



Ward Committees

- Principles
- Purpose / Object
- Election
- Operation
- Co-operation with other Ward Committees

A. PRINCIPLES

1. That the financial implications of the establishment of ward committees be limited as far as possible in order to limit the operational costs of the Municipality.
2. That no extra staff be appointed because of the establishment of ward committees.
3. That in view of the purpose of ward committees and the establishment of the Overstrand Municipal Advisory Forum (OMAF) as set out further, no IDP Advisory Committees and Advisory Forums be established.
4. The ward committees and OMAF will be regarded as the official liaison mechanism on all strategic municipal matters with the community.
5. That the meetings for the election of members of the ward committee and subsequent meetings of the ward committee be open to the general public.
6. The rules regarding ward committees may be revised at the request of a ward committee. If the Municipality is of the opinion that the revision may affect other ward committees, it may refer the matter to the OMAF for its recommendation.
7. The establishment and operation of a ward committee must be in accordance with sections 72 to 78 of the Local Government: Municipal Structures Act, 1998.
8. Where any question arises regarding the interpretation of this document or any matter not provided for in this document and such authority is not given to the Chairman of the ward committee, such decision will be taken by the Executive Mayor or in his/her absence the Deputy Executive Mayor. Such decision will be final.
9. Ward Committee members, excluding Councillors, must be reimbursed for out of pocket expenses incurred in the execution of their duties as ward committee members in terms of the National Framework: Criteria for Determining out Of Pocket Expenses for Ward Committee Members, 2009 and proposed Provincial Funding Model for out of pocket expenses for ward participatory structures in the Western Cape. Refer to Clause D18 for condition for the remuneration of out of pocket expenses.

B. PURPOSE / OBJECT

A ward committee will enhance participatory democracy at local government in the following ways:

1. It will be the official consultative body in that ward for
 - participating in the preparation, implementation and review of the Integrated Development Plan (IDP)
 - participating in the establishment, implementation and review of a Performance Management System (PMS)
 - participating in the preparation of the budget
 - participating in strategic decisions of the municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.
2. It will be the official body with which the Ward Councillor will liaise regarding any matter affecting the ward and more specifically items on the agenda of the municipality affecting that ward in particular.
3. The Ward Councillor must give regular feedback at ward committee meetings on council matters as required in the Code of Conduct for Councillors.
4. It will be the official body which will receive representations from the community regarding municipal matters in that ward.
5. The ward committee will elect 4 representatives to serve on the Overstrand Municipal Advisory Forum (OMAF) to represent the ward's viewpoint and to participate when consulted by the Municipality on matters affecting the Overstrand municipal area in general. Such representatives must be elected to be as representative as possible with regard to gender, interests, areas and race. The ward committee should endeavour to reach consensus on its representation at OMAF. If this is not possible, the basis must be determined by the Chairman, taking cognisance of the debate in the ward committee in this regard.
6. The above must not be interpreted to mean that a Ward Councillor or the municipality must always liaise with the ward committee before a decision is taken. A Ward Councillor may not be instructed by a ward committee on how to vote on any matter which serves before the municipality.

C. PROCEDURE FOR ELECTION

1. The municipal manager will call a meeting(s) in each ward after advertising in the local media and giving notice to organisations registered for the IDP process in that area.
2. The Ward Councillor will chair the meeting. In the absence of the Ward Councillor at an official Ward Committee meeting a Proportional Councillor must act as chairperson upon request by the particular Ward Councillor or upon instruction by the Speaker (if no arrangement was made by the particular Ward Councillor).
3. Unless a lesser number is determined by the meeting, ten (10) people and or organisations/bodies (which are deemed to be inter alia Community Based Organisations and Non-governmental Organisations, but specifically excludes private businesses and industries) must be elected on the following basis at such meeting :
 - 3.1 The meeting can decide to allow a minimum of two and a maximum of eight organisations or bodies to be represented in the ward committee. The representative of an organisation/body must provide a copy of the constitution of the particular organisation/body to the municipal administration, in order for the organisation to be represented on the Ward Committee, such constitution to be submitted simultaneously with the nomination process.
 - 3.2 The difference between the number of organisations/bodies agreed to in Clause 3.1 and 10 is to be elected from individuals nominated to serve in the committee
 - 3.3 The meeting must decide on which organisations/bodies to nominate and serve on the committee. Political parties or their branches may not be elected to serve on the ward committee
 - 3.4 Voting for members of a ward committee will take place by secret ballot, on pro-forma ballot papers prepared by the municipal administration.
 - 3.5 Before voting, an organisation/body must nominate a person who will represent it on the committee
 - 3.6 Within 14 days after the meeting an organisation/body elected to serve on the committee must hand in a list of people in order of preference who will represent that organisation/body on the committee if the nominated person is no longer a member of the ward committee or that organisation/body

