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DRAFT REVISED

Ward Committee Rules

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

INDEX

NUMBER	CHAPTER	PAGE NO.
1.	Preamble	3
2.	<u>Application of Rules</u>	3
3.	Objectives	3
4.	<u>Definitions</u>	4
5.	Legal Framework	6
6.	Membership	6
7.	<u>The Role of the Speaker</u>	8
8.	<u>The Role of the Ward Councillor</u>	8
9.	<u>The Role of the Proportional Representative (PR) Councillors in Ward Committees</u>	9
10.	<u>The Role of the Ward Committee</u>	9
11.	Powers and Functions of Ward Committees	11
12.	Overall Procedure for Election	13
13.	Term of Office	14
14.	Conducting of Ward Committee <u>and Public</u> Meetings within the ward	14
15.	<u>Order in Meetings and Rules of Debate</u>	16
16.	Termination of Membership	18
17.	Filling of Vacancies	19
18.	Reimbursement of Out-of-Pocket Expenses	19
19.	Responsibilities of the Municipal Administration	21
20.	Dissolution of Ward Committees	22
	Schedule 1: Election (Voting) process at election venues	
	<u>Schedule 2: Code of Conduct for Ward Committee Members</u>	

1. PREAMBLE

- 1.1 It is essential for good governance that citizens are actively involved in the processes with regard to planning, budgeting, monitoring and evaluation of programmes/projects.
- 1.2 Ward Committees (WC) are regarded as the vehicle to promote good governance at the local government level and serve as advisory bodies that assist the municipal council in achieving the constitutional objectives of local government.
- 1.3 The Overstrand Municipality is governed as a municipality with a mayoral executive system combined with a ward participatory system as per Section 9(d) of the Local Government: Municipal Structures Act, 1998.
- 1.4 The establishment and operation of a Ward Committee must be in accordance with Section 72 to 78 of the Local Government: Municipal Structures Act, 1998.

2. APPLICATION OF RULES

- 2.1 As per section 2 of the Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, these rules apply to all meetings of committees.
- 2.2 Except where it is clearly inappropriate, a rule applying to a Councillor in any proceedings, also applies to a member of the public who attends those proceedings.

3. OBJECTIVES

- 3.1 The objective of a ward committee is to enhance participatory democracy in local government.
- 3.2 Ward Committees must participate in the following:
- 3.2.1 Preparing, implementation and review of the Integrated Development Plan (IDP);
- 3.2.2 Establishment, implementation, and review of a Performance Management System (PMS);
- 3.2.3 Preparation of the budget;
- 3.2.4 Strategic decisions of the Municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.
- 3.3 A Ward Committee is the official channel of communication between the community and municipality regarding mandated municipal matters in a particular Ward. Apart from the formal scheduled ward committee meetings, ward committees can meet informally and create other communication channels such as WC WhatsApp Group and social media to engage with members in the ward. WC members can share this information with their community members.
- 3.4 The ward committee is an advisory body, meaning that it can make recommendations to the Ward Councillor(s) and Municipal Council, but does not have the power to make decisions on its own.

DEFINITIONS

Budget	Refer to the annual budget of a municipality in terms of the Local Government: Municipal Finance Management Act, 2003
<u>CBO</u>	<u>A Community Based Organisation</u>
<u>Chairperson</u>	<u>A Ward Councillor of the Municipality elected to chair the Ward Committee meetings in terms of Section 73(2)(a) of the Municipal Structures Act</u>
Code of Conduct	Code of conduct means Code of Conduct available to Ward Committee Members as set out per Schedule 2
<u>Community</u>	<u>Residents of a ward, i.e. the ward community</u>
<u>Community Engagement</u>	<u>Ward Committee should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented</u>
Constitution	The Constitution of the Republic of South Africa, 1996, which is the supreme law of the country
Council	The municipality's body of elected Councillors and proportionally representative Councillors (comprising of the local government) as established in terms of the Municipal Structures Act
<u>Election Assistant</u>	<u>Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality appointed by the Election Officer to assist with the election of Ward Committee Members</u>
Election Officer	<u>Municipal and/or Provincial Department Local Government (DLG), Independent Electoral Commission (IEC) or District Municipality responsible for supervising and coordinating an election venue to ensure that the election (voting) of Ward Committees is conducted in terms of this Policy</u>
Geographical Block	Represents the interests of an identified geographical block, for example neighbourhood, extension, village in a particular ward
<u>IEC</u>	<u>The IEC most commonly refers to the Electoral Commission of South Africa, an independent, Chapter 9 constitutional institution established in 1996 to manage free and fair elections for national, provincial and municipal legislative bodies. It handles voter registration, election administration, results and voter education</u>
<u>In-Committee</u>	<u>Means a formally constituted meeting of a council or committee from which the public is excluded in order to consider confidential or legally protected information</u>
Integrated Development Plan	The principal strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality
<u>Member</u>	<u>A person elected or co-opted into a Ward Committee</u>

