

**EMALAHLENI LOCAL
MUNICIPALITY**

WARD COMMITTEE POLICY

Date Adopted :

Date Revised :

Date of Implementation :

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1. INTRODUCTION

Community/Public Participation is an essential part of effective and Accountable governance at local Government level. The Constitution of Republic of South Africa of 1996 requires municipality to encourage Participation of the community members and community organization in the matters of local government.

Accordingly, the municipality when adopting this policy will be based on the principles of good governance and community participation as Contained in, inter alia, the Constitution, Chapter 4 of the Municipal Systems Act and the White Paper on Local Government which affirms the role of developmental local government that is committed in ensuring citizens participate meaningfully in finding sustainable ways to meet their social, economic and material needs.

The municipality shall therefore, provide appropriate systems and Support for ward committees in accordance with Section 17(2) of the Local Government Municipal Systems Act 32 of 2000 which stipulates that a municipality must establish Appropriate mechanism, processes and procedures to enable the local Community to participate in the affairs of the municipality.

2. THE PURPOSE

To give meaning to national and provincial legislative framework on Public Participation and to provide an institutional framework for such participation within the broader structure of the municipality.

To standardize the operation of Ward Committees and oversee all issues which guides the internal functions and funding of the municipality.

To make sure the municipality adheres to National Framework and Provincial Policy Guidelines of the Funding Model for Ward Committees.

3. DEFINITION OF TERMS

Municipality	Emalahleni Local Municipality is established in terms of section 12 of the Local Government Municipal Structures Act, 117 of 1988
Municipal Council	A legislative body elected in terms of section 22 of the Local Government Municipal Structures Act 117 of 1998.
Speaker	The Speaker of Council elected in terms of Section 36 of Local Government Municipal Structures Act 117 of 1998
Mayor	The Mayor of the Municipality elected in terms of section 48 of the Local Government Municipal Structures Act, 117 of 1998.
Ward Councillor	Ward Councillor is a Municipal Councillor elected in terms of section 22(1) of the Local Government Municipal Structures Act.
Proportional Representative Councillor	A PR Councillor is a municipal councillor elected in terms of section 22(a) of the Local Government Municipal Structures Act 117 of 1998 to represent a party on the council of the municipality.
Municipal Manager	Head of administration and accounting officer of the municipality and appointed by council in terms of Section 82 of the Municipal Structures Act 117 of 1998.
Portfolio Head	A designated portfolio which represents the needs of the community in relation to the function of the Municipality
Ward Committee	A committee of a Municipal ward, established in terms of part 4 of the Municipal Structures Act

Community	Residents of a ward that constitute a Municipality
Community Development Worker (CDW)	An official appointed by Department of Cooperative Governance and Traditional Affairs (COGTA)
Ward Committee Co-ordinator or Secretary	A ward committee member appointed by the Councillor to assist him/her in ensuring that minutes are taken and the smooth running of the Ward Committee
NGO	Non-governmental Organisation
IDP	Integrated Development Plan
PMS	Performance Management System
AG	Auditor General

4. LEGISLATIVE FRAMEWORK

The importance of public participation is captured in Section 195 (1)(e) of the Constitution, which states that people's needs must be responded to, and the public must be encouraged to participate in policymaking.

Sections 59, 72 and 118 of the Constitution further mandate both the national and provincial levels of government to facilitate public participation.

The Batho Pele Principles builds on the Constitutional requirement of public participation and emphasises the need for citizens to be consulted about the services they receive from the Public Service.

The Batho Pele Principle states that citizens should be consulted about the level and quality of public services they receive and, wherever possible, should be given a choice about the services that are offered.

Ward Committees are regulated in terms of the following legislative framework;

- 4.1 The Constitution of the Republic of South Africa Act 108 of 1996.
- 4.2 The Municipal Structures Act 117 of 1998.
- 4.3 The Municipal Systems Act, no 32 of 2000.
- 4.4 The White Paper on Local Government.
- 4.5 Regulations in terms of Section 75(2) of the Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998 as amended in 2008).
- 4.6 The National Framework: Guidelines for Provinces and Municipalities in the implementation of the Funding Model, (Notice 364 of 2009)?
- 4.7 The National Framework and Provincial Policy Guidelines on Funding Model: Criteria for determining Out of Pocket Expenses for Ward Committee Members (Notice 973 of 8 October 2009).

