SHORT TERM RISKS
&
LIABILITIES
POLICY

UNCHANGED

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MP 313

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1. INTRODUCTION

It is required of the municipal manager as accounting officer, to take all reasonable steps to ensure that the council has and implements crucial policies for effective financial and risk management. The safeguarding of assets and the protection of council against liabilities is a very important element which forms part of a proper assets management system.

A standard for short-term insurance in the municipal environment has been prepared for local authority insurance that takes all circumstances related to a municipality into account. There are however aspects in addition to this standard, that the council can decide on as policy, in order to reduce premium without an increase in risk, or where the council is prepared to accept risk because of a very slim probability that an event might occur.

2. OBJECTIVES OF POLICY

The objectives of the policy are:

2.1 To safeguard all municipal assets and protect council against liabilities.

2.2 To ensure effective financial and risk management.

3. LEGISLATIVE

The legislative framework is:

3.1 Local Government Municipal Finance Management Act, Act 56 of 2003 and regulations.

3.2 Local Government Municipal Systems Act, Act 32 of 2000.

4. PROPERTY INSURED

4.1 Asset schedules

The head of a department shall before December of each year submit a schedule setting out the assets held by that department, the risks requiring to be insured and any other information deemed necessary to the executive director financial services, which shall in accordance with such schedules, and subject to the council's official policy on the insurance of risk and liabilities, effect such insurance as council's interests require, through the service of the insurance broker appointed by council.

4.2 Property excluded from external insurance

All property owned by or leased to the council, property held by the council in trust and/or commission and/or custody and/or under councilôs control and/or for which the council is responsible must be insured ***except for the following which are specifically excluded*** in terms of the standard:

- property more specifically insured by any other firm arrangement.
- dam walls, dam contents, canals, reservoirs and reservoir contents.
- pavilions, sport stadiums, spectator stands, outdoor sports playing or recreational surfaces and athletic tracks.
- assets with an inferior or low value.
- loose assets falling within the excess payment of the applicable insurance policy.
- explosives and ammunition.
- bullion.
- precious stones.
- jewellery other than the mayorôs regalia.
- trophies and indexed museum items.
- electrical and communication transmission and distribution lines including cabling and their support structures, other than on or within 150 meters of any insured premises.
- water piping as well as storm water piping including their supporting structures, other than on or within 150 meters of insured property.
- sewerage piping including their supporting structures other than on or within 150 meters of insured property.
- driveways, pavements, outdoor parking surfaces.
- roads, road and railway bridges, road and rail tunnels, manhole covers.
- aircraft runways and aprons.
- land, topsoil, backfill, drainage or culverts.
- accounts receivable.

- saving certificates and the like.
- property in possession of customers (library books, etc.).
- trees, shrubs and plants.
- monuments and statues.
- graves and tombstones.
- growing timber, growing crops and livestock.
- structural damage to third party motor vehicles due to grass cutting.

4.3 Contingencies and risks specifically excluded

- any event of risk where the council is specifically indemnified by a third party.
- contingencies arising from landslides and earthquakes.
- removal of rubble or professional fees resulting from any damaged property or structures except for municipal buildings.
- operators liability for the aerodrome.
- workmenôs compensation for personnel covered under the Workmenôs Compensation Act.
- first 24-hoursô work on the recovery of lost electronic data information.

5. DAMAGE AND RISKS TO BE SPECIFICALLY INCLUDED TO THE SHORT TERM INSURANCE PORTFOLIO

- houses under rental and selling schemes administrated by the municipality.
- important official documentation such as building plans and erf records.
- all property as contained in the assets schedules, annually revised and provided to the insurance brokers.
- additional risk because of the lack of burglar proofing and alarm systems at municipal buildings.
- contractors all risk for high-risk construction as identified by the relevant head of departments from time to time.

- selected movable items utilized in high-risk workplaces of the municipality.

- full theft cover at all insured property as stipulated on the assets schedule.

- all money on the premises or in transit from the premises to the bank to a maximum at any stage at any premises of R1 300 000,00 in cash and R1 000 000,00 in cheques as annually determined by the chief financial officer.

- fidelity insurance based on all positions higher than post level six (6) of the personnel grading, including all councillors.

- comprehensive motor own damage and third party liability on a motor fleet basis including specifically mentioned high valued vehicles.

