

# ENDUMENI MUNICIPALITY



## POLICY ON THE ESTABLISHMENT & FUNCTIONING OF WARD COMMITTEES

<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
Purpose of Policy	3
Definitions	3
Introduction	3-4
Status and Description of Ward Committee	4-5
Membership of Ward Committee	5
Membership Criteria	5
Election of Ward Committee Members	5-7
Voting Procedures	7
Term of Office of Members	7
Internal Structures and Office Bearers	7-8
Filling of Vacancies and Vacation of Office	8-9
Conduct of Ward Committee Members	9
Remuneration	9
Meetings of Ward Committee	10
Powers and Functions	10-11
Capacity Building and Planning	11-12
Decision-Making	13
The Role of PR Councillors in Ward Committees	13
Disestablishment	13-14



## PREAMBLE

### WHEREAS

- A. *Mindful* of the legislative responsibility of ward committees in enhancing public participation in local government decision making;
- B. *Recognizing* the need for ward committees to have guidelines on how to enhance public participation; and
- C. *Desiring* that ward committees engender and maintain the spirit of public participation in the community.

### THEREFORE

- D. The following policy for Endumeni Municipality hereinafter referred to as the "Council" in respect of ward committees, in consultation with the Council is hereby determined.

### PURPOSE OF POLICY

- 1. To provide uniform, rules and procedures for ward committee members, ward councilors and local municipalities on the establishment and operation of ward committee.

### DEFINITIONS

- 2. In this Policy a word or a phrase has the meaning assigned to it in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), unless the context indicates otherwise.

### INTRODUCTION

- 3. Section 152 of the Constitution places an obligation on Local Government to encourage the involvement of communities and community organizations in the matters of local government, and the White Paper on Local Government states that "*building local democracy is a central role of local government and municipalities should develop development strategies and mechanisms to continuously engage with citizens, business and community groups*".

4. The responsibility of municipalities is further emphasized in Sections 16 and 17 of the Local Government: Municipal Systems Act 32 of 2000 ("the Systems Act"), in that:

Section 16 states that a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance and that it must encourage and create conditions for the local community to participate in the affairs of the municipality; and

Section 17 states that *"a municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality"*.

5. In dealing with the rights and obligations of:

Municipal councils, Section 4 of the Systems Act states that a municipal council has a duty to encourage the involvement of the community through consultation and other means; and

Section 5 of the Systems Act states that communities, through mechanisms, and in accordance with processes and procedures provided for in the said Act, may contribute to the decision-making processes in the municipality, through recommendations, representations and complaints.

6. The community furthermore has the right *"to be informed of decisions of the municipal council or another political structure or any political office bearer of the municipality, affecting their rights, property and reasonable expectations"*.
7. The Council has in terms of Section 72 of the Local Government: Municipal Structures Act 117 of 1998 established a collective executive system combined with a ward participatory system and therefore wishes to establish a policy for its six wards (Promulgation).

#### **STATUS AND DESCRIPTION OF WARD COMMITTEES**

8. The object of a ward committee is to enhance participatory democracy in local government, provided that a ward committee:

Is an advisory body without any executive powers;

Is independent;

Represents the interest of the ward residents;

Must include traditional structures as an integral part; and

Must be impartial and perform its functions without fear, favour or prejudice.

### **MEMBERSHIP OF WARD COMMITTEES**

9. Section 73(2) of the Structures Act provides that a ward committee consists of the municipal councillor representing the ward in the municipal council, as chairperson, and not more than 10 other persons which shall take into account the need for:
- (a) Women to be equitably represented on the committee; and
  - (b) Representation for the diverse interests in the ward.

### **MEMBERSHIP CRITERIA**

10. A person is only eligible for election to the committee if he or she:

Is a registered voter in that ward;

Is elected by his or her interest group to serve on the committee;

Is not indebted to the municipality for a period longer than three months, unless he or she can prove that arrangements for the settlement of the account have been made;

Is not an employee of the local or district municipality;

Has not been convicted after February 1997 of an offence, for which he or she was sentenced to imprisonment without the option of a fine for a period of not less than 12 months; and

Is not a person of unsound mind who has been declared so by a competent court.

