



KOUGA

local municipality

Good Governance through Service Excellence

SPECIAL COUNCIL MEETING

AGENDA

Date : 23 March 2018
Time: 10:00
Venue : Kouga Council Chamber
(Jeffreys Bay Unit)

KOUGA MUNICIPALITY (EC108) <u>NOTICE CONVENING A MEETING</u> NOTICE IS HEREBY GIVEN that a Special Council Meeting will be held in the <u>Kouga Council Chambers, (Jeffreys Bay Unit)</u> <u>DATE: 23 MARCH 2018</u> <u>TIME: 10:00</u>  <u>H.M. HENDRICKS</u> SPEAKER	UMASIPALA I-KOUGA (EC108) <u>ISAZISO NGENTLANGANISO</u> OKU KUKWAZISA OKOKUBA intlanganiso yesiquphe ye-khansile iyakube ibanjelwe <u>e-Kouga Council Chambers, (Jeffreys Bay Unit)</u> <u>UMHLA: 23 EyoKwindla 2018</u> <u>IXESHA: 10:00</u>  <u>H.M. HENDRICKS</u> USOMLOMO	MUNISIPALITEIT KOUGA (OK108) <u>KENNISGEWING VAN VERGADERING</u> KENNIS GESKIED HIERMEE dat 'n Spesiale Raadsvergadering in die <u>Kouga Raadsaal, (Jeffreys-baai Eenheid)</u> gehou sal word <u>DATUM: 23 MAART 2018</u> <u>TYD: 10:00</u>  <u>H.M. HENDRICKS</u> SPEAKER
--	---	--

AGENDA

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **APOLOGIES**
 - 3.1 Leave with approval
 - 3.2 Leave without approval
4. **PRESENTATION**

BIGM
5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
6. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
7. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

7. **REPORTS BY THE EXECUTIVE MAYOR**

7.1 **CORPORATE SERVICES**

18/03/CORP1 Final Annual Report (2016/2017)

Pages 6-7

(To be distributed separately)

18/03/CORP2 Oversight Report for the 2016/2017 Financial Year

Pages 8-14

(To be distributed separately)

18/03/CORP3 Approval of Council Policies – Revised in November & December 2017

Pages 15-83

8. **CLOSURE**

Distribution list:

Speaker
Executive Mayor
All Councillors
Municipal Manager
All Directors
Relevant Managers

MATTERS DEALT WITH
IN TERMS OF
DELEGATED
AUTHORITY BY THE
EXECUTIVE MAYOR

REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
CORPORATE
SERVICES

KOUGA MUNICIPALITY (EC 108)**SPECIAL COUNCIL MEETING****CORPORATE SERVICES****DATE: 23 MARCH 2018****ITEM NO: 18/03/CORP1****FINAL ANNUAL REPORT (2016/2017)****1. Introduction**

Section 46 of the Municipal Systems Act 32 of 2000, read with Chapter 12 of the Municipal Finance Management Act 56 of 2003, requires that a municipality must table an Annual Report consisting of:

- a) a Performance Report;
- b) the Financial Statements for the financial year in review;
- c) an Audit Report on the Financial Statements; and
- d) any other reporting requirement in terms of other applicable legislation.

The abovementioned section also provides that Representatives of the Auditor-General and the MEC for Local Government in the Province are entitled to attend and to speak at such meetings, and the Municipal Manager must be available to respond to questions related to the Annual Report.

Section 46(4)(b) of the Municipal Systems Act further provides that a copy of the report be submitted to:

- a) the MEC for local government in the province;
- b) the Auditor-General; and
- c) such other institutions as may be prescribed by legislation.

2. Comment

The Final Annual Report for the 2016/2017 financial year will be circulated under separate cover. ***

The appointed Municipal Public Accounts Committee scrutinised the Draft 2016/2017 Annual Report.

Representatives from the Office of the Auditor-General have been invited to attend the Council Meeting scheduled for 23 March 2018.

Notices informing the local community that the municipality's Annual Report and Oversight Report will be tabled and discussed were placed in the local newspaper, Kouga Express, EP Herald and Die Burger as required in terms of Section 3(a)(i) of the Municipal Systems Act.

3. Recommendation

- 3.1 That Council adopts the final Annual Report for the 2016/2017 financial year, with reservations in terms of Section 127(1) of the Municipal Finance Management Act (Act 56 of 2003).
- 3.2 That the reservations as contained in the Oversight Report be addressed.
- 3.3 That the Accounting Officer in terms of Section 127(5) of the MFMA – and in accordance with section 21 (A) of the Municipal Systems Act:
- make public the Annual Report, and
 - submit the Annual Report to:
 - the Auditor-General;
 - the Provincial Treasury;
 - the Provincial Department for Local Government, and
 - other institutions as prescribed by legislation.

Item prepared by: The Chairperson: MPAC

KOUGA MUNICIPALITY (EC108)**SPECIAL COUNCIL MEETING****CORPORATE SERVICES****DATE: 23 MARCH 2018****ITEM NO: 18/03/CORP2****OVERSIGHT REPORT FOR THE 2016/2017 FINANCIAL YEAR****1. Purpose**

The purpose of the report is to present Council with the Oversight Report on the 2016/2017 Annual Report, as finalised by MPAC for consideration and adoption.

The 2016/2017 Oversight Report is circulated under separate cover. ***

2. Background

In terms of Section 129 of the Municipal Finance Management Act; no 56 of 2003 (MFMA), every municipality must adopt an Oversight Report containing the Council's comments on the Annual Report for a particular financial year.

In terms of the MFMA, the municipal manager must, in accordance with section 21A of the Municipal Systems Act, within seven days make public an Oversight Report, once adopted by Council.

In compliance with the aforementioned legislation, MPAC dealt with the Annual Report and finalised the Oversight Report for the 2016/2017 financial year.

The MFMA requires a range of reports to be prepared by the Municipal Manager and/or the Executive Mayor or Committee. The main reports to be considered by Council in its oversight role, but not necessarily to be included in the Annual Report in terms of the MFMA, are summarized on page 106 of the Guide to Municipal Councillors. These listed reports include in-year reporting as well as the reports required to be incorporated in the Annual Report in terms of MFMA.

3. Comments: Corporate Services

The following Councillors serve on the MPAC:

Cllr BHJ (Atri) Carstens (Chairperson)

Ald BF (Ben) Rheeder

Cllr DJ (Diana) Biggs

Cllr ER (Eldridge) Februarie

Cllr WPD (Willem) Gertenbach

Cllr S (Sibongile) Jujwana

Cllr FJ (Faan) Louw
 Cllr M (Magareth) Peters
 Cllr L (Ludwig) Vorster

Ms. H. Thiart and Ms L. Mostert serve as public representatives on MPAC.

4. Background

In one of our meetings, MPAC was told that the information in one of the Directorates could not be verified. That immediately cast doubt as to whether the other information in the Annual Report was reliable (and for that matter, if the information supplied to this MPAC committee last year, had been reliable).

In the Chairperson's efforts trying to verify information, she was informed that a previous Director, whose contract had ended, left, taking with him/her hard copy information and a PC. A few times the chairperson was told that PC's had been wiped, and that information was not available any more. Some of the people whom information was required from, had resigned or were dismissed. She was also told that, under such circumstances, their PC's are then allocated to other employees. None of these specific PC's had been reallocated yet.

5. Recommendations

- 5.1 That Council, having fully considered the Annual Report of the Kouga Municipality and representations thereon, adopts the Oversight Report.
- 5.2 That Council approves the Annual Report with the following reservations:-
 - 5.2.1 That contradicting information, including a sworn affidavit, led to the conclusion that Council consider a forensic investigation into the IT department.
 - 5.2.2 That Council consider target dates to be set by the different Directorates to compile comprehensive information on:
 - outstanding policies and by-laws
 - the date each current policy/by-law was first adopted
 - frequency of review as stipulated by legislation
 - date of latest review necessity of public participation
 - necessity to publicise the by-law.
- 5.3 That the shortcomings as reported by the Fire Chief, be addressed in the new IDP.
- 5.4 That progress on the functioning of IGR be monitored.
- 5.5 That cemetery allocation and maintenance be addressed as a matter of urgency.

- 5.6 That all income related to the Traffic Department be kept separate, for control purposes.
- 5.7 That consideration be given to, wherever possible, install fingerprint access systems **with an audit trail** at municipal buildings to assist with safety and monitoring.
- 5.8 That reporting by Ward Committees be standardised by means of specific pro formas.
- 5.9 That the utilisation of the Environmental Management Fund be ringfenced specifically for the originally intended purpose as MPAC reported on this matter in the previous year, and even though some environmental issues were being addressed, the fund has again been used for other purposes.

Notice No. 108/2008 relating to the imposition of the Environmental Management Fee

KOUGA MUNICIPALITY

NOTICE NO. 108/2008

NOTICE TO THE PUBLIC

In fulfilment of Council resolution taken on 30 March 2008, approving in principle the imposition of the Environmental Management Fee (EMF) and the levying of rates on agricultural land, notice is hereby given in terms of section 22(a)(ii) of the Municipal Finance Management Act 2003 and Sections 16 (1)(a)(iv) of the Local Government: Municipal Systems Act 2000, that Council intend to include the above into its budget for 2008/2009 and that public comment is herewith sought.

Environmental Management Fee (EMF)

It will be as follows:

Residential	Domestic	R25
	Multi-Domestic	R120
Business	Small	R220
	Medium	R290
	Medium to Large	R370
	Large	R470

Please note that this will be a monthly charge.

The estimated total income will be R11.8 million.

The income generated will be utilized as follows:

To fund the Integrated Waste Management Plan

The rehabilitation of refuse dumps and the establishment of new ones

The improvement of the refuse removal service

The acquisition of related capital equipment

Nature and environmental conservation

Conservation education

Local Economic Development Initiatives

Rates on Agriculture

The property valuations will be as contained in the 2002/2003 General valuation

The rate in the rand will be ¼ (a quarter of the residential tariff)

The tariff will be 0.003655

The utilization of the EMF Fund for the period under review 2016/2017

EXPENDITURE SUB CATEGORY	DESCRIPTION	Audited Restated Actuals as at 30 June 2015/16	Audited Actuals as at 30 June 2016/17
SERVICE CHARGES	Environmental Management Fee	-14 805 128	-15 693 698
SERVICE CHARGES	Equitable Share Allocations	3 029 230	3 293 003
		-11 775 897	-12 400 695
EMPLOYEE RELATED COSTS	Salaries (Officials)	1 555 144	1 574 553
EMPLOYEE RELATED COSTS	Long Service Bonus	12 056	7 356
EMPLOYEE RELATED COSTS	Service Bonus	133 007	131 717
EMPLOYEE RELATED COSTS	Overtime (Salaries)	185 122	200 528
EMPLOYEE RELATED COSTS	Travelling Allowance (Officials)	140 408	139 499
EMPLOYEE RELATED COSTS	Subsistence & Travelling (Officials)	7 883	2 037
EMPLOYEE RELATED COSTS	Standby Allowance	45 496	56 997
EMPLOYEE RELATED COSTS	Other Allowances	13 650	3 800
EMPLOYEE RELATED COSTS	Group Life Insurance	44 134	51 029
EMPLOYEE RELATED COSTS	Medical Aid Contributions	122 966	113 777
EMPLOYEE RELATED COSTS	Pension Fund Contributions	293 988	283 512
EMPLOYEE RELATED COSTS	Bargaining Council Levy	761	737
EMPLOYEE RELATED COSTS	SDL (Officials)	23 506	24 907
EMPLOYEE RELATED COSTS	UIF (Salaries)	13 772	13 504
EMPLOYEE RELATED COSTS	WCA (Salaries)	14 602	14 563
		2 606 496	2 618 517
REPAIRS AND MAINTENANCE	R&M Signboards	-	27 696
REPAIRS AND MAINTENANCE	R&M Waste Sites	274 984	260 495
REPAIRS AND MAINTENANCE	R&M Rehabilitation of Refuse Sites	50 000	-
REPAIRS AND MAINTENANCE	R&M Vehicles	383 571	571 322
		708 555	859 512
OTHER ENVIRONMENTAL MANAGEMENT	Bad Debts Provision	1 989 189	-
OTHER ENVIRONMENTAL MANAGEMENT	Consumables	259	1 090

OTHER ENVIRONMENTAL MANAGEMENT	Rental : Vehicle/Plant Lease	47 844	-
OTHER ENVIRONMENTAL MANAGEMENT	Licences	31 623	39 377
OTHER ENVIRONMENTAL MANAGEMENT	E.I.A. Study	-	66 616
OTHER ENVIRONMENTAL MANAGEMENT	Printing and Stationery	1 966	1 209
OTHER ENVIRONMENTAL MANAGEMENT	St Francis Beach Rehabilitation	1 213 453	-
OTHER ENVIRONMENTAL MANAGEMENT	Fuel	356 554	469 842
OTHER ENVIRONMENTAL MANAGEMENT	Oil	2 721	4 092
		3 643 609	582 226
CAPITAL ENVIRONMENTAL MANAGEMENT	Mini Transfer Station Thornhill	430 740	
CAPITAL ENVIRONMENTAL MANAGEMENT	Skip bins		153 000
		430 740	153 000
	NET (SURPLUS)/OR DEFICIT	-4 386 498	-8 187 440

- 5.10 That it be noted that it is with utmost concern that MPAC takes note of the underspending of the Capital Budget in certain Directorates: Urgent and continuous monitoring should take place.

