

" The City of Heritage "



ESTABLISHMENT AND FUNCTIONING OF WARD COMMITTEES

DEFINITIONS

Council	: means the Ulundi Municipality, established in terms of section 12 of the Structures Act
EXCO	: Executive and Finance Committee
Ward Committee	: means a committee of a municipal ward, established in terms of Part 4 of the Structures Act.
Mayor	: means Mayor of the Ulundi Municipality; a municipal councillor elected in this position by Council in terms of section 55 of the Structures Act
Speaker	: means the Speaker of the Ulundi Municipality (Chairperson of Council); a municipal Council elected in this position by Council in terms of section 36 of the Structures Act
Municipal Manager	: means a municipal manager of the Ulundi Municipality, a head of administration and accounting officer appointed by Council in terms of section 82 of the Structures Act
CFO	: Chief Financial Officer
Ward Councillor	: means a municipal councillor elected in terms of section 22 (1)(b), to represent a ward
PR Councillor	: means a Proportional Representative Municipal Councillor elected in terms of section 22(1)(a), by and represents a party in Council
Member	: means a person elected/co-opted into a ward committee
Ward Co-ordinator	: means a member appointed by the Ward Councillor to assist him/her in ensuring the smooth running of the Ward Committee and the community affairs.
Community	: means residents of a ward, i.e ward committee
Interest group/sector	: means an organized formation that takes an active interest in the affairs of the ward.
Unorganized sector	: means any sector not structurally organized at the level of a ward
IDP	: means the Integrated Development Plan
LED	: Local Economic Development
MFMA	: Municipal Finance Management Act, 2003(Act No. 56 of 2003)
WC	: means the Ward Committee
NGO	: means the Non-Governmental Organisation
CDW	: Community Development Worker

ESTABLISHMENT OF WARD COMMITTEES

1. INTRODUCTION

Local Government structures in the new democratic dispensation have a responsibility to promote local democracy, social and economic development. Key to the functions of local government is the provision of sustainable municipal services to communities. In its performance of functions, Council has to provide democratic and accountable government to its constituencies.

Council has, yet another responsibility, of promoting civil society involvement in the performance of its functions. Active participation of local communities in local government affairs, will ensure that the principle of local and participatory democracy and accountability in local government is at work. In pursuit of the above principle, civil society involvement in matters of local government should be institutionalised.

A need exist to establish a system of community participation with appropriate structures which will create an enabling environment for the communities and community organizations to partake in. A ward committee system is an appropriate mechanism to promote community participation and involvement in matters of local government.

2. LEGAL FRAMEWORK

Section 152(1)(e) of the Constitution of the Republic of South Africa, read together with Section 72 (1) and (2) of the Municipal Structures Act (Act 117 of 1998) give a direct mandate to municipalities to encourage the involvement of communities and community organizations in matters of local government and to establish community participatory system.

Section 8 (g and h), 9 (f) and 72 of the Structures Act, authorize municipalities to establish ward participatory system as mechanism to enhance participatory democracy in local government.

3. POWERS, FUNCTIONS AND RESPONSIBILITIES

The Local Government: Municipal Structures Act, 1998 provides that a Municipal Councils may also delegate specific municipal duties and powers to a ward committee. This authority is derived from section 74 (b) of the Municipal Structures Act (Act 117 of 1998). Delegation of functions and powers to Ward Committees should be done in terms of Section 32 and Section 59 of the Municipal Structures Act and Municipal Systems Act, respectively.

As part of their responsibility, Ward Committees are expected to deal with matters that will benefit the community. They should always act in the best interest of the Ward and the entire community. Individual members should conduct themselves in a disciplined manner that will benefit the developmental objectives of both the Ward and that of local government. They should also ensure, in the course of their operations, that citizens understand how local government functions.

4. DELEGATED POWERS

The following functions and powers are recommended to be delegated to the Ward Committees, as contained in section 16 of the Municipal Systems Act:

Encourage and create conditions for communities to participate in:

- (a) the preparation, implementation and review of the integrated development plan (IDP);
- (b) establishment, implementation and review of Council's performance management system;
- (c) the monitoring and review of Council's performance, including the outcomes and impact of such performance; and
- (d) the preparation of Council's budget.

Participation in the above functions means that the Ward Committee will discharge its responsibilities by way of involvement in making inputs in the form of recommendations to Council.

