RULES REGULATING THE

ESTABLISHMENT AND OPERATION OF

WARD COMMITTEES

2021/2026

Approved by eThekwini Municipal Council: 27 January 2022

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PREAMBLE WHEREAS

Section 152 of the Constitution places the participation of communities at the center of service delivery and other matters of Local Government.

The Municipal Structures Act of 1998 and the Municipal Systems Act of 2000 provide the legislative framework for the establishment of Ward Committees.

Section 73(3) of the Municipal Structures Act provides that:

"a Metro or Local council must make rules regulating

a) the procedure to elect members of a Ward Committee, taking into account the need:
   i. for women to be equitably represented in a Ward Committee; and
   ii. for a diversity of interests in the ward to be represented;
   - the circumstances under which those members must vacate office; and
   - the frequency of meetings of Ward Committees."

eThekwini Municipality is a Municipality with a collective executive system combined with a ward participatory system, in terms of Notice 648 of 2005.

NOW THEREFORE, the rules below will regulate the establishment and operation of Ward Committees within the eThekwini Municipality.

1. APPLICATION OF THE RULES

1.1 The Rules governs the establishment and functioning of Ward Committees
1.2 These Rules apply to all meetings of Ward Committees.
1.3 The ruling of the Ward Councillor/Chairperson to the application or interpretation of these rules and other procedural matters not dealt with in the Rules is final and binding.

2. DEFINITIONS

In these Rules, a word or a phrase has the meaning assigned to it in the Local Government Municipal Structures Act 1998, and the Local Government Municipal Systems Act 2000, unless the context indicates otherwise.

"**Ward Councillor**" – a Member of the Municipal Council elected by a specific geographically-defined Ward within a Municipality; and Chairperson of a Ward Committee

"**Proportional Representative (PR) Councillor" –** a Member of the Municipal Council elected in proportion to the number of votes received by the respective Political Party

"**Municipal Council**" – is the Municipality's decision-making body, comprising of all elected Council Members

"**Ward**" - a subdivision of a local authority area delimited by the Demarcation Board after consultation with the Electoral Commission for electoral purposes

"**Sub-Committee**" – a subdivision of a committee organized for a specific purpose

"**Speaker**" - a Councillor elected in terms of Section 36 to be the Chairperson of a Municipal Council as envisaged in Section 160(1)(b) of the Constitution

3. OBJECTIVE

The objective of a Ward Committee is to enhance participatory democracy in Local Government.

As per the Local Government: Municipal Structures Act No. 117 of 1998, a Ward Committee is defined as:

3.1 An advisory body without any executive powers;
3.2 Independent;
3.3 A representative structure of the ward;
3.4 Impartial and performs its functions without fear, favour or prejudice;
3.5 Not politically oriented;
3.6 An integrative umbrella body responsible for coordination of ward developmental initiatives.

4. MEMBERSHIP OF WARD COMMITTEES

Section 73(2) of the Municipal Structures Act provides that a Ward Committee consists of the Municipal Councilor representing the ward in the Municipal Council, who must also be the Chairperson of the Committee of not more than 10 other persons.

5. COMPOSITION OF WARD COMMITTEES

In view of the above legislative stipulations, each ward committee must comprise of the Ward c Councillor as Chairperson and a maximum of 10 (ten) members elected by and from the ward community members.

5.1 Each of the 10 (ten) ward committee members must be a registered voter (18 years or older) and a legitimate resident or employer/employee in the ward or own a business or property in the ward or represents an interest group/sector located in the ward.

5.2 A person to serve as a Ward Committee Member should be in possession of basic skills, including reading and writing for ease of participation in Municipal processes.

5.3 No person may be a member of more than 1 (one) ward committee at the same time.

5.4 The composition of a ward committee should, where possible reflect the following factors:

5.4.1 gender equity - at least 5 (five) members must be women;

5.4.2 geographic representations;

5.4.3 representations of people with disabilities;

5.4.4 population diversity and interests;

5.4.5 representation from traditional councils

5.5 Upon election Ward Committee Members must assume office, each Member taking responsibility for a portfolio that corresponds with a different core-function of the Municipality, in line with the portfolios of Council;

5.6 Proportionally represented Councillors, (hereinafter referred to as PR Councillors) assigned to specific Wards by their respective Political Parties shall serve as *ex officio* members of the Ward Committee assigned to them.

5.7 In any action regarding Ward Committees, PR Councillors are subjected to the same Code of Conduct contained in these Rules and must at all times respect the position of the Ward Councillor as Chairperson of the Ward Committee.

5.8 Ward Councillors must allow PR Councillors allocated to their Ward Committees the right to freely participate in the activities of the Ward Committee but may not participate in internal committee votes.

5.9 A Ward Committee may coopt any person deemed necessary to add value to the Committee to serve as an *ex officio* member; in an advisory capacity, to that Ward Committee.

