

ANNEXURE A

**DRAFT
BY-LAW ON
WARD
COMMITTEES**

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

NOTICE OF THE DRAFT CITY OF TSHWANE BY-LAW ON WARD COMMITTEES, 2017

The City Manager of the City of Tshwane Metropolitan Municipality hereby publishes, in terms of Section 73 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), read with Section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of the Constitution of the Republic of South Africa, 1996, the City of Tshwane By-law on Ward Committees, 2017, as contemplated hereunder and approved by Council on

This by-law will come into operation on the date when it is promulgated in the Gauteng Provincial Gazette.

CITY OF TSHWANE BY-LAW ON WARD COMMITTEES

This by-law will –

- provide for the establishment of ward committees within the jurisdictional area of the City of Tshwane Metropolitan Municipality;
- lay down rules and legislative requirements on the processes to be followed;
- provide for the establishment and composition of ward committees.
- provide for the roles and functions of individual members and stakeholders;
- provide for the convening of meetings, quorums, absenteeism of members and stakeholder involvement;
- set out the terms of office and the procedures for vacating office and filling vacancies;
- provide for the nomination and election of ward committee members;
- set out the roles and functions of the Election Committee; and
- provide for dispute resolution and administrative support for ward committees in accordance with Sections 73 to 78 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

PREAMBLE

WHEREAS the City of Tshwane Metropolitan Municipality has adopted a mayoral executive system combined with a ward participatory system as provided for in Section 8(g) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998, as amended), in order to enhance public participation and to facilitate community involvement in the decision-making processes of the Municipality;

AND WHEREAS the Municipality has a constitutional mandate in terms of the Constitution of the Republic of South Africa, 1996, to provide for appropriate legislative rules and requirements in order to fulfil its responsibility in respect of community involvement as provided for in Chapter 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000, as amended);

AND WHEREAS the Municipality is competent to make rules regulating the procedures and functioning of ward committees in terms of Sections 73 to 78 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

AND WHEREAS the Municipal Council has resolved on 30 March 2017 to make a by-law to give effect to its legal mandate as mentioned above;

BE IT THEREFORE ENACTED by the City of Tshwane Metropolitan Municipality as follows:

ARRANGEMENT OF BY-LAW

SECTION 1: Definitions and acronyms

SECTION 2: The establishment, composition and functions of ward committees

- (1) Establishment of ward committees
- (2) Composition of ward committees
- (3) Ward coordinator
- (4) Subcommittees
- (5) Functions of a ward committee
- (6) Ward committee meetings
 - (a) Frequency of meetings
 - (b) Cancellation of meetings
 - (c) Notice of change of meetings
 - (d) Record of attendance
 - (e) Postponement of meetings
 - (f) Decision-making in ward committee meetings
- (7) Term of office of ward committee members
- (8) Absence and vacating of office by ward councillors
- (9) Absence and vacating of office by ward committee members
- (10) Filling of vacancies

SECTION 3:

- (1) Stakeholder database
- (2) Appointment and functions of an independent electoral management body
- (3) Appointment of election officers
- (4) Functions of election officers
- (5) Remuneration of ward committee members
- (6) Process for nomination
- (7) Appeals
- (8) Eligibility of candidates
- (9) Notice of nominations
- (10) Nomination forms
- (11) Notice of elections
- (12) Procedure for elections
- (13) Counting
- (14) Management of objections and disputes

SECTION 4: Dissolution and re-election of ward committees

- (1) Dissolution of ward committees
- (2) Notice of election of new ward committees

SECTION 5: Administrative support for ward committees

SECTION 6: Title of by-law and repeal of the previous by-law and policies

SCHEDULE 1

Code of conduct and disciplinary procedures for ward committee members

SCHEDULE 2

Disciplinary procedures for councillors

SCHEDULE 3

Nomination of candidates for membership of a ward committee

SCHEDULE 4

Attendance register for ward committees

SCHEDULE 5

Agenda: Ward committee meeting

SECTION 1: DEFINITIONS AND ACRONYMS

In this by-law, a word or a phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and Regulations has that meaning, unless the context compels otherwise; and other terms are defined as follows:

“Appeals Committee” means the committee appointed by the Office of the Speaker to hear appeals on disciplinary matters with regard to ward committee members;

“Attendance register” refers to a register which is circulated at each meeting and which complies with a prescribed format;

