

GREATER KOKSTAD MUNICIPALITY

POLICY ON ESTABLISHMENT AND OPERATION OF MUNICIPAL WARD COMMITTEES



PREAMBLE

Whereas GREATER KOKSTAD MUNICIPALITY is committed to encouraging the involvement of communities and community organisations in its affairs;

GREATER KOKSTAD MUNICIPALITY is a municipality with a [Mayoral Executive System combined with a ward participatory system as set out in section 9\(d\) of the Municipal Structures Act](#), and the municipal council has resolved in terms of section 72(2) of the Act to adopt the [ward participatory system](#),

the Council of Greater Kokstad Municipality resolves to adopt the following policy::

1. Definitions

In this policy, a word or expression to which a meaning has been assigned in the Municipal Structures Act has the same meaning unless the context otherwise indicates and –

the Act means the Local Government: Municipal Structures Act, 1998 (Act 117 Of 1998);

interest group means –

- (i) Religious organisations;
- (ii) Women's organisations;
- (iii) Youth organisations;
- (iv) Civic or rate payers' organisations;
- (v) Welfare organisations and non-governmental organisations;
- (vi) Sport organisations;
- (vii) Cultural organisations;
- (viii) Organisations involved in education;
- (ix) Businesses; and
- (x) Organisations involved in health.

nominee means a person, nominated in terms of section 4 for election to the ward committee by an interest group to represent that sector;

resident means a resident of the ward for which the ward committee was established.

CHAPTER 1

ESTABLISHMENT AND ELECTION

2. Establishment

With effect from a date set by the Greater Kokstad Municipality, ward committees will be established for every ward of the municipality.

3. Members

(1) The ward committees established in terms of section 2 will comprise of the Ward Councillor representing that ward in the Council and an additional 10 members elected according to sections 4 to 8.

(2) Greater Kokstad Municipality may by resolution nominate Proportional Representation Councillors to specific wards to serve as ex officio members.

4. Nomination

(1) Only candidates that were nominated by interest groups can stand for a ward committee election.

(2) Any organisation that represents one of the interest groups can make a nomination.

(3) Nominations can be submitted to the Municipal Manager until 21 days after the date set by Greater Kokstad Municipality.

(4) A nomination must be accompanied by a written acceptance of the nomination by the nominee.

5. Qualifications.

Any citizen is qualified to stand for a ward committee election, unless:

(a) he or she is not registered as a voter on Greater Kokstad Municipality's ward segment of the voters' roll;

(b) he or she is a member of the Council;

(c) he or she is an employee of the Council; or

(d) one or more municipal accounts in his or her name have been outstanding for more than three months since the date of nomination, unless a reasonable arrangement has been made with the Municipality's Finance Department.

6. Election meeting

(1) After nominations have been closed, the ward councillor convenes a ward election meeting.

(2) The ward election meeting can be attended by any resident registered on the ward's segment of the voters' roll.

(3) The ward election meeting is chaired by the ward councillor.

7. Election procedure

(1) At the ward election meeting, the nominees are –

(a) introduced; and

(b) allocated, on an equal basis, time to address the meeting.

(2) After all nominees were introduced and had an opportunity to address the meeting, the chairperson will call for a vote on each sector nominee.

(3) If only one person was nominated, the chairperson must declare that person elected.

(4) The chairperson must declare elected the nominee who receives a majority of the votes cast.

(5) If no nominee receives a majority of the votes cast, a second vote is taken on the three nominees that receive the highest number of votes in the first vote.

(6) If no nominee receives a majority of the votes cast in the second vote, a third vote is taken on the two nominees that received the highest number of votes in the second vote.

(7) If the two nominees have exactly the same number of votes after the process in (6) above, the chairperson will determine the elected person by the draw of lots.

8. Voting

(1) Each community member present may cast one vote per sector.

(2) The votes shall be held by show of hands.

CHAPTER 2

TERM OF OFFICE, VACANCIES AND DISSOLUTION

9. Term of office

- (1) The term of office for a ward committee will be 2 years, subject to subsection (2)
- (2) Members of a ward committee will vacate office when a new council is declared elected; and
- (3) The vacation of office by the ward councillor does not affect the term of office of the 10 additional members elected in accordance with sections 4 – 8.
- (4) A Ward Committee member may be re-elected, subject to the above sub-sections.

10. Dissolution

- (1) The council may, by notice addressed to the ward committee, dissolve the ward committee if it fails to fulfil its object.
- (2) The council must give prior notice to the ward committee of the intention to dissolve a ward committee.

11. Vacation of office

A member, elected in terms of sections 4 – 8 vacates office during a ward committee's term of office if that member:

- (a) resigns in writing;
- (b) is no longer qualified, in terms of section 5, to be a member of a ward committee;
- (c) is removed from office by the Speaker in terms of section 12; or
- (d) dies.