Organisational Structure Sub-Votes		2016/17 Approved Adjustments Budget	Audited Actuals as at 30 June 2017	% Spent
		Capex	Capex	
Executive & Council		30 000	21 901	73,00%
MM: Media	572	30 000	21 901	73,00%
Financial Services		896 200	214 555	23,94%
Finance: Budget & Financial Reporting	221	26 000	5 940	22,85%
Finance: Expenditure	222	50 000	44 720	89,44%
Finance: Revenue	223	605 200	79 200	13,09%
Finance: IT	224	30 000	1 080	3,60%
Finance: Asset & Fleet Management	226	90 000	17 820	19,80%
Finance: Stores	227	20 000	6 218	31,09%
Finance: SCM	228	75 000	59 577	79,44%
Administration, Monitoring & Evaluation		675 000	196 528	29,12%
Corporate Services	121	650 000	196 172	30,18%
Human Resources	333	15 000	356	2,37%
Skills Development	820	10 000	-	0,00%
Led, Tourism & Creative Industries		795 420	497 856	62,59%
Economic Development: General	170	631 420	404 484	64,06%
Economic Development: Business	172	30 000	23 992	79,97%
Strategic Services: Director	330	60 000	11 880	19,80%
Kouga Cultural Centre	400	74 000	57 500	77,70%
Infrastructure, Planning & Development		50 508 645	47 688 360	94,42%
Electricity	190	10 063 684	8 595 795	85,41%
Mechanical Workshop	550	157 770	-	0,00%
Mig Administration Unit	560	100 000	8 178	8,18%
Sewerage	780	36 837 190	35 938 636	97,56%
Water	980	3 350 000	3 145 752	93,90%
Social Services		15 480 000	1 246 709	8,05%
Beach	40	300 000	-	0,00%
Caravan Parks	100	250 000	2 865	1,15%
Cemeteries	110	500 000	70 175	14,04%
Community Services	115	200 000	-	0,00%
Disaster Management	140	225 000	10 857	4,83%
Environmental Health	210	205 000	116 307	56,74%
Fire Services	230	1 300 000	279 758	21,52%
Libraries	500	200 000	61 865	30,93%
Occupational Health and Safety	650	265 000	19 812	7,48%
Parks & Open Space	680	2 700 000	-	0,00%
Protection Services	710	350 000	237 220	67,78%
Refuse Removal	730	5 100 000	153 000	3,00%
Environmental Management Fee	731	3 850 000	153 000	3,97%
Social Development	790	35 000	29 623	84,64%
Sport & Recreation	800	-	112 225	
		68 385 265	49 865 910	72,92%

Item prepared by: The Chairperson MPAC

KOUGA MUNICIPALITY (EC108)**SPECIAL COUNCIL MEETING****CORPORATE SERVICES****DATE: 23 MARCH 2018****ITEM NO: 18/03/CORP3****APPROVAL OF COUNCIL POLICIES – REVISED IN NOVEMBER & DECEMBER 2017****1. Purpose**

The purpose of the item is to submit policies that were Workshopped on 30 November 2017 & 1 December 2017, to Council for adoption. All the amendments have been made to the policies as discussed as the workshop.

2. Background

Council is in the process of having all Council Policies revised for adopted and implementation. In terms of Council Resolution 28 February 2018 – **18/02/CORP3** which reads as follows:-

“1. That the following policies be referred back to the relevant Directorates for grammatical correctness only:-

- Standing Rules of Order
- SOP for Pauper Burials
- Ward Committee Policy
- Ward Development Fund Policy

2. That the abovementioned policies be resubmitted to Council on 23 March 2017 for adoption.”

3. Recommendation

3.1 That the following revised policies be approved by Council for adoption:-

- Standing Rules of Order
- SOP for Pauper Burials
- Ward Committee Policy
- Ward Development Fund Policy

Item prepared by: Director: Corporate Services



KOUGA

local municipality

Good Governance through Service Excellence

**STANDING RULES OF ORDER FOR
THE MEETINGS OF THE COUNCIL
AND ALL ITS COMMITTEES**

STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL AND ALL ITS COMMITTEES

Document Control

Policy Title:	Standing Rules and Orders for the Meetings of the Council and all its Committees
Reference Number:	17/07/AME&SP2
Previously Approved:	Yes (1 August 2017)
Directorate Responsible:	Corporate Services
Version:	
Status of the Document:	Final
Review Date:	30 November 2017
Contact Details:	

**STANDING RULES AND ORDERS FOR THE MEETINGS OF THE COUNCIL
AND ALL ITS COMMITTEES**

TABLE OF CONTENTS

1.	Application of the rules	2
2.	Definitions	2
3.	Meetings of the council open to the public	4
4.	Council meetings	4
5.	Special council meetings	5
6.	Service of notices	5
7.	Non-service of notice	5
8.	Urgent matters	5
9.	Conduct at meetings	5
10.	Interpretation of the rules	6
11.	Quorum and acts of council	6
12.	Decisions and voting	6
13.	When councillors may not attend or participate in meetings	7
14.	Walkout	8
15.	Count out	8
16.	Adjourned meetings	8
17.	Notice of adjourned meetings	8
18.	Chairperson of meetings	8
19.	Agenda	9
20.	Business at council meeting	9
21.	Leave of absence	10
22.	Minutes to be kept and confirmation thereof	10
23.	No discussion on minutes under confirmation of minutes	11
24.	Petitions to be written, typed or printed	11
25.	Deputations to submit memoranda	11
26.	Reception of deputations	11
27.	Moving a report	11
28.	Motions	11
29.	Precedence of the Speaker	13
30.	Relevance	13
31.	Councillor to speak only once	13
32.	Debate management	13
33.	Length of speeches	14
34.	Disorderly conduct of councillor and the duty of the chairperson	14
35.	Obstruction by persons other than councillors	14
36.	Points of order and personal explanations	15
37.	Questions	15
38.	Terms of reference of sub-committees	15
39.	Council may increase or restrict powers	16
40.	Minutes of executive committee / mayoral committee, committees and subcommittees	16
41.	Inspection of minute books by councillors	16
42.	Non-attendance of members of committees	16

43.	Members of council attending committee meetings of which they are not members	16
44.	Information to be obtained from municipal manager and head of department concerned	17
45.	Information to the press or other media: In-Committee discussions	17
46.	Suspension of standing orders	17
47.	Legal defence and indemnification of councillors and officers of the council	17
48.	Speaker may refer matters for legal advice	17
49.	Activities prohibited within the council chamber or meeting venue and the use of the council chamber by other persons or institutions	18
50.	Ward Committees	18
51.	Sanctions and offences	18
52.	Dress code	18

1. Application of rules

- 1.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for councillors serving in council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
 - 1.4.1 All councillors;
 - 1.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act;
 - 1.4.3 Any municipal official of the municipality; and
 - 1.4.4 Any member of the public while present in the council chamber and precinct.

2. Definitions

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

“Committee” shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act;

“Constitution” shall mean the Constitution of the Republic of South Africa, 1996;

“Council”	shall mean the municipal council for the Kouga Municipality;
“Councillor”	shall mean a member of the municipal council;
“Day”	shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
“Executive Committee”	shall mean the committee appointed in terms of section 42 (2) of the Structures Act;
“Executive Mayor”	shall mean the Executive Mayor of the municipality as elected in terms of section 55 of the Structures Act;
“In Committee”	shall mean the part of the meeting of the municipal council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;
“Mayor”	shall mean the Mayor of the municipality as elected in terms of section 48 of the Structures Act;
“Mayoral Committee	means the committee appointed by the Executive Mayor in terms of section 60 of the Structures Act;
“Member” municipality;	shall mean a councillor serving in the municipal council of the municipality;
“Motion”	shall mean a matter submitted by a member in accordance with 28 below;
Municipality”	shall mean the Kouga Municipality;
“Point of order” meeting	shall mean a point raised by a councillor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order;
“Privilege”	shall mean the right of freedom of speech for councillors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the Council or Committee;
“Procedural motion”	shall mean a matter raised by a member at a meeting in terms of section 28;
“Report”	shall mean any item appearing on the agenda for consideration by the council or a committee;

“Sargent-at-arms”	shall mean a person in the full-time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;
“Senior managers”	shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality
Speaker”	shall mean the person as elected in terms of section 36 of the Structures Act;
“Structures Act” 1998;	shall mean the Local Government: Municipal Structures Act, 1998;
“Sub-committee”	means any other committee, other than the executive committee /mayoral committee or committees appointed by the council or the executive committee;
“Systems Act”	shall mean the Local Government: Municipal Systems Act, 2000; “Traditional Leader” shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;
“Whip”	shall mean a member of the municipal council appointed by each political party represented in the council;
“Whip of the Council”	shall mean the person elected as the Whip of the Council.

3. Meeting of council open to public

- 3.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee / mayoral committee shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act.
- 3.2 The Council will deal In Committee when discussing any of the following matters:
 - 3.2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 3.2.2 personal and private information of any councillor or an employee of the municipality;
 - 3.2.3 the intention of the municipality to purchase or acquire land or buildings;
 - 3.2.4 the price a municipality may offer for the purchase or acquisition of land or buildings;

- 3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- 3.2.6 disciplinary proceedings or proposed disciplinary proceedings again against any employee;
- 3.2.7 any matter that might not be disclosed in terms of legislation;
- 3.2.8 consideration of the minutes of previous In Committee discussions. **After confidential have served before Council they are open to public domain except when Council decides not to open certain matters to public.**
- 3.3 A councillor may, when an item in the agenda is put to order, other than a matter referred to in 3.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

4. Council meetings

The Council shall hold an ordinary meeting for the transaction of business not less than once in every three months / monthly.

5. Special council meetings

- 5.1 The Speaker may at any time of own accord and shall, upon request in writing of a majority of the councillors of the municipality, call a special meeting of the council, provided that no such special meeting shall take place unless all councillors were given at least 48 hours' notice prior to the date and time set for the meeting.
- 5.2 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with 5.1 above, the Municipal Manager of the municipality may call the meeting.

6. Service of notices

At least 7 days before any ordinary meeting of the council and at least forty-eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager as contemplated in 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address.

