**CHAPTER 7**

**PUBLIC PARTICIPATION**

**7.1 MUNICIPAL POLICY ON WARD COMMITTEE ELECTIONS AND OPERATIONS**

**7.1.1 PURPOSE OF THE FRAMEWORK**

The main purpose of this draft amended policy is to provide a uniform framework which ward committee members, ward councillors, metropolitan and local municipalities should customize, adopt and implement during the ward committee elections and operations in order to effect improved functionality of the ward committee structures.

**7.1.2 LEGISLATIVE MANDATE**

1. The legal provisions for the elections and operations of ward committees are contained in sections 72 to 78 of the Structures Act, and whilst the Act provides for the establishment of the committees and gives guidelines on the composition, status and roles of the committees, the municipal council remains responsible for the formulation of policies regarding basic issues such as the process for the establishment of the ward committees, which includes their election, membership, terms of reference, their roles and responsibilities, re-imbursement and administrative support.
2. In terms of the roles of national, provincial and local spheres of government the Constitution states as follows:
3. Section 152 (1) (a) provides that local government must provide democratic and accountable government for local communities
4. Section 152 (1) (e) obliges municipalities to encourage the involvement of communities and community organizations in local government.
5. Section 160 (7) provides that a municipal council must conduct its business in an open manner and that it may close its sittings, or those of its committees only when it is reasonable to do so having regard to the nature of the business being transacted.
6. Section 195 (e) states that in terms of the basic values and principles governing public administration, people’s needs must be responded to, and the public must be encouraged to participate in policy-making”
7. COGTA has a mandate to support, monitor and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions in developing a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose:-
	1. Advise the municipalities to encourage and create the conditions for local community to participate in the local affairs of the municipality including the following:
8. The preparation, implementation and review of its Integrated Development Plan in terms of Chapter 5 of the Municipal Systems Act (Act 32 of 2000);
9. The establishment, implementation of its Performance Management System in terms of Chapter 6 of the Municipal Systems Act (Act 32 of 2000);
10. The monitoring and review of its performance including the outcomes and impact of such performance;
11. Decisions making in terms of the provision of municipal services;
12. Preparation, implementation and review of Municipal Property Rates Policy in accordance with Chapter 4 of the Municipal Systems Act (Act 32 of 2000)
	1. Contribute to capacity building of the local community, councillors and staff so as to enable them to participate effectively and efficiently in the affairs of the municipality.
	2. Use the resources and annually allocate funds for the purpose of implementing paragraph (i) and (ii) and in accordance with Chapter 4 item 16 (1) of the Municipal Systems Act

**7.1.3**. **APPLICATION**

 In light of the above legislative provisions, municipal council and officials are empowered using Public Participation Structures (PPPSC, DPPF and Council meetings). In line with the Framework a municipal policy on ward committee elections and operation was developed to guide municipalities to develop their policy, each municipal policy must be adopted by council resolution before its implemented. Upon the election of ward committees, new council may adopt the same policy.

**7.1.4. Establishment process**

1. Only metropolitan and local municipalities of the "ward participatory type" must establish ward committees when:-
2. Provincial legislation determines whether this type of municipality exists in the province;
3. The establishment notice (section 12 notice) of a municipality determines whether that particular municipality is of the "ward participatory type";
4. If a municipality is allowed, in terms of its establishment notice, to have ward committees, the council decided to have ward committees and it took this decision by resolution; and
5. Subsequent (or together with) to the decision to have ward committees, made a resolution, adopting an establishment notice for ward committees.

**7.1.5. Status and Description of Ward Committees**

(1)The objective of a ward committee is to enhance participatory democracy in local government.

(2) A ward committee:

(a) is an advisory body;

(b) is a representative structure of the ward;

(c) is independent;

(d) must be impartial and perform its functions without fear, favour or prejudice;

(e) is not politically oriented;

(f) is an integrative umbrella body responsible for coordination of ward developmental initiatives.

**7.1.6 Functions and Powers of Ward Committees**

1. A ward committee may make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor, to the metro or local council, the executive committee, the mayor or the relevant metropolitan sub-council.
2. A ward committee may have such duties and powers as may be delegated to it through the municipal policy in line with the provisions of Section 59 of the Municipal Systems Act.
3. The following represents duties and powers that may be delegated to ward committees by municipalities:
4. To serve as an official specialized participatory structure in the municipality;
5. To create formal unbiased communication channels as well as cooperative partnerships between the community and the council. This may be achieved as follows:
6. Advise and make recommendations to the ward councillor on matters and policy affecting the ward;
7. Assist the ward councillor in identifying challenges and needs of residents;
8. Disseminate information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS),service delivery options and municipal properties;
9. Receive queries and complaints from residents concerning municipal service delivery, communicate it to council and provide feedback to the community on council’s response;
10. Ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents meetings and other community development forums; and Interact with other forums and organisations on matters affecting the ward.

