



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CITY OF CAPE TOWN

WARD COMMITTEE RULES FOR ELECTION AND ESTABLISHMENT OF WARD COMMITTEES

RULES FOR THE OPERATION OF WARD COMMITTEES

CODE OF CONDUCT COMBINED

& RULES OF ORDER FOR WARD COMMITTEE MEETINGS

DRAFT

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1. PREAMBLE

- 1.1. It is essential for good governance that citizens are actively involved in the processes regarding planning, budgeting, monitoring and evaluation of programmes/projects.
- 1.2. Ward Committees serve as one of the vital vehicles for promoting good governance at the local government level, and, together with Ward Councillors and the municipal Council, they are tasked with overseeing the implementation of the constitutional objectives of local government.
- 1.3. The City of Cape Town Municipality is governed through a Mayoral Executive system, which is combined with a Subcouncil and a ward participatory system, in accordance with Section 9(d) of the Local Government: Municipal Structures Act, 1998..
- 1.4. The establishment and functioning of a Ward Committee must comply with the provisions of Sections 72 to 78 of the Local Government: Municipal Structures Act, 1998.

DEFINITIONS

In these Rule s, unless the context otherwise indicates the following words and phrases shall bear the meanings assigned to them below:

AGM	means Annual General Meeting
Act	means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) or the Local Government Municipal System's Act, 2000 (Act 32 of 2000).
Budget	means the annual budget approved by Council
By-Law	means the Cape Town Subcouncil By-Law 2003 published in Provincial Gazette Extraordinary 6013 dated 12 May 2003, as amended
Chairperson	means the Ward Councillor or the person elected/assigned as chairperson for the meeting in his/her absence
City Manager	means the head of the administration and accounting officer appointed by Council in terms of section 54A of the Local Government Municipal Systems Act; Act 32 of 2000
Committee	means the ward committee
Community	Means the residents of a ward or those organisations who have an interest in the ward.
Community Organisation Database	Community Organisation Database means a database of organisations in wards, Subcouncils and the City, established and regularly updated by the Subcouncils.
Conclusive result	means the result of an election for one or more Ward Committee representative/s, in which at least one representative is elected to fill one or more available vacancies where at least one representative is elected to one or more available vacancies.
Council	means the City of Cape Town Metropolitan

	Municipality
Electoral Officer	means a municipal official appointed by the Speaker to administer and manage the Ward Committee election process
IDP	means the Integrated Development Plan approved by Council
Meetings	means the meetings of the Ward Committee which may also take place on a virtual or hybrid platform
Member	means the Ward Councillor and elected sector representative
Opening	means the introductory comments delivered by the Chairperson to commence the meeting, followed by either a prayer or a moment of silence.
Organisation	means a body, group or association of natural or juristic persons that: (a) have an interest in any one or more of the sectors identified for a ward by the Subcouncil; b) is formally constituted by means of a constitution or in terms of a law and (c) that has been formally registered with the City of Cape Town as such an Organisation and in terms of the Rule s determined in this regard and herein
Performance Management System	means the system approved and adopted by Council, in terms of which it is able to measure its performance
Prescribed	means prescribed by the Speaker
Presiding Officer	means any person appointed by the Electoral Officer in writing to preside over an election for a ward or wards.
Proportional Councillor	means the person assigned by a political party from the list of candidates representing that party who serves on the ward committee in an ex officio capacity
Quorum	is a majority of its members. (As set out in the Rule s of Operation of Ward Committees – Rule 7.3 – a simple majority of 51% of elected members)
Relevant Subcouncil	means the Subcouncil which has jurisdiction over the ward in question
Roles and functions of Ward Committees	in terms of clause 2 of the Rule s of Operation for Ward Committees
Sector	means a key area of interest or combination of areas of interest in a ward, as determined by Council
Speaker	means the Speaker of the City of Cape Town
Structures Act	means the Local Government Municipal Structures Act, 117 of 1998 as amended
Subcouncil	means a Subcouncil of the City of Cape Town established in terms of section 61 of the Local Government: Municipal Structures Act and the City of Cape Town: Cape Town Subcouncil By-law 2003 as amended
Subcouncil Manager	means a municipal employee appointed in terms of the municipal organisational staff structure and who is

	responsible overall for the administration of that Subcouncil.
Systems Act	Local Government Municipal Systems Act; Act 32 of 2000 as amended
Ward Committee	means a Ward Committee established in terms of section 72 and 73 of the Local Government Structures Act and these Rules
Ward Councillor	means the person elected to represent the ward.

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ELECTION AND ESTABLISHMENT OF WARD COMMITTEES

1. Establishment of Ward Committees

- 1.1** Council hereby resolves, by virtue of the provisions of section 72(1) of the Structures Act, to establish Ward Committees in terms of Section 73 of the Act.
- 1.2** Each ward shall have a Ward Committee within 120 (one-hundred and twenty) days of the establishment of the Council.

2. Deciding on the Composition of Ward Committees

- 2.1** Every ward councillor must:
 - 2.1.1** Recommend to the Subcouncil the sectors to be represented in his / her ward as well as the number of representatives per sector.
 - 2.1.2** Such recommendation must include one (1) seat per sector registered on the Community Organisations Database for the ward.
- 2.2** The composition of the ward committee must comprise of 10 allocated seats to the various sectors
- 2.3** At a formal meeting, the Subcouncil shall either endorse the recommendation of the Ward Councillor and resolve to establish the Ward Committee, or alternatively refer the recommendation back to the Ward Councillor for reconsideration and resubmission to the Subcouncil in accordance with Rule 2.1 above
- 2.4** At the subsequent Subcouncil meeting, should the Ward Councillor not be in a position to make a recommendation in accordance with 2.3 above the Subcouncil must make a determination to the sector and seat allocation for the respective ward.