7. Non-service of notices

Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting.

8. Urgent matters

- 8.1 No business shall be transacted at a meeting of the council or any committee other than that specified in the agenda relating thereto, except any matters

which the relevant chairperson considers urgent and the said chairperson has ruled the matter to be urgent.

- 8.2 The Municipal Manager may raise matters which in his / her discretion is urgent, for decision by the council. A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council and / or its operations.
- 8.3 The Speaker or chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; Provided that the Speaker may rule that the matter is not urgent as defined in 8.2 above.

9. Conduct at meetings

The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

1. Maintain order during meetings.
2. Ensure compliance with the Code of Conduct for Councillors during meetings.
3. Ensure that meetings are conducted in accordance with the rules.
4. Ensure that members conduct themselves in a dignified and orderly manner during meetings.
5. Ensure that members of the public attending meetings are seated in areas designated for that purpose.
6. Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting.
7. Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting.
8. Ensure that the Whip of each political party represented in the municipal council as well as the Whip of Council maintains discipline during any meeting.

10. Interpretation of rules

- 10.1 The ruling of the Speaker or the chairperson in the event of a meeting other than a council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Speaker / chairperson may be required to provide reasons for a ruling.
- 10.2 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

- 10.3 Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

11. Quorum and acts of council

- 11.1 A majority of the councillors must be present at a meeting of the council before any matter may be considered and / or voted on.
- 11.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

12. Decisions and Voting

- 12.1 Subject to 12.3 below, all matters will be decided by a majority of councillors present at the meeting. **Administration should ensure that ballot forms are always available.**
- 12.2 Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- 12.3 Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of the councillors in the municipal council.
- 12.4 If on any question there is an equality of votes, the Speaker or chairperson of the Committee may exercise a casting vote in addition to that particular councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee:
- Provided that for those matters listed in section 160(2) of the Constitution, there will be no provision for a casting vote.
- 12.5 If the Speaker or chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.
- 12.6 In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or chairperson, by way of secret ballot.
- 12.7 The Municipal Manager or an official designated by him shall count the votes and declare to the chairperson the result of the divisions. In the event of a secret ballot, the municipal manager shall hand to each councillor a ballot paper bearing the official mark or logo of the municipal council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Logo

Date:.....

Proposal or motion to be voted for Councillor's vote (X): For or against

1. For

2. Against

- 12.8 The municipal manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.
- 12.9 The Speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 12.10 The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the Speaker.
- 12.11 A member may abstain from voting without leaving the chamber.
- 12.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.
13. **When councillors may not attend and participate in the proceedings of the council, mayoral committee / executive committee, portfolio committee or subcommittee**

A councillor shall-
 - 13.1. Disclose to the council, or to any committee of which that councillor is a member, any direct personal or private business interest that the councillor, or the spouse, partner or business associate of that councillor may have in any matter before the council or the committee;
 - 13.2. Withdraw from the proceedings of the council or committee meeting when the matter is being considered by the council or committee, unless the council or the committee decides by resolution, that the councillor's direct or indirect interest in the matter is trivial or irrelevant. A councillor who has so disclosed his/her interest may, with the approval of majority of the members of the council or its committee, address the council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or chairperson on the time to be allowed for such an address.
 - 13.3 A councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the council or committee of the council at which it is possible for the councillor to make a disclosure.
 - 13.4 This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

14. Walkout

If a councillor or group of councillors leave any meeting in protest, and the remainder of the councillors constitute a quorum the business of the meeting shall be proceeded with.

15. Count out

If during any sitting of the council or any committee, the attention of the Speaker or chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with 11 above.

16 Adjourned meetings

The council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is an adjournment.

17. Notice of adjourned meeting

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

18. Chairperson of meetings

- 18.1 At every meeting of the council the Speaker, or if he/she is not present, an Acting Speaker shall be the chairperson. An acting Speaker may be elected by the majority of councillors present at any meeting of the council where the Speaker is not present.
- 18.2 The Mayor shall chair meetings of the Executive Committee / Executive Mayor shall chair meetings of the Mayoral Committee and if not present, the Deputy Mayor / Deputy Executive Mayor or if the Deputy Mayor / Deputy Executive Mayor is also not available, any other councillor appointed by a majority members of the executive committee / mayoral committee in attendance.
- 18.3 The chairperson appointed by the Executive Committee / Executive Mayor shall chair meetings of the portfolio committees. **Portfolio Chairperson may nominate an acting Chairperson**
- 18.4 The person so nominated by the council, Executive Committee / Mayoral Committee or committee **for that meeting** shall chair meetings of committees and subcommittees;

Provided that where no such person was nominated the members present may elect their own chairperson.

19. Agenda

- 19.1 Subject to 19.2 and 19.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.
- 19.2 The Speaker or chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- 19.3 The Speaker or chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

20. Business at council meetings

The order of business at every ordinary meeting of the council, the executive committee / mayoral committee or a committee is as follows:

Council Executive Committee / Mayoral Committee

- ☐ Opening: Moment of reflection
- ☐ Notice of the meeting
- ☐ Applications for leave of absence
- ☐ Acceptance of the agenda
- ☐ Declaration of interest
- ☐ **Announcements**
- ☐ Presentations
- ☐ Confirmation of minutes from previous minutes
- ☐ Outstanding matters
- ☐ Submission of reports from Council representatives from District/Local municipality
- ☐ Reports of the Executive Committee / Executive Mayor, under the sections:
 - recommendations to the council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee
- ☐ Reports from MPAC
- ☐ Report from the Audit Committee
- ☐ Reports on ward committees / consolidated report on ward committees
- ☐ Report on SALGA activities
- ☐ Monthly Activities
- ☐ Input by the Traditional Leader
- ☐ Reports for noting
- ☐ Reports for consideration
- ☐ Reports - In-Committee;
- ☐ Notice of Motion
- ☐ Questions
- ☐ Urgent reports - allowed only with the consensus of the chairperson; and
- Opening: Moment of reflection
- ☐ Notice of the meeting
- ☐ Applications for leave of absence
- ☐ Acceptance of the agenda
- ☐ Declaration of interest
- ☐ **Announcements**
- ☐ Presentations
- ☐ Confirmation of minutes from previous minutes
- ☐ Outstanding matters
- ☐ Reports from Portfolio Committees

- ☐ Reports from Audit Committees
- ☐ Reports for noting
- ☐ Reports for consideration
- ☐ In-Committee reports
- ☐ Urgent reports allowed only with the consensus of the chairperson; and
- Opening: Moment of reflection
- ☐ Notice of the meeting
- ☐ Applications for leave of absence
- ☐ Acceptance of the agenda
- ☐ Declaration of interest
- ☐ **Announcements**
- ☐ Presentations
- ☐ Confirmation of minutes from previous minutes
- ☐ Outstanding matters
- ☐ Reports for noting
- ☐ Reports for consideration
- ☐ In-Committee reports
- ☐ Notice of Motion
- ☐ Urgent reports allowed only with the consensus of the chairperson; and

NB: Notice of motion to be reflected on all listed Committees.

21. Leave of absence

- 21.1 Applications for leave of absence from any council or committee meeting must be submitted to the Speaker or the chairperson in writing and signed by the member applying for leave.
- 21.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting.
- 2.1.3 The Speaker or chairperson shall grant leave at his or her discretion, and the Speaker is at liberty to reject such application for leave of absence.
- 2.1.4 Leave will be deemed to have been granted if a councillor has been delegated to attend a meeting or engagement on behalf of the council.
- 2.1.5. **Application of leave after the meeting should be catered for but for a certain period.**

22. Minutes to be kept and confirmation thereof

- 22.1 Minutes of the proceedings of every meeting of the council and committee, shall be electronically or otherwise recorded and be kept for that purpose by the Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting.
- 22.2 Minutes of the proceedings of every meeting of the council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the chairperson. Minutes shall be bound and kept secure.

- 22.3 The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.

23. No discussion on minutes under confirmation of minutes

No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy. **Clarifications and corrections will be allowed but no debates.**

24. Petitions to be written, typed or printed

Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he/she deems it necessary, bring the matter before the executive committee / mayoral committee.

25. Deputations to submit memorandum

Deputations wishing to be received by the executive committee / mayoral committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the Municipal Manager shall bring the memorandum before the executive committee / mayoral committee, which it may authorise, if it sees fit to receive the deputation, and to report to the council forthwith.

26. Reception of deputations

A deputation wishing to address the executive committee / mayoral committee shall not exceed five in number, but only one member thereof shall be at liberty to address the committee (except in reply to questions from members of the committee) and only for a period not exceeding ten minutes. The committee shall not further consider the matter until the deputation shall have withdrawn itself from the meeting.

27. Moving a report

The Speaker or chairperson shall move the recommendation contained in a report unless he/she shall have previously stated his/her disagreement with it. The chairperson of a committee or other member presenting a report may withdraw or amend any section with the consent of the committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of the council not to adopt a recommendation or a part or parts thereof.

28. Motions

- 28.1 No matter shall be brought before the council or a committee by any member of the council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it:

Provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail.

- 28.2 Any notice of motion shall be submitted to the Speaker or chairperson before 12:00, ten days prior to the meeting of the council or committee.
- 28.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.
- 28.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 28.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.
- 28.6 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.
- 28.7 The Speaker or chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 28.8 All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 28.9 No member shall have more than two notices of motion on the same agenda at the same time.
- 28.10 Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Executive / Mayor and Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.
- 28.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before the council passes a resolution in this regard.
- 28.12 The Speaker may disallow a motion which:
 - ☐ May lead to discussions of a matter already dealt with on the agenda
 - ☐ Addresses a matter where the Council has no jurisdiction
 - ☐ Addresses a matter where a decision of a judicial or quasi-judicial body is pending
 - ☐ Has not been seconded

☐ If passed, would be contrary to the law.

- 28.13 The mover with the consent of the seconder may withdraw a motion or amendment.
- 28.14 The Speaker or chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject such amendment.
- 28.15 Except upon the recommendation of the committee to which the council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.

29. Precedence of the Speaker

- 29.1 During the sitting of the council or a committee, members, except lady members and members in traditional, cultural or religious headdress shall have their heads uncovered.
- 29.2 When speaking, councillors shall be seated, but at all times, address their speech to the Speaker or chairperson.
- 29.3 Whenever the Speaker or chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and speak without interruption.

30. Relevance

A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

31. Councillor to speak one only

Except for otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Mayor /Executive Mayor or a member may reply in conclusion of a debate, but shall confine him / her to answering to previous speakers and shall not introduce any new matter into the debate.

32. Debate management

- 32.1 Time allocated to each political party or interest group will be determined by the Speaker.

- 32.2 At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which items on the agenda are to be debated.
- 32.3 At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which members will speak on which item included in the agenda.
- 32.3 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in 32.1 above.
- 32.4 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

33. Length of speeches

- 33.1 No speech shall exceed **three (3)** minutes in length without the consent of the Speaker. This period shall exclude consecutive translation time required.
- 33.2 The Speaker or the chairperson shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.
- 33.3 The time limits shall be at the sole discretion of the Speaker or chairperson guided by the principles of fairness, democracy, efficiency and good governance.

34. Disorderly conduct of councillor and the duty of the chairperson

- 34.1 If at any meeting of the council or committee a councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the chairperson shall direct such councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, is he/she was standing.
- 34.2 In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall direct such councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- 34.3 The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 34.4 Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request the Sargent at Arms to facilitate the

removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargent at Arms of the council will ensure that such councillor/s does not enter such an alternative venue.

