



UMDONI MUNICIPALITY

**RULES FOR ELECTION AND
ESTABLISHMENT OF WARD
COMMITTEES**

APPROVED BY COUNCIL: 22 FEBRUARY 2017

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'INVOLVE, CONSULT, INFORM'

1. INTRODUCTION

Community Participation is an essential part of effective and accountable governance at local level. The constitution of Republic of South Africa, Act 108 of 1996 requires municipality to encourage participation of the community members and community organization in the matters of the government.

Accordingly, the Municipality when adopting these rules will be based on the principles of good governance and community participation as contained in, inter alia, the Constitution of the Republic of South Africa 1996, Chapter 4 of the Municipal Systems Act 32 of 2000 and the White Paper on Local Government which affirms the role of development 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 the Ward Committee in accordance to Section17(2) of the Systems Act, which stipulates that a Municipality must establish appropriate mechanism, processed and procedures to enable the local community to participate in the affairs of the Municipality.

1. Establishment Process

- Only Metropolitan and Local Municipalities of the ward of “**ward participatory type**” must establish Ward Committees as per Section12 notice.
- Where a municipality is allowed to have Ward Committees in terms of its establishment notice (Section 12 notice), the Council must take a resolution for such Ward Committees to be established.

2. Purpose and Description of Ward Committees

2.1 The objective of a ward committee is to enhance participatory democracy in local government.

2.2 A ward committee:

2.3 is an advisory body

2.4 is a representative structure of the ward

2.5 is independent

2.6 must be impartial and perform its functions without fear, favour or prejudice

2.7 is not politically oriented

2.8 is an integrative umbrella body responsible for coordinating of ward developmental initiatives.



3. Institutional Arrangement

3.1 Coordination of public participation must take place from the Speaker's Office, but the work and activities of Ward Committees must be an integral part of administrative functionaries.

3.2 The allowance to support the functionality of Ward Committees is aimed at assisting Municipalities classified as Grade 1, 2 and 3 in the Government Notice on the "Determination of Upper Limits Salaries Allowance and Benefits of different members of Municipal Councils."

3.3 The funds in 3.2 above are transferred through the equitable share grant as part of an unconditional allocation it is up to the Municipalities to decide how to spend the funds in line with their own priorities and policies on ward committees. Such policies could also provide for funds to be used for community based planning as determined by the Municipality.

4. Composition of Ward Committees

4.1 A ward committee must consist of the following:

4.1.1 the **Ward Councillor** representing that ward in the council who must also be the Chairperson of the committee; and

4.1.2 **not more than ten persons** represent the diversity of interest groups within the ward as identified in the municipal stakeholders register adopted by council. These interest groups may include the following:

- Youth seat
- Women seat
- Faith based seat
- Public transport seat
- Health and social development
- Neglected/ remote Community seat
- Professional seat
- Traditional and institution seat
- Physically challenged seat
- Business sector seat
- Environment and Tourism
- Education
- Senior Citizens
- Ratepayers
- Civic Associations
- Informal traders' association
- Farm workers

4.2 A **Community Development Worker** (CDW) must be attached to and participate in the Ward Committee to:

- a) provide support to committee
- b) present reports of activities happening within the ward.

5 **Nomination Process**

5.1 The members represented in a Ward Committee can be elected based on **sectoral model** (organization/sector) or **geographical combination** of both models to accommodate circumstances prevailing in a particular ward.

5.2 The criteria for recognizing organized formations to participate in the elections of Ward Committees must be based on the following:

- 5.2.1 a democratically constituted formation representing the interest of a societal grouping.
- 5.2.2 must be recognized by the local municipality or sector department
- 5.2.3 must have adopted terms of reference to guide their operations
- 5.2.4 must have a defined hierarchy of leadership for the structure
- 5.2.5 must have traceable contact details
- 5.2.6 must be apolitical formation

6. **Identification of interest groups follows the process where the Council had:**

6.1 Identified the key performance areas of each ward, for example, Local Economic Development, Job Creation and Basic Services. The list of key areas of interest provided for under “Composition of ward committees” may be used for this purpose

6.2 Identified the groups that have a demonstrable interest in any of the key performance areas and represent residents of areas

6.3 A minimum of not less than 5(five) organisations and /sectors to be elected as members of a particular ward committee whilst the balance should be elected from geographical block/areas.

