

# **SOL PLAATJE LOCAL MUNICIPALITY**



## **POLICY ON WARD COMMITTEES**

*Policy Review Approved by Council on the 31<sup>st</sup> January 2022  
in terms of Resolution CO9/01/22. Originally Adopted by  
Council on the 4th August 2010.*

## 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;

**“District Council”** means the Council of the Frances Baard District 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 Local 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 participations 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, the community and the municipal council.
- d) Consult with the community development workers (CDWs) to determine the community needs and programmes to achieve maximum synergy between the various role players involved in community development programmes.
- e) Facilitate public participation in the process of development, review and implementation management of the IDP of the municipality.
- f) Act as advisory body on council policies and matters affecting communities in the ward.
- g) Serve in officially recognised and specialized participatory structures in the municipality.
- h) 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.

- i) Serve as a mobilizing agent for community action and assist the ward councillor to facilitate council programmes.
- j) Monitor development, and advise the ward councillor and the municipality on the implementation process forward-based projects and discretionary funds.
- k) Enhance participatory democracy in local government.

## 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.

- Attend review exercises;
  - Serve on representative forum to liaise with residents
  - Oversee development projects emerging from the IDP;
  - Attend public IDP meetings.
- h) Participating in budget processes:
- Public hearing per ward
  - Mayoral Committee and Finance Committee outreach programme;
  - Discussion with ward councillor;
  - Attend budget meetings as community members;
  - Attend community meetings and budget road-shows;
  - First after council to discuss budget.
- i) Participating in performance management:
- Engage in performance review of IDP;
  - 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) Submit an annual plan that encompasses all activities and programmes of the ward to the office of the speaker not later than 31<sup>st</sup> July of each year.
- k) Submit monthly reports that include minutes and attendance registers through the councilor to the office of the speaker.
- l) 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
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	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	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 registered community needs and those attended to and the 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
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 for ward committee induction when they are established;
- b) Provide on-going training in various areas of management in order to assist ward committee members in performing their duties efficiently;
- c) Ensure the allocation and appropriation of the necessary budgetary resources for the training and development of ward committees.
- d) Provide relevant information to WC's on an on-going basis in order to assist them in the implementation of their responsibilities. Such information may include:
  - o copies of relevant legislation, National Guidelines, Council policies on public participation and ward committees;
  - o a copy of the demographic data for the ward to assist in the compiling the ward profile;
  - o an overview of the municipality's IDP;
  - o an overview of the municipality's Performance Management System;
  - o a summary of the municipal budget;
  - o Information about reporting processes and procedures; etc.
- e) Provide for other readily available resources within the municipality such as:
  - o venues for meetings, office space, stationery, publications, branding of meetings, telecommunication systems, catering for meetings, and various equipment as needed.
  - o 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.
- f) 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;

- g) 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

Level	Description
<b>Level 1:</b> Council determined projects per ward	<ul style="list-style-type: none"> <li>o 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> Ward Committee Operations	<ul style="list-style-type: none"> <li>o 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:
  - o Municipal staff based in the office of the Speaker dedicated to ward committees,
  - o provision of stationery for monthly meetings, induction and training of ward committees,
  - o community research surveys, 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.**
  - o know your ward committee campaign,
  - o provision of identity cards for ward committees, and
  - o engaging community radio stations, broadcasting, publishing and dissemination of fliers).

**c) Out of pocket expenses: these should include:**

- o travelling expenses incurred,
- o telephone/cellular phone costs, and
- o 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’**

The Municipality as guided by the Municipal Structures Act, 1998 Section 73(a)(b)(c) and (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);

- a) The Municipality as guided by the Municipal Structures Act, 1998 Section 73(a)(b)(c) and (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 coordinate 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) 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. Composition and Functioning of Ward Committees

### 8.1 Composition

- 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 other (10) persons.
- b) The procedure for electing members must take into account the need for women, youth and people with disabilities 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) The election process must accommodate the geographic representation of areas in the committee.
- e) ward committee must at its first meeting elect only a secretary, and a deputy-secretary to fulfil the relevant duties of the ward committee.