5.10 The co-opted *ex officio* member of the ward committee may not participate in internal committee votes.

6. MEMBERSHIP CRITERIA

A person shall only qualify to be elected to the committee if he or she:

6.1 is a registered voter in that ward and whose name appears on the Voters Roll segment for that Ward;

6.2 is nominated by his/her interest group located in the ward or nominated by any member of the community to serve on the committee;

6.3 is not indebted or in arrears to the Municipality for municipal service charges and/or rates for a period longer than three (3) months, unless he/she can prove that a credit arrangements for the settlement of the account has been made with the municipality and remains in good standing for the duration of the term of office;

6.4 is not an employee of any Municipality;

6.5 is not a Community Development Worker; Community Care Giver or appointed by any National; Provincial Government Department or Municipality in any other capacity;

6.6 is not a person of unsound mind who has been declared so by a competent court.

7. POLITICAL AFFILIATION IN WARD COMMITTEES

7.1 Ward Committee Members must not be elected to represent political parties or for the benefit of any political party.

7.2 Canvassing or advocacy for election of ward committee members must not be motivated by political party concerns.

8. ESTABLISHMENT OF AN ELECTORAL COMMITTEE

8.1 The City Manager, in capacity of being the Municipal Electoral Officer (MEO) to facilitate the Memorandum of Understanding (MOU) with the Independent Electoral Commission (IEC) to oversee the Ward Committee elections.

8.2 The Speaker of Council will, in consultation with the City Manager and the Municipal Electoral Officer (MEO), appoint an Electoral Committee to manage the elections of Ward Committees.

8.3 The City Manager will immediately notify the members of the Electoral Committee through a letter, of the date and venue of the first meeting of the Electoral Committee.

8.4 The Electoral Committee shall compose of Municipal officials from City Administration and Secretariat Unit.

9 ROLE AND FUNCTIONS OF THE ELECTORAL COMMITTEE

9.1 The Electoral Committee will draw up a Project Plan to manage and administer the Ward Committee elections.

9.2 An action plan containing the date, venue and schedule of meetings shall be presented in writing to the Speaker 1 (one) month after the meeting.

9.3 The Electoral Committee shall develop a schedule of the elections and submit it to Council for approval prior to publication.

9.4 The Electoral Committee shall in consultation with IEC identify and supply electoral material.

9.5 The Electoral Committee shall facilitate the appointment and training of Election Officers to oversee the Ward Committee elections.

9.6 Develops a process to address raised objections from the Ward Committee Elections.

9.7 Prepare a close out report on each Ward Committee election for presentation to the Speaker upon the conclusion of the election process.

10 ELECTION OF WARD COMMITTEE MEMBERS

10.1 The Speaker shall, upon Council approval of the election date and venues, call a meeting in the Ward, within a 14-day period, for the election of a Ward Committee.

10.2 The meeting quorum shall be a minimum of 100 people.

10.3 Notice of meeting shall be issued through one of the following methods, local newspapers; posters; pamphlets; Metro Ezasegagasini; and loud hailing through Community Participation Unit.

10.4 An attendance register with full names, contact number, identity numbers, physical address and community member's signature, must be recorded. Such a register must be kept at the Office of the Speaker and be made available upon request for inspection.

10.5 Nominations shall be open for up to a minimum of 10 people of those ward community members present at the meeting but may not exceed 20 nominees.

10.6 Where the total number of nominees proposed in the meeting is ten (10), and if such number of nominations is agreed upon with no counter proposals being made, the nominations shall be confirmed, and there shall be no voting.

10.7 If nominations exceed ten, then voting shall take place.

10.8 The voting process shall be through a secret ballot, which shall be finalized once the nominations are confirmed.

10.9 The procedure for electing members must consider the need for women to be equitably presented in a Ward Committee and for a diversity of interests in the ward to be represented.

10.10 In the event that the initial election meeting fails to proceed as per the above-mentioned provisions, it shall be reconvened within a 14-day period.

10.11 Members of the community present at the reconvened meeting shall constitute a quorum to proceed with the meeting, provided that there is a minimum of fifteen (15) people present.

11 WARD COMMITTEE INAUGURATION AND INDUCTION

11.2 Once confirmed as an elected Ward Committee Member, the Municipality shall arrange an Inauguration and Induction programme for all Members to detail the roles and responsibilities of Ward Committee Members.

11.3 The Ward Committee Induction to be scheduled within a period of 60 days (2 months) after elections of Ward Committee Members, and after completion of the verification and formal registration process.

11.4 Attendance to both the Inauguration and Induction by all elected Ward Committee Members shall be compulsory, prior to undertaking the assigned roles and responsibility.

12 INAUGURAL WARD COMMITTEE MEETINGS

12.2 After the Inauguration and Induction of Ward Committees, respective Ward Committee meetings shall be convened and Chaired by officials from City Administration Unit, to assist Committees:

12.2.1 Unpack the different portfolios that would guide the operation of the Ward Committee
12.2.2 Elect respective Chairpersons to portfolios
12.2.3 Elect the Ward Committee Secretary

12.3 The inaugural Ward Committee meeting to be scheduled in two (2) weeks after the Inaugural and Induction of Ward Committees.

