

# Beleid en prosedures vir wykskomitees

## Policy and procedures for ward committees



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## 1. WOORDOMSKRYWINGS

In hierdie dokument, tensy uit die samehang anders blyk, beteken -

“Lede” persone verkies tot of gekoöpteer op ‘n wykskomitee;

“Munisipale Bestuurder” ‘n werknemer van die Munisipaliteit Swartland wat as sulks aangestel is en sluit dit in, vir doeleindes van hierdie reëls, enigiemand deur die Munisipale Bestuurder aangewys of gemagtig om ‘n plig in terme van hierdie reëls af te handel of uit te voer;

“Munisipaliteit” die Munisipaliteit Swartland;

“PV Raadslid” ‘n proporsioneel verteenwoordigende munisipale raadslid verkies ingevolge artikel 22(1)(a) van die Strukturewet om ‘n party in die raad van die Munisipaliteit te verteenwoordig;

“Raad” die raad van die Munisipaliteit;

“Stelselwet” die Wet op Plaaslike Regering: Munisipale Stelsels, No. 32 van 2000, en enige wysiging daarvan;

“Strukturewet “ die Wet op Plaaslike Regering: Munisipale Strukture, No.117 van 1998, en enige wysiging daarvan;

“Voorsittende beampte” ‘n persoon in beheer van die verkiesing van wykskomiteelede by ‘n buitengewone openbare vergadering, welke persoon ‘n amptenaar van die munisipaliteit, of ‘n onpartydige persoon wat deur die Munisipale Bestuurder vir hierdie doel aangewys is, moet wees;

“Wykskomitee”, ‘n komitee van ‘n munisipale wyk, ingestel ingevolge Deel 4 van Hoofstuk 4 van die Strukturewet; en

“Wysraadslid”, ‘n munisipale raadslid verkies ingevolge artikel 22(1)(b) van die Strukturewet om ‘n wyk te verteenwoordig.

## 2. WETLIKE RAAMWERK

Artikel 152(1)(e) van die Grondwet van die Republiek van Suid-Afrika, saamgelees met artikels 72 tot 78 van die Strukturewet, gee ‘n regstreekse mandaat aan munisipaliteite om die betrokkenheid van gemeenskappe en gemeenskapsorganisasies in plaaslike owerheidsaangeleenthede aan te moedig en om gemeenskap

## 1 DEFINITIONS

In this document, unless the context indicates otherwise, -

“Council” means the council of the Municipality;

“Member(s)” mean a person elected or co-opted into a ward committee;

“Municipality” means the Swartland Municipality;

“Municipal Manager” means an employee of the Swartland Municipality appointed as such and includes, for the purpose of these rules, anyone designated or authorised by the Municipal Manager to act or fulfil a duty in terms of these rules;

“PR Councillor” means a proportional representative municipal councillor elected in terms of section 22(1)(a) of the Structures Act to represent a party in the council of the Municipality;

“Presiding officer” means the person in charge of the election of ward committee members at an extraordinary public meeting, which person shall be an official of the municipality or an impartial person appointed by the Municipal Manager for this purpose;

“Structures Act” means the Local Government: Municipal Structures Act, No. 117 of 1998, and any amendment thereof;

“Systems Act” means the Local Government: Municipal Systems Act, No. 32 of 2000, and any amendment thereof;

“Ward committee” means a committee of a municipal ward, established in terms of Part 4 of Chapter 4 of the Structures Act; and

“Ward councillor” means a municipal councillor elected in terms of section 22(1)(b) of the Structures Act to represent a ward.

## 2. LEGAL FRAMEWORK

Section 152(1)(e) of the Constitution of the Republic of South Africa, read with sections 72 to 78 of the Structures Act, give a direct mandate to municipalities to encourage the involvement of communities and community organisations in matters of local government and to establish community participatory systems.