5. GUIDELINES FOR THE ELECTION OF MEMBERS OF A WARD COMMITTEE

The election of ward committee members shall be co-ordinated by the administrative division of the Emalahleni Municipality with the approval of the council and should take place in the following manner.

- 5.1 Preparations by the Speaker's Office
 - Ensure that there is an attendance register and that is signed so that the election process can be checked and validated
 - Explain the roles and responsibilities of ward committees
 - Explain the election process to the participants. The Local Government Municipal Structures Act, 117 of 1998 provides geographical and sectoral options for electing the members i.e. members ought to represent a particular interest group, for instance young people or health related issues. The committee must consist of at least 50% women members.
 - Call for nominations and seconders of these nominations
 - Count the votes and announce the results
 - Ensure that nominees and seconders sign appropriate forms

- Ensure that elected ward committee members are aware of their roles and responsibilities and sign the solemn oath forms.

6. WARD COMMITTEE ELECTION MEETING

- 6.1 A Ward Councillor shall in cooperation with the Speakers office convene a ward committee election meeting for the ward.
- 6.2 Notices of the Ward Committee election meetings shall be given at least 7 days prior to the election.
- 6.3 A Notice for Ward Committee election meeting shall be done as comprehensive as possible with due cognisance of the communication preferences of the ward to ensure optimal participation, and shall include the following mechanisms:
 - notices in press
 - notice to residents through Ward Councillor, CDW's and Traditional Leaders
 - notices on all municipal notice boards
 - loud hailing where necessary
- 6.4 The office of the Speaker or official delegated to do so shall preside over the election process with the help of IEC official and community development worker, and ward councillor and PR councillor standing as observers.
- 6.5 No quorum is required at a ward committee election meeting, but the ward councillor must ensure that the meeting is well attended.
- 6.6 Only registered voters on the voters roll may vote at a ward committee election meeting.
- 6.7 Attendance registers must be compiled for ward committee election meeting.

7. ELECTION PROCEDURES

- 7.1 Elected member shall be responsible for a sector and diversity of interests in the ward.
- 7.2 A maximum of 10 sectors can be represented in a ward committee
- 7.3 Where there are more than one person with eligible nominees, community will vote by show of hands and a candidate with more votes shall be responsible for the sector
- 7.4 In a case of equal number of votes, preference shall be given to a female nominee, unless both nominees are male or female in which case, the chairperson shall have a casting vote.
- 7.5 Voting shall ordinarily be done by show of hands

8. TERM OF OFFICE OF THE WARD COMMITTEE

- 8.1 The term of office of Ward Committee Members shall be equal to the term of office of the Councillors or shall correspond with the term of office of the Council and shall be terminated on the day preceding the date of the following municipal election.
- 8.2 A ward committee member shall cease to be a member of the ward committee if that member:
 - 8.2.1 resigns in writing
 - 8.2.2 moves to another ward
 - 8.2.3 Dies
 - 8.2.4 Is removed from the office by the Council
 - 8.2.5 The Councillors shall remove a Ward Committee Member from office by a resolution of a ward committee meeting if such a member:
 - 8.2.6 Has been absent without leave of the ward committee for three or more consecutive meetings
 - 8.2.7 is proven to be involved in any form of corruption
 - 8.2.8 fails to adhere to meeting procedures or misconduct during meetings
 - 8.2.9 fails to submit priorities as mandated by portfolio members
 - 8.2.10 becomes involved in activities that undermines the Council or Ward councillors authority
 - 8.2.11 contravenes the code of conduct for ward committee members

8.2.12 replacement of ward committee members shall be informed by relevant sector to be represented.

9. FILLING OF VACANCY

9.1 When a vacancy occurs, nominations shall be called for the vacant position, the election will be followed as mentioned above.

10. POWERS OF WARD COMMITTEE

10.1 Ward Committees have the power to make recommendations to the ward Councillor and Council through the ward councillor on any matter affecting their ward.