<u>Monitoring and Evaluation</u>	<u>Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public</u>
Municipal Manager	Head of administration, accounting officer of the Municipality and appointed by Council in terms of Section 54A of the Local Government: Municipal Systems Act, No 32 of 2000
Ordinary Meeting Cycle	Consists of meetings in the following order, namely: Ward Committees, Portfolio Committees, Executive Mayoral Committee meetings and Council meetings
<u>Ordinary Ward Committee Meeting</u>	<u>Means a scheduled, official meeting of a ward committee convened to consider routine matters, community issues, and the municipal service delivery within the ward. Members of the public have observer status and may only address the meeting with approval of the Chairperson</u>
Organisation	Represents a specific interest of the community resident in the particular ward, for example youth, women, religious grouping, ratepayers' associations, etc. but not a political party
Performance Management System (PMS)	A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process
<u>PR Councillor</u>	<u>A proportional representative municipal councillor elected in terms of Section 22(a) of the Local Government: Municipal Structures Act, No 117 of 1996 to represent a party on the Council of a municipality</u>
<u>Predetermined Geographical Block/s</u>	<u>Means formally identified and demarcated areas within a ward or municipal boundary that are established in advance for planning, administrative or community representation purposes</u>
<u>Public meeting</u>	<u>Means a ward committee meeting convened to facilitate community participation, where residents of the ward are afforded an opportunity to engage with the Ward Councillor and committee members on municipal matters</u>
Sector/Interested Group	Represents a broader scope of similar interests (umbrella body/structure) of the community for example, Sport & Recreation, Health & Welfare, etc.
Speaker	The Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act 117 of 1998
Special Meetings	Scheduled for Council to consider for example the annual IDP/Budget Process Plan, new/revised IDP, the Budget, Mid-year Adjustment Budget, etc.
Voters' Roll	The national common IEC voters' roll compiled in terms of the Electoral Act, 1998
<u>Ward Committee Operational Plan</u>	Annual plan of activities to be performed/executed by Ward Committee Member's representative in a ward committee
<u>Ward Councillor</u>	<u>A representative that serves as the liaison/link/channel between the communities they represent and the municipal council, reporting back regularly through ward meetings and assisting the community in identifying needs and priority</u>

	<u>areas of development which feed into the municipality's planning processes</u>
Youth	People within the age group of 18 to 30 years are elected to a ward committee to represent the interest of young people between the age groups of 14 to 35 years. The mentioned age group eligible for election will ensure that representatives can be registered on the voters' roll and are able to serve a term of five years on ward committee

5 LEGAL FRAMEWORK

- 5.1 The Constitution of South Africa, 1996
- 5.2 Municipal Structures Act, Local Government: Municipal Structures Act, No 117 of 1998
- 5.3 Municipal Systems Act, Local Government: Municipal Systems Act, No 32 of 2000
- 5.4 Municipal Finance Management Act (MFMA), Local Government: Municipal Finance Management Act, No 56 of 2003
- 5.5 Guidelines for the establishment and operation of Municipal Ward Committees, Notice 965 of 2005
- 5.6 National Policy Framework for Public Participation, 2007
- 5.7 National Framework: Criteria for Determining out of pocket expenses for Ward Committee Members, 2009
- 5.8 Overstrand Municipality: Public Participation Policy, 2016
- 5.9 Overstrand Municipality: By-law on Rules of Order for Internal Arrangements, 2022

6 MEMBERSHIP

- 6.1 A Ward Committee consists of the Ward Councillor and not more than ten (10) other persons elected to represent organisations/sectors or pre-determined geographical blocks which will be clearly defined and demarcated sections within a specific area or ward that are identified in advance for administrative, planning, operational or representation purposes.
- 6.2 The Ward Councillor representing the Ward in the Council must be the chairperson of the Ward Committee.
- 6.3 The members represented in a ward committee can be elected based on sectorial model (organization/sector) or pre-determined geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward.
- 6.4 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees. Thus, **Umbrella Bodies** to serve on the Ward Committees.
- 6.5 Criteria for Membership

Proposal to ensure a balanced sectoral representation in terms of the SALGA guideline (pg. 16 – 17), the following representation is proposed:

- i) Gender
- ii) Organised formal business community (examples: Local business forums; Tourism and Hospitality Associations; Industrial area business forums; Shopping Centre or CBD business forums)
- iii) Organised informal business community (examples: Street/Informal Traders' Association; Spaza Shop Forums; Home-Based Business Forums)
- iv) Civil Society Organisation (examples: Non-Governmental Organisations (NGOs); Community-Based Organisations (CBOs); Faith-Based Organisations (FBOs); Environmental & Social Development Groups; Community Safety Structures)
- v) Socio-Economic Development (examples: Skills Development & Employment Creation; Poverty Alleviation & Social Support; Youth, Women & Vulnerable Group Empowerment; Education & Digital Access)
- vi) Traditional Institutions and faith-based organisations (examples: Traditional Councils; Recognised Traditional Leaders; Houses of Traditional Leaders; Customary Community Structures)
- vii) Special designated groups (examples: Youth; Senior Citizens/Older Persons; LGBTQIA+; Persons with Disabilities; Women, children & vulnerable groups).

6.6 The election of Ward Committee Members described in 5.3 above must take into account the need:

- **[That at least 3 (three) of the 10 (ten) community members elected on the Ward Committee are women.]**
- To strive for equal gender representation in the composition of the ward committee.

6.7 No organisation may have more than one representative in a Sector on a Ward Committee.

6.8 No individual representation will be allowed in a ward committee.

6.9 A person to be elected to represent a sector/organization/geographical interest on a ward committee must:

6.9.1 Be a registered voter (18 years and older) and whose name appears on the voters' roll for the particular ward;

6.9.2 Not be a member of a Municipal Council;

6.9.3 Not be permanently or contractually employed by the Municipality;

6.9.4 Not be a Community Development Worker or employed by another sphere (Local, Provincial, National of Government);

6.9.5 Not have been indebted to the Municipality for a period longer than three (3) calendar months, with the exception that proof can be provided that the necessary arrangements have been made to settle the debt and continue to remain in good standing for the duration of the term of office;

- 6.9.6 Not have been convicted of an offence and sentenced for a period of more than twelve (12) months.
- 6.10 Close family members (husband, wife, child, parent) may not serve on the same ward committee.
- 6.11 The Code of Conduct for Ward Committee Members will be applicable to members of the committee during their term of office.

7 THE ROLE OF THE SPEAKER

- 7.1 Presides at meetings of the Council.
- 7.2 Performs the duties and exercises the power delegated to the Speaker in terms of Section 59 of the Local Government: Municipal Systems Act, 2000.
- 7.3 Must maintain order during meetings.
- 7.4 Must ensure that the legislative authority of the municipality functions effectively.
- 7.5 Is responsible for the effective oversight over the executive authority of the municipality.
- 7.6 Must ensure the effectiveness and functionality of ward committees and the public participation process.
- 7.7 If a local council is unable to establish a ward committee(s) within 120 days after the election of the municipal council, the Speaker must, prior to the expiry of the 120 days after the elections, in writing and on good cause shown, request the MEC, responsible for local governance in the province concerned, for an extension.

