

# **BITOU LOCAL MUNICIPALITY**

30 May 2012

## **Addendum 2**

### **MAYORAL COMMITTEE AGENDA: 31 MAY 2012**

Alderman and Councillors  
Acting Municipal Manager & Heads (Acting) of Department

#### **ADDENDUM TO THE AGENDA OF THE MAYORAL COMMITTEE MEETING OF 31 MAY 2012**

Please note that the attached item as listed below has been added to the Mayoral Committee agenda for consideration at the meeting scheduled for 31 May 2012.

<b>SECTION 1: OFFICE OF THE MUNICIPAL MANAGER</b>			
<b>ITEM NO</b>	<b>SUBJECT</b>	<b>FILE REF</b>	<b>PAGE NO</b>
<b>C/3/33/05/12</b>	<b>POLICY FOR ESTABLISHMENT OF WARD COMMITTEES</b>	<b>3/2/2/2/2</b>	<b>Addendum 2 Page 1 - 13</b>

Yours faithfully



**M Booyesen**  
**The Executive Mayor**

Section 3: Corporate Services

ITEM C/3/33/03/12

Mayoral Committee for submission to Council

**POLICY FOR THE ESTABLISHMENT OF WARD COMMITTEES**

**Dept:** Corporate Services **Demarcation:** All Wards  
**File Ref:** 3/2/2/2/2  
**Attachments:** 1. Annexure A: Draft Policy for the Establishment of Ward Committees  
**Report by:** Acting Head Corporate Services  
**Date:** 28 May 2012

**Purpose of the report:**

To obtain a resolution from Council to adopt a Policy regarding the establishment process, elections, code of conduct, administrative support, etc of ward committees.

**Background**

Council, at its meeting on 30 March 2012 resolved as follows per Council resolution C/3/32 03 12:

1. *That all previous resolutions regarding the establishment of ward committees and remuneration of ward committee members be rescinded.*
2. *That six ward committee members be elected for wards 2 – 7, and 10 ward committee members be elected for ward 1.*
2. *That the qualifications for membership be in accordance with the establishment of sectors and be sector representative, subject to:*
  - a. *Being a Republic of South Africa citizen*
  - b. *Being a registered voter in the relevant ward*
  - c. *Must not be an un-rehabilitated insolvent*
  - d. *Must not be a Councillor or employee of Bitou Local Municipality*
  - e. *Must not be in arrears for more than 3 months on municipal taxes, levies and service charges without a formal arrangement to repay such arrears.*
  - f. *Must not be declared to be of unsound mind by a court of the RSA.*
  - g. *Must not have been sentenced to more than 12 months imprisonment without the option of a fine and have been released from jail less than 5*

### Section 3: Corporate Services

*years ago.*

3. *That the standard ordinary Ward Committee Meeting Agenda would be drawn up in accordance with the criteria and matters raised by the ward committee members.*
4. *That the appointment procedure of an acting Chairperson, in the absence of the relevant Ward Councillor, be determined.*
5. *That the stipend fee to cover Out-of-Pocket expenses of ward committee members will be R300 per ward committee member, per month. The qualifying criteria and the criteria for the payment thereof would be that at least one ordinary ward committee meeting will be attended every two months.*
6. *That a Policy be drafted in accordance with the resolution by Council on the establishment and implementation of Ward Committees for Bitou Local Municipality.*

***For Actioning refer to Council resolution”***

The Policy has now been drafted, and the criteria previously agreed upon has been incorporated into the draft policy.

For ease of reference, the criteria as outlined in the previous report to Council, under Item C/3/32/03/12, which was agreed upon, is again outlined below:

**The following criteria was agreed to:**

1. **Procedure to elect members (not more than 10) of the Ward Committees.**

It was proposed that six of the seven wards would each have six ward committee members, except for ward 1 (the 7<sup>th</sup>), which is demographically challenging, and would therefore have ten ward committee members.

