

CONSTITUTION FOR WARD COMMITTEES

PREAMBLE

The South Africa legislative context is that citizens should be involved in decision-making as this enhances developmental governance. This is particularly so in the local government sphere because it is at the forefront of service delivery and it is in direct contact with citizens. The White Paper on local government states that developmental local government is “local government committed with citizens and groups within the community to find sustainable way to meet their social, economic and material needs and improve the quality of their lives”. On the other hand, the Municipal Structures Act provides for the establishment of community structures (ward committees) to enhance participation to deepen democracy. It proposes a de-centralised form of decision-making

However, a huge gap exist between the stated intentions of these policies and actual practice. The Mangaung local municipality, through its commitment to deepening democracy and building its relationships with its constituency, has embarked on a project of building and strengthening the relationship between itself and the constituency it represents and serves. The key result areas of this project are the following :

- Structured, systematic participation of communities in governance issues;
- Communities understanding their obligation in paying for municipal services;
- Council managing consumers of municipal services as important clients; and
- Sustained communication mechanisms established so that problems, complaints and conflicts that threaten relations, can be resolved procedurally.

Council therefore proposes to establish Ward Committees in the following way :

1. DEFINITION

A Ward Committee is an elected body which aims to deepen democracy, and it is :

- 1.1 A community based structure
- 1.2 Inclusive of all organisation, sectors, and independent individuals in the community
- 1.3 A facilitating forum representing community interest to the council
- 1.4 A voluntary structure which is defined by the needs and conditions of the community
- 1.5 Transparent and accountable to the community as a whole
- 1.6 A forum where ideas can be discussed and information shared
- 1.7 A link between the community and the council
- 1.8 A committee of the Council

2. NAME

The forum shall be known as the (Name of Area)Ward Committee

3. OBJECTIVES OF THE WARD COMMITTEE

- 3.1 To express the needs and concerns of the residents within the ward.
- 3.2 To identify development priorities within the ward.
- 3.3 To promote and facilitate interaction between the Council and the community in a particular ward.
- 3.4 To respond to the concerns of the residence within the ward.
- 3.5 Involve the residents in the ward in identifying and prioritizing needs.
- 3.6 Identify resources in the ward for meeting the development needs.

- 3.7 Promote accountability of the Municipality to the residence of the ward.
- 3.8 Assist residents in the ward to request Municipal services, taking into account the financial capacity of the municipality and other development projects being executed within the other wards.
- 3.9** Participate in the development of their area;
- 3.10 To monitor Municipal programmes and services in its ward in line with the policies of the Council.
- 3.11 To foster good relations between the Council, community and all other sectors and institutions within the community.
- 3.12 To establish sub-committees as required to deal with issues such as health, transport, sports and education etc, and may for this purpose co-opt other persons from the ward with skills in particular relevant fields.
- 3.13 To assist in establishing programmes that would effectively deal with poverty, crime and aids, and
- 3.14 Promote friendly relations between the residence in its ward, the Municipality and community organisations.
- 3.15 To deliberate on issues affecting the ward, and to take decisions through consensus that will be submitted by the chairperson to serve as recommendations before the Council .

4. MEMBERSHIP

The members of the Ward Committee shall be individuals directly elected by the community.

- 4.1 Members shall be residents of South Africa
- 4.2 Members shall reside in that particular ward

5. ESTABLISHMENT OF THE WARD COMMITTEE

- 5.1 A Ward Committee shall be established in each ward and shall be inclusive of women, disabled and the youth
- 5.2 A Ward Committee shall consist of:
 - 5.2.1 A Ward Councillor who must be the Chairperson of the Committee. In the absence of the chairperson at a meeting, a deployed proportional councillor as assigned by the Speaker or the Executive Mayor, will chair the meeting of a Ward Committee.
 - 5.2.2 Not more than 10 (ten) people elected to serve in a ward committee, provided that the only other additional members shall be those persons co-opted in terms of paragraph 3.12 above.
- 5.3 The office-bearers of the Ward Committee shall appoint:
 - 5.3.1 a secretary

6. CRITERIA FOR INDIVIDUALS

- 6.1 All members must be eighteen (18) years or older.
- 6.2 The person must be a South African citizen.
- 6.3 The person must be a resident of the specific ward.
- 6.4 The person must be a registered voter in the specific ward.
- 6.5 The person must not have a criminal record.