10.2 The Council may delegate additional powers to ward committees in terms of Section 59 of the Local Government Municipal Systems Act 32 OF 2000

11. ROLES AND RESPONSIBILITIES OF WARD COMMITTEES

11.1 To create formal unbiased communication channels and cooperative partnership between the community and the municipality in the ward

11.2 To create harmonious relationship between the community of a ward, the ward councillor, geographically spread community and the municipality.

11.3 To facilitate public participation in the process of development, review and implementation management of the Integrated Development Planning of the Municipality and municipal processes.

11.4 Act as an advisory body on council policies and matters affecting communities in the ward.

11.5 To serve as officially recognised and specialised participatory structures in the municipality.

11.6 To make sure the community participates fully in the decisions that affects them at local level.

11.7 To mobilise partnership for the development of local projects

11.8 To ensure contact between the municipality and the community through the use of, and payment of services.

11.9 To serve as a mobilising agent for community action.

11.10 To receive and record complaints from the community within the ward and to provide feedback on council's responses.

- 11.11 To execute other functions as delegated by the municipality.
- 11.12 Ward committee members shall participate in the stakeholder cluster forum.

12. STATUS OF THE WARD COMMITTEE

A ward committee;

- 12.1 It is an advisory body
- 12.2 It is a representative structure
- 12.3 It is an independent and apolitical committee of the community in a ward
- 12.4 Must be impartial and perform its function without fear, favour or Prejudice

13. COMPOSITION OF WARD COMMITTEES

A ward committee comprises of:

- 13.1 The Ward Councillor who is the Chairperson of the Ward Committee in terms of Section 73(2) of the Local Government Municipal Structures Act 117 of 1998.
- 13.2 Ten (10) other persons who represent sectors and interests in the ward which may include structures and interest groups.
- 13.3 Women who must be equitably represented on the ward committee.
- 13.4 Out of the (10) ten Ward Committee members, the ward Committee members will elect the Ward Committee Coordinator/ Secretary.
- 13.5 No person may be a member of more than 1(one) ward committee member at the same time.
- 13.6 One community Development Worker and any official from the Municipality where necessary.

14. ELIGIBILITY CRITERIA FOR ELECTION AS A WARD COMMITTEE

To be eligible for election as a ward committee member a person must;

- 14.1 Be registered as a voter on the voters roll of the ward for which he or she is nominated.
- 14.2 Not be a member of the Council.
- 14.3 Not be an employee of the Emalahleni Municipality or any Municipality within the Chris Hani District Municipality.

- 14.4 Not be in arrears to the municipality rates and service charges for a period longer than three months.
- 14.5 Not be un-rehabilitated or insolvent.
- 14.6 Not been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of less than 12 months.
- 14.7 Be an active member of the ward motivated to work on the ward committee and committed to creating better life for the community.

15. NOMINATION OF CANDIDATES

The community of Emalahleni Municipality shall be entitled to nominate eligible persons to represent a sector on the ward committee and have diversity of interests in the ward.

16. CALLS FOR NOMINATION

- 16.1 Nomination will be called for a period of two weeks prior the actual election process.
- 16.2 Ward Councillors shall call Public Meetings within their respective ward to explain the election process
- 16.3 The Office of the Speaker shall introduce the election process to the community through print media, radio, notice board and media briefing with all relevant stakeholders

17. NOMINATION PROCEDURE

- 17.1 Two weeks after media briefing, the office of the Speaker will post nomination forms at all municipal building.
- 17.2 Nominees shall be nominated on the official nomination forms.
- 17.3 The nomination form shall be;
 - undersigned by the candidate in acceptance of his or her nomination
 - undersigned by a nominator and seconded from the sector in a ward.

- 17.4 Nominations shall be submitted to the Office of the Speaker.
- 17.5 Should a nominee who is elected to serve on the ward committee vacate his/her position or no longer be eligible to serve on the ward committee the procedure as set out under filling of vacancies shall apply.

18. REJECTION OF NOMINATIONS

- 18.1 The Speaker or an official delegated by the Speaker to reject any nomination that does not comply with the set procedures.
- 18.2 A rejected nominee must be notified within (3) three working days after the submission of nominations by the office of the Speaker.
- 18.3 Any person whose nomination is rejected shall not be allowed to stand or be elected as a member of ward committee.