<p>deelnemende stelsels in te stel.</p> <p>Artikel 8(g) en (h), 9(f) en 72 van die Strukturewet bemagtig munisipaliteite om wykdeelnemende stelsels in te stel as meganismes om deelnemende demokrasie in plaaslike regering te bevorder.</p>	<p>Sections 8 (g and h), 9(f) and 72 of the Structures Act, authorise municipalities to establish ward participatory systems as mechanisms to enhance participatory democracy in local government.</p>
<p><b>3. STATUS VAN WYKSKOMITEES</b></p> <p>(1) 'n Wykskomitee is 'n raadgewende liggaam.</p> <p>(2) Dit is 'n komitee van die gemeenskap en nie van die wyksraadslid of die Raad nie en is derhalwe onafhanklik.</p> <p>(3) 'n Wykskomitee moet onpartydig wees en sy funksies sonder vrees, bevoordeling of vooroordeel uitvoer.</p>	<p><b>3. STATUS OF WARD COMMITTEES</b></p> <p>(1) A ward committee is an advisory body.</p> <p>(2) It is a committee of the community and not of the ward councillor or the Council and is therefore independent.</p> <p>(3) A ward committee must be impartial and perform its functions without fear, favour or prejudice.</p>
<p><b>4. SAMESTELLING VAN WYKSKOMITEES</b></p> <p>(1) 'n Wykskomitee bestaan uit:</p> <p>(a) die wyksraadslid wat, ingevolge artikel 73(2)(a) van die Strukturewet <i>ipso facto</i> voorsitter van die komitee is, en</p> <p>(b) 10 ander persone.</p> <p>(2) Lede van 'n wykskomitee word gekies op grond van óf sektorale óf geografiese verteenwoordiging. Die Raad bepaal vir elke wyk, in oorleg met die betrokke wyksraadslid –</p> <p>(a) wat die verdeling van sektorale en geografiese verteenwoordiging sal wees;</p> <p>(b) die sektore wat 'n bewese belang in die wyk het en die inwoners van die wyk verteenwoordig; en/of</p> <p>(b) die geografiese areas wat 'n billike verspreiding van inwoners van die wyk verteenwoordig.</p> <p>(3) Ongeag van die sektorale en geografiese verdeling van elke wyk, soos deur die Raad bepaal, word die tien lede soos volg gekies:</p> <p>(a) Ses lede om die geografiese gebiede of sektore gelys in Kolom 1 van Bylae A te verteenwoordig, genomineer deur die voorgestelde belangegroep waarna in Kolom 2 van die voormelde Bylae A verwys word,</p> <p>(b) Vier lede, van wie twee van die vroulike geslag moet wees</p>	<p><b>4. COMPOSITION OF WARD COMMITTEES</b></p> <p>(1) A ward committee consist of:</p> <p>(a) the ward councillor who is, <i>ipso facto</i>, chairperson of the committee in terms of section 73(2)(a) of the Structure's Act; and</p> <p>(b) 10 other persons.</p> <p>(2) Members of a ward committee are elected by virtue of either sectoral or geographical representation. The Council determines for each ward, in consultation with the ward councillor concerned –</p> <p>(a) what the division of sectoral and geographic representation will be;</p> <p>(b) the sectors that have a demonstrated interest in the ward and represent the residents of the ward; and/or</p> <p>(c) the geographic areas that represent an equitable distribution of residents in the ward.</p> <p>(3) Notwithstanding the sectoral and geographic division of each ward, as determined by the Council, the ten members are elected as follows:</p> <p>(a) Six members to represent the geographical areas or sectors listed in Column 1 of Schedule A, to be nominated by the proposed interest groups referred to in Column 2 of the said</p>