13 FUNCTIONS OF THE WARD COUNCILLOR

Following election and orientation of the Ward Committee, the Ward Councillor as the Chairperson of the Ward Committee shall:

13.2 Ensure that:

a) Ward Committee meetings are scheduled timeously, and such schedule is submitted to the Office of the Speaker on an annual basis;
b) Minutes and attendance registers of the meetings of the Ward Committee and Community meetings are kept safe; and
c) Confirmed and signed minutes of the Ward Committee and Community meetings are submitted to the Office of the Speaker on monthly basis.

d) In his/her absence, nominates in writing a Member to serve as Chairperson in the Ward Committee meeting.

13.3 Ensure that all statutory measures applicable to the Committee are complied with.

13.4 Submit a comprehensive quarterly report to the Office of the Speaker on the performance of the Committee indicating major achievements; challenges and areas of failure of the Committee with reasons.

13.5 Report in writing to the Office of the Speaker, within seven (7) days, Members who, for certain reasons, have ceased to become Members of the Ward Committee, as having been confirmed by the Ward Committee.

13.6 Convenes monthly Community engagements with Ward Committees and keeps record thereof.

13.7 Attend all meetings and workshops convened relating to the operation of Ward Committees.

14 ROLE OF PR COUNCILLORS

14.1 The Speaker shall, in consultation with the Whips of different political parties in Council, deploy PR Councillors to Ward Committees.

14.2 PR Councillors shall serve on one Ward Committees in an ex-officio capacity.

14.3 PR Councillors shall assist and complement the work of the Ward Councillors. However, it should be noted that they shall not serve as Chairperson of a meeting in view of their ex-officio capacity.

14.4 PR Councillors shall participate in the deliberations of Ward Committees but will not have the right to vote.

15 FUNCTIONS OF WARD COMMITTEES

15.1 A Ward Committee may make recommendations on any matter affecting its ward to the Ward Councillor, or through the Ward Councillor to the Municipal Council.

15.2 The Ward Committee will be regarded as the statutory and advisory body recognized by the Municipal Council as its consultative body and communication channel on matters affecting the ward, including, but not limited to:

i) representing the community on the compilation and implementation of the IDP;

ii) ensuring constructive and harmonious interaction between the Municipality and the community;

15.3 The ward committee shall serve as a mobilizing agent for community action. This may be achieved as follows:

i) Attending to all matters that affect and benefit the community

ii) Acting in the best interest of the community;

iii) Ensure active participation of the community in;

- Municipal Service payment campaigns;
- The Municipality's budgetary process;
- Decisions about the provision of Municipal services;
- Decisions about by–laws
- Such other functions as may be assigned to it by the Municipal Council.

15.4 Should the Ward Councillor fail to adhere to provisions of Clause 10 of these rules the Ward Committee may report him/her in writing to the Speaker.

15.5 In the event that the Councillor has been reported by the Ward Committee to the Speaker, the Speaker should acknowledge receipt of the complaint within 14 working days and respond in 30 days.

15.6 Develops an annual Ward Operation Plan outlining programmes with targets for activities to be undertaken by the Ward Committee.

15.6 The Ward Committee shall ensure that service delivery provided by service providers appointed by the Municipality are of expected quality and report sub-standard services and poor workmanship to the relevant authorities.

16. ROLE OF WARD COMMITTEE SECRETARY

16.1 The ward committee shall at its inaugural meeting elect Ward Committee Secretary amongst the Ward Committee members, and the role of the Secretary shall be as follows:

a) Collate portfolio reports from members of the Ward Committee;
b) Liaise with Office of the Speaker regarding Agenda items and also meet with the Chairperson of the Ward Committee to discuss agenda items prior to distributing the agenda to members;
c) Notify members of the date of meeting and distribute agenda to all members;
d) Ensure that all members present sign an attendance register (Both the Chairperson and the Secretary shall sign the attendance register)
e) Support Chairperson to draft Agenda for the community meeting
f) Take minutes during Ward Committee meetings and in any other community meetings called by the Chairperson and Ward Committee;

g) Ensure that the Chairperson signs and dates the confirmed minutes;
h) Submit minutes and portfolio reports from Ward Committee meetings and minutes to Office of the Speaker;
i) Assist the Chairperson in drafting the quarterly report for submission to the Office of the Speaker;
j) Ensure that the record of minutes is filed and kept in a safe place;

17. HANDLING OF ELECTION OBJECTIONS

17.1 A member feeling aggrieved of the election process followed shall be required to formalize his/her objection by completing the objection form provided and hand it over to election team.

17.2 All submitted objections shall be considered by the Speaker of Council and responded to within a thirty (30) day period. The Speaker to establish a Committee comprising of relevant Municipal Officials; Councillors; and a representative from KZN Department of Cooperative Governance and Traditional Affairs (COGTA) to assist with the consideration of objectives.

17.3 A party not satisfied with the objection outcome from the Speaker shall within three (3) days of receipt of such response escalate the matter to the South African Human Rights Commission; and/or Office of the Public Protector; and/or High Court and copy the office of the Speaker for information purposes.

17.4 It will be noted that the Municipality shall continue the process of confirming elected members but will not hesitate to reverse the decision to comply with the above-mentioned platform's outcome where necessary.