8 THE ROLE OF THE WARD COUNCILLOR

8.1 Public Representative of the Ward

- The Ward Councillor represents the interests of the people in his or her ward in the municipal council.
- They communicate the concerns, needs and aspirations of their ward to the broader municipal government.
- They ensure that local issues are addressed in council decisions and policies.

8.2 Chairperson of the Ward Committee

- Chairs the ward committee, a structure that facilitates community participation in local government.
- Work closely with ward committee members to identify community priorities and channel those into municipal processes including budgeting and planning.

8.3 Facilitator of Public Participation

- They promote and encourage community involvement in municipal decision-making processes, including the Integrated Development Plan (IDP) and budget processes.

- They help to ensure that all sectors of the community, including marginalized groups, are heard.

8.4 Oversight and Accountability

- Ward Councillors monitor service delivery within their wards and report shortcomings or poor service delivery to the municipality.
- They play a watchdog role by holding the municipal administration accountable for services delivered to their communities.

8.5 Problem-Solving and Conflict Resolution

- They help to mediate and resolve local disputes between community members, or between residents and the municipality.
- They assist in addressing grievances related to municipal services.

8.6 Communication Link

- They inform residents about municipal projects, plans and policies.
- They provide feedback from the municipality to the community and vice versa.

9 THE ROLE OF PROPORTIONAL REPRESENTATIVE (PR) COUNCILLORS IN WARD COMMITTEES

9.1 Supports the Ward Councillor but does not replace the Ward Councillor.

9.2 PR Councillors elected to serve in the municipality must be ex officio and non-voting members of the Ward Committee of the ward they reside in, or any other Ward Committee assigned to them by the Speaker.

9.3 Can handle queries and complaints in consultation with the Ward Councillor.

9.4 Should attend ward committee meetings, community member meetings and special meetings.

9.5 Can assist with resolving disputes and making referrals.

9.6 Can help with the implementation of projects.

10 THE ROLE OF THE WARD COMMITTEE

10.1 Facilitating Public Participation

- Ward Committees serve as a bridge between the community and the municipality, ensuring that residents have a platform to express their needs, concerns and priorities.
- They help mobilize community involvement in municipal planning, budgeting and decision-making processes.

- Is an integrative umbrella body responsible for co-ordination of ward developmental initiatives, promotion of accountability and social cohesion.

10.2 **Advisory Role**

- They act in an advisory capacity to the Ward Councillor, offering input on issues affecting the ward.
- They assist the Councillor in communicating with the public and gathering information on community needs and opinions.

10.3 **Monitoring Service Delivery**

- Ward Committees play a role in monitoring and evaluating municipal service delivery in their areas.
- They help identify service delivery failures or challenges and communicate them to the municipality.

10.4 **Promoting Accountability and Transparency**

- By facilitating open communication between the municipality and community members, ward committees promote transparency in local government processes.
- They assist in holding the municipality accountable for the quality and effectiveness of services.

10.5 **Community Development Support**

- Ward Committees support local development initiatives and help prioritise development projects in their wards.
- They may assist in developing Integrated Development Plans (IDPs) by providing local knowledge and input.

10.6 Ward Committees must perform their functions impartially without fear, favour or prejudice.

10.7 Community Engagement: Ward Committees should actively engage with the community through regular public meetings, surveys and feedback mechanisms to ensure that the community's needs and concerns are accurately represented.

10.8 Transparency and Accountability: Ward Committees must maintain transparency in their operations by keeping detailed records of meetings, decisions, and actions, which should be accessible to the public.

10.9 Training and Capacity Building: Members of Ward Committees should receive regular training on local governance, municipal processes and community engagement to enhance their effectiveness.

10.10 Conflict Resolution: Ward Committees should establish clear procedures for resolving conflicts within the committee and between the committee and the community.

10.11 Monitoring and Evaluation: Ward Committees should regularly monitor and evaluate their activities and the impact of their decisions on the community, reporting their findings to the Council and the public.

11 **POWERS AND FUNCTIONS OF WARD COMMITTEES**

A ward committee member is elected by the community to represent and advance the interests of the ward or organization/sector/block that nominated them. They serve as a link between the community and ward committee, ensuring that the voices, concerns and priorities of their wards or sectors/blocks are heard.

In carrying out this role, a ward committee member must actively consult and engage with their ward or organization/sector/block on all matters that are to be discussed by the ward committee. Before every ward committee meeting – whether it is an ordinary meeting or a public community meeting – the member is required to consult with their wards or sectors/blocks and gather their views, inputs and concerns. These perspectives must then be presented and represented at the relevant ward committee meeting(s).

- 11.1 Ward Committees **[together with the Overstrand Municipal Advisory Forum (OMAF)]** will act as the official liaison mechanism on all strategic municipal matters affecting the community, provided that in matters relating to drafting and implementation of the municipality's integrated development plan and the monitoring, measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality, the Overstrand Municipal Advisory Forum (OMAF) will be the official liaison mechanism in conjunction with the Ward Committees.
- 11.2 Ward Committees will be the official body with which the Ward Councillors will liaise regarding any matter affecting their respective wards and more specifically items on the agenda affecting the particular ward.
- 11.3 The Ward Councillors must give regular feedback at ward committee meetings and at least on a quarterly basis to their wards and communities on Council matters, as required in the Code of Conduct for Councillors. This constitutes the public ward feedback / public community meetings.
- 11.4 Ward Committees must annually compile their respective Ward Committee Operational Plans on the prescribed Provincial Local Government template which includes a range of activities to be executed during the following financial year. This may be used as one of the determining factors for reimbursement of Ward Committee Members for out-of-pocket expenses incurred.
- 11.5 Ward Committee Members/Secundus must attend all official Ward Committee meetings scheduled in terms of Council's meeting cycle or upon special request by the Ward Councillor or Speaker.
- 11.6 Members of the Ward Committee must submit items for discussion to the Administration/Ward Councillor at least ten (10) working days before the official ward committee meeting.
- 11.7 Item(s) discussed at Ward Committee meetings that require formal report(s) to Portfolio Committee(s) for consideration must be finalized by the relevant manager to serve on the agenda of designated Portfolio Committee(s) at the following ordinary meeting cycle.
- 11.8 Recommendations for last mentioned items must be made by the local Ward Councillor/designated chairperson of the Ward Committee.

