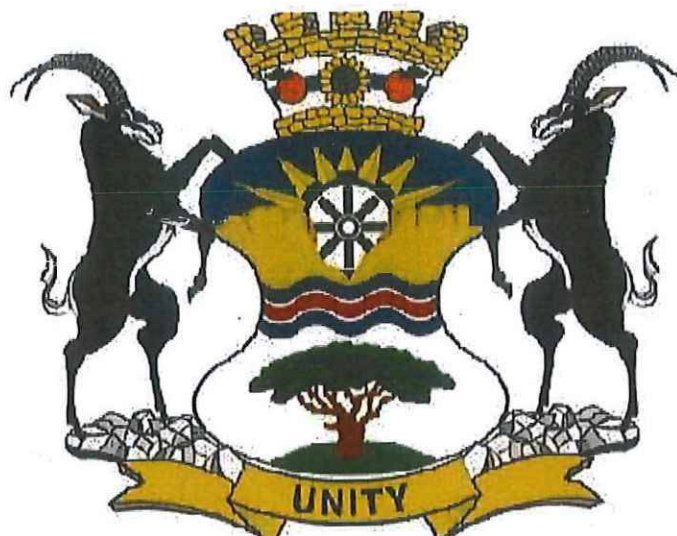


RUSTENBURG LOCAL

MUNICIPALITY



WARD COMMITTEE POLICY

AGENDA: ADJOURNED COUNCIL: 08 JUNE 2021

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Definitions:

“Constitutions”: means the constitution of the Republic of South Africa (Act No.106 of 1996);

“Council”: means the Municipal of the Rustenburg Local Municipality

“Councillor”: means Councillor of the Rustenburg Local Municipality

“Speaker”: means Speaker of the Rustenburg Local Municipality

“Executive Mayor”: means the Executive Mayor of the Rustenburg Local Municipality

“IDP”: means the Integrated Development Plan of the Rustenburg Local Municipality

“Structure Act”: means the local Government: Municipal Structures Act (Act No.117 of 1998);

“Systems Act”: means the local Government: Municipal Structures Act (Act No.32 of 2000);

“Municipality”: means the Rustenburg Local Municipality

“Community”: Means the end users of the Rustenburg Local Municipality

“National Framework”: means the notice 364 of 2009, the National Framework: Guidelines for Provinces & Municipalities in the Implementation of the Ward Funding Model:

“National Framework on Out Pocket Expenses”: means the National Framework Guidelines: Criteria for Determining Out of Pocket Expenses for Ward Committee Members, 2009 (Notice 973 of 08 October 2009):

“Ward Committee”: means a Ward Committee as Contemplated in section 73 of the Local Government: Municipal Structures Act (Act No.117 of 1998);

“Out of Pocket Expenses”: means payment as contemplated in section 73 of Local Government: Municipal Structures Act (Act No.117 of 1998) and in accordance with the National Framework on Out of Pocket Expenses for Ward Committee Members

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1. INTRODUCTION

- (a) South Africa has a well-established and legal framework for public participation and empowerment. Section 152 of the constitution confirms a number of citizens' rights and more specifically, the rights of communities to be involved in local government.
- (b) In accordance with National Framework, Municipalities are obliged to encourage the involvement of Communities and Community Organisations in Local Government. This extends to the entire way a Municipality operates and functions.
- (c) According, the Municipality adopts this policy based on the principles of good governance and community participation as contained in, inter alia, the constitution, chapter 4 of the Municipal System Act and the white paper on Local Government which affirms the role of the developmental Local Government that is committed to ensuring citizens participate meaningfully in finding sustainable ways to meet their local, economic and material needs.
- (d) The Municipal shall therefore, provide appropriate systems and support for Ward Committees in accordance with section 17(2) of the systems Act, which stipulates that the Municipality must establish appropriate mechanism, processes and procedures to enable the local community to participate in the affairs of the Municipality.