18. OFFICIAL WARD COMMITTEE ESTABLISHMENT

18.1 On the day of election all elected members shall receive an acknowledgement of their election which will also indicate the verification and objection process still to be undertaken for their clearance to become members of Ward Committee.

18.2 It should be noted that the process referred to in 18.1 above, shall take a period of thirty (30) days to complete.

18.3 A member cleared from the verification process shall be invited to an Inauguration ceremony to be officially sworn in as elected Ward Committee Member.

19. TERM OF OFFICE OF AN ELECTED MEMBER OF A WARD COMMITTEE

19.1 The term of office of the Ward Committee shall be determined by Council resolution in terms of section 75, read with section 24 (term of Municipal Councils) of the Local Government: Municipal Structures Act 117 of 1998.

19.2 As stipulated in the Government Gazette No. 32626 (Regulation No. R 972 of 8 October 2009) -

19.2.1 Ward committee members will be elected following each local government elections.

19.2.2 Ward Committee members are eligible for re-election once their term expires.

20. MEETINGS

20.1 Meeting Procedure

a) Ward Committee meetings are convened once per month, from February to November of each calendar year, and chaired by the Ward Councillor.

b) A Ward Councillor may delegate in writing the chairing of a meeting in his/her absence to a member of the Ward Committee.

c) If there is no delegation by the chairperson, members must elect amongst themselves the chairperson of the day. Ward Councillor may not be absent for more than 3 consecutive meetings (See item 3 and 4 of Schedule 1 of the Municipal Systems Act.

d) Each Ward Committee member **may** establish one or more sub-committees and chair all meetings of their respective portfolio sub-committees. Such sub-committees shall be linked to the portfolio he/she represents at Ward Committee level.

e) Members of the sub-committee should be identified by the ward committee member holding that particular portfolio and be recommended to the Ward Committee.

f) All stakeholders in the Ward are encouraged to participate in sub-committees that are relevant to their fields of interest and to their day to day functioning as a sector.

h) Members of the Ward Committee must submit written reports to be included on the agenda to the Chairperson at least seven days in advance.

i) The Chairperson and the Secretary shall be responsible for preparing (compiling) an agenda for Ward Committee meetings.

20.2 **Frequency of meetings**

a) A Ward Committee must meet monthly and submit minutes and attendance register of such meeting to the Office of the Speaker within 3-5 Working days after the date of meeting;

b) A Ward Committee with the Ward Councillor must convene a community report back meeting at least once per quarter and such a meeting shall be chaired by the Ward Councillor. The Ward Committee shall submit minutes of such meeting to the Office of the Speaker within 72 hours from the date of meeting.

c) A Ward Committee must determine a schedule of meetings at the beginning of each calendar year, to form part of the Municipal meetings calendar and submit to the Office of the Speaker. The Ward Committee should strive to keep to the schedule of meetings submitted to the Office of the Speaker.

d) All meetings of the Ward Committee shall be held on the first week of the month in line with the Council Support Committees

20.3 **A Quorum**

A quorum for a duly constituted Ward Committee meeting consists of 50% plus one of the Ward Committee members attending the meeting.

20.3.1 If there is no quorum at the expiration of 15 minutes after the time fixed for the meeting, the Chairperson of the committee must allow an extension of time not exceeding 15 minutes for the commencement of the meeting, following which the Chairperson must rule that the meeting is postponed and/or cancelled.

20.3.2 If the meeting is postponed, a postponement notice must be given to all Ward Committee members within three days from the date of such postponement

20.4 **Decision making Process in Ward Committee meetings**

20.4.1 The Ward Committee must strive to reach decisions unanimously on a basis of consensus.

20.4.2 If a matter cannot be decided unanimously and remains unresolved after thorough discussion, the matter will be decided by a vote.

20.4.3 If the votes are equal, the Chairperson will cast the deciding vote.

20.5 **Public meetings**

20.5.1 The Ward Councillor is responsible for the convening of Public meetings and submission of minutes and attendance registers to the Office of the Speaker within 72 hours from the date of meeting.

20.5.2 The Ward Councillor together with the members of the Ward Committee shall convene Public meetings of the Ward at least once per quarter.

20.5.3 However, to ensure that all areas of the Ward are covered, the Ward Councillor and the Ward Committee may decide to convene more than one meeting per quarter at different areas of the Ward to ensure that they reach all members of the community.

a) 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.

ii. To report back to the public on issues that affects it.

b) The Ward Councillor should chair ward or public meetings convened by the Ward Committee. A Ward Councillor may delegate in writing the chairing of the meeting in his/her absence to a PR Councillor or any member of the Ward Committee.

c) A notice may be issued to convene a public meeting at least fourteen days in advance using any appropriate means of public notification stating the time, date and place of the meeting.

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

i. Must be in a well-known place;
ii. Must be easily accessible and, also disabled-friendly; and
iii. Should be large enough to accommodate all people present.

e) At a public meeting a representative of the committee must-

i. Explain the meeting procedures, such as adoption of agenda, time allowed for questions, etc.
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 air their views on these issues;

iv. Answer relevant questions;
v. Keep minutes and attendance register 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.

g) For the purposes of participation in community meetings, a Ward Committee may keep a register of interest groups and organizations that are active in the ward.

h) Public meetings are not political platforms and Ward Committee members and public should refrain from making political statements, campaigning and canvassing.