## **8.2 Duties of the Office Bearers and the Ward Councillor**

- a) The functions of the secretary shall include the following:
  - o Convening of meetings of the committee in consultation with the ward councilor
  - o Consult the ward councilor in developing the agenda for all ward meetings
  - o Ensure the circulation of the notice of meetings with agendas at least seven days prior to the meeting
  - o Keep record of all meetings, and reports and ensure their safe keeping
  - o Consolidate monthly reports from committee members and submit to the ward councilor for submission to the municipality
  - o Liaise with the ward councilor on all matters relating to the work of the committee
- b) The deputy secretary shall perform all functions of the secretary in the absence of the secretary, or any other function as may be determined by the committee.
- f) A ward councillor *must attend all ward committee meetings and shall also be referred to as the chairperson of the committee, other than in exceptional circumstances where attendance is impractical or unfortunate personal circumstances so dictate.*
  - (1) The functions of the chairperson shall include the following:
    - o Convene meetings in consultation with the secretary
    - o Ensure the development of an appropriate agenda in consultation with the secretary
    - o Preside over all meetings in the ward
    - o Sign off all monthly reports and ensure submission to the office of the speaker
    - o Facilitate conflict resolution processes in cases of conflict in the ward.

- g) The ward councillor may delegate in writing the chairing of a meeting in his/her absence to another proportional representative councillor or any member of the ward committee.
- h) A ward committee may establish one or more subcommittees necessary for the performance of its functions and to involve more broadly other organisations or persons on a voluntary basis.
- i) The ward committee may also appoint members of such a sub-committee, from among its members and determine the functions of the sub-committees.
- j) The ward committee and subcommittees may meet together as a ward forum for major discussions.
- k) All relevant stakeholders in the ward are encouraged to participate in sub-committees that are relevant to their field of interest and to their day-to-day functioning as a sector.

## 9. Election Criteria

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

- a) A person must be 18 years and older and be a registered voter in that ward;
- b) A person is not eligible for election if he or she works for the Municipality or the district Municipality on a permanent basis.
- c) A person should not be in arrears to the Municipality for rates and service charges for a period longer than three (3) months;
- d) A person must not be elected who has been placed on curatorship;
- 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) A person is not eligible for election if he or she works for the Municipality or the district Municipality on a permanent basis.

## **10. ELECTION OF WARD COMMITTEES**

### **10.1. Electoral Committee: Role and Functions**

#### 10.1.1 Establishment of an Electoral Committee

- a) The Speaker must, after consultation with the Municipal Electoral Officer (MEO) recommend to Council the constitution of the electoral committee.
- b) Council must appoint the electoral committee, which may be an outside organization, to manage the electoral process.
- c) The sole purpose of the Electoral Committee will be to conduct and oversee the election process of members of the ward committee and report to the ward participatory committee and to council on the outcome of such elections.
- d) Council must determine the terms and conditions of the appointment of the electoral committee and the elections officers

#### 10.1.2 Appointment of presiding officers, election officers and counting officers

- a) The Electoral Committee will appoint a presiding officer, one or more election officers and counting officers for all the municipal wards to manage and administer the ward committee elections in the Municipality.

#### 10.1.3 General provisions concerning appointment of officers

A person may not be appointed as an officer in a ward committee election if that person –

- (a) is a ward committee candidate contesting the election;
- (b) holds political or executive office in a political party.

#### 10.1.4 Exercise of control over officers

- a) An officer exercises the powers and performs the duties conferred on or assigned to that officer subject to the directions, control and disciplinary authority of the Electoral Committee.

#### 10.1.5 Remuneration and conditions of appointment of the officer

- a) The Electoral Committee must determine in writing the terms and conditions of appointment of an officer.

#### 10.1.6 Duties of the presiding, election and counting officers:

- a) must manage, co-ordinate and supervise the voting process at the voting station concerned;
- b) must take all reasonable steps to ensure orderly conduct at the voting station;
- c) may request a member of municipal security or police to assist in ensuring orderly conduct at the voting station.
- d) may order any person within the boundary of the voting station whose conduct is not conducive to a free and fair election at that voting station, to leave the premises;
- e) must count and announce the votes received for each nominee from the ward community members present at the voting station;
- f) must secure the number of votes received by each nominee in writing on the relevant form;
- g) must declare the voting process open and closed.
- h) must submit the Election results and the report to the election committee for submission to the office of the speaker.
- i) If a person refuses to behave orderly and interferes with the voting process, the presiding officer may request the Municipality's security or police to remove such a person or persons from the voting station
- j) Should the election process become unmanageable due to eruption of violence, the presiding officer may declare the voting process closed and submit a report to the electoral committee.