2. PURPOSE

The purpose of this policy is:

- (a) To give meaning to the National Legislative Framework on the Public Participation and to provide an institutional framework for such Participation within the broader structure of the Municipality.
- (b) Regulate the operation of Ward Committees and provide for matters that guide their internal processes, functionality and funding's: and
- (c) Ensure the Municipality complies with the norms and standards set by the National Framework on the funding models for Ward Committees.

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3. Legislative Framework

- (a) The Constitution of the Republic of South Africa Act (Act No.106 of 1996);
- (b) The Local Government Municipal Structures Act (Act No 117 of 1998);
- (c) The Local Government Municipal Systems Act (Act No. 32 of 2000);
- (d) The White paper on Government;
- (e) Regulations in terms of Section 75(2) of the Local Government; Municipal Structures Act, 1998 as amended in 2008);
- (f) The National Framework: Criteria for Determining Out of Pocket Expenses for Ward Committee Members (Notice 973 of 08 October 2009);
- (g) The National Framework: Guidelines for Provinces and Municipalities in the Implementation of the Ward Funding Model. (Notice 364 of 2009).

4. Objectives of Ward Committees

The objectives of the Ward Committees are to:

- (a) Create formal unbiased communication channels and co-operative partnerships between the Municipality and the Community within the Ward;
- (b) Ensure contact between the Municipality and the community through the use of, and payments of services;
- (c) Create harmonious relationships between residents of a Ward, the Ward Councillor, and geographic community and the Municipality;
- (d) Facilitate Public Participation in the process of development, review and implementation management of the IDP of the Municipality;
- (e) Act as an advisory body on council policies and matters affecting communities in the ward;
- (f) Serve in officially recognised and specialized participatory structures in the Municipality;
- (g) To assist council through the ward councillor to facilitate council programmes and to make recommendations on matters affecting the ward councillor and to council;
- (h) Serve as a mobilising agent for community action and assist the ward councillor to facilitate council programmes;
- (i) Monitor development, and advise the ward councillor and municipality on the implementation process for, ward based projects and discretionary funds;
- (j) Consult with the community development workers (CDW) to determine the community needs and programmes to achieve maximum synergy between the various role players involved in community development programmes;
- (k) Enhance participatory democracy in local government.

5. Outcomes and Activities of Ward Committees

5.1 Work of Ward Committees

The work of Ward Committees may include the following:

- (a) Organise and attend meetings of the ward committee, council, community and sector consultation and feedback meetings;
- (b) Receive and record complaints from the community within the ward regarding service delivery, payments systems and others also provide feedback on council's responses;
- (c) Visiting relevant sector organisations and communities for the purposes of information sharing, council feedback, interventions, networking, community mobilisation, conflict resolution and other reasons;
- (d) Participating in the stakeholder cluster forums;
- (e) Being represented in the council's study groups by their chairpersons;
- (f) Coordinating ward programmes;
- (g) Participating in the IDP Review and Representative forum;
- (i) Information gathering;
- (ii) Identified priorities/reprioritise/add new projects;
- (iii) Attend review exercises;
- (iv) Serve on representatives' forum to liaise with residents;
- (v) Oversee development projects emerging from IDP;
- (vi) Attend public IDP meetings;
- (h) Participating in budget processes;
- (i) Public hearing per ward;
- (ii) Mayoral Committee and Finance Committee outreach programme;
- (iii) Attend community meetings and budget road shows;
- (iv) First after council to discuss budget;
- (i) Participating in performance management;

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- (i) Engage in performance management;
- (ii) Raise concerns regarding off-schedule capital projects and services; delivery Request;
- (iii) Engage in IDP reviews;
- (iv) Provide written comments on the level of proposed services;
- (j) Execute other functions as delegated by the Municipality.