<p>genomineer deur die geregistreerde kiesers in die wyk.</p> <p>(4) Die belangegroep wat geïdentifiseer is en waarna in Kolom 2 van Bylae A verwys word, moet slegs as riglyne beskou word.</p> <p>Enige organisasie of liggaam wat nie in Bylae A vermeld word nie, wat 'n belang in of betrokkenheid het by enige van die geografiese areas of sektore soos in Bylae A (Kolom 1) gelys, mag, onderhewig aan die bepalings van sub-paragraaf (5), 'n persoon vir daardie betrokke geografiese area of sektor, nomineer.</p> <p>(5) 'n Politieke party, dit wil sê 'n party geregistreer ingevolge artikels 15 en 15A van die Wet op die Verkiesing van die Verkiesingskommissie No.51 van 1996, mag nie 'n persoon soos beoog by die bepalings van sub-paragraaf (3)(a) nomineer nie.</p> <p>(6) Dit sal nie vir 'n organisasie of 'n liggaam verpligtend wees om 'n persoon uit sy eie geledere te nomineer nie.</p> <p>(7) Billike verteenwoordiging van geslag, verskeidenheid van belange en geografiese verteenwoordiging moet ten alle tye nagestreef word.</p>	<p>Schedule A.</p> <p>(b) Four members, of which two shall be of the female gender, to be nominated by the registered voters in the ward.</p> <p>(4) The interest groups identified and referred to in Column 2 of Schedule A should be regarded as guidelines only.</p> <p>Any organisation or body not mentioned in Schedule A, that has an interest or concern with any of the geographical areas or the sectors listed in Schedule A (Column 1) may, subject to the provisions of sub-paragraph (5), nominate a person for that particular geographical area or sector.</p> <p>(5) A political party, i.e. a party registered in terms of sections 15 and 15A of the Electoral Commissions Act No. 51 of 1996, may not nominate a person as is contemplated by the provisions of sub-paragraph (3)(a).</p> <p>(6) It will not be obligatory for any organisation or body to nominate a person from its own ranks.</p> <p>(7) Equitable representation of gender, diversity of interest and geographic representation must be pursued at all times.</p>
<p><b>5. VERKIESINGSKRITERIA</b></p> <p>Om verkies te mag word as lid van 'n wykskomitee, moet 'n persoon-</p> <p>(1) As 'n kieser geregistreer wees op die kieserslys van die wyk waarvoor hy of sy genomineer word (vir hierdie doel sal die nuutste opgedateerde nasionale kieserslys beskikbaar op die Onafhanklike Verkiesingskommissie se databasis gebruik word om te bepaal of 'n persoon as 'n kieser geregistreer is of nie).</p> <p>(2) Nie 'n lid van die Raad wees nie.</p> <p>(3) Nie 'n werknemer van die Munisipaliteit of die Weskus Distriksmunisipaliteit wees nie.</p> <p>(4) Nie op sluitingsdatum vir die ontvangs van nominasies, geld aan die Munisipaliteit vir langer as 3 maande skuld nie.</p> <p>(5) Nie 'n ongerehabiliteerde insolvent wees nie.</p>	<p><b>5. ELECTION CRITERIA</b></p> <p>To be eligible for election as a member of a ward committee, a person -</p> <p>(1) Must be registered as a voter on the voters roll of the ward for which he or she is nominated (for this purpose the latest updated national voter's roll, available on the Independent Electoral Commissioner's database shall be used to determine whether a person is registered as a voter or not).</p> <p>(2) May not be a member of the Council.</p> <p>(3) May not be an employee of the Municipality or the West Coast District Municipality.</p> <p>(4) May not, on the closing date for receipt of nominations, be indebted to the Municipality for more than three months.</p> <p>(5) May not be an unrehabilitated insolvent.</p>