It was further agreed that Bitou Local Municipality would adopt the system as proposed by the Provincial Framework on the Proposed Guidelines for the Province and Municipalities for the implementation of Ward Funding Model, which proposes that “*elected people should represent a diversity of interests in the ward and be equally representative of women, youth, developmental organizations, civic or rate payers associations, business (big and small) faith based, sport and culture organizations, etc*”, and that we should therefore create sectors in the Bitou Municipal Area, whereby representatives of such sectors would form the basis of each ward committee.

### Section 3: Corporate Services

The following categories of sectors have been provisionally identified:  
Youth, women, religious/ faith based organisations, sport, arts and culture, health & welfare, business, environment, education, senior citizens, the fishing industry, community safety, community based organizations, ratepayers associations, agricultural organizations, informal trader associations, the disabled, Tourism, transport and geographical representation.

Such sectors will then be invited to register on the municipal database. Representatives from the various sectors will be elected to serve on the ward committees as ward committee members in the various wards.

#### 2. Frequency of meetings of ward committees.

It was agreed that ward committees meet once every two months. Items for discussion will be ward based on matters raised by the various ward committee members. They will therefore no longer receive agendas for Mayoral Committee meetings for recommendation to the Mayoral Committee, but will still receive one agenda per ward, for information.

#### 3. Funding of Out-of-Pocket expenses for Ward Committee members:

It was agreed that each ward committee member will receive a monthly stipend of R300, to cover transport and telephone expenditure, conditional that they attend the standing ward committee meetings that will be held every 2<sup>nd</sup> month.

With seven wards, the cost for Bitou Local Municipality will amount to R300 x 46 members, which will total R13,800 per month, totaling R165,600 per year. The required funding has been provided for on the 2012 /2013 Annual Budget.

#### 4. Ward Committee Support

It was agreed that the PA's of the various HOD's will attend the meetings to supply the administrative and scribe functions. The Heads of Department and Managers will be deployed strategically at the various ward committees to provide answers to questions raised and to report back and account for the various projects and programmes.

#### Recommendation by the Acting Municipal Manager

1. That the Draft Policy on the Establishment of Ward Committee Members for the Bitou Local Municipality be adopted.
2. That the necessary advertisements be placed to invite Sectors to register on the municipal database, and to nominate representatives to be elected to serve on the respective ward committees.

**BITOU LOCAL MUNICIPALITY**  
**DRAFT POLICY ON THE ESTABLISHMENT OF WARD**  
**COMMITTEES**

**Principles**

**Purpose / Object**

**Election**

**Operation**

**Co-operation with other Ward Committees**

## ANNEXURE "A"

### A PRINCIPLES

1. That the financial implications of the establishment of ward committees be limited as far as possible in order to limit the operational costs of the Municipality.
2. That no extra staff be appointed because of the establishment of ward committees.
3. That in view of the purpose of ward committees and the establishment of the Bitou Local Municipal Advisory Forum (BLMAF) as set out further, no IDP Advisory Committees and Advisory Forums be established.
4. The ward committees and BLMAF will be regarded as the official liaison mechanism on all strategic municipal matters with the community.
5. That the meetings for the election of members of the ward committee and subsequent meetings of the ward committee be open to the general public.
6. The rules regarding ward committees may be revised at the request of a ward committee. If the Municipality is of the opinion that the revision may in any way affect other ward committees, it may refer the matter to the BLMAF for its recommendation.
7. The establishment and operation of a ward committee must be in accordance with sections 72 to 78 of the Local Government: Municipal Structures Act, 1998.
8. Where any question arises regarding the interpretation of this document or any matter not provided for in this document and such authority is not given to the Chairperson of the ward committee, such decision will be taken by the Executive Mayor or in his / her absence the Speaker. Such decision will be final.
9. Ward Committee members, excluding Councillors, must be reimbursed for out of pocket expenses incurred in the execution of their duties as ward committee members in terms of the National Framework: Criteria for Determining out Of Pocket Expenses for Ward Committee Members, 2009 and proposed Provincial Funding Model for out of pocket expenses for ward participatory structures in the Western Cape. **Council determined** *"That the stipend fee to cover Out-of-Pocket expenses of ward committee members will be R300 per ward committee member, per month. The qualifying criteria and the criteria for the payment thereof would be that at least one ordinary ward committee meeting will be attended every two months."* Refer to **Clause D18** for conditions for the remuneration of out of pocket expenses

