

ITEM A-RC (10-2016) CM 26/04/2016	POLICY ON WARD COMMITTEES
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RESOLVED

1. **That** the Submitted Policy on Ward Committees **BE NOTED**
2. **That** the Policy on ward Committees **BE APPROVED** by Council

ANNEXURE A

EKURHULENI METROPOLITAN MUNICIPALITY

POLICY OF WARD COMMITTEES

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1. DEFINITIONS

In this Policy, unless the context indicates otherwise –

- (a) **Area Public Meeting:** is an area based public meeting in a specific area of the ward.
- (b) **Community:** are the residents of the ward.
- (c) **Municipality:** refers to the Ekurhuleni Metropolitan Municipality (EMM).
- (d) **Municipal Council:** is a legislated decision making structure consisting of elected councilors.
- (e) **Proportional Representative Councillor:** an elected councilor to proportionally represent a political party in a Municipal Council.
- (f) **Sector:** an organized formation based and /or operating within a designated ward that is composed of interest groups that share common interests and aspirations.
- (g) **Sector Sub-Committee:** is a sector committee established to deliberate on matters relevant to the Ward Committee sector.
- (h) **Speaker:** This refers to the chairperson of the Council and a municipal councilor elected to this position by the Council in terms of section 36 of the Municipal Structures.
- (i) **Ward:** Is a demarcated area located within the Municipality.
- (j) **Ward Councillor,** a member of municipal council directly elected by the ward constituency.
- (k) **Ward Committee:** is an apolitical structure consisting of elected persons representing various community sectors and operating within the boundaries of a Municipality.
- (l) **Ward Committee Term of Office:** is aligned to the term of municipal councils as contemplated in section 75 read with section 24 of Municipal Structures Act, 117 of 1998
- (m) **Ward Committee member:** is a person elected to the ward committee
- (n) **Ward Committee Sector:** is a portfolio determined by Municipal Council.
- (o) **Ward Committee Meetings:** as contemplated in section 73 (3)(c) of Municipal Structures Act, 117 of 1998
- (p) **Ward Public Meetings:** is a ward based meeting for all the residents of the ward.
- (q) **Ward Committee Special Meetings:** are meetings convened on occurrences of urgent matters such as emergencies and disasters.
- (r) **This Policy** means the Ward Committee Policy.

SECTION 1: WARD COMMITTEE POLICY IMPERATIVES

2. INTRODUCTION

The Republic of South Africa Constitution Act 108 of 1996 requires the Municipality to encourage the participation of community members and community organizations in the matters of local government. The Local Government Municipal Structures Act 117 of 1998 provides for the establishment of ward committees as formal mechanisms to give effect to this Constitutional obligation. Ward committees play a vital role in bridging the gap between the Community, the Municipality and its Council and also play an important role in:

- a) Enhancing participatory democracy
- b) Neighborhood and ward based planning including the encouragement of communities to take charge of their own livelihoods
- c) Assisting the Municipality in service delivery improvement
- d) Assisting in the economic empowerment of communities
- e) Enhancing local democracy and accountability
- f) Enhancing social cohesion, nation building and integration of communities across class, race, culture and religion
- g) Assisting in civic education.

The Local Government Municipal Structures Act 117 of 1998 (Section 73(3)) requires municipalities that have ward committees to make rules to regulate the procedure that they will follow to elect their ward committee members, with due cognizance of the need to have women and a diversity of needs represented thereon, the circumstances under which members must vacate office, and the frequency of meetings. Municipalities may also make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively; hence this policy.

3. POLICY OBJECT

The objective of this Policy is to establish uniform rules to regulate the processes, procedures and guidelines for establishment and effective and efficient functionality of ward committees within the regulatory frameworks.

4. SCOPE OF APPLICATION

This Policy applies to all ward committees in the area of Ekurhuleni Metropolitan Municipality.

5. LEGAL FRAMEWORK

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

- a) The Republic of South Africa Constitution Act 108 of 1996: which sets out the objectives of local government, including the objective of encouraging communities and community organisations to participate in matters of local government.