3. Composition of Ward Committees

- 3.1** A Ward Committee must consist of:
 - 3.1.1** the Ward Councillor of that particular ward who is the Chairperson of that Ward Committee and
 - 3.1.2** not more than ten (10) and not less than six (6) members elected in terms of these Rules;
The Proportional Councillor assigned to that ward by the Office of the Speaker, who serves as an ex officio member of the Ward Committee without voting rights
- 3.2** A specific sector may be represented by more than one representative in a ward.
- 3.3** No organisation shall have more than one representative in a sector on a Ward Committee.
- 3.4** No organisation shall have more than two representatives on a Ward Committee.
- 3.5** Subject to Rule 3.8 no person may serve on more than one Ward Committee.
- 3.6** No political party shall be represented on a Ward Committee.
- 3.7** The Speaker must, in consultation with the Whips of the different political parties in Council, deploy Proportional Councillors as ex officio members to Ward Committees where they must fulfil the following roles:

- 3.7.1 in consultation with the Ward Councillors, assist and complement the work of the Ward Councillors in the Ward Committees.
 - 3.7.2 to participate in the deliberations of the Ward Committee, but without the right to vote.
- 3.8** The Executive Mayor, Deputy Mayor, the Speaker and the Chief Whip of Council will have the discretion to become ex officio members of a Ward Committee. In the event that the Executive Mayor, Deputy Mayor, the Speaker, or the Chief Whip also serve as Ward Councillors, they may appoint another councillor to act as Chairperson of their respective Ward Committees..

4. Membership Criteria for Ward Committees

- 4.1** For an organisation to be able to participate in an election for a Ward Committee, such organisation must:
- 4.1.1 be registered as an organisation on the Community Organisation Database.
 - 4.1.2 be active within the boundaries of a ward as evidenced by the lodging of minutes with the Electoral Officer of an AGM held within the period of 18 months prior to the closing date for the registration of organisations, as set out in Rule 6.1.1.
 - 4.1.2.1 For organisations in the education, faith-based sector, proof to be submitted of minutes of recent meetings.
 - 4.1.2.2 In the case of a formal business/informal trader, a valid tax clearance certificate/trading permit is to be submitted.
 - 4.1.2.3 Onus is on the organisation to ensure that its AGM minutes on file at the respective Subcouncil does not exceed the 18 month validity period. Failure by the organisation to update its AGM minutes may result in removal from the Community Organisation Database
- 4.2** The representative of a registered Organisation:
- 4.2.1 need not reside within the relevant ward;
 - 4.2.2 must be nominated as representing such organisations in the manner prescribed by Rule 10;
 - 4.2.3 must be a resident of the City of Cape Town.
- 4.3** The following persons may not be nominated or elected to a Ward Committee or remain members of a Ward Committee once their disqualification/s become effective in terms hereof:
- 4.3.1 a municipal councillor, except as determined in these Rules;
 - 4.3.2 a person who has been declared insolvent or declared mentally incompetent by a court;
 - 4.3.3 a member of the National Assembly, the National Council of Provinces or a Provincial Legislature;
 - 4.3.4 anyone who has been convicted of an offence and sentenced to a prison sentence without the option of a fine;

- 4.3.5 Any person who is more than three months in arrears with any municipal account.
- 4.3.6 any person who has been terminated as a Ward Committee Member by the Speaker due to breach of Code of Conduct may not be elected as a Ward Committee Member for the current term.
- 4.3.7 Must not hold an executive position in a political party.
- 4.3.8 Must not be an employee of the City of Cape Town or any Municipal entity
- 4.3.9 Must not be a Community Development Worker
- 4.3.10 Must not be employed by any other sphere of government

5. Registration of Organisations

- 5.1** Any organisation active in a specific ward that wishes to nominate a representative to serve on a Ward Committee must, by no later than the date determined by the Speaker in terms of Rule 6.1.1, be registered on the Community Organisation Database for a respective Subcouncil
 - 5.1.1 A separate application must be submitted in respect of each ward for which an organisation may wish to register.
 - 5.1.2 All successful applications must be entered onto the Community Organisation Database for the respective Subcouncil
 - 5.1.3 Any application not containing the required details and attachments shall not be accepted. Such incomplete applications will be returned to the organisation that submitted it and shall be duly notified.
 - 5.1.4 No incomplete submission must be loaded onto the Community Organisation Database for any Subcouncil.
- 5.2** The Speaker must, in consultation with the Electoral Officer, prepare and/or amend a list applicable to the whole Council, of sectors for which an organisation may register.
- 5.3** The Electoral Officer must ensure the creation and accessibility of the Community Organisation Database.
 - 5.3.1 The Subcouncil Manager must ensure continuous maintenance of the Community Organisation Database and report compliance to the Electoral Officer on a quarterly basis.
- 5.4** The Subcouncil must issue "Proof of Registration" to an organisation that has been registered.

Organisations will be entitled to register for more than one Ward Committee in one sector provided that such registrations do not exceed three, and are consistent with the organisation's constitution and objectives

6. Setting of Dates by Speaker

- 6.1** After the Local Government Election and inaugural meeting of Council at which these are adopted, the Speaker shall in consultation with the Electoral Officer set dates by which:
 - 6.1.1 the registration of organisations closes prior to the general nomination process;
 - 6.1.2 the respective Ward Councillors shall recommend to the Subcouncil the sectors to be represented in his / her ward as well as the number of representatives per sector;
 - 6.1.3 election of representatives to serve on the Ward Committee;
 - 6.1.4 the names of the successful Ward Committee members must be communicated on the Subcouncil Community Organisation Database and social media channels by Communications.
- 6.1.5 After completion of the general nomination process, registration applications of organisations may be accepted.

