plan.

WAY FORWARD

Department of Labour will indicate when they will be able to come and conduct a workshop on Employment Equity in the Municipality which will capacitate the established Employment Equity Committee in executing its roles and responsibilities.

SUBMITTED FOR INFORMATION

CSS16 of 2018

STATUS REPORT ON TRANSFER OF LIBRARIES (ED: CSS) (5/3/2/11)

PURPOSE

To provide a status report on the transfer of Libraries to the Provincial Department of Sports, Arts, and Culture & Recreation.

BACKGROUND

This matter has served before the Local Labour Forum and HR Sub- committee.

It appears that at the last instance, a list of employees which comprises, those who wish to be transferred to the Province, those who want to remain with Matjhabeng Local Municipality and those who are undecided was given to the Office of the Municipal Manager.

Not much was done with the list and the Union was requested to submit same to Human Resources.

PERSONNEL IMPLICATIONS

Currently a total of fifty (50) employees are involved; thirty (30) want to remain with the Municipality; eight (8) are prepared to be transferred to Province and twelve (12) are undecided.

CURRENT STATUS

The process of allocation of personnel in terms of their preferences is underway.

SUBMITTED FOR INFORMATION

CSS17 of 2018

UPDATED CONTRACT REGISTER (ED: CSS) (5/3/1)

PURPOSE

The purpose of this report is to provide the Section 80 Committee with the Service Level Agreement register. The documents outlines all service level agreements concluded between the Municipality and Service providers. The document is in compliance with the legislative imperatives and aligned to departmental Service Delivery and Budget Implementation Plan.

BACKGROUND

Section 116 (2) of the MFMA prescribes as follow:

“The accounting officer of a municipality must-

- (a) Take all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of a municipality is **properly enforced**;
- (b) **Monitor on a monthly basis** the performance of the contractor under the contract or agreement;
- (c) Establish capacity in the administration of the municipality –
 - (i) To assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and
 - (ii) To oversee the day-to-day management of the contract or agreement; and

DISCUSSIONS

Contract management maintain on a monthly basis a Service Level Agreement register which enlist all contacts that have been developed by the department. The said register is as per instructions received from supply chain department and/or contracting department. Contract department reviews the list to ensure accurate reporting. The Service Level Agreement register is annexed hereto.

Supply chain management policy dictates that following the appointment of the Service Provider, the Municipality shall conclude a Service Level Agreement. The policy is informed by principles of good governance and further entrenched in section 116 of the MFMA. The Contract management department takes reasonable steps to ensure that instruction flowing from SCM are attended to expeditiously to give effect to the legislative imperatives. The service level agreement concluded in the current financial year.

Date of conclusion of the Service level agreement	Name of the appointee	Nature of services	Duration of the Service level agreement	Value of the contract
24 August 2017	Soleng (Pty) Ltd	Consultancy agreement	Project completion	Professional fees

		Replacement of galvanized steel pipes Allanridge		
24 August 2017	Maragela Consulting	Consultancy agreement Upgrading of Welkom landfill	Project completion	Professional fees
06 September 2017	Zonkesizwe consulting	Consultancy agreement Construction of 2km road, internal streets , Stormwater in Meloding	Project completion	Professional fees
25 August 2017	Kabe consulting	Consultancy agreement Upgrading of old Thabong roads	Project completion	Professional fees
24 August 2017	Ilifa consulting	Consultancy agreement Construction of multipurpose sport complex	Project completion	Professional fees
25 August 2017	JM professionals	Consultancy agreement Mmamahabane cemetery upgrade	Project completion	Professional fees
29 September 2017	Royal haskoning DHV	Consultancy agreement Upgrading of the urania 132/11kv 20mva substation	Project completion	Professional fees
29 September 2017	Royal haskoning DHV	Consultancy agreement Upgrading of klippan pump station	Project completion	Professional fees
29 September 2017	Royal haskoning DHV	Consultancy agreement Provision and installation of a bulk supply overhead line in Bronville	Project completion	Professional fees

*** Attached as **SEPARATE COVER 8** is the contract register 2017/2018.

* **Concluded means contracts prepared and signed.**

The following Service Level Agreements have been prepared as per the instruction of the contracting department and await signatures. The following shall therefore not reflect on the updated contract register.