20.6 **Meeting Procedures**

20.6.1 Business of the Ward Committees shall be conducted in terms of the Rules of Order as approved by Council and attached hereto marked "Annexure A".

20.6.2 The City Administration Unit, through the Secretariat Department shall be responsible for making sure that there is feedback to the Ward Committee on all matters referred to Council.

21. ROLE OF COUNCIL OFFICIALS IN WARD COMMITTEES

21.1 No serving municipal official is eligible to stand for election on a ward committee;

21.2 Any municipal official may be assigned to, or be requested to attend a ward committee meeting in line with assigned duties;

21.3 The request should be made by the Ward Councillor for the official responsible to attend that particular ward committee meeting to deal with a specific agenda item.

21.4 Ward Committees may invite municipal officials, within their scope of work, and other people with specialized knowledge, for advice on matters affecting wards where deemed necessary;

21.5 The conduct and duty of municipal officials with regard to deployment in the ward committees shall be subject to the applicable provisions in the Collective Agreement; Code of conduct for employees and the Labour Relations Act.

22. ADMINISTRATIVE SUPPORT

22.1 No remuneration is payable to members of the ward committee in terms of section 77 of the Municipal Structures Act;

22.2 Membership and duties of Ward Committee members must therefore be regarded as voluntary service for the benefit of the community;

22.3 However, in terms of section 73 (5)(a)(b) of the Municipal Structures Act, as amended by section 6 of the Local Government Laws Amendment Act "*out of pocket expenses incurred by ward committee members in their line of duty must be paid from the budget of the municipality in question, based on a provincial framework determined by the MEC subject to paragraph (e)" which* states that, "*The Minister must determine a national framework including criteria for the calculation of the out of pocket expenses referred to in paragraph (b)".*

22.4 Ward Committee members shall receive a monthly "out of pocket" allowance as determined by the Municipal Council in-line with provision as contained in 22.3 above.

22.5 The expenses shall be budgeted for and managed by the City Administration Unit, through Office of the Speaker.

23. REIMBURSEMENT OF OUT-OF-POCKET EXPENSES

23.1 There shall be no remuneration for Ward Committee members except for the reimbursement of out-of-pocket expenses in respect of their participation in Ward Committees as contemplated in Government Notice Number 973 of 09 October 2009.

24. TRAINING AND CAPACITY BUILDING

24.1 It is the duty of the Municipality to provide training for the Ward Committee members

24.2 An annual capacity building and training programme must be developed for Ward Committee members.

24.3 Annual budget for the Capacity Building and Training Programme shall be prepared according to the needs assessment.

24.4 The following requirements may be included in the training and capacity building programmes of eThekwini Municipality:

a) Generic training needs, including:

i. Communication;

ii. Interpersonal skills;
iii. Conflict Management and negotiation skills;
iv. Democracy and community participation and
v. Leadership.

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

i. Principles of good governance;
ii. The establishment of Ward Committees, its terms of reference, nature and functions;
iii. Municipal structures, legislation and processes;
iv. Intergovernmental community development and
v. Payment for services (credit control)

c) Specialized training needs, including:

i. Meeting procedures and secretarial services (minute taking, report writing, letter writing, etc
ii. Budgeting;
iii. Monitoring and evaluation;
iv. Policy development;
v. Project Management;
vi. Performance Management and
vii. Community Based Planning.

25. LINKAGE OF WARD COMMITTEES TO COUNCIL'S COMMITTEE SYSTEM

25.1 Matters emanating from Ward Committees that require consideration by the Council, its Committees and/or its Officials shall be submitted by the Ward Councillor via the Secretariat.

26. TERMINATION OF MEMBERSHIP

26.1 A Ward Committee member ceases to be a member upon the occurrence of any of the following:

26.1.1 Death of a Ward committee member;

26.1.2 Resignation of a Ward Committee member;

26.1.3 Ward committee member relocating from the Ward;

26.1.4 Election of Ward Committee member to stand for Municipal elections;

26.1.5 Appointment to a position of a Municipal employee or Government cadres e.g. Community Development Worker;

26.1.6 Proven involvement in fraudulent and corrupt activities, misuse of state resources including misrepresentation and using his position as a ward committee for personal gain, for an example, being employed in the project provided by the service provider engaged by the Municipality within the ward;

26.1.7 Failure to attend three consecutive meetings of the Ward Committee without any apology;

26.1.8 Absents him/herself from Ward Committee meetings in an ad hoc fashion from 5 (five) meetings in a financial year with or without apology acceptable to the ward committee or ward Councillor;

26.1.9 Failure to adhere to meeting procedure or misconduct during Ward Committee meetings;

26.1.10 Becomes involved in activities that undermine the Council; and/Councillor;

26.1.11 Is insolvent or declared mentally incompetent by a competent court;

26.1.12 The community has passed a vote of no confidence in the ward committee member;

26.1.13 Reasons for passing the vote of no confidence should be reduced in writing by the Ward Councillor/Chairperson or any person appointed to chair that particular meeting and forwarded to the Speaker's office for further consideration.