35. Obstruction by persons other than councillors

Any person, other than a councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Sargent-at-arms will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

36. Points of order and personal explanation

- 36.1 Any member, regardless of whether he/she addressed the Council on the matter under debate or not, may:
 - ☐ raise a point of order
 - ☐ raise a point of personal explanation at the end of the debate
- 36.2 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- 36.3 Any member contemplated in 36.1 shall be entitled to be heard and the councillor speaking at the time shall remain silent until a ruling has been made by the Speaker or chairperson.
- 36.4 The ruling of the Speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 36.5 Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.
- 36.6 Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of point 34 above.

37. Questions

- 37.1 Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality,

concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or chairperson and the municipal manager at least 10 (ten) days prior to the council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.

- 37.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or chairperson, request a follow up question.
- 37.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

38. Terms of reference of sub-committees

Upon the appointment of any sub-committee the council a committee shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. The council's standing rules and orders shall apply to all sub-committees.

39. Council may increase or restrict powers

With the exception of the Executive Committee / Mayoral Committee whose functions are determined in terms of the Structures Act, and the committees whose functions and powers are determined in terms of Section 80 of the Structures Act by the Executive Committee / Executive Mayor, the council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Section 79 of the Structures Act.

40. Minutes of Executive Committee/ Mayoral Committee, committees and subcommittees

Every committee, including the Executive Committee / Mayoral Committee, except when specifically exempted from this provision by a resolution of the council or the executive committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty-four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then, at the sole discretion of the chairperson.

41. Inspection of minute books by councillors

The minutes of every council or committee shall be open for inspection by every member of the council during office hours; provided the demands of duties of the registry and secretariat staff is taken into account.

42. Non-attendance of members of committees

- 42.1 Should any member of a committee fail to attend three consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in 21 above, he/she shall be required to submit a motivation for such absence and if the Speaker are not satisfied with such explanation, it shall be reported to the municipal council that the councillor is deemed to have forfeited his/her seat on such committee, and such forfeiture shall be reported to the council or the executive / mayoral committee to the end that the vacancy may be filled by the executive / mayoral committee.

43. Members of council attending committee meetings of which they are not members

- 43.1 Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.
- 43.2 The provisions of 43.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.
- 43.3 The rules with regard to agendas as set out above will also be applicable to requests to attend MPAC and address it.
- 43.4 Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his / her behalf.

44. Information to be obtained from municipal manager or the head of department Concerned

Subject to the provisions of 37 above, members of the council who desire to obtain from any official of the council information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

45. Information to the press or all sources of media: In-committee discussions

- 45.1 The Mayor/ Executive Mayor, or in his/her absence the Deputy Mayor / Executive Mayor, the Speaker and the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.
- 45.2 In view of the Municipal Manager, the Speaker or the Mayor / Executive Mayor being the authorised channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the council or any committee:

Provided that this clause shall not be construed as abrogating a councillors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Mayor / Executive Mayor, Speaker or Municipal Manager.

- 45.3 Chairpersons of committees must liaise with the Executive Mayor / Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

46. Suspension of standing orders

No standing order shall be suspended without the vote of a majority of the members of the council or of three-fourths of the members present and a motion duly seconded to suspend the standing orders shall be put without debate.

47. Legal defence and indemnification of councillors and officers of the council

The council may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a councillor or official of the Municipality.

48 Speaker may refer matters for legal advice

The Speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

49. Activities prohibited within the council chamber or a meeting venue and the use of the council chamber by other persons or institutions

- 49.1 The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.
- 49.2 The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its committees by any person:
- ☐ **Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;**
 - ☐ **Consuming any food or drink in his/her possession, excluding water provided at the meeting.**
- 49.3 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Senior Administrative Officer: Committees prior to

the meeting, and subject to such bookings to be on a rotational basis for all the parties.

- 49.4 The use of the council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director Corporate Services in making the venue available in writing.

50. Ward committees

The council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees

51. Sanctions and offences

Any person who wilfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the following sanctions imposed by the council:

- 51.1 Having a fine imposed by the council as determined by it from time to time for the categories of offences as approved by it by resolution from time to time;
- 51.2 Be suspended from the attendance of council or committee meetings as the council may determine for such a period as the council may by resolution determine from time to time for the categories of offences as determined by it.

52. Dress code

- 52.1 The Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.
- 52.2 **Notwithstanding the provisions of any resolution passed in accordance with 52.2, no councillor shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.**

APPROVED ON: 1 August 2017

COUNCIL RESOLUTION NO: 17/07/AME&SP2

WORKSHOPPED ON: 30 November 2017

APPROVED ON:

COUNCIL RESOLUTION:



KOUGA

local municipality

Good Governance through Service Excellence

**PAUPER AND SOCIAL BURIAL
POLICY**

PAUPER AND SOCIAL BURIAL DRAFT

POLICY

Document Control

Policy Title:	Pauper & Social Burial Draft Policy
Reference Number:	15/05/AME13
Previously Approved:	Yes (29 May 2015)
Directorate Responsible:	Community Services
Version:	
Status of the Document:	Draft
Review Date:	30 November 2017
Contact Details:	

Contents

1. INTERPRETATION/ DEFINITIONS.....	2
2. POLICY OBJECTIVES.....	3
3. DISPOSAL OF BODY.....	3
4. PAUPER AND SOCIAL BURIALS.....	4
• Pauper Burials	
• Social Burials	
5. STANDARD OPERATING PROCEDURE FOR PAUPER BURIALS.....	5

PAUPER AND SOCIAL BURIAL DRAFT POLICY

The policy on Paupers and Social Burials will be a guide to Council, Officials, Individuals, Community and Funeral Undertakers on the handling of the above.

1. INTERPRETATION/ DEFINITIONS

In this policy, unless the context otherwise indicates –

" All inclusive"	means inclusive of VAT, coffins, graves, collection (transport) costs, storage costs, burial/ funeral costs;
"Adult"	means a deceased person over the age of 12 years;
"Approved funeral undertaker"	means a funeral undertaker's premises in respect of which a certificate of competence has being issued by an Environmental Health Practitioner of Council in terms of the "Regulations Relating to Funeral Undertakers Premises (R237 of 08 February 1995)" .
"Body"	means the remains or any portion thereof any deceased person;
"Certified"	means a signed affidavit by a Ward Councillor of Council specifying that a family member(s) is/are known to him/her and that he/she/they/is/are destitute;
"Cemetery"	means any land or part thereof which the municipality duly set aside by the Council as a cemetery;
"Child"	means a deceased person who is not an adult;
"Crematorium"	means a crematorium as defined in Section I of the Ordinance and includes any place set aside by the Council for the cremation of a body;
"Council "	means Kouga Local Municipality;
"Destitute"	means without any income or financial means;
"Indigent person"	means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organization or NGO can be found to bear the burial costs

	of such deceased person. The Kouga Municipality can bury such a person as a pauper;
"Municipal area"	means the area placed under the control or jurisdiction of Council;
"Officer in Charge"	means an Environmental Health Practitioner in the employ of Council;
"Pauper"	A pauper or destitute corpse is defined as a deceased person without a next of kin or an unclaimed body / who's next of kin can verify inability to afford funeral expenses due to poverty conditions that exist within that family.
"Pauper Burial"	Pauper burial is defined as a process of ensuring that, the burial of a pauper / destitute corpse is executed by the relevant Local Authority / Council in a human dignified manner by making sure that all the basic requirements needed to bury a deceased person are considered.
"Registrar of deaths"	means any person appointed as registrar of deaths in terms of the Births, Marriages and Deaths Registration Act, 1963(Act No.81 of 1963);
"Social burial"	means a soft social service by the Council in public private partnership for the destitute
"State Institution"	means a Hospital or Police Mortuary
"Tariff"	means a tariff of charges as determined by the Council as per approved budget;
"Working hours"	from Monday to Friday as determined from time to time by the Council to be normal working hours.

2. **POLICY OBJECTIVES**

- i) To make sufficient provision for the bodies of the destitute (paupers) to be buried.
- ii) To make provision for the assistance of the poorest of the poor to be buried.
- iii) To differentiate between certain criteria of the deceased.

- iv) To have guidelines when approached for assistance in terms of these burials.
- v) To assist with the social and economic difficulties of communities within Kouga Municipality.
- vi) To create a sense of public private partnerships.
- vii) To give ownership and responsibility to the people.
- viii) To manage the budget more effectively in terms pauper and social burials.

3. DISPOSAL OF BODY

- 3.1. No person shall, with prior consent of the Council, dispose of or attempt to dispose of a body other than in a cemetery or cremation in a crematorium.
- 3.2. If that person is an unknown person the Municipality will take possession of the body and keep it through its agent 'Funeral Undertaker' for at least three months, in an approved and registered mortuary.
- 3.3. If that person was an indigent person, the council will decide on the time and place of burial through its Officer in Charge.

4. PAUPER AND SOCIAL BURIALS

4.1. Pauper burials

- 4.1.1 The principal on which pauper burials are to be performed will be as follows:
 - 4.1.1.1 The unclaimed body will be at a Hospital within the jurisdiction of the Kouga Municipality or at a Police Mortuary within the Kouga Municipality, s jurisdiction.

- 4.1.1.2 The unclaimed body will be at a Hospital outside the jurisdiction of the Kouga Municipality, which was referred by the Kouga Municipality to that hospital outside its jurisdiction.
- 4.1.1.3 The Kouga Municipality will order a funeral undertaker to remove the body and put in a pauper coffin for burial.
- 4.1.1.4 The Kouga Municipality will arrange for a burial site to be prepared after which the funeral undertaker will bury the remains at Council's cost.
- 4.1.1.5 The Kouga Municipality will have pre- arranged tariffs with the funeral undertaker to be in line with the budget.

4.2 Social burials

- 4.2.1 The principle on which social burials are to be performed is aimed at community upliftment and public partnerships, which would be applied as follows:
 - 4.2.1.1 The onus of proof of being indigent rests with the applicant declaring indigency and confirmed by next of kin or representatives, Ward Councilors and presented to the Officer in Charge.
 - 4.2.1.2 An application to be completed at the Health Department of Council for a social burial.
 - 4.2.1.3 Kouga Municipality by means of an official order to a funeral undertaker will provide 50% of the cost of the coffin used in the case of a pauper.
 - 4.2.1.4 Kouga Municipality will charge 50% of the applicable tariff for a burial site from the family as the budget.
 - 4.2.1.5 The family will dig and excavate the grave at their own cost.

5. STANDARD OPERATING PROCEDURE FOR PAUPER BURIALS

5.1 The Standard Operating Procedure for Pauper and Social burials is as follows:

- The deceased must have died within the boundaries of Kouga Municipality;
- The deceased and / or the family must have been unemployed, not receiving any grants or pensions to cover for the burial expenses;
- If the next of kin is available, he / she must sign a right of claim over the body to the Council responsible to dispose of it as the Council deems fit, e.g. burying or cremating it, whichever will be cost effective;
- The burial will be conducted by the undertaker contracted to the Municipality, where there is no undertaker contracted, the Municipality shall make the necessary arrangements to bury such body in a dignified manner.
- The following supportive documents to substantiate the application, must be submitted:
 - Identification Document of the deceased (if the deceased is a known person) and date of death
 - Death Certificate BR 5
 - SAP BL 20
 - SAP Report with a case number and permission to bury
 - Sworn affidavits from SAPS, stating the financial position; relationship of person giving the affidavit (indicating his / her ID number and place of residence); permission to surrender the deceased body to Kouga Municipality to deal with it in a way as guided by the Policy and its By - Laws
 - Letters from the Department of Social Development and relevant Ward Councillor, confirming the poverty conditions being experienced
 - Quotation from the Funeral Undertaker unless instructed by the Officer in Charge to make use of an undertaker appointed by Council
- There will be no provision for payment other than to the contracted undertaker or service provider to execute the burial of the corpse;
- No transport must be provided for the family to attend the burial of the deceased;
- No financial contributions must be made towards food, tents, etc.;
- Burials must be undertaken during weekdays only;
- In the event of functions taking place after the burial of the deceased, irrespective of the financial source provided by any member of the family or community, the assistance will be considered null and void and the burial cost will be recovered;

- No memorial, tombstone and or exhumation will be erected on the gravesite. Should such an application be received in future, the applicant will be held responsible for the payment of the costs incurred during the burial;
- Should an application be received for the purpose indicated in the section as mentioned above due to financial status having improved in the family, the person wanting to conduct the above process shall first reimburse the Municipality of whatever amount that was spend during the pauper burial before permission to erect the tombstone can be given;
- All applications for pauper burials shall be submitted to the Environmental Health Section, for approval and administering necessary arrangements in the burial of a pauper;
- The Municipality shall not be responsible for the removal of the deceased body from home or a street, wherever it is found dead, since that process is the prerogative of the South African Police Services (SAPS)

5.2 Sworn affidavit must indicate the following:

- 5.2.1 The relationship of person giving the affidavit, indicating his/her ID number and place of residence
- 5.5.2 The permission to surrender the body to the Kouga Municipality to deal with it in a way as guided by this policy and its bylaws
- 6. That Pauper Burials approved in terms of this policy, will take place within working hours, as determined by Council.



