

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr A Komani

Committee Members :

**Ald N Botha-Guthrie, Cllrs L Ntsabo,
V Pungupungu & S Kalolo**

PORTEFEULJEKOMITEE :

GEMEENSKAPSDIENSTE

Voorsitter :

Rdl A Komani

Komiteelede :

**Rdh N Botha-Guthrie, Rdle L Ntsabo,
V Pungupungu & S Kalolo**

COMMUNITY SERVICES PORTFOLIO COMMITTEE

GEMEENSKAPSDIENSTE PORTEFEULJEKOMITEE

22 MAY 2017

I N D E X

ITEM

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APPLICATIONS FOR LEAVE OF ABSENCE

**STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE
CHAIRPERSON**

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**AGENDA of the
Portfolio Committee : Community Services
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

**1.
WARD COMMITTEE SYSTEM: REVISION OF WARD COMMITTEE RULES**

3/B

**R Williams
27 March 2017**

(028) 313 8019

Hermanus Administration

1. Executive Summary

The purpose of this item is for Council to consider the revised rules regarding the Ward Committee System within the Overstrand Municipal area.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate Community Services: Area Manager

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services
Creation and maintenance of a safe and healthy environment
The encouragement of structured community participation in the matters of the municipality

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996 (The Constitution)
Local Government: Municipal Structures Act, 117 of 1998 (Structures Act)
Local Government: Municipal Systems Act 32 of 2000
Local Government: Municipal Finance Management Act, 56 of 2003
Overstrand Public Participation Policy

6. Background/Discussion/Evaluation/Conclusion

Background

The revision of the particular rules is to ensure the effective implementation and management of the next generation of ward committees within the Overstrand municipal area. Council revised the rules previously at their meeting in May 2016.

**AGENDA of the
Portfolio Committee : Community Services
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

Discussion

An official notice was sent from the Director: Community Services' office to the Executive Mayor, Aldermen and Councillors dated 17 May 2016 to provide comments/proposals for revision of the Rules by Friday, 20 May 2016.

The comments received include:

- i. Various aspects regarding the election process of ward committees.
Response: The revision of the election process will only be considered during the 2020/2021 financial year for the next generation of ward committees.
- ii. The promotion of participation with regard to diverse interests and various communities residing within the boundaries of a particular ward.
- iii. Ensuring that ward committee members act within their mandate/ authority given by the organisation/sector/geographical block that he/she represents with regard to resignation by the ward committee member from the affected ward committee.
- iv. The involvement of the *secundus* of the Speaker with regard to the disciplinary process of ward committee members in instances where the Speaker is unavailable.
Response: Comments in respect of (ii) – (iv) are considered as part of the proposed policy revisions.

In terms of Section 73(3)(a) of the Structures Act, it must be ensured that:-

- women are equitably represented in ward committees; and
- a diversity of interests are represented in ward committees.

The proposed policy revision also includes various sections to promote/maintain compliance by all Ward Committees of Overstrand Municipality.

7. Financial Implications

Source of Funding eg. Capital/Operating Budget Provisions

Budget amount for 2016/2017: R649,000.00

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Revised Ward Committee Rules for the Overstrand Municipality.

**AGENDA of the
Portfolio Committee : Community Services
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

RECOMMENDATION TO THE COUNCIL:

that the revised Ward Committee Rules for Overstrand Municipality **be adopted.**

RESPONSIBLE OFFICIALS :

**R WILLIAMS
D LAKEY
D KEARNEY
F MYBURGH
B PLAATJIES
P FERREIRA**

TARGET DATE FOR IMPLEMENTATION :

31 MAY 2017

**AGENDA of the
Portfolio Committee: Community Services
22 May 2017
(Also the agenda for the Mayoral Committee Meeting: 31 May 2017)**

**1.
WARD COMMITTEE SYSTEM: REVISION OF WARD COMMITTEE RULES**

**3/B
R Williams (028) 313 8019 Hermanus Administration
27 March 2017**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MAY 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

1. that the revised Ward Committee Rules for Overstrand Municipality **be adopted**; and
2. that the Ward Committees of Wards 1 and 9 who do not comply with the woman equity, be afforded the opportunity to resolve the equity challenge in one of the following manners, whichever may occur first, namely:
 - filling of a vacancy that may arise during the term of office, or
 - replacing an existing male representative with a female secundi, where possible