(c) To serve as a mobilizing agent for community action within the ward. This may be achieved as follows:

1. Attending to all matters that affect and benefit the community;
2. Acting in the best interest of the community;
3. Ensure the active participation of the community in:
* Service payment campaigns;
* The integrated development planning process;
* The municipality’s budgetary process;
* Decisions about the provision of municipal services; and
* Decisions about by-laws.
* Decisions relating to implementation of Municipal Property Rates Act (MPRA)
1. Delimitate and chair zonal meetings.
2. Identify families who qualify for indigent support

(d) No executive powers should be delegated to ward committee members;

(e) A ward committee may express dissatisfaction in writing to the municipal council on the non-performance of a ward councillor

(4) A ward committee may, subject to available capacity and resources, conduct an annual satisfaction survey in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered in the ward by ward committee members under the supervision of the ward councillor and with the administrative support of the municipality. Annexure A represents an example of such a survey.

**7.1.7 Capacity Building and Skills Development**

1. Ward committees should, with the assistance of the municipality, prepare an annual capacity building and training needs assessment for members of the committee.
2. An annual capacity building and training programme should be developed for each member of the ward committee.
3. An annual budget, taking into account any funds budgeted by the municipality, for the capacity building and training programme should be prepared according to the needs assessment.
4. The municipality should conduct skills audit for Ward Committee members and identify members that are eligible to attend the accredited trainings.

(5) The following requirements may be included in the training and capacity building programmes of municipalities:

(a) Generic training needs, including:

1. Basic literacy;
2. Communication;
3. Interpersonal skills;
4. Community upliftment;
5. Conflict management and negotiation skills;
6. Democracy and community participation;
7. Community Based Planning (CBP); and
8. Leadership.

(b) Training needs on municipal policy and processes, including

1. Principles of good governance;
2. Ward Committees Funding Model
3. Intergovernmental Relations (IGR);
4. Municipal Service Partnerships; and
5. Payment for services (indigent policy, credit and debt control policy);
6. Municipal LED
7. Municipal Elections
8. Municipal Spatial Planning, IDP and Budget Processes
9. Municipal Complaints Management System
10. Back to Basics Programme
11. Batho Pele Principles

(c) Specialized and Accredited Skills Development programme to include:

1. Induction Programme, Ward Committee structures, Constitution, roles and responsibilities
2. Roles and Responsibilities
3. Community based planning
4. Public Participation in Local Governance
5. Core municipal processes
6. Project management
7. Communication, facilitation and conflict management
8. Community Diversity
9. Meeting Procedures Reporting

**7.1.8 Composition of Ward Committees**

1. A ward committee consists of the councillor representing that ward in the council who must also be the chairperson of the committee, and not more than ten other persons...
2. Representatives of interest groups to serve in the ward committee must prove their membership and the nature of the constituency they represent before being considered to serve in the ward committee
3. A Community Development Worker (CDW) should be attached to each ward to provide support to the committee.
4. The procedure for electing members must take into account the need for women to be equitably represented in a ward committee and for a diversity of interests in the ward to be represented.
5. Gender equity may be pursued by ensuring that there is an even spread of men and women in a ward committee.
6. A diversity of interests must be pursued by ensuring the inclusion of as many as possible of the following interest groups as identified in the municipal stakeholders register and adopted by council. These should include the following:
7. Youth seat
8. Women seat
9. Faith Based seat
10. Public Transport seat
11. Health and Social Development
12. Neglected / Remote Community seat
13. Professional seat
14. Safety and Security seat
15. Traditional Institutions seat
16. People with disability seat
17. Business Sector seat
18. Environment and Tourism
19. Education
20. Senior Citizens
21. Ratepayers
22. Civic Associations
23. Informal traders’ association
24. Farm workers

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**7.1.9 Election Criteria**

1. A committee should be established to make rules regulating the procedure and criteria to elect members of ward committees. The committee must be comprised of the Speaker, Municipal Manager/Public Participation Practitioner and the representative from Communications and Finance Department.
2. The following screening criteria must be applied for electing ward committee members:
3. To be elected as a member of a ward committee, a person must be a registered voter in the ward;
4. A person is not eligible for election if he or she works for the metro, local municipality or the district municipality within which the local municipality is demarcated;
5. A person should not be in arrears to the municipality for rates and service charges for a period longer than three months;
6. A person should not be an insolvent;
7. A person should not be unrehabilitated;
8. A person should not be elected who has been placed under curatorship;
9. A person should not be elected if convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months;.
10. Persons of unsound mind who have been declared so by a competent court cannot be elected; and
11. Members should be active in the sector that they represent. They should be elected upon recognition of their formation in the community and be motivated to work on the ward committee by their commitment to working for a better life for members of their constituency.

**7.1.10 Elections**

(1) The ward committee election process will be based on the recognition of candidates nominated by organized formations within the ward

(2) A council approved stakeholder register will determine sectors to be represented in the committee during elections

(3) A maximum of three candidates nominated by respective formations will contest during elections.

(4) In an instance where only one candidate is nominated by a recognized sector or formation in the ward, such candidate will be declared as an uncontested elected member of the committee.

(5) As a last resort, where there is evidence that no recognized sector formations exit in the ward, council may resolve, for a maximum of three candidates against each approved sector to be nominated by community members to contest the elections. If this option is considered, the municipality must provide a council resolution as well as a motivation to Cogta indicating reasons for nomination of candidates outside of the recognized formations as well their status of involvement in the sector they are nominated to represent, prior to elections taking place.