- 11.9 Ward Committee Members must report back to their respective constituencies (organisations/sectors/geographical blocks) at least on a quarterly basis. This may be used as one of the determining factors for reimbursement of Ward Committee members for out-of-pocket expenses incurred.
- 11.10 Formal minutes/reports of quarterly report back meetings of wards (referred to in 10.9) should be submitted to the municipal administration via the Ward Councillor within fourteen (14) working days after the meeting.
- 11.11 Ward Committee Members must report at least 15 basic service delivery requests/issues pertaining to maintenance of infrastructure on a quarterly basis using their allocated unique reference numbers to any of the following platforms/service enquiries namely:
- a) Overstrand Collab Citizen App
 - b) Contact Centre (24/7) or Emergency Control Room
 - c) enquiries@overstrand.gov.za
- 11.12 A Ward Committee may establish a task team(s)/sub-committee(s) with the permission of the Ward Councillor necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers **[or to perform specific task(s) on behalf of the committee]**, for example monitoring projects within the ward, street committees. The ward committee may authorize a task team/sub-committee to co-opt advisory members who are not members of the council within the limits determined by the council.
- 11.13 A nominated Ward Committee member shall chair all task team(s)/sub-committees meetings linked to the portfolio he/she represents at a ward committee level.
- 11.14 A formal process to determine formalization of participation in a task team(s)/sub-committees of the Ward Committee should be developed and formalized by the municipality.
- 11.15 The Ward Committee and task team(s)/sub-committees may meet together as a ward forum for major discussions.
- 11.16 All stakeholders in the ward should be encouraged to participate in task team(s)/sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.
- 11.17 The task team(s)/sub-committees must report back to their respective Ward Committees on tasks assigned to them as and when required by the Ward Councillor.
- 11.18 It is required of Ward Committee Members/Secundus to attend training/capacity building sessions scheduled by the municipality or other sphere (Provincial/National) of government.
- 11.19 It is the responsibility of all Ward Committee Members/Secundus to attend the Overstrand Municipal Advisory Forum (OMAF) or forums/meetings/workshops outside the municipality upon formal request by the Ward Councillor/Speaker and/or an official from Municipal Administration.
- 11.20 Ward Committees must sign a Code of Conduct to be administered by the respective Ward Councillors and the Speaker of the Council.

12. OVERALL PROCEDURE FOR ELECTION

- 12.1 Obtain Nominations to serve on Ward Committees.
- 12.1.1 The Municipal Manager will advertise in the local newspaper(s) a notice for the organisations/sectors eligible for election must have been operational in the particular ward for at least six (6) months, except newly established organisations that directly represent the interest of women, youth, disabled and the elderly.
- 12.1.2 Representatives nominated by sectors/organisations/geographical blocks on respective Ward Committee must represent a diversity of interest located in a particular ward and also comply with requirements listed under item 6 above.
- 12.1.3 Notice referred to in 12.1.1 above must be given at least thirty (30) days prior to the date when the date(s) for the elections of Ward Committees are announced.
- 12.1.4 Nominations referred to in 12.1.1 above must be submitted to the Municipal Manager or his delegate(s) on a pro-forma to be provided by the Administration, by not later than closing date for nominations provided in the notice referred to in 12.1.1 above.
- 12.1.5 Lists of nominations received for respective Ward Committees (referred to 12.1.1 above) must be compiled and finalized to inform the ballot papers for each ward by the delegate(s) of the Municipal Manager, in consultation with the newly elected Ward Councillors at least 7 (seven) calendar days prior to the first date of the elections of Ward Committees for the Municipality.
- 12.1.6 If an organization/sector is to be represented on the Ward Committee, no other member of the executive of that particular organization/sector is eligible to be elected as a geographical block representative for the particular Ward Committee. "Executive" means, for the purposes of this paragraph, a person elected or co-opted to manage the affairs of that organization/sector.
- 12.1.7 Information of nominations received for organisations, sectors and geographical blocks for each Ward Committee (refer to 12.1.6 above) can be verified and revised by registered organisations/sectors and geographical blocks where necessary prior to announcement of Ward Committee election dates for the Municipality.

12.2 Announcement of the Election of Ward Committees

- 12.2.1 The election (voting) for Ward Committees will be conducted from 10:00 until 19:00 on dates and at election venues determined by the Municipal Manager.
- 12.2.2 The Municipal Manager must give notice inclusive of the timetable (dates, venues and timeframe) for the voting of the respective Ward Committees of the Municipality to the local community.
- 12.2.3 Notice referred to in 12.2.2 above must be given at least seven (7) calendar days prior to the first date of the elections of Ward Committees.
- 12.2.4 More than one election venue can be established in a ward due to the geographical nature of the Ward, based on the discretion of the Municipal Manager. In this case the number of Ward Committee Members to be elected at the respective election venue, will be

determined proportionally according to the number of eligible voters registered in the latest voters' roll residing in the neighbourhoods which the respective election venues will be serving.

12.3 Appointment of Election Officials

- 12.3.1 The Municipal Manager will appoint [**Senior Managers and**] Managers of the respective Administration (Managers: Community Liaison) and or other Line Manager(s) to act as Election Officers at particular election venues, where election of Ward Committees will be conducted.
- 12.3.2 The appointed election officers will nominate team(s) of election assistants, respectively from the Municipal Administration to assist with the elections at the various election venues for approval by the Municipal Manager.