## ANNEXURE "A"

### **B PURPOSE / OBJECT**

A ward committee will enhance participatory democracy at local government in the following ways:

1. It will be the official consultative body in that ward for
  - participating in the preparation, implementation and review of the Integrated Development Plan (IDP)
  - participating in the preparation of the budget
  - participating in strategic decisions of the municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.
2. It will be the official body with which the Ward Councillor will liaise regarding any matter affecting the ward and more specifically items on the agenda of the municipality affecting that ward in particular.
3. The Ward Councillor must give regular feedback at ward committee meetings on council matters as required in the Code of Conduct for Councillors.
4. It will be the official body which will receive representations from the community regarding municipal matters in the ward.
5. The ward committee will elect 2 representatives to serve on the Bitou Local Municipal Advisory (BLMAF) to represent the ward's viewpoint and to participate when consulted by the Municipality on matters affecting the Bitou Local Municipal area in general. Such representatives must be elected to be as representative as possible with regard to gender, interests, areas and race. The ward committee should endeavor to reach consensus on its representation at BLMAF. If this is not possible, the basis must be determined by the Chairperson, taking cognizance of the debate in the ward committee in this regard.
6. The above must not be interpreted to mean that a Ward Councillor or the municipality must always liaise with the ward committee before a decision is taken. A Ward Councillor may not be instructed by a ward committee on how to vote on any matter which serves before the municipality

## C. PROCEDURE FOR ELECTION

1. The municipal manager, or a person delegated by him, will call a meeting(s) in each ward after advertising in the local media and giving notice to organisations to register on the municipal database and to nominate persons to serve on the ward committees.
2. The Ward Councillor will chair the meeting of the Ward Committee. In the absence of the Ward Councillor at an official Ward Committee meeting a Proportional Councillor must act as chairperson upon request by the particular Ward Councillor or upon instructions by the Speaker (if no arrangement was made by the particular Ward Councillor).
3. Unless a lesser number is determined by the meeting, six (6) people, (but ten (10) people in ward 1) and or organisations / bodies (*which are deemed to be inter alia Community Based Organisations and Non-governmental industries*) must be elected on the following basis as such meeting.
  - 3.1 The meeting can decide to allow a minimum of 20% and a maximum of 80% representation through organisations or bodies to be represented in the ward committee. The representative of an organization / body must provide a copy of the constitution of the particular organization / body to the municipal administration, in order for the organization to be represented on the Ward Committee, such constitution to be submitted simultaneously with the nomination process.
  - 3.2 The difference between the number of organisations / bodies agreed to in Clause 3.1 and the maximum number (6, or 10 in the case of ward 1) is to be elected from individuals nominated to serve in the committee.
  - 3.3 The meeting must decide on which organizations / bodies to nominate and serve on the committee. Political parties or their branches may not be elected to serve on the ward committee.
  - 3.4 Voting for members of a ward committee will take place by secret ballot, on pro-forma ballot papers prepared by the municipal administration.
  - 3.5 Before voting, an organization / body must nominate a person who will represent it on the committee.
  - 3.6 Within 14 days after the meeting an organization / body elected to serve on the committee must hand in a list of people in order of



preference who will represent that organization / body on the committee if the nominated person is no longer a member of the ward committee or that organization / body.