4.1 Additional delegated functions and powers:

- (a) will create formal unbiased communication channels and co-operative partnership between the municipality and the community within a ward;
- (b) will ensure contact between the municipality and community through the use of, and payment for services;
- (c) will create harmonious relationships between residents of a ward, the ward councillor, geographic community and the municipality;
- (d) will act as advisory body on Council policies and matters affecting communities in the ward;
- (e) will serve as officially recognized and specialized participatory structures in the municipality;
- (f) may receive and record complaints from the community within the ward and provide feedback on Council's response;
- (g) may make recommendations on any matter affecting the ward to the ward councillor or the Council, the Executive Committee and the Mayor;
- (h) may act as a resource, through which Council and its departments, provincial and national government departments must consult with and canvass community opinions on any matter they deem necessary;
- (i) Ward committees may also be used as resources, by non-governmental organizations (NGOs) and non-political organizations, to consult with Ward communities, only if they do not and will not make Council liable for any expenditure to be incurred;
- (j) Ward Committees shall, within their scope of work, invite Council officials and other people with specialized knowledge to advise them on matters affecting their Wards, when they deem it necessary.

In terms of section 16 (2) of the Municipal Systems Act, the above functions and powers (including delegated) should not be interpreted as permitting interference with the Council's right to govern and to exercise its executive and legislative authority.

Council reserves the right whenever it deems necessary, to amend or revoke and power and or function delegated to the Ward Committee.

5. COMPOSITION OF WARD COMMITTEES

A Ward Committee consists of the relevant Ward Councillor, who automatically assumes chairpersonship of the committee, and ten (10) other members. This composition is in terms of section 73 (2) (a) and (b) of the Municipal Structures Act, which further states that the other ten (10) members should be elected into the Ward Committee.

Council has to regulate the election of the other ten (10) members. The community shall elect the other ten (10) members, in accordance with the procedures laid down below.

That in the composition of the Ward Committee, there should be equitable representation of women, that the diversity of interest and geographic representation be taken into account, Furthermore, that there be no party political representation in the Ward Committee. That the following interest groups be represented in the Ward Committee:

1. Youth;
2. Sports and Cultural Organisations;
3. Health and Welfare;
4. Community Safety Forums;
5. Traditional Leaders;
6. Agricultural Associations;
7. Womens' Associations;
8. Disabled;
9. Non-Governmental Organisation like development committees or forums;
10. Informal Traders Association.

6. ELECTORAL REGULATIONS

That Council adopts an electoral procedure that will regulate the elections of Ward Committees. The following regulations shall be applied:

- (a) That the community elects the other ten (10) members into the Ward Committee.
- (b) That the elections of Ward Committees be overseen by the Speaker's Office.
- (c) That the electoral procedure shall ensure equitable representation of women in the Ward Committees. At least a third (1/3) of committee members should be women, i.e. a minimum of three (3) women.
- (d) That the electoral procedure shall ensure that the diversity of interests is taken into account when community members are to be elected into Ward Committees.
- (e) That there shall be a community meeting to elect the ward committee.
- (f) That only one (1) person from each interest group/sector group be elected into the Ward Committee.
- (g) The Ward Councillor shall be the chairperson of the Ward Committee.

- (h) The Ward Councillor shall appoint a Ward Co-ordinator amongst the elected Ward Committee members.
- (i) If the Ward Councillor is unable to attend a Ward Committee meeting, he/she shall appoint one (1) Ward Committee member to chair the meeting.

7. ELECTORAL PROCESS

(a) Identification Process

The initial identification of interest groups is the responsibility of the Ward Councillor who should know what reputable interest groups there are in the ward. Preference should be given to groups that have proper constitution and have shown commitment to their communities. This is to avoid continuous changes in membership of the committee and to ensure that the committee serve the interest of the community as a whole. Such identification will be through convening of Ward meetings to announce the identification process. In this process women interest groups and representation in other interest groups should reflect an equitable participation by women. The Traditional Leaders must be involved. Development committees should be accommodated in the ward committees because both these types of committees serve the interest of the community.

(b) Selection Process

Having identified the interest groups, the Ward Councillor in consultation with the Speaker, shall submit the list of interest groups to the municipal council for the selection of ten (10) interest groups to be represented on the ward Committee.

(c) Voting Procedure

Popular voting through the show of hands. It is essential that this procedure is explained to everybody present and that it is accepted. There must be adequate cross checks to ensure that no irregularity may occur. The counting of votes should be done by at least two persons coming from the Local Municipality.