<p>(6) Nie genomineer word nie indien so 'n persoon onder kuratorskap geplaas is.</p> <p>(7) Nie genomineer word nie indien so 'n persoon na Februarie 1997 aan 'n misdryf skuldig bevind en gevangenisstraf, sonder die keuse van 'n boete, opgelê is vir 'n periode van nie minder nie as twaalf maande.</p>	<p>(6) May not be nominated if such a person has been placed under curatorship.</p> <p>(7) May not be nominated if such a person has been convicted of an offence after February 1997 and sentenced to imprisonment without the option of a fine for a period of not less than twelve months.</p>
<p><b>6. NOMINASIE VAN KANDIDATE</b></p> <p>(1) 'n Persoon moet op 'n voorgeskrewe vorm, wat van die Munisipale Bestuurder verkry kan word, genomineer word.</p> <p>(2) Nominasies moet by die Munisipale Bestuurder, Munisipale kantore, Malmesbury ingedien word nie later nie as 17:00 van die dag wat deur die Munisipale Bestuurder vasgestel is as die sluitingsdatum vir die ontvangs van nominasies.</p> <p>(3) Die sluitingsdatum vir die ontvangs van nominasies mag nie minder as 7 dae of meer as 10 dae voor die datum wat ooreenkomstig paragraaf 9(1)(a) vir die verkiesing van lede van die wykskomitee vasgestel is, wees nie.</p> <p>(4) Nominasies wat ingedien word, moet vergesel gaan van 'n geskrewe verklaring, behoorlik onderteken deur die persoon wat aldus genomineer word, wat sodanige persoon se aanvaarding van nominasie te kenne gee.</p> <p>(5) 'n Nominasiebrief om 'n lid van 'n wykskomitee, soos beoog by paragraaf 4(3)(b), te nomineer, moet voltooi en geteken word deur nie minder nie as 5 persone wat geregistreerde kiesers in daardie wyk is.</p> <p>(6) 'n Organisasie wat van voorneme is om 'n persoon of persone te nomineer om as kandidaat vir die wykskomitee te staan, sal geregtig wees om 'n maksimum van een persoon vir elke geografiese area / sektor wat in Kolom 1 van Bylae A aangedui word, te nomineer, met dien verstande dat sodanige organisasie op sodanige nominasiebrief, uitdruklik vermeld welke belang en betrokkenheid die organisasie by die geografiese area /sektor het.</p> <p>(7) 'n Nominasie in terme van paragraaf 4(3)(a) moet vergesel word</p>	<p><b>6. NOMINATION OF CANDIDATES</b></p> <p>(1) A person must be nominated on a prescribed form which may be obtained from the Municipal Manager.</p> <p>(2) Nominations must be submitted to the Municipal Manager, Municipal Offices, Malmesbury by not later than 17:00 on the date fixed by the Municipal Manager to be the closing date for receipt of nominations.</p> <p>(3) The closing date for receipt of nominations shall be not less than 7 days or more than 10 days before the date fixed in terms of paragraph 9(1)(a) for the election of members of the ward committee.</p> <p>(4) Nominations submitted must be accompanied by a written declaration, duly signed by the person so nominated, indicating such a person's acceptance of the nomination.</p> <p>(5) A nomination paper to nominate a member of a ward committee contemplated by paragraph 4(3)(b) should be completed and signed by not less than 5 persons who are registered voters in that ward.</p> <p>(6) An organisation contemplating to nominate a person or persons to stand as candidates for the ward committee shall be entitled to nominate a maximum of one person for each geographical areas / sector indicated in Column 1 of Schedule A, provided that such an organisation, on the nomination paper concerned, clearly states its interest in and concern with the geographical area / sector concerned.</p>

<p>van –</p> <p>(a) 'n skriftelike aanvaarding van die nominasie deur die genomineerde;</p> <p>(b) die grondwet, instellingskennisgewing of enige ander vorm van bewys van die formele bestaan van die nominerende organisasie/vereniging/liggaam.</p> <p>(8) Kennisgewing aan organisasies waarin hulle uitgenooi word om nominasies in te dien, moet ooreenkomstig paragraaf 15 van hierdie reëls gegee word.</p>	<p>(7) A nomination in terms of paragraph 4(3)(a) must be accompanied –</p> <p>(a) by a written acceptance of the nomination by the nominee;</p> <p>(b) by the constitution, establishment notice or any other form of proof of formal existence of the nominating organisation/association/body.</p> <p>(8) Notice to organisations in which they are invited to submit nominations must be given in accordance with the provisions of paragraph 15 of these rules.</p>
<p><b>7. VERWERPING VAN NOMINASIES</b></p> <p>Die Munisipale Bestuurder moet nominasies verwerp -</p> <p>(1) wat nie aan die bepalings en vereistes van paragrawe 5 en 6 voldoen nie;</p> <p>(2) wat deur 'n politieke party waarna in paragraaf 4(5) verwys word, ingedien word;</p> <p>en enige persoon wie se nominasie ingevolge hierdie bepalings verwerp word, sal nie toegelaat word om as 'n lid van die wykskomitee te staan of verkiesbaar te wees nie.</p>	<p><b>7. REJECTION OF NOMINATIONS</b></p> <p>The Municipal Manager shall reject a nomination -</p> <p>(1) that does not conform to the provisions and requirements of paragraphs 5 and 6;</p> <p>(2) that is submitted by a political party referred to in paragraph 4(5);</p> <p>and any person whose nomination is rejected in terms of these provisions shall not be allowed to stand or to be elected as a member of the ward committee.</p>
<p><b>8. VERKIESING VAN WYKSKOMITEELEDE</b></p> <p>(1) By die aanvang van 'n buitengewone openbare vergadering, soos beoog by die bepalings van paragraaf 9(1) moet die voorsittende beampte -</p> <p>(a) aan die persone teenwoordig besonderhede bekendmaak van -</p> <p>(i) nominasies ontvang;</p> <p>(ii) nominasies verwerp en die redes vir verwerping daarvan;</p> <p>(iii) die name van die persone wie se nominasies aanvaar is en vir welke geografiese area / sektor ) gelys in Kolom 1 van Bylae A hul genomineer is;</p> <p>(iv) die organisasies wat nominasies ingedien het en welke persone hul genomineer het.</p> <p>(b) diegene teenwoordig in te lig oor die samestelling van 'n</p>	<p><b>8. ELECTION OF WARD COMMITTEE MEMBERS</b></p> <p>(1) At the onset of an extraordinary public meeting, as is contemplated by the provisions of paragraph 9(1), the presiding officer shall –</p> <p>(a) reveal to the persons present details of -</p> <p>(i) nominations received;</p> <p>(ii) nominations rejected and the reason for rejection thereof;</p> <p>(iii) the names of persons whose nominations have been accepted and for which geographical area / sector listed in Column 1 of Schedule A they have been nominated;</p> <p>(iv) the organisations that have submitted nominations and which persons they have nominated.</p> <p>(b) inform those present on the composition of a ward committee in term of paragraph 4.</p>