7. **Membership Criteria for Ward Committees**

7.1 The following screening criteria must be applied for electing ward committee members:

- 7.1.1 To be elected as a member of a ward committee, a person must be a registered voter in the ward;
- 7.1.2 A person is not eligible for election if he or she works for the metro, local municipality or the district municipality;
- 7.1.3 A person should not be in arrears to the municipality for rates and service charges for a period longer than three months;
- 7.1.4 A person should not be an insolvent;
- 7.1.5 A person should not be unrehabilitated;

- 7.1.6 A person should not be elected who has been placed under curatorship;
- 7.1.7 A person should not be elected if convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months;
- 7.1.8 Persons of unsound mind who have been declared so by a competent court cannot be elected; and
- 7.1.9 Members should be active in the sector that they represent. They should be elected upon recognition of their formation in the community and be motivated to work on the ward committee by their commitment to working for a better life for members of their constituency.

8. Election must take place as follows:

- 8.1 the Ward Councillor in conjunction with **Public Participation Unit** must call a meeting in the ward for the election of a Ward committee;
- 8.2 only residents who are registered voters may vote at the meeting (a voters roll must be used to confirm if all voters are registered);
- 8.3 the meeting votes by majority (50% plus one) for a representative of that cluster. If no one obtains the majority the three candidates who received the most votes proceed to the next round.

9. In **wards** where communities/structures are known to be **highly politicized**, a **formal ballot process** must be followed. In the medium to long term, all municipalities must aim to follow formal ballot processes for ward committee elections.

10. **The election process** must be coordinated by the **administrative division of the municipality** with the consent of the Municipal Council. Where feasible, the role of IEC is highly recommended.

11. The following election procedures are proposed:

- 11.1 the Public Participation Practitioner of the municipality in consultation with the Ward Councillor and the Office of the Speaker must coordinate the schedule of meetings for election purposes through the directive of the Municipal Manager;
- 11.2 the Ward Councilor must submit to the office of the Speaker the proposed date for a meeting to elect a Ward Committee in the ward.

11.3 the office of the Municipal Manager must advise the **CoGTA** about the date and the election plan within **90** days after first council sitting.

12. The Ward Councillor and Administrative Assistant must ensure that:

12.1 meetings are a fair representation of all sectors identified by the municipality and prioritized for that particular ward although no quorum for the elections is required;

12.2 an attendance register is completed;

12.3 all people taking part should be registered voters of that ward; and

12.4 women are equitably represented.

13. **Voting** may take place by a majority **show of hands** or **formal ballot**.

14. Process of Handling Objections/Appeals

14.1 An objection to the election process may be submitted in writing to **Chief Director: Public Participation** within 14 days following the date, in which the election was conducted,

14.2 The Department must acknowledge receipt within seven working days upon receipt of an objection.

14.3 An investigation must be conducted by the **Chief Director: Public Participation** in consultation with the affected municipalities and interest groups.

14.4 The complainant must be advised of the outcome of the objection within 30 days from the date the objection was launched.

14.5 The Municipality has an obligation to ensure that all pending objections have been finalized before the new ward committee members are formally introduced to the community.

15. Budget – Reimbursement of out of pocket expenses

15.1 No salary is to be paid to ward committee members.

15.1.2 A municipal council must determine and implement the criteria for, and calculation of the out of pocket expenses as contemplated in Government notice 973 of 2008

15.1.3 Ward Committee members will be reimbursed for out of pocket expenses in accordance with the schedule included in the current municipal operation budget.

15.1.4 The Ward Committee members will be obliged to attend formal scheduled Ward Committee meetings (per council's cycle) and to be present for the duration of such meeting.