(d) Membership Criteria

The Policy provides that a person is only eligible for election to the committee if he or she:

- (i) is a registered voter in the ward;
- (ii) is elected by his or here interest group to serve on the committee;
- (iii) is not indebted to the municipality for a period longer than three months; unless he or she can prove that arrangements for the settlement of the account have been made;
- (iv) is not an employee of the local or district municipality;
- (v) has not been convicted after February 1997 of an offence, for which he or she was sentenced to imprisonment without option of a fine for a period of not less than 12 months; and
- (vi) is not a person of unsound mind who has been declared so by competent court.

8. PROCEDURES FOR WARD COMMITTEES

The following regulatory procedures shall be applied:

8.1 Term of Office

The term of office of members of the Ward Committees (excluding Councillors) should be for a period of three (3) years. This will create some continuity, but at the same time allowing for new inputs and capacity building amongst more members of the community in between Local Government elections.

Ward Committees should be seen as training ground for citizens to understand how local government functions, and therefore, as many citizens as possible should have the opportunity to serve in Ward Committees, hence the above recommendation.

8.2 Vacation of office

The circumstances under which Ward Committee members must vacate office, shall be as follows:

If a member:

- (a) absents him/herself from three (3) consecutive meetings without a valid reason;
- (b) absents him/herself from six (6) consecutive meetings with a valid reason;
- (c) is proven to be actively involved in campaigns for the removal of the Ward Councillor without having raised grievances against the Ward Councillor in the Ward Committee meeting and to the Speaker of Council;
- (d) Acts in a manner which seeks to undermine the authority of the Ward Councillor, the Council and /or the Ward Committee;
- (e) Commits a crime that results in a conviction without the option of a fine;
- (f) Consistently interferes in the administration of Council; members should be warned twice (2nd) and be removed the third (3rd) time;
- (g) Consistently exhibits violent, abusive and intimidatory behaviour towards other members and/or the community;
- (h) Attends a meeting under the influence of alcohol and/or illegal drugs;
- (i) Is proven to have accepted a bribe from any party that has an interest in a development project for that particular Ward;
- (j) Is proven to have proven his/her membership of the Ward Committee to extract, or attempt to extract, favours of any kind;
- (k) Is elected as a Councillor;

- (l) Is appointed as a staff member of Council;
- (m) Without good cause, acts against the decision (s) of the Ward Committee;
- (n) Resigns;
- (o) Dies;
- (p) Cease to be a member of the interest group he/she represents;
- (q) Is proven to be involved in any form of corruption;
- (r) Is continuously late for meetings or leaves early with no legitimate apology;
- (s) Is declared mentally incompetent.

A vacancy should be filled within one month of the vacancy arising. The Ward Councillor shall notify the Speaker to arrange for an election of the new Ward Committee member. The status of the Ward Committee members will not change if the Ward Councillor vacates his/her seat.

8.3 Frequency of meetings

In terms of section 73 (3) © of the Municipal Structures Act, Ward Committees should meet as frequently as possible to maintain the momentum. Meetings should be held at least once a month. Ward Committees are required to develop report back mechanisms and schedules of meetings (both committee and community meetings). Such reports shall be forwarded Ward Co-ordinator of the committee to the PRO through the Ward Councillor for onward submission to the Speaker in a prescribed format. Other extra-ordinary meetings may be convened as and when committee deems it necessary.

8.4 Qourum for committee meetings

A simple majority of committee members shall constitute a quorum for a Ward Committee meeting i.e fifty percent (50%) plus one (1) of members.

8.5 Decision making of Ward Committee

The Ward Committee shall strive to reach decisions on the basis of consensus. However, should a matter remain unresolved after thorough discussions, such matter shall be decided upon by way of a vote.

If on any question there is an equality of votes, the member presiding must exercise a casting vote in addition to that member's vote as a member.

8.6 Dissolution of Committees

In terms of section 78 of the Municipal Structures Act, Council may dissolve a Ward Committee if it fails to fulfil its mandate and obligations, and sometimes political interference in the structures of Ward Committees.

The following procedure shall be applied:

Should Council decides to invoke this section, notice of Council's intention to dissolve a Ward Committee shall be published in local newspapers. Such publication shall give details of a meeting at which the reconstitution of the Ward Committee shall take place. Interests groups shall be invited to take part in the meeting, in terms of the Council approved electoral regulations.