### **ELECTION OF WARD COMMITTEE MEMBERS**

11. The Council prior to ward committee elections must compile a list of interest groups having due regard thereto that women interest groups and representation in the said groups should reflect equitable participation of women.
12. Where interest groups have been formally established, such interest groups must be represented in the ward committee. Where such interest groups, listed later on in the document, can be identified, these groups form the basis for the composition of the ward committee members.

The initial identification of interest groups be the responsibility of the ward councillor. Preference be given to groups that have a proper constitution and have shown commitment to their communities;

Having identified the interest groups, the ward councillor, in consultation with the Speaker, submit the list of interest groups to the municipal council for the selection of 10 interest groups to be represented on the ward committee;

Ward councillors must refrain from selecting interest groups supporting their political party.

In selecting the interest groups, the municipal council must take cognizance of development initiatives or key performance indicators contained in the IDP for that ward as well as which interest groups can make a contribution to the rendering of services in the ward, e.g. housing project, sport stadium development project.

Following on the selection of the interest groups by the municipal council, the ward councillor accompanied by the Speaker shall convene a meeting of each interest group, for the nomination of a representative and an alternate to serve on the committee.

If this procedure is followed and there are less than ten interest groups, the municipal council must decide to arrange an election in the ward to fill the remaining vacancies.

All meetings convened by the ward councillor shall be called in a transparent manner and shall ensure inclusivity.

If there are no interest groups or only a few, not representing the ward residents, the ward councillor with the support of the Speaker must call a public meeting in the ward where representatives on the committee shall be elected by popular vote. The 10 members who received the highest number of votes will then serve on the committee.

In the rural areas with no interest groups or development committees, imizi (homes) be grouped together into geographical sub-wards for the purpose of electing representatives on the ward committee. The task of demarcating sub-wards will be that of the ward councillor who should avoid splitting them into different sub-wards. The residents who are registered voters in the sub-ward can nominate and elect a representative on the ward committee.

13. Ward committee members should preferably be drawn from the following sectors:

Youth;  
Women's organizations;  
Religious groups;  
Sports and cultural organizations;  
Health and welfare;  
Business chambers;  
Environment;  
Education;  
Senior citizens;  
Community safety forums;  
Community based organizations;  
Ratepayers associations;  
Traditional leaders;  
Informal traders' associations;  
Agricultural associations;  
Disabled;  
Non-governmental organizations like development committees or forums;  
and  
Employment/organized labour.

#### **VOTING PROCEDURES**

14. Voting for representatives on the ward committee shall be through the showing of hands or by ballot paper in terms of the Electoral Act No. 73 of 1998.

#### **TERM OF OFFICE OF MEMBERS**

15. In terms of Section 20 of the Structures Act, the Council will elect ward committee members for a period of 5 years. The Council however reserves the right dependant on the performance of the committee and having due regard of paragraph 34 of this policy to shorten the period of office of ward committee members.

#### **INTERNAL STRUCTURES AND OFFICE BEARERS**

16. The ward committee shall have the option to appoint one of its members as the secretary of the committee. The secretary will operate in close collaboration with the municipal official responsible for ward committees. The municipal council shall identify an official responsible for the functioning of ward committees.

A ward committee can co-opt at its discretion members from interest groups which members will have no voting rights on the committee;

It is the responsibility of the Speaker to see to it that ward councillors perform their functions in terms of the establishment of ward committees and must ensure that they function. If a ward councillor fails to initiate the establishment of a ward committee, the Speaker shall take over the responsibility.

#### **FILLING OF VACANCIES AND VACATION OF OFFICE**

17. If a vacancy occurs among the members of a ward committee, the vacancy shall be filled in accordance with the procedure determined by the municipal council. The interest group that the member represented in the ward committee be requested to elect a replacement. If the member who left the committee was elected by the ward residents, the nominee that got the second highest vote in the election can fill the vacancy.