“Chairperson” means a ward councillor of the Municipality who chairs ward committee meetings by virtue of the provisions of Section 73(2)(a) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Council” means the Council of the Municipality;

“Election officer” means a person appointed by the Municipal Manager to assume assigned responsibilities during the election of ward committee members;

“Form of communication” refers to written or verbal personal communication, to email, SMS and WhatsApp communication or to other convenient communication channels that are recognised by normal business practice;

“Member of the community” means any individual holding an interest in the well-being of the residents of a ward;

“MEO” means the municipal electoral officer of the Municipality that is appointed by the Independent Electoral Commission of South Africa;

“Municipality” means the City of Tshwane Metropolitan Municipality, being a municipality as contemplated in Section 155(6) of the Constitution of the Republic of South Africa, 1996;

“Municipal Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended;

“Nominator” refers to the person proposing a stakeholder for election to a ward committee;

“Nominee” refers to the stakeholder who is nominated for election to a ward committee;

“Privileged or confidential information” includes any information ruled by Council or a ward committee as being for the attention of only the person who receives the information;

“PR councillor” means a municipal councillor appointed, in terms of Section 22(1)(a) of the Municipal Structures Act, by a political party to proportionally represent a party in Council and who contested during the last municipal elections or by-elections, as the case may be;

“Rules and Ethics Committee” means the committee appointed by Council to deal with disciplinary matters in relation to public office bearers;

“Speaker” means the Chairperson of Council elected to that position by Council in terms of Section 36 of the Municipal Structures Act, 1998 (Act 117 of 1998);

“Stakeholder” refers to an organised group or sector, excluding a political party, with a vested interest in a particular ward – such as a community policing forum, a business or a community grouping, or a residents’ or rate payers’ group – which has a clear right and interest with respect to local government matters;

“Ward committee” means a committee established in terms of Section 73 of the Municipal Structures Act, 1998 (Act 17 of 1998);

“Ward committee meeting” means a meeting duly constituted by elected ward committee members;

“Ward committee member” means a person elected during the ward committee elections or co-opted by the ward councillor in consultation with the ward committee to serve voluntarily in a ward committee of the Municipality in terms of this by-law;

“Ward coordinator” means a member of the ward committee appointed by the ward councillor in consultation with the ward committee to undertake certain duties;

“Ward councillor” means a municipal councillor elected in terms of Section 22 of the Municipal Structures Act, 1998 (Act 117 of 1998) to represent the residents of a particular ward;

“Ward” means a geographically demarcated area of the Municipality as determined by the Municipal Demarcation Board;

“Working days” refers to official working days and excludes weekends and public holidays.

SECTION 2: THE ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF WARD COMMITTEES

(1) Establishment

The City of Tshwane Metropolitan Municipality, in terms of this by-law, hereby establishes ward committees to promote participatory democracy and accountability.

(2) Composition of ward committees

A ward committee will –

- (a) be established in terms of Section 73 of the Municipal Structures Act, and must comprise the ward councillor as chairperson and a maximum of ten (10) elected stakeholder members and a minimum of six (6), provided that if less than six (6) stakeholder members are elected, a further election must be held to remedy the shortfall of members in compliance with Section 2;
- (b) represent an organised group or sector, represented by a stakeholder, which is located in or has an active interest in a ward. Where there are not sufficient stakeholder groups or sectors represented in a ward, members of the community will be elected;
- (c) comprise any member who is not a member of another ward committee;
- (d) be composed with regard to the equitable representation of women and the representation of a diversity of interests;
- (e) when circumstances so dictate, be justified to invite or co-opt any person to offer expert advice to join the committee, provided that such a person may only render advice and may not participate in matters to be put to the vote; and
- (g) be entitled to include one (1) PR councillor assigned to it by the Speaker.

The PR councillor will assist and complement the work of the ward councillor and the ward committee. He/she may participate in deliberations, but will have no voting rights.

The Executive Mayor, Speaker and Chief Whip may become *ex officio* members of a ward committee. In the event of these office bearers being ward councillors, they may appoint another councillor to act as chairperson of their respective ward committee.

No political party may seek representation in a ward committee.

Elected members of a ward committee must attend meetings in person and may not appoint substitute appointees.

(3) Ward coordinator

A ward coordinator –

- (a) may be appointed by a ward councillor from among the elected ward committee members in consultation with the ward committee; and
- (b) will assist with the developmental and public participatory responsibilities of the ward committee.