wykskomitee ingevolge paragraaf 4.

(2) Verkiesing van geografiese / sektorale lede

- (a) Indien slegs een nominasie ontvang word vir 'n bepaalde geografiese area / sektor, gelys in Kolom 1 van Bylae A, word sodanige genomineerde geag behoorlik verkies te wees as 'n lid van die wykskomitee.
- (b) Indien meer as een nominasie ontvang word vir 'n bepaalde geografiese area / sektor gelys in Kolom 1 van Bylae A, vind 'n stemming plaas ten opsigte van elke sodanige geografiese area/ sektor.
- (c) Indien geen nominasies vir 'n bepaalde geografiese area / sektor ontvang is nie, moet die wykskomitee by sy eerste vergadering, 'n geskikte persoon vir daardie betrokke geografiese area / sektor, met behoorlike inagneming van die bepalings van paragrafe 4(7) en 5 hiervan, koöpteer.

(3) Verkiesing van gewone lede.

- (a) Nominasies ontvang vir gewone lede word in twee kategorieë verdeel, teweete vroulike nominasies en manlike nominasies.
- (b) Indien slegs een nominasie ontvang word vir die kategorie vir vroue word sodanige genomineerde geag behoorlik verkies te wees as 'n lid van die wykskomitee.  
Die tweede vroulike lid moet dan deur die wykskomitee by sy eerste vergadering en met behoorlike inagneming van die bepalings van paragrafe 4(7) en 5, gekoöpteer word.
- (c) Indien twee nominasies ontvang word ten opsigte van die vroue kategorie, word beide genomineerdes geag behoorlik verkies te wees as lede van die wykskomitee.
- (d) Indien meer as twee nominasies ontvang is ten opsigte van die vroue kategorie vind 'n stemming plaas om twee lede vir die wykskomitee te verkies.
- (e) Indien geen nominasies vir die vroue kategorie ontvang is nie, moet die wykskomitee by sy eerste vergadering twee vroulike lede koöpteer met behoorlike inagneming van die bepalings van paragraaf 5 hiervan.

(4) Die stappe en prosedures in sub-paragrafe (3)(b) – (3)(e) moet

(2) Election of geographical / sectoral members

- (a) If only one nomination has been received for a particular geographical area / sector listed in Column 1 of Schedule A, the nominee concerned shall be deemed to have been duly elected as a member of the ward committee.
- (b) If more than one nomination has been received for a particular geographical area / sector listed in Column 1 of Schedule A, a vote shall be taken in respect of each such a geographical area / sector.
- (c) If no nominations have been received for a particular geographical area / sector, the ward committee shall at its first meeting co-opt a suitable person for that particular geographical area / sector having due regard to the provisions of paragraphs 4(7) and 5 hereof.

(3) Election of ordinary members.