- b) The Municipal Structures Act 117 of 1998 and its regulations: which regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office. The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.
- c) The Municipal Systems Act, No 32 of 2000: Chapter 4 regulates community participation and makes it clear that communities are an integral part of the municipal governance process. The Municipality is required to develop a culture of municipal governance that complements formal representative government with a system of participatory governance by encouraging and creating conditions for the local community to participate in the affairs of the municipality (Section 16). The Municipality must also establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality (section 17). The Act also sets out specific areas where community participation is required, including the formulation and review of Integrated Development Plans (IDPs) and performance management. The Municipality must promote public participation and build the capacity of residents, Councillors and municipal officials to engage in participatory processes.
- d) The Municipal Finance Management Act 56 of 2003 and its regulations: which requires that communities participate in the budgeting process of the Municipality.
- e) National Framework: Criteria for Determining Out of Pocket Expenses for Ward Committee Members, 2009: which regulates the criteria for determining out of Pocket expenses for ward committee members.

6. STATUS OF WARD COMMITTEES

PRINCIPLES

6.1 A ward committee:-

- a) Is an advisory body.
- b) Is a representative structure.
- c) Is an independent apolitical committee of the community.
- d) Must be impartial and perform its function without fear, favor or prejudice.

7. COMPOSITION OF WARD COMMITTEES

7.1 A ward committee comprises:

- a) The Ward Councillor who must be the chairperson of the Ward Committee in terms of section 73(2) (a) of the Local Government Municipal Structures Act 117 of 1998.
- b) Ten (10) other persons who represent a diversity of sectors and interests in the ward which may include but not be limited to social, economic and cultural sectors, sub sectors, structures, sub structures or interest groups as well as geographical sectors.
- c) Women must be equitably represented on the Ward Committee.

8. ELECTION CRITERIA

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

- a) Be registered as a voter on the voters' roll of the ward for which he or she is nominated.
- b) Not be a member of the Council.
- c) Not be an employee of the Municipality.
- d) Not be in arrears to the Municipality for rates and service charges for a period longer than three months.
- e) Not be an unrehabilitated insolvent.
- f) Not be under curatorship.
- g) Not have been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than 12 months after February 1997.
- h) Not be a person declared by a competent court as being of unsound mind.
- i) Be an active participant or member of the sector which he or she is nominated to represent, be motivated to work on the Ward Committee and committed to creating a better life for the members of their ward community.

9. THE ROLE OF THE SPEAKER OF COUNCIL

9.1. The Speaker of Council:

- a) Must assert an oversight role on Ward Councillors.
- b) Is an ex-officio member of Ward Committees.
- c) Must ensure that ward participatory structures are established in line with the set guidelines and legislation.
- d) Must through his or her office ensure full functionality of Ward Committees.
- e) Must in collaboration with Ward Councillors, regulate and monitor the frequency of Ward Committee meetings, community and sector report back meetings.
- f) Must ensure that local environment is conducive to active citizen participation in local governance.
- g) Must ensure the provision of dedicated municipal support and resources to Ward Committees.
- h) Must facilitate ongoing training and capacity building programmes in various areas of management and should ensure that Ward Councillors are part of all Ward Committee capacity building and training programmes.
- i) Set deadlines for submission of Ward Committee reports.
- j) Improve communication with Ward Committees and ensure feedback meetings and reports are submitted.

10. FUNCTIONS OF THE WARD COUNCILLOR

The ward councillor shall be the chairperson of the ward committee to dispense with the following functions:

10.1 The function of the ward councilor as set out in the prescribed legislation is to represent the views and interests of the ward to the Municipal Council.

10.2 The ward councilor is the responsible and accountable elected representative to be a conduit between the residents, ward committee and the Council respectively.

10.3 The ward councilor monitors and oversees the implementation of development and service delivery in the ward.

10.4 The ward councilor ensures that the residents of the ward are consulted and kept informed about decisions and programmes of Council and other spheres of government, development and budget plans that affect them.

10.5 The ward councilor should make sure that the interests of all the people in the ward are represented in council as properly as possible.

10.6 The ward councilor must report on council activities and annual performance on a regular basis to the community and strengthen the relationship with community.

11. FUNCTIONS OF THE WARD COMMITTEES

11.1 To enhance public participatory democracy and governance in local government.

11.2 To coordinate the interests of the ward sectors and recommend any matter that affects the ward to the Municipal Council through the ward councilor.