**7.1.11 Criteria for recognizing organized formations**

(1) The criteria for recognizing organized formations to participate in the elections of ward committees will be based on the following:

1. A democratically constituted formation representing the interests of a societal grouping.
2. Must be recognised by the local municipality or sector department
3. Must have adopted terms of reference to guide their operations
4. Must have a defined hierarchy of leadership for the structure.
5. must have traceable contact details
6. Must be apolitical formation

**7.1.12 Nomination Process**

1. Each recognized interest group nominates a maximum of three candidates for the elections
2. The nomination of a ward committee member must be submitted in a form indicating the representative nominated by the group.
3. The nomination must be accepted by a nominee through signing of an acceptance nomination form, indicating that they are ordinary residents within the municipality and are registered voters on the municipal voters roll and they belong to the formation from which they have been nominated.
4. Nominations for interest groups must be facilitated by the municipality before the election of members, against identified interest groups as reflected in the municipal stakeholder register.

**7.1.13 Election Procedure**

1. Only one election model must be applied by each municipality. This model must be based on sectoral representation, respectively.
2. Sectoral election model

(a) Identification of interest groups:

1. The council identifies the key performance areas of each ward, for example, local economic development, jobcreation and basic services. The list of key areas of interest provided for under "Composition of Ward Committees" may be used for this purpose;
2. The council identifies the groups that have a demonstrable interest in any of the key performance areas and represent residents of the area; and
3. The council identifies the clusters of interest groups (maximum of ten) that qualify for election.
4. The council should develop a stakeholder database of all recognized interest groups within its area of jurisdiction.

(b)Election should take place as follows:

1. The ward councillor calls a meeting in the ward for the election of a ward committee;
2. Only residents who are registered voters may vote at the meeting;( a voters roll must be used to confirm if all voters are registered)
3. The meeting votes by majority (50% plus one) for a representative of that cluster. If no one obtains the majority the three candidates who received the most votes proceed to the next round.

(c) It is encouraged that in wards where communities/structures are known to be highly politicized, a formal ballot process is to be followed. In the medium to long term, all municipalities should aim to follow formal ballot processes for ward committee elections.

(d) The election process is to be co-ordinated by the administrative division of the municipality with the consent of the municipal council. Where feasible, the role of IEC is highly recommended.

(e) The following election procedures are proposed:

1. The Public Participation Officer of the municipality in consultation with the councilor and the office of the speaker must coordinate the schedule of meetings for election purposes through the directive of the Municipal Manager;
2. The ward councilor must submit to the office of the speaker the proposed date for a meeting to elect a ward committee in the ward.
3. The office of the municipal manager must advise the Provincial CoGTA about the date and the election plan within 90 days after first council sitting.

(f) The ward councillor and administrative assistant (if applicable) must ensure that:

1. Meetings are a fair representation of all sectors identified by the municipality and prioritized for that particular ward although no quorum for the elections is required;
2. An attendance register is completed;
3. All people taking part should be registered voters of that ward; and
4. Women are equitably represented.

(g) Voting may take place by a majority show of hands or formal ballot.

**7.1.14 Process of handling objections**

(a) An objection to the election process may be submitted in writing to Cogta, within 14 days following the date in which the election was conducted,

 (b) Cogta will acknowledge receipt within seven working days upon receipt of an objection.

 (c) An investigation will be conducted in consultation with the affected municipalities and interest groups.

 (d) The complainant will be advised of the outcome of the objection within 30 days from the date the objection was launched.

 (e) The municipality has an obligation to ensure that all pending objections have been finalized before the new ward committee members are formally introduced to the community.

**7.1.15 Conduct of Members**

1. A member of the committee:

(a) Must perform the functions of the committee in good faith and without fear, favour or prejudice;

(b) May not use the position or privileges of a member for private gain, or to improperly benefit another person;

(c) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;

(d) Must adopt the principle of accountability to the community and all political party represented in council;

(e) 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;

(f) Must adopt the principle of transparency to promote openness, sincerity and honesty among all the role-players in a participative process and promote trust and respect for the integrity of each role-player and a commitment by all to the overriding objectives of the process in the interest of the common good;

(g) Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others;

(h) 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;

(i) Must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.

(2) Ward committee members must sign a Code of Conduct, which should be administered by the ward councillor. A draft Code of Conduct, which may be amended and adopted by a ward committee meeting, is contained in Annexure B.

**7.1.16 Ward Committee Meetings**

1. **Meeting Procedures**
2. Unless a ward councillor, or municipality, wishes to appoint a secretary, the ward committee may appoint a secretary and assistant secretary from its membership to fulfill relevant duties of the ward committee.
3. Ward committee meetings are convened and chaired by the ward councilor.
4. The ward councilor may delegate in writing the chairing of a meeting in his/her absence to a member of the ward committee.
5. If there is no delegation by the chairperson, members must elect amongst themselves the chairperson of the day.
6. A ward committee may establish one or more sub-committees necessary for the performance of its functions and involve organizations more broadly.
7. Each ward committee member shall chair all sub-committee meetings linked to the portfolio s/he represents at a ward committee level.
8. Members of the sub-committee must be appointed by a ward committee member representing a sector / interest group of that particular portfolio at a ward committee level.
9. The ward committee and sub-committees may meet together as a ward forum for major discussions.
10. All stakeholders in the ward are encouraged to participate in sub-committees that are relevant to their fields of interest and to their day-today functioning as a sector.
11. Additional to standing items of a strategic agenda, members of the ward committee must submit items to be discussed, well in advance to the chairperson.
12. The chairperson will be responsible to prepare an agenda for ward committee meetings.