5.2 Functionality Indicators

The payment of out of pocket expenses must be linked to the ward committee functionality, taking into account the following functionality indicators;

No	Process indicator	Output Indicator	Verifiable sources/proof
1.	Number of ward committee's management meetings held and percentages of attendance by members.	Close cooperation between WC members and ward councillor	Agenda and minutes of meetings held and filled in the WC filling system
2	Number of Community meetings organised by the ward committee and percentage attendance by the ward community	Community participation in the IDP review sessions and their involvement in the implementation of projects within the ward	Agenda and minutes of meetings held and filled in the ward committee filling system
3.	Submission and tabling of ward reports and plans to the council covering; needs and priorities for the ward, feedback on the performance of the council's various line/service functions and their impact on the ward.	Submission of ward plans to the council for consideration during the IDP review process	Council records
4.	Number of door to door interactions and/or interactions with sub-structures including Community Based Organisations	Household information and support systems	Reports
5.	Number of complaints, queries and requests registered from the community and attended to (checklist of met needs and turnaround time)	Reduction of community protests and complaints.	Complaints management systems including complaints register.

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6.	Distributed publications (information brochures, flyers, newsletters mails, SMS's & others)	Ward communications plan	Copies of communication material and proof of dissemination.
7.	Management and updating of ward profiles and database of indigent households	Quarterly reports on the status of the ward	Ward committee filling system.
8	Participation in plans & programmes of the Municipality & other spheres of Government	Reports of participation in municipal programmes & other spheres of Government	Reports and the Municipality's ward support offices.

Regular Audits: Quarterly audits must be performed by internal audit to ensure that these functionality indicators are achieved by the ward committees.

6. The Role of the Municipality

6.1 Ward Committee Support

In supporting ward committees, the Municipality will:

- (a) Provide induction for Ward Committee on local government when they are established;
- (b) Provide ongoing training in various areas of management in order to assist ward committee members in performing their duties efficiently;
- (c) Provide relevant information to WC's on an ongoing basis in order to assist them in the implementation of their responsibilities. Such information may include:
 - (i) Copies of relevant legislation, National guidelines, Council policies on public participation and Ward committees;
 - (ii) A copy of the demographic data for the ward to assist in the compiling the ward profile;
 - (iii) An overview of the Municipality's IDP System;
 - (iv) An overview of the Municipality Performances Management System;
 - (v) A summary of the Municipal Budget
- (d) Provide for other readily available resources within the municipality such as;
 - (i) Venues for meetings, office space, stationery, Publication, branding of meetings, telecommunications systems, catering for meeting, and various equipment as needed;
 - (ii) Resources that would assist the ward committees in the funding to be

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received from National Government that could then focus on the most critical cost that has been identified.

- (d) The Municipality may set up a public participation team internally that would facilitate easy liaison with the Ward Committee members outside of council for easy flow of information, reduced turnaround times, easier access to needed resources, easier access to key government officials needed to address public meetings from time and better tracking and monitoring registered public concerns;
- (e) The Municipality may also assist with the project management and events organising of some of the bigger meeting and events through the deployment of their administrative personnel/teams and provision of resources.

6.2 Ward Based Funding and Budgeting

6.2.1 Ward Committee Support

Level	Description
Level 1: Council determined projects per ward	The Municipality should identify capital and operational projects per ward together with other interventions. Identification takes place in consultation with communities through the IDP process and final determination takes place at council.
Level 2 Ward Committee Operation	The Municipality budgets for ward committee operations and functionality. This includes support to ward committees, communications material and out of pocket expenses for ward committee members.

6.2.2 Forms of Ward Committee Support

(a) Technical Support:

This will include

- (i) Municipal staff dedicated to ward committees
- (ii) Provision of stationery for monthly meetings, training, and induction of ward committees
- (iii) Community research surveys and translation of key documents, and the provision of venues for ward committee meetings.

(b) Communication Plan:

Municipal campaigns to introduce ward committees to communities: e.g.