(4) Subcommittees

A ward subcommittee –

- (a) may be established by each ward committee to pursue stakeholder or general municipal interests in the ward when feasible to do so;
- (b) will be convened by a member assigned thereto by the ward committee; and
- (c) will report back in writing to the ward committee on the outcome of its recommendation(s) as soon as it is practical.

(5) Functions of a ward committee

A ward committee –

- (a) has those functions, duties and obligations to assist, monitor, advise and make recommendations on any matter that affects the ward, as provided for in Section 74 of the Municipal Structures Act, 1998 (Act 117 of 1998);
- (b) may make recommendations to the ward councillor or, through the ward councillor, to the relevant municipal department or the metropolitan council on any matter that affects the relevant ward;

- (c) may exercise such duties and powers as the metropolitan council may delegate to it in compliance with Section 59 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000);
- (d) may complement the provisions of the City of Tshwane By-law on Public Participation, 2015;
- (e) may act as an advisory committee to the ward councillor;
- (f) may, at the request of the Executive Mayor, a ward councillor, Council or an oversight committee of Council, comment on the following:
 - (i) Preparation, implementation and review of the Integrated Development Plan (IDP)
 - (ii) Establishment, implementation and the process for reviewing the Municipality's performance, including the outcomes and impact of such performance
 - (iii) By-laws and policies
 - (iv) The municipal budget
 - (v) Any other strategic decision, including spatial planning related to the provision of municipal services and the allocation of resources that may have an impact on the community
 - (vi) Assist in calling for and advertising public participatory processes to consider municipal by-laws, policies and procedures which may affect a particular community; and
- (g) must not exercise its functions, responsibilities and powers in a manner that compromises or interferes with Council's right to govern and exercise its executive, legislative and oversight authority.

(6) Ward committee meetings

- (a) Frequency of meetings

Ward committee meetings –

- (i) must be convened at least three (3) and no more than ten (10) times a year in each municipal ward in accordance with an annual ward committee schedule drafted by the respective ward committee at the first meeting in a calendar year, taking into account the Council calendar and the preferences of each ward committee. The duration of a duly constituted ward committee meeting will be for no less than one (1) hour and will be conducted in line with the provisions of Schedule 5.
- (b) Cancellation of meetings

Cancellation of ward committee meetings must –

- (i) be ordered by the chairperson of a ward committee or a person acting in that capacity, who may either cancel or elect to postpone a meeting in consultation with the Speaker;
- (ii) be communicated by the chairperson, in the form of communication considered by him or her to be the most convenient form of electronic communication, or in an otherwise convenient manner, no less than 24 hours in advance of the meeting to each of the ward committee members; and
- (iii) be reported in writing to the Speaker of Council, using the most convenient and expedient form of communication, no less than 12 hours before the intended commencement of the meeting.

(c) Notice of change of meetings

A notice of any change in the time and place of any meeting of the ward committee must be issued to every member at least 24 hours (1 day) before the scheduled meeting by the most convenient form of electronic communication.

(d) Record of attendance

Each member attending a meeting must sign the attendance register as produced in the prescribed format. A quorum for a duly constituted ward committee meeting must be 50% plus one of the elected ward committee members.

(e) Postponement of meetings

- (i) If a quorum is not formed within 20 minutes after the scheduled time for commencement of a meeting, the meeting will not be held unless it is decided by the members present that a further 20 minutes will be granted to allow for a quorum to be formed.
- (ii) If a quorum is still not formed after the extended time as contemplated in sub-paragraph (i) above, the members present may decide to postpone the meeting to a later date.
- (iii) In the event of the postponement of a meeting in terms of sub-paragraph (ii) above, the Office of the Speaker must be informed in writing of such postponement within two (2) days thereafter by the chairperson of such meeting.

- (f) Decision-making in ward committee meetings
 - (i) The ward committee must strive to reach decisions through consensus, provided that where consensus cannot be reached, the matter will be put to the vote by a show of hands.
 - (ii) If the outcome of votes is equal, the chairperson will have the deciding vote.

(7) Term of office of ward committee members

- (a) The term of office of ward committee members will coincide with the term of office of the Council as prescribed in Section 24 of the Municipal Structures Act, 1998 (Act 117 of 1998).
- (b) Ward committee members may serve for successive terms of office if the provisions of this by-law are complied with.