(2) **Frequency of meetings**

1. A metropolitan or local municipality must make rules regulating the frequency of meetings of ward committees.
2. Ward committees must at the beginning of the year determine a programme for ward Committee meetings so as to align with meetings of the municipal council.
3. Regular meeting intervals need to be determined.
4. A ward committee must meet at least quarterly. However, this shall not influence the frequency of sub-committee and community meetings.
5. All ward committees in a municipality should as far as reasonably possible adhere to the same meeting intervals.
6. Schedule of ward committee meetings must be submitted to Provincial CoGTA and copies made available to all ward committee members.

(3) **Quorum and decisions**

1. A majority of ward committee members must be present before a vote may be taken on

any matter (50% + one member) and a chairperson

1. A ward committee shall endeavour to take decisions based on consensus.
2. If consensus on any matter cannot be achieved, such matter may be determined by supporting vote of at least the majority of the members of the committee (50% +one of the committee members present).

(4) **Public meetings (ward meetings)**

1. Public meetings are mainly held in order:-

(i) To register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern the community may have; and

(ii) To report back to the public on issues that are affecting the community.

(b) Ward or public meetings should be chaired by the elected councilor of the ward committee.

(c) The councilor may request ward committee member to respond to issues raised in a community meeting.

(d) If the committee decides to hold a public meeting it may publish a notice in a newspaper circulating in the area concerned, stating the time, date and place of the meeting or each meeting and inviting the public to attend the meeting or meetings. Alternatively, the public may advised of the meeting through loud hailing, in which case, the loud hailing system should be audible enough to transmit a clear message and the time for loud hailing should be taken into account to ensure that all citizens are informed of the meeting.

(e) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue:-

1. Must be in a well known place;
2. Must be easily accessible and where possible, also disabled-friendly; and
3. Must be large enough to accommodate all people present.

(f) The Office of the Speaker must ensure that a schedule of all planned community meetings in all wards is compiled on an annual basis and distributed to the community via the relevant means of communication.

(g) The council may determine the frequency of community meetings in each ward based on the need and the expectations of the community.

(h) At least one community meeting must be convened in each ward in a period of three months.

(I) Where the jurisdiction of a traditional authority extends to the ward where a public meeting is to be held, the relevant traditional authority should be informed of the public meeting.

(J) When the committee publishes a notice, it must convey, where appropriate, by radio or other appropriate means of communication, such as direct mail outs and posters or notices in key areas such as clinics, schools, bus stops and libraries, the contents of the notice in the area concerned.

(K) At a public meeting a representative of the committee must:-

(i) Explain the meeting procedures, such as adoption of agenda and time allowed for questions;

(ii) Explain the issues the committee has to consider, including any options open to the committee;

(iii) Allow members of the public attending the meeting to present their views on these issues;

(iv) Answer relevant questions

(v) Keep minutes of the meeting and inform the public that ward committee meeting and public meeting minutes are public documents, and that the community has access to these documents and may make copies at their own cost; and

(vi) Give feedback on previous issues, including reasons if there is a lack of progress.

(L) Public meetings are not political platforms and ward committee members and the public should refrain from making party political statements, campaigning and canvassing.

(M) For the purposes of participation in public meetings, a ward committee may keep a register of interest groups and organisations that are active in the ward. An example of such a register is contained in Annexure C.

(5)  **Procedures**

A ward committee with a supporting vote of the majority of its members may determine its own procedures subject to any directions of the chairperson.

(6) **Work programme**

The ward committee:-

(a) Must submit a programme (Ward Operational Plan) with specific outputs of work for one year to the office of the speaker or other designated political functionary in July of each year;

(b) Must perform the functions as set out to achieve the work indicated in the work programme:

(i) On own initiative;

(ii) On request by the ward councilor;

(iii) On request by the speaker or other designated political functionary; and

1. In accordance with priorities and reasonable time frames determined by the speaker or other designated political functionary.

 (c) Each ward committee member must submit to the municipality on a monthly basis a report on activities undertaken within the specified month. This may be used as one of the determining factors for reimbursement of ward committee members on out of pocket expenses incurred.

 (d) The ward councilor must submit to the municipality on quarterly basis a ward report indicating the work done by the ward committee within the three months period in line with the planned outputs in terms of the ward programme (Ward Operational Plan)

**7.1.17 Administrative Issues**

(1) Municipalities must make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

(2) Section 16 (1) (c) of the Municipal Systems Act (No. 32 of 2000)also requires that municipalities use their resources and allocate funds in their annual budgets for community participation.