12.4 Election (Voting) Process at Election Venues

- 12.4.1 The elections will be conducted in accordance with the election (voting) process at election venues as contained in Schedule 1 of this Policy.
- 12.4.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee are conducted will be eligible to participate in the elections of the particular Ward Committee.
- 12.4.3 A registered person can only vote for one organization/sector and/or one geographical block representative during the election process of a particular Ward Committee.
- 12.4.4 A minimum of not less than 5 (five) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.
- 12.4.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 12.4.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalizing the list of nominations (refer to 12.1.7 above).

12.5 Reporting of Results

- 12.5.1 The election results for the establishment of Ward Committees must be officially reported to the Council by the Municipal Administration.

13 TERM OF OFFICE

- 13.1 The term of office of the Ward Committee members is elected for a period coinciding with the term of office of Council.

14 CONDUCTING OF WARD COMMITTEE AND PUBLIC MEETINGS WITHIN THE WARD

- 14.1 The ward Councillor must convene ward committee and public meetings within the jurisdiction of the ward.
- 14.2 Ward Committees must meet monthly/bi-monthly and the meetings must be aligned to Council's scheduled ordinary- and special meetings in a financial year except when Council is in recess.

- 14.3 Public meetings within the ward must be held quarterly.
- 14.4 A quorum of a ward committee meeting must consist of at least 50% plus one (1) member (excluding the Chairperson). In the event of a quorum not being achieved (for example in the case of vacancies), the remaining members will constitute a quorum.
- 14.5 Inquorate meetings shall proceed as an informal meeting with members present. Recommendations of such informal meetings must or have to be referred to the next scheduled ward committee meeting for adoption.
- 14.6 Subject to the provisions of Rule 2 above, all ward committee meetings as per Council's schedule must be open to the public.
- 14.7 A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.
- 14.8 The Ward Committee adopts its protocol arrangements in terms of language preference, meeting dates, commencement times of meetings, etc. at the first official meeting after the election of Ward Committees.
- 14.9 The timeframes for meetings must not exceed the following number of hours, namely:
- Quarterly public report back meetings: three (3) hours;
 - Other meetings: two (2) hours.
- 14.10 All quarterly report back meetings must be conducted after municipal office hours.
- 14.11 An employee and councillor of the Municipality must be present at a meeting of a committee before it can be constituted/proceed informally as indicated in 11.3.
- 14.12 If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the Ward, such person must recuse himself/herself from such discussion.
- 14.13 If the Ward Councillor must recuse himself/herself from discussion of an item at the committee, he/she must arrange with another councillor to chair the meeting during such recusal.
- 14.14 Any Councillor of the Overstrand Municipality may attend any meetings of Ward Committee.
- 14.15 No items from the agenda of the political structures of the Municipality marked as confidential by the Municipal Manager may be discussed at a ward committee meeting.
- 14.16 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent without an acceptable reason for three (3) consecutive meetings of the committee during item term of office will be replaced in terms of the Rules for the Filling of Vacancies.
- 14.17 Any Ward Committee Member whose representative(s) (organization/sector/geographical block) is absent, without an apology tendered, for six (6) meetings of the committee during its term of office will be replaced in terms of the Rules for the Filling of Vacancies.

- 14.18 The Ward Councillor through the Speaker may delegate in writing the chairing of a meeting in his/her absence to a PR Councillor or to a member of the Ward Committee.
- 15 ORDER IN MEETINGS AND RULES OF DEBATE**
- Rule 2 above applies.
- 15.1. Conduct of Ward Committee Members and members of the public**
- 15.1.1 Ward Committee Members and members of the public must preserve order and observe decorum at meetings, and they may not –
- a) behave in an inappropriate and/or unbecoming manner.
 - b) obstruct the business of the meeting
 - c) challenge the ruling of the Chairperson on any point of order
 - d) commit any breach of the rules and specifically with regard to Ward Committee Members, the provisions of the Code of Conduct of Ward Committee Members.
- 15.1.2 If a Ward Committee Member or member of the public breaches sub rule 15.1.1, the Chairperson must direct the Ward Committee Member or member of the public to refrain from the breach.
- 15.1.3 If a Ward Committee Member or member of the public disregards the directions of the Speaker under sub rule 15.1.2, the Chairperson may direct the Ward Committee Member or member of the public —
- a) if speaking, to discontinue his or her speech; or
 - b) to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed, from the meeting, by a person designated by the Chairperson.
- 15.1.4 If the Chairperson fails to act under sub rule 15.1.3, any Ward Committee Member may move a motion to require the Chairperson to do so.
- 15.1.5 The motion referred to in sub rule 15.1.4 must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.
- 15.2 Dress code for attendance of meetings**
- 15.2.1 Ward Committee Members –
- a) Must dress in business of traditional attire when attending council meetings;
 - b) May wear smart casual clothing when attending committee meetings of council; and
 - c) must not wear any clothing affiliated to any political party during council and committee meetings.
- 15.3 Attendance of members of public**

- 15.3.1 The Chairperson must take reasonable steps to regulate public access to, and public conduct at meetings.
- 15.3.2 The Chairperson may at his sole discretion, in terms of section 130 of the Local Government: Municipal Finance Management Act, 56 of 2003, allocate reasonable time to any member of the public who wishes to address the Council.

15.4 Exclusions of the public from meetings

- 15.4.1 The public may be excluded from the meeting-
- a) Where so directed by the Chairperson; or
 - b) where so decided by the Ward Committee upon a motion from any Ward Committee Member to that effect.
- 15.4.2 If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.
- 15.4.3 If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.
- 15.4.4 The motivation for the exclusion of the public must be minuted.

15.5 Re-admission of members of public

- 15.5.1 A Ward Committee Member may during the course of a meeting from which the public were excluded, move a motion that the meeting again be opened and state the reasons for the motion.
- 15.5.2 If the motion is seconded, it must be put to the vote forthwith without debate.
- 15.5.3 If the motion is carried, the Chairperson must ensure that members of the public are allowed access to the meeting again.

