Winnie Madikizela-Mandela, South Africa

Ward Committees By-law, 2017

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South Africa

Ward Committees By-law, 2017

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The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) the By-Laws Relating to Ward Committees which shall come into operation on the date of publication thereof.

1. Definition

Any word or phrase in this notice shall have the same meaning assigned to it in the Local Government: Municipal Structures Act, Act 117 of 1998.

2. Preamble

AND WHEREAS the Municipal Structures Act, No. 117 of 1998, was enacted by parliament of the Republic of South Africa on the 18th December 1998 to provide for the establishment of Municipalities in accordance with the requirements relating to categories and types of Municipalities, to establish criteria for determining the category of Municipalities to be established in an area, to define the types of Municipalities that may be established in an area, to define the types of Municipalities that may be established within each category, to provide for appropriate electoral systems, and to provide for matters connected therewith.

AND WHEREAS the aforementioned Act makes provision for the establishment of Ward Committees.

AND WHEREAS the Mbizana Municipality is obliged, in terms of its founding proclamation promulgated in terms of Section 12 of the aforementioned Act to establish Ward Committees in all its Wards.

This notice shall serve as an Establishment Notice for Ward Committees in the Mbizana Local Municipality.

3. Provisions of the Act

This notice is published pursuant to the provision of Section 72 (1) of the Local Government: Structures Act, 1998 which provides that only metropolitan and Local Municipalities of the types mentioned in Section 8 (c), (d), (g) and 9 (b), (d) and (f) of the Act may have Ward Committees, the object of which is to enhance participatory democracy in local government

4. Establishment Notice

4.1 To provide for the establishment of _____ Wards, from Ward 1 to ___ within the Municipality of Mbizana.

4.2 The established Ward Committees will serve as legally constituted, specialist consultative bodies within each ward in the Municipality of Mbizana.

5. Functions and powers of ward committees

The functions and powers of Ward Committees shall be as follows:

5.1 Subject to the provisions of Section 74 of Local Government: Municipal Structures Act, 1998, Ward Committees may make recommendation on any matter including but not limited to matters identified in Section 156 of the Constitution affecting their wards:

5.1.1 to their respective Ward Councillors;

5.1.2 through their respective Ward Councillors to the Council of the municipality or any duly authorised Committee or office bearer thereof.

5.2 To encourage and promote the Masakhane campaign in their Wards.

5.3 To deliminate and chair zonal meetings.

5.4 To co-ordinate the work of community development forums.

5.5 To create a functional communication channel and co-operative partnership between the Municipality and the community within their Wards.

5.6 To ensure contact between the Municipality and community through the use of ward residents' and zonal meetings.

5.7 To encourage and recommend best measures for the improvement of municipal services and the payment of service charges.

5.8 To educate residents about municipal property in Wards.

5.9 To create harmonious relationships between residents of a Ward, Ward Councillors, geographic communities and the Municipality.

5.10 To facilitate public participation in the process of drafting Integrated Development Plans and the Land Development Objectives of the Municipality.

5.11 To act as advisory bodies on the implementation of Council policies affecting Wards.

5.12 To serve as official specialised participatory structures of the Municipality.

5.13 To receive and record complaints from communities within Wards and provide feedback on Council's responses thereto.

5.14 To execute such other functions as may be delegated to them by the Municipality from time to time in terms of Section 32 (1) (a) (iv) of the Local Government: Municipal Structures Act, 1998 with the object of enhancing participatory democracy in the municipality.

6. Functions of the Municipality

The Council of the Municipality:

6.1 Shall make administrative arrangements including the provision of a secretariat or secretariats where necessary to enable Ward Committees to perform their functions and exercise their powers efficiently and effectively.

6.2 Will be politically and administratively accountable through the Mayor for the smooth functioning of Ward Committees in conjunction with Ward Councillor and the secretariat of such Committees.

6.3 Will assist a Ward Committee secretariat or secretariats with meeting venues and other logistics as may be required from time to time.

6.4 Will provide members of Ward Committees and a Ward Committee secretariat or secretariats with adequate stationery and office equipment to enable them to perform their duties efficiently and effectively and to ensure proper minute and record keeping.

6.5 Will be responsible for the administration of elections and by-elections for members of Ward Committees.

7. Application of rules

In terms of Section 73 (3) (a) of the Local Government: Municipal Structures Act, the Municipality must make rules regulating the procedure to elect members of a Ward Committee taking into account the need-

- for women to be equitably represented in a Ward Committee; and

- for a diversity of interests in a Ward to be represented on a Ward Committee-

and to this end-

7.1 The Council shall, by resolution, but subject to Clause 8 and after consultation with Ward Councillors determine the interest groups who qualify for representation in Ward Committees.

7.1 The Ward Councillor after discussion with the Mayor, Municipal Manager and the official responsible for Ward Committees, shall cause to be published a notice in the local press calling upon various interest groups recognised by the Council in Wards to forward their nominations for members of Ward Committees to the Municipal Manager on the prescribed form within a period of fourteen days from the date of first publication of the notice.

7.2 Within 21 days after expiry of the period referred to in Clause 7.1, the Ward Councillor shall call a general meeting of all residents registered as voters in a Ward for which he or she has been elected for the purpose of electing by majority vote of all such registered voters present at such meeting, the nominees who will represent the various interest groups in Ward Committees.

7.3 An elected nominee shall confirm his/her availability to serve in a Ward Committee by signing an approved acceptance of form.

7.4 The Ward Councillor shall preside over the meeting referred to in Clause 7.2 above.

7.5 Upon being elected a Member of a Ward Committee, each member shall be given a copy of the Code of Conduct for Councillors contained in Schedule 1 of the Municipal Systems Act 2000 and shall sign a declaration to the effect that he understands its contents and agrees to be bound by its provisions.