KOUGA

local municipality

Good Governance through Service Excellence

WARD COMMITTEE

POLICY

WARD COMMITTEE POLICY

Document Control

Policy Title:	Ward Committee Policy
Reference Number:	17/06/AME&SP14
Previously Approved:	Yes (29 June 2017)
Directorate Responsible:	Corporate Services
Version:	
Status of the Document:	Final
Review Date:	1 December 2017
Contact Details:	

TABLE OF CONTENTS

	<u>PAGE</u>	
1.	Definitions	2 - 3
2.	Establishment of Ward Committee System	4
3.	Composition of Ward Committees	4 - 5
4.	Political affiliation in Ward Committees	5
5.	Role and Functions of the Electoral Committee	6 - 7
6.	Nomination and Election Process	7 - 9
7.	Vacation of office by a Ward Committee Member	9 - 11
8.	Filling of vacancies	
11		
9.	Powers, functions, duties and obligations of Ward Committees	11 - 12
10.	Ward Committee Meetings	13 - 15
11.	Dissolution of Ward Committees	
15		
12.	Sub-committees of Ward Committees	
15		
13.	Role of Council officials on Ward Committees	
16		
14.	Administrative arrangements	
16		
15.	Budget	16 - 18
16.	Dispute resolution mechanisms for Ward Committees	
19		
17.	Vacation of office by the Ward Councillor	
19		
18.	Role of proportional representative Councillors in Ward Committees	
19		

19.	Declaration of Interests by Ward Committee Members	2 - 20
20.	Code of Conduct for Ward Committee Members	20 - 24

WARD COMMITTEE POLICY

1. DEFINITIONS

In this by-law, unless the context otherwise indicates, the words/phrases below have been assigned the following meaning:

CBO	:	a community-based organization
Chairperson	:	A Ward Councillor of the Municipality appointed to chair the Ward Committee meetings in terms of Section 73 (2)(a) of the Municipal Structures Act
Chief Whip	:	A Municipal Councillor who is appointed to this position by the Council in terms of Section 12 of the Municipal Structures Act
Community	:	residents of a ward, i.e. the ward community
Council	:	the municipality's body of elected Ward Councillors and proportionally representative Councillors (comprising the local government) as established in terms of the Municipal Structures Act
Electoral Committee	:	a committee established by the Speaker and MEO to conduct the election of members of the Ward Committee
Election Officer	:	a person appointed by the Electoral Committee to assist with the election of Ward Committee members
IDP	:	the integrated development plan of the Municipality as adopted by the Council in terms of the Municipal Systems Act
IEC	:	Independent Electoral Commission
Interest group/sector	:	an organized formation that takes an active interest in the affairs of a ward
Member	:	a person elected or co-opted into a Ward Committee
MEO	:	Municipal Election Office

Municipality	:	the Kouga Local Municipality, established in terms of Section 12 of the Municipal Structures Act
Municipal Manager	:	the head of the administration and accounting officer of the Municipality and appointed by the Council in terms of Section 82 of the Municipal Structures Act
Municipal Structures Act	:	The Local Government: Municipal Structures Act, No. 117 of 1998, as amended
Municipal Systems Act	:	The Local Government: Municipal Systems Act, No 32 of 2000
NGO	:	a non-governmental organization
PR Councillor	:	a proportionally representative Municipal Councillor appointed in terms of Section 22 (1)(a) of the Municipal Structures Act, by a political party to represent that party in the Council
Speaker	:	The Chairperson of the Council and a Municipal Councillor elected to this position by the Council in terms of Section 36 of the Municipal Structures Act
Unorganized Sector	:	any sector that is not structurally organized at the level of a ward
Ward Committee (WC):	:	a committee of a municipal ward, established in terms of Part 4 of the Municipal Structures Act
Ward Coordinator	:	a member appointed by the Ward Councillor to assist him/her in ensuring the smooth running of the Ward Committee and the community's affairs
Ward Councillor	:	A Municipal Councillor elected in terms of Section 22 (1)(b) of the Municipal Structures Act, to represent a demarcated council ward

2. **ESTABLISHMENT OF WARD COMMITTEE SYSTEM**

- 2.1 Ward Committees for all 15 (fifteen) wards of the municipality are hereby established in terms of the Municipal Structures Act.

- 2.2 The Ward Committees so established must come into effect once committee members have been elected, as set out below.

3. **COMPOSITION OF WARD COMMITTEES**

- 3.1 Each Ward Committee must comprise of the Ward Councillor, as Chairperson, and 10 (ten) elected community members.
- 3.2 The Ward Committee members must be residents of the ward to whose Ward Committee they have been elected.
- 3.3 Notwithstanding the provisions of clause 3.2, any person who is not a resident of that ward, may become a Ward Committee member provided that the person represents an interest group/sector stationed in the ward, or owns a business property in the ward.
- 3.4 No person may be a member of more than 1 (one) Ward Committee at the same time.
- 3.5 The composition of the Ward Committee must reflect the following factors:
- 3.5.1 Equitable representation of women
 - 3.5.2 geographic representation
 - 3.5.3 population diversity and interests
- 3.6 The Ward Committee members so elected must assume office upon election.
- 3.7 PR Councillors appointed to serve in the municipality must be *ex officio* and non-voting members of the Ward Committee of the ward they reside in, or any other Ward Committee assigned to them by the Chief Whip in consultation with the Speaker.
- 3.8 In the course of the term of office of the Ward Committee, any person deemed to be necessary for the success of the committee, or who could add value to the Ward Committee system, can be co-opted by the committee in consultation with the Ward Councillor to serve as *ex officio* in an advisory capacity on that Ward Committee without the rights to vote.
- 3.9. Each ward must have not more than ten (10) members choosing from the following portfolio:
- (a) Youth
 - (b) Women
 - (c) Religious
 - (d) Sports and culture

- (e) Health and Welfare
- (f) Business
- (g) Environment
- (h) Education
- (i) Elderly
- (j) Community Safety & Security
- (k) Ratepayers / Civic Association
- (l) Informal Traders Association
- (m) Agricultural
- (n) Informal Traders
- (o) People living with disabilities
- (p) Farmworkers
- (q) Employment
- (r) Tourism, and
- (s) Unions
- (t) Geographical areas

- 3.10. Unless a Ward Councillor, or municipality, wishes to appoint a secretary, the Municipality must appoint a secretary and assistant secretary from its membership to fulfil relevant duties of the Ward Committee.
- 3.11. A Ward Councillor may delegate in writing the chairing of a meeting in his/her absence to a Proportional Representation Councillor or any member of the Ward Committee.
- 3.12. Each portfolio leader may nominate five (5) members more broadly from that particular ward to increase the performance and functionality of the portfolio.

4. **POLITICAL AFFILIATION IN WARD COMMITTEES**

- 4.1 Ward Committee members must not be elected to represent political parties, or for the unofficial benefit of any political party.
- 4.2 Canvassing for election of Ward Committee members must not be motivated by political concerns.

5. **ROLES AND FUNCTIONS OF THE ELECTORAL COMMITTEE**

5.1 Establishment of an Electoral Committee

The Office of the Speaker, must in collaboration with the MEO, form the election body and appoint the Electoral Committee.

The Electoral Committee will conduct and oversee the election of members of the Ward Committee.

5.2 Appointment of presiding officers, election officers and counting officers

The Electoral Committee will appoint a presiding officer, one or more election officers and counting officers for each of the 10 wards to manage and administer the Ward Committee elections in their respective wards.

5.3 General provisions concerning appointment of officers

A person may not be appointed as an officer in a Ward Committee election if that person:

5.3.1 is a Ward Committee members contesting the election;

5.3.2 holds political or executive office in a political party.

5.4 Exercise of control over officers

An officer exercises the powers and performs the duties conferred on or assigned to that officer subject to the directions, control and disciplinary authority of the Electoral Committee.

5.5 Remuneration and conditions of appointment of the officer

The Electoral Committee must determine in writing the terms and conditions of appointment of an officer, including remuneration payable to that officer.

5.6 Duties of presiding, election and counting officers

The presiding, election and counting officers:

5.6.1 must manage, co-ordinate and supervise the voting process at the voting station concerned;

5.6.2 must take all reasonable steps to ensure orderly conduct at the voting station;

5.6.3 May order a member of security services (SAPS) to assist in ensuring orderly conduct of the voting station;

5.6.4 may order any person within the boundary of the voting station who's conduct is not conducive to a free and fair election at that voting station, to leave the premises;

5.6.5 must count and announce the votes received for each nominee from the ward community members present at the voting station;

5.6.6 must secure the number of votes received by each nominee in writing on the relevant nomination form;

5.6.7 must declare the voting process open and closed;

5.6.8 must submit the election results and the report to the election committee for submission to the Office of the Speaker;

5.6.9 If a person refuses to comply with an order of a presiding, election or counting officers presiding, in Ward Committee election or counting; officers in charge may order members of security (SAPS)

to forcefully remove the person or declare the voting process closed and submit a report to the election committee.

6. **NOMINATION AND ELECTION PROCESS**

6.1 Nominations

6.1.1 *Sectoral, geographical and individual representation*

The Office of the Speaker must invite all CBO's and NGO's in every ward to nominate individuals as their representatives on the Ward Committee. Only persons 18 years and older, and representing an interest group/sector stationed in the ward, or owning a business or property in the ward may be nominated.

6.1.2 *Notice of nominations to the Ward Committees*

The Electoral Committee must give public notice of the time, venues and mode whereby nominations for Ward Committee members must be accepted. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each Ward Committee Election.

6.1.3 *Nominees*

Only persons 18 years and older, and who represent an interest group/sector stationed in the ward, or own a business or property in the ward will have the right to nominate candidates for the Ward Committee of that ward.

6.1.4 *Nomination Forms*

Nomination forms must be available to the Ward Committees at the Office of the Speaker or any other municipal office. After completion of each nomination form, it must be handed to the Electoral Committee, who will designate offices for this purpose and formally acknowledge receipt of each nomination.

6.1.5 *Safekeeping of nominations*

The Electoral Committee must keep a register of the nominations received as well as the completed nomination forms in a safe place until the day of the Ward Committee election, when they will be handed over to the presiding officer at the voting station.

6.2 Elections

6.2.1 *Elections*

The Electoral Committee must, in consultation with the Speaker and the Ward Councillor, give the ward community written notice of the date, time and venue of the election of Ward Committee members in each ward at least 30 (thirty) calendar days before the election. This notice must be published in at least 1 (one) newspaper of general circulation at least 30 (thirty) calendar days before each Ward Committee election.

6.2.2 *Postponement of elections*

If an election should be postponed for any reason, a written public notice of the time and venue of the postponed election must be published in at least 1 (one) newspaper of the general circulation at least 30 (thirty) calendar days before the new date of the Ward Committee election.

