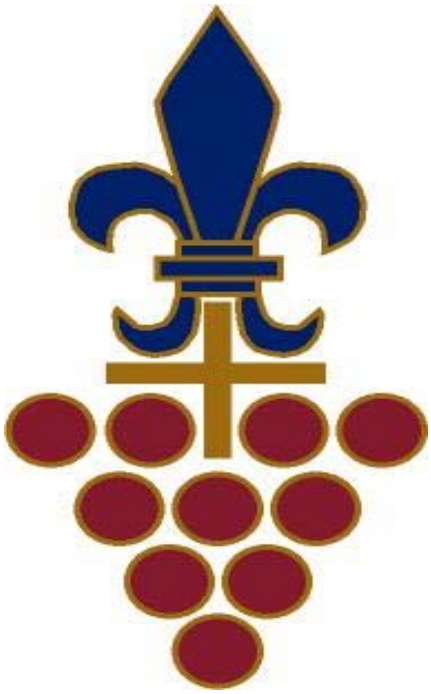
# APPENDIX 17

# STELLENBOSCH MUNICIPALITY



# WARD COMMITTEE POLICY

# 2024-2025

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# Policy and Procedures for Ward Committees

Compiled in terms of the Local Government: Municipal Structures Act, 117 of 1998; Local Government: Municipal Systems Act, 32 of 2000 and 2005 DPLG Guidelines

**Preamble**

WHEREAS the Municipality is committed to encouraging the involvement of communities and community organisations in its affairs.

WHEREAS the Municipality is a municipality with an executive mayoral system combined with a ward participatory system as set out in section 9(d) of the Act.

WHEREAS the Council has resolved in terms of section 72(2) of the Act to adopt the ward participatory system.

IT IS THEREFORE RESOLVED by the Council as follows.

**Definitions**

In this Policy and Procedures, a word or expression has the meaning assigned to it in applicable national legislation; otherwise, it has the meaning set out below:

**"the Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**"Council"** means Council of Stellenbosch Municipality or the Stellenbosch Town Council;

**"election officer"** means the person in charge of the election of ward committee members at an election meeting, which person must be an official of the Municipality or an impartial person appointed by the Municipality for this purpose;

**"Executive Mayor"** means [insert];

**"geographical area"** means a portion of the ward (e.g. a block of streets) to be served by a ward committee member or more than one ward committee member;

**"Mayoral Committee"** means [insert];

**"Municipality"** means Stellenbosch Municipality;

**"nominee"** means a person nominated in terms of clause 5 for election to a ward committee by a registered voter residing in that ward;

**"out-of-pocket allowance"** means out of pocket allowances to be paid to members of ward committees in respect of their participation in the activities of the ward committees as contemplated in clause 73(5)(c) of the Act; **"Policy and Procedures"** means this document;

**"resident"** means a resident of the ward for which the ward committee was established; and

**"Speaker"** means the Speaker of the Council.

## CHAPTER 1
## ESTABLISHMENT AND ELECTION

**1. Establishment**

With effect from a date set by the Municipality, ward committees will be established for all wards.

**2. Status of ward committees**

(1) The object of a ward committee is to enhance participatory democracy in local government.

(2) A ward committee:

(a) is an advisory body;

(b) is a representative structure of the ward;

(c) is an independent committee of the community in a ward;

(d) is impartial and performs its functions without fear, favour or prejudice;

(e) is not politically orientated;

(f) as a representative structure of the community, is accountable to the community; and

(g) is an integrative umbrella body responsible for coordination of ward developmental initiatives, promotion of accountability and social cohesion.

**3. Composition of ward committees**

(1) A ward committee will comprise of the ward councillor representing that ward in the Council and not more than 10 other persons elected in accordance with clauses 6 to 10. Gender equity and diversity of interests will be pursued by the election officer. This will be done by drawing the attention of the voters at the start of an election meeting to the importance of:

(a) striving for equal representation of men and women on the ward committee; and

(b) having representatives for different communities within the ward on the ward committee in the case of a geographical representation system.

(3) The Municipality must appoint ward administrators to fulfil the administrative and/or secretarial duties of a ward committee.