(8) Absence and vacating of office by ward councillors

- (a) Where a ward councillor is unable to attend a meeting, the ward committee members present will elect an acting chairperson at the commencement of the meeting.
- (b) In the event of a ward councillor vacancy, the committee will elect one of its members to conduct the duties and functions of the chairperson in the interim.

(9) Absence and vacating of office by ward committee members

- (a) A ward committee member must vacate his or her position if he or she –
 - (i) is absent for three (3) consecutive meetings without submitting an apology;
 - (ii) is absent in an irregular manner for six (6) meetings in a financial year, with or without an apology that is acceptable to the ward committee;
 - (iii) acts in a manner that undermines the authority of the ward councillor, the Council and/or the ward committee;
 - (iv) commits a crime that results in a conviction without the option of a fine;

- (v) exhibits any annoying, offensive, violent, abusive and intimidating behaviour towards other committee members and/or the community;
- (vi) attends a meeting under the influence of alcohol and/or an illegal substance;
- (vii) is found to have accepted a bribe from any party that has an interest in a development project for that particular ward;
- (viii) is found to have used his or her membership of the ward committee to extract, or attempt to extract, favours of any kind;
- (ix) is elected as a councillor in the Municipality;
- (x) is appointed as a staff member of the Municipality;
- (xi) acts against the decision(s) of the ward committee without good cause;
- (xii) is involved in party political canvassing or a similar activity during ward committee meetings;
- (xiii) is found guilty of an infringement of this by-law and ordered by the Speaker to vacate his or her position;
- (xiv) is ordered to vacate the position by an order of the court; or
- (xv) resigns or dies.

(10) Filling of vacancies

Following the occurrence of a vacancy, the affected stakeholder group will be requested by the ward committee to nominate a replacement who will become a member of the ward committee, unless prohibited by the provisions of this by-law. Where an individual member is to be replaced, a ward committee member will co-opt qualifying individual community members to serve on the committee, unless prohibited by the provisions of this by-law. The filling of such vacancies will be reported to the Speaker.

SECTION 3:

(1) Stakeholder database

- (a) The Office of the Speaker will compile a database of stakeholder groups and individuals in each ward and across ward boundaries for the entire municipal area.
- (b) A database for stakeholder groups/individuals will include the contact details, the area of operation and the objectives of the stakeholder groups.
- (c) The Office of the Speaker will update the stakeholder database on a continual basis.

(2) Appointment and functions of an independent electoral management body

- (a) An independent electoral management body that is accountable to the municipal electoral officer (MEO) will be appointed to manage and oversee the election of all ward committees.
- (b) The independent electoral management body will –
 - (i) oversee the election of members of ward committees;
 - (ii) verify a database of all stakeholder groups/individuals and facilitate the nomination of representatives by the identified stakeholder groups and individuals;
 - (iii) develop training manuals for election officials;
 - (iv) develop the nomination form for candidates;
 - (v) assist in resolving objections and disputes; and
 - (vi) report to Council through the office of the MEO within thirty (30) days after the completion of the election process.

(3) Appointment of election officers

- (a) The independent electoral body will appoint election officers and staff for each municipal ward in consultation with the MEO.
- (b) The City Manager will make an official list of all employees who may assist in conducting the ward committee election available to the MEO and the independent electoral body. The list will include full names and contact details, and it will be accessible to councillors, candidates and the public.

(4) Functions of election officers

- (a) The election officers and any additional staff will manage and administer ward committee elections in the wards assigned to them by the MEO.
- (b) In exercising their functions, election officers are expected to –
 - (i) declare the voting process open and closed;

- (ii) manage the preparation and printing of ballot papers;
- (iii) manage, coordinate and supervise the voting process at their respective voting stations;
- (iv) take all reasonable steps to ensure orderly conduct at the voting station;
- (v) order a member of the security services on duty (Metro Police) to assist in ensuring orderly conduct at the voting station;
- (vi) order any person within the boundary of the voting station to leave the voting station if that person's conduct is not conducive to a free and fair election or if it interferes with the impartiality of the electoral processes;
- (vii) in the case of non-compliance with an order by election officer, order a member of the security services (Metro Police) to forcefully remove such person(s);
- (viii) declare the voting process closed in case of disorderly conduct and submit a report to the Office of the Speaker;
- (ix) count and announce the votes received for each nominee to the ward community members present at the voting station;
- (x) record the number of votes received by each nominee on the nomination form;
- (xi) submit the election results and report on the election process that was followed for each ward committee election to the Election Committee;
- (xii) declare the voting process closed, after consultation with the ward councillor, if the environment is not conducive for elections to proceed, and submit a report to the Election Committee and the Office of the Speaker.