6.2.3 *Election procedures*

The election must be conducted in accordance with the Council approved policy in this regard.

6.2.4 *Voting Rights*

Only persons 18 years and older who are residents or owners of businesses and/or property in each ward have the right to vote.

6.2.5 *Representation*

The election procedure must ensure that at least 3 (three) of the 10 (ten) community members elected onto the Ward Committee are women. Should no women be elected, the first 7 (seven) elected male members will qualify to serve on the Ward Committee and the remaining 3 (three) positions must be reserved for women, to be appointed later by the Electoral Committee after consultation with the Ward Councillor.

6.3 Keeping of records

The Electoral Committee must keep the records of nominations and the ballot papers in a safe place for 1 (one) year after the election.

6.4 Term of Office

- 6.4.1 The members of Ward Committee are elected for a term determined by the municipal council.
- 6.4.2. The term of office of the Ward Committee members are elected for a political term or coincidental with a political term.
- 6.4.3. Elected members may stand for election for a second term.

6.5 Chairpersonship

The Ward Councillor must be the Chairperson of the Ward Committee.

6.6 Role and function of a ward co-coordinator

- 6.6.1 The Ward Councillor must appoint a ward co-coordinator from among the elected Ward Committee members.
- 6.6.2 The ward co-coordinator will be responsible for the administration of the committee and ensure that the committee is functioning in the proper manner.
- 6.6.3 The ward co-coordinator will oversee the minute taking of the committee and the record keeping of the minutes.

7. **VACATION OF OFFICE BY A WARD COMMITTEE MEMBER**

- 7.1 In the following events, the Ward Committee members must vacate his/her office:

If a member:

- 7.1.1 Absents him/herself form 3 (three) consecutive meetings without an apology.
- 7.1.2 Absents him/herself in an *ad hoc* fashion from 6 (six) consecutive meeting with an apology.
- 7.1.3 Is proven to be actively involved in campaigns for the removal of the Ward Councillor without having raised grievances against the Ward Councillor in the Ward Committee Meeting.
- 7.1.4 Acts in a manner that undermines the authority of the Ward Councillor, the Council and/or the Ward Committee.
- 7.1.5 Commits a crime that results in a conviction without the option of a fine.

- 7.1.6 Consistently exhibits violent, abusive and intimidating behaviour towards other committee members and/or the community.
- 7.1.7 Attends a meeting under the influence of alcohol and/or illegal drugs.
- 7.1.8 Is proven to have accepted a bribe from any party that has an interest in a development project for that particular ward.
- 7.1.9 Is proven to have used his/her membership of the Ward Committee to extract, or attempt to extract, favours of any kind.
- 7.1.10 is elected as a councillor in the municipality.
- 7.1.11 is appointed as a staff member of the municipality.
- 7.1.12 without good cause, acts against the decision(s) of the Ward Committee.
- 7.1.13 is involved in party political canvassing or similar activity during Ward Committee meetings.
- 7.1.14 Resigns
- 7.1.15 Dies.
- 7.1.16 is guilty of an infringement of this by-law.
- 7.1.17 If, after being found guilty of an infringement of this by-law, is ordered by the Speaker to vacate his/her office.
- 7.1.18 is ordered to vacate the office by an order of the High Court of South Africa.
- 7.2 The Speaker will appoint a disciplinary committee to deal with matters of discipline.

8. **FILLING OF VACANCIES**

- 8.1 Vacancies of a Ward Committee will be filled as follows:
 - 8.1.1 When a vacancy occurs as a result of the departure of a sectoral representative, the affected sector must be requested to nominate their sectoral replacement. The sectoral nominee will then be part of the Ward Committee.
 - 8.1.2 When a vacancy occurs as a result of the departure of an unorganized sector representative, the Ward Councillor must nominate 2 (two) people

from the affected group, which nomination will be put before the Ward Committee for a decision. The Ward Committee must, after deliberations, appoint 1 (one) person who will be part of the Ward Committee.

- 8.1.3 The Ward Committee must fill vacancies only if they do not exceed the majority of elected members. In the event of 50% (fifty percent) plus 1 (one) of elected members ceasing to be Ward Committee members, the Ward Councillor must notify the Speaker to arrange for the election of a new Ward Committee.
- 8.2 It is the responsibility of the Ward Committee, together with the Ward Councillor, to fill vacancies on the Ward Committee.

9. **POWERS, FUNCTIONS, DUTIES AND OBLIGATIONS OF WARD COMMITTEES**

- 9.1 A Ward Committee has the following powers, functions, duties and obligations:
 - 9.1.1 giving inputs towards the preparation, implementation and review of the Integrated Development Plan (IDP);
 - 9.1.2 participating in the establishment, implementation and review of the municipality's management system;
 - 9.1.3 monitoring and reviewing the municipality's performance, including the outcomes and impact of such performance;
 - 9.1.4 participating in the drafting of the municipality's budget;
 - 9.1.5 giving inputs on strategic decisions relating to the provisions of municipal services;
 - 9.1.6 supplying inputs in the form of recommendations to the municipality through the Ward Councillor;
 - 9.1.7 making recommendations on matters affecting their ward through the Ward Councillor;
 - 9.1.8 acting in an advisory capacity to the Ward Councillor;
 - 9.1.9 acting as a consultative body for the municipality and its departments and provincial and national government, and canvassing community opinion on the matter;
 - 9.1.10 exercising any power and authority delegated in writing by the Council to the Ward Committee;

- 9.1.11 acting as a consultative agent for NGO's and CBO's, without incurring any liability for the municipality, unless the consultation is part of a specific official municipal project;
- 9.1.12 co-opting members to the Ward Committee in the event of vacancies;
- 9.1.13 co-opting non-voting members with specialist skills to the Ward Committee.
- 9.1.14. receive queries and complaints from residents concerning municipal service delivery, communicate it to council and provide feedback to the community on council's resource.
- 9.1.15. ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents meetings and other community developments forum.
- 9.1.16. interact with other forums and organizations on matters affecting the ward.
- 9.1. 17. A Ward Committee, may assist the municipality by ensuring that community members participate in the satisfaction survey.

10. **WARD COMMITTEE MEETINGS**

- 10.1 The Ward Councillor must convene meetings of the Ward Committee at least once a month, and a list of the meeting dates must be supplied to the Office of the Speaker for inclusion in the official municipal calendar not later than 31 January of the following year following the election of Ward Committees.
- 10.2 The Ward Councillor must decide on the place, dates and times of Ward Committee meetings in consultation with members of the Ward Committee and the Office of the Speaker.
- 10.3 Notice of the time and place of every meeting of the Ward Committee must be served on every member at least 7 (seven) days before the meeting.
- 10.4 The validity of a meeting is not affected if the notice of the meeting is accidentally not served on a member.
- 10.5 Every member attending a meeting must sign his or her name in the attendance register kept for this purpose.

10.6 Quorum

10.6.1 A quorum of the Ward Committee must be 50% plus 1 (one) members of the Ward Committee.

10.6.2 If a quorum is not formed within 10 minutes after the time appointed for a meeting, the meeting will not be held unless it is decided by the Chairperson that a further ten minutes should be allowed to enable a quorum to be formed.

10.6.3 If a quorum is still not present after the extended time contemplated in subsection 10.6.2, the Chairperson may rule to adjourn the meeting until another time or date.

10.6.4 Notice of an adjourned meeting must be given in accordance with clause 10.3 and 10.4 above.

10.7 Decision making of Ward Committees

10.7.1 A Ward Committee must strive to reach decisions through consensus;

10.7.2 If a matter remains unresolved after thorough discussion, the matter will be decided by a vote;

10.7.3 If the votes are equal, the Chairperson will have the deciding vote.

10.8 Appointment of Acting Chairperson

10.8.1 If the Ward Councillor is unable to attend a Ward Committee meeting, he/she must appoint a Ward Committee member to chair the meeting.

10.8.2 If the Ward Councillor is unable to appoint a substitute Chairperson, the Ward Committee must do so at the start of the meeting.

10.9 Ward Committee Meetings are open to interested parties in an observer capacity.

10.10 Public/Constituency Meetings

10.10.1 Public meetings are mainly held in order; -

(a) to register the concerns and inputs of the community with regard to service delivery, general development of the community, disaster management and any other municipal concern community may have; and

(b) to report back to the public on issues that affect it.

10.10.2 Ward or public meetings must be chaired by the Ward Councillor. A Ward Councillor may delegate in writing the chairing of the meeting in his /her absence to a proportional representative Councillor or any member of the ward member.

10.10.3 If the committee decides to hold a public meeting, it may publish a notice in a newspaper circulating in the area concerned, stating time, date and place of the meeting or each meeting and inviting the public to attend the meeting in a well-known place, which is easy accessible and large enough to accommodate everyone.

10.10.4 At a public meeting, a representative of the committee must explain the meeting procedure, such as adoption of agenda and time allowed for questions.

10.10.5 Explain issues the committee has to consider, including any options open to the committee.

10.10.6 Give feedback on previous issues, including reasons if there is a lack of progress

10.10.7 Public meetings are not political platforms and Ward Committee members and the public should refrain from making party political statements, campaigning and canvassing.

10.11. Work Programmes

10.11.1 The Ward Committee must submit a programme with specific outputs for one year to the office of the Speaker in July of each year;

10.11.2 Must perform the functions as set out to achieve and indicated in the work programme as own initiatives, on request by Ward Councillor, request by the speaker or in accordance with priorities.

11. **DISSOLUTION OF WARD COMMITTEES**

11.1 The Council may dissolve a Ward Committee based on the recommendation of the Speaker. Instances that might lead to such a recommendation include, but are not limited to, the failure to fulfill its objectives as set out in legislation, non-adherence to this by-law or resignation of more than 50% (fifty percent) of the members of a Ward Committee.

11.2 Procedure for dissolution of a Ward Committee

11.2.1 The Speaker must investigate the circumstances surrounding actions of the Ward Committee and report his/her findings and recommendations to the Council.

11.2.2 After the Council has resolved to dissolve the Ward Committee, notice of the dissolution of the Ward Committee will be given to the Ward Councillor and the Ward Committee, at which time the Ward Committee will cease to exist.

11.2.3 Notice of the reconstitution of the Ward Committee will be given in terms of section 6 of this by-law.

11.2.4 With the exception of the Ward Councillor, members of the Ward Committee that has been dissolved may be, with the concurrence of the Speaker, be eligible for re-election to the Ward Committee, except where it was established that Ward Committee Members failed to fulfill their objectives as set out in legislation and non-adherence to the relevant bylaw.

12. **SUB-COMMITTEES OF WARD COMMITTEES**

Each Ward Committees must form sub-committee to advise the Ward Committee on special issues, handle sectoral matters or form working groups to research any matter that needs special attention in the ward.

13. **ROLE OF COUNCIL OFFICIALS ON WARD COMMITTEES**

13.1 No municipal official may stand for election on the Ward Committee.

13.2 Should a municipal official wish to stand for election as a Ward Committee member, she/he must first resign her/his position as municipal official.

13.3 Ward Committee must invite municipal official within their scope of work and other people with specialized knowledge to advise them on matters affecting their wards when deemed necessary.

13.4 When the need arises for municipal officials or their departments to consult with the ward communities, they must arrange these consultation with the Office of the Speaker at least (three) weeks in advance.

14. **ADMINISTRATIVE ARRANGEMENTS, FUNDING AND REIMBURSEMENT**

14.1 The municipality must make administrative arrangements to enable Ward Committees to perform their functions and exercise their powers effectively. In doing so the municipality must use its resources and allocate funds in its budget to the Office of the Speaker to further the objectives of Ward Committees.

14.2 All administrative back-up to enable effective functioning of the Ward Committees must be located in the Office of the Speaker.