- 3.7 All nominated persons must be eligible in accordance with Clause 5 to serve on the committee and will be subject to rules regarding the conduct of members.
- 3.8 If an organization / body is represented on the committee, no other member of the executive of that organization is eligible to be elected as an individual ward committee member, but the person may be nominated to represent another organization / body. "Executive" means, for the purpose of this paragraph, a person elected to be co-opted to manage the affairs of that organization.
- 3.9 The list referred to in 3.6 may be revised by the organization / body by written notice to the Municipal Manager.
- 3.10 If a ward requires less than 6 representatives, it may so decide whereafter the proportion in 3.1 may be suitably amended.
- 3.11 If more nominations are received than vacancies on the committee, the meeting will by majority vote decide which organisations / bodies and individuals will serve on the committee.
- 3.12 In the nomination and election of members of a ward committee the meeting must endeavor that:-
  - Women are equitably represented in that ward committee and
  - A diversity of interests are represented in that ward committee

If after an election it is found that women or interests are not adequately represented, the Chairperson may declare up to two candidates who received the least number of votes and who are not from these groups as not having been elected. Candidates representing these under-represented groups who received lesser votes may then be declared elected. Alternatively the Chairperson may call for nominations from these groups. If more nominations are received than vacancies an election will be held in terms of these rules.

- 3.13 A member vacates office during a committee's term of office if that member:-
- Resigns in writing
  - No longer qualifies
  - Is removed from office
  - Dies
  - Is indebted to the municipality for more than 3 (three) calendars month and where no agreement was entered into for payment of mentioned debt
  - Is no longer capable to perform the duties attached to the office by majority decision of all members of the committee
  - Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine
  - Represents an organization or body which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted via the Ward Councillor to the administration.
  - Represents an organization or body which fails to provide minutes of at least three meetings per annum. Minutes must be submitted via the Ward Councillor to the administration.
- 3.14 If a member of a ward committee who was elected in terms of 3.11 resigns or is no longer a member, the person who or organization which received the next highest number of votes at the election will become a member. Alternatively the ward committee may decide to fill the vacancy in terms of the process set out in this chapter after notice in the local press to this effect.
- 3.15 The Chairperson of the meeting must announce the total votes cast for organizational representatives and individual representatives at the meeting and such results must be recorded in the minutes of the meeting.
- 3.16 If the same number of votes is cast during any election the result will be determined by way of lot.
- 3.17 Any person nominated on behalf of an organization / body or as an individual must indicate his / her acceptance of such nomination.
- 3.18 An employee of the municipality designated by the Municipal Manager will be election officer at the meeting.
- 3.19 The Chairperson, whose decision will be final, will decide on any questions of order during the meeting.

- 3.20 If a person or organization makes any misrepresentation regarding eligibility as a candidate at a meeting, such person or organization shall be disqualified to serve as a member for the term of the committee.
4. Only people who are registered voters in that ward may vote at the meeting for the election of ward committee members. Voters will have one vote for organisations / bodies and one vote for an individual representative.
  5. Any citizen is qualified to stand for election or to serve in a ward committee, unless:-
    - he or she is not registered as a voter in that ward;
    - he or she is a member of a Municipal Council;
    - he or she is a permanent or contracted employee of a Municipality; or
    - he or she is indebted to the municipality for more than 3 calendar months
  6. The term of office of a ward committee coincides with the term of office of the Council.

#### **D. OPERATION**

1. The Ward Councillor will chair the meeting. In the absence of the Ward Councillor at an official Ward Committee meeting a Proportional Councillor must act as chairperson upon request by the particular Ward Councillor or upon instruction by the Speaker (if no arrangement was made by the particular Ward Councillor).
2. A ward committee must meet at least monthly, except for period(s) when Council is in recess.
3. A quorum of a committee consists of at least more than 50% of members.
4. All meetings of the committee must be open to the public.
5. A member of the public who is not a member of the committee may address a committee with the permission of the Chairperson.
6. The timeframes for meetings must not exceed the following number of hours, namely:
  - Quarterly public announced meetings: 3 hours (for purpose of report back)
  - Other meetings: 2 hours

