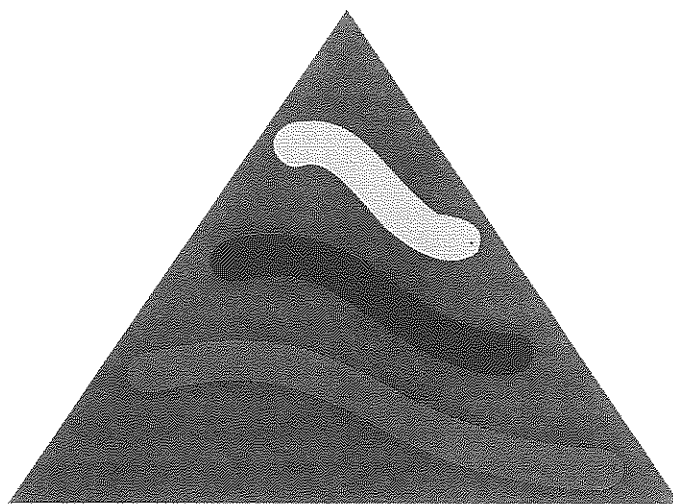


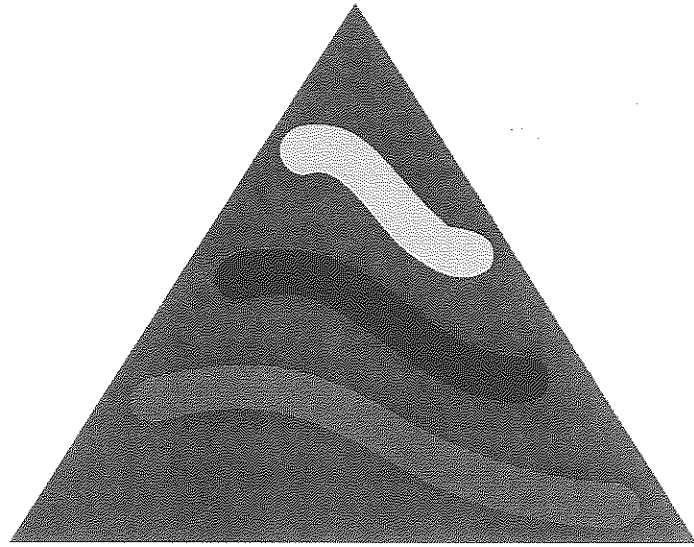
OFFICE OF THE SPEAKER



EMFULENI **LOCAL MUNICIPALITY**

Vaal River City, the Cradle of Human Rights

POLICY ON THE OUT-OF-POCKET EXPENSES FOR WARD COMMITTEE'S



EMFULENI
LOCAL MUNICIPALITY

Vaal River City, the Cradle of Human Rights

WARD COMMITTEE POLICY

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1. INTRODUCTION

- 1.1 Community Participation is an essential part of effective and accountable governance at local government level. The Constitution of the Republic of South Africa, 1996 (Constitution) requires municipalities to encourage the involvement of the community members and community organization in the matters of local government.
- 1.2 Accordingly, the municipality adopts this policy based on the principles of good governance and community participation as contained in, *inter alia*, the Consitution, Chapter 4 of the Local Government:Municipal Systems Act(Systems Act) and the White Paper on Local Government which affirms the role of developmental local government that is committed in ensuring that citizens participate meaningfully in finding sustainable ways to meet their social and economic needs.
- 1.3 The municipality shall therefore provide appropriate systems and support for ward committees in accordance with Section 17(2) of the Systems Act, which stipulates that a municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality.

2. THE PURPOSE

The purpose of this policy is to:

- 2.1 give meaning to national and provincial legislative framework on public participation and to provide an institutional framework for such participation within the broader structure of the Municipality;
- 2.2 to standardize the operation of Wad Committees and oversee all issues which guide the internal functions and funding of the Municipality;and
- 2.3 to make sure the Municipality adheres to National Framework and Provincial Policy Guidelines of the Funding Model for Ward Committees.