- 14.3 The municipality must, through the Office of the Speaker, reimburse Ward Committee members for traveling and out-of pocket costs incurred as a result of attendance of Ward Committee meetings. The reimbursement will be done in accordance with the approved policy of the municipality.
- 14.4 Membership and duties of the Ward Committee members must be regarded as voluntary service for the benefit of the community.
- 14.5 The ward coordinator appointed by the Ward Councillor should, as part of the voluntary service to the community, be able and willing to assist in the administration of the ward.

15. **BUDGET**

15.1. No remuneration is to be paid to Ward Committee members.

15.2. Municipality may annually budget for:

15.2.1. Out of pocket expenses of members of Ward Committee in respect of their participation in Ward Committee. (See paragraph 15.2.5 hereunder).

15.2.2. A municipal council must determine the criteria for, and calculation of, the out of pocket expenses referred to in paragraph 15.2.1.

15.2.3. The proposed out of pocket expenses that may be paid as a monthly allowance is R1000 per ward member excluding Ward Councillor.

15.2.4. This amount may be adjusted to the extent that a particular municipality covers some of these costs itself upfront by arranging transport and refreshment for Ward Committees taking into account the following, **as determined by a council resolution annually:**

- **Transport**
- **Telephone / mobile phone**
- **Refreshments/meals**

15.2.5 The following item was tabled at a Council Meeting held on 28 August 2014, whereby the following resolution was taken **(14/08/AME17 PAYMENT OF AN ALLOWANCE TO MEMBERS OF WARD COMMITTEES)**

'i) *That no out of pocket allowance be paid to any member of a Ward Committee where a member of a Ward Committee:*

- a) *Fails to attend a scheduled meeting of the Ward Committee without the submission of a medical certificate declaring the member unfit for work;*
- b) *Where a Ward Committee fails to hold a Ward Committee meeting for any month, provided that 2 Ward Committee Meetings during any month shall*

not substitute any month during which no meetings were held, provided that Ward Committee Meetings are not compulsory over the month of December;

- c) *Where no Minutes of a Ward Committee Meeting have been submitted to the Speaker, save for the provisions as set out in paragraph (b) above'.*

15.2.5. Over and above own revenue sources (service charges, rates, etc.) municipalities must priorities funding for community participation including effective support to Ward Committees from two (2) important sources:

(a) Local Government Equitable Share (LGES) – municipalities receive allocations from the local government equitable share on an annual basis. Therefore, municipalities should use a portion of this allocation for supporting Ward Committees, which is critical in speeding up facilitating better service delivery.

(b) Municipal Systems Improvement Grant (MSIG) – the purpose is to assist in building in – house capacity to perform their functions and stabilize institutional and governance systems as required in the Municipal Systems Act. One of the key measurable outputs for this grant is the number of municipalities with strengthened administrative systems for effective implementation of the ward participatory system.

15.2.6. Capacity building and training programmes for committee members

15.2.7. The payment of the out-pocket expenses must be linked to the Ward Committee functionality taking into account the following functionality indicators:

(i) Number of Ward Committee management meetings held and percentage attendance by members.

(ii) Number of community meetings organized by the Ward Committee and percentage attendance by the ward community.

(iii) Submission and tabling of ward reports and plans to the Council covering: needs and priorities for the ward, feedback on the performance of the Council various lines/service functions and their impact on the ward.

(iv) Number of door –to – door campaigns and/or interactions with sub structures including street committees.

(v) Number of complaints, queries, and requests registered from the community and attended to (*checklist of met needs against registered needs and turn-around-time*).

(vi) Distributed publications (information brochures, flyers, newsletters, SMS, and others) over a period of time.

(vii) Management and updating of ward profiles and database of indigent households.

(viii) Participation in plans and programmes of municipalities and other spheres of government impacting on the ward development and monitoring thereof.

16. **DISPUTE RESOLUTION MECHANISMS FOR WARD COMMITTEES**

The following dispute-solving mechanism must be applied:

- 16.1 Every effort must be made to deal with disputes internally if they do not involve the Ward Councillor.
- 16.2 When a dispute arises, the Ward Councillor should appoint a person or persons to try and resolve the dispute through mediation.
- 16.3 If the attempt at mediation fails, the Ward Councillor must arbitrate.
- 16.4 If one of the parties is still aggrieved, the matter must be referred to the Speaker.
- 16.5 If the matter involves the Ward Councillor, it should be referred to the Office of the Speaker, where the Speaker will be the arbitrator.
- 16.6 The Speaker must appoint a disciplinary committee and an appeal committee to deal with matters of discipline.

17. **VACATION OF OFFICE BY THE WARD COUNCILLOR**

- 17.1 When the Ward Councillor is no longer in office, the Ward Committee will continue to function for the rest of its term as determined by the Council.
- 17.2 A temporary Chairperson must be appointed by the political party of the original councillor. If the Councillor was an independent candidate, the Chief Whip must appoint an interim Chairperson from the PR Councillors assigned to the ward.
- 17.3 The new or interim councillor must re-appoint a coordinator for the ward.

18. **ROLE OF PROPORTIONAL REPRESENTATIVE COUNCILLORS IN WARD COMMITTEES**

- 18.1 The Chief Whip must, in consultation with the Speaker, deploy PR Councillor to specific Ward Committees.

- 18.2 Ward Councillors must allow PR Councillors allocated to their Ward Committees the right to freely participate in the activities of the Ward Committee.

19. **DECLARATION OF INTERESTS BY WARD COMMITTEE MEMBERS**

- 19.1 A member must declare his/her interest to the Ward Committee in those matters that are before the Ward Committee.
- 19.2 The Ward Councillor is responsible for the maintenance of the register of declared interests of members of the Ward Committee.

20. **CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS**

Ward Committee members are elected to represent the communities in their respective wards, to ensure that wards have mechanisms of accountability to local communities, and to meet the priority needs of the community on ward matters, including the performance of the municipality in terms of established indicators. In order to ensure that Ward Committee members fulfil their obligations to their communities the following Code of Conduct is established:

20.1 **Definition**

In this schedule “**partner**” means a person who permanently lives with another person in a manner as if married.

20.2 **General conduct of members**

A member must:

- (a) perform the functions of office in good faith, honestly and in a transparent manner; and
- (b) at all times act in the best interest of the Ward Committee and in such a way that the credibility and integrity of the Ward Committee are not compromised.

20.3 **Attendance of meetings**

A member must attend each meeting of the ward except when –

- (a) an apology is rendered before or at the meeting;
- (b) leave of absence is granted by the Chairperson of the ward committee;
- (c) a member is required in terms of this Code to withdraw from the meeting.

20.4 **Disclosure of interests**

A member must:

- (a) disclose to the Ward Committee, or to any sub-committee of which that member is a member, any direct or indirect personal or private business interest that that member, or any spouse, partner or business associate of that member may have in any matter before the Ward Committee; and
- (b) withdraw from the proceedings of the Ward Committee when the matter is considered by the Ward Committee.

20.5 **Personal gain**

- (1) a member may not use the position or privileges of a ward member, or confidential information as a member, for private gain or to improperly benefit another person.
- (2) Except with the prior consent of the Office of the Speaker, a member may not:
 - (a) be a party to or beneficiary under a contract for:
 - (i) the provision of goods and services to the ward; or
 - (ii) the performance of any work done in the ward.
 - (b) obtain a financial interest in any business of the Ward Committee.
- (3) If more than one quarter of the members object to consent being given to a member in terms of sub item (2), such consent may only be given to the member with the written approval of the Speaker of the Council.

20.6 **Rewards, Gifts and Favours**

A member may not request, solicit or accept any reward, gift or favour in return for:

- (a) voting or not voting in a particular manner on any matter before the Ward Committee;
- (b) persuading the Ward Committee with regard to the exercise of any power, function or duty; and
- (c) disclosing privileged or confidential information.

20.7 **Unauthorized Disclosure of Information**

- (1) A member may not without the permission of the Ward Councillor or a Committee of the Council disclose any privileged or confidential information of the ward or Ward Committee to any unauthorized person.
- (2) For the purpose of this item, "privileged or confidential information" includes any information:
 - (a) declared by the Council or Ward Committee to be privileged or confidential;
 - (b) that would violate a person's right to privacy; or
 - (c) declared to be privileged, confidential or secret in terms of the law.
- (3) This item does not derogate from any person's right of access to information in terms of national legislation.

20.8 **Municipal Property**

A member may not use, take, require or benefit from any property or assets owned, controlled or managed by the municipality to which he has no right.

20.9 **Duty of Chairpersons of Ward Committees**

- (1) If the Chairperson of a Ward Committee, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the Chairperson must:
 - (a) authorize an investigation of the facts and circumstances of the alleged breach;
 - (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach; and
 - (c) report the matter to a meeting of the Ward Committee after the provisions of paragraphs (a) and (b) have been complied with.
- (2) A report in terms of sub item (1) (c) is open to the public.

- (3) The Chairperson must ensure that each member, when taking office, is given a copy of this Code and that a copy is available in every room or place where the Ward Committee meets.

20.10 Breaches of Code

- (1) The Speaker may:
 - (a) investigate and make a finding on any alleged breach of a provision of this Code;
 - (b) establish a special committee or appoint a person:
 - (i) to investigate and make a finding on any alleged breach of this Code: and to make appropriate recommendations to the Speaker.
 - (ii) to make appropriate recommendations to the Speaker.
 - (2) If the special committee finds that a member has breached a provision of this Code, the special committee may:
 - (a) issue a formal warning to the member;
 - (b) reprimand the member;
 - (c) request the Speaker to suspend the member for a period; or
 - (d) request the Speaker to remove the member from the Ward Committee.
 - (3) If the Speaker is of the opinion that the member has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the Speaker may:
 - (a) suspend the member for a period and on conditions determined by the Speaker; or
 - (b) remove the member from office.
 - (4)(a) Any member who has been warned or reprimanded in terms of paragraph (2) may, within 14 days of having been notified of the decision of the Speaker, appeal to the Speaker in writing, setting out the reasons on which the appeal is based. The Speaker will then convene an appeal committee to finalize the matter.
 - (4)(b) A copy of the appeal must be provided to the Speaker.
-

Approved on	29 June 2017
Council Resolution No	17/06/AME&SP14
Workshopped on	30 November 2017
Approved on	
Council Resolution:	



KOUGA

local municipality

Good Governance through Service Excellence

WARD DEVELOPMENT FUND

POLICY

WARD DEVELOPMENT FUND POLICY

Document Control

Policy Title:	Ward Development Fund Policy
Reference Number:	17/05/AME&SP5
Previously Approved:	Yes (31 May 2017)
Directorate Responsible:	Corporate Services
Version:	
Status of the Document:	Final
Review Date:	1 December 2017
Contact Details:	

TABLE OF CONTENT

	PAGE
1. DEFINITIONS	2
2. PREAMBLE	2
3. PURPOSE	2
4. OBJECTIVES	3
5. SCOPE	3
6. LEGAL FRAMEWORK	3
7. PRINCIPLES UNDERPINNING THE POLICY	3
8. LOCATION OF THE FUND	3
9. POLICY DIRECTIVES AND PROCEDURES	4
9.1. GUIDELINES FOR THE UTILISATION OF THE FUND	4
9.2. OPERATIONAL PROVISIONS	4 - 5
9.3. WARD COUNCILOR'S ROLE	5 - 6
9.4. THE ROLE OF THE SPEAKER	6
9.5. EXCLUSIONS	6
10. MONITORING	6 - 7
11. DEFINING RESPONSIBILITIES OF THE TWO OFFICES	7
12. APPLICATION FORM	8

WARD DEVELOPMENT FUND POLICY

1. DEFINITIONS

In this policy, not unless otherwise the meaning of terms will be referred as follows:

“Accounting Officer” is the Municipal Manager in terms of the Municipal Systems Act.