7. FILLING OF VACANCIES DURING TERM OF OFFICE

- 7.1** The Subcouncil Manager is to ensure that all vacancies must be filled within 30 days in the prescribed manner
 - 7.1.1 The Electoral Officer must immediately within 5 working days after the occurrence of a vacancy in a sector of a Ward Committee:
 - 7.1.1.1 determine a date by which registration of organisations close for the relevant sector in that ward;
 - 7.1.1.2 determine a date by which nominations to fill the vacancy in that sector must be submitted by any registered o-Organisation.
 - 7.1.1.3 communicate the names of the successful Ward Committee members' through the Subcouncil Community Organisation Database and on social media platforms via official communications;
 - 7.1.1.4 determine a date by which registration of organisations are allowed again in the relevant ward.
- 7.2** The Speaker may delegate the functions listed under Rule 7 to the Electoral Officer.

8. Identification by Ward Councillors and Subcouncils of Sectors per Ward

- 8.1** When recommending and determining sectors and the related number of representatives in each ward, the ward councillor and the relevant Subcouncil must consider:
 - 8.1.1 the demographics of the relevant ward and communities within that ward;
 - 8.1.2 the representivity of women and the disabled;
 - 8.1.3 the representivity of organisations;
 - 8.1.4 any other relevant characteristic of the ward.
- 8.2** Where the Subcouncil, in consultation with the ward councillor, has decided to cluster different sectors into one sector for representation purposes for a Ward Committee, the Subcouncil Manager must, as soon as possible after that meeting, contact the representatives of the affected organisations and inform such organisations accordingly:
 - 8.2.1 that the Subcouncil has decided that the affected organisations for such ward must be clustered into one sector for representation purposes;

- 8.2.2 of the contact details of all affected organisations;
- 8.2.3 of the number of representatives allocated to such combined sector.

9 Amendment by Subcouncil to List of Sectors for a Ward

- 9.1 Should a need arise to amend from a ward councillor or Ward Committee that the Subcouncil should, subject to Rule 5.2, add or subtract a sector to be represented on a specific Ward Committee, the Subcouncil Manager, in consultation with the Subcouncil Chairperson must:
 - 9.1.1 determine the date on which the Subcouncil shall consider the request; and
 - 9.1.2 inform the members of the affected Ward Committee of that Subcouncil meeting and its purpose and request their written comments for submission to the Subcouncil at its meeting.
- 9.2 Should the Subcouncil agree to the request, the Subcouncil Manager must commence the process to fill the vacancy in terms of Rule 7.1:
- 9.3 The Subcouncil may only add a sector to a Ward Committee if the total number of representatives on the relevant Ward Committee is less than ten.
- 9.4 Should a request be received from the Ward Councillor or the Ward Committee to combine an existing sector already represented on the Ward Committee with a new or different sector, or to amend the combination of sectors in a Ward Committee the Subcouncil Manager must:
 - 9.4.1 prepare a report in this regard for the next Subcouncil meeting;
 - 9.4.2 inform the affected Ward Committee's members of that Subcouncil meeting and request their written comments for consideration by the Subcouncil.
- 9.5 Should the Subcouncil approve the request, the Subcouncil Manager must:
 - 9.5.1 inform the existing representatives of such sectors that he/she will no longer represent the sector as from the date of the Subcouncil meeting that amends the sector:
 - 9.5.2 initiate the prescribed nomination process to fill a vacancy in a Ward Committee as prescribed by Rule 19 for the new sector.
- 9.6 A Subcouncil may amend the number of representatives to represent a sector in a ward committee, subject to the requirements of Rule 3.1. After such a decision is taken by a Subcouncil, the Subcouncil Manager must immediately inform the Electoral Officer of such a decision, in writing. Thereafter, the new position on the relevant Ward Committee must be filled in accordance with the provision of Rules 18 and 19 as applicable.

10 Nomination of Candidates to Serve on a Ward Committee

10.1 The Electoral Officer/presiding officer must, in accordance with the timeframes determined by the Speaker, call for nominations by means of:

- 10.1.1 a notice at the Subcouncil office and other strategic points.
- 10.1.2 notification in writing or by electronic transmission to the organisations registered on the Subcouncil Community Organisation Database.
- 10.1.3 any other means deemed appropriate by the Electoral Officer.

10.2 Such notice must indicate:

- 10.2.1 the sector/s in wards for which nominations are invited;
- 10.2.2 the date and time by which nominations must be submitted;
- 10.2.3 the place where the nominations must be submitted;
- 10.2.4 the qualifying criteria of Ward Committee members;
- 10.2.5 where information and the required forms may be obtained;

10.3 Only organisations, that are registered on the Subcouncil Community Organisation Database on the closing date for registration of organisations determined by the Speaker, may nominate a candidate to represent a sector on a Ward Committee.

10.4 The nomination of a candidate by an organisation must:

10.4.1 be done on the prescribed nomination form.

10.4.2 Mandated letter from the organisation

- (i) the name and identity number of the person (s) authorised to sign the nomination form on behalf of such organisation;
- (ii) the name and identity number of the person nominated to represent such a group / sector on the Ward Committee
- (iii) copy of the nominee's identity document
- (iv) duly signed by 2 executive members of the organisation other than the nominee.