(5) Remuneration of ward committee members

Out-of-pocket expenses must be paid from the Municipality's budget in terms of policy and procedure, as set out in Sections 73(5)(b) and (c) of the Municipal Structures Act.

(6) Process for nomination

- (a) The Officer of the Speaker will set an election month and timeline of no less than ninety (90) calendar days in advance of holding ward committee elections.
- (b) Within thirty (30) calendar days of the announcement of the election month, the MEO will verify that stakeholders and individuals have been included on the database.
- (c) Within a further thirty (30) calendar days after the completion of the verification of the stakeholder database, each ward councillor, in

consultation with the MEO, will determine which stakeholder group, not exceeding ten (10), will be represented on each ward committee, and lists of stakeholders and individuals for all wards will be compiled for inclusion on the nomination form for each ward.

- (d) The identified stakeholders and individuals as well as unsuccessful stakeholders and individuals will be informed within five (5) working days of their inclusion or exclusion from the nomination list.
- (e) Upon completion of the publication of the stakeholders and/or individuals eligible for election to a ward committee, one stakeholder name per group and the names of individual members will be compiled on the prescribed nomination list by the MEO for inclusion on the ward ballot paper. The MEO will validate those nominations and, where necessary, replacement names will be given.
- (f) The election will proceed in the pre-announced month and on the dates to be determined by the MEO. One (1) representative will be elected for each ward stakeholder group comprising a maximum of ten (10) members. Where two (2) or more nominations are made for a stakeholder group, an election will be held to elect the preferred candidate for that stakeholder group. This process will be continued until all stakeholder positions are filled in compliance with (e) above.
- (g) In the event of a shortfall of ten (10) elected stakeholder group nominees in a particular ward, the balance will be made up by electing individuals by casting a vote for each of the preferred candidate(s) up to the maximum number of vacancies. The candidates that receive the highest number of votes will be elected to fill the remaining vacancies.

(7) Appeals

- (a) An appeal against rejection must be lodged and hand-delivered to the MEO's office within three (3) working days after receipt of the rejection letter.
- (b) The appeal must be in writing and completely set out the grounds of appeal, having regarded the facts and laws in support of such an appeal.
- (c) The MEO will consider the appeal within three (3) working days of receipt and his/her decision will be final.

(8) Eligibility of candidates

- (a) Each eligible ward committee candidate must –

- (i) be a registered voter in the Tshwane municipal area, be nominated by a ward-based stakeholder group, or be nominated as an individual by a registered voter that resides in the ward;
 - (ii) be a resident or employer/employee in the ward or own a legally registered business or property in the ward;
 - (iii) not have been convicted, after February 1997, of an offence for which he/she was sentenced to imprisonment without the option of fine for a period of not less than twelve (12) months;
 - (iv) not be a person of unsound mind who has been declared so by a competent court; and
 - (v) not be under curatorship.
- (b) Where a stakeholder group crosses several wards, ward councillors will, in consultation with the MEO and that stakeholder group, determine in which ward that stakeholder group has the greatest interest or presence. That stakeholder group will then nominate a candidate in that ward in which it has the greatest interest and presence.

(9) Notice of nominations

- (a) The Election Committee must give public notice, in electronic or physical format, of the time, venue and procedure whereby nominations for ward committee members will be received. Such notice must be published in at least two (2) newspapers of general circulation and in local community newspapers at least thirty (30) calendar days before the first ward committee election is to take place, as well as broadcasted on radio stations that cover the municipal area.
- (b) In addition, the Municipality will display such notices at municipal regional offices, libraries and customer care centres and on the City of Tshwane official website, as mentioned in Section 21B of the Municipal Systems Act.

(10) Nomination forms

- (a) Copies of nomination forms will be made available at all Municipal regional offices, libraries, customer care centres and on the City of Tshwane official website.
- (b) Nomination forms will be produced in English and be available in other official languages on request.
- (c) The content of nomination forms will comply with the details as set out in Schedule 2 of this by-law, and it may be submitted electronically.