(3) Administrative support may include the following:

1. The promotion of ward committees in the community - informing the communities of the roles and responsibilities of ward committees. A practical example in this regard may be the provision of formal identification cards to ward committee members in order for them to be recognised as legitimate ward committee members amongst the community;
2. The permanent availability of an administrative staff capacity to attend all scheduled/non-scheduled ward committee meetings and to assist the ward councillor and members in fulfilling their clerical and administrative functions. The exact nature and extent of such capacity may differ from municipality to municipality. In larger municipalities this could take the form of a staff member to co-ordinate the work of ward committees as well as support the constituency work of a number of ward councillors. In smaller municipalities this could mean a portion of the work time of one administrator to deal with bookings, arrangements and minutes of meetings;

(c) To identify/build/arrange central meeting places in the ward where communities have access to information and where ward committees can conduct meetings;

(d) To provide the necessary logistical resources, including furniture, computers and stationery for the ward committees to fulfil their functions;

(e) To assist with the translation of information and documentation for the community;

(f) To assist the ward committees in fulfilling their tasks, including the provision of additional capacity and advertising campaigns required for purposes of arranging larger public meetings, if necessary;

(g) To provide municipal transport to ward councillors and ward members in particular circumstances at the request of the ward councillor, especially in rural areas;

(h) To develop and provide capacity building and training programmes for ward committees on an ongoing basis during their term of office;

(i) To facilitate ward committee elections.

(j) To devise a strategy for Ward Committee merit system.

(k) Prepare Ward Committee Functionality Assessments

(l) Prepare and update municipal stakeholder register

(m) Identify all key activities requiring community participation and ensure that all activities are incorporated and published in the year planner of the municipality

**7.1.18 Budget**

1. No remuneration is to be paid to ward committee members.
2. Municipalities must annually budget for:-
3. Out of pocket expenses of members of ward committees in respect of their participation in ward committees;
4. A municipal council must determine and implement the criteria for, and calculation of, the out of pocket expenses as contemplated in Government notice 973 of 2008
5. The best performing ward merit system where applicable
6. Capacity building and training programmes for committee members.
7. Consider provision of funds and resources to enable ward committees to perform their functions, exercise their powers and undertake development in their wards.

**7.1.19 Accountability**

(a) The chairperson of the ward committee through the Public Participation Practitioner must ensure that full and proper records are kept of the minutes of ward committee meetings;

(b) Ensure that the committee’s available resources are properly safeguarded and used in the most effective and efficient way;

(c) Ensure that all statutory measures applicable to the committee are complied with;

(d) Ensure that all recommendations made bythe ward committee are formalised and submitted to the office of the speaker or other designated political functionary for presentation to the council at intervals determined by the speaker or other designated political functionary;

(e) Must report a view adopted by the ward committee to the council but may indicate his or her disagreement with the view in the report;

(f) Ensure the production of a progress report on majorachievements and areas of failure, with reasons, on quarterly basis;

(g) Submit the progress report to the speaker or other designated political functionary for a review of the performance of the committee; and

(h) Implement any corrective measures to ensure effective and efficient performance of the committee as suggested by the speaker or other designated political functionary.

1. Preparation of the municipal public participation annual report.

**7.1.20 Term of Office**

1. Members of a ward committee are elected for a term that corresponds with the term referred to in section 24 of the Structures Act,
2. For practical reasons, municipalities are required to elect ward committees within 90 days after local government election.

(3) Section 24 provides that the term of municipal council is no more than five years as determined by the Minister by the notice in the Government Gazette. Calculated from the day following the day or dates set for the previous election of all Municipality councils in terms of section 24, the Minister may by notice in the Government Gazette prescribe regulations for the implementation of subsection (1).

**7.1.21 Vacancies and Bi-elections**

1. If a vacancy occurs among members of a ward committee, it must be filled in accordance with a procedure determined by the metropolitan or local council based on the following options:

**Option A:**

(i) Where applicable, a member who received the second highest votes during elections.

(ii) Same election procedure as indicated in part 10 of this framework.

**Option B:**

1. The ward councillor must fill a vacancy by declaring as elected the person who received the second highest number of votes in terms of the previous election;
2. If nobody can be declared elected in the above manner, the election process must be repeated.

**7.1.22 Termination of Membership**

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

* 1. Death;
	2. Resignation;
	3. Relocation from ward;
	4. Election of the ward committee member to stand for municipal elections;
	5. Appointment to a position in a metro, district or local municipality
	6. Failure to attend three consecutive meetings of the ward committee without a reasonable apology or leave of absence submitted to the chair prior to a meeting;
	7. Proven involvement in fraud and corruption, misuse of state resources including misrepresentation for personal gain;
	8. Failure to adhere to meeting procedures or misconduct during ward committee meetings;
	9. Failure to represent and submit the aspirations of the particular interest groups represented (sectoral reports);
	10. Being involved in proven activities that undermine the council or ward councillor’s authority;
	11. Dismissed in accordance with a resolution of the ward committee or by the executive committee of the council in consultation with the ward councilor and the speaker or designated political functionary;
	12. Ceases to be a member of the organisation he/she represents;
	13. Is insolvent or declared mentally incompetent by a competent court.

**7.1.23 Dispute Resolution**

(1) The following mechanisms are recommended when disputes arise within ward committees:

(a) Every effort should be made to deal with disputes;

(b) When a dispute arises, the councilor or member of a committee should report the matter to the Public/ Community Participation and/ or office of the Speaker to attempt and resolve the dispute through mediation;

(c) If the attempt at mediation fails, the matter is then submitted to the ward committee chairperson who should arbitrate, provided that the matter does not involve the chairperson and the majority of the members of the committee;

(d) If the majority of committee members remain aggrieved, the matter should be taken to the council through a channel decided upon by council or through the office of the speaker or other designated political functionary. Council may decide to establish a special committee to conduct an inquiry on the grievances and make necessary recommendations to full council. This should be avoided as far as possible.