10.4.3 include a letter from the nominated person confirming his/her acceptance of the nomination;

10.4.4 not exceed one (1) candidate per sector;

10.4.5 All required documents to be submitted to the Subcouncil Manager by not later than 16:00 on the closing day for nominations.

10.5 The relevant Subcouncil Manager or his / her representative must issue a written confirmation of receipt.

10.6 A copy of the receipt must be retained by the Subcouncil Manager or his/her representative.

10.7 On the day immediately following the closing day for nominations, the Subcouncil Manager must:

10.7.1 compile a list of nomination envelopes received indicating:

- (i) the Subcouncil name / number;
- (ii) the name of the organisation that submitted the nomination;
- (iii) the date it was submitted;
- (iv) for which ward and sector the nomination is submitted;

10.7.2 deliver the list together with the sealed nomination envelopes to the Office of the Electoral Officer;

10.7.3 obtain a receipt consisting of a signed copy of the list referred to in (i) above indicating the nomination envelopes that were delivered to the Electoral Officer.

10.8 Upon receipt of the nomination envelopes, at least two officials appointed by the Electoral Officer must, in each other's presence, open the nomination envelopes provided by the Subcouncil Manager and also indicate in writing on the list of nomination envelopes whether the envelopes contains all the documentation required in terms of Rule 10.5.

11 Rejection of Nominations

11.1 The Electoral Officer must reject any nomination not complying with the requirements specified in Rules 10.3 and 10.4

11.2 The Electoral Officer must in writing inform the relevant Subcouncil Manager and any organisation of such rejection, the reasons for such rejection and afford the organisation no more than seven (7) days to correct the defective nomination.

12 Termination of Membership of a Ward Committee

12.1 A member of a Ward Committee remains a member of the Ward Committee unless he/she:

12.1.1 dies.

12.1.2 resigns

12.1.3 is removed due to the amendment of the sector list for such ward in terms of Rule 9;

12.1.4 is removed as a member by the Speaker in terms of Rule 12.2.

12.1.5 or ceases to qualify as per Rule 4.3

12.1.6 Non-attendance of two meetings in a financial year without submitting an apology to the Subcouncil Manager prior to the meeting.

12.1.7 Non-submission of quarterly sector reporting

12.1.8 Non-submission by the nominating organisation to submit annual general minute held within the last 18 months to the respective subcouncil

12.2 Membership of a Ward Committee may be terminated by the Speaker if a member:

12.2.1 fails to execute the mandate of his/her sector;

12.2.2 is found to be in contravention of the Code of Conduct.

12.3 Any vacancy occurring due to the termination of membership is filled in terms of Rule 10.

13 Dissolution of Ward Committee

13.1 The Speaker may recommend to Council that a Ward Committee may be dissolved where it fails to fulfil its role and functions.

13.2 For the purpose of this Rule "failure to fulfil its role and functions" includes:

13.2.1 when the Ward Committee has failed to hold three consecutive scheduled meetings;

13.2.2 When its members by majority, recommend to the Speaker to dissolve the Ward Committee with substantiated evidence provided.

13.2.3 Such other reasons which in the discretion of the Speaker make it impossible for the Ward Committee to continue to fulfil its role and functions.

- 13.3 The procedure for the dissolution of a Ward Committee is as follows:
- 13.3.1 The Speaker shall, after giving written notice, afford the Ward Committee the opportunity to respond within 14 days of the date of the notice regarding its failure to observe its role and functions, and the circumstances thereof;
- 13.3.2 should the Speaker after considering all the facts and circumstances still remain of the view that the Ward Committee has failed to fulfil its role and functions, he/she shall recommend to Council to dissolve the Ward Committee on such date as the Council may determine;
- 13.4 A new Ward Committee must be reconstituted in terms of the process prescribed by Rule 10.
- 13.5 All Ward Committees in the City shall be disestablished on a date determined by the Speaker prior to the expiration of the term of office of the current municipal council.

14 Term of Office of Ward Committee Members

Subject to Rules 12 and 13.5 members are appointed / elected for a period not exceeding the term of office of the current council.

15 Appointment of the Electoral Officer

- 15.1 The Speaker must appoint an Electoral Officer
- 15.2 The functions of the Electoral Officer are to:
- 15.2.1 administer the nomination process for a general election of Ward Committees, normally held after the municipal elections, in a fair and transparent manner;
- 15.2.2 administer the nomination process when a vacancy in a Ward Committee occurs, in a fair and transparent manner;
- 15.2.3 create and oversee a database of all organisations that wish to participate in the Ward Committee process;
- 15.2.4 declare a nominee / candidate as being elected or rejected;
- 15.3 The Electoral Officer may in writing delegate any of his / her administrative functions to a Subcouncil Manager.
- 15.4 The Speaker may at his /her discretion at any time replace the Electoral Officer and appoint a replacement subject to:
- 15.4.1 fair administrative procedure being followed;
- 15.4.2 the replacement not being done due to the Electoral Officer fairly applying these Rule s.

16 Appeals against decisions by the Electoral Officer

- 16.1 Any appeal against a decision by the Electoral Officer must be directed to the Speaker in writing with a copy to the Electoral Officer.
- 16.2 In deciding the appeal the Speaker must:
- 16.2.1 apply his / her mind;
- 16.2.2 not make a decision in contravention of these Rule s;

- 16.2.3 provide his /her decision as well as reasons for such decision/s, in writing to the Electoral Officer and the appellant within one month of any appeal being lodged.

17 Appeal against decisions by the Speaker

Appeals against a decision of the Speaker must be done in writing and submitted to Council which may make a final ruling, provided that such ruling is not in contravention of these Rules.