RESPONSIBLE OFFICIALS :

**R WILLIAMS
D LAKEY
D KEARNEY
F MYBURGH
B PLAATJIES
P FERREIRA**

TARGET DATE FOR IMPLEMENTATION :

31 MAY 2017



Ward Committee Rules

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GENERAL EXPLANATORY NOTE:

[] **Words in bold type in square brackets indicate omissions from existing enactments.**

_____ Words underlined with a solid line indicate insertions in existing enactments.

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1. PREAMBLE

- 1.1. It is essential for good governance that citizens are actively involved in the processes with regard to planning, budgeting, monitoring and evaluation of programmes/projects.
- 1.2. Ward committees are regarded as the vehicle to promote good governance at local government level and must, in conjunction with the Council, execute the constitutional objects for government.
- 1.3. The Overstrand Municipality is governed as a municipality with a mayoral executive system combined with a ward participatory system as per Section 9(d) of the Local Government: Municipal Structures Act, 1998.
- 1.4. The establishment and operation of a Ward Committee must be in accordance with Section 72 to 78 of the Local Government: Municipal Structures Act, 1998.

2. OBJECTIVES

- 2.1. The objective of a ward committee is to enhance participatory democracy in local government.
- 2.2. Ward committees must participate in the following:
 - 2.2.1. preparing, implementation and review of the Integrated Development Plan (IDP),
 - 2.2.2. establishment, implementation and review of a Performance Management System (PMS),
 - 2.2.3. preparation of the budget,
 - 2.2.4. strategic decisions of the municipality relating to the provision of municipal services in terms of Chapter 8 of the Systems Act, 2000.
- 2.3. A Ward Committee is the official channel of communication between the community and municipality regarding municipal matters in a particular Ward.
- 2.4. A ward committee is an advisory body without any executive powers to assist the Ward Councillor in their duties.
- 2.5. Ward committees must perform their functions impartially without fear, favour or prejudice.

3. DEFINITIONS

Budget	Refer to the annual budget of a municipality in terms of the Local Government: Municipal Finance Management Act, 2003.
Code of Conduct	Code of conduct means Code of Conduct applicable to Ward Committee members as set out per schedule 1.
Constitution	The Constitution of the Republic of South Africa, 1996, which is the supreme law of the country.
Council	Refers to the Council of Overstrand Municipality
Geographical Block/Area	Represents the interests of an identified geographical area (e.g. neighbourhood, extension, village) in a particular ward.
Integrated Development Plan	The principle strategic planning instrument which guides and informs all planning and development, and all decisions with regard to planning, management and development in a municipality.
Municipal Manager	Head of administration and accounting officer of the Municipality and appointed by Council in terms of Section 54A of the Local Government: Municipal Systems Act, No 32 of 2000.
Organisation	Representing a specific interest of the community resident in the particular ward, for example youth, women, religious grouping, ratepayers associations, etc.
Performance Management System (PMS)	A two-way communication process between the Municipality and the community that measures specific targets, standards and priorities that were agreed upon during the IDP process.
PR Councillor	A proportional representative municipal councillor elected in terms of Section 22(a) of the Local Government Municipal Structures Act No. 117 of 1996 to represent a party on the council of a municipality.
Sector	Representing a broader scope of similar interests (umbrella body/structure) of the community for example, Sport & Recreation, Health & Welfare, etc.
Speaker	The Speaker of the Council elected in terms of Section 36 of Local Government: Municipal Structures Act 117 of 1998.
Ward Operational Plan	Annual plan of activities to be performed/executed by ward committee member's representative in a ward committee.

4. LEGAL FRAME WORK

The Constitution, 1996

Municipal Structures Act, Local Government: Municipal Structures Act, No. 117 of 1998

Municipal Systems Act, Local Government: Municipal Systems Act No. 32 of 2000

Municipal Finance Management Act (MFMA) - Local Government: Municipal Finance Management Act, No. 56 Of 2003

Guidelines for the establishment and operation of Municipal Ward Committees Notice 965 of 2005

National Policy Framework for Public Participation, 2007

National Framework: Criteria for Determining out of pocket expenses for Ward Committee Members, 2009

Overstrand Municipality: Public Participation Policy

5. MEMBERSHIP

5.1 A Ward Committee consists of the Ward Councillor and not more than ten other persons elected to represent organisations/sectors or geographical blocks resident within the boundaries of the particular municipal ward.