Name of the appointee	Nature of services	Duration of the Service level agreement	Value of the contract
Fuller civils/ motsoako jv	Upgrading of sewer pumping station – Phomolong	12 months	R14 823 515.11
Lele and Tshidi	Construction of 53 toilets Mmamahabane	6 months	R710 054.75
Khatha contractors	Nyakallong construction of Stormwater	12 months	R13 774 408.30

Tendiwanga simphonya jv	Construction of 2km paved roads and Stormwater	12 months	R16 008 634.96
Etsho consulting engineers	Management of the project management unit	Per regulation 32	5% of MIG funding

EXTENSION OF SERVICE LEVEL AGREEMENTS

Contract management records extensions of all Service Level agreements and other contracts. Contract Management has not been advised of any extensions during the period under review.

Name of the Service Provider	Nature of service deliverables	Duration of contract extension	Grounds for extension
Nil	Nil	Nil	Nil

EXPIRED SERVICE LEVEL AGREEMENT

The following service level agreements expired in the current financial year.

Name of the Service Provider	Nature of service deliverables
Jv funeral services	Pauper burials
Baphuthing funeral services	Pauper burials
Cubicle trading	Designs and printing of IDP
Cubicle trading	Design and printing annual report
Lele and tshidi	Disconnection and reconnection of water
WW civils and construction	Disconnection and reconnection electricity
Practicon	Supply and delivery of protective clothing
Sunday kid uniform	Supply and delivery of protective clothing
Tunnes trading	Supply and delivery of protective clothing

FINANCIAL IMPLICATION

None

LEGAL IMPLICATIONS

Compliance with Section 116(2) of the Municipal Finance Management Act.

RECOMMENDATION

1. That Section 80 Committee notes the Service Level Agreement register.

CSS18 of 2018

UPDATED LITIGATION REGISTER (ED: CSS) (6/9/2)

PURPOSE

The purpose of this report is to provide the Section 80 committee with an updated litigation register. The documents outlines all litigious matters in Matjhabeng Local Municipality.

BACKGROUND

The department of legal services provides supports to all units of the Municipality on all legal related matters. The support includes amongst others:

Drafting of legal opinions.

Review of legal documents and all related legal instruments.

Oversee litigious matters in court.

Institute and defend (upon instruction) litigious matters in court.

The unit has devised a register to track record and enlist all litigious matters in Matjhabeng.

*** **Attached as SEPARATE COVER 9** is a register as at 31 January 2018 which outlines the cause of action and status of each matter enlisted.

FINANCIL IMPLICATION

None.

LEGAL IMPLICATIONS

None.

RECOMMENDATION

1. That the Section 80 Committee notes the litigation register.

CSS19 of 2018

2017/18 CUSTOMER CARE REPORT TO SECTION 80 COMMITTEE (ED: CSS) (2/4)

PURPOSE

The purpose of this item is to reflect the status quo of Matjhabeng Local Municipality's Customer Care Unit and its quarterly report.

BACKGROUND

In 2015/16 AG raise same red flags on the state of our complaints and provided specific recommendations and timeframes.

Formation and Centralizing of complaints through Customer Care before the end of 2016/17.

*** Attached on page 10 to page 15 of the Annexures is the 2017/ 18 Customer Care report.

LEGAL FRAMEWORK

Constitution of R.S.A, 1996 (Act No. 108 of 1996).

Bills of Rights

Section 195 Of the Constitution, 1996.

FINANCIAL IMPLICATIONS

None.

RECOMMENDATION

It is recommended:

1. That Customer Care must table its report quarterly to the Corporate Services Section 80 Committee.

SUBMITTED FOR NOTIFICATION

CSS20 of 2018

PROGRESS REPORT ON BRANCH WELLNESS PROGRAMME'S PERFORMANCE AS FROM JULY 2017 TO JANUARY 2018 (ED: CSS) (5/6/2/3)

PURPOSE

To report to the Section 80 Committee about Branch Wellness Programme's performance from July 2017 to January 2018.

BACKGROUND

The employees are the most important resource of the Municipality. The Employee Assistance Programme (EAP) is the core function of the Branch Wellness Programme. The EAP assist to provide comprehensive Employee Assistance Programmes to Cllrs, employees & family members, through Life Skill Awareness Programmes, campaigns and counselling and by providing Pauper Burial Services to Indigent, Destitute & Unknown people.