18 Election of Sector Representatives

- 18.1 Where more nominations than the available vacancies have been received for a sector within a ward, there will be an election for a sector representative/s, which election will be presided over by a Presiding Officer.
- 18.2 The voting procedure will be as follows:
- 18.2.1 A Presiding Officer will be appointed by the Electoral Officer. Different Ward Committees may have the same Presiding Officer;
- 18.2.2 A meeting of all representatives of organisations that need to elect sector representatives for a specific Ward Committee will be called by the Presiding Officer. At this meeting the election procedures will be explained to all the representatives of the different organisations;
- 18.2.2.1 The Presiding Officer shall, prior to engaging in elections, attempt to resolve the multiple nominations by attempting to reach consensus amongst the nominees and / or representatives
- 18.2.3 In the event of consensus not being reached the meeting will then break into different meetings at the same venue of the various organisations, where a separate election will take place for every sector;
- 18.2.4 The Presiding Officer will, for each sector election, read out the names of each person nominated as sector representative as well as the organisation which nominated the person.
- 18.2.5 After the names of nominated representatives are read out by the Presiding Officer, the Presiding Officer will request the representatives of organisations present at the meeting to vote for the nominated persons by means of a show of hands;
- 18.2.6 The Presiding Officer will record the number of votes for each person, while listing the votes received per nominee from the highest to the lowest;
- 18.2.7 Declaring the person(s) receiving the most votes as being elected to fill the available vacancies;
- 18.2.8 Where persons nominated have received the same number of votes and there is still a vacancy remaining to be filled, the Presiding Officer reads out the names of only the persons nominated and who received the same number of votes;
- 18.2.9 The Presiding Officer again requests the representatives of the organisations present to vote for each name so read out, by means of a show of hands.
- 18.2.10 The Presiding Officer will again record the number of votes for each person, while listing the votes received per nominee from the highest to the lowest;
- 18.2.11 Hereafter the Presiding Officer will declare the person(s) receiving the most votes as being elected to fill the available vacancies;
- 18.2.12 Where one or more sector representative(s) are successfully elected, but vacancies still remain, this procedure will be repeated until a conclusive result is reached, or no persons are successfully elected to the vacant positions as a result of a round of voting, due to nominated persons receiving the same number of votes;

- 18.2.13 In the event that vacancies still remain, the Presiding Officer shall write the names of the nominated persons who received the same number of votes on separate, indistinguishable pieces of paper. These shall be shown to the voters, then folded so that the names cannot be seen, placed into a container, and the Ward Councillor or a representative of one of the organisations shall be requested to draw as many names from the container as there are vacancies available.
- 18.2.14 The Presiding Officer then reads out the name/s on the drawn piece/s of paper and declares that person(s) duly elected to fill the vacancy/s.
- 18.2.15 after all sector representatives are elected, the Presiding Officer issues a signed certificate in this regard to all elected sector representatives.
- 18.2.16 the Presiding Officer then forwards a duplicate of these certificates to the Electoral Officer for his records, as well as to the Regional Manager of the relevant Subcouncil.

19 Notifying Successful Sector Candidates

- 19.1 The Electoral Officer must:
 - 19.1.1 provide each Subcouncil Manager with a list containing the names of the successful candidates for each Ward Committee;
 - 19.1.2 provide each Subcouncil Manager with an appointment letter for each successful candidate.
- 19.2 The Subcouncil Manager must:
 - 19.2.1 display the list of names of successful candidates in a conspicuous place at the Subcouncil offices, circulate via the Subcouncil Community Organisations Database and publish on the Council's website .
 - 19.2.2 inform the successful candidates when and where the first Ward Committee meeting will be held;
 - 19.2.3 arrange for the successful candidate to receive their letters of appointment;
 - 19.2.4 provide each successful candidate with a copy of these Rule s.
 - 19.2.5 Inform every registered organisation represented by a successful candidate of the name and contact detail of the candidate.

20 Discretionary Powers of the Speaker

The Speaker may, at any time on good cause shown, waive the requirements of these Rules and approve/condone a deviation therefrom. In exercising this discretionary power, the Speaker shall apply his/her mind to the required deviation from the process and shall report thereon to Council at its next meeting.

RULES FOR THE OPERATION OF WARD COMMITTEES

1. FIRST MEETING

- 1.1 The first meeting of the Ward Committee shall take place at a venue, on a date and at a time determined by the City Manager, who shall give notice in the press of the venue, date and time.
- 1.2 The City Manager shall determine items that must be Included on the agenda for the first meeting.

2. ROLES AND FUNCTIONS OF WARD COMMITTEES/COMMITTEE MEMBERS

- 2.1 A Ward Committee/Ward Committee member may, by way of a report, make recommendations on any matter affecting the ward to;
 - the Ward Councillor, or
 - through the Ward Councillor only to the relevant Subcouncil.
- 2.2 A Ward Committee /Ward Committee member has the following functions:
 - 2.2.1 To act as an advisory committee to the Ward Councillor,
 - 2.2.2 To act as a resource through which the structures of Council may consult and canvass community opinions on any matter they deem necessary via the respective Subcouncil
 - 2.2.3 To give input on any matter affecting the ward.
 - 2.2.4 To make written proposals to the Subcouncil in understanding and identifying the needs of the community,
 - 2.2.5 To make written proposals to the Subcouncil in the formulation of the budget proposals relevant to the ward, after consultation with the respective sector
 - 2.2.6 To report on service delivery deficiencies in the ward and log and monitor service requests in this regard.
 - 2.2.7 To act as a structured channel of communication between the Subcouncil and the community,
 - 2.2.8 To assist the Subcouncil in the public participation process in the following areas:
 - IDP
 - Municipal by-laws
 - Budget
 - Policy formulation
 - Performance Management System
 - Municipal Services
 - 2.2.9 To disseminate information concerning municipal affairs to the community,