“Budget year” means the financial year for which an annual budget is to be approved in terms of section 16 (1) of the MFMA.

“Budget Task Team” means members of the Ward Committee that will be responsible for the Ward Development Funds.

“Community” in the context of this policy means community residing in a demarcated ward in Kouga area.

“Council” means the Council of the municipality referred to in section 18 of the Municipal Structures Act.

“Financial year” means the financial year applicable to municipalities commencing from 1 July to 30 June of each year.

“Ward Councillor” a municipal councillor elected in terms of Section 22 (1)(b) of the Municipal Structures Act, to represent a demarcated Council Ward.

2. PREAMBLE

This budget allocation is made available in an accountable, open and transparent manner, including how such funds will be utilised as it is done in all budget allocation. Any transaction will form part of the normal audit of the municipality. Moreover, any activity should be operated in a transparent manner within a policy directive as set out by the Council and the administrative directive of the Accounting Officer. As such the Council, must set Supply Chain Management Policies for the purpose and use of such public resources and the Accounting Officer must ensure compliance with this policy when authorising expenditure.

3. PURPOSE

The purpose of this policy is to:

- 3.1. Determine the location of the Ward Development Fund.
- 3.2. Establish parameters for an annual allocation to the Ward Development Fund.
- 3.3. Establish clear application and approval procedures for the utilisation of the Fund.

- 3.4. Identify the key responsibilities of authorisation and accountability for the utilisation and reporting on the use of the Fund
- 3.5. Establish an internal certification process to ensure transparency in the expenditure of the Ward Development Fund.

4. OBJECTIVES

The objective of the policy is to:

- 4.1. Ensure that proper control, monitoring, authorisation, accountability and reporting.
- 4.2. Ensure that transparent processes exist for expenditure of the Ward Development Fund.
- 4.3. Ensure uniformity and consistency on the way the fund is utilised. and
- 4.4. Ensure that the Ward Councillor and Ward Committee can attend to urgent ward programmes, projects and or any other needs that may arise in line with the approval by the Speaker.

5. SCOPE

The policy provides details of application, approval and authorization requirements under which the Ward Development Fund may be utilised and is applicable to all wards of Kouga Local Municipality.

6. LEGAL FRAMEWORK

Section 56 of the Municipal Finance Management Act, No. 56 of 2003 requires sound and sustainable management of the financial affairs of municipalities and specifically requires that the Accounting Officer of a municipality should take reasonable steps to ensure that the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorization, withdrawal and payments of funds.

This policy comes into operation immediately upon its approval by Council or at a date to be determined by a Council resolution. The policy will thereafter be reviewed after every twelve months or earlier when there is a need to do so.

7 PRINCIPLES UNDERPINNING THE POLICY

This policy is underlined by the following principles:

- 7.1 Transparency
- 7.2 Openness
- 7.3 Accountability
- 7.4 Responsiveness, and

7.5. Communication

8. LOCATION OF THE FUND

The Ward Development Fund (WDF) - Office of the Speaker.

9. POLICY DIRECTIVES AND PROCEDURES

9.1. GUIDELINES FOR THE UTILISATION OF THE FUND

The Ward Development Fund may be authorised, in the absence of alternative appropriate funding options to:

- 9.1.1. Provide support to ward based institutions, organizations.
- 9.1.2. Assist in the development of initiatives or ventures for ward/community based sporting, cultural, or youth, women institutions, and organizations.
- 9.1.3. Facilitate broadly the promotion of community relationships.
- 9.1.4. Assist with the promotion of economic or community development initiatives within the ward.
- 9.1.5. Enhance the potential in the establishment or conducting of initiatives that will provide benefit to ward /community
- 9.1.6. The allocation must only be used for programmes of capital nature
- 9.1.7. The fund must only be used for annual programmes and not for multi – year programmes
- 9.1.8. The selected programmes must benefit the ward through
 - 9.1.8.1. Enhanced community capacitation and awareness
 - 9.1.8.2. Promotion of skills development and job creation
 - 9.1.8.3. Promote community public participation.
 - 9.1.8.4. Benefiting the vulnerable groups including women, youth, aged. Disabled and children
 - 9.1.8.5. Enhanced service delivery in the wards where there is a shortfall of funds within the capital expenditure budget of the municipality.
 - 9.1.8.6. Improving the welfare of the communities within the ward
- 9.1.9. Ward Councillors may be allowed to motivate whatever is deemed to be of benefit to the community which is covered in these guidelines. **However**, the appropriate Office of the Speaker will be responsible for the approval or non- approval of the request to avoid any non- compliance or abuse of public funds.
- 9.1.10. Roll-overs to be considered within the framework of National Treasury and recommended by the Speaker to Council for final approval.

9.2. OPERATIONAL PROVISIONS

- 9.2.1. An annual allocation shall be made to the Ward Development Fund to enable the Ward Councillors to respond to contingent requirements that may arise from time to time in their respective wards.
- 9.2.1.1. The Ward Development Fund may be used only for the purpose for which it is approved.
- 9.2.1.2. All requests for expenditure under the Ward Development Fund are to be presented to the Office of the Speaker for his approval or non- approval.
- 9.2.1.3. Once an approval has been received from the Speakers' Office, the Ward Assistant is to raise a written request for the financial processing of the transactions based on what is required on a case by case basis (e.g. direct payment of a service provider/procurement processes etc.) and forward to Finance Directorate for processing together with all the necessary supporting documents.
- 9.2.1.4. Upon the conclusion of the financial transaction, the applicant and other stakeholders (e.g. Ward Councillor) will be informed by the Speaker's Office with documentary evidence to this effect.
- 9.2.1.5. The relevant Budget and Treasury Accountant and the Public Participation Officer must monitor expenditure to ensure that expenditure remain within the approved budget/allocation per ward.
- 9.2.1.6. The Speaker and the Public Participation Officer must be provided with the spending reports template per ward on a monthly basis, and during the last quarter of the financial year (i.e. April – June), the Speaker instructs Ward Councillors who are recording 0% spending to indicate to his office whether such allocations are still to be incurred. In case of no replies, the Speaker be authorised to make decisions of re-allocating the funding to needy wards or areas. This is intended to curb under-expenditure of fund, and due to the fact that certain wards are quite needy than others, whilst funding is split in the same proportion.
- 9.2.1.7. Should a request for roll-over be denied by the Speaker, the Ward Councillor may appeal to the Council, where after the decision of the Council is final.
- 9.2.1.8. Within the first 30 days of each financial year, the Ward Councillor must meet with the Ward Committee and hold a Public Consultation Meeting in order to receive proposals from the public on possible projects and/or proposals on how to spend the fund.

9.2.2. WARD COUNCILLOR'S ROLE

- 9.2.2.1. Each Ward Councillor shall establish a Budget Task Team comprising of Ward Committee Members, chaired by the Ward Councillor
- 9.2.3. The purpose of the task team would be to consider all requests submitted for funding.
- 9.2.4. 70% of requests funded from the Ward Development Fund should be those initiated by Ward Councillor.

- 9.2.5. The budget task team of the ward shall receive written requests for assistance from the organizations within the ward.
- 9.2.6. With the assistance of the ward committee, the Ward Councillor will determine whether the request meets the criteria set out in the Ward Development Fund Policy guidelines.
- 9.2.7. The Ward Councillor will establish whether the applicant is not in receipt of funding for the same purpose from the municipality.
- 9.2.8. The Ward Councillor will verify the existence of the project/ beneficiary or the need of the funding.
- 9.2.9. If the applicant meets the criteria as well as the verification, the Ward Councillor should apply to the Office of the Speaker at least seven (7) days before the event or commencement of the project.
- 9.2.10. In respect of a project, the Ward Councillor must outline the financial, human resources and business plans required on how the project will benefit the community.

9.4. THE ROLE OF THE SPEAKER'S OFFICE

Upon receipt of the application from the Ward Councillor, the Speakers Office shall:

- 9.4.1. Verify if the application meets all the criteria as set out in the framework of the Ward Development Fund Policy.
- 9.4.2. Verify if the applicant has not been funded from the Ward Development Fund, or/and other municipal fund for the same purpose.
- 9.4.3. Confirms from Budget and Treasury if there is suitable budget for the project applied for by the Ward Councillor.
- 9.4.4. Recommend in writing to the Finance directorate for approval when the application meets all the requirements and where there are funds available in the ward budget.
- 9.4.5. Respond in writing to the Ward Councillor whether his/her application has been approved.
- 9.4.6. The Speaker's Office has the prerogative to refuse funding if it falls outside the precincts of this ward based framework of the policy.
- 9.4.7. The Finance Directorate, with the approval of the Speaker may, depending on the circumstances approve use of the Ward Development Fund to fund causes falling outside of the set criteria but within the mandate of the municipality.

9.5. EXCLUSIONS

The following are excluded from the utilization of the Ward Development Fund.

- 9.5.1. Parties or celebrations for individuals
- 9.5.2. Purchasing of refreshments and other office essentials
- 9.5.3. Burial of deceased persons in the ward
- 9.5.4. Any other matter that may be detrimental to the communities could be considered upon receipt of a formal application.

10. MONITORING

- 10.1. The Ward Councillor shall:
 - 10.1.1. Through the verification process as set out above, take all the necessary steps possible to act in a manner that will mitigate against abuse/misuse of the Ward Development Fund.
 - 10.1.2. Be held personally accountable for all funds used from his/her Ward Development Fund, if it is established that there has been breach of the guidelines, legislation and the verification process.
 - 10.1.3. Keep records of all transactions made through the Ward Development Fund and provide proof of expenditure for all projects undertaken to the Ward Assistants and the Public Participation Office.
- 10.2. The Speakers' Office shall:
 - 10.2.1. Continuously monitor and evaluate the usage and progress of projects funded from the Ward Development Fund.
 - 10.2.2. Provide support and advice to Ward Councillors where necessary
 - 10.2.3. Keep records of all proposals/ requests processed for funding and report to the Speaker and the Public Participation Officer to report to the Council on a quarterly basis
 - 10.2.4. Not to consider any application that is in breach of the criteria as set out in the policy framework
 - 10.2.5. The application form attached to the policy as Annexure "A" is properly completed in order to consider the request for assistance from the Ward Development Fund.

11. DEFINING RESPONSIBILITIES BETWEEN THE TWO OFFICES

- 11.1. Finance Directorate.
 - 11.1.1. Confirm the correct job number for the ward.
 - 11.1.2. Confirm budget availability in the respective ward.

- 11.1.3. Re- confirm compliance with the Council approved policy.
 - 11.1.4. Liaise with the originating office for any enquiries relating to the transaction, including but not limited to non-compliance, budget availability.
 - 11.1.5. Sign-off the document to confirm that the transaction is fully compliant in all respects, etc.
 - 11.2. Speakers' Office.
 - 11.2.1. Scrutinize the documents in order to confirm compliance.
 - 11.2.2. Communicate directly with the originating office in any case of non-compliance.
 - 11.2.3. Sign- off the documents to confirm that it is complete and compliant in all respects, and
 - 11.2.4. Preparing the quarterly reports on spending of the funds for the structures of Council and for the Speaker to report to Council.
-

APPROVED ON **31 May 2017**

RESOLUTION NO **17/05/AME&SP5**

WORKSHOPPED ON **30 November 2017**

APPROVED ON

COUNCIL RESOLUTION

WARD DEVELOPMENT FUND POLICY APPLICATION FORM*To be completed by the Ward Councillor*

Ward Number:	
Ward Councillor:	
Project to be funded.	
Commencing date of the project:	
----- WARD COUNCILLOR 'S SIGNATURE DATE.....	

To be completed by the “delegated/authorised” official at the office of the Finance Directorate

1. BUDGET AND TREASURY OFFICE BUDGET CONFIRMATION ----- ACCOUNTANT ----- DATE