- (a) Nominations received for ordinary members are divided into two categories i.e. female nominees and male nominees.
- (b) If only one nomination has been received in respect of the female category such a nominee shall be regarded to have been duly elected as a member of the ward committee.  
The second female member shall then be co-opted by the ward committee at its first meeting having due regard to the provisions of paragraphs 4(7) and 5 hereof.
- (c) If two nominations have been received in respect of the female category, both nominees shall be regarded to have been elected as members of the ward committee.
- (d) If more than two nominations have been received for the female category a vote shall be taken to elect two members for the ward committee.
- (e) If no nominations have been received for the female category the ward committee shall at its first meeting co-opt two female members having due regard to the provisions of paragraph 5 hereof.

(4) The steps and procedures described in sub-paragraphs (3)(b) – (3)(e) are repeated with the selection of members from the male



herhaal word met betrekking tot die aanwysing van lede uit die manne kategorie.

- (5) Wanneer ookal 'n stemming plaasvind om lede vir die verskillende geografiese areas, sektore of kategorieë te verkies, sal die genomineerdes wat verkies word bepaal word deur die genomineerde wat die grootste getal stemme ontvang, gevolg deur die genomineerde wat die tweede hoogste getal stemme ontvang en so aan, na gelang die getal wat in elke geografiese area, sektor of kategorie verkies moet word.
- (6) Ingeval van 'n gelykop stemming, moet die voorsittende beampte by wyse van loting bepaal wie as verkose geag moet word.
- (7) 'n Kieser mag slegs een stem uitbring ten opsigte van elke geografiese area, sektor of kategorie.
- (8) Kiesers moet by wyse van stembriefies stem.
- (9) Ingeval 'n vakature in die amp van wykskomiteelid ontstaan, moet die genomineerde wat by die laaste verkiesing wat gehou is om lede van die komitee te kies, wat die grootste getal stemme ontvang het tussen die genomineerdes wat nie vir daardie bepaalde sektor of kategorie verkies is nie, as lid van die komitee gekoöpteer word.
- (10) Indien dit om welke rede ookal, ten einde 'n vakature of vakatures te vul, onmoontlik is om die prosedure omskryf in sub-paragraaf (9) toe te pas, moet die wykskomitee by die komitee se eerste vergadering nadat sodanige vakature ontstaan het, 'n geskikte persoon vir die betrokke geografiese area, sektor of kategorie ten opsigte waarvan 'n vakature ontstaan het, koöpteer met inagneming van die bepalings van paragrafe 4(7) en 5 hiervan.
- (11) Indien 'n wykskomitee vir welke rede ookal in gebreke bly of nie by magte is om 'n persoon of persone, soos beoog by sub-paragrafe 2(c); 3(b); 3(e); (9) en (10) binne 45 dae na die datum van die vergaderings vermeld in sub-paragrafe 2(c); 3(b); 3(e); (9) of (10), soos die geval mag wees, te koöpteer om die vakature of vakatures te vul nie, sal die Raad die reg hê om geskikte persone te identifiseer en aan te stel om die vakature / vakatures in sodanige wyk te vul.

category.

- (5) Wherever a vote has to be taken to elect members in the different geographical areas, sectors or categories, the nominees elected will be determined by the nominee that receives the greatest number of votes followed by the nominee that receives the second greatest number of votes and so forth depending on the number in each geographical area, sector or category to be elected.
- (6) In the event of an equality of votes the presiding officer must by lot determine who is to be regarded as elected.
- (7) A voter may cast one vote only in respect of each geographical area, sector or category.
- (8) Voters will vote by ballot paper.
- (9) In the event a vacancy occurs in the office of a ward member the nominee in that particular sector or category in respect of which the vacancy occurred, who received the highest number of votes amongst the nominees that were not elected in that particular sector or category at the last election held to elect members of the committee, shall be co-opted as a member of the committee.
- (10) If it is for whatever reason impossible to apply the procedure described in sub-paragraph (9) to fill a vacancy or vacancies, the ward committee shall at its first meeting to be held after such a vacancy occurred, co-opt a suitable person for that particular geographical area, sector or category in respect of which a vacancy occurred having due regard to the provisions of paragraphs 4(7) and 5 hereof.
- (11) Should a ward committee for whatever reason fail or be unable to co-opt a person or persons as is contemplated by sub-paragraphs 2(c); 3(b); 3(e); (9) and (10) to fill a vacancy or vacancies within 45 days after the date of the meetings referred to in sub-paragraphs 2(c); 3(b); 3(e); (9) or (10), as the case may be, the Council shall have the right to identify and to appoint suitable persons to fill the vacancy/vacancies in that particular ward.
- (12) A member co-opted in terms of sub-paragraphs (9), (10) or (11) to fill