7. ROLES AND DUTIES

7.1 Chairperson

The duties of the Chairperson shall be:

- 7.1.1 To chair all meetings, and to maintain order during such meetings;
- 7.1.2 To determine the dates for all meetings, and liaise with the secretary in this regard;
- 7.1.3 To provide leadership to the Ward Committee;
- 7.1.4 To coordinate the various functions of the Ward Committee;
- 7.1.5 To link a Ward Committee with various role-players such as the municipality;
- 7.1.6 To monitor Council's programmes in that particular Ward;
- 7.1.7 To ensure smooth functioning of the Ward Committee;
- 7.1.8 To lead all delegations to Council on various issues that effect the ward;
- 7.1.9 To nominate in a fair manner, members to serve on other bodies including other committees of the Council as a representative of the ward committee, if applicable;
- 7.1.10 To ensure that reports on the activities of the Ward Committee are compiled and submitted to the Council on a monthly basis, or on such intervals as may be determined by the Council;
- 7.1.11 To ensure that the conduct of members are such to enhance the image and name of the ward and the Council.

7.2 Secretary

The duties of the Secretary shall be:

- 7.2.1 To convene and attend all of the Ward Committee in consultation with the chairperson;
- 7.2.2 To take minutes of such meetings;
- 7.2.3 To ensure that a proper filing system is put into place where all documents and records of the Ward Committee's activities are kept;
- 7.2.4 To carry out other reasonable instructions as may be given to the Secretary from time to time by the Ward Committee;
- 7.2.5 To compile the reports on the activities of the Ward Committee and submit it to the Council.

8. FINANCE

- 8.1 The financial administration will be done by the Chief Financial Officer of the Mangaung local municipality in order to allow the Committee to fund raise in terms of the legal framework. The Chief Financial Officer will ensure that the financial records are audited and presented to the [City Secretary] Transformation Manager for distribution to the Ward Committees.
- 8.2 The duties of the Chief Financial Officer shall be :
 - 8.2.1 To keep all financial records;
 - 8.2.2 To manage financial transactions on behalf of the organisation;
 - 8.2.3 To provide the Transformation Manager with financial report on a monthly basis;
- 8.3 Expenditure will be subject to actual income of the Ward Committee, and approval of the ward councillor and the Transformation Manager or his delegate will be necessary before any payments can be effected.

9. ELECTION OF MEMBERS OF WARD COMMITTEES

The nomination and election of members of Ward Committees shall be done in accordance with the procedures as determined by the Mangaung local municipality from time to time.

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

1. GENERAL CONDUCT

1.1 A Ward Committee member must :

- 1.1.1 comply with the provisions of rule 29 of the Standard Rules and Orders of the Mangaung local municipality and the Code of Conduct for Councillors as contained in Schedule 1 to the Local Government : Municipal Systems Act, 2000 (Act No 32 of 2000);
- 1.1.2 perform the functions of office in good faith, honesty and a transparent manner;
- 1.1.3 at all times act in the best interest of the community;
- 1.1.4 refrain from doing anything that will cause him or her to interfere with the affairs of the administration of the Council, or to obstruct any Council official in the exercise of an official duty;
- 1.1.5 refrain from participating in any activities that are directed at or are aimed to undermine the efficiency, good name, standing in the community and the integrity of the Council, any of its committees and the administration;
- 1.1.6 refrain from participating in activities that are aimed at or that may instigate the members of the community against the Council;
- 1.1.7 refrain from participating in conduct in any manner whatsoever that will or may endanger the lives of other members of Ward Committees, councillors or employees of the Council.

