



DITSOBOTLA LOCAL MUNICIPALITY
OFFICE OF THE SPEAKER

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RULES AND GUIDELINES FOR ESTABLISHMENT OF WARD COMMITTEE

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Preamble

Mindful of the legislative responsibility of ward committee in enhancing public participation local government decision making,

Recognizing the need for ward committees to have guidelines on how to enhance public participation,

Guidelines to support ward committees in their all important tasks, hereby published /issued.

1. DEFINITIONS.

1.1 In these guidelines a word or phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act 1998 (Act 117 of 1998) and the Local Government Government: Municipal System Act 2000,(Act 32 of 2000),Provincial Framework on the criteria for determining out of pocket expenses for ward committees ,has that meaning unless the context otherwise indicates.

2. PURPOSE OF THE GUIDELINES

2.1 To provide inform and simplified guidelines to ward committee members, ward councilors, local municipalities and the district municipalities on the establishment and operation of ward committees.

3. ESTABLISHMENT PROCESS

3.1 When local council establishes ward committees in terms of section 73 of the Municipal Structures Act, 1998 (Act 117 of 1998) as amended, it must establish a ward committee for each ward in the municipality, as determined by the MEC through section 12 notices of the Structures Act, 1998, published in the provincial gazette.

4. STATUS OF WARD COMMITTEES

4.1 The object of ward committees is to enhance participatory democracy in local government.

4.2 A ward committee.

4.2.1 Is advisory body to ward councilor and municipal council as provided for in terms of section 74 of the Structures Act ,1998

4.2.2 Is a political

4.2.3 Must be impartial and perform it's functions without fear, favor or prejudice; and

4.2.4 Is an official municipal participatory structure

4.2.5

5. FUNCTIONS, DUTIES AND RESPONSIBILITIES OF WARD COMMITTEES

5.1 A ward committee may make recommendations on any matter affecting its ward to ward councilor, or through the ward councilor to the Speaker, the executive committee, the mayoral committee, the mayor / executive mayor and local council.

5.2 A ward committee must have such duties and responsibilities as may be delegated to it by the local council in terms of section 59 of the municipal systems Act, 2000.

- 5.3 The following represents duties and responsibilities that may be delegated to ward committees by municipalities:
- 5.3.1 To serve as an official specialized participatory structure in the municipality

 - 5.3.2 To create formal unbiased communication channels as well as co-operative partnerships between the community and the council. This may be achieved as follows:
 - 5.3.2.1 Advise and make recommendations to the ward councilor on matters and policy affecting the ward;
 - 5.3.2.2 Assist the ward councilor in identifying conditions, challenges and the needs of the residents;
 - 5.3.2.3 Spread information in the ward concerning municipal affairs such as the budget, community based planning, integrated development planning, service delivery improvement plan options and municipal properties;
 - 5.3.2.4 Receive queries and complaints from ward residents concerning municipal service delivery, communicate it to municipal council and provide feedback to the community on council's response;
 - 5.3.2.5 Ensure constructive and harmonious interaction between the municipality and community through the use coordination of ward residents meetings and other community development forums; and
 - 5.3.2.6 Interact with other forums and organizations such as police forums and street committees on matters on affecting the ward.
- 5.4 To serve as a facilitating agent for community activities. This may be achieved as follows:
- 5.4.1 Attending to all matters that affect and benefit the ward community;
 - 5.4.2 Acting in the best interest of the ward community;
 - 5.4.3 Ensure the active participation of the ward community in;
 - 5.4.3.1 Service payments;
 - 5.4.3.2 The integrated development planning, performance management system and community based planning processes;
 - 5.4.3.3 The municipality budgetary process;
 - 5.4.3.4 Decisions about the provision of municipal services;
 - 5.4.3.5 Decisions about the by-laws;
 - 5.4.3.6 Community based planning process; and
 - 5.4.4 Delimitate and chair zonal meetings
- 5.5 No executive powers must be delegated to committee members;**
- 5.6 A ward committee may express dissatisfaction to the speaker, the Mayor or municipal council on the non-performance of a ward councilor.
- 5.7 A ward committee must subject to availability of capacity and resources, conduct an annual satisfaction survey in order to assist the committee in the executions of its duties and responsibilities. The satisfaction survey should be administered in the ward by ward committee members and community development workers under the supervision of the ward councilor and with the administrative support of the municipality. **Annexure A** represents an example of such survey.

6. ELECTIONS CRITERIA

- 6.1 A council is required to make rules regulating the procedures and criteria to elect members of the ward committees.
- 6.2 The following election criteria may be applied for electing ward committee members:
- 6.2.1 To be elected as a member of a ward committee, a person must be a registered voter in the ward;
 - 6.2.2 A person is not eligible for election if he or she is employed by the local municipality or the district municipality within which the local municipality is demarcated, but such a person may be co-opted
 - 6.2.3 A person should not be in arrears to the municipality for rates and service charges for a period longer than three months;
 - 6.2.4 A person should not be an rehabilitated insolvent;
 - 6.2.5 A person should not be elected who after **February 2007** has been convicted of an offence and sentenced to imprisonment without the option of a fine for period of not less than twelve (12) months;
 - 6.2.6 Persons of unsound mind who have been declared so by a competent court cannot be elected
 - 6.2.7 Members should be active in the sector or geographic area they represent and should be motivated to work on the ward committee by their commitment to working for a better life for their constituency.