(4) A ward councillor may delegate in writing the chairing of a meeting in his/her absence to a proportional representation councillor or any member of the ward committee.

(5) A ward committee may extend a standing invitation to a maximum of two individuals who they feel will contribute to a better representivity of the ward committee, as observers to the ward committee.

(6) The observers mentioned in sub-clause (5) above will have no voting rights during ward committee meetings.

**4. Decision on type of ward committee**

(1) When a new ward committee is to be established, the Municipality must determine beforehand whether the particular ward warrants a single election following the geographical representation system, taking into account the diversity of communities as well as the geography of that ward.

(2) The administration of the Municipality, after consulting with ward councillors, must make a recommendation to the Council in respect of the type of election system to be used for each ward. The Council will decide on the type of election system to be used for each ward.

(3) In the case of a geographical representation system, the Municipality, in consultation with the ward councillors, must determine beforehand how many ward committee members will be representing each geographical area, taking into consideration the pro-rata numbers of registered voters in each voting district.

(4) The ward councillor, in consultation with residents, must determine the number of the geographical blocks for the ward taking into consideration the distribution of registered voters in the area.

**5. Nomination**

(1) Before the Municipality calls for nominations for a general election of ward committees, an information campaign must be undertaken to inform the public and councillors on all aspects of the election.

(2) In the case of a geographical representation system, only nominations in respect of and made by a registered individual residing in the particular geographical area will be valid.

(3) The Municipality must:

(a) publish a call for nominations for candidates for ward committee elections in one or more of the local newspapers circulating in the Stellenbosch municipal area at least 45 days before close of nominations; and

(b) advertise the call for nominations on notice boards in municipal buildings and municipal libraries for a period of at least 30 days.

(4) A nomination must be accompanied by:

(a) a written acceptance of the nomination by the nominee in the prescribed format; and

(b) a copy of the ID document or ID card of both the proposer and nominee.

**6. Election criteria**

To be elected as a member of a ward committee, a person:

(a) must be a registered voter in the ward concerned;

(b) may not be a member of the Council;

(c) may not be in the full-time employment of the Municipality;

(d) may not, on and after the date of nomination, be in arrears to the Municipality for rates and service charges for a period of more than three months;

(e) may not be someone who, after February 1997, has been convicted of an offence and sentenced to imprisonment for a period of not less than 12 months without the option of a fine;

(f) may not be someone of unsound mind who has been declared so by a competent court; and

(g) may not be an insolvent or unrehabilitated insolvent.

**7. Election meeting**

(1) Elections will be held according to the type of election system determined by the Council for each ward in terms of clause 4 above.

*(2)* On determining the election meeting venue (or venues, in the case of separate meetings), the Municipality must take into account, *inter alia:*

(a) the input of the ward councillors and communities concerned;

(b) distances for voters to travel;

(c) the needs of minority or vulnerable groups to be accommodated on the ward committee; and

(d) the existence or not of separate communities within the ward with dissimilar needs.

(3) After the nominations have closed, the Municipality must:

(a) convene an election meeting for and within each ward after confirmation of the election date with the relevant ward councillor; and

(b) make public the date, time and place of a ward election meeting by way of official notice in local newspapers as well as loud-hailing in the relevant wards using all the official languages of the province, as well as through other means of public communication determined by the Council.

(4) Only residents who are registered voters in the ward concerned may attend and vote at the meeting. Municipal officials and members of the media may attend the meeting but may not vote at the meeting.

(5) The ward election meeting must be chaired by the election officer.

(6) Provision must be made for illiterate persons, where applicable.

**8. Election procedure**

(1) The ward councillor, if present, may welcome the voters and the candidates and must then take a seat amongst those present at the meeting and refrain from any interference with the proceedings.

(2) The election officer will then take control of the voting process and explain

the procedure to be followed.

(3) The nominees:

(a) must be introduced by the election officer; and

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

(4) After the nominees for a geographical area have been introduced, the election officer will call for a vote on those nominees.

(5) If only one person was nominated, the election officer must declare that person elected.

(6) The election officer must declare elected the nominee who receives a majority of the votes (50% plus one) cast.