19. APPEALS

To be made within (7) working days after receipt of rejection and must be addressed to the office of the Speaker.

20. THE ROLE OF THE MUNICIPALITY

20.1 Ward committee support

- 20.1.1 To provide induction of ward committees on roles and responsibilities subsequent to elections.
- 20.1.2 To provide ongoing training in various portfolios of management in order to assist ward committee members in performing their duties effectively.
- 20.1.3 To provide relevant information to Ward Committees on an ongoing bases in order to assist them in the implementation of their responsibilities such as relevant legislations, National Guidelines and Council Policies.
- 20.1.4 To provide resources within the municipality like venues for meetings, office space, stationery, publications, telecommunication systems and other various equipment when needed like marketing tools.
- 20.1.5 The municipality may set up public participation team internally that would facilitate easy liaison with the Ward Committee members outside the Council for easy flow of information, reduced turnaround times, easy access to needed

resources, easier access to public meeting from time to time and bear tracking and monitoring registered public concerns.

21. WARD BASED FUNDING AND BUDGETING

- 21.1 Forms of ward committee support
- 21.2 Technical support
- 21.3 Municipal Staff dedicated to ward committee
- 21.4 Provision of stationery for monthly meetings, induction and training of ward committees
- 21.5 Community research surveys, translation and key documents and the provision of venues for ward committee meetings

22. COMMUNICATION PLAN

- 22.1 Know your ward committee campaigns
- 22.2 Provisions for identity cards for ward committees, and
- 22.3 Engaging community radio stations, broadcasting, publishing and dissemination of fliers

23. OUT OF POCKET EXPENSES WILL COVER THE FOLLOWING:

- 23.1 Travelling expenses incurred
- 23.2 Telephone/ cellular phone costs, and
- 23.3 Other forms of reimbursements due to ward committee members as a result of doing Council work

24. BUDGET

24.1 Administrative Arrangements, Funding and reimbursement.

- 24.1.1 The municipality must make administrative arrangements to enable ward committee to perform their functions and exercise their powers effectively. In doing so the municipality must use its resources and allocate funds in its budget to the office of the Speaker to further the objectives of the ward committees.
- 24.1.2 All administrative back-up to enable effective functioning of the ward committees must be allocated in the office of the Speaker.

24.1.3 The municipality must, through the office of the Speaker, reimburse or incentivise ward committee members for travelling and out of pocket costs incurred as a result of attendance of ward committee meetings, the reimbursement will be done in accordance with the council resolution.

24.1.4 Members and duties of the ward committee members must be regarded as voluntary service for the benefit of the community.

25. OUT OF POCKET EXPENSE

25.1 Out of pocket expense for full attendance of authorised meetings, training session and workshops as well as travelling costs will be paid from Municipal Budget in accordance with a framework of tariffs to be determined by the municipal council from time to time.

25.2 Ward committee members shall be required to complete attendance registers and sign it after conclusion of the meeting in order to claim for out of pocket expense.

25.3 Out of pocket expense shall be paid to the member of the ward committee.

25.4 The municipality/Council may allocate funds and resources to enable ward committee to perform their functions subject to availability of funds to exercise their powers and undertake development in their wards within the framework of the law.

26. WARD COMMITTEE MEETINGS

26.1 The Ward Councillor chairs all the meetings of the Ward Committee and must nominate a replacement to chair a meeting in his or her absence.

26.2 A maximum of 12 meetings will be held per financial year or calendar year with at least one meeting per month.

26.3 A maximum of 4 ward committee quarterly meetings shall be coordinated by the office of the Speaker in order to provide a platform to raise/voice their concerns and share their experiences with other ward committee members

26.4 Meetings may, subject to the approval of the Speaker and availability of funds be held more frequently should the circumstances necessitate it.

26.5 The Ward Councillor and ward committee coordinator must accept responsibility for the compilation of a programme of meetings and annual

operational plans for ward committees at the beginning of each calendar year which must be submitted to the office of the Speaker.