5.2 The Ward Councillor, as a representative of the Council must be the chairperson of the ward committee.

5.3 In the absence of the Ward Councillor, a Councillor must be nominated by the Speaker to act as chairperson of the particular ward committee.

5.4 The members represented in a ward committee can be elected based on sectorial model (organisation/sector) or geographical (block) model or a combination of both models to accommodate circumstances prevailing in a particular ward.

5.5 **[No individual representation will be allowed in a ward committee.] The election of ward committee members described in 5.4 above must take into account the need:**

- for women to be equitably represented in a ward committee,

- for diversity of interests in the ward to be represented.

5.6 No individual representation will be allowed in a ward committee.

- 5.7 A person to be elected to represent a sector/ organisation/ geographical interest on a ward committee must:
- 5.7.1 be a registered voter and whose name appears on the voters roll for the particular ward;
 - 5.7.2 not be a member of the Council;
 - 5.7.3 not be permanently or contractually employed by the Municipality;
 - 5.7.4 not be a Community Development Worker or employed by another sphere (Provincial/National) of Government;
 - 5.7.5 not have been indebted with the municipality for a period longer than three (3) calendar months, with the exception that proof can be provided that the necessary arrangements have been made to settle the debt and continue to remain in good standing for the duration of the term of office;
 - 5.7.6 Not have convicted of an offence and sentenced for a period of not less than twelve (12) months.
- 5.8 Close family members (husband, wife, child, parent) may not serve on the same ward committee.
- 5.9 The Code of Conduct for Ward Committee Members will be applicable to members of the committee during their term of office.

6. FUNCTIONS OF WARD COMMITTEES

- 6.1. Ward Committees together with the Overstrand Municipal Advisory Forum (OMAF) will act as the official liaison mechanism on all strategic municipal matters affecting the community.
- 6.2. Ward Committees will be the official body with which the Ward Councillors will liaise regarding any matter affecting their respective wards and more specifically items on the agenda of the Municipality affecting the particular ward.
- 6.3. The Ward Councillor must give regular feedback at ward committee meetings on Council matters as required in the Code of Conduct for Councillors.
- 6.4. Ward Committees must annually compile their respective ward operational plans which include a range of activities to be executed during the following financial year.
- 6.5. Ward Committee Members must attend official meetings scheduled in terms of Council's meeting cycle or upon special request by the municipal Council or Speaker.
- 6.6. Members of the Ward Committee must submit items for discussion to the Administration at least fourteen (14) days before the official ward committee meeting

- 6.7 Ward Committee Members must report back to their respective constituencies (organisations/sector/ geographical blocks) at least on a quarterly basis.
- 6.8 Formal minutes of quarterly report back meeting of constituencies (referred to in 6.7) must be submitted to the municipal administration via the Ward Councillor within 21 days after the aforementioned meeting.
- 6.9 Ward Committee Members must report issues pertaining to maintenance of infrastructure to the respective municipal customer care help desks or emergency control room located in or closest to their particular ward, using their allocated unique reference numbers.
- 6.10 A Ward Committee may establish task team(s) to perform specific task(s) on behalf of the committee, e.g. monitoring projects within the ward.
- 6.11 It is required of ward committee members to attend training / capacity building sessions scheduled by the local municipality or other sphere (provincial / national) of government.
- 6.12 It is the responsibility of all Ward Committee Members or nominated ward committee members to attend the Overstrand Municipal Advisory Forum (OMAF) or forums outside the Municipality upon formal request by the Speaker / Municipality administration.
- 6.13 Geographical blocks must conduct their business in accordance with standardised rules of order (regulating documents) to be provided by the municipal administration.
- 6.14 Ward Committees must sign a Code of Conduct to be administered by the respective Ward Councillors and the Speaker of the Council.