The Branch Wellness Programme's planned activities are in line with National Health Awareness Calendar with the aim to enhancing the social well-being and the productivity of the employees.

DISCUSSION

The Branch is assisting Employees, Councillors and their families with any challenge they might experience, e.g. stress, substance abuse, conflict, etc.

The Community is assisted with Pauper burials and referrals only.

FINANCIAL IMPLICATIONS:

Financial implications are only for Pauper, Indigent, Destitute & Unknown Burials as set out per Tenders tariffs.

*** Attached as **SEPARATE COVER 10** is the progress report presentation.

*** Attached on page 16 to page 20 of the Annexures is 2018 year plan.

LEGAL FRAMEWORK

- Labour Relation Act 1995 (Act No. 66 of 1995)
- Basic Conditions of Employment Act 1997 (Act No. 75 of 1997)
- Employee Equity Act No 55 of 1998
- Principles of Code of Good Practice
- Occupational Health and Safety Act no 85 of 1993
- Compensation for Occupational Injuries and Diseases Act No 130 of 1993
- Medical Schemes Act No 75 of 1998
- Constitution of SA Act No 108 of 1996
- National Health Act no, 61 of 2003 [Chapter 11 Regulations 90(i)]

POLICY POSITION:

1. HIV/AIDS Workplace Policy
2. Pauper, Indigent (Destitute) and Unknown Burials Policy
3. Employee Assistance Policy

RECOMMENDATION

1. That the Section 80 Committee accept the report as presented.

CSS21 of 2018

CORPORATE SERVICES OVERTIME REPORT (ED: CSS) (5/4/1/3)

PURPOSE

To present to the Section 80 Corporate Services Committee a report on overtime for the period July 2017 to January 2018.

BACKGROUND

Council resolved on the 13th December 2016 on item number **A94/2016** as follows:

“... 3. That the Municipal Manager SHOULD SUBMIT a comprehensive report of overtime worked by various municipal departments at the next Council meeting.”

*** Attached as **SEPARATE COVER 11** is the Report on the Overtime of Corporate Services Directorate.

DISCUSSION

Overtime Payment has become one of the high Cost factors impacting on the Cash flow of the Municipality. It was against this background that an instruction was issued by the Council for the Departments to reduce overtime. In the past, the following situations contributed to Overtime in the Corporate Services:

- Printing and distribution of the Council and related Committees Agendas
- Attendance during Hall Bookings

It is a pleasure to report that the Printing and distribution of the Agendas has been reduced tremendously following the introduction of the paperless system in August 2017. The attendance during Hall Bookings is limited to instances when there would be a need to clean the Hall in between events over the weekend and the ferrying of chairs from one venue to the other.

*** The report on overtime worked is **attached as a SEPARATE COVER 11**.

It should be noted that some of the employees reflected on the Overtime Report are not working for Corporate Services Department. An investigation will be done to determine their current placement.

LEGAL IMPLICATIONS

1. According to the Basic conditions of Employment Amendment Act, Act No. 11 of 2002 overtime is defined as: ***“The time that an employee works during a day of the week in excess of ordinary hours of work.”*** Section 10 of the same act was amended to allow for overtime to increase to a maximum of 15 hours per week in accordance with the collective agreement.

2. The collective agreement for the Free State Division of SALGBC is in place and permits **“Emergency work”** in terms of Section 13 and **“Overtime”** in terms of Section 17. In terms of Section 17.4 Employees on standby shall receive overtime payment when called out irrespective of the statutory threshold. In terms of Section 17.7 a maximum of 15 hours of overtime is permitted.
3. Circular No. 1/2016 Collective Agreement for the Free State Division of the SALGBC, paragraph 17 “An employee shall be entitled to be paid overtime when he is requested by written by the Municipal manager or his authorised assignee, in terms of delegated authority in accordance with standing operational procedures, outside of his normal operational hours.”

FINANCIAL IMPLICATION

A total amount of **R455 321,00** was budgeted for the 2017/2018 financial year and a total expenditure of **R483 894,55 (106%)** has been incurred on a total number of **5 006** hours overtime claimed from July 2017 to January 2018.

SUBMITTED FOR INFORMATION