3.7 All nominated persons must in accordance with Clause 5 be eligible to serve on the committee and will be subject to rules regarding the conduct of members

3.8 If an organisation/body is represented on the committee, no other member of the executive of that organisation is eligible to be elected as an individual ward committee member, but the person may be nominated to represent another organisation/body. "Executive" means, for the purposes of this paragraph, a person elected or co-opted to manage the affairs of that organisation.

3.9 The list referred to in 3.6 may be revised by the organisation/body by written notice to the Municipal Manager.

3.10 If a ward requires less than 10 representatives, it may so decide whereafter the proportion in 3.1 may be suitably amended.

3.11 If more nominations are received than vacancies on the committee, the meeting will by majority vote decide which organisations/bodies and individuals will serve on the committee.

3.12 In the nomination and election of members of a ward committee the meeting must ensure that: -

- women are equitably represented in that ward committee and
- a diversity of interests are represented in that ward committee

If after an election it is found that women or interests are not adequately represented, the Chairman may declare up to two candidates who received the least number of votes and who are not from these groups as not having been elected. Candidates representing these under-represented groups who received lesser votes may then be declared elected. Alternatively the Chairman may call for nominations from these groups. If more nominations are received than vacancies an election will be held in terms of these rules.

3.13 A member vacates office during a committee's term of office if that member: -

- resigns in writing
- no longer qualifies
- is removed from office
- dies
- is indebted to the municipality for more than 3 (three) calendar months and where no agreement was entered into for payment of mentioned debt.

- is no longer capable to perform the duties at the office by majority decision of all members of the committee
- is convicted of a criminal offence and sentenced to imprisonment without the option of a fine.
- represents an organisation or body which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted via the Ward Councillor to the administration.
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3.14 If a member of a ward committee who was elected in terms of 3.11 resigns or is no longer a member, the person who or organisation which received the next highest number of votes at the election will become a member. Alternatively the ward committee may decide to fill the vacancy in terms of the process set out in this chapter after notice in the local press to this effect.

3.15 The Chairman of the meeting must announce the total votes cast for organisational representatives and individual representatives at the meeting and such results must be recorded in the minutes of the meeting.

3.16 If the same number of votes is cast during any election the result will be determined by way of lot.

3.17 Any person nominated on behalf of an organisation/body or as an individual must indicate his/her acceptance of such nomination.

3.18 An employee of the municipality designated by the Municipal Manager will be the election officer at the meeting.

3.19 The Chairman, whose decision will be final, will decide on any questions of order during the meeting.

3.20 If a person or organisation makes any misrepresentation regarding eligibility as a candidate at a meeting, such person or organisation shall be disqualified to serve as a member for the term of the committee.

4. Only people who are registered voters in that ward may vote at the meeting for the election of ward committee members. Voters will have one vote for organisations/bodies and one vote for an individual representative.
5. Any citizen is qualified to stand for election or to serve in a ward committee, unless:-
 - he or she is not registered as a voter in that ward;
 - he or she is a member of a Municipal Council;
 - he or she is a permanent or contracted employee of a Municipality; or
 - he or she is indebted to the municipality for more than 3 calendar months
6. The term of office of a ward committee coincides with the term of office of the Council.

D. OPERATION

1. The Ward Councillor will chair the meeting. In the absence of the Ward Councillor at an official Ward Committee meeting a Proportional Councillor must act as chairperson upon request by the particular Ward Councillor or upon instruction by the Speaker (if no arrangement was made by the particular Ward Councillor).
2. A ward committee must meet at least monthly, except for period(s) when Council is in recess.
3. A quorum of a committee consists of at least 5 members.
4. All meetings of the committee must be open to the public.
5. A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.
6. The timeframes for meetings must not exceed the following number of hours, namely:
 - Quarterly public announced meetings: 3 hours (for purposes of report back)
 - Other meetings: 2 hours
7. A committee may establish task teams to perform specific task(s) on behalf of the committee, e.g. investigations within the ward.
8. The Code of Conduct for councillors, as prescribed by law, will be applicable to members of the committee except where it may be inappropriate.