11.3 To participate and monitor in the drafting of IDP and Budget processes and deliverables.

11.4 To assist the ward councilor in resolving matters that affects the ward.

11.5 To adhere and oblige to processes and procedures set by the Council.

11.6 To make recommendations to the Ward Councillor.

11.7 The proportional councilor may attend ward committee meetings as per invitation.

11.8 The proportional councilor must support the ward councilor but not to undermine his/ her authority

12 WARD COMMITTEE ESTABLISHMENT PROCESS

- a) The Legislature shall conduct mobilization and awareness campaign for the establishment of ward committees and sectors respectively.

12.1 Ward committee elections

12.1.1 Nomination process

- (a) Calling for Nominations shall be opened and closed as determined by the Municipal Council.
- (b) Calling for nominations shall be placed in the local press, and on all official municipal notice boards.
- (c) Official Nominations forms to be available at offices of all Customer Care Centres and Legislature.
- (d) Nominees shall be nominated on the official nomination form.
- (e) The nomination form shall be:
 - i. Undersigned by the candidate in acceptance of his or her nomination.
 - ii. Undersigned by a nominator and seconded by a minimum of ten (10) other persons.Or
- (f) iii. Supported by a recognized and organized sector, subsector interest group or geographic sector that authorizes the nominee to represent their interests on the Ward Committee.
- (g) Completed and signed nominations forms shall be submitted to the Legislature before the closing date and time specified in the call for nominations.
- (h) Legislature official, with delegated authority, shall reject any nomination that does not comply with this paragraph 12.1.1.
- (i) Any person whose nomination is rejected shall not be allowed to stand or be elected as a member of a Ward Committee.
- (j) Objection of nomination shall be dealt with in accordance with the Council approved ward committee election process
- (k) Nomination from the floor shall not be allowed.

12.1.2 Election meetings

- (a) The Ward Councillor shall in cooperation with the Speaker convene a Ward Committee election meeting for his or her ward.
Notices of the Ward Committee election meetings shall be given at least 5 calendar days prior to the Ward Committee election meeting.
- (b) Notice of the Ward Committee election meetings shall be done as comprehensively as possible with due cognizance of the communication preferences of the ward to ensure optimal participation, and shall include at least 2 of the following mechanisms;
 - i. Notices in the press
 - ii. Notices to residents

- iii. Notices on all official municipal notice boards
- (c) The Speaker of Council, an official of the Legislature or Independent Electoral Commission may preside over the election process.
- (d) No quorum is required at a Ward Committee election meeting, but the Ward Councillor must ensure that the meeting is representative of the ward.
- (e) Only voters who are registered on the wards portion of the voters roll may nominate, second and vote at a Ward Committee election meeting.
- (f) Attendance registers must be completed for Ward Committee election meetings.

12.1.3 Election procedures

- (a) The election of Ward Committee members shall take place on a sector basis.
- (b) A maximum of 10 sectors can be represented on the Ward Committee.
- (c) Where there are no more than 10 sectors with eligible nominees, those sectors shall be regarded as the sectors from which Ward Committee members shall be elected.
- (d) Where there are more than 10 sectors with eligible nominees, an attempt shall be made to group similar sectors through consensus during the meeting, but should this not be possible, the determination of priority sectors for the ward shall be put to the vote.
- (e) Where there is only one nominee per sector, and no motivation that the nominee is not a true representative of the sector, that nominee shall be declared as a duly elected member of the Ward Committee.
- (f) Where there is more than one nominee per sector, a vote shall be held.
- (g) All persons eligible to vote shall have one vote to elect a representative in respect of each sector.
- (h) In the case of equal number of votes, preference shall be given to female nominee, unless both nominees are male or female in which case, the chairperson shall have a casting vote.
- (i) Should there be any remaining seats on the Ward Committee following this process, the meeting may through consensus elect second or third nominees from any of the wards priority sectors to serve on the Ward Committee providing that proportional gender representation shall be considered.
- (j) Voting shall ordinarily be done by means of a show of hands, but the Speaker or official presiding over the election may make use of ballot papers if there are sufficient people in attendance and a ballot system would be more practicable.