Members of the Ward Committee that have been dissolved shall not be eligible for re-election to a Ward Committee for a period of a year after its dissolution. This shall exclude the Ward Councillor.

8.7 Dispute Resolution Mechanisms for Ward Committees

The following dispute handling mechanism shall apply:

- (a) Every effort must be made to deal with disputes internally if they do not involve the Ward Councillor;
- (b) When a dispute arises, the Ward Councillor should appoint a person or persons (maximum of two) to try and resolve the dispute through mediation;
- (c) If the attempt at mediation fails, the matter then goes to the Ward Councillor, who shall arbitrate;
- (d) If one or both of the parties is still aggrieved, the matter shall be taken to Council, through the Office of the Speaker. This should be the very last resort because Council should not be inundated with petty matters from Wards;
- (e) If the matter involves the Ward Councillor, it should go the Council right away, through the Office of the Speaker.

8.8 When a Ward Councillor is no longer in Office

A Ward Committee is not a Ward Councillor's committee because it is not appointed by the Councillor, but elected by the Community. Therefore, even when the Ward Councillor has changed for whatever reason, the Ward Committee remains as is and unchanged.

The Ward Councillor only has the prerogative to appoint the Ward Co-ordinator. When the Ward Councillor is changed, the incoming Ward Councillor can use his/her discretion to appoint another Ward Co-ordinator from the members of the committee (retaining the incumbent Ward Co-ordinator is an open option).

9. INTENAL WORKINGS OF WARD COMMITTEES

The Ward Committee should have a Ward Co-ordinator to work on administrative matters of the committee and to help the Ward Councillor in ensuring the smooth functioning of the committee. The Ward Co-ordinator will be like the "right-hand person"

to the Ward Councillor, and for this reason, it will be the Ward Councillor's prerogative to appoint the Ward Co-ordinator among the elected Ward Committee members.

The Ward Co-ordinator shall be responsible for ensuring that minutes in meetings are taken and proper records are kept, so as to ensure that decisions taken are implemented. The Ward Councillor is the Chairperson of the Ward Committee and shall preside over all committee meetings. In the absence of the Ward Councillor in the committee meeting, the Ward Councillor shall delegate, in writing, any member of the Ward Committee to chair the meeting.

It is the responsibility of the Speaker to see to it that Ward Councillors perform their functions in terms of the establishment of Ward Committees and must ensure that they function. If the Ward Councillor fails to initiate the establishment of a Ward Committee, the Speaker should take over the responsibility.

10. FUNDING AND ADMINISTRATIVE ARRANGEMENTS

Council shall make administrative arrangements to enable the Ward Committees to perform their functions and exercise their powers effectively, in terms of section 73 (4) of the Municipal Structures Act. Council shall endeavour within budgetary constraints to allocate funds in its budget to further the objects of Ward Committees in terms of section 16 (1) (c) of the Municipal Systems Act.

Section 77 of the Municipal Structures Act prohibits Council from remunerating Ward Committee members. Provision should be made for capacity building and training programmes for committee members.

Council shall make available the Ward Committee Clerk as well as Council resources, such as copying facilities to the Ward Committees for administrative back-up to enable effective functioning. Furthermore, Council will only make funds available to Ward Committees when they have project (s) within their scope of mandate that Council deems necessary. However, Ward Committee shall not receive cash from Council but fund their project (s). Meeting logistics may be funded through available resources as shall be determined by the Ward Councillors.

11. ROLE OF PR COUNCILLOR IN WARD COMMITTEE

The PR Councillor is accountable to his/her party in respect of the affairs of the municipality. The PR Councillor as a member of the Municipal Council will have the opportunity to debate in Municipal Council the recommendations of a Ward Committee in which he/she resides. The PR Councillor serves in the first place his/her political party whilst simultaneously having the interest of the community at heart. The PR Councillor shall serve in the Ward Committee in an ex-officio capacity, to assist and complement the work of the Ward Councillor. The PR Councillor shall be allowed to participate in the deliberations but not have the right to vote, in the Ward Committee. The PR Councillor shall always be present whenever the Ward Committee meetings are taking place.

Both the Ward Councillor and PR Councillor (s) in a Ward should develop mutually respectful working relations, such that there is a role for the PR Councillor, but on the other hand, the PR Councillor is expected to respect the legal prerogative of the Ward Councillor and not interfere.

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