9. (1) If a member of the Committee or member of the public –
 - (a) misconducts himself or herself, or
 - (b) behaves in an unseemly manner, or
 - (c) obstructs the business of a meeting, or
 - (d) challenges the ruling of the Chairman on any point or order or ruling, or
 - (e) declines to withdraw any expression when required to do so by the Chairman, or
 - (f) indulges in tedious repetition, uses unbecoming language or makes remarks which are of a defamatory nature, or
 - (g) commits any breach of these rules,
- (2) the Chairman shall direct such member of the Committee or member of the public to conduct himself or herself properly and, if speaking, to discontinue his or her speech.
- (3) in the event of a disregard of the directions of the Chairman, the Chairman may direct such member of the Committee or member of the public to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from there.
10. An employee and councillor of the municipality must be present at a meeting of a committee before it can be constituted.
11. 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 member must recuse himself/herself from such discussion.
12. If a member has a direct or indirect personal interest in a matter serving before a committee, unless that interest is the same as any other person in the ward, such person shall recuse himself/herself from such discussion.
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. Any councillor of the Overstrand Municipality may attend meetings of a ward committee.
15. No items from the agenda of the political structures of the municipality marked confidential by the Municipal Manager may be discussed at a ward committee meeting.

16. Any member who is absent without an acceptable reason from three meetings of the committee during its term of office will be replaced in terms of the rules for the filling of vacancies.
17. Any member who is absent, irrespective of any apology tendered, from 6 meetings of the committee during its term of office will be replaced in terms of the rules for the filling of vacancies.
18. (1) The ward committee members will be obliged to:
 - (a) attend formal scheduled ward committee meetings (per Council's meeting cycle) and to be present for the duration of such meeting. The reimbursement for all ward committee members, residing within a 20km radius of the meeting venues and residing outside a 20km radius of the meeting venues will be determined as per Council resolution. All ward committee members must reside within the boundaries of the respective demarcated wards where they are elected.
 - (b) attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes. All ward committee members, residing within a 20km radius of the meeting venues and residing outside 20km radius of the meeting venues will be determined as per Council Resolution.
 - (c) attend and / or participate in other official forums (i.e. Overstrand Municipal Advisory Forum, etc) and from other spheres of government and to be present for the duration of such meetings. The reimbursement for all ward committee members, residing within a 20km radius of the meeting venues and residing outside 20km radius of the meeting venues will be determined as per Council Resolution.
18. (2) Other transport arrangements will be applicable if the meeting venue is outside the Overstrand Municipal boundaries, i.e. municipal transport or compensation for use of a private vehicle at the rates applicable to councillors.
19. Elected ward committee members (excluding Councillors) will be reimbursed for out of pocket expenses as per the following guidelines, namely:

- (a) That the reimbursement amount will be paid to the ward committee members in person and not to the organisation that he/or she represents.
- (b) That secundus for representatives of organisations will be reimbursed for attendance in the absence of the first/second nominated representatives at a particular, official ward committee meeting.
- (c) 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).
- (d) That ward committee members may elect not to be reimbursed.

E. CO-OPERATION WITH OTHER WARDS / OVERSTRAND MUNICIPAL ADVISORY FORUM (OMAF)

1. A body representing civic society and interest groups serving the entire Overstrand is hereby created and called the Overstrand Municipal Advisory Forum (OMAF).
2. Four representatives from each ward committee, taking into account representatives as set out in C 3.12 must be elected at the first meeting of the ward committee to represent the committee on OMAF in terms of paragraph B5.
3. Bodies representing civic societies and interest groups serving the entire Overstrand must apply for membership of OMAF on the prescribed form. Such application shall be dealt with by the Executive Mayor.
4. OMAF must meet as often as it may deem to be necessary, but at least twice a year.
5. The draft, reviewed or amended Integrated Development Plan as well as the budget of the municipality must be discussed at a meeting of OMAF.
6. OMAF will be chaired by the Mayor and Deputy Mayor and will consist of the representatives of all wards mentioned in 2, all councillors of the municipality and organisations which represent Overstrand wide interests and approved as such by OMAF.
7. OMAF will be the official body with which the Municipality W 2 / 011 regarding matters affecting the entire Overstrand area.

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