



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**POLICY ON ESTABLISHMENT AND OPERATION OF
MUNICIPAL WARD COMMITTEES**

RESOLUTION: 124/2023

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PREAMBLE

CAPE AGULHAS MUNICIPALITY is a municipality with a Mayoral Executive System combined with a ward participatory system as set out in the Municipal Structures Act 117 of 1998.

Whereas CAPE AGULHAS MUNICIPALITY is committed to encourage the involvement of communities and community organizations in its affairs.

The Municipal Council of Cape Agulhas Municipality herewith adopts the following policy:

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 groups mean-

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

Nominee means a person, nominated in terms of section 3 for election to the ward committee by an interest group to represent that sector or an individual in that ward.

Individual means a person registered as a voter on Cape Agulhas Municipality's ward segment of the voters' roll of the specific ward.

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

Geographical Area/ Block means a specific area within a ward.

CHAPTER 1: ESTABLISHMENT AND ELECTION

1. Establishment

Due to the limitation of the sectoral approach, as witnessed during the past term, it is proposed that a combined model, i.e. block /geographical representation / interest group representation model be implemented.

The Cape Agulhas Municipality ward committees shall be established in each of the six (6) wards of the Cape Agulhas Municipality area.

Ward Committees will be established within 120 days after the election of Municipal Council; failing in doing so, the Speaker will prior to the expiry of the 120 days after the elections in writing and on good cause shown, request the MEC, responsible for local government in the Western Cape requesting an extension to establish ward committees.

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

2. Members

- i. The ward committees established in terms of section 1 will comprise of the Ward Councillor representing that ward in the Council and an additional 10 members elected according to sections 4 to 7.
- ii. The Ward Councillor shall, consistent with the provision of the Municipal Structures Act, No. 117 of 1998, serve as the chairperson of the ward committee.
- iii. The Speaker of the Cape Agulhas Municipality will serve as an ex-officio member on ward committees.

3. Nomination

- i. Candidates that were nominated by interest groups and Geographic/Block areas can stand for a ward committee election.
- ii. Any organization that represents interest groups can make a nomination.
- iii. Nominations can be submitted to the Municipal Manager until 21 days after the date set by Cape Agulhas Municipality.
- iv. Only candidates that were nominated by one of the interest groups, Geographic/Block areas from all six (6) wards of Cape Agulhas Municipality can stand for the ward committee election.
- v. Representatives nominated by sectors/organisations/geographical blocks on respective Ward Committee must represent a diversity of interest located in a particular ward and also comply with requirements set out in this policy.
- vi. The nominees for geographical blocks will be required to indicate or confirm their acceptance of the nomination via a form to be provided by the Municipality.

4. Election Eligibility

The following screening criteria must be applied for electing ward committee members:

- i. He or she must be a registered voter on Cape Agulhas Municipality's ward segment of the voter's roll;
- ii. A person is not eligible for election if he or she works for the Cape Agulhas local municipality or Overberg District Municipality;
- iii. A person should not have outstanding municipal accounts for more than three months since the date of nomination, unless a reasonable arrangement has been made with the Municipality's Finance Department (the municipal indigent policy to be considered);
- iv. A person should not be elected if convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months;
- v. Persons of unsound mind who have been declared so by a competent court cannot be elected; and
- vi. Members should be active in the sector or geographical area that they represent. They should be motivated to work on the ward committee by their commitment to working for a better life for all community members within their ward and the broader Cape Agulhas Municipality.

5. Election meeting

- i. Once a Municipal Council adopts a resolution to establish its ward committees, the Municipal Manager or an official delegated by the Municipal Manager, must inform the community of this resolution through any of the following mechanisms:
 - Newsletter;
 - Bulk-SMS to members of the community subject to the availability of credits;
 - Poster on lamp posts and strategic points within the respective wards;
 - Advertisement in the local media and on notice boards;
 - Social media;
 - Municipal App;
 - Any other means that may be effective; and
 - Any other method recommended and relevant from the Communication Strategy.
- ii. After nominations have been closed, the Municipal administration convenes a ward committee election meeting.
- iii. Any resident registered on the ward's segment of the voter's roll can attend the ward election meeting and vote.
- iv. The ward election meeting is chaired by a Municipal Official.
- v. The ward councillor will attend the meeting in his capacity as a Ward Councillor and observe the meeting procedure.
- vi. Each block/geographic/interest group must nominate 2-3 representatives; in order to expedite the filling of vacancies, that may occur over the term;
- vii. Where more than one nomination has been received, the Geographic/Block representative will be elected through a normal ballot process;
- viii. Where interest groups / geographical blocks do not exceed 10 nominations in a ward they are automatically deemed as elected and no election takes place.

6. Election procedure

- i. At the ward election meeting, the nominees are-
 - Introduced;
 - Allocated, on an equal basis, time to address the meeting.
- ii. After all nominees were introduced and had an opportunity to address the meeting, the chairperson will call for a vote on each nominee per interest group/geographic area.
- iii. If two nominees have exactly the same number of votes after the process in (2) above, and the total exceed 10, the chairperson will determine the elected person by the draw of lots.

7. Voting

- i. Only residents registered on the ward's segment of the voters roll may vote at an election for ward committee members;
- ii. A voter may cast a maximum of 10 votes per ballot paper;
- iii. Votes shall be cast by secret ballot paper;
- iv. The administration in collaboration with an independent body to officiate ward committee elections e.g. IEC, District Municipality, Department of Local Government, Public Participation or delegated official etc.