7. ELECTION PROCEDURE

- 7.1 A local municipality must make rules regulating the procedure to Election members to the ward committees taking into account the need for women to be equally represented and for a diversity of interests to be represented.
- 7.2 Two different election models may be applied by municipalities. These models are respectively based on sectoral and geographic representation. It is the responsibility of municipalities to decide on the applicability of each model. Since these models only represent frameworks, municipalities may decide to combine or adapt it according to specific circumstances.
- 7.3 Sectoral election model
- 7.3.1 Identification of interests groups.
 - 7.3.1.1 The council identifies 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.
 - 7.3.1.2 The council invites interests groups to state their interests in and concern with any of the key performances areas;
 - 7.3.1.3 The council identifies the groups that have a demonstrable interest in any of the key performance areas and represent residents of the area; and
 - 7.3.1.4 The council identifies the cluster of interest groups (no more than ten) that qualify for election.
 - 7.3.2 Election should take place as follows (option 1 – within the ward)
 - 7.3.2.1 The ward councillor calls a meeting in the ward for the election of a ward committee;
 - 7.3.2.2 Only residents who are registered voters may vote at the meeting;
 - 7.3.2.3 In each cluster, identified groups nominate a representative;
 - 7.3.2.4 The meeting votes by majority the three candidates who received the

Most votes proceed to the next round.

7.3.3 Election should take place as follows (option 2 – within the council)

7.3.3.1 The municipal council calls a meeting of all councillors for the election Of ward committees to which all residents have been invited to attend;

7.3.3.2 All councillors are entitled to vote at the meeting.

7.3.3.3 In each cluster, an identified group will have nominated a representative;

7.3.3.4 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.

7.4 Geographic election model

7.4.1 Identification of interests groups should take place as follows:

7.4.1.1 The council identifies the villages and farms that will represent an equitable spread of the residents in the ward;

7.4.1.2 Each village or cluster of farms is requested to nominate a representative; and

7.4.1.3 If five or less villages are identified, a male and female representative should be nominated by each village.

7.4.2 Election should take place as follows (option 1 – within the ward).

7.4.2.1 The ward councillor calls a meeting in the ward for the election of ward committee;

7.4.2.2 Only residents who are registered voters may vote at the meeting;

7.4.2.3 Each village nominate a representative; and

7.4.2.4 The meeting votes by majority (50 % plus one) for representative of a Village.

7.4.3 Election should take place as follows (option 2 – within the council);

7.4.3.1 The municipal council calls a meeting of all councillors for the election ward committees to which all ward residents have been invited to attend;

7.4.3.2 All councillors are entitled to vote at the meeting;

7.4.3.3 Each village would have nominated a representative; and

7.4.3.4 The meeting votes by majority (50% plus one) for a representative of A village.

7.5 The type of election process conducted is left to the discretion of the municipality and subject to respective levels of capacity. However, it is encouraged that in those wards where communities/ structures are known to be highly politicized, a formal ballot process is to be followed. In the medium to long term, all municipalities should aim to follow formal ballot processes for ward committees' election. Where necessary, IEC should be involved.

7.6 The election process is to be coordinated by administrative division of the municipality with the consent of the municipal council.

7.7 The following election procedures are proposed;

7.7.1 The ward councillor and office of the speaker must coordinate a Schedule of a meetings for election purpose;

7.7.2 The ward councillor and administrative assistant must ensure that:

7.7.2.1 Meetings are fully representative of almost all villages/stakeholders within the ward, although no quorum for the elections is required;

7.7.2.2 An attendance register is completed.

7.7.2.3 All people taking part should be registered voters of that ward; and

7.7.2.4 Women are equitably represented.

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

8 TERM OF OFFICE

8.1 Members of a ward committee are elected for a term of five years coinciding with the term of councillors as provided for in section 75 of Municipal Structures Act, 1998, as amended.

9 VACANCIES

9.1 If a vacancy occurs among members of a ward committee, it must be Filled at least within a period of three months in accordance with procedure Determined by the local council.

9.2 The following procedure may be considered in this regard:

9.2.1 The ward councillor must fill the vacancy by declaring as Elected the person who received the second highest number of votes in terms of the previous election; and

9.2.2 If nobody can be declared elected in the above manner, the election process must be repeated.

10 TERMINATION OF MEMBERSHIP

10.1 The following may serve as sufficient motivation to terminate the Membership of a ward committee member:

10.1.1 Death;

10.1.2 Resignation;

10.1.3 Relocation from the ward;

10.1.4 Election to position of councillor;

10.1.5 Failure to attend three consecutive meetings of the ward Committee without apology

10.1.6 Proven involvement in corruption;

10.1.7 Failure to adhere to meeting procedure or misconduct during committee meetings; ward

10.1.8 Not submitting priorities with the mandate of the community;

10.1.9 Being involved in proven activities that undermine the council Authority;

10.1.10 Dismissed in accordance with a recommendations of the Ward committee or based on the decision of the mayor/executive Mayor and the speaker in consultation with ward councillor;

10.1.11 Cease to be a member of the organization /interests group He/she represents;

10.1.12 is solvent or declared mentally incompetent by competent Competent court.