(7) If no nominee receives a majority of the votes cast, a second vote must be taken on the three nominees that received the highest number of votes in the first vote.

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

(9) If the two nominees receive exactly the same number of votes after the process in sub-clause (8) above, the election officer must determine the elected person by the draw of lots.

(10) Once all vacancies have been filled, the election officer must indicate to those present their right to appeal, as follows:

(a) any such appeal must be lodged with the office of the Speaker within seven days of the election;

(b) appeals will be dealt with by an independent person appointed for this purpose by the Speaker and agreed to by the appellant. The findings of the independent person will be binding.

(11) The ward councillor may at this point in time take control of the meeting to thank everybody present, congratulate the successful candidates and close the meeting, should he/she so wish.

**9. Voting**

(1) Each community member present may cast one vote for one nominee residing in his/her geographical area.

(2) Voting will be by ballot paper unless 75% or more of the voters decide to vote by show of hands. This may be determined for the meeting as a whole or for each geographical area separately.

(3) Where voting is done by show of hands, the nominees for each geographical area must leave the hall for the duration of the election with respect to that geographical area. Informed by previous experiences, the Municipality is kindly advised to use secret ballot in order to avoid any disruptions and intimidation tactics we experienced in the past.

(4) The ward councillor may vote for a nominee in his/her geographical area.

(5) The ward councillor may not, before or during the election meeting, influence or campaign for the election of ward committee members.

**Election (voting) process at election venues**

9.1 The elections will be conducted in accordance with the election (voting) process.

9.2 Only registered voters, whose names appear on the voters' roll of the Ward, where election of a particular Ward Committee are conducted will be eligible to participate in the elections of the particular Ward Committee.

9.3 A registered person can only vote for one organisation/sector and/ one geographical block representative during the election process of a particular Ward Committee.

9.4 A minimum of not less than 2 (two) organisations/sectors to be elected as members of a particular ward committee whilst the balance must be elected from geographical blocks.

9.5 The ratio between organisations/sectors and geographical block representation, also taking into consideration 9.4 above, will be determined by the newly elected Ward Councillor, in consultation with the appointed election officer, taking into consideration the nominations received for the particular ward, upon finalising the list of nominations.

## CHAPTER 2

## TERMS OF OFFICE, VACANCIES AND DISSOLUTION

**10. Term of office**

(1) The term of office for a ward committee will run concurrently with that of the Council up to the day of the next municipal elections.

(2) Members of a ward committee will vacate office when a new Council is declared elected.

(3) The vacation of office by a ward councillor does not affect the term of office of the 10 members elected in accordance with clauses 5 to 9.

(4) A ward committee member may be re-elected, subject to the above sub-clauses.

**11. Dissolution**

(1) The Council may, by notice addressed to a ward committee, dissolve the ward committee when:

(a) it fails to meet three consecutive times as per schedule of meetings;

(b) a majority of members, in terms of a vote taken at a ward committee meeting, recommends to the Council that the ward committee be dissolved; or

(c) maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in the ward committee.

(2) The Council must give prior notice to a ward committee of the intention to dissolve the ward committee subject to a right to reply within 14 days.

**12. Termination of membership**

The membership of a ward committee member will be terminated if that member:

(a) resigns in writing;

(b) is no longer qualified, in terms of clause 6 above, to be a member of a ward committee;

(c) is removed from office by the Speaker in terms of clause 13; or

(d) dies.

(e) Relocates to another ward

**13. Removal from office**

The Municipal Council may remove a member of a ward committee from office, after consideration of the Speakers recommendation to Council,based on an internal investigation by the office of the Speaker.Said internal investigation must be based on the "Audi Alteram Partem" rule. Grounds for removal as follows: Municipal Council, upon recommendation by the Speaker, can remove a member of a ward committee from office if that member:

(a) fails to attend three consecutive meetings without obtaining leave of absence from the ward committee;

(b) deliberately fails to adhere to meeting procedures or is guilty of gross misconduct during ward committee meetings;

(c) is involved in proven and malicious activities undertaken solely to undermine the authority of the Council or the ward councillor; or

(d) is engaged in corruption or deliberately fails to disclose a material conflict of interest.