#### **10.1. Nomination and the Election Process**

- a) *Nomination Invitation*

The electoral committee, after consultation with the Office of the Speaker, must invite all registered voters in the ward to nominate individuals to the ward committee.
- b) *Notice of nominations to the ward communities*

The Electoral Committee must give public notice of the time, venues and mode whereby nominations for ward committee members must be handed in.
- c) *This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before the closure of the nomination process. Such a notice must indicate:*

- Wards for which nominations are invited.

The date and time by which such nominations must take place must be submitted.

- The qualifying criteria of ward committee members and
- Where information and the required forms may be obtained.

d) *Nominees*

Only persons who are 18 years and older and who are on the voters roll of that particular ward may be nominated to serve as a member of the ward committee,

e) *Nomination forms*

Nomination forms must be available to communities at the Office of the Speaker or any other municipal office. These nomination forms shall be in a prescribed form. The prescribed form must include a provision of acceptance by the nominated candidate.

After completion of each nomination form, it must be handed to the Electoral Committee, who will designate offices for this purpose and formally acknowledge receipt of each nomination. The receipt must indicate:

- The name of the official receiving the nomination form;
- The date and time it was received;
- The ward number and the particulars of the person who had submitted the form.

(d) *Safe keeping of nominations*

The Electoral Committee must keep a register of the nominations received as well as the completed nomination forms in a safe place until the day of the ward committee election, when they will be handed over to the presiding officer at the voting station.

(e) *Rejection of nominations*

The Electoral Committee must reject any nominations not complying with the requirements specified in paragraph 9 (nine) of this policy. The electoral officer must inform, in writing, any nominee of such rejection. The reasons for such a rejection must be clearly stated and afford the nominee not more than seven (7) days to correct such defective nomination.

## 10.1.2 Elections

### a) *Notice of elections*

The Electoral Committee must, after consultation with the Speaker and the ward councillor, give the public written notice of the date, time and venue of the election of ward committee members in each ward at least 30 (thirty) calendar days before the election. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each ward committee election. The election dates must also be broadcasted on local radio stations at least 7 days before the ward committee elections.

### b) *Postponement of elections*

If an election should be postponed for any reason, a written public notice of the time and venue of the postponed election must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before the new date of the ward committee election.

### c) *Election procedures*

- Only persons 18 years and older and are on the voters roll for that ward will be eligible to vote;
- Voters will be issued with a ballot paper with all the nominees listed in alphabetical order on the ballot paper;
- A voter will be able to vote for up to ten (10) candidates

### d) *Representation*

The election procedure must ensure that at least 3 (three) of the 10 (ten) community members elected onto the ward committee are women who obtained the highest votes. Should no women be elected, the first 7 (seven) elected male members will qualify to serve on the ward committee and the remaining 3 (three) positions must be reserved for women, to be appointed later by the Electoral Committee after consultation with the office of the Speaker.

### e) *Election Outcome*

An election report must be prepared and submitted by the

Electoral Committee to the office of the Speaker, who must in turn submit it to Council for ratification.

## **11. Elections and Term of Office of Ward Committee Members**

- a) Elections for Ward Committee members must be held within 90 days after the date of the local government elections.
- b) The term of office of ward committees is for a period of 5 years and will cease on the date of the local government elections.

## **12. 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) Prepare and submit to the secretary a monthly report as prescribed by the Municipality.
- c) 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.
- d) May not use his/her position or privileges for private gain.
- e) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee.
- f) Must adopt the principle of accountability to the community and all political parties represented in council.
- g) 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.
- h) 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.

- i) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age economic status and sexual orientation, among others.
- j) 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.
- k) Must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.
- l) Ward committee members must sign the Code of Conduct for Ward Committee members which should be administered by the ward councillor.
  - The Code of Conduct is attached as annexure A to this policy.

## 13. Sanctions for Breaches of the Code of Conduct

### 13.1 Suspension of Stipend

- (a) The stipend and all related benefits of committee members may be suspended pending an investigation on a transgression of any of the above provisions.
- (b) The councillor shall submit a formal report to the office of the speaker to give effect to provision (a)

### 13.2 Sanctions for Misconduct

The conduct of Ward committee members can be classified into two categories.

- (c) Minor misconduct, and
- (d) Serious misconduct.

#### a) **Minor Misconduct**

The following acts constitute minor misconduct:

- I. Engaging in activities that sow divisions in the committee or community either through their actions or activities on social media.
- II. Not performing their functions as per the Municipal Structures Act, including the non-submission of reports.