(e) As a last resort, a matter may be referred to the Provincial Department of Co-operative Governance and Traditional Affairs for mediation.

**7.1.24 Dissolution**

(1) A council may dissolve a ward committee if it fails to fulfill its object.

(2) The following indicators may serve as early warning signs for a non-functional ward committee structure:-

(a) When it fails to meet three consecutive times;

(b) When members decide to dissolve it; and

(c) When there is substantial evidence of maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a committee.

(3) The notice should be served to the affected ward committee prior to dissolution.

**7.1.25 Dissolution Procedures**

1. Ward committee members must be served with a notice of termination and be provided with an opportunity to respond to the notice within 30 days of a council resolution.
2. A ward councilor must also report back to a community meeting of the decision including reasons led to such decision.
3. In the case of option B of part 15, a notice of bi-elections must be communicated to ward committee within ten days after a community meeting has taken place.
4. New members must be sworn into office within 5 days after declaration of election results, however in the event of option A – new members must be sworn within 5 days after a ward community meeting has taken place.

ANNEXURES

**LIST OF ANNEXURES:**

Annexure A : Customer Satisfaction Survey Questionnaire

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|  |
| --- |
| **CUSTOMER SATISFACTION SURVEY QUESTIONNIARE** |

 **ANNEXURE A:**

**INTERVIEWER: Good day, I am from …………………, WE are conducting a CUSTOMER SATISFACTION survey on BEHALF OF THE ………………..MUNICIPALITY. The interview will take about 25 minutes. This is an opportunity to give feedback regarding the service you receive from your municipality. the answers will be confidential and only collective data will be used by the client to provide you with a better service in future. May I continue with the interview?**

|  |  |
| --- | --- |
| **QUESTIONNAIRE NUMBER** |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **INTERVIEW TYPE:** | Telephone |  | or | Personal  |  |  |

**SECTION A1: INTERVIEWER INFORMATION**

Name and surname: …………….......................................... Telephone no: ..................................

|  |
| --- |
| I, the interviewer, was fully briefed by my supervisor regarding the survey and sample specifications. I also read the briefing document, worked through the questionnaire and fully understand the interview process. I conducted the interview and checked if all questions were answered.Signature: ....................................................................... Date: ............................................................... |

**SECTION A2: CO-ORDINATOR INFORMATION**

Name and surname: …………….......................................... Telephone no: ..................................

|  |
| --- |
| I, the coordinator/supervisor fully briefed all interviewers and made sure that they understood the interview process and sample specifications. I also checked the questionnaire and made sure that all questions have been answered satisfactorily.Signature: ....................................................................... Date: ............................................................... |

**SECTION A3: INTERNAL DATA CONTROL (FOR INTERNAL USE)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **PAGE AND QUESTION NUMBERS WITH ERRORS** | **TICK IF ERRORS SORTED OUT** | **TICK IF ERRORS BACK-CHECKED** | **PAGE AND QUESTION NUMBERS WITH ERRORS** | **TICK IF ERRORS SORTED OUT** | **TICK IF ERRORS BACK-CHECKED** |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**SECTION A4: INTERVIEW INFORMATION**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Call history** | **Date of interview** | **Time started** | **Time finished** | **Total time in minutes** |
| First attempt |  |  |  |  |
| Second attempt |  |  |  |  |
| Third attempt |  |  |  |  |

**SECTION A5: RESPONDENT PROFILE**

|  |  |
| --- | --- |
| Name of respondent |  |
| Household address | Area code ………………… |
| Telephone number |  |

**SECTION A6: TYPE OF AREA**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Formal township |  |  | Ward no |  |
| Inner city |  |  |  |  |
| Informal settlement |  |  |  |  |
| Suburb |  |  |  |  |
| Rural settlement |  |  |  |  |

**SECTION B DEMOGRAPHIC INFORMATION**

1 Gender

|  |  |  |
| --- | --- | --- |
| Male  |  |  |
| Female |  |  |

2 Race

|  |  |  |
| --- | --- | --- |
| Black |  |  |
| White |  |  |
| Indian |  |  |
| Coloured  |  |  |

3 Age group

|  |  |  |
| --- | --- | --- |
| 18 to 25 |  |  |
| 26 to 45 |  |  |
| 46 to 60 |  |  |
| 60+ |  |  |

4 Household size

|  |  |  |
| --- | --- | --- |
| 1 – 3  |  |  |
| 4 – 6  |  |  |
| 7 – 8  |  |  |
| More than 8 |  |  |
| No response |  |  |

5 Educational level

|  |  |  |
| --- | --- | --- |
| None |  |  |
| Grade 1 – 5 (Primary) |  |  |
| Grade 9 (Secondary Std 7) |  |  |
| Grade 12 (Secondary Std 10) |  |  |
| Diploma/Degree |  |  |
| No response  |  |  |

6 Monthly income

|  |  |  |
| --- | --- | --- |
| None/Refused |  |  |
| R1 – R1 499 |  |  |
| R1 500 – R2 499 |  |  |
| R2 500 – R3 499 |  |  |
| More than R3 500 |  |  |