- 2.2.10 To assist the Subcouncil to enhance community development within its ward in partnership with line departments.
- 2.2.11 To encourage and enable the community to become actively involved in governance issues of the Council via the Subcouncil as they pertain to the ward.
- 2.2.12 To develop annual Ward Committee Operational Plans (WCOPs)

2.3 Ward Committee Agenda Preparation

- 2.3.1 The Subcouncil Manager in consultation with the Chairperson may invite members to submit matters of interest in their sector to be considered for inclusion on the next agenda
- 2.3.2 All meetings must be conducted according to the order in which the matters appear on the agenda and only matters which are on the agenda and are in writing may be considered and discussed.
- 2.3.3 The Chairperson may, after considering suitable motivation, change the order of matters appearing on the agenda.
- 2.3.4 The Ward Committee is an advisory body and therefore cannot receive, discuss and make decisions on Motions

3. FREQUENCY OF MEETINGS

- 3.1 A Ward Committee must conduct a minimum of 6 quorate meetings in a financial year. No meetings shall be scheduled to take place during Council recess.
- 3.2 Meetings are convened by the Ward Councillor save where at least 50 % of the members submit a written request to the Subcouncil Manager that a meeting be convened in terms Rule 8.5 of the Rules of Order for Ward Committee Meetings.
- 3.3 In the case where meetings do not quorate, the Chairperson shall proceed with the meeting for members present and register the meeting as an informal meeting. The recommendations adopted at the informal meeting shall be referred to the rescheduled Ward Committee meeting for adoption in terms Rule 9 of the Rules of Order for Ward Committee Meetings.
- 3.4 The duration of a Ward Committee meeting must not exceed two hours.

4. CODE OF CONDUCT

Members are subject to the Code of Conduct for Ward Committee Members (C19A/10/16).

5. ACCOUNTABILITY

- 5.1 Members are accountable to:
- Subcouncil through the Ward Councillor
 - The respective sectors s/he represents.
- 5.2 In discharging his or her burden of accountability, a member shall communicate with the sectors to report on recommendations of the Ward Committee
- 5.3 She/he shall submit a written report to the Ward Committee on quarterly basis detailing feedback to his/her constituents in accordance with section 5.2 above.

6. REMUNERATION

- 6.1 No remuneration is payable to members.
- 6.2 Members are entitled to the payment of an amount as determined by Council from time to time in order to defray out of pocket expenses. Payment will be by way of electronic funds transfer (EFT) into a banking account in the name of such Ward Committee member only.
- 6.2.1 Mandatory documents required for submission to the Subcouncil Manager at the first meeting after appointment for processing:
- Remuneration form
 - Banking details form
 - Identity document (clear copy)
 - Bank statement (cheque or savings - not older than 3 months) 1st page only
 - SARS tax certificate (personal tax number)
 - Proof of address (only if physical address differs on bank statement)
- 6.2.2 Payment of the allowance will be effective from month of submission of all mandatory documents.
- 6.2.3 Members are also entitled to decline the out-of-pocket expense. Should the member opt to receive the payment at a later stage during the term of office, the request must be made in writing to the Subcouncil Manager and the payment of the out-of-pocket expense will be from date of request.

7. QUORUM OF MEETINGS AND VOTING

- 7.1 The Ward Councillor is the Chairperson of the meeting and presides over the meeting.
- 7.2 Should the Chairperson be absent from the meeting the members will elect a Chairperson from amongst its members to act as Chairperson for that meeting.
- 7.3 Where no member of the Ward Committee is prepared to act as Chairperson, the Subcouncil Manager or member of the administration supporting the Ward Committee may facilitate the meeting by mutual agreement of the members
- 7.4 A simple majority 51% of voting members shall constitute a quorum. A quorum must be assessed on the full number of elected representatives of the Ward Committee.
- 7.5 The Ward Committee should strive to resolve matters on the agenda by consensus.
- 7.6 In the event that consensus is not reached, the matter will be resolved through a vote.
- 7.7 The Chairperson will have a casting vote in the event of an equality of votes.
- 7.8 The PR Councillor who is an ex officio to the Ward Committee may participate in the deliberations of the Ward Committee without the right to vote.

8. RESPONSIBILITIES OF THE MUNICIPAL ADMINISTRATION

Council shall, through the Subcouncils, make available such resources as may be required to provide suitable administrative support for the proper functioning of the Ward Committees which includes:

- Agenda preparation minute recording for ward committee meetings
- Venue booking and logistics
- Minimum quarterly communication to communities
- Monitoring and reporting performance of ward committees

- Ensuring implementation of recommendations tabled at ward committee meetings.
- Minimum quarterly training and capacity building of ward committee members

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CODE OF CODUCT OF WARD COMMITTEE MEMBERS

1. SIGNING OF CODE OF CONDUCT

Ward committee members must sign a Code of Conduct, which should be administered by the Ward Councillor

2. Performance of the ward committee member:

- 2.1 Must perform the functions of the Ward Committee in good faith and without fear, favour or prejudice;
- 2.2 Ward Committees do not have decision-making or operational authority within the municipality. In particular, Ward Committee members must not:
 - Exercise any executive authority
 - Perform any administrative functions
 - Issue instructions to municipal officials
 - Interfere in the work of municipal staff
 - Represent the Council in any official capacity
- 2.3 Must not use the position or privileges of a member for private gain, or to improperly benefit another person;
- 2.4 Must not act in a way that compromises the credibility, impartiality, independence or integrity of the Ward Committee;
- 2.5 Must adopt the principle of accountability to the community and by all political parties represented in Council;
- 2.6 Must be reasonably accessible to the relevant sector community and ensure that all role players can relate to the process and the issues at hand and are able to make their input into the processes of the Ward Committee;
- 2.7 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;
- 2.8 Must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others;
- 2.9 Must respect 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;
- 2.10 Must provide an apology, with a valid reason, to the Subcouncil Manager if the Ward Committee meeting cannot be attended.