27. FILLING OF VACANCIES

27.1 Any vacancies on a Ward Committee arising from a member ceasing to be a member for either reasons contained in Rule 27, shall be filled by co-option, up to a maximum of three (3) people unless the Speaker, on good cause shown and in his or her sole discretion, instructs that a by-election be held.

27.2 Any person co-opted to fill a vacancy shall only qualify to be a member of the Ward Committee in terms of the membership criteria as contained in clause (6) of these Rules.

28. COOPTION OF NEW MEMBERS

28.1 Where there is a vacancy in a Ward Committee of not more than three (3), it shall be filled by co-option.

28.2 The vacancy item should form part of the Ward Committee agenda.

28.3 Ward Committee members to either recommend a community member or a candidate who received the highest votes after the 10th highest nomination during the Ward Committee elections, to be co-opted.

28.4 A decision of the recommended Members to be recorded accordingly on the Ward Committee minutes.

28.5 Ward Councillor to formally advise the Speaker of Council of the Ward Committee's recommendation to coopt a Member and attach minutes from the Ward Committee meeting where the vacancy item had been discussed.

28.6 The Speaker to considers the recommendation and informs the Ward Committee of the outcome, whether the recommendation is supported or not.

28.7 Recommended Members as supported by the Speaker shall be subjected to the verification process to ensure that they qualify in line with the Membership criteria outlined in Rule 06 above.

28.8 The Office of the Speaker shall notify the Ward Committee in writing whether the recommended person (s) qualify to become members of the Ward Committee and, if they qualify, a copy of their Identity Document, Proof of resident and SARS number (TAX number) and other relevant documentation would be submitted to the Human Capital Unit, Payroll Section, so as to ensure that the incumbent (s) receive their stipend on the 25th of each month.

29. DISSOLUTION OF WARD COMMITTEES

29.1 In the normal cause of events a Ward Committee will dissolve on the day local government elections take place. A new ward committee will be elected as soon as the new Council is formed after the local government elections. Individual Ward Committee members may avail themselves for re-election only after one term was served in office in a ward.

29.2 The Council may dissolve a ward committee based on a recommendation from the Speaker.

29.3 **Instances under which a ward committee can be dissolved**

29.3.1 The failure to fulfil its objectives as set out in these rules and other legislation;

29.3.2 Non-adherence to these Rules;

29.3.3 Resignation of more than 50% (fifty percent) of the members of the ward committee.

29.4 Procedure for dissolution of a Ward Committee

a) The Speaker must investigate the circumstances surrounding actions of a Ward Committee accused of failing to act in the manner stipulated by clause (20.1) and report his/her findings to the Ward Committee and the Ward Councillor.

b) The Speaker must make a final decision on the matter and if he/she decides to dissolve the Ward Committee he/she must report the findings to Council within 3 months of the formal lodging of the complaint.

c) After Council has resolved to dissolve a Ward Committee, the Office of the Speaker must give notice in writing of the dissolution of the Ward Committee to both the Ward Councillor and Ward Committee at which time the Ward Committee will cease to exist.

29.5 Procedure for reconstitution of a Ward Committee

29.5.1 The reconstitution a Ward Committee shall be held in a form of a by-election and undertaken in-line with provisions in clause (14) of the Rules.

29.5.2 Members of the dissolved committee except for Ward Councillor shall not be eligible for re-election to the Ward Committee for a period of one (1) year after its dissolution.

29.5.3 The requirements for the composition of the reconstituted ward committee are the same as those set out in clause (6) of these Rules.

30. *AD HOC* ABSENCE AND VACATION OF OFFICE BY WARD COUNCILLORS

30.1 Appointment of Acting Chairperson

30.1.1 In special circumstances when the Ward Councillor is unable to attend a ward committee meeting, he/she must appoint a ward committee member to chair the meeting.

30.1.2 If the Ward Councillor is unable to appoint a substitute chairperson, the ward committee members present at the meeting must do so at the start of the meeting.

30.1.3 In the event where there is a Ward Councillor vacancy, the Ward Committee shall continue to operate until the vacancy is filled.

30.1.4 An interim Chairperson/Councillor may be appointed by the Speaker.

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

PREAMBLE

The aim of this code is to provide Ward Committee members with guidelines on what is required of them, their personal behavior and relationships. The intention is not to restrict anybody's freedom of action. General principles are suggested, which circumstances and experience over time may prove to be desirable.

The essence of the code is that, on assumption of duty, every member assumes a very special responsibility to his/her local authority and fellow citizens. This responsibility should be carried out diligently and to the best of their ability. Personal interest cannot play a part in matters concerning the interest and welfare of the community as a whole, and it is the duty of every Ward Committee member to avoid situations which may require him/her to compromise his/her conscience or good name. It is also the duty of every member not to do anything which may compromise a fellow member of the committee.