- 26.6 The Ward Councillor together with Ward Committee Coordinator shall be responsible for ensuring that full and proper records are kept for all Ward Committee Meetings
- 26.7 The Administrative Unit from the office of the Speaker shall provide support for all formally constituted Ward Committee meetings.
- 26.8 The Ward Coordinator shall be responsible for capturing the minutes of the Ward Committee meeting.

27. **WORK PROGRAMME**

The Ward Committee must submit a programme with specific outputs of work for each calendar year to the office of the Council Speaker. The Ward Committee must perform the functions as set out to achieve the outputs indicated on the programme by own initiative, or at the request of the Ward Councillor, Speaker or other designated political functionary. Ward Committee coordinator must submit monthly reports to the office of the Speaker.

AGENDA ITEMS

A)

EMALAHLENI LOCAL WARD COMMITTEE AGENDA

WARD-----

COMMITTEE-----

DATE-----

TIME-----

VENUE-----

AGENDA

1. Opening & welcome
2. Apologies
3. Minutes of previous meeting
4. Matters arising
5. Correspondence
6. New items e.g. report of status of projects & portfolio reports.
7. Council resolutions
8. Date & time of next meetin

WARD ACTION PLAN

WARD-----COMMITTEE

Municipal priorities from the Integrated Development Plan (IDP)



- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Emalahleni Local Municipality ward committee should report on the following plan monthly.

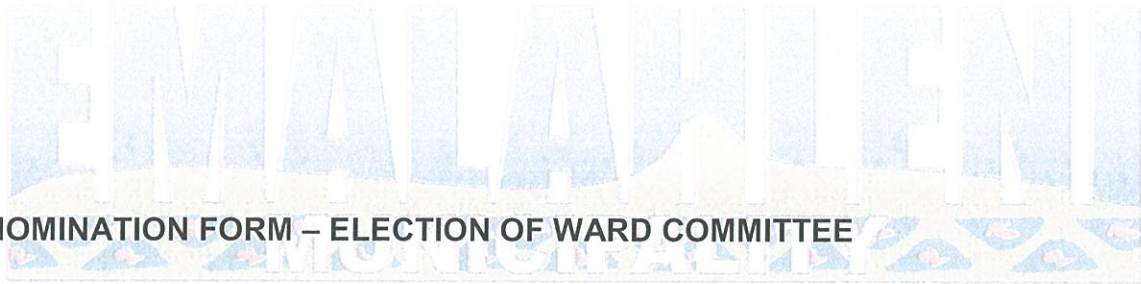
NO	PROJECT	RESPONSIBILITY	OBJECTIVES/ INDICATORS	TIME FRAME	RESOURCES
1.					

EMMALAHLENTE MUNICIPALITY

PORTFOLIO ALLOCATION OF RESPONSIBILITY

WARD-----COMMITTEE

NAME OF PORTFOLIO	WARD RESPONSIBLE	COMMITTEE	EXAMPLE OF RESPONSIBILITY



NOMINATION FORM – ELECTION OF WARD COMMITTEE

Ward -----Committee

Nomination

We, the undersigned being registered voters in the ward-----hereby nominate

Mr/Mrs-----as a candidate to be elected as ward
committee members for ward-----

1. Name-----Signature-----Date-----

2. Name-----Signature-----Date-----

Nomination

I, -----the undersigned, ID

No-----residing at-----and/or being a

registered voter in ward-----, hereby accept my nomination as a candidate to

be elected as a Ward Committee member for Ward----- Signature-----

(Candidate) Date: ----- Ward Councilor-----

D.S *SW*

WARD COMMITTEE MEMBER'S CONTACT LIST

WARD-----

WARD COUNCILOR-----

PRCOUNCILLOR-----

CDW-----

NAME	ADDRESS	ID NUMBER	CONTACT NUMBER

DS SW

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WARD COMMITTEE ELECTION RESULTS

WARD.....

VENUE.....

DATE.....

Votes Counted.....

Spoilt Papers.....

Total.....



Signature.....

EFFECTIVE DATE

This Policy shall be effective on the date of approval by Council.

Signed by Municipal Manager and Speaker.



 DR SW VATALA MUNICIPAL MANAGER	<u>30/06/2017</u> Date	 CLLR DS KALO HON. SPEAKER
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