3. DEFINITIONS

In this policy, unless the context otherwise indicates-

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“Community” mean residents of a ward;

“Municipal council” means Emfuleni Local Municipal Council which is a municipal council as referred to in section 157 (1) of the Constitution, 1996;

“Municipality” means the Emfuleni Local Municipality;

“Municipal Manager” means the person appointed by the municipality council as the municipal manager of the Municipality who is the Head of administration and accounting officer and who is appointed in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

“Portfolio” means portfolio which represents the needs of the community in relation to the function of the municipality;

“PR Councilor” means a proportional representative municipal councilor elected in terms of section 22(a) of the Local Government: Municipal Structures Act to represent a party in the council of the municipality;

“Speaker” means a councilor elected in terms of section 36 of the Local Government: Municipal Structures Act 117 of 1998 to be Chairperson of a Municipal Council as envisaged in section 160(1) (b) of the Constitution;

“Structures Act” means the Local Government: Municipal Structures Act, Act 118 of 1998, as amended;

“Systems Act” means the Local Government: Municipal Systems Act, Act 32 of 2000, as amended;

“Ward Councilor” means a Municipal Councilor elected in terms of section 22(1) of the Local Government: Municipal Structures Act;

“Ward Committee” means a ward committee established in terms of section 73 of the Local Government: Municipal Structures Act.

4. LEGISLATIVE FRAMEWORK

Ward Committees are regulated in terms of the following legislative framework;

- (a) The Constitution of the Republic of South Africa, 1996.
- (b) The Local Government : Municipal Structures Act 117 of 1998

- (c) The Local Government: Municipal Systems Act, 32 of 2000
- (d) The Local Government: Municipal Finance Management Act 56 of 2003
- (e) The Promotion of Access to Information Act 2 of 2000
- (f) The White Paper on Local Government, 1998
- (g) The Guidelines for the establishment and Operation of Municipal Ward Committees as gazetted on 24 June 2005
- (h) Regulations in terms of Section 75(2) of the Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998 as amended in 2008)
- (i) The National Framework: Guidelines for Provinces and Municipalities in the implementation of the Funding Model
- (j) The National Framework and Provincial Policy Guidelines on Funding Model: Criteria for determining Out of Pocket Expenses for Ward Committee Members (Notice 973 of 8 October 2009)
- (k) Any relevant legislation

5.Roles and Responsibilities of Ward Committees

The Roles and Responsibilities of Ward Committees are:-

5.1 To create formal unbiased communication channels and co-operative partnerships between the Municipality and the community within the Municipality

5.2 To create harmonious relationship between the community , the ward councillor and the Municipality through the use and co-ordination of ward residents meetings and other communication forum;

5.3 To facilitate public participation in the process of development, review, implimentation and management of the Intergrated Development Planning of the Municipality;

5.4 To serve as an officially recognised and specialised participatory structure in the Municipality;

5.5 To make sure the community participates fully in the decisions that affects them at local level;

5.6 To ensure contact between the Municipality and the community through the use of, and payment of services;

5.7 To receive and record complaints from the community within the ward and to provide feedback to the community on council's response.

5.8 To execute other functions as delegated by the Municipality, and

5.9 Ward committee members shall participate in the stakeholder cluster forums.

6. STATUS OF THE WARD COMMITTEE

A ward committee is:

6.1 an advisory body;

6.2 a representative structure;

6.3 an independent political committee of the community in a ward; and

6.4 Must be impartial and perform its functions without fear, favour or prejudice.

7. COMPOSITION OF WARD COMMITTEES

7.1 A ward committee comprises of:

(a) The Ward Councillor who is the Chairperson of the Ward Committee in terms of Section 73(2) (a) of the Structures Act and

(b) not more than Ten (10) other persons who represent portfolios and interests in the ward which may include structures and interest groups.

7.2 The members of a ward committee referred to in 7.1 (b) shall be elected taking into account the need for women to be equitably represented in a ward committee.

8. ELECTION CRITERIA

To be eligible for election as a ward committee members a person must:

8.1 Be registered as a voter on the voters roll of the ward for which he or she is nominated;

8.2 Not be a member of the Council;

8.3 Not be an employee of the Municipality or Sedibeng District Municipality;

8.4 Not be in arrears to the municipality rates and service charges for a period longer than three months;

8.5 Not be unrehabilitated insolvent;

- 8.6 Not been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of less than 12 months;
- 8.7 Be an active member of the ward, motivated to work in the ward committee and committed to creating better life for the community.

9. NOMINATION OF CANDIDATES

The local community in the Municipality shall be entitled to nominate eligible persons to represent portfolio on the ward committee and diversity of interests in the ward.