15.6 DEBATE AND MOTIONS

15.6.1 Address to Chairperson

- 15.6.1.1 A Ward Committee Member or a member of the public who is recognised to speak at a meeting must address the Chairperson.
- 15.6.1.2 A member of the public who is recognised by the Chairperson must state his or her name, and if he or she is representing an organisation or any group, identify the organisation or group.

15.6.2 Right to speak and limitation

- 15.6.2.1 A Ward Committee Member may speak or proceed to speak at a meeting after being recognised by the Chairperson.
- 15.6.2.2 A Ward Committee Member who is not a member of a committee has the right to speak at that committee meeting after being recognised by the chairperson of such committee.

15.6.2.3 A Ward Committee Member must avoid personal attacks on other Ward Committee Member and must refrain from impugning the motives for any argument or vote of another Ward Committee Member.

15.6.2.4 A Ward Committee Member may speak only once to —

- (a) the matter before the Ward Committee;
- (b) any motion before the Ward Committee;
- (c) any amendments to a motion before the Ward Committee; or
- (d) a point of order or a question,
unless otherwise authorised by the Chairperson or as provided for in these rules.

15.6.2.5 Unless otherwise permitted by the Chairperson, a member may not speak for longer than five (5) minutes on any matter.

15.6.2.6 The Chairperson may extend the time allocated for a speaker where it is necessary for clarity or to facilitate the efficient conduct of the meeting.

15.6.2.7 A Ward Committee Member may not be interrupted while speaking, unless called to order by the Chairperson or a point of order is raised by any other Ward Committee Member.

15.6.2.8 The Chairperson may not recognise a Ward Committee Member to speak on a matter once that matter has been voted on.

15.6.2.9 The Chairperson may not allow a debate on a matter —

- (a) which may anticipate any matter on the agenda; or
- (b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

15.7 Content of debate

15.7.1 A Ward Committee Member who speaks must direct his or her speech to the matter before the Ward Committee.

15.7.2 If a Ward Committee Member persists in irrelevance after being requested by the Chairperson to confine his or her speech to the matter before the Ward Committee, the Chairperson must order him or her not to speak further in respect of that matter.

15.7.3 Ward Committee Members and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks which are of a defamatory nature.

16 TERMINATION OF MEMBERSHIP

16. A member vacates office during a committee's term of office if that member:

- 16.1 Resigns in writing;
- 16.2 No longer qualifies;
- 16.3 Is removed from office;

- 16.4 Dies, the organisations' representative must be awarded the opportunity to appoint a new member and Secundus before the next Ward Committee meeting.
- 16.5 Is indebted to the Municipality for more than 3 (three) calendar months and where no agreement was entered into and honoured for payment of mentioned debt;
- 16.6 Is no longer capable to perform the duties attached to the office by majority decision of all members of the committee;
- 16.7 Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine;
- 16.8 Represents an organization/sector/geographical block which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted to the Administration via the Ward Councillor;
- 16.9 Is absent from Ward Committee meetings as described per/in terms of 14.16 and 14.17 above;
- 16.10 Disciplined and expelled in terms of the Code of Conduct for Ward Committee Members. Once a member has been expelled from a ward committee, he/she may not be re-elected during the same term of office for Ward Committees.

17 FILLING OF VACANCIES

- 17.1 Vacancies will be filled from the replacement list available from the initial or previous election of Ward Committee Members, by the Municipal Administration.
- 17.2 In the absence of such a replacement list, vacancies shall be filled by following the election procedure set out in Section 12 of the Policy.
- 17.3 The process set out in 17.1 and 17.2 above must:
- 17.4 Vacancies must be filled by the next ward committee meeting.
- 17.5 Take into consideration the agreed ratio as described per clause 12.4.4 and 12.4.5 above;
- 17.6 Promote/maintain representation of at least three (3) women per Ward Committee;
- 17.7 Promote/maintain diversity of interests in the Ward to be represented.

18 REIMBURSEMENT OF OUT-OF-POCKET EXPENSES

- 18.1 Ward Committee Members or their Secundus will be reimbursed for out-of-pocket expenses in accordance with the schedule developed and from time to time amended for

the last-mentioned purpose. The Ward Committee Members will be obliged to:

- 18.1.1 Attend formal scheduled ward committee meetings (per Council's meeting cycle) and to be present for the duration of such meeting;
- 18.1.2 Communicate regular basic service delivery requests (if any) as stipulated in paragraphs 10.3 and 11.11 of the Ward Committee Policy and will be remunerated quarterly;
- 18.1.3 Attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes;
- 18.1.4 Ensure that quarterly report back meetings are held with their respective organisations, sectors and geographical blocks. Minutes of meetings will serve as proof of meetings held; and
- 18.1.5 Attend and/or participate in other forums formally communicated by the municipal administration (for example Overstrand Municipal Advisory Forum, etc.) and other spheres of government and to be present for the duration of such meetings.
- 18.2 The reimbursement in respect of travelling costs for all Ward Committee Members, residing outside a 20km radius of the meeting venues within the Ward will be in accordance with the schedule included in the current municipal operational budget. Ward Committee Members will be reimbursed for travelling costs outside a radius of 30km of the meeting venue within or outside the Ward at the rates applicable to Councillors.
 - 18.2.1 Elected Ward Committee Members (excluding Councillors) will be reimbursed for out-of-pocket expenses as per the following guidelines, namely:
 - 18.2.2 That the reimbursement amount will be paid to the Ward Committee Members in person and not to the organization/sector/geographical block that he/she represents;
 - 18.2.3 That Secundus for representatives of organisations/sectors/geographical blocks will be reimbursed for attendance in the absence of the first/second nominated representatives at a particular, official ward committee meeting;
 - 18.2.4 That reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant Ward Committee Member(s);
 - 18.2.5 That Ward Committee Members may elect not to be reimbursed by informing the administration in writing to such effect.