<p>(12) 'n Lid wat ingevolge sub-paragrafe (9), (10) of (11) gekoöpteer is om 'n vakature te vul moet voldoen aan die verkiesingskriteria in paragraaf 5.</p> <p>(13) 'n Lid wat ingevolge sub-paragrafe (9), (10) of (11) gekoöpteer is om 'n vakature te vul, sal die amp neerlê op die datum waarop sy voorganger in die amp ooreenkomstig die bepalings van hierdie reëls die amp sou neerlê.</p> <p>(14) Die voorsittende beampte van 'n vergadering wat gehou word om lede van wykskomitees te kies, moet nadat die stemmery afgehandel is:</p> <ul style="list-style-type: none"> <li>(a) die resultate van die stemming verklaar;</li> <li>(b) die totale getal stemme uitgebring op elkeen van die genomineerdes wat aan die verkiesing deelgeneem het, bekend maak;</li> <li>(c) seker maak dat die resultate en die getal stemme uitgebring op die betrokke genomineerdes, behoorlik in die notule van die vergadering aangeteken word.</li> </ul>	<p>a vacancy must comply with the election criteria in paragraph 5.</p> <p>(13) A member co-opted in terms of sub-paragraphs (9), (10) or (11) to fill a vacancy shall retire from office at the time his or her predecessor in office would have retired from office in accordance with the provisions of these rules.</p> <p>(14) The presiding officer of a meeting held to elect members of the ward committee, must after the poll has been taken:</p> <ul style="list-style-type: none"> <li>(a) declare the results of the poll;</li> <li>(b) announce the total votes cast on each of the nominees that took part in the election; and</li> <li>(c) ensure that the results and the number of votes cast on the nominees concerned are properly recorded in the minutes of the meeting.</li> </ul>
<p><b>9. OPENBARE- EN WYKSKOMITEEVERGADERINGS</b></p> <p>(1) Buitengewone Openbare Vergaderings</p> <ul style="list-style-type: none"> <li>(a) 'n Buitengewone openbare vergadering van inwoners van 'n wyk vir die uitsluitlike doel om wykskomiteelede te verkies moet deur die <u>Munisipale Bestuurder belê word binne 120 dae na 'n besluit van die Raad ingevolge artikel 72 van die Stelselwet om wykskomitees in te stel.</u></li> <li>(b) Enige inwoner van 'n wyk is geregtig om 'n buitengewone openbare vergadering by te woon, maar slegs inwoners wat op die kieserslys vir daardie bepaalde wyk geregistreer is, mag stem (vir hierdie doel sal die nuutste opgedateerde nasionale kieserslys beskikbaar op die Onafhanklike Verkiesingskommissie se databasis gebruik word om te bepaal of 'n persoon as 'n kieser geregistreer is of nie.)</li> <li>(c) Die voorsittende beampte sal oor enige ordereëling gedurende die vergadering beslis en sy of haar besluit sal finaal wees.</li> <li>(d) Die kworum vir 'n buitengewone openbare vergadering is die</li> </ul>	<p><b>9. PUBLIC AND WARD COMMITTEE MEETINGS</b></p> <p>(1) Extraordinary public meetings</p> <ul style="list-style-type: none"> <li>(a) An extraordinary public meeting of residents in the ward for the sole purpose of electing ward committee members must be convened by the Municipal Manager <u>within 120 days after Council has resolved to establish ward committees in terms of section 72 of the Systems Act.</u></li> <li>(b) Any resident in a ward has the right to attend an extraordinary public meeting, but only residents registered on the voters roll for that particular ward may vote (for this purpose the latest updated national voter's roll, available on the Independent Electoral Commissioner's database shall be used to determine whether a person is registered as a voter or not).</li> <li>(c) The presiding officer, whose decision will be final, will decide on any question of order during the meeting.</li> <li>(d) The quorum for an extraordinary public meeting is the registered voters in that ward present at that particular meeting.</li> </ul>

getal geregistreerde kiesers in die wyk wat by daardie bepaalde vergadering teenwoordig is.