18. A ward committee member must vacate office if the member:

Remains absent from three consecutive meetings without an acceptable reason;

Ceases to be a member of the interest group that he/she represents;

Is withdrawn by the interest group;

Moves out of the ward;

Is proven to be involved in activities undermining the ward councillor and the municipal council;

Is proven to be involved in any form of corruption;

Resigns;

Is continuously late for meetings or leaves early with no legitimate apology;

Is declared insolvent; or

Is declared mentally incompetent.

19. A vacancy should be filled within ninety (90) days of the vacancy arising.

20. The status of the ward committee members will not change if the ward councillor vacates his/her seat.

### **CONDUCT OF WARD COMMITTEE MEMBERS**

21. A ward committee member may not use the position or privileges of a member for private gain, and must:

Perform the functions of the Committee in good faith and without favour or prejudice;

May not use the position or privileges of a member for private gain or to improperly benefit another person;

Accept the principle of accountability to the community;

May not compromise the credibility and integrity of the committee;

Function in support of the ward councillor and the municipal council;

Be accessible to the community;

Ensure that transparency and openness applies in the operations of the committee;

Ensure that all views and opinions are taken cognizance of; and

Be punctual for meetings, and must submit an apology to the chairperson in advance if a meeting cannot be attended.

### **REMUNERATION**

22. No remuneration is payable to ward committee members. The Council must however in terms of Section 16(1)(c) of the Systems Act annually allocate funds in its budget for community participation.

The council annually budget for the operations of the ward committees and in that process provide for the reimbursement of out of pocket expenses like travelling costs and food.

Provision also be made for capacity building and training programmes for ward committee members.

## MEETINGS OF WARD COMMITTEES

- 23.1 The ward councillor chairs all the meetings of the ward committee and must nominate, in writing, a councillor to chair a meeting in his or her absence;
- 23.2 The ward councillor must accept responsibility for the compilation of a programme of meetings at the beginning of the year, which must be submitted to the Speaker of the municipal council concerned;
- 23.3 Meetings should wherever possible be held at least quarterly or when additionally required;
- 23.4 A quorum shall be at least 50% of the members plus one;
- 23.5 The chairperson, secretary and the municipal administration shall accept items for the agenda of a ward committee meeting;
- 23.6 All decisions taken must be by consensus, subject to item 28 of this Policy;
- 23.7 Meeting procedures must be in accordance with the municipal council's Standing Rules of Order;
- 23.8 Meetings of a ward committee may be attended by members of the public provided they attend as observers.

## POWERS AND FUNCTIONS

24. In terms of Section 74 of the Structures Act, the following functions are assigned to ward committees:
  - 24.1 It may make recommendations on any matter affecting its ward, to the ward councillor, or through the ward councillor to the local municipal council, or the executive committee;
  - 24.2 Has such duties and powers as the municipal council may delegate to it in terms of the provision for delegation in the Municipal Systems Act as contained in Section 59.
25. As a consultative body and formal communication channel on all matters affecting a ward:
  - 25.1 It should serve as the formal unbiased communication channel as well as co-operative partnership between the community and the municipal council through the ward councillor;
  - 25.2 Make recommendations to the ward councillor on matters and policy affecting the ward;

- 25.3 Be used by the municipal council, through the ward councillor, as one of the consultative bodies representing the community, on the revision and implementation of the IDP;
  - 25.4 Be involved with LED projects and be responsible for community liaison work;
  - 25.5 Ensure constructive and harmonious interaction between the municipality and the community;
  - 25.6 Receive queries and complaints from residents concerning municipal service delivery;
  - 25.7 Be the community consultative body, on the approval of a performance management system, for the municipality and agree to key performance indicators;
  - 25.8 Be the consultative body in the process of considering and adoption of the municipal budget;
  - 25.9 Advise the municipal council on strategic decisions regarding the provision of services;
  - 25.10 Be involved in the annual prioritization of development projects in the ward;
  - 25.11 Be consulted when by-laws are compiled;
  - 25.12 Be consulted on rates and tariff charges;
  - 25.13 Interact with the community regarding payment for services rendered by the municipality; and
  - 25.14 Such other functions assigned to it by the municipal council.
26. Minutes shall be recorded at every ward committee meeting, such minutes to be presented to the Council at its next meeting.