3. Interest of the community

- 3.1 Committee members must at all times advance and act in the interests of the ward community;
- 3.2 Committee members must not use their position to promote personal or business interest. Where a potential conflict of interest arises, such member shall recuse him/herself

- 3.3 Conduct of Ward Committee members should not be influenced by or dictated to, by improper motives;
- 3.4 In the execution of their functions, committee members must not favour any individuals, groups or organisations.

4. Ward Committee meetings

- 4.1 Committee members must attend a minimum of 6 Ward Committee meetings within a municipal financial year.
- 4.2 Committee members may not be absent from Ward Committee meetings without a written apology.
- 4.3 In the case of a Ward Committee member absenting him/herself for two (2) consecutive meetings without submitting an apology, the Subcouncil Manager will undertake, in consultation with the Ward Committee Chairperson, remedial action to address the issue with the Ward Committee member and the relevant organisation that nominated the member.
- 4.4 In the case where section 4.3 has been exhausted, the ward member's membership must be terminated in terms of Rule 13.2.2 of the Rules for Election and Establishment.
- 4.5 Committee members must not engage in disruptive behaviour during meetings.
- 4.6 Sector representative members must submit quarterly sector reports

5. Political matters

- 5.1 Committee members must avoid political conflict among themselves and must also avoid political conflict between themselves, the Ward Councillor and Proportional Councillor.
- 5.2 In their interaction with the community, committee members shall not discriminate on the grounds of political affiliation, culture, race gender, sexual orientation, disability, religion or on any other grounds that would constitute unfair discrimination;
- 5.3 In the execution of their duties committee members shall not advance the interest of any political party.
- 5.4 Committee members shall not use Ward Committee meetings as a political platform or committee or to canvass for political support for re-election as a Ward Committee member or as a Ward Councillor in the next local government election.
- 5.5 Branded clothing
Wearing of clothing that depict words, terms, slogans or pictures that promotes any form of discrimination, sexually offensive material, promotion of violence or any form of intolerance, hate speech, provocative, and infringements on the rights and dignity of others as well as political branded clothing that displays words, terms, images, logos or emblems promoting a political party or organisation affiliated with a political party shall not be worn at any Ward Committee related meeting and/or activity

I,, hereby declare that I have read and understood the Code of Conduct for Members of Ward Committees. I undertake to comply with and be bound by its provisions in the performance of my duties and responsibilities as a Ward Committee Member

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RULES OF ORDER OF WARD COMMITTEE MEETINGS

1. APPLICATION OF RULE S

These Rules of order apply to all Ward Committees, their members and other persons in attendance.

2. ADOPTION OF RULE S

A Ward Committee must adopt these Council approved Rules at the first meeting of the Committee after establishment.

3. ELECTION OF CHAIRPERSON

3.1 The Chairperson of the Ward Committee shall be the Ward Councillor, or the member elected as Chairperson for the meeting in his/her absence.

3.2 Where no member of the Ward Committee is prepared to act as Chairperson, the Subcouncil Manager or member of the administration supporting the Ward Committee may facilitate the meeting by mutual agreement of the members

4. CONDUCT AT MEETINGS

4.1 The Chairperson must:

- 4.1.1** maintain order during the meeting;
- 4.1.2** refer any alleged contravention of the Code of Conduct for ward committee members to the Subcouncil Manager for processing to Speaker/Speaker's office
- 4.1.3** ensure that meetings are conducted in accordance with these Rule s of Order;
- 4.1.4** ensure that any person refusing to comply with his/her ruling leaves the meeting place immediately, and that such instances are referred to the Speaker via the Subcouncil .Manager and documented in a report
- 4.1.5** If the person refuses to leave the meeting the Chairperson may rule to adjourn the meeting at an appropriate time
- 4.1.6** Ensure that members of the public and/or media are seated during meetings of the Ward Committee in areas designated for that purpose by the Subcouncil Manager.

5 INTERPRETATION OF RULE S

The ruling of the Chairperson in regard to the application of these Rules and any other procedural matters not dealt with herein is final and binding on the meeting at which such ruling is given and shall be recorded in the minutes thereof.

6 PRESIDING AT MEETINGS

- 6.1 The duly elected Chairperson presides at meetings.
- 6.2 Should the Chairperson be absent from a meeting, or unable to perform his/her duties, the members shall elect one of their members to act as Chairperson for that meeting after a due and proper nomination process has been conducted by the Subcouncil Manager Subject to section 4.2.

7 NOTICE OF MEETINGS

- 7.1 The Chairperson must recommend to the Subcouncil a schedule of Ward Committee meetings (a minimum of 6) for a financial year (1 July – 30 June) taking into consideration the availability of Ward Committee members.

7.2 Amendment to Scheduled Ward Committee meetings

The Chairperson, in consultation with the Subcouncil manager and Ward Committee members determine the date, time and venues of a rescheduled meeting.