2. ATTENDANCE OF MEETINGS

- 2.1 A Ward Committee member must attend each meeting of the Ward Committee and of a sub- committee which he or she is part of, except in cases when leave of absence is granted by the committee based on the reasons offered by the person.
- 2.2 If and when a Ward Committee member is absent from three consecutive Ward Committee meetings without leave, or from six or more consecutive Ward Committee meetings with leave, the committee may decide to recommend to the Speaker to terminate the membership of the Ward Committee of such member on such grounds. The decision of the Speaker on the matter is final.
- 2.3 Members of the public or the co-opted members of the sub-committee may attend the meetings of the Ward Committee to observe the proceedings, or to make presentations : Provided that the committee may request such presentations to be made in writing, provided further that members of the public or the co-opted members may not take part during the deliberation, nor be afforded the opportunity to vote, should the matter be put to the vote.
- 2.4 Officials of the Council through the departmental heads concerned, may be requested to attend and address a meeting of a Ward Committee to provide clarity on relevant issues, but may not vote on the issue.

3. PERSONAL GAIN

- 3.1 A Ward Committee member may not use the position or confidential information obtained as a member, to private gain or to improperly benefit another person.
- 3.2 A Ward Committee member may not take up an issue on behalf of another person for a fee or other personal gain.

4. REWARDS, GIFTS AND FAVOURS

- 4.1 A Ward Committee member may not request, solicit or accept any reward, gift or favour for :
 - 4.1.1 persuading the councillor or any council committee in regard to the exercise of any power, function or duty;
 - 4.1.2 making a representation on behalf of the community or committee to the council or any council committee; and
 - 4.1.3 disclosing privileged or confidential information;

5. UNAUTHORISED DISCLOSURE OF INFORMATION

A Ward Committee member may not without the permission of the Ward Committee or sub-committee disclose any privileged or confidential information of the council or committee to any unauthorised person.

6. BREACHES OF CODE

6.1 Should it be alleged that a member of the committee has breached any of the provisions of the Code of Conduct or the Constitution, or should a verbal or written allegation be made of such a breach, the Ward Committee may with the approval of the Speaker :

6.1.1 investigate and make a finding on alleged breach of this code and the Constitution; or

6.1.2 establishes a special sub-committee :

6.1.2.1 to investigate and make a finding on alleged breach of this code and the Constitution; and

6.1.2.2 to make appropriate recommendations to the Ward Committee.

6.2 If the special sub-committee or the Ward Committee itself makes a finding that the Ward Committee member has breached a provision of this code or the Constitution, the Ward Committee must, based on the proposal of the special sub-committee if any, make a recommendation to the Speaker to instigate disciplinary proceedings.

6.3 The Speaker will constitute an investigation team to investigate the allegation, and to submit a report on the issue to the Speaker within ten days.

6.4 Depending on the contents of the report, the Speaker will within ten days of receiving the report, appoint a disciplinary committee as well as a chairperson of the committee, to consider the matter. The disciplinary hearing will be conducted in accordance with the rules of natural justice and the following procedures will be followed :

6.4.1 the Speaker will appoint the prosecutor;

6.4.2 the prosecutor may call witnesses, produce documents during the hearing in support of his or her case and cross examine the accused member or witnesses called by the accused member;

6.4.3 the accused member may testify him or herself, may call witnesses in his or her defense and may cross examine witnesses called by the prosecutor;

6.5 After hearing all the evidence and perusing the documents, and on finding the accused member guilty of the charge, the disciplinary committee may make any one or more of the following recommendations to be imposed by the Speaker :

6.5.1 issue a formal warning to the Ward Committee member;

6.5.2 reprimand the Ward Committee member;

6.5.3 suspend the Ward Committee member for a period;

6.5.4 remove the Ward Committee member from the committee;

6.6 The Speaker shall thereafter report the outcome of the disciplinary proceedings to the Council at the first ensuing meeting of the Council.

6.7 The Ward Committee shall inform the community in the ward of the outcome of the disciplinary proceedings.

6.8 Any alleged breaches of the code by the ward councillor must be reported to the Speaker who must thereupon deal with the matter in terms of the applicable policies and legislation.

7. ROLE OF THE COMMUNITY

7.1 If the community in a ward is dissatisfied with the conduct of a Ward Committee member, they can: report such member to the chairperson of the Ward Committee.

7.2 The Ward Committee must deal with the report or petition so received in terms of the provisions of paragraph 6 above.