Should any Ward Committee member, by any act or omission, in any way cause the ordinary citizen to lose confidence in the honest and impartial of the affairs of his/her Metro, such a member would be violation the code of conduct.

PART 1

PROVISIONS OF THE CODE APPLICABLE TO WARD COMMITTEE MEMBERS

1.1 Members must not favour any person or instance which cannot in similar circumstances be shown to any other person or instance.

1.2 Members must at all times strive to increase the public's confidence in local government and must always conduct themselves above reproach in both official and private matters

1.3 They are required not to say or do anything which could create an impression that they have been improperly influenced in carrying out their official functions as Ward Committee members

1.4 Ward Committee members must perform their functions of office in good faith, honestly and in a transparent manner.

1.5 Ward committee Members must at all times act in the best interest of both their ward and the entire municipality and in such a way that the credibility and integrity of the municipality are not compromised.

1.6 Ward Committee members, including the Ward Councillor, must attend each ward committee meeting except where leave of absence has been granted or the ward committee member is required in terms of this code to withdraw from the meeting.

1.7 A Ward committee member may not disclose any confidential information obtained by virtue of the office he holds as a member for personal gain or to improperly benefit another person and such confidential information may also not be made public without permission of the committee.

1.8 DISCLOSURE OF INTERESTS

1.8.1 A ward committee member must disclose to the committee any direct or indirect personal or private interest that a ward committee member or his/her spouse, partner or business associate may have in a matter before the ward committee.

1.8.2 A ward committee member must withdraw from the proceedings of the ward committee when the matter referred to in paragraph 1.8.1 above is considered by the committee.

1.8.3 Where a member is engaged in deliberations and it becomes evident that his/her personal interests are either directly or indirectly involved, he/she should withdraw immediately.

In this regard the following simple rules apply:

(a) Before a member takes part in any official procedure, he/she should carefully consider whether or not he/she has any direct or indirect personal interest in the matter. If so, he/she should not take part.

(b) Should there be any doubt as to whether participation by a member in any procedure would be ethically correct, he/she should not participate.

(c) Even if a member is certain that he/she will act impartially in a specific matter, he/she must consider how an objective outsider would view his/her position and whether a reasonable person might not doubt his/her impartiality.

(d) A member who feels conflicted by a matter under discussion reserves the right to withdraw from that discussion even if other members have a contrary view on his/her withdrawal.

1.9 Members of the Committee must always demonstrate and conduct themselves with respect amongst each other's standpoints and views and their conduct must not discredit or compromise the system of local government.

PART II

WARD COMMITTEE MEMBERS AND THEIR RELATIONSHIP TO THE PUBLIC

2.1 A member is primarily the elected representative of his/her local authority and not only of his/her ward. The member's primary duty is therefore towards the community as a whole and he/she may act as spokesperson for his/her ward only if that is not in conflict with his/her communal commitments. He/ She must not promote the interest of a group or any political structure at the community's expense.

2.2 Members' principal function is to serve as part of a Ward Committee dealing with the affairs of the ward. The Ward Committee will:

(a) Consider and make recommendations on such matters referred to it by Council from time to time.

(b) Consult at regular intervals with ward residents/community members on matters relating to the ward and develop and submit reports and recommendations on such matters to Council as and when required.

(c) At all times actively promote and further the best interests of the ward to the extent that this is in line with the best interests of the entire metro.

2.3 It is not the object of this code to interfere with the right of members to advise and assist members of the public in their dealings with the Council. However, it is preferable in all cases to submit representations to the Council through the proper channels.

PART III

PROCEDURES TO FOLLOW IN THE EVENT OF ALLEGED BREACH: CODE OF CONDUCT

3.1 In the event of an alleged breach with the operation of Ward Committees, an aggrieved party may:

3.1.1 Report the matter in writing to the Speaker of Council detailing the nature of the alleged breach and attaching relevant supporting documents.

3.1.2 Speaker of Council to acknowledge receipt of the alleged breach within (14) working days and respond within thirty (30) days.

3.1.3 Speaker of Council will investigate the allegations and make recommendations and/or ruling from the findings.

3.1.4 If allegations are proved to be accurate, the Speaker of Council may recommend that the Ward Committee member in breach be:

a) issued with a written warning;
b) suspended from the Committee for a period determined in the recommendation;
c) terminated as a Ward Committee member

3.1.5 The Speaker of Council's findings would be communicated to aggrieved party through a written submission and/or a meeting.

3.1.6 Once the recommendations have been communicated, City Administration officials, through Office of the Speaker to implement the recommendations, within a month after the formal communication.

ANNEXURE A

RULES OF ORDER FOR WARD COMMITTEE MEETINGS

1. Commencement of Ward Committee meeting

The Chairperson must open each meeting of the Ward Committee at the scheduled time for the meeting and immediately proceed with the business of the meeting.

2. Order of Business

Business at ordinary meetings of the Ward Committee should be flexible but must preferably proceed in the following order: -

(a) Opening and Welcome

(b) Apologies, applications for leave of absence

(c) Declaration of interest

(d) Confirmation of minutes

(e) Matters arising

(f) Reports by Portfolio Chairpersons

(g) Report of the Chairperson

(g) Matters adjourned from any preceding meeting.