**14. Filling of vacancies**

(1) The Speaker must fill the vacancy by declaring elected the person who received the second highest number of votes in the geographical area concerned during the election held in terms of clause 8.

(2) If nobody can be declared elected in terms of sub-clause (1) above, the ward committee may, by means of an information campaign in the relevant geographical area, call for qualifying nominations from that area, consider the nominations received and by a majority vote of the members present, fill the vacancy through a process of co-option.

(3) The intention to fill a vacancy through a process of co-option must be placed on the ward committee's agenda beforehand, and the agenda must be circulated to members at least seven days before the meeting.

(4) The geographical area representation of the member who vacated his/her position must be taken into account when filling a vacancy.

(5) A person co-opted as a ward committee member must comply with the criteria stipulated in clause 6 above.

(6) The ward committee vacant post will be filled within a month after the vacancy has occurred.

## CHAPTER 3

## POWERS AND FUNCTIONS AND CONDUCT OF MEMBERS

### 15. The role of the Speaker

The Speaker:

1. Must ensure effectiveness and functionality of ward committees and other public participation processes in terms of section 37(k) of the Municipal Structures Amendment Act (2021);
2. Must ensure that ward committees are established within hundred and twenty (120) days after the election of municipal councils in line with The hundred and twenty (120) days are calculated from the day on which the Independent Electoral Commission (IEC) declares the results of the Local Government Elections;
3. If the Municipality fails to establish ward committees, the Speaker must write a letter to the MEC for Local Government requesting extension. The MEC is required in terms of section 73 of the amended Structures Act to reply and indicate whether the extension has been granted or not within fourteen (14) days.

(1) is the patron/custodian of ward committees;

(2) must ensure that ward participatory structures are established in line with the set guidelines and applicable legislation;

(3) must in collaboration with ward councillors regulate and monitor the frequency of ward committee and community report-back meetings;

(4) must through his/her office ensure functionality of ward committees;

(5) must ensure that the local government environment is conducive to active citizen participation in governance at local level;

(6) must ensure ongoing training and capacity building programmes; and

(7) must set deadlines for submission of ward committee reports.

### 16. Powers and functions of ward committees

(1) A ward committee may make recommendations on any matter affecting its ward to the ward councillor or through the ward councillor to the Council, the Mayoral Committee or the Executive Mayor.

(2) The following functions and powers are delegated to ward committees by the Council in terms of clause 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000):

(a) to serve as an official specialised participatory structure in the Municipality;

(b) to create formal unbiased communication channels as well as co-operative partnerships between the community and the Council. This will be achieved by:

(i) advising and making recommendations to the ward councillor on matters and policy affecting the ward;

(ii) assisting the ward councillor in identifying challenges and needs of residents;

(iii) disseminating information in the ward concerning municipal affairs such as the budget, integrated development planning, performance management system (PMS), service delivery options and municipal properties;

(iv) receiving queries and complaints from residents concerning municipal service delivery, communicating these to the ward councillor and through him/her to the Council;

(v) ensuring constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and

(vi) interacting with other forums and organisations on matters affecting the ward; and

(c) to serve as a mobilising agent for community action within the ward. This may be achieved by:

(i) attending to all matters that affect and benefit the community;

(ii) acting in the best interest of the community; and

(iii) ensuring the active participation of the community in:

(aa) service payment campaigns;

(bb) the integrated development planning process;

(cc) the Municipality's budgetary process;

(dd) decisions about the provision of municipal services; and

(ee) decisions about by-laws.

(3) No executive powers will be delegated to ward committee members.

(4) A ward committee majority may express dissatisfaction to the Speaker in writing on the non-performance of a ward councillor.

**17. Subcommittees**

(1) A ward committee may establish one or more subcommittees necessary for the performance of its functions and may involve organisations more broadly.

(2) A ward committee must:

(a) appoint the members of such a sub-committee;

(b) appoint the chairperson of such a sub-committee from amongst its members; and

(c) determine the function of such a sub-committee.

(3) Meetings of the ward committee and its sub-committees may serve as a ward forum for major discussions.