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- (i) Know your ward committee campaign
- (ii) Provision of identity cards for ward committees, and
- (iii) Engaging community radio stations, broadcasting, publishing and dissemination of flyers.
- (iv) Door to door interactions

(c) Out of Pocket Expenses:

These should include:

- (i) Travelling expenses incurred
- (ii) Telephone/cellular phone costs, and
- (iii) Other forms of reimbursements due to ward committee members as a result of doing council work.

7 Calculating "Out of Pocket Expenses"

7.1 Guidelines on Calculating 'Out of Pocket Expenses'

- (a) The Municipality is guided by the Municipal Structures Act, 1998 (Section 73(5) (a) (b) (d) as amended, which states that out of pocket expenses must be funded from the budget of the Municipality. Such expenses may include but not limited to (transport, cellular airtime, meal allowances and access to internet).
- (b) The law places a burden on municipalities to make arrangements for the allocation of funds and resources to enable ward committees to perform their functions, exercise their roles and facilitate and co-ordinate development in their wards within the framework of the law;
- (c) The out of pocket expenses should be paid as a monthly allowance to avoid the administrative burden of tracking and managing submission of claims by individual ward committee members.
- (d) The payment should obviously be linked to a performance management system in respect of individual ward committee members' participation and activeness that includes the functionality indicators identified in section 5.3 of this policy.
- (e) If a ward committee fails to fulfil his/her function on a monthly basis, the Councillor must report such ward committee to the Speaker's office. Failure to justify non-performance shall result in the allowance being forfeited that month.

7.2 Sources of Funding

- (a) The National Framework for funding Ward Committee provides that the Municipality should consider the following sources of funding for ward committees:

The equitable share and own revenue
Municipal support improvement grant

(b) Municipal Support Improvement (MSIG)

- (i) The purpose of the MSIG is to assist municipalities in building in-house capacity to perform their function and stabilise institutional and governance system as required by the Municipal System Act.
- (ii) One of the key measurable outputs for this grant is the number of municipalities with strengthened administrative systems and for effective implementation of the ward participatory system.

8. Composition of the Ward Committee

- (a) A ward committee in the municipality is constituted by the councillor representing the ward in the council, who must also be the chairperson of the committee of not more than ten (10) persons
- (b) The procedure for electing members must take into account the need for women to be equally represented in a ward committee and for diversity of interest in the ward to be represented.
- (c) Gender equality may be pursued ensuring that there is an even spread of men and women on ward committee, and a diversity of interest groups from within the ward.
- (d) A ward committee must at its first meeting elect only a secretary, and a deputy secretary to fulfil the relevant duties of the ward committee;
- (e) A ward councillor may delegate in writing the chairing of a meeting in his/her absence on another proportional representation councillor or any member of ward committee
- (f) A ward committee may establish one or more subcommittees necessary for the performance of its function and to involve organisation more broadly. CPF
- (g) The ward committee must appoint the members of such a subcommittee, from among its members and determine the function of such a committee.
- (h) The ward committee and sub-committee may meet together as a ward forum for major discussions
- (i) All relevant stakeholders in the ward are encouraged to participate in sub-committees that are relevant to their fields or interest and day-to-day functioning as a sector.

9. Terms of Office Ward Committee Members

- (a) The regulations enacted in terms of section 75(2) of the Structures Act, provides that a Ward Committee must remain to function from the date on which its term expires until the date of the next local government elections.
- (b) It is policy of the Municipality to align the term of ward committee members with the term of the council with effect from the next local government elections.
- (c) Therefore, ward committee members currently serving as such will remain in office until the date of the next local government elections.

10. Election of Ward Committee

10.1 The election process shall take place as follows

- (a) The ward councillor calls a meeting in the ward for the election of ward Committee;
- (b) Only residents who are registered voters of the ward may vote at meeting;
- (c) The inaugural elections process is to be coordinated and conducted by the office of the Speaker; thereafter the replacement of ward committee members must be conducted by the office of the Speaker.
- (d) Community members to elect the prospective ward committee members;
- (e) The prospective ward committee member must appear in the voters roll of the ward.
- (f) All sections of the ward to be represented if the ward is vast;
- (g) The type of election process conducted is left to the discretion of the Municipality and is subject to respective levels of capacity.

