

# **SOL PLAATJE MUNICIPALITY**



## **Policy On: Ward Committees**

*Version: 1.5 of May 2010*

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**a. Definitions**

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

**“Council”** means the municipal council of the Sol Plaatje Municipality;

**“Councillor”** means a councillor of the Sol Plaatje Municipality

**“Executive Mayor”** means the executive mayor of the Sol Plaatje Municipality

**“IDP”** means the Integrated Development Plan of the Sol Plaatje Municipality;

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

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

**“Municipality”** means the Sol Plaatje Municipality;

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

**“National Framework on Out of Pocket Expenses”** means The Nation Framework: Criteria for Determining Out of Pocket Expenses for Ward Committee Members, 2009 (Notice 973 of 8 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 the 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;

## **1. Introduction**

- (a) South Africa has a well established policy and legal framework for public participation and empowerment. Section 152 of the Constitution confirms a number of citizen rights and more specifically, the rights of communities to be involved in local governance.
- (b) In accordance with the 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) Accordingly, 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 Systems Act and the White Paper on Local Government which affirms the role of developmental local government that is committed to ensuring citizens participate meaningfully in finding sustainable ways to meet their social, economic and material needs.
- (d) The Municipality shall therefore, provide appropriate systems and support for ward committees in accordance with section 17(2) of the Systems Act, which stipulates that a 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 public participation and to provide an institutional framework for such participation within the broader structures of the Municipality.
- (b) Regulate the operation of ward committees and provide for matters that guide their internal processes, functionality and funding; and
- (c) Ensure the Municipality complies with the norms and standards set by the National Framework on the funding models for ward committees.

### **3. Legislative Framework**

- The Constitution of the Republic of South Africa Act (Act No. 106 of 1996);
- The Local Government: Municipal Structures Act (Act No. 117 of 1998)
- The Local Government: Municipal Systems Act (Act No. 32 of 2000);
- The White Paper on Local Government
- Regulations in terms of Section 75 (2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998 as amended in 2008).
- The National Framework: Guidelines for Provinces and Municipalities in the Implementation of the Ward Funding Model, (Notice 364 of 2009).
- The Nation Framework: Criteria for Determining Out of Pocket Expenses for Ward Committee Members (Notice 973 of 8 October 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 a ward;
- (b) Ensure contact between the Municipality and the community through the use of, and payment 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 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 to the ward councillor and to council;
- (h) Serve as a mobilizing agent for community action and assist the ward councillor to facilitate council programmes;
- (i) Monitor development, and advise the ward councillor and the municipality on the implementation of forward-based projects.

## **5. The Outcomes and Activities of Ward Committees**

### **5.1 Outcomes of Ward Committees**

The work of ward committees must be aimed at the following outcomes

- (a) Enhanced economic empowerment of communities
- (b) Improved infrastructure and services
- (c) Enhanced local democracy and accountability;
- (d) Enhanced social cohesion, *nation building and the integration of communities* across class, race, culture and religion.

### **5.2 Activities of Ward Committees**

Activities of Ward Committees may include the following:

- (a) Organize 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, payment systems and others and provide feedback on council's responses;
- (c) Visiting relevant sector organisations and communities for the purposes of information gathering, information sharing, council feed-back, intervention, networking, community mobilization, 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 IDP Review and Representative Forum:
  - o Information gathering;
  - o Identified priorities/reprioritize/add new projects;
  - o Attend review exercises;
  - o Serve on representative forum to liaise with residents
  - o Oversee development projects emerging from the IDP;
  - o Attend public IDP meetings;
- (h) Participating in budget processes:
  - o Public hearing per ward;
  - o Mayoral Committee and Finance Committee outreach programme;
  - o Discussion with ward councillor;
  - o Attend budget meetings as community members;
  - o Attend community meetings and budget road-shows;
  - o First after council to discuss budget.
- (i) Participating in performance management:
  - o Engage in performance review of IDP;
  - o Raise concerns regarding off-schedule capital projects and service; delivery requests;

- Engage in IDP reviews;
  - Provide written comments on the level of proposed services.
- (j) Execute other functions as delegated by the Municipality.