**SECTION C HOUSEHOLD PROFILE**

1 Indicate whether dwelling is owned or rented.

|  |  |  |
| --- | --- | --- |
| Owned  |  |  |
| Rented  |  |  |
| Government subsidised  |  |  |
| **Traditional**  |  |  |

**2 How long has the household lived in this area?**

|  |  |  |
| --- | --- | --- |
| Less than six months |  |  |
| 6 months – 12 months |  |
| 1 year – 3 years |  |
| 3 years – 5 years  |  |
| 5 year – 10 years  |  |
| 10 year – 20 years  |  |
| More than 20 years  |  |  |

**ANNEXURE B:**

**WARD COMMITTEES CODE OF CONDUCT**

**Interest of the community**

(i) Committee members must at all-time 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 by or dictated to by improper motives;

(iv) In the execution of their functions, committee members must not favour any individuals, groups or organizations.

**Ward committee meetings**

(i) Committee members must strive to attend all ward committee meetings;

(ii) Committee members must submit a legitimate reason if they are unable to attend ward committee meetings

(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.

**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 reelection as a ward committee member or as a ward councilor 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.

|  |
| --- |
| **DECLARATION** |

Name of municipality……………………………………………………………………………

Ward Number…………………….....

I ...........................................................declarethat I have read the Code of Conduct for Members of Ward Committees 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.

Signature:……………………………

Date:………………………………….

**ANNEXURE C:**

**“NAME OF THE MUNICIPALITY” MUNICIPAL STAKEHOLDER REGISTER** **TEMPLATE**

**SAMPLE**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **MUNICIPAL SECTORS** | Ward 1 | Ward 2 | Ward 3 | Ward 4 | Ward 5 | Ward 6 | Ward 7 | Ward 8 | Ward 9 | Ward 10 |
| Youth seat | x | x | x | x | x | x | x | x | x | x |
| Women seat | x | x | x | x | x | x | x | x | x | x |
| Faith Based Seat | x |  |  | x |  |  | x |  |  | x |
| Sports and Recreation |  | x |  |  |  |  | x |  |  |  |
| Health and Social Dev. |  |  | x |  |  |  |  |  |  |  |
| Business Sector | x |  | x |  | x | x |  | x |  | x |
| Environment & Tourism; |  |  |  |  |  |  |  |  |  |  |
| Education |  |  |  |  | x |  |  |  |  |  |
| Senior citizens seat | x | x | x | x | x | x | x | x | x | x |
| Community safety forums |  | x |  |  |  |  | x |  |  |  |
| Community Based Organizations | x |  |  | x |  | x |  | x |  | x |
| Ratepayers’ associations |  |  | x |  |  |  |  |  |  |  |
| Traditional Institutions |  |  |  |  |  |  |  |  |  |  |
| Public Transport seat |  |  |  |  | x |  |  |  |  |  |
| Informal Traders’ Associations |  |  |  |  |  | x |  |  |  |  |
| Physically Challenged seat | x | x |  | x |  | x | x |  | x |  |
| Farm workers; |  |  | x |  |  |  |  |  |  |  |
| Employment | x | x |  |  | x |  |  |  |  |  |
| Civic Association |  |  |  |  |  |  | x |  |  |  |

**ANNEXURE D**

**PROCESS PLAN FOR WARD COMMITTEE ELECTIONS AND BI-ELECTIONS**

**LEGISLATIVE MANDATE**

* SA Constitution
* Municipal Structures Act 117, 1998
* Municipal Systems Act 32, 2000
* Local Government Laws Amendment Act, Act 19 of 2008
* Municipal Regulations No. 32626, 2009

**TERM OF OFFICE**

* Section 73(2) (b) members of a ward committee are elected for a term {determined by the Metro or Local Council} that corresponds with the term referred to in section 24 of act.
* Section 24 the term of municipal council is no more than five years as determined by the Minister by the notice in the Government Gazette. Calculated from the day following the day or dates set for the previous election of all Municipality councils in term of section (2)

**TRANSITIONAL ARRANGEMENTS**

**Expiry Date**

* A Ward Committee remains competent to function from the date on which the term expires until the date contemplated in regulation 2,
* Commencement Date (Reg. 2)
* The Term of Ward Committees as contemplated in section 24 of the Act commences on the day following the date set by the Minister for the 2011 local government elections

**SCREENING CRITERIA**

* A Registered Voter in a Ward
* Not be an employee of a Local municipality, Metro, District and or
* Local municipality within which the Local municipality is demarcated
* Not be in arrears to the Municipality for rates & service charges for a period longer than 3 months
* Not placed under curatorship
* Not declared as of unsound mind
* Be an active member of a sector represented