- full comprehensive coverage for all emergency vehicles.

- goods in transit up to R500 000,00 per single load to be transported at a time.

- stated benefits (workmenôs compensation) insurance on 24-hour basis for the accounting officer, executive directors, directors and senior officials in terms of section 77 of the Municipal Finance Management Act, Act 56 of 2003.

- electronic equipment on the mainframe computer, document imaging system and information technology networks, including cabling and communication towers.

- incidental damages including consequential damages at high risk electrical and mechanical plants as identified by the director civil engineering services and the director electrical engineering services.

- comprehensive insurance on the small craft at the fire services.

- aerodrome ownersôliability insurance.

- public liability for bodily injury or damage to an amount of R30-million per event.

- employersôliability of R30-million.

- special life and disability cover for councillors limited to two times the total remuneration package of a councillors.

- special risk cover for the loss of councillorsôproperty arising from riot, civil unrest, strike or public disorder limited to R1,5-million on fixed property and R750 000,00 for vehicles.

- replacement of glass of a motor vehicle from third parties due to grass cutting.

6. CONSIDERATION OF HIGHER EXCESS PAYMENTS

The possibility of paying higher first amounts with claims which might result in lower premiums must constantly be considered by the executive director financial services taking into account the best benefit for council at all times.

7. CONTRIBUTION TO INSURANCE RESERVE

7.1 The short term insurance portfolio must be administrated on an internal insurance fund principle as contemplated in the Financial Code of Practice.

7.2 Excess payments on claims are allocated to the relevant department vote under general expenditure.

7.3 The electricity service contributes annually to the electricity insurance reserve.

7.4 All uninsured assets are replaced from either the insurance fund or operating budget of relevant departments, whichever is applicable, subject to the availability of funds.

8. REPORTING RISK, CLAIMS AND DAMAGE

It shall be the duty of a head of department to notify the executive director financial services without delay of any new insurable risk or of any alteration in an existing insurable risk or of any alteration in an existing insurable risk which has arisen in connection with his/her department.

On the occurrence of any event giving rise or likely to give rise to a claim by or against the council or against its insurers, the head of the department concerned shall where applicable, first report the incident to the SAPS within 24 hours of discovery, then within 48 hours of discovery report the incident to the executive director financial services who shall notify the council's insurer immediately. The reporting of all insurance claims should be as per the reporting of claims procedures. An insurance claim can be adversely affected even repudiated by the insurer if the claim is not reported promptly and/or where supporting documents are not submitted.

The executive director financial services shall keep a register in which particulars of all insurance policies held by the council shall be entered and shall be responsible for the payment of all premiums and shall ensure that claims that arise under such policies are instituted. The register shall be reconciled monthly.

9. CLAIMS PREPARATION COSTS

The executive director financial services shall with annual renewal of insurance or otherwise, as regular as required, negotiate for exceptional claims preparation costs to be included to the related insurance.

10. DISPUTES AND ARBITRATION

The executive director financial services shall with the annual renewal of insurance arrange with the insurer brokers that any disputes as to the amount of liability of the insurers under any of the insurance policies be determined by arbitration in accordance with the laws of the Republic of South Africa.

11. APPOINTMENT OF INSURANCE BROKERS

The council shall call for tenders for the appointment of insurance brokers at least once every five (5) years, unless circumstances dictate a shorter period.

Insurance brokers will be appointed according to their ability to administrate the councilôs short term insurance portfolio, the professionality of officials in their employment and their record of sound brokerage service in the municipal environment.

The insurance brokers shall specifically indemnify the council of increased risk because of the incorrect of unprofessional handling of the placement of insurance or the handling of a specific insurance claim.

The insurance broker shall annually at the consideration of insurable conditions for the next financial year provide the council of sufficient proof of its own public liability and professional liability insurance as well as registration with the professional body for insurance brokers and registration of financial advisor.

The insurance broker shall revise the councilôs insurance portfolio annually in collaboration with the executive director financial services.

12. REVIEW

This policy will be reviewed annually to ensure it complies with changes in applicable legislation, regulations and insurance profile of the municipality.

13. SHORT TITLE

This policy shall be called the Short Term Risks and Liabilities Policy of the Steve Tshwete Local Municipality.