7. PROCEDURE FOR ELECTION

- 7.1 The Municipal Manager will advertise a notice for the establishment of ward committee in all respective wards of the Municipality in the local newspapers and inviting nominations for organisations, sectors and geographical areas (including the names of representatives of the last mentioned structures).
- 7.2 Other relevant means of communication will be used to communicate the establishment of ward committees to residents in particular wards by the Administration.
- 7.3 Where more than one election in a ward is to take place due to the ward's geographical nature, the number of ward committee members of each area where meetings will take place, will be determined proportionally according to the registered number of voters in the last-mentioned area.
- 7.4 The meetings will be conducted by the respective Ward Councillor(s) or a Proportional Councillor, mandated by the Speaker.

- 7.5 The Municipal Manager will appoint an Area/other Line Manager to act as election officer during the meeting.
- 7.6 A minimum of not less than 5 (five) organisations and /sectors to be elected as members of a particular ward committee whilst the balance should be elected from geographical block/areas.
- 7.7 The organisations/sectors eligible for election must have been operational in the particular ward for at least one (1) year and must within three (3) months after election submit to the Administration a constitution/ regulating documents/registered certificate.
- 7.8 The ratio between organisations/sectors and geographical block representation, also taking into consideration 7.6 above, must be determined by the voters (public) present at the meeting before elections commence.
- 7.9 **[The geographical block representatives must establish a committee for the identified block within thirty (30) days after the ward committee election to manage the interests of the particular geographical block.]**
In the nomination and election of members of a ward committee the meeting must ensure that: -

- 7.9.1 women are equitably represented in that ward committee and,
 7.9.2 a diversity of interests are represented in that ward committee.

If after an election it is found that women or interests are not adequately represented, the chairman may declare up to two candidates who received the least number of votes and who are not from these groups as not having been elected. Candidates representing these under-represented groups who received lessor votes may then be declared elected. Alternatively the chairman may call for nominations from these groups. If more nominations are received than vacancies an election will be held in terms of these rules.

- 7.10 The geographical block representatives must establish a committee for the identified block within thirty (30) days after the ward committee election to manage the interests of the particular geographical block.
- 7.11 Nominations of representatives and respective secundus for geographical blocks in the ward must be considered by the meeting.
- 7.12 Only registered voters, whose names appear on the voters roll for the particular ward, will be eligible to participate in the elections of the particular ward.
- 7.13 An eligible voter must only make one nomination or second a nomination for an organisation/sector and/ geographical block respectively, during the election process of a particular Ward Committee.
- 7.14 Voting for members of a ward committee will take place by ballot paper, on pro-forma ballot papers prepared by the municipal administration.

- 7.15 A registered person can only vote for one organisation/sector and one geographical block representative during the election process of a particular ward.
- 7.16 If an organisation/sector is to be represented on the Ward Committee no other member of the executive of the particular organisation/sector is eligible to be elected as a geographical block representative for the particular Ward Committee. "Executive" means, for the purposes of this paragraph, a person elected or co-opted to manage the affairs of that organisation/sector.
- 7.17 Nominations for organisations/sector and geographical blocks respectively will be accepted in the order of the highest to the lowest number of votes achieved during the election.
- 7.18 In the event that more nominations are received than available opportunity for representation or vacancies on the particular Ward Committee, the meeting must decide to place the particular nominations on a replacement list.
- 7.19 If the organisation/sector/geographical block resigned as a member of a ward committee, **[the short list (taking into consideration the agreed ratio) which received the next highest number of votes at the election will be eligible to fill the vacancy. In the absence of a shortlist the ward committee may decide to fill the vacancy in terms of the process set out in this chapter.]** the process for the filling of vacancies set out in section 11 of the rules must be applied.
- 7.20 The chairman of the meeting must announce the total votes cast for organisational representatives and representatives at the meeting and such results must be recorded in the minutes of the meeting.
- 7.21 If the same number of votes is cast during any election the result will be determined by way of casting the lot.
- 7.22 Any person nominated on behalf of an organisation/sector/ geographical block must indicate his/her acceptance of such nomination.
- 7.23 The decision(s) of the chairperson will be final, upon applying the applicable rules for election purposes set out in this document.
- 7.24 If a person (organisation/sector/geographical block representative) makes any misrepresentation regarding eligibility as a candidate at a meeting, such person or organisation shall be disqualified to serve as a member for the term of the ward committee.
- 7.25 The election results for the establishment of Ward Committees must be officially reported to the Council by the municipal administration.