(4) Stakeholders in the ward may apply to the ward committee to participate in sub-committees that are relevant to their fields of interest and to their day-to-day functioning as a sector.

**18. Conduct of members**

A member of a ward committee:

(a) must perform the functions of the committee in good faith and without fear, favour or prejudice;

(b) may not use the position or privileges of a member for private gain, or to improperly benefit another person;

(c) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;

(d) must adopt the principle of accountability to the community and the Council regardless of political affiliation;

(e) must be accessible to the community and ensure that all role players can relate to the process and the issues at hand and are able to provide their input in respect of the processes of the ward committee;

(f) must adopt the principle of transparency to promote openness, sincerity and honesty among all the role players in a participative process and promote trust and respect for the integrity of each role player and a commitment by all to the overriding objectives of the process in the interest of the common good;

(g) must recognise diversity with empathy for the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation;

(h) must consider all views and opinions in the process of community participation. Special effort should be made to include previously disadvantaged persons and groups, including women and youth in the activities of the ward committee; and

(i) must provide an apology with a valid reason to the chairperson of the committee or the ward administrator if he/she cannot attend a meeting.

## CHAPTER 4

## WARD COMMITTEE MEETINGS

**19. Chairperson**

(1) Subject to clause 3(4) above, ward committee meetings are convened and chaired by the ward councillor.

(2) Members of the ward committee must, well in advance of a ward committee meeting, not less than 72 hours prior to the meeting submit substantive items to be discussed to the chairperson.

(5) The chairperson will be responsible for preparing an agenda for ward committee meetings.

(6) The chairperson will determine when and where a ward committee meets, subject to sub-clause (5) below.

(7) A ward committee should meet on a monthly basis, but must meet at least quarterly.

**20. Purpose of ward committee meeting**

(1) The purpose of ward committee meetings is:

(a) For ward committee members to raise, formulate and table matters affecting the ward or geographical area / sector

(b) for the ward councillor to report on:

(i) matters decided by the Council; and

(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.

(2) Number of meetings

(a) at least two ward committee meetings per quarter; and
(b) two (2) public meetings per calendar year with one meeting during the first half of the year and the other during the second half of the year.

**21. Quorum and decisions**

(1) 50% plus one of the serving ward committee members must be present before a vote may be taken on any matter.

(2) A ward committee must endeavour to adopt its decisions on the basis of consensus.

(3) If consensus on any matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members with voting rights.

**22. Procedures**

(1) A ward committee with a supporting vote of the majority of its serving members may determine its own procedures subject to any directions of the chairperson.
(2) Meetings of a ward committee are normally open to the public.

**23. Work programme**

A ward committee must:

(a) submit a work programme with specific outputs for one year to the office of the Speaker or other designated political functionary in July of each year;

(b) perform the functions as set out to achieve and indicated in the work programme:

(i) on its own initiative;

(ii) on request by the ward councillor;

(iii) on request by the Speaker or other designated political functionary;

(iv) in accordance with priorities and reasonable timeframes determined by the Speaker or other designated political functionary.

**24. Administrative support**

(1) The Municipality must make administrative and secretarial arrangements to enable ward committees to perform their functions and exercise their powers effectively.

(2) The Municipality may put in place conditions, such as periods of notice of meetings, in order to organise administrative and secretarial support to the ward committee.

(3) In the case where the Municipal Manager receives correspondence from a ward committee, he/she must give feedback to the ward councillor concerned (with a copy to the Executive Mayor) on the information or action required within 14 days of receipt of the correspondence.

(4) Ward committees are entitled by prior arrangement to the free use of venues in municipal buildings in order to hold official meetings.

**25. Budget**

(1) Members of ward committees will be reimbursed for out-of-pocket expenses as contemplated in clause 25(2)(a) - (e) below.

(2) The Municipality will annually budget for a stipend of R500? per month per ward committee member subject to the following::

(a) attending of meetings as per the ward committee schedule of meetings;

(b) performing of functions as contemplated in clause 16 above;

(c) the maximum reimbursement of R 1 500.00? can be paid at the end of each quarter after verification (meaning in the first two weeks of the new quarter) to ward committee members in person and not to organisations that she or he represents (For eg, this means that payment for the quarter October – December of the particular year will be made during the first two weeks of January of the next year). The amount payable is dependent on the attendance of ward meetings by the respective ward committee member. The payment will be done after the completion of the entire verification process.