### 5.3 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 source/proof   |
|----|---|--|---|
| 1  | Number of ward committee management meetings held and percentage of attendance by members.  | Close cooperation between WC members and ward councillor   | Agenda and minutes of meetings held and filled in the W.C 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 | Agendas 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 councils 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 campaigns and/or interactions with sub-structures including street committees.   | Household information and support systems  | Reports   |
| 5  | Number of complaints, queries and requests registered from the community and attended to (checklist of met needs against registered needs and turnaround time)  | Reduction of community protests and complaints.  | Complaints management system including complaints register.                           |
| 6  | Distributed publications (information brochures, flyers, newsletters, e-mails, sms and others) over time.   | Ward Communication 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 and programmes of the Municipality and other spheres of government.  | Reports of participation in municipal programmes and 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:
  - copies of relevant legislation, National Guidelines, Council policies on public participation and ward committees;
  - a copy of the demographic data for the ward to assist in the compiling the ward profile;
  - an overview of the municipality's IDP;
  - an overview of the municipality's Performance Management System;
  - a summary of the municipal budget;
  - Information about reporting processes and procedures; etc.
- (d) Provide for other readily available resources within the municipality such as:
  - venues for meetings, office space, stationery, publications, branding of meetings, telecommunication systems, catering for meetings, and various equipment as needed.
  - resources that would assist the ward committees in that the funding to be received from National Government could then focus on the most critical cost that has been identified.
- (e) 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 to time and better tracking and monitoring registered public concerns;
- (f) The Municipality may also assist with the project management and events organizing of some of the bigger meetings and events through the deployment of their administrative personnel/teams and provision of resources.

## 6.2 Ward Based Funding and Budgeting

### 1. Ward Committee Support

| <b>Level</b>  | <b>Description</b>  |
|---|---|
| <b>Level 1:</b><br>Council determined projects per ward | <ul style="list-style-type: none"> <li>○ 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.</li> </ul> |
| <b>Level 2:</b><br>Ward Committee Operations            | <ul style="list-style-type: none"> <li>○ 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.</li> </ul>  |

### 2: Forms of Ward Committee Support

- (a) **Technical support:** this will include:
- municipal staff dedicated to ward committees,
  - provision of stationery for monthly meetings, training and induction of ward committees,
  - 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,
- know your ward committee campaign,
  - provision of identity cards for ward committees, and
  - engaging community radio stations, broadcasting, publishing and dissemination of fliers).
- (c) **Out of pocket expenses:** these should include:
- travelling expenses incurred,
  - telephone/cellular phone costs, and
  - 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 Municipal Structures Act, 1998 [Section 73 (5) (a) (c) (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 phone 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 member’s participation and activeness that includes the functionality indicators identified in section 5.3 of this policy.
- (e) If a ward committee member fails to fulfil his/her functions on a monthly basis, the Councillor must report such a ward committee member to the Speaker’s office. Failure to justify non-performance shall result in the allowance being forfeited for that month.

### **7.2 Sources of Funding**

The National Framework for Funding Ward Committees provides that the Municipality should consider the following sources of funding for Ward Committees:

- The Equitable Share and Own Revenue
- Municipal Support Improvement Grant

**(a) The Equitable Share and Own Revenue**

- The Municipality (as with others) receives its allocations from the local government equitable share on an annual basis.
- The Municipality should use a portion of this allocation to support ward committees, which is critical in speeding up and facilitating better service delivery.

**(b) Municipal Support Improvement Grant (MSIG)**

- The purpose of the MSIG is to assist municipalities in building in-house capacity to perform their functions and stabilise institutional and governance systems as required by the Municipal Systems Act.
- 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. Conduct of 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) 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;
- (c) May not use his/her position or privileges for private gain;
- (d) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;
- (e) Must adopt the principle of accountability to the community and all political parties represented in council;
- (f) 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;
- (g) 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 good;

- (h) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age economic status and sexual orientation, among others;
- (i) Must embrace all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee;
- (j) Must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.
- (k) Ward committee members must sign a Code of Conduct, which should be administered by the ward councillor.
  - o A Code of Conduct, which is adopted by council must be adopted at the ward committee meeting, is contained as annexure A to this policy.

## **9. Term of Office Ward Committee Members**

- (a) Section 75 of the Structures Act provided that members of the ward committee elected in accordance with section 73(2)(b) of the said Act, must serve for a term determined by Council.
- (b) The new Regulations enacted in terms of section 75(2) of the Structures Act, provides that a ward committee must remain competent to function from the date on which its term expires until the date of the next local government elections.
- (c) It is the policy of the Municipality to align the term of ward committee members with term of office of the municipal Council with effect from the next local government elections in 2011.
- (d) 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 Committees**

### **10.1 The election process shall take place follows:**

- (a) The ward councillor calls a meeting in the ward for the election of a ward committee;
- (b) Only residents who are registered voters may vote at the meeting;
- (c) In each cluster, identified groups nominate a representative;

- (d) The meeting votes by majority (50% plus one) for a representative of that cluster.
- (e) If no one obtains the majority the three candidates who received the most votes proceed to the next round.
- (f) The type of election process conducted is left to the discretion of the municipality and is subject to respective levels of capacity. However, it is encouraged that in wards where communities/structures are known to be highly politicised, 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 committee elections.
- (g) The inaugural election process is to be coordinated and conducted by a credible independent company or organisation; thereafter the replacement of ward committee members as per section 12, must be conducted by the administrative functionary in the office of the Speaker in consultation with the affected ward councillor and reported to the following council meeting.