CHAPTER TWO: TERMS OF OFFICE, VACANCIES AND DISSOLUTION

8. Term of office

- i. The term of office for a ward committee will run concurrently with the term of the Council.
- ii. Members of a ward committee will vacate office when a new council is declared elected.
- iii. The vacation of office of a ward councillor does not affect the term of office of a ward committee.
- iv. A ward committee member may be re-elected, subject to the above sub-sections.

9. Dissolution

- i. The council may give notice, addressed to the ward committee, to dissolve the ward committee if it fails to fulfil its objective.
- ii. The Council must give prior notice to the ward committee of the intention to dissolve a ward committee.

10. Vacation of office

A member, elected in terms of sections 4 – 7 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.

11. Removal from office

The Speaker can remove a member, elected in terms of section 4 – 7 from office if that member-

- i. Fails to attend three consecutive meetings without leave of absence from the ward committee;
- ii. Undermines the authority of the Council or the Ward Councillor;
- iii. Is engaged in corruption; or
- iv. Fails to adhere to meeting procedures and /or displays a disruptive conduct during meetings.

12. Filling or vacancies

- i. The Ward Councillor, in consultation with the Speaker or any delegated official, shall fill a vacancy by declaring the person who received the highest number of votes as the new ward committee member.
- ii. If nobody can be elected in terms of subsection (1), sections 4 to 7 must be applied to fill the vacancy.
- iii. Vacancies will be filled within 30 days when the post became vacant.
- iv. Vacancies will not be filled 3 months prior to the Local Government Elections.

13. Powers and functions

A ward committee must –

- i. Advise the Ward Councillor on matters of the ward;
- ii. Assist the Ward Councillor in identifying conditions, problems and needs of residents;
- iii. Spread information in the ward around municipal issues, such as the budget, Integrated Development Planning and service delivery options;
- iv. Obtain input from residents around municipal issues, such as the budget, Integrated Development Planning, development applications and service delivery options;
- v. Receive queries and complaints from residents around municipal service delivery;
- vi. Interact with other forums and organizations around matters affecting the ward;
- vii. Nominate from its members individuals to serve on organizational wide structures and/or portfolio task team, if requested by the municipality of Cape Agulhas.

14. Work groups

- i. The Chairperson may establish one or more Work Groups necessary for the performance of the functions of the ward committee.
- ii. A Ward Chairperson must-
 - Appoint the members of such work groups;
 - Appoint the convener of such work groups; and
 - Determine the function of such work groups.

CHAPTER 3: MEETINGS

WARD COMMITTEES

15. Chairperson

- i. Ward committee meetings are convened and chaired by the ward councillor.
- ii. The ward councillor determines when and where a ward committee meets, subject to subsection (iii).
- iii. A Ward committee must meet at least once bi-monthly.

16. Purpose

- i. The purpose of ward committee meetings is:
 - For ward committee members to raise matters affecting the ward.
 - For the ward councillor to report on –
 - Matters, decided by the council.
 - To discuss complaints received by ward committee members on municipal service delivery in the ward; and
 - To formulate views and action plans/ward committee operational plans on the above matters.

17. Quorum

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

18. Decision-making

- i. A ward committee shall endeavour to adopt its views on the basis of consensus.
- ii. 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 COUNCILLOR COMMUNITY FEEDBACK MEETINGS (WARD MEETINGS)

19. Chairperson

- i. Ward Councillor Community Feedback meetings are chaired by the ward councillor.
- ii. The Ward Councillor determines where and when a ward meeting will be held, subject to subsection (3).
- iii. A ward meeting must be held at least four times per calendar year.

20. Purpose

The purpose of the ward meeting is:

- i. For the ward committee to report back on its activities.
- ii. For the ward committee to consult the ward community on any matter affecting the ward; and
- iii. To serve on other community participation structures as provided for by the municipality.

21. Attendance

- i. The public may only attend general ward meetings, on invitation by the ward councillor or approval by the ward councillor on receipt of such a request.
- ii. The General public should be encouraged to attend ward feedback meetings.

CHAPTER 4: RELATIONSHIP WITH THE COUNCIL

22. Reporting

- i. The Ward Councillor shall, at bi-monthly intervals determined by the Speaker, submit reports to the council on ward committee meetings.
- ii. Ward Councillor shall at council meetings called by the Speaker at bi-monthly intervals to report on the effectiveness of the ward committee and public participation programmes within their wards.
- iii. 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 5: STIPENDS

23. Stipends

- i. The council resolves to pay each month an amount decided upon during their annual budget to committee members.
- ii. These monies will be utilized to cover out of pocket expenses incurred by the member with regards to transport, telephone, and refreshments.
- iii. The Out-of-Pocket Expenses will not be paid if the ward committee member fails to attend scheduled ward committee without prior notice.

CHAPTER 6: ADMINISTRATIVE SUPPORT

24. Administrative Support

The Municipality shall give administrative support to the ward committee on the following:

- i. Compilation and distribution on agendas and minutes;
- ii. Notification to ward committee members of meetings;
- iii. Liaison with ward councillor on dates, time and venues of ward committee meetings and Ward Councillor Community Feedback meetings;
- iv. Logistical arrangements for ward committee and ward report back meetings; and
- v. Give feedback on complaints, needs and problems as reported by the ward committee members.

CHAPTER 7: GENERAL PROVISIONS

25. Commencement

This policy shall 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 the 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 waives or suspension of this policy

- 27.1 This policy may partly or wholly be waived 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 Council.

28. Compliance and enforcement

- 28.1 Violation of or non-compliance within 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 the policy.

29. Amendment and/or abolition of this policy

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

Document History

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