(d) that reimbursements only be paid on verification of attendance register of meetings and that reimbursements will only be electronically transferred to the bank account of the relevant ward committee member(s);

(e) that non-attendance of ward committee meetings and/or non-performance of functions as stipulated in clause 16 above without a valid reason be reported to the Speaker;

(f) ward committee members will only be paid for attendance of meetings after the proper verification. Failure to attend meetings will result in no payment;

(g) that ward committee members may elect not to be reimbursed. This confirmation must be submitted in writing on a quarterly basis by the respective ward committee member who chooses not to be reimbursed.

**26. Accountability**

A ward councillor must:

(a) ensure that full and proper records are kept of the minutes of ward committee meetings;

(b) ensure that the ward committee's available resources are properly safeguarded and used in the most effective and efficient way;

(c) ensure that all statutory measures applicable to the ward committee are complied with;

(d) ensure that all recommendations and comments made by the ward committee are formalised and submitted to the office of the Speaker or other designated political functionary for presentation to the Council or conveyed timeously to the appropriate external decision-making authority;

(e) report a view adopted by the ward committee to the Council, but may indicate his/her agreement with the view in the report;

(f) ensure the production of a progress report on major achievements and areas of failure, with reasons, within two months after the end of the financial year;

(g) submit the progress report to the Speaker or other designated political functionary for a review of the performance of the ward committee; and

(h) implement any corrective measures to ensure effective and efficient performance of the ward committee as suggested by the Speaker or other designated political functionary.

**27. Dispute resolution**

The following mechanisms are recommended when disputes arise within ward committees:

(a) every effort should be made to deal with disputes;

(b) when a dispute arises, the ward councillor should notify the Speakers office, after which the Speaker must attempt to resolve the dispute through a process of mediation.

~~(c)~~ if the attempt at mediation fails,the Speaker may choose to arbitrate or appoint and independent arbitrator to facilitate the process.

(d) if the majority of the members of the ward committee remain aggrieved, the matter should be brought to the attention of Council via office of the Speaker whereafter Council must make final resolution This should be avoided as far as possible.

## CHAPTER 5

## PUBLIC MEETINGS (WARD MEETINGS)

**28. Chairperson**

(1) Public meetings (ward meetings) are chaired by a ward councillor. A ward councillor may delegate in writing the chairing of the meeting to a proportional representation councillor or any member of the ward committee.

(2) A ward councillor in consultation with the ward committee determine when and where the meeting will be held, subject to sub-clause (3).

(3) A public meeting must be held at least twice per calendar year.

**29. Purpose of ward/public meetings**

Public meetings are mainly held in order to:

(a) 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; and

(b) report back to the public on issues that affect it.

**30. Meeting arrangements**

(1) If a ward committee decides to hold a public meeting it may publish a notice in a newspaper circulating in the area concerned, stating the time, date and place of the meeting and inviting the public to attend the meeting.

(2) The scheduled date, time and place of the public meeting should be convenient so as to encourage the greatest number of people to attend. The venue must be:

(a) in a well-known place;

(b) easily accessible and, where possible, also disabled-friendly; and

(c) large enough to accommodate all people present.

(3) When the ward committee publishes a notice, it must communicate the contents of the notice, where appropriate, by electronic media or other appropriate means of communication, such as direct mail and posters or notices in key areas such as clinics, schools, bus stops and libraries in the area concerned.

(4) At the public meeting, a representative of the ward committee must:

(a) explain the meeting procedures, such as the adoption of the agenda and the time allowed for questions;

(b) explain the issues the ward committee has to consider, including any options open to the ward committee;

(c) allow members of the public attending the meeting to present their views on these issues;

(d) answer relevant questions;

(e) keep minutes of the meeting and inform the public that ward committee meeting minutes and public meeting minutes are public documents, and that the members of the community have access to these documents and may make copies at their own cost; and

(f) give feedback on previous issues, including reasons if there is a lack of progress.

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