10.2 The following election procedure to be followed:

- a) The Ward Councillor and the Office of the Speaker must coordinate a schedule of meetings for elections purposes;
- b) The ward councillor and office of the Speaker must ensure that:
 - I. Meetings are fully representative of almost all stakeholders within the ward, although no quorum for the elections is required;
 - II. An attendance register is completed;
 - III. All people taking part should be registered voters of that ward and;
 - IV. Women are equitable represented
 - V. Voting may take place by a majority show of hands or formal ballot.

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11. Election Criteria

The following criteria shall be followed to elect eligible ward committee members:

- (a) To be elected as a ward committee member, a person must be 18 years and older and be a registered voter in that ward;
- (b) A person must be a *bona fide* citizen of the Republic of South Africa;
- (c) A person is not eligible for election if he or she works for the Municipality or the District Municipality;
- (d) A person should not be in arrears to the Municipality for rates and service charges for a period longer than three (3) months;
- (e) A person convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve (12) months must not be elected;
- (f) Person of unsound mind who have been so declared by a competent court cannot be elected;
- (g) Members should be active in the ward they want to represent and should be committed to work and be part of the ward committee and strive for a better life for their constituency.
- (h) If after the election process, it is determined that the elected ward committee member does not meet the criteria, they may be removed from the committee.

12. Termination of Membership

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

- (a) Death;
- (b) Resignation;
- (c) Relocation from ward;
- (d) Election to position of Councillor;
- (e) Failure to attend three consecutive meetings of the ward committee without a valid written apology;
- (f) Proven involvement in corruption;
- (g) Failure to adhere to meeting procedures or misconduct during ward committee meetings;
- (h) None submission of service delivery needs of the community;
- (i) Being involved in proven activities that undermine the council or ward councillor's authority;
- (j) Dismissed in accordance with a resolution of a council meeting after it has

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- considered and approved a formal report from ward councillors and a council approved report from a council appointed ad hoc committee;
- (k) If appointed / employed by the Municipality or district Municipality;
 - (l) Is insolvent or declared mentally incompetent by an authorised authority.

13. Vacancies

- (a) When a vacancy is declared, the office of the Speaker must ensure that the vacancy is filled within a period of 90 days.
- (b) In case of a single vacancy, the Ward Committee may nominate a replacement in compliance with the requirements for a qualified Ward Committee member, subject to the approval of the Speaker.
- (c) In case of two or more vacancies, the prescribed election process will be followed

14. Dissolution of the Ward Committee

- (a) The Speaker may dissolve a ward committee. Instances that might lead to such a resolution include the failure to fulfil its objectives as set out in the legislation and non-adherence to this policy.
- (b) The following may serve as an indication that a committee has not fulfilled functions and has failed to meet its objectives:
 - (i) When it fails to meet three consecutive times;
 - (ii) When members decide to dissolve;
 - (iii) When maladministration, fraud, corruption, or any serious malpractice has occurred or occurring in the committee.
 - (iv) Resignations of more than 50% (fifty percent of the members of a ward committee.
- (c) **Procedure for Dissolution of the Ward Committee:**
 - (i) The Speaker must investigate the circumstances surrounding actions of the ward committee.
 - (ii) Notice of the reconstitution of the ward committee will be given.

15. Review and Implementation of the Policy

- (a) This policy shall be reviewed as and when necessary.
- (b) The implementation of this policy shall take effect on the date of the Council resolution.