13. Term of Ward Committees

- (a) The term of office of Ward Committee members shall be equal to the term of office of the Council and shall terminate on the day preceding the date of the following Municipal elections.

13.1 Vacancies

- (a) A Ward Committee Member shall cease to be a member of the ward committee if that member:-
- i. Resigns in writing.
 - ii. Moves to another ward.
 - iii. Ceases to be a member of the sector that he or she represents.
 - iv. Dies.
 - v. Is removed from office by the Council.
- (b) The Council shall remove a Ward Committee member from office by a resolution if such member;
- i. Has been absent without leave of the Ward Committee for three or more consecutive meetings.
 - ii. Is proven to be involved in any form of corruption.
 - iii. Fails to adhere to meeting procedures or misconducts him/her self during meetings.
 - iv. Fails to submit priorities as mandated by the sector.
 - v. Becomes involved in activities that undermine the Council or Ward Councilor's authority.
- vi. Contravenes the Code of Conduct for Ward Committee Members.

13.2 Filling of Vacancies

- (a) When a vacancy occurs, nominations shall be called for the sector where the vacancy occurred, and the nomination and election process as set out in paragraphs 12.1.1, 12.1.2 and 12.1.3 shall be followed.
- (b) Should the sector not wish to nominate a candidate, calls for nominations will be made in terms of paragraph 12.1.1 where after the procedure as set out in paragraphs 15 shall be followed.

13.3 Dissolution of ward committee

- (a) The Municipal Council may dissolve a Ward Committee if the Committee fails to fulfil its duties and objectives.
- (b) The ward committee shall be dissolved on recommendation of the Speaker of Council.
- (c) The Speaker of Council shall provide reasons for the dissolution of the Ward Committee to the Council who in turn shall consider and resolve.

- (d) The dissolved ward committee shall be re-established within the specified timeframes at least 90 days after dissolution in accordance with the ward committee election process.

14. WARD SECTOR DEVELOPMENT

14.1 Sector Development

14.1.1 Composition of sectors

- a) A sector shall be composed of ward interest groups that have organized themselves to advance their interest in chosen scope of operation within the ward (e.g. environmental, business, youth sector)
- b) Scope of operation must be within the ward and members must be residing within the ward
- c) A sector should have a written constitution or memorandum of association.

14.2 Guidelines on sector development

- (a) Sector shall be developed based on their scope of operation and should be a ward organized entity or group.
- (b) Where there is no established sector, the Legislature should strive to assist in establishing the sector, guided by the following:
 - (i) To invite interested groups to register to a ward database.
 - (ii) To hold information sharing workshop on establishment of a sector.
 - (iii) To develop ward sector profile to be included in a ward committee profile

15. ADMINISTRATIVE AND LOGISTICAL SUPPORT

15.1 Ward Committee and Public Meetings

- a) The ward councilor must convene ward committee and ward public meetings within the jurisdiction of the ward.

15.1.1. Ward Committee meetings

- a) The Legislature shall coordinate and assist the ward councilor to convene ward committee meetings
- b) The ward councilor shall convene all required monthly meetings.
- c) The ward councilor shall be the chair of the ward committee meetings.
- d) The ward committee shall not have less than 10 ward committee meetings per annum.

- e) The ward committee must adopt the annual schedule of meetings in a prescribed template.
- f) The schedule of ward committee meetings must be submitted to the Municipal Council not later than November of each year for inclusion to the official calendar of the Municipality.
- g) The ward committee shall escalate the issues to the CRM and Departments and the responses shall be tabled in the ward committee meeting in a prescribed template

15.1.2. Public Meetings

- a) The ward councilor shall convene at least one (1) ward public meeting per quarter, a minimum of 4 ward public meetings per year,
- b) The ward councilor shall have a prerogative of convening area public meetings per month.
- c) The ward councilor shall chair all public meetings.
- d) The ward committee members must be part of the collective attending the public meeting in support of the ward councilor.
- e) The agenda of the public meeting to be discussed at the ward committee meeting prior to the public meetings.
- f) In case of unplanned or impromptu public meetings, ward committee members shall be informed of the agenda of the public meeting.
- g) The EMM officials to be in attendance to the public meeting when required or invited.
- h) The logistical support and provisioning (relevant equipment) to be provided to ward councilors for the ward public meetings.