8. TERM OF OFFICE

- 8.1. The term of office of a ward committee shall coincide with the term of office of the Council.

9. CONDUCTING OF WARD COMMITTEE MEETINGS

- 9.1. A ward committee must meet at least monthly, except for period(s) when Council is in recess.
- 9.2. A quorum of a committee must consist of at least 50% plus one (1) member (excluding the Chairperson).
- 9.3. All meetings of the committee must be open to the public.
- 9.4. A member of the public who is not a member of the committee may address a committee with the permission of the chairperson.
- 9.5. The Ward Committee adopts its protocol arrangements in terms of language preference, meeting dates, commencement times of meetings, etc. at the first official meeting after the election of ward committees.
- 9.6. The timeframes for meetings must not exceed the following number of hours, namely:
 - 9.6.1 Quarterly public report back meetings: three (3) hours
 - 9.6.2 Other meetings: two (2) hours
- 9.7. All quarterly report back meetings must be conducted after municipal office hours.
- 9.8. An employee and councillor of the Municipality must be present at a meeting of a committee before it can be constituted.
- 9.9. If a member has a direct or indirect financial interest in any matter serving before the committee, unless that interest is the same as any other person in the ward, such person must recuse himself/herself from such discussion.
- 9.10. If the Ward Councillor must recuse himself/herself from discussion of an item at the committee, he/she must arrange with another councillor to chair the meeting during such recusal.
- 9.11. Any Councillor of the Overstrand Municipality may attend any meetings of a Ward Committee.
- 9.12. No items from the agenda of the political structures of the municipality marked as confidential by the Municipal Manager may be discussed at a ward committee meeting.
- 9.13. Any ward committee member whose representative(s) (organisation/sector/geographical area) is absent without an acceptable reason from three (3) consecutive meetings of the committee during its term of office will be replaced in terms of the rules for the filling of vacancies.

9.14 Any ward committee member whose representative(s) (organisation/sector/geographical area) is absent, irrespective of any apology tendered, from six (6) **[consecutive]** meetings of the committee during its term of office will be replaced in terms of the rules for the filling of vacancies.

10. TERMINATION OF MEMBERSHIP

10.1. A member vacates office during a committee's terms of office if that member:

- 10.1.1 Resigns in writing,
- 10.1.2 No longer qualifies,
- 10.1.3 Is removed from office,
- 10.1.4 Dies,
- 10.1.5 Is indebted to the Municipality for more than 3 (three) calendar months and where no agreement was entered into and honoured for payment of mentioned debt,
- 10.1.6. Is no longer capable to perform the duties attached to the office by majority decision of all members of the committee,
- 10.1.7. Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine,
- 10.1.8 Represents an organisation/sector/geographical block which fails to adopt a constitution or to provide minutes of at least three meetings per annum. Minutes must be submitted to the Administration via the Ward Councillor,
- 10.1.9 Is absent from Ward Committee meetings as described per/in terms of 9.13 and 9.14 above,
- 10.1.10 Disciplined and expelled in terms of the Code of Conduct for ward committee members. Once a member has been expelled from a ward committee he/she may not be re-elected during the same term of office for Ward Committees.

11. FILLING OF VACANCIES

- 11.1 Vacancies will be filled from the replacement list available from the initial or previous election of Ward Committee members.
- 11.2 In the absence of such a replacement list, vacancies shall be filled by following the election procedure set out per Section 7 of the rules.

11.3 The process set out in 11.1 and 11.2 above must:

- 11.3.1 take into consideration the agreed ratio as described per clause 7.8 above.
- 11.3.2 promote/maintain women equity of at least two women per ward committee.
- 11.3.3 promote/maintain diversity of interests in the ward to be represented.