19 RESPONSIBILITIES OF THE MUNICIPAL ADMINISTRATION

- 19.1 Provide administrative support to Ward Councillors and Ward Committees to arrange official ward committee meetings by:
 - 19.1.1 Compiling agendas of respective Ward Committees after approved agenda items have been received from the respective Ward Councillors;
 - 19.1.2 Circulation of agenda be at least 5 (five) working days prior to scheduled meeting to Ward Councillors, Ward Committees and other affected parties;

- 19.1.3 Recording minutes, including meetings with the public and circulating the minutes not more than 7 (seven) working days after the scheduled meeting to Ward Councillors, Ward Committees and other affected parties;
- 19.1.4 Attending to logistic arrangements, for example venues, equipment, etc. and making venues free of charge to hold official ward committee meetings/geographical/sector report back meetings;
- 19.1.5 Communicating of notices of public meetings to residents in respective Wards on a quarterly basis;
- 19.1.6 Ensure that the Ward Committee schedule of meetings, agendas, minutes are loaded and available on the municipal website;
- 19.1.7 Attending all official ward committee meetings as and when required; and
- 19.1.8 Attending ward committee meetings on request and approval by Municipal Manager/ Director to resolve outstanding matters.
- 19.2 Provide technical support to Ward Councillors and Ward Committee Members in their official capacity, relating to municipal services and constituency work.
- 19.3 Assist with the interpretation of information/translations in official languages applicable to the Municipality, where necessary.
- 19.4 Prepare and submit budget requests for administration of Ward Committees.
- 19.5 Facilitate and assist with involvement of Ward Committees in obtaining its objectives for example IDP, budget processes, Performance Management, etc.
- 19.6 Implement or assist with projects directly affecting Ward Committees.
- 19.7 Facilitate and monitor the completion of all recommendations forwarded by Ward Committees.
- 19.8 Escalate unresolved issues at ward committee level to the office of the Speaker.
- 19.9 Develop and provide capacity building and training programmes for Ward Committees when necessary, during their term of office.
- 19.10 Assist with arrangement and/or provide municipal transport to Ward Councillors and Ward Committee Members to attend to official business where necessary.
- 19.11 Facilitate and ensure the payment of out-of-pocket expenditure to Ward Committee Members where applicable.
- 19.12 Record and monitor performance of respective Ward Committees as per the Municipality's administrative and performance management systems.

20 DISSOLUTION OF WARD COMMITTEES

- 20.1 The Council may dissolve a ward committee if the committee fails to fulfil its object, based on the following indications:
- 20.1.1 A Ward Committee fails to convene three (3) consecutive official meetings in terms of Council’s meeting cycle; and
- 20.1.2 In the event of fraud, corruption or any serious malpractice in which the particular ward committee is found to be involved.
- 20.1.3 There should be due notice before the Council proceeds to dissolve a ward committee.

POLICY SECTION:	[DIRECTORATE COMMUNITY SERVICES]
	<u>OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC SUPPORT SERVICES</u>
CURRENT UPDATE:	
CURRENT UPDATE:	DECEMBER 2022
PREVIOUS REVIEW:	24 AUGUST 2021
PREVIOUS REVIEW:	31 MAY 2017
PREVIOUS REVIEW:	25 MAY 2016
PREVIOUS REVIEW:	29 FEBRUARY 2012
PREVIOUS REVIEW:	04 MAY 2011
PREVIOUS REVIEW:	26 MAY 2010
PREVIOUS REVIEW:	27 MAY 2009
PREVIOUS REVIEW:	16 MAY 2007
APPROVAL BY COUNCIL:	04 JUNE 2003

SCHEDULE 1

ELECTION (VOTING) PROCESS AT ELECTION VENUES

1. Election for members of a Ward Committee will take place by secret ballot on ballot papers prepared by the Municipal Administration.
2. The local elected Ward Councillor and observers will oversee the election process of the Ward Committee Members in the Ward.
3. The respective nominated representative(s) or one other representative from the organisations/sectors and geographical block participating in the election will be allowed as observers for the duration of the election process and are to be seated in a designated space inside the venue.
4. On election day eligible voters must visit the election venue(s) in the Ward where they are registered to vote as per the voters' roll.
5. Eligible voters must show their green bar-coded South African identity book/identity card/temporary identity card to the responsible election assistant.
6. An Election Assistant will check the name of the potential voter against the voters' roll, and
 - 6.1 if the name of the potential voter appears on the voters' roll the name will be marked off the roll and the eligible voter must place his/her signature next to his/her name on the voters' roll;
 - 6.2 if the name of the potential voter does not appear on the voters' roll the last mentioned will not be allowed to vote.
7. Eligible voters will be issued with two ballot papers in order to vote for an organization and a geographical block in the event of electing a ward committee and only one ballot paper in the event of electing one Ward Committee Member.
8. Eligible voters will be directed to an empty ballot booth to exercise their vote(s) by:
 - 8.1 making a mark(s) on the ballot paper(s) next to the organization/sector and geographical blocks with its respective candidates of his/her choice;
 - 8.2 fold the ballot papers one, so that the choice(s) exercised is not visible; and
 - 8.3 place the ballot papers in the ballot box.
9. Physically disabled or visually impaired voters must be assisted by the Election Officer at the voting.
10. A voter may require a replacement ballot paper from the Election Officer if he/she incorrectly marked a ballot paper before placing the last-mentioned ballot paper in the ballot box.
11. Once a ballot paper has been placed in a ballot box it cannot be removed.
12. The counting of ballot papers will commence after the last eligible voter that was inside the venue before the scheduled closing time for voting has cast his/her vote(s).