**ANNEXURE E**

**ELECTION PROCEDURE**

* Identification of interest groups
* A Council to decide on the type of the election process
	+ Majority show of hands
	+ Formal Ballot
* Only one election model must be applied by municipalities. This model must be based on sectoral representation, respectively.
* Identified sectors in the community nominate three candidates to contest for the elections
* The ward councilor to call a meeting in the ward for the election of a ward committee. Community to votes for a preferred candidate amongst the three nominated candidates per sector.
* A formal ballot process to be followed in wards where communities/structures are known to be highly politicised,
* The election process to be co-ordinated by the administrative division of the municipality with the consent of the municipal council.
* Proposed election procedures:
* The Public Participation Officer of the municipality in consultation with the councilor and the office of the speaker must coordinate the schedule of meetings for election purposes through the directive of the Municipal Manager;
* The ward councilor must submit to the office of the speaker the proposed date for a meeting to elect a ward committee in the ward;
* The office of the municipal manager must advise the Provincial CoGTA about the date and the election plan within 90 days after municipal elections;
* Meetings are a fair representation of all sectors identified by the municipality and prioritized for that particular ward although no quorum for the elections is required;
* An attendance register should be completed;
* All people taking part should be registered voters of that ward;

**ANNEXURE F**

**NOMINATION FORM**

**Notice for Ward Committee Nominations**

**SECTOR REPRESENTATION : ……………………………………………………………...**

Nomination Date………………………....Municipality………………………………………….

 Ward………………………………………………….

I………………………………………(Identity No……………………………………………...) being a member of an organization operating within the above-mentioned municipality and being a registered voter on the municipal voter’s roll, hereby nominate …………………………………………………

(Identity No…………………………………….) to contest in the above-mentioned ward as a ward committee member.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Place: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECONDERS:**

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ACCEPTANCE:**

I……………………………………… (Identity No. …………………………………..) do hereby accept the nomination to contest in the election of a ward committee member to represent my sector.

**ANNEXURE G**

**IMPLEMENTATION PROCESS**

|  |  |  |  |
| --- | --- | --- | --- |
| **Deliverable** | **Activity** | **Duration** | **Start-End Date** |
| Orientation Programme for New Councilors on WC Election Process | Presentation to Councilors on the election process | 2 hours | Post Council Inauguration |
| Adopted Municipal Policies  | Obtain Council Resolution | 1 day | First Council Sitting |
| Mobilized Communities | Awareness Campaigns on the establishment process & Screening Criteria | 1 Month | Post 1st Council Sitting |
| Nomination of Candidates by sectors  | All identified sectors to nominate three candidates to contest in the elections  | 2 Weeks  | Post 1st Council sitting |
| Election Process Plan / Schedule | Identify suitable venues and dates  | 2 days | Post 1st Council Sitting |
| Election Process & | Voting Screening ProcessResults DeclarationCompilation of Data Base  | 3 days | Post 1st council sitting  |

**ANNEXURE H**

**SKILLS DEVELOPMENT PROGRAMME**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| MODULE – SAQA ID 57823 | Unit Standard | No. of Credits | Days | NQF |
| Induction Programme on Ward Committee Structures, Constitution, Roles and responsibilities. | US 242896US 242892 | 106 | 4 | 2 |
| Community based planning  | US 14534 | 10 | 3 | 2 |
| Public Participation in Local Governance | US 113955US 123436US 242893 | 476 | 4 | 332 |
| Core Municipal processes | US 248895US 242890 | 108 | 5 | 23 |
| Project Management  | US 123462US 123464 | 410 | 3 | 3 |
| Communication, facilitation and conflict management | US 242891 | 10 | 3 | 2 |
| Community Diversity  | US 242894 | 6 | 1 | 3 |
| Meeting Procedures Reporting | US 13934 | 4 | 1 | 3 |

**ANNEXURE I:**

* Definitions :
	+ Functional : something that is able to fulfill its purpose or functions
	+ Functionality : measure to which the committees are able to fulfill their purpose

**Functionality Assessment indicators**

|  |  |
| --- | --- |
| **Indicator** | **Target** |
| **Number of ward committee meetings held** | 1 per month |
| **Number of meetings chaired by the ward councilor** | All meetings |
| **Percentage attendance** | 50% plus 1 |
| **Number of community meetings held** | 1 per month |
| **Number of sectoral reports submitted** | 10 per month |
| **Number of ward reports submitted to the municipality** | 1 per quarter |
|  |  |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| FUNCTIONALITY ASSESSMENT PROCESS |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |

**Evidence required on quarterly basis:**

* + - 1. Minutes and attendance registers of ward committee meetings held
			2. Minutes and attendance registers of community meetings held
			3. Sectoral reports submitted by ward committee members
			4. Ward report submitted by ward council.

**ANNEXURE K**

|  |
| --- |
| **STANDING AGENDA FOR FIRST WARD COMMITTEE MEETING** |

**NAME OF THE MUNICIPALITY**

**AGENDA FOR WARD COMMITTEE MEETING**

**DATE :**

**VENUE :**

**TIME :**

1. OPENING & WELCOMING REMARKS - Chairperson

2. APOLOGIES

3. CONFIRMATION OF AGENDA

4. INTRODUCTION OF A COMMUNITY DEVELOPMENT WORKER (CDW)

5. CONFIRMATION OF REPRESENTED SECTORS IN LINE WITH THE STAKEHOLDER REGISTER

7. DELIBERATIONS ON SUB-COMMITTEES

8. DISCUSSION OF DRAFT ANNUAL SCHEDULE OF MEETINGS

9. DISTRIBUTION OF RELEVANT DOCUMENTATION

8. GENERAL

9. DATE OF THE NEXT MEETING

10. CLOSURE