12. REIMBURSEMENT OF OUT OF POCKET EXPENSES

- 12.1 Ward Committee members or their secundus will be reimbursed for out of pocket expenses in accordance with the schedule included in the current municipal operational budget. The ward committee members will be obliged to:
- 12.1.1 Attend formal scheduled ward committee meetings (per Council's meeting cycle) and to be present for the duration of such meeting. Communicate regular service delivery request (if any) via the customer care helpdesks and emergency control room.
 - 12.1.2 Attend possible training and capacity building programmes and be present for the duration of such training and capacity building programmes.
 - 12.1.3 Ensure that quarterly report-back meetings are held with their respective organisations, sectors, and geographical blocks. Minutes of meetings will serve as proof of meetings held.
 - 12.1.4 Attend and/or participate in other forums formally communicated by the municipal administration (i.e. Overstrand Municipal Advisory Forum, etc.) and other spheres of government and to be present for the duration of such meetings.
- 12.2 The reimbursement in respect of travelling costs for all ward committee members, residing outside a 20 km radius of the meeting venues within the ward will be in accordance with the schedule included in the current municipal operational budget. Ward committee members will be reimbursed for travelling costs outside a radius of 30km of the meeting venue within or outside the ward at the rates applicable to Councillors.
- 12.3 Elected ward committee members (excluding Councillors) will be reimbursed for out of pocket expenses as per the following guidelines, namely:
- 12.3.1 That the reimbursement amount will be paid to the ward committee members in person and not to the organisation/sector/geographical block that he/ or she represents
 - 12.3.2 That secundus for representatives of organisations/sectors will be reimbursed for attendance in the absence of the first/second nominated representatives at a particular, official ward committee meeting.
 - 12.3.3 That reimbursement only be paid on verification of attendance register of meetings attended and that reimbursement will only be electronically transferred to the bank account of the relevant ward committee member(s)
 - 12.3.4 That ward committee members may elect not to be reimbursed by informing the administration in writing to such effect.

13. RESPONSIBILITIES OF THE MUNICIPAL ADMINISTRATION

- 13.1 Provide administrative support to Ward Councillors and Ward Committees to arrange official ward committee meeting by:
 - 13.1.1 Compiling agendas of respective Ward Committees.
 - 13.1.2 Attending to logistic arrangements (e.g. venues, equipment, etc.).
 - 13.1.3 Serving of notices of meetings to residents in respective Wards on a quarterly basis.
 - 13.1.4 Recording minutes and circulating with agendas to Ward Councillors, Ward Committees and other affected parties.
 - 13.1.5 Attending all official ward committee meetings with regard to responsible staff.
 - 13.1.6 Attending ward committee meetings on request to resolve outstanding matters.
- 13.2 Provide technical support to Ward Councillors and ward committee members in their official capacity, relating to municipal services.
- 13.3 Assist with the interpretation of information/translations in official languages applicable to the Municipality, where necessary.
- 13.4 Prepare and submit budget requests for administration of Ward Committees.
- 13.5 Facilitate and assist with involvement of Ward Committees in IDP, budget processes, Performance Management, etc.
- 13.6 Implement or assist with projects directly affecting Ward Committees.
- 13.7 Facilitate and monitor the completion of all recommendations forwarded by Ward Committees.
- 13.8 Develop and provide capacity building and training programmes for Ward Committees when necessary during their term of office.
- 13.9 Assist with arrangement and/or provide municipal transport to Ward Councillors and ward committee members to attend to official business where necessary.
- 13.10 Facilitate and ensure the payment of out of pocket expenditure to ward committee members where applicable.
- 13.11 Record and monitor performance of respective ward committees as per the Municipality's administrative and performance management systems.

14. DISSOLUTION OF WARD COMMITTEES

- 14.1 The Council may dissolve a ward committee if the committee fails to fulfil its object, based on the following indications:
- 14.1.1 A ward committee fails to convene three (3) consecutive official meetings in terms of Council's meeting cycle.
 - 14.1.2 In the event of fraud, corruption or any serious malpractice in which the particular ward committee is found to be involved.
- 14.2 There should be due notice before a Council proceeds to dissolve a ward committee.