#### **CAPACITY BUILDING AND TRAINING**

- 27.1 Ward committees should prepare an annual capacity building and training needs assessment for members of the committee;
- 27.2 A capacity building and training programme must be developed for each member of the ward committee when elected;
- 27.3 An annual budget for the capacity building and training programme should be prepared according to the needs assessment;

27.4 The following training requirements, which have been provided for in the Provincial training manual, must be included in the training and capacity building programmes of municipalities:

- (a) Generic training needs, including:
  - (i) Basic literacy;
  - (ii) Communication;
  - (iii) Interpersonal skills;
  - (iv) Community upliftment;
  - (v) Conflict management and negotiation skills;
  - (vi) Democracy and community participation;
  - (vii) Identification, monitoring and prioritization of needs; and
  - (viii) Leadership.
  
- (b) Training needs on municipal policy and processing, including:
  - (i) Principles of good governance;
  - (ii) The establishment of ward committees, its terms of reference, nature and functions;
  - (iii) Municipal structures, legislation and processes (including CMIP and IDP);
  - (iv) Intergovernmental community development;
  - (v) Municipal Services Partnerships; and
  - (vi) Payment for services (credit control).
  
- (c) Specialized training needs, including:
  - (i) Meeting procedures and secretarial services, including minute taking, report writing and letter writing;
  - (ii) Administration, including clerical/administrative skills, bookkeeping and basic accounting;
  - (iii) Budgeting;
  - (iv) Monitoring and evaluation;
  - (v) Policy development;
  - (vi) Project management;
  - (vii) Stress management; and
  - (viii) Performance management.

## **DECISION-MAKING**

28. Decisions by the ward committee must be by consensus and voting should only be allowed if all efforts to reach consensus, have failed. A simple majority is required when voting on an issue. If there is an equality of votes, the chairperson must exercise a casting vote, in addition to his/her ordinary vote, as a member of the committee.
29. Disputes within a committee that interfere with the functioning of the committee should be resolved by using a facilitator, selected by the ward councillor from outside the ward. If the facilitation process fails, the municipal council must address the issue following the submission of a full report by the ward councillor to the Speaker.

## **THE ROLE OF PR COUNCILLORS IN WARD COMMITTEES**

30. The PR councillor serves in the first place his/her political party whilst simultaneously having the interest of the community at heart. He/she is accountable to his/her party in respect of the affairs of the municipality. The PR councillor as a member of the municipal council will have the opportunity to debate in municipal council the recommendations of a ward committee in which he/she resides. It is in that forum that he/she will have the opportunity to either oppose or support the ward committee's recommendations.
31. On the other hand, the ward councillor's main task is to serve the interest of the ward residents in the municipality. The ward councillor must do this with the co-operation of the ward committee. He/she cannot only serve the interest of any political party but should serve all residents in the ward. The ward councillor is accountable to the ward residents and must on a regular basis report back to the residents on the affairs of the municipal council.
32. A co-operative relationship between the PR councillor and the ward councillor for the ward where the PR councillor resides, must be promoted. There can be a mutual agreement between the ward councillor and the PR councillor to assist each other but the responsibility for the ward committee and its activities is that of the ward councillor. Political differences between the two councillors should not interfere with the functioning of the ward committee.

## **DISESTABLISHMENT**

33. The Council, in terms of Section 78 of the Structures Act dissolves a ward committee if it fails to fulfill its objectives.
34. The following circumstances shall serve as an indication that a committee may have exceeded its functions and failed to fulfill its objectives:

- 34.1 When the members decide to dissolve;
  - 34.2 When it seeks to prescribe to the ward councillor;
  - 34.3 When it fails to meet three consecutive times; or
  - 34.4 When the committee is suspected of corruption and misrepresentation that may bring the municipal council into disrepute.
35. The municipal council must give proper notice of its intention to dissolve the committee in terms of Section 78 of the said Act.