**b) Process of Minor Misconduct**

- I. In a case where any of the above provisions are transgressed, the committee member may be served with a formal warning letter by the chairperson of the committee.
- II. If the committee member transgresses two or more of the above provisions, or repeats conduct that transgresses the provisions, formal disciplinary processes may be instituted by the chairperson of the committee.
- III. In a case where formal proceedings are instituted, the office of the Speaker will establish a disciplinary committee, which may constitute of Councilors other than those from the Ward where the committee member serves.
- IV. The member of the Ward Committee will be informed in writing of the alleged transaction, with the details of the date, time and venue of the disciplinary hearing at least seven days prior to the hearing.
- V. Such notice shall advise the committee of their right to have a witness during the hearing.
- VI. Proceedings of the shall be recorded and all records shall be given to all parties if requested.
- VII. The outcome of the disciplinary hearing shall be communicated to the committee member within fourteen days of the date of the hearing.
- VIII. The committee member may appeal the outcome of the hearing with the Ward Participatory Committee within seven working days of receiving the outcome of the decision of the disciplinary committee.
- IX. The decision of the Ward Participatory Committee is final and must be communicated within 21 days of the submission of the appeal.

**c) Serious Misconduct**

The following acts constitute serious misconduct

- I. Inciting members of the community to engage in public protests.
- II. Actively participating in public protests.

- III. Engaging in Acts that seek to undermine the Public representative both in community and Ward Committee activities.
- IV. Engaging with third parties on matters affecting the Ward committee without the authority of the committee.
- V. In a case where a member is alleged to have transgressed any of the provisions of serious misconduct, they may be summarily suspended from the committee pending the finalization of disciplinary process.

## 14. Termination of Membership

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

- a) Death;
- b) Resignation; **Through the submission of formal letter to the councillor.**
- 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) Found guilty of a serious charge of misconduct by a duly constituted disciplinary committee.
- l) Cease to be a member of the organisation he/she represents;
- m) Is insolvent or declared mentally incompetent by a competent court.

## 15. Vacancies

- n) When a vacancy is declared, the Office of the Speaker must be informed and arrangements must be made by such an office with the relevant ward committee to receive nominations and conduct elections;
- o) The filling of posts of Ward Committees shall first consider the reserve list of the ward, taking into account the geographic location of the committee members that vacated their position.
- p) In a case of the reserve list being exhausted the process as envisaged in 15 (a) above.
- q) All vacancies in ward committees must be filled within 60 days of the declaration of such vacancy
- r) No co-option of candidates to the ward committee shall be allowed by ward committee as it will subvert the ethos and principles of this Policy.

## 16. Dissolution of the Ward Committee

- 14.1 The Council may dissolve a ward committee based on the recommendation of the Speaker. Instances that might lead to such a recommendation include, but are not limited to, the failure to fulfil its objectives as set out in legislation and non-adherence to this policy.
  
- 14.2 The following may also serve as indication that a committee has not fulfilled functions and has failed to meet its objectives:
  - o Resignations of more than 50% (fifty percent) of the members of a ward committee.
  - o When members decide to dissolve;
  - o When maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a committee.
  
- 14.3 Procedure for dissolution of a ward committee
  - a) The Speaker must investigate the circumstances surrounding actions of the ward committee and report his/her findings and recommendations to the Rules Committee of Council. Which in turn consider the report and make recommendations to Council.
  - b) After the Council has resolved to dissolve the ward committee, notice of the dissolution of the ward committee will be given to the ward committee, at which time the ward committee will cease to exist.

- c) Notice of the reconstitution of the ward committee will be given in terms of applicable section of this policy.
- d) With the exception of the ward councillor, members of the ward committee that has been dissolved will not be eligible for re-election to the ward committee for a period of one year after its dissolution.

## **17. 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 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) Ward Committee meetings will be held on a monthly basis
- (ii) The Ward Committee will convene and hold community meetings on a monthly basis
- (iii) Committee members must strive to attend all ward committee meetings;
- (iv) Committee members must not fail to attend ward committee meetings without a legitimate excuse;
- (v) Committee members who are unable to attend a ward committee meeting must tender **in writing of** his or her apology stating reasons why he or she is unable to attend;
- (vi) Committee members may not be absent from ward committee meetings three times in succession without a legitimate excuse;
- (vii) Failure to attend three ward committee meetings in succession without a legitimate excuse will result in a member losing his membership; and
- (viii) 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>	

B