POLICY SECTION:	DIRECTORATE: COMMUNITY SERVICES
CURRENT UPDATE:	
PREVIOUS REVIEW:	25 MAY 2016
PREVIOUS REVIEW:	29 FEBRUARY 2012
PREVIOUS REVIEW:	4 MAY 2011
PREVIOUS REVIEW:	26 MAY 2010
PREVIOUS REVIEW:	27 MAY 2009
PREVIOUS REVIEW:	16 MAY 2007
APPROVAL BY COUNCIL:	4 JUNE 2003

SCHEDULE 1**CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS****1. Preamble:**

- 1.1 The purpose of the code is to ensure that Ward Committee members fulfil their obligations to the respective wards they represent.
- 1.2 The code is furthermore a set of guidelines to promote improvement of good behaviour of individual Ward Committee members and to foster good relations with the community, administration and Council.
- 1.3 This code is based on the Code of Conduct for Councillors and needs to be read in conjunction with the mentioned Code.

2. General:

Ward Committee members must at all times:

- 2.1 Perform their responsibilities/obligations with integrity, honesty and in a transparent manner.
- 2.2 Not in any way compromise the stability of the particular Ward Committee/local Ward Committee system.
- 2.3 Not compromise the integrity and credibility of the Municipality.

3. Attendance of meetings:

- 3.1 Ward Committee members and/or their respective secundus must strive to attend all officially scheduled Ward Committee meetings.
- 3.2 Organisations/sectors/geographical areas (block representatives) will automatically be dismissed from affected Ward Committee(s) if their Ward Committee member(s) and secundi (secundus) fail to comply with clauses 9.13 or 9.14 in terms of the Overstrand Ward Committee Rules.

4. Disclosure of interest:

- 4.1 A Ward Committee member must disclose direct or indirect personal or private interest in any matter serving before the Committee.
- 4.2 It is expected of a Ward Committee member to recuse him/herself from the discussion of an item before the Ward Committee in situations described in 4.1 above.

5. Personal gain:

A Ward Committee member:

- 5.1 Must not use his/her position as a Ward Committee member for private gain or to improperly benefit from another person.
- 5.2 Must not accept any gifts, rewards and favours for their involvement in responsibilities/activities with regard to the Ward Committee.

6. Intervention in administration:

A Ward Committee member must not:

- 6.1 Interfere in the administration or any department of the Municipality.
- 6.2 Give instruction(s) to employee(s) of the Municipality.
- 6.3 Obstruct or attempt to obstruct the implementation of any decision of Council or administration.
- 6.4 Encourage participation in any action that would result in maladministration within the Municipality.

7. Council property:

A Ward Committee member may not misuse, take, acquire or benefit from any property or asset under control or owned by the Municipality.

8. Disciplinary action:

- 8.1 If reasonable suspicion exists that provision of this Code of Conduct has been transgressed the Chairperson of the Ward Committee must:
 - 8.1.1 Provide a written report with the facts to the Speaker;
 - 8.1.2 The Speaker will give the affected Ward Committee member a reasonable chance to respond to the alleged breach of the code;
 - 8.1.3 **[Speaker will take an informed decision on the matter based on the evidence available to him/her.]** That the Ward Councillor also be afforded the opportunity by the Speaker to respond in writing to the submission of the affected Ward Committee Member.
 - 8.1.4 Speaker will take an informed decision on the matter based on the evidence available to him/her.
 - 8.1.5 The secundu of the Speaker will perform the duties of the Speaker set out in this disciplinary process in instances where the Speaker indicated in writing that he/she is unavailable to deal with a possible transgression.
- 8.2 The Mayor will act as the appeal authority.

DECLARATION

I, _____

Solemnly declare that I have carefully studied the Ward Committee Rules for Overstrand Municipality and the related Code of Conduct for Ward Committee Members. I fully agree that I shall be bound by the last-mentioned Rules and Code of Conduct in the execution of my functions and duties.

Signed at _____ on this _____ day of _____ 2016.

.....
SIGNATURE OF WARD COMMITTEE MEMBER **WARD NO.**

.....
WARD COMMITTEE MEMBER *(name in printed capital letters)* **DATE**

.....
AREA MANAGER/DIRECTOR: COMMUNITY SERVICES **DATE**

AS WITNESSES:

.....
Signature *Date*

.....
Signature *Date*