12. Removal from office

The Speaker can remove a member, elected in terms of sections 4 – 8 from office if that member–

- (a) fails to attend three consecutive meetings without obtaining leave of absence from the ward committee;
- (b) undermines the authority of the council or the ward councillor; or
- (c) is engaged in corruption.

13. Filling vacancies

- (1) The ward councillor must fill the vacancy by declaring as elected the person who received the second highest number of votes in terms of the election in section 7(4), 7(5) or 7(6), which ever produced the vacating member.
- (2) If nobody can be declared elected in terms of subsection (1), sections 4 to 8 must be applied to fill the vacancy.

CHAPTER 3

14. Powers and Functions

A ward committee must –

- (a) advise the ward councillor on matters affecting the ward;
- (b) assist the ward councillor in identifying conditions, problems and needs of residents;
- (c) spread information in the ward around municipal issues, such as the budget, integrated development planning and service delivery options;
- (d) obtain input from residents around municipal issues, such as the budget, integrated development planning and service delivery options;
- (e) receive queries and complaints from residents around municipal service delivery;
- (f) interact with other forums and organisations around matters affecting the ward; and
- (g) nominate from its members individuals to serve on organisational wide structures and or portfolio task teams, if so requested by the Municipality of Greater Kokstad.

15. Work Groups

- (1) The Chairperson may establish one or more Work Groups necessary for the performance of the functions of the ward committee.
- (2) A ward Chairperson must –
 - (a) appoint the members of such work groups;

- (b) appoint the convener of such work groups; and
- (c) determine the function of such work groups.

CHAPTER 4

MEETINGS

WARD COMMITTEE MEETINGS

16. Chairperson

- (1) Ward committee meetings are convened and chaired by the ward councillor.
- (2) The ward councillor determines when and where a ward committee meets, subject to subsection (3).
- (3) A ward committee must meet at least once quarterly.

17. Purpose

The purpose of the quarterly ward committee meetings is:

- (a) for ward committee members to raise matters affecting the ward;
- (b) for the ward councillor to report on –
 - (i) matters, decided by the council;
 - (ii) initiatives, information, campaigns and programmes of the council;
- (c) To discuss complaints received by ward committee members on municipal service delivery in the ward; and
- (d) To formulate views and action plans on the above matters.

18. Quorum

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

19. Decision-making

- (1) A ward committee shall endeavour to adopt its views on the basis of consensus.
- (2) If consensus on any matter cannot be achieved, such matter may be determined with the supporting vote of a majority of the members present.

WARD MEETINGS

20. Chairperson

- (1) Ward meetings are chaired by the ward councillor.
- (2) The ward councillor determines when and where a ward meeting will be held, subject to subsection (3).
- (3) A ward meeting must be held at least three times per calendar year.

21. Purpose

The purpose of the ward meeting is:

- (a) for the ward committee to report back on its activities;
- (b) for the ward committee to consult the ward community on any matter affecting the ward; and
- (c) to serve on other community participation structures as provided for by the municipality.

22. Attendance

General ward meetings can be attended by the general public, subject to the rulings set out in section 8.

CHAPTER 5

RELATIONSHIP WITH THE COUNCIL

23. Reporting

(1) The ward councillor shall, at quarterly intervals determined by the Speaker, submit reports to the council on ward committee meetings.

(2) [Ward councillors shall at council meetings called by the speaker at quarterly intervals to report on the effectiveness of the ward committee and public participation programmes within their wards](#)

(3) On reporting, the ward councillor may report a view adopted by the ward committee, to the council but can have his or her disagreement with that view recorded in the report.

CHAPTER 6

ALLOWANCES

[24. The council may, subject to any law, regulation or determination in force, resolve to pay allowances to members of ward committees.](#)

CHAPTER 7

GENERAL PROVISIONS

25. COMMENCEMENT

This Policy will come into effect on the date of adoption by Council.

26. INTERPRETATION OF THIS POLICY

26.1 All words contained in this policy shall have the ordinary meaning attached thereto, unless a definition or the context indicates otherwise.

26.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

26.3 The Municipal Manager shall give a final interpretation of this policy in case of written dispute.

27. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

27.1 This policy may be partly or wholly waived or suspended by the Municipal Council on

temporary or permanent basis.

27.2 Notwithstanding section 27.1 the Municipal Manager may under circumstances of emergency temporarily waive this policy subject to reporting of such waiver or suspension to Council.

28. COMPLIANCE AND ENFORCEMENT

28.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

28.2 It will be the responsibility of Council to enforce compliance with this policy.

29. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be amended or repealed by Council as it may deem necessary.