**10.2 Ward Committees must adopt the following election procedure:**

- (a) The ward councillor and office of the speaker must coordinate a schedule of meetings for election purposes;
- (b) The ward councillor and administrative assistant (if applicable) 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 equitably represented.
- (c) Voting may take place by a majority show of hands or formal ballot.

**11. Composition of Ward Committees**

- (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 a diversity of interest in the ward to be represented.
- (c) Gender equity may be pursued by ensuring that there is an even spread of men and women on a 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 to another proportional representation councillor or any member of the ward committee.
- (f) A ward committee may establish one or more subcommittees necessary for the performance of its functions and to involve organisations more broadly.
- (g) The ward committee must appoint the members of such a sub-committee, from among its members and determine the functions of such a committee.
- (h) The ward committee and subcommittees 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 to their day-to-day functioning as a sector.

## **12. Termination of Membership**

The following may serve as 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 an apology;
- (f) Proven involvement in corruption;
- (g) Failure to adhere to meeting procedures or misconduct during ward committee meetings;
- (h) Not submitting priorities with the mandate 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 considered and approved a formal report from the Ward Councillor and a council approved report from a council appointed ad hoc committee;
- (k) Cease to be a member of the organisation he/she represents;
- (l) Is insolvent or declared mentally incompetent by a competent court.

## **13. Dissolvement**

- (a) The Council may dissolve a ward committee if it fails to fulfil its object.

- (b) The following may serve as indication that a committee may exceed its functions and fails to fulfil its object:
  - When it fails to meet three consecutive times;
  - When members decide to dissolve;
  - When maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a committee.

#### **14. 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 from the date of Council resolution.

## **ANNEXURE A**

### **Code of Conduct for Ward Committee Members:**

#### **Code of conduct**

- (i) Committee members must at all times advance and act in the interests of the ward community;
- (ii) Committee members must not use their position to promote personal or private interest;
- (iii) Conduct of ward committee members should not be influenced or dictated by improper motives;
- (iv) Committee members must advance the interests of the ward as a body; and
- (v) In the execution of their functions, committee members must not favour any individuals, groups or organizations or engage in factional fights.

#### **Ward Committee Meetings**

- (i) Committee members must strive to attend all ward committee meetings;
- (ii) Committee members must not fail to attend ward committee meetings without a legitimate excuse;
- (iii) Committee members who are unable to attend a ward committee meeting must tender his or her apology stating reasons why he or she **is** unable to attend;
- (iv) Committee members may not be absent from ward committee meetings three times in succession without a legitimate excuse;
- (v) Failure to attend three ward committee meetings in succession without a legitimate excuse will result in a member losing his membership; and
- (vi) Committee members must, refrain from engaging in disruptive behaviour during meetings.
- (vii) Committee 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;

#### **Political matters**

- (i) Committee members should avoid political conflicts among themselves and must also avoid political conflicts between themselves and the ward councillor;

- (ii) 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 on any other grounds that would constitute unfair discrimination;
- (iii) In the execution of their duties committee members must not advance the interest of any political party; and
- (iv) Committee members may not use ward committee meetings as a political platform or forum or to canvass for political support for re-election as a ward committee member or as a ward councillor in the next local government elections.

**Conflicts**

- (i) Committee members must avoid conflicts among themselves and between themselves and the ward councillor;
- (ii) Conflicts should be dealt with as provided for in the guidelines.

Ward Committee Member must sign the following declaration.

**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 execution of my duties and functions as a Ward Committee member.

|                              |                          |
|------------------------------|--------------------------|
| <b>Name of municipality:</b> | Sol Plaatje Municipality |
| <b>Ward Committee number</b> |                          |
| <b>Signature:</b>            | .....                    |
| <b>Date:</b>                 |                          |

**ANNEXURE B.**

**Cost Implications for Calculating Out of Pocket Expenses:**

| <b>Description</b> | <b>Estimated<br/>p/person</b> | <b>Cost</b> | <b>Total costs per ward</b> |
|--------------------|-------------------------------|-------------|-----------------------------|
| Transport          | R300.00                       |             | R3000.00                    |
| Telephone          | R500.00                       |             | R5000.00                    |
| Refreshments/meals | R200.00                       |             | R2000.00                    |
| <b>TOTAL</b>       | <b>R1000.00</b>               |             | <b>R10 000.00</b>           |