15.1.3. Cancellation of meetings

- a) The ward councilor in consultation with the ward coordinator, may cancel or postpone a scheduled ward committee meeting if the councilor is unable to attend the meeting due to:
 - i. ill-health
 - ii. Work related commitments.
 - iii. Council sanction activities
 - iv. Family related commitments
 - v. Study commitments
 - vi. Resignation
 - vii. Suspension

15.1.4 Absence and vacation of office

- a) In special circumstances when the ward councilor is unable to attend a ward committee meeting due to 15.1.3 (a) above, the Speaker of Council, in consultation with relevant Council structures, shall appoint his or her nominee to chair the meeting.
- b) When the ward councilor is no longer in office, the ward committee shall continue to function for the rest of the remaining term of office until the new ward councilor is elected.

15.1.5. Notice of Meetings

- a) The notice of ward committee meetings shall be circulated to members five (5) days before meeting.
- b) Notice pertaining to any changes in terms of the date, time or venue of the meetings shall be served to each ward committee member 3 days prior to the meeting.

15.1.6. Attendance of meetings

- a) Ward committee member is expected to attend all ward committee meetings and submit, produce or table a sector report in a prescribed official template.
- b) Any ward committee member unable to attend the meeting due to:
 - i. ill-health
 - ii. Work related commitments.
 - iii. Sector or/and Council sanction activities
 - iv. Family related commitments
 - v. Study commitments;shall submit a written apology accompanied by appropriate and relevant supporting documents attesting to the leave of absence.

15.1.7. Quorum

- a) A quorum of the ward committee meeting shall consist of 50% plus one (1) members of the elected ward committee.
- b) If during a ward committee meeting, a quorum is not formed after the set time for a meeting, the chairperson shall forthwith use his/her discretion to continue or adjourn the meeting.
- c) All formal business of the ward committee meeting not disposed due to (b) above shall stand over to the next ordinary meeting.

15.1.8 Sector Meetings

- a) Ward Committee members or sector representatives shall convene ward sector meetings once a month.

15.1.9 Sector workshops

- a) Ward committee members or sector representatives shall convene 4 sector workshops per annum i.e. one (1) sector workshop per quarter or every three months.

16. PROVISION AND RESOURCES

16.1. Administrative Support

- a) The Legislature shall provide administrative and logistical support to the ward committee.

- b) The Legislature department shall coordinate capacity building and training programs in conjunction with Human Resource Management and Development (HRM&D) for all ward committee members.

17. WARD COMMITTEE CODE OF CONDUCT

The code of conduct for ward committees as approved by Council shall be applicable and be implemented.

- (b) A member of a Ward Committee must subscribe to the Municipality's Code of Conduct for Ward Committees which requires members to amongst others.
- (c) Perform the functions of the Ward Committee in good faith and without favour or prejudice.
- (d) Not use the position or privileges of membership for private gain or to improperly benefit another person.
- (e) Accept the principle of accountability to the community.
- (f) Not compromise the credibility and integrity of the Ward Committee and the Council.
- (g) Function in support of the Ward Councillor and the Municipal Council.
- (h) Be accessible to the community.
- (i) Ensure that the operations of the Ward Committee are open and transparent.
- (j) Ensure that all views and opinions are taken cognizance of.
- (k) Be punctual for meetings and submit an apology to the chairperson at least 24 (twenty four) hours prior to the meeting.

18. OUTREACH AND PARTICIPATORY PROGRAMS

- a) Ward committees shall participate in all sanctioned or approved community programmes of Municipal Council.
- b) Ward committees shall in accordance with the determined guidelines enhance the oversight role of the Municipal Council.

19. RESPONSIBILITIES OF THE SECRETARY OF COUNCIL

The Secretary of Council or nominee shall be responsible to ensure the implementation of the policy amongst others by:

- a) Coordinating and facilitating the resourcing of ward committees
- b) Providing strategic direction, coordinate resource management plans and allocates tasks.
- c) Overseeing the implementation of the resource plan, performance, monitoring and evaluation systems and mechanism.