10. CALLS FOR NOMINATIONS

- 10.1 Nominations will be called for a period of one month prior the actual election process.
- 10.2 Ward Councillors shall call Public Meetings within their respective wards to explain the election process
- 10.3 The Speaker shall introduce the election process to the community through print media, radio, notice boards and media briefing with all relevant stakeholders

11. NOMINATION PROCEDURE

- 11.1 Two weeks after media briefing, the office of the Speaker will post and make available nomination forms at all municipal building.
- 11.2 Nominees shall be nominated on the official nomination forms.
- 11.3 The nomination form shall be;
 - (a) signed by the candidate in acceptance of his or her nomination; and
 - (b) signed by a nominator and seconder from the ward.
- 11.4 Nominations shall be submitted at the Office of the Speaker to a Ward Committee Co-ordinators delegated to receive the nomination forms before closing date specified in the call for nominations.
- 11.5 Should a nominee who is elected to serve on the ward committee vacate his/her position or no longer be eligible to serve on the ward committee the procedure as set out under filling of vacancies shall apply.

12. REJECTION OF NOMINATIONS

- 12.1 The Speaker or an official delegated by the Speaker to reject any nomination that does not comply shall do so without fail.

12.2 Any person whose nomination is rejected shall not be allowed to stand or be elected as a member of the ward committee.

13. ELECTION OF WARD COMMITTEES

The election of ward committee members shall take place in the following manner:

13.1 Ward committee election meeting

- (a) A Ward Councillor shall in co-operation with the Speaker convene a ward committee election meeting for the ward.
- (b) Notices of the Ward Committee elections meetings shall be given at least 7 days prior to the election.
- (c) Notice of Ward Committee elections meetings shall be done as comprehensively as possible with due cognisance of the communication preferences of the ward to ensure optimal participation, and shall include the following mechanism:
 - (i) notices in local press;
 - (ii) notice to residents;
 - (iii) notices on all municipal notice boards; and
 - (iv) loudhailing
- (d) The Speaker or an official delegated to do so shall preside over the election process with the help of IEC official and community development worker, and ward councillor and PR councillor standing as observers.
- (e) No quorum is required at a ward committee election meeting, but the ward councillor must ensure that the meeting is well attended.
- (f) Only registered voters on the voters roll may vote at a ward committee election meeting.
- (g) Attendance registers must be completed for ward committee election meeting.

14. ELECTION PROCEDURES

- 14.1 Elected members shall be responsible of portfolio and diversity of interests in the wards
- 14.2 A maximum of 10 portfolios can be represented on a ward committee.
- 14.3 Where there are more than one portfolio with eligible nominees, community will vote by show of hand and a candidate with more votes shall be responsible for the portfolio.

14.4 In a case of equal number of votes, preference shall be given to a female nominee, unless both nominees are male or female in which case, the chairperson shall have a casting vote.

14.5 Voting shall ordinarily be done by show of hands .

15. TERM OF WARD COMMITTEES

15.1 The term of office of Ward Committee members shall correspond with the term of office of the Municipal Council and shall terminate on the day preceding the date of the following municipal elections.

15.2 A ward committee member shall cease to be a member of the ward committee if that member;

- (a) resigns in writing;
- (b) moves to another ward;
- (c) dies;
- (d) becomes ineligible to serve as a Ward Committee member; or
- (e) is removed from the office by the council.

15.3 The council shall remove a Ward Committee Member from office by a resolution if such a member;

- (a) has been absent without leave of the ward committee for three or more consecutive meetings;
- (b) is proven to be involved in any form of corruption or criminal activity;
- (c) fails to adhere to meeting procedures or misconducts him/her self during meetings;
- (d) fails to submit priorities as mandated by portfolio members;
- (e) becomes involved in activities that undermines the council or ward councillors authority;
- (f) contravenes the code of conduct for ward committee members.

16. FILLING OF VACANCY

When a vacancy occurs, nominations shall be called for the vacant position, the election will be followed as mentioned in section 13 above.

17. POWERS OF WARD COMMITTEES

- 17.1 Ward Committees have the power to make recommendations to their respective ward councillors and Municipal Council through the ward councillor on any matter affecting their wards.
- 17.2 The Municipal Council may delegate additional powers to ward committees in terms of Section 59 of the Systems Act.