(f) Communications/correspondence

(k) General business

However, a member may at any time during the proceedings move as a motion of course that precedence be given to any matter appearing on the agenda and may briefly state the reasons for such motion. If this motion is seconded, it must be put to the vote immediately and without discussion. If carried, the matter must receive precedence.

3. Introduction of urgent business

(a) The Chairperson may at any meeting without notice make any statement or read any communication. Any member who wishes to introduce a matter of exigency, must submit it to the Ward Committee through the Chairperson. A maximum of three items of such a nature may be introduced at a meeting.

(b) A member may introduce urgent business if it is delivered to the Chairperson at least 24 hours before the date of the meeting at which it is intended to be introduced

4. Attendance Register

Every member present at a meeting of the Ward Committee must sign his/her name in an attendance register, which must be provided for that purpose.

5. Minutes

(1) Minutes of the proceedings of every meeting of the Ward Committee may be prepared in a handwritten or typed format and must be submitted by the Chairperson for confirmation at the next ordinary meeting.

(2) The minutes must be taken as read for the purpose of confirmation if a copy thereof was sent to each member of the Ward Committee at least forty-eight hours previously.

(3) Except for accuracy, no motion or discussion on the minutes will be allowed.

(4) A motion to correct the minutes will be permissible, and if carried, the minutes must immediately be corrected and signed.

6. Order of priority

The sequence in which members speak, will be determined by the Chairperson.

7. Chairperson of the Ward Committee

7.1 Ward Councillor as the Chairperson of the Ward Committee meeting must:

(a) Preside at meetings of the Ward Committee;
(b) Ensure that the Ward Committee meets as scheduled

Whenever the Chairperson wishes to speak during a debate, any member then speaking or offering to speak must be silent and all members must be silent so that the Chairperson may be heard without interruption.

8. Chairperson's ruling on questions of order

(1) The ruling of the Chairperson on a point of order, point of information, or on the admissibility of a personal explanation will be final and not open to discussion.

(2) The ruling of the Chairperson upon any point raised as to the interpretation of these regulations will be entered in the minutes by the Secretary.

9. Unopposed business

(1) When a meeting of the Ward Committee has lasted more than two hours, the Chairperson may interrupt the proceedings and direct that the Ward Committee immediately proceed to dispose of business other than opposed business.

(2) After the disposal of such business, the proceedings must resume at the point at which they were interrupted, unless all other remaining business has been adjourned until the next meeting.

10. Quorum

10.1 If there is no quorum at the expiration of 15 minutes after the time fixed for the meeting, the Chairperson of the committee must allow an extension of time not exceeding 15 minutes for the commencement of the meeting, following which the Chairperson must rule that the meeting is cancelled.

10.2 Names of the members present must be called by the Secretary and recorded in the minutes, and the Chairperson must declare the meeting ended.

11. Voting by show of hands

The decision of the Ward Committee on any questions before it, must be determined by a show of hands and by simple majority, i.e. 50% + 1 of the members present.

12. Meetings of Ward Committee

(1) Meetings must be conducted once a month and be scheduled annually.

(2) Should the Ward Committee not form a quorum within fifteen minutes of the time it should have commenced, the meeting may not proceed.

(3) A member of the Ward Committee who without leave of absence previously granted by the Ward Committee, fails to attend three consecutive meetings of such Committee will cease to be a member thereof and will not qualify for re-election to any Ward Committee for a period of six months from such cessation.

(4) A member of the Ward Committee may resign from such Ward Committee by notice in writing, signed by him/her and submitted to the Secretary.

13. Maintenance of order at Ward Committee meetings

(1) If a member misconducts him/herself or obstructs the business of any meeting of the Ward Committee or challenges the ruling of the Chairperson on any point of order or declines to withdraw any expression when required to do so by the Chairperson, or indulges in tedious repetition or unbecoming language, or

commits any breach of these Rules, the Chairperson will direct such member to conduct him/herself properly and resume his/her seat.

(2) In the event of a persistent disregard of the directions of the Chairperson, the Chairperson will direct such member to retire from the meeting venue for the remainder of the meeting and may, if necessary, cause him/her to be ejected there from.

(3) (a) Any such member who:

(i) refuses or fails to comply with a direction of the Chairperson given in terms of sub-regulation (3); or

(ii) returns to the place of meeting prior to the conclusion of the meeting from which he/she was directed to retire; or

(iii) offers resistance whilst being ejected from the place of meeting. will be guilty of an offence and will receive a formal written warning and a one-meeting suspension, which will be deemed to be an absence without leave.

(b) Should such member commit the same or similar offence twice, he/she will be disqualified as a member of the Ward Committee.

(4) Members may not bind the committee or make official statements to the press unless they have the prior approval of the Chairperson of the Ward Committee.

DECLARATION

Ward no:…….

I ……. declare that I have read and understand the rules regulating ward committees and the code of conduct of ward committees and that I agree to be bound by such rules and the code of conduct in the execution of my duties and functions as a ward committee member.

Signature…… ……..Date……..