- 7.3 Special and/or joint meetings take place, if directed by the Chairperson, or, the Subcouncil Chairperson to discuss matters of public interest which may include site visits, IDP and budget or capacity building sessions.
- 7.4 Meetings are convened by the Chairperson save where at least 50% of the members submit a written request to the Chairperson that a meeting be convened.
- 7.5 Should the Chairperson not accede to the request from the majority of ward committee members for a special meeting, the members may submit a written request to the Subcouncil Chairperson and/or Subcouncil Manager .
- 7.6 The Subcouncil Manager or his/her nominee must give at least 3-5 working days' notice of the scheduled meeting, to enable members to prepare adequately.
- 7.7 The fact that any member has not received notice of a meeting in accordance with these Rules does not affect the validity of any proceedings of that meeting.
- 7.8 Every member of a Ward Committee must in writing, specify an active electronic mail address to receive notice of a meeting. Hardcopies can be collected prior to the meeting. Electronic notice of a meeting or any other official correspondence to this address will constitute proper notice of meeting.

8 QUORUMS

- 8.1 The quorum for a meeting of a Ward Committee is a majority of its members. As set out in the Rules of Operation of Ward Committees – Rule 7.3 – a simple majority of 51% of voting members)
- 8.2 If there is no quorum and the Chairperson is present, he/she must adjourn the meeting for 15 minutes.
- 8.3 The meeting shall restart after 15 minutes to recheck if there is a quorum
- 8.4 If not quorate, then the Chairperson will proceed with the meetings as an informal meeting and it will be recorded as such.
- 8.5 The meeting will then be rescheduled before the next meeting date.

9 URGENT MATTERS

- 9.1 Any member may propose an urgent matter relevant to the ward only for consideration by way of a signed submission in writing to the Chairperson or in his absence or unavailability, to the Subcouncil Manager not later than 30 minutes before commencement of the Ward Committee meeting.
- 9.2 A matter of urgency must deal with one matter only
- 9.3 Such matter shall be placed on the agenda in the order determined by the Chairperson if he or she Rules that the matter is urgent. If it is not Ruled by the Chairperson to be urgent, it shall be placed on the agenda of the next meeting.
- 9.4 The Chairperson may, after consultation with the Subcouncil Manager and with the consent of the majority of members present, at any time introduce urgent matters.

10 RECOMMENDATIONS AND VOTING

All recommendations must, where possible, be taken by consensus and where no consensus, the views of the different sector representatives are recorded.

- 10.1 The Ward Committee should strive to resolve matters on the agenda by consensus.
- 10.2 In the event that consensus is not reached, the matter will be resolved through a vote.
- 10.3 The Chairperson will have a casting vote in the event of an equality of votes.
- 10.4 The Proportional Councillor who is an ex officio to the Ward Committee may participate in the deliberations of the Ward Committee without the right to vote.

11 DISCUSSION MANAGEMENT

- 11.1 The Chairperson may manage the discussion by a member if, in his/her opinion, that member is no longer discussing the matter on the agenda; is repeating himself/herself; is indulging in delaying or is obstructing the meeting.
- 11.2 The duration of a Ward Committee meeting must not exceed 2 hours.

12 MINUTES

- 12.1 The Subcouncil Manager must ensure that all proceedings and decisions of a Ward Committee meeting are recorded in a minute book.
- 12.2 The Subcouncil Manager must ensure that all proceedings and recommendations of a Ward Committee are finalised and circulated within 10 working days.
- 12.3 The correctness of the minutes of a Ward Committee must be considered at its next meeting.
- 12.4 All attendees at a Ward Committee meeting must sign the attendance register, or in the case of a virtual or hybrid meeting proof of attendance needs to be included in the minutes.
- 12.5 The Subcouncil Manager must, for all meetings of a Ward Committee, ensure that a record is made in the minutes of a meeting of the names of those members who:
 - 12.5.1 are in attendance;
 - 12.5.2 are absent with leave having been granted;
 - 12.5.3 are absent without leave having been granted;
 - 12.5.4 arrive after the meeting has started (as well as the time of arrival);
 - 12.5.5 leave the meeting prior to the conclusion thereof and that the time and reason for departure are recorded.
- 12.6 The Subcouncil Manager must ensure that the names of members who have requested that their dissent or abstention be recorded during voting, are recorded in the minutes.
- 12.7 The Subcouncil Manager must ensure that audio recordings of meetings are to be kept for a period of five (5) years.

13 POINTS OF ORDER AND PERSONAL EXPLANATIONS

Any member may raise a point of order to call attention to any departure from these Rules of Order, provided that the member refers to the particular Rule of Order in question. If the member may not be in a position to refer to the specific Rule of Order, the Chairperson may rule that such point of order be entertained.

14. MEETINGS OPEN TO THE PUBLIC AND MEDIA

Ward Committees must conduct its business in an open manner.

15. GENERAL MEETING PROVISIONS

- 15.1 Any Ward Committee member may attend any meeting of a Subcouncil and/or another Ward Committee as an observer
- 15.2 The Chairperson may invite a person to address a meeting on a relevant matter before it.
- 15.3 The Chairperson may request any official to address the Ward Committee or request the Subcouncil Manager to arrange that any member of the staff to address the Ward Committee on any matter related to the ward.
- 15.4 Subcouncil Chairpersons are allowed to attend Ward Committee meetings as part of their oversight and monitoring role within the Subcouncil's geographical area.

16 LEGISLATIVE OVERSIGHT COMPLIANCE

In terms of Section 37K of the Local Government: Municipal Structures Act (LG MSA), the Speaker of the Municipality must be informed of all grievances in order to ensure that appropriate oversight is exercised and a decision is taken.