16. Code of Conduct for Ward Committee Members

Ward Committee members are expected to display exemplary conduct and comply with the code of conduct of the municipality. Accordingly, a ward committee member:

- (a) Must perform the functions of the committee in good faith and without fear favour or prejudice;
- (b) Committee members must at all times advance and act in the interests of the ward community;
- (c) Committee members must not use their position to promote personal or private interest, they must not receive benefits of any kind for service delivery related interactions with community members;
- (d) Conduct of ward committee members should not be influenced or dictated by improper motives;
- (e) Committee members must advance the interest of the ward as a body; and
- (f) In the execution of their functions, committee members must not favour any individual, groups or organizations or engage in factional fights.
- (g) Must not disrespect public representatives at open meetings; such conduct is disallowed and may subject the ward committee member to disciplinary action and possible suspension;
- (h) May not use his/her position or privileges for private gain;
- (i) May not act in any other way that compromises the credibility, impartially, independence or integrity of the committee;
- (j) Must adopt the principle of accountability to the community and all political parties represented in council;
- (k) Must be accessible for the community and ensure that all role players can relate to the process and the issues at hand and are able to make their input into the processes of the committee;
- (l) Must adopt the principle of transparency to promote openness, sincerity and honesty in a participative process and promote trust and respect for the integrity of each role player; and a commitment by all to the objectives of the ward committees in the interest of the common goal;
- (m) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age economic status and sexual orientation among others.
- (n) Must embrace all views and opinions in the process of community participation.

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Special effort should be made to include previously disadvantaged people and groups, including women and youth in the activities of the ward committee;

- (o) Must provide an apology with valid reasons to the chairperson of the Ward Committee if a Community or Ward committee meeting cannot be attended;
- (p) Ward committee members must sign a code of conduct, which should be administered by the Ward Councillor.

17. Ward Committee Meetings

- (a) Committee members must strive to attend all ward meetings;
- (b) Committee members must not fail to attend ward committee meetings without a legitimate excuse;
- (c) Committee members who are unable to attend a ward committee meeting must tender his or her written apology stating why he/she is unable to attend;
- (d) In cases of emergency – written apologies must be submitted within 2 days
- (e) The apology must be accompanied by a portfolio report and or service delivery report
- (f) Committee members may not be absent from ward committee or community meetings three times in succession without a legitimate excuse;
- (g) Failure to attend three consecutive ward committee or community meetings in without a legitimate excuse, will result in a member losing his membership; and
- (h) Committee members must, refrain from engaging in disruptive behaviour during meetings;
- (i) Committee members must not disrespect public representatives at open meetings; such conduct is disallowed and may subject the ward committee member to disciplinary action and possible suspension;
- (j) Every ward committee member must be given a copy of the annual schedule of ward committee meetings, specifying date; time and venue of the meeting;
- (k) Ward Councillor and ward secretary to inform all members of the committee in advance if there will be any changes in the form of postponement or changes of the date; time and venue on the scheduled meetings;
- (l) All wards to submit their year plans / Operational plans before the end of November every year;
- (m) Ward committee reports / minutes of the meetings to be submitted not later than the tenth (10th) of every month.

18. Political Matters

- (a) Committee members should avoid political conflicts among themselves and must also avoid political conflicts between themselves and the ward councillors;
- (b) In their interaction with the community, committee members must not discriminate on the grounds of political affiliation, culture, race, gender, sexual orientation, disability, religion or any other grounds that would constitute unfair discrimination;
- (c) Committee members may not use ward committee meetings as a political platform or forum or to canvas for political support for re-election as a ward committee or as a ward councillor in the next local government;
- (d) In the execution of their duties, committee members not advance the interest of any political party.

19. Conflicts

- (a) Committee must avoid conflicts among themselves and between themselves and the ward councillors;
- (b) Ward councillor may not change; appoint; co-opt; suspend or dismiss any member of ward committee.
- (c) Conflicts should be dealt with as provided for in the guidelines.

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20. Declaration

I....., declare that I have read the Code of Conduct for members of the Ward committee and that I understand it and agree to be bound by the code of conduct in the executing of my duties and functions as a ward Committee Member.

Name of Municipality:	Rustenburg Local Municipality
Ward Committee Member:	
Signature:	
Date:	