18. THE ROLE OF THE MUNICIPALITY

18.1 Ward committee support

The Municipality shall:

- a) Provide induction for ward committees on roles and responsibilities of ward committee members subsequent to elections;
- b) Provide ongoing training in various portfolios of management in order to assist ward committee members in performing their duties effectively;
- c) Provide relevant information to Ward Committees on an ongoing basis in order to assist them in the implementation of their responsibilities such as relevant legislations, National Guidelines and Council Policies;
- d) Provide resources within the municipality like venues for meetings, office space, stationery, publications, telecommunication systems and other various equipments when needed;
- e) the Municipality may set up public participation team internally that would facilitate easy liaison with the Ward Committee members outside the council for easy flow of information, reduced turnaround times, easy access to needed resources, easier access to public meetings from time to time and tracking and monitoring registered public concerns.

19.1. Ward Based Funding and Budgeting

The Municipality shall provide the following forms of ward committee support:-

- a) Technical support
 - (i) Municipal Staff dedicated to ward committee
 - (ii) Provision of stationery for monthly meeting, induction and training of ward committees
 - (iii) Community research surveys, translation and key documents and the provision of venues for ward committee meetings

b) Communication Plan

- (i) Provision of assistance with 'Know-your-ward committee' campaigns,
- (ii) Provisions for identity cards for ward committees, and
- (iii) Engaging community radio stations, broadcasting, publishing and dissemination of fliers

20. BUDGET

20.1. Administrative Arrangements, Funding and reimbursement.

- a) The Municipality shall make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively. In doing so the Municipality shall use its resources and allocate funds in its budget to the office of the Speaker to further the objectives of the ward committees.
- b) All administrative back-up to enable effective functioning of the ward committees shall be allocated in the office of the Speaker.
- c) The Municipality shall, through the office of the Speaker, reimburse ward committee members for travelling and out of pocket costs incurred as a result of attendance of ward committee meetings. The reimbursement will be done in accordance with the approved resolution of the Municipality.
- d) Membership and duties of the ward committee members must be regarded as voluntary service for the benefit of the community.
- e) The ward committee co-ordinators appointed by the municipal council shall assist the councillor in the administration of the ward.

20.2 Out of Pocket Expenses

- a) Out-of-pocket expenses for full attendance of authorised meetings, training session and workshops and workshops as well as travelling costs will be paid from Municipal Budget in accordance with a framework of tariffs to be determined by the Municipal Council from time to time.
- b) Ward committee members shall be required to complete attendance registers and sign them after conclusion of the meeting in order to claim for out-of-pocket expenses.
- c) Out-of-pocket expenses shall be paid to either the member of the ward committee or the authorised secundus but not both.

d) The municipal council may allocate funds and resources to enable ward committees to perform their functions, exercise their powers and undertake development in their wards within the framework of the law.

21. MEETINGS OF WARD COMMITTEES

21.1 The Ward Councillor chairs all the meetings of the Ward Committee and must nominate a replacement to chair a meeting in his or her absence.

21.2 A minimum of 12 meetings will be held per annum with at least one per month.

21.3 Meetings may, subject to the approval of the Speaker and availability of funds, be held more frequently should the circumstances necessitate it.

21.4 The Ward Councillor must accept responsibility for the compilation of a programme of meetings and annual operational plans for ward committees at the beginning of the year which must be submitted to the office of the Speaker.

21.5 The Ward Councillor together with Ward Committee Coordinator shall be responsible for ensuring that full and proper records are kept for all Ward Committee Meetings.

21.6 Administration Assistants from the Office of the Speaker shall provide secretariat services for all formally constituted ward committee meetings.

22. SUB COMMITTEES

22.1 A Ward Committee may establish sub-committee that may be necessary for the performance of its functions which may include other organisations.

22.2 The Ward Committee must appoint the members of the sub-committee, the chairperson and determine the functions of such sub-committee.

22.3 The eligibility of membership in sub-committees shall be consistent with the requirements set out in sections 8 and 15 of this Policy.

22.4 Ward Committees and sub-committees may meet collectively as a Ward Forum when so required by the Ward Councillor and the Speaker.

23. WORK PROGRAMME

The Ward Committee must submit a programme with specific outputs of work for one year to the office of the Speaker in July of each year. The Ward Committee must perform the functions as set out to achieve the outputs indicated on the programme by own initiative, or at the request of the Ward Councillor, Speaker or other designated political functionary.

25. SCOPE AND APPLICATION

This Policy shall apply to all councillors and employees of the Municipality as well as to members of ward committees and sub-committees within the jurisdiction of the Municipality.