- (d) Nominations that are received after the advertised deadline will not be accepted.
- (e) Following the elections, the nomination forms with the number of votes received for specific candidates will be forwarded to the City Manager for record-keeping purposes and safekeeping.
- (f) The City Manager will keep and maintain a register of all elected ward members and supply the Office of the Speaker with such a list or any amendments thereto, as the case may be.
- (g) During elections, no nominations from the floor will be accepted.

(11) Notice of elections

- (a) The independent election body will give written notice of the election date, the time of commencement and the venue for the election of ward committee members in each ward at least thirty (30) calendar days before the election. This notice will be published in at least two (2) local newspapers of general circulation and in local community newspapers at least thirty (30) calendar days before the first ward committee election is to take place, as well as broadcasted on radio stations that cover the municipal area.
- (b) The election officer, in consultation with the MEO, may postpone an election if it is not reasonably possible to conduct a free and fair election. If an election is postponed, written public notice of the time and venue of the postponed election will be given in accordance with the provisions of this by-law.

(12) Procedure for elections

- (a) A voter will present his/her South African ID book or a certified copy of his/her ID and proof of residence for verification to the election officer in order to be entitled to vote. Elections will be by secret ballot; a ballot paper will be issued and will be deposited in a box provided upon completion of the voting process.
- (b) Nominees will be allowed to observe the voting process, and any objections to the election process will be addressed by the election officer.
- (c) The election will be conducted in terms of Paragraphs (6)(f) and (g) above.
- (d) If a mistake is made, a voter may request the election officer to supply a replacement ballot paper.

(13) Counting

- (a) The voting station must be declared closed before any counting can commence.
- (b) Upon completion of the counting, the election officer will announce the results immediately at the voting station.
- (c) Objections to the counting process will be directed to and addressed by the election officer.

(14) Management of objections and disputes

- (a) The MEO will respond within seventy-two (72) hours of receipt of objections and disputes.
- (b) The decision of the MEO is final.
- (c) Where a matter involves a councillor, such matter will be referred to the Speaker for investigation and resolution in terms of Schedule 2 of this by-law.

SECTION 4: DISSOLUTION AND RE-ELECTION OF WARD COMMITTEES

(1) Dissolution of ward committees

The Office of the Speaker may dissolve a ward committee in the following circumstances:

- (a) Failure to fulfil its objectives as set out in this by-law and/or other legislation
- (b) Failure to uphold the values as contemplated in Section 195 of the Constitution of the Republic of South Africa, 1996
- (c) Non-adherence to this by-law
- (d) Resignation of more than fifty (50) percent of the members of the ward committee

(2) Notice of election of new ward committees

Notice of the election of a new ward committee must be given in accordance with the provisions of this by-law.

SECTION 5: ADMINISTRATIVE SUPPORT FOR WARD COMMITTEES

The Office of the Speaker may make any administrative arrangements – including secretarial support and minute-taking, capacity development and the circulation of an attendance register – to enable ward committees to perform their functions and to effectively exercise their powers in terms of the Municipal Structures Act, 1998.

SECTION 6: TITLE OF BY-LAW AND REPEAL OF THE PREVIOUS BY-LAW AND POLICIES

- (a) This by-law will be called City of Tshwane By-law on Ward Committees, 2017.
- (b) This by-law repeals and substitutes all or any preceding by-laws and/or policies on ward committees of the City of Tshwane Metropolitan Municipality, including policies and/or by-laws of the former Kungwini and Nokeng tsa Taemane Local Municipalities and the Metsweding District Municipality, which were incorporated into the City of Tshwane Metropolitan Municipality in terms of Gauteng Notice 1866 of 2010 and included in the Provincial Government Gazette 128 dated 30 June 2010.

SCHEDULE 1

CODE OF CONDUCT AND DISCIPLINARY PROCEDURES FOR WARD COMMITTEE MEMBERS

1.1 A member must perform the functions of office honestly, in good faith, and in a transparent manner. The member must at all times act in the best interest of the ward committee and the community that he/she represents and in such a way that the credibility and integrity of the ward committee are not compromised.

1.2 Meeting attendance

1.2.1 A member must attend all meetings of the ward committee.

1.2.2 A ward committee member must vacate his or her position if he or she –

- is absent for three consecutive meetings without submitting an apology; or
- is absent in an irregular manner for six meetings in a financial year with or without an apology acceptable to the ward committee.