7. A committee may establish task teams to perform specific task(s) on behalf of the committee, e.g. investigations within the ward.
8. The Code of Conduct for councilors, as prescribed by law, will be applicable to members of the committee except where it may be inappropriate.
- 9.(1) If a member of the Committee or member of the public –
  - (a) Misconducts himself or herself, or
  - (b) Behaves in an unseemly manner, or
  - (c) Obstructs the business of a meeting, or
  - (d) Challenges the ruling of the Chairperson on any point or order or ruling, or
  - (e) Declines to withdraw any expression when required to do so by the Chairperson, or
  - (f) Indulges in tedious repetition, uses unbecoming language or makes remarks which are of a defamatory nature, or
  - (g) Commits any breach of these rules,
  - (2) the Chairperson shall direct such member of the Committee or member of the public to conduct himself or herself properly and, if speaking, to discontinue his or her speech.
  - (3) in the event of a disregard of the directions of the Chairperson, the Chairperson may direct such member of the Committee or member of the public to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from there.
10. An employee and councilor of the municipality must be present at a meeting of a committee before it can be constituted.
11. If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the ward, such member must recuse himself / herself from such discussion.
12. If a member has a direct or indirect personal interest in a matter serving before a committee, unless that interest is the same as any other person in the ward, such person shall recuse himself / herself from such discussion.
13. If the Ward Councillor must recuse himself / herself from discussion of an item at the committee, he / she must arrange with another person to chair the meeting during such recusal.
14. Any councilor of the Bitou Local Municipality may attend meetings of a ward committee.

15. No items from the agenda of the political structures of the municipality marked confidential by the Municipal Manager may be discussed at a ward committee meeting.
16. Any member who is absent without an acceptable reason from three meetings of the committee during its term of office will be replaced in terms of the rules for the filling of vacancies.
17. Any member who is absent, irrespective of any apology tendered, from 6 meetings of the committee during its term of office will be replaced in terms of the rules for the filling of vacancies.
- 18.(1) The ward committee members will be obliged to:
  - (a) Attend formal scheduled ward committee meetings (per Council's meeting cycle) and to be present for the duration of such meeting. All ward committee members must reside within the boundaries of the respective demarcated wards where they are elected.
  - (b) Attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes.
  - (c) Attend and / or participate in other official forums (i.e. Bitou Local Municipal Advisory Forum, etc.) and from other spheres of government and to be present for the duration of such meetings
- 18.(2) Other transport arrangement will be applicable if the meeting venue is outside the Bitou Local Municipal boundaries, i.e. municipal transport or compensation for use of a private vehicle at the rates applicable to councilors.
19. Elected ward committee members (excluding Councillors) will be reimbursed for out of pocket expenses as per the following guidelines namely:
  - (a) That the reimbursement amount will be paid to the ward committee members in person and not to the organization that he / she represents.
  - (b) *That the stipend fee to cover Out-of-Pocket expenses of ward committee members will be as determined by Council, R300 per ward committee member, per month. The qualifying criteria and the criteria for the payment thereof would be that at least one ordinary ward committee meeting will be attended every two months.*

- (c) That secundeers for representatives of organisations will be reimbursed for attendance in the absence of the first / second nominated representatives at a particular, official ward committee meeting.
- (d) That reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant ward committee member(s).
- (e) That ward committee members may elect not to be reimbursed.

**E. CO-OPERATION WITH OTHER WARDS / BITOU LOCAL MUNICIPAL ADVISORY FORUM (BLMAF)**

1. A body representing civic society and interest groups serving the entire Bitou Local Municipality is hereby created and called the Bitou Local Municipal Advisory Forum (BLMAF).
2. Two representatives from each ward committee, taking into account representatives as set out in C 3.12 must be elected at the first meeting of the ward committee to represent the committee on BLMAF in terms of paragraph B5.
3. Bodies representing civic societies and interest groups serving the entire Bitou Local Municipality must apply for membership of BLMAF on the prescribed form. Such application shall be dealt with by the Executive Mayor.
4. BLMAF must meet as often it may deem to be necessary, but at least twice a year.
5. The draft, reviewed or amended Integrated Development Plan as well as the budget of the municipality must be discussed at a meeting of BLMAF.
6. BLMAF will be chaired by the Mayor and Deputy Mayor and will consist of the representatives of all wards mentioned in 2, all councilors of the municipality and organisations which represent Bitou Local Municipality's wide interests and approved as such by BLMAF.
7. BLMAF will be official body with which the Municipality will liaise regarding matters affecting the entire Bitou Local Municipal area.