8. Composition of Ward Committees

8.1 Representation on Ward Committees shall not be according to party political affiliation and shall include religious, youth, civic, education, sport, culture, business, welfare and women's organisations.

8.2 In areas where there are many similar interest groups, a need may exist to cluster them in order to ensure the broadest representation in Ward Committees.

8.3 Ward Committees may form sub-committees in accordance with the Committees of Council or as their local circumstances may require.

9. Meeting Procedures

9.1 The members of the Ward Committee shall meet at least once per quarter and shall report details of their activities and their recommendations on matters referred to them to the Municipal Manager through their Ward Councillor at least quarterly or when required by the Municipal Manager.

9.2 A Ward Councillor shall chair meetings of the Ward Committee for which he or she is responsible.

9.3 In the event where a Ward Councillor is not available to chair a meeting of a Ward Committee, the Committee shall nominate from amongst its members an interim chairperson for the particular meeting.

9.4 The Ward Committees shall elect its secretary from among its members and such secretary shall keep records of documents, agenda and minutes, consult with the Ward Councillor, call Ward Committee and Ward Residents' meetings provided that the Council may, itself, provide secretarial services to Ward Committees.

9.5 A member who is absent from three consecutive meetings without first obtaining leave of absence from a Ward Committee shall be disqualified as a member thereof.

9.6 The Order of business at and quorum for meetings of Ward Committees shall be as follows:

(a) Opening.

(b) Applications for leave of absence.

(c) Minutes of the previous meeting.

(d) Reports of the members.

(e) Reports of the chairperson.

(f) Reports of the Municipal Manager

(g) Future course of action.

(h) Date of next meeting.

(i) Closure

9.7 All decisions of Ward Committee shall be adopted by a majority vote of the members present.

9.8 The quorum for a meeting a Ward Committee shall be a majority of its members. The Chairperson of a Committee shall not, however, be regarded as a member of a Ward Committee for the purpose of determining a quorum.

9.9 All matters requiring a decision or recommendation from a Ward Committee will be referred to the Secretariat thereof in writing by the Municipal Manager or his/her nominee.

9.10 Meetings of Ward Committees shall, with the necessary adjustments, be conducted in accordance with the Standing Rules of Order adopted by the Council.

10. Term of Office of Members

10.1 The term of office of a member of a Ward Committee shall be a period of two years.

10.2 The Council may after consultation with community organisations and interest groups represented in Ward Committee, extend the period of office of Ward Committees for such period as the Council may determine, provided that such period shall not exceed the period of office of the Council itself.

11. Vacancies

11.1 A vacancy in a Ward Committee shall arise if a member thereof:

11.1.1 Dies.

11.1.2 Is dismissed in accordance with the resolution of the Ward Committee or by the Mayor in consultation with the Ward Councillor on the grounds that such member has contravened the Code of Conduct for Councillors contained in Schedule 1 of the Municipal Systems Act 2000 provided that, before dismissing a member of a Ward Committee in terms of this Clause, a fair hearing complying with the rules of natural justice shall be held in connection with the alleged misconduct.

11.1.3 Ceases to be a member of the organisation he/she represents.

11.1.4 Is insolvent or declared mentally incompetent.

11.1.5 Fails to attend three (3) consecutive meetings of a Ward Committee or any sub-committee of which he may be member.

11.1.6 Resigns.

11.1.7 Is no longer a resident of a particular Ward, the interests of which he or she was nominated to serve.

11.1.8 Is elected/nominated as a Councillor.

11.2 Whenever a vacancy in the Ward Committee arises, the Secretary of the relevant Ward Committee shall report the circumstances thereof to the relevant Ward Committee which shall, through its Chairperson report same to the Mayor.

11.3 If a vacancy arises in the Committee, a by-election shall be held to fill such vacancy and the procedures referred to in Section 7 shall be followed with regard to the filling of such vacancy.

12. Dissolution

12.1 A Ward Committee may be dissolved by the Council under the following circumstances:

12.1.1 When the Ward Councillor for the responsible ward dies or is disqualified in terms of any law to be a Councillor.

12.1.2 When it has exceeded its authority or acted ultra vires its functions and powers.

12.1.3 When it seeks to prescribe to a Ward Councillor how to perform his or her functions.

12.1.4 When it fails to meet three (3) consecutive times.

12.1.5 When members thereof decide to dissolve.

12.1.6 When there are, on reasonable grounds, allegations of misrepresentation, corruption, and dishonesty against a Ward Committee which, if proven, will bring the Municipality in disrepute or is likely to bring the Municipality into disrepute and the Council decides, upon the recommendation of the Mayor and after consultation with the Ward Councillor, that it would be in the interests of the Council to dissolve such Committee.

13. Remuneration

13.1 Subject to national legislation, no remuneration is payable to members of Ward Committee for the attendance by them of meeting of Ward Committees.

13.2 The council may reimburse members of Ward Committees for travel costs and other out-of-pocket expenses incurred by them in connection with the performance of their duties and obligations provided that proof of such expenditure is submitted to the satisfaction of the Council.

14. Overall responsibility for Ward Committees

14.1 The Mayor shall be responsible for the overall functioning of Ward Committees and shall at least once per quarter hold a meeting with all Ward Councillors in order to discuss matters of common concern affecting Wards and the problems being experienced by Ward Committees.

14.2 The Mayor shall on a 6 monthly basis submit a written report to the Council on the activities of Ward Committees, the general matters being considered by them, their recommendations concerning Council policies, any problems they are experiencing, recommendations to resolve such problems and any other incidental matters.