15.1.5 Attend possible training and capacity building programmes.

15.1.6 Ensure that monthly report back meetings are held with their respective sectors and geographical blocks. 15.1.7 Minutes and attendance registers will serve as proof that meeting held.

15.1.8 Ward Committee members are paid based on the travel and other costs incurred within the scope of Ward Committee duties.

15.1.9 The reimbursement will only be electronically transferred to the bank account of the relevant Ward Committee member.

16. Accountability

16.1 The Chairperson of the Ward Committee through the Public Participation Practitioner must:

16.1.1 ensure that full and proper records are kept of the minutes of ward committee meetings;

16.1.2 ensure that the committee's available resources are properly safeguarded and used in the most effective and efficient way;

16.1.3 ensure that all statutory measures applicable to the committee are complied with;

16.1.4 ensure that all recommendations made by the ward committee are formalised and submitted to the office of the Speaker or other designated political functionary for presentation to the council at intervals determined by the Speaker or other designated political functionary;

16.1.5 report a view adopted by the ward committee to the council but may indicate his or her disagreement with the view in the report;

16.1.6 ensure the production of a progress report on major achievements and areas of failure, with reasons, on quarterly basis;

16.1.7 submit the progress report to the speaker or other designated political functionary for a review of the performance of the committee; and

16.1.8 implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the speaker or other designated political functionary.

16.1.9 prepare the municipal public participation annual report.

17. Term of Office

17.1 Members of a Ward Committee are elected for a term that corresponds with the term referred to in section 24 of the Structures Act,

17.2 For practical reasons, municipalities are required to elect Ward Committees within 90 days after local government election.

17.3 Section 24 provides that the term of Municipal Council is no more than five years as determined by the Minister by the notice in the Government Gazette. Calculated from the day following the day or dates set for the previous election of all Municipality councils in terms of section 24, the Minister may by notice in the Government Gazette prescribe regulations for the implementation of subsection (1).

18. Dissolution of Ward Committee

18.1 A Ward Committee may be dissolved by the Speaker, when it fails to fulfill its role and functions.

18.2 For the purpose of this rule “failure to fulfill its role and functions” includes:

18.2.1 when the Ward Committee has failed to hold three consecutive scheduled meetings;

18.2.2 when its members decide by majority to dissolve the Ward Committee;

18.2.3 when maladministration, fraud, corruption or any serious malpractice is occurring or has taken place;

18.2.4 such other reasons which in the discretion of the Speaker make it impossible for the Ward Committee to continue to fulfill its role and functions.

18.3 The procedure for the dissolution of a Ward Committee is as follows:

18.3.1 The Speaker shall, after written notice has been given, afford the Ward Committee the opportunity to respond within 14 days of the date of the notice regarding its failure to observe its role and functions, and the circumstances thereof;

18.3.2 should the Speaker after considering the facts and circumstances still remain of the view that the Ward Committee has failed to fulfill its role and functions, he/she shall dissolve the Ward Committee on such date as he/she may determine;

18.3.3 A new Ward Committee must be reconstituted in terms of Section 73 of the Structures Act, of 1998.

18.3.4 All Ward Committees in Umdoni Municipality will disestablish on the expiration of the term of office of the current municipal council.

19. Termination of Membership of a Ward Committee

19.1 A member of a Ward Committee remains a member of the Ward Committee unless h/she

20.1.1 dies

20.1.2 resigns

20.1.3 is removed by the Speaker in terms of Rule 7

19.2 Membership of a Ward Committee may be terminated by the Speaker if a member:

19.2.1 fails to execute the mandate of his/her Organisation/Sector;

19.2.2 is found to be in contravention of the Code of Conduct.

19.2.3 the Speaker shall, after writing a letter of intention to terminate, afford the member the opportunity to respond within 7 days of the date of the delivery of the letter.

19.3 Any vacancy occurring due to the termination of membership is filled in terms of Rule 8.

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