1.2.3 Leave of absence is not granted by the chairperson of the ward committee.

1.2.3 Should a member not comply with the above, he or she must withdraw as a member of the ward committee.

1.3 Personal gain

A member may not use the position or privileges of a ward committee, or confidential information obtained as a member, for private gain or to improperly benefit another person.

1.4 Rewards, gifts and favours

A member may not request, solicit or accept any reward, gift or favour in return for voting or not voting in a particular manner or any matter before the ward committee; persuading the ward committee regarding the exercise of any power, function or duty; or disclosing privileged or confidential information.

1.5 Unauthorised disclosure of information

1.5.1 This item does not derogate from the right of any person to access information in terms of national legislation including Section 32 of the Constitution, 1996. A member may not disclose any privileged or confidential information of the ward or ward committee to any unauthorised person without the permission of the ward councillor or a committee of Council, disclosure of which would violate a person's

right to privacy or be declared to be privileged, confidential or secret in terms of the law.

1.6 Municipal property

A member may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the Municipality to which he or she has no right.

1.7 Duty of chairpersons of ward committees regarding the disciplinary code

1.7.1 The chairperson must ensure that each member is given a copy of this code when taking office and that a copy of the code is accessible to all ward committee members.

1.7.2 If the chairperson of a ward committee is of the opinion, on reasonable grounds, that a provision of this code has been breached, he or she must report such alleged breach to the Office of the Speaker for investigation.

1.8 Breaches of the code

1.8.1 The Speaker may –

- (a) investigate and make a finding on any alleged breach of a provision of this code;
- (b) establish a special disciplinary committee or appoint an official to investigate and make a finding on any alleged breach of this code;
- (c) make appropriate recommendations to Council.

1.8.2 If the special disciplinary committee or investigating official finds that a member has breached a provision of this code, it may –

- (a) issue a formal warning to the member;
- (b) reprimand the member;
- (c) suspend the member for a period of three months; or
- (d) request that the member be removed from the ward committee.

1.8.3 Appeal

1.8.3.1 Any member who has been warned or reprimanded in terms of paragraph 1.8.2 may, within fourteen (14) days of having been notified of the decision, appeal in writing to the Speaker, setting out the reasons on which the appeal is based.

- 1.8.3.2 Upon receipt of the appeal, the Speaker must convene an Appeals Committee to finalise the matter, and the ruling must be conveyed to the ward committee member(s) concerned.
- 1.8.3.3 Disciplinary and appeal processes must be concluded within a period of ninety (90) days from the date of receipt of a complaint.
- 1.8.3.4 The Office of the Speaker must keep a register of all disciplinary actions taken against individuals.

SCHEDULE 2

DISCIPLINARY PROCEDURES FOR COUNCILLORS

The Rules and Ethics Committee of Council, as established in terms of Section 79 of the Municipal Structures Act, 1998 (Act 117 of 1998), will consider all disciplinary matters relevant to councillors. Upon receipt of a complaint by the Office of the Speaker, the Speaker must address the complaint in line with the rules and procedures that apply to the Rules and Ethics Committee of Council and make recommendations where appropriate.

SCHEDULE 3

NOMINATION OF CANDIDATES FOR MEMBERSHIP OF A WARD COMMITTEE

The nomination form must include the following:

1. Nominee

- a. Full name
- b. Identity number
- c. Contact details (ward number, residential address, phone number and email address)
- d. The stakeholder group that such nominee or individual stakeholder will represent
- e. Attached certified copy of the nominee's South African identity document
- f. Signature of nominee and date of acceptance of nomination

2. Nominator

- a. Full name
- b. Identity number
- c. Contact details (ward number, residential address, phone number and email address)

- d. Signature of nominator and date of acceptance of nomination

SCHEDULE 4

ATTENDANCE REGISTER FOR WARD COMMITTEES

The attendance register must be a printed document, and it must include the following:

- a. Ward number
- b. Date of meeting
- c. Venue and time of commencement of meeting
- d. Name of stakeholder
- e. Stakeholder group or sector
- f. Signature

SCHEDULE 5

AGENDA: WARD COMMITTEE MEETING

WARD: _____ DATE: _____ TIME: _____

- a. Opening and welcome
- b. Signing of attendance register
- c. Recording leave of absence
- d. Approval of minutes of meeting held on
- e. Matters arising from minutes
- f. Matters for consideration
 - i. ...
 - ii. ...
 - iii. ...
- g. Date of next meeting.