13. The venue will be closed with only election officials, Ward Councillor, and observers from organisations/sectors and geographical blocks present inside the venue.
14. Ballot box(es) will be opened, and ballot papers will be placed on table(s) prepared for counting purposes.
15. A ballot paper marked in more than one block on the same ballot paper or marked outside blocks provided for on a ballot paper will not be counted as a valid vote, but rather as a spoiled ballot paper.
16. The Election Officer will record results for organisations/sectors and geographical blocks respectively in the order of the highest to the lowest number of votes achieved during the election.
17. If the same number of votes is cast during election for organisations/sectors or geographical blocks the result will be determined by way of casting the lot in instances where it is required to finalise the ten (10) Ward Committee Members and the order of the rating on the possible replacement list.
18. The Election Officer must prepare the list of the ten (10) elected Ward Committee Members, taking into consideration the agreed ratio between organisations/sector and geographical blocks for the Ward Committee and ensure that preference be given to at least three (3) women representatives and where possible, at least one (1) organization representing the interest of the youth, disabled and elderly.
19. If more nominations than the mentioned ten (10) Ward Committee Members received votes, at the elections, the particular organisations/sectors/geographical blocks must be placed on a replacement list for the particular Ward Committee, rated in order of the highest to the lowest number of votes achieved during the election.
20. Voters or observers may lodge an objection against possible irregularities observed during the election process with the Election Officer at the election venue.
21. An appeal may be lodged on the same day of the specific elections (before results are finalized) to the Municipal Manager or delegated if an objection cannot be resolved by the Election Officer. The ruling by the Municipal Manager or delegated will be final.
22. The results of a ward committee election will be declared by the local Ward Councillor at the election venue, after counting and finalizing of list of elected Ward Committee Members and possible replacement list for the particular ward.

SCHEDULE 2

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1 PREAMBLE

- 1.1 The purpose of the code is to ensure that Ward Committee Members fulfil their obligations to the respective wards they represent.
- 1.2 The code is furthermore a set of guidelines to promote improvement of good behaviour of individual Ward Committee Members and to foster good relations with the community, administration and Council.
- 1.3 This code is based on the Code of Conduct for Councillors and needs to be read in conjunction with the mentioned Code.

2 GENERAL

Ward Committee Members must at all times:

- 2.1 Perform their responsibilities/obligations with integrity, honesty and in a transparent manner.
- 2.2 Not in any way compromise the stability of the particular Ward Committee/local Ward Committee System.
- 2.3 Not compromise the integrity and credibility of the Municipality.
- 2.4 Comply with Section 11.

3 ATTENDANCE OF MEETINGS

- 3.1 Ward Committee Members and/or their respective Secundus must strive to attend all officially scheduled Ward Committee meetings.
- 3.2 Must provide an apology with a valid reason to the Chairperson of the committee if a meeting cannot be attended.
- 3.3 Organisations/sectors/geographical blocks (block representatives) will automatically be dismissed from affected Ward Committee(s) if their Ward Committee Member(s) and secundi(s) fail to comply with clauses 10.16 or 10.17.

4 DISCLOSURE OF INTEREST

- 4.1 A Ward Committee Member must disclose direct or indirect personal or private interest in any matter serving before the Committee.
- 4.2 It is expected of a Ward Committee Member to recuse him/herself from the discussion of an item before the Ward Committee in situations described in 4.1 above.
- 4.3 A confirmation screen must appear before the final submission.
- 4.4 Once submitted, the vote is encrypted and cannot be changed.
- 4.5 Voters may not vote twice; duplicate attempts will be blocked/discarded.

5 PERSONAL GAIN

A Ward Committee Member must not:

- 5.1 Use his/her position as a Ward Committee Member for private gain or to improperly benefit from another person.
- 5.2 Accept any gifts, rewards and favours for their involvement in responsibilities/activities with regard to the Ward Committee.

6 INTERVENTION IN ADMINISTRATION

A Ward Committee Member must not:

- 6.1 Interfere in the administration or any department of the Municipality.
- 6.2 Publish comments and or information purporting to be ward committee minutes prior to the administration loading such minutes on the municipal website.
- 6.3 Publish comments and/ or opinions relating to ward committee meetings which are not factually accurate and reflective of the meetings.
- 6.4 Give instruction(s) to employee(s) of the Municipality.
- 6.5 Obstruct or attempt to obstruct the implementation of any decision of Council or administration.
- 6.6 Encourage participation in any action that would result in maladministration within the Municipality.

7 COUNCIL PROPERTY

A Ward Committee Member may not misuse, take, acquire or benefit from any property or asset under control or owned by the Municipality.

8 DISCIPLINARY ACTION

- 8.1 If reasonable suspicion exists that provision of this Code of Conduct has been transgressed / or a Ward Committee member has failed to perform his/her functions as per the Ward Committee Rules, the Chairperson of the Ward Committee must:
 - 8.1.1 Provide a written report with the facts to the Speaker;
 - 8.1.2 The Speaker will give the affected Ward Committee Member a reasonable chance to respond to the alleged breach of the code.
 - 8.1.3 If, in the opinion of the Speaker, prima facie evidence exists that the provisions of the Code of Conduct have been transgressed or a ward committee function in terms of the Ward Committee Rules has not been performed, the Speaker may establish an adhoc disciplinary committee for further investigation and recommendation to Council.
- 8.2 The Speaker must, upon finalization of the investigation into the alleged breach of the Code of Conduct or failure to perform a function by a Ward Committee Member, make recommendations to the Council on the appropriate sanction to be imposed on the relevant

member and that a decision to terminate membership should be at the sole discretion of Council through a formal resolution and shall remain final.

DECLARATION

I, _____,
solemnly declare that I have carefully studied the Ward Committee Rules for Overstrand Municipality and the related Code of Conduct for Ward Committee Members. I fully agree that I shall be bound by the last-mentioned Rules and Code of Conduct in the execution of my functions and duties.

Signed at _____ on this _____ day of _____ 20____.

.....
SIGNATURE OF THE WARD COMMITTEE MEMBER

.....
WARD NO. _____

.....
NAME OF THE WARD COMMITTEE MEMBER
(name in printed capital letters)

.....
DATE

.....
SIGNATURE OF WARD COUNCILLOR

.....
WARD NO. _____

.....
NAME OF THE WARD COUNCILLOR
(name in printed capital letters)

.....
DATE

.....
SIGNATURE OF THE SPEAKER

.....
DATE

.....
NAME OF THE SPEAKER

.....
DATE

AS WITNESSES:

.....
Signature

.....
Date

.....
Signature

.....
Date