- (e) Die voorsittende beampte moet toesien dat notule van die verrigtinge van 'n buitengewone openbare vergadering gehou word.
  - (f) Die Munisipale Bestuurder sal verantwoordelik wees vir die veilige bewaring van die notule van 'n vergadering.
- (2) Gewone Openbare Vergaderings
- (a) 'n Gewone openbare vergadering van inwoners van 'n wyk-
    - (i) moet ten minste een keer per jaar gehou word;
    - (ii) kan, soos en wanneer die nodigheid vir so 'n vergadering ontstaan, deur die wyksraadslid belê word;
    - (iii) moet deur die wyksraadslid belê word by ontvangs in die kantoor van die Munisipale Bestuurder van 'n skriftelike versoek vir so 'n vergadering, geteken deur-
      - minstens vyf lede van die wykskomitee, of
      - minstens 50 geregistreerde kiesers in die wyk, waarin die redes vir die versoek en die sake vir bespreking vermeld word.
  - (b) Die wyksraadslid is die voorsitter van die gewone openbare vergadering.
  - (c) Indien die wyksraadslid vir welke rede ookal verhinder word om 'n vergadering by te woon of weier of nalaat om so 'n vergadering te belê en/of by te woon, moet die aangewese PV raadslid die pligte van die wyksraadslid vervul, en/of as voorsitter van sodanige vergadering optree.
  - (d) Die voorsitter sal oor enige ordereëling gedurende die vergadering beslis en sy of haar besluit sal finaal wees.
  - (e) Die voorsitter moet toesien dat notule van die verrigtinge van 'n gewone openbare vergadering gehou word.
  - (f) Die Munisipale Bestuurder sal verantwoordelik wees vir die veilige bewaring van die notule van die vergadering.
  - (g) Openbare vergaderings word hoofsaaklik gehou ten einde -
    - (i) die besorgdhede en insette van die gemeenskap met

- (e) The presiding officer shall cause minutes to be kept of the proceedings of an extraordinary public meeting.
- (f) The Municipal Manager shall be responsible for the safe keeping of the minutes of the meeting.

(2) Ordinary Public Meetings

- (a) An ordinary public meeting of residents in the ward –
  - (i) shall be held at least once per annum;
  - (ii) may be convened by the ward councillor at any time as and when the need arises for such a meeting;
  - (iii) shall be convened by the ward councillor on receipt in the office of the Municipal Manager of a written request for such a meeting signed by –
    - at least 5 members of the ward committee; or
    - at least 50 voters registered in the ward;stating the reason for such a request and the matters to be discussed.
- (b) The ward councillor chairs the ordinary public meeting.
- (c) If the ward councillor is for whatever reason prevented from attending a meeting or refuses or fails to convene and/or attend such a meeting, the designated PR councillor shall fulfil the duties of the ward councillor and/or chair such a meeting.
- (d) The chairperson, whose decision will be final, will decide on any question of order during the meeting.
- (e) The chairperson shall cause minutes to be kept of the proceedings of an ordinary public meeting.
- (f) The Municipal Manager shall be responsible for the safe keeping of the minutes of the meeting.
- (g) Public meetings are mainly held in order to –
  - (i) 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 the community may have; and
  - (ii) report back to the public on issues that affect it.
- (h) Public meetings are not political platforms and the chairperson at

betrekking tot dienslewering, algemene ontwikkeling van die gemeenskap, rampbestuur en enige ander munisipale besorgdheid wat die gemeenskap mag hê, aan te hoor;

(ii) terugvoering aan die publiek te gee oor aangeleenthede wat hul affekteer.

(h) Openbare vergaderings is nie politieke platforms nie en die voorsitter by sodanige vergaderings moet toesien dat wykskomiteelede en die publiek hul daarvan weerhou om party politieke verklarings te doen, veldtogte te voer of guns te werf.

### (3) Wykskomiteevergaderings

(a) 'n Wykskomitee behoort op 'n maandelikse basis te vergader, maar moet minstens kwartaalliks vergader op 'n geskikte datum en 'n plek wat deur die wyksraadslid, in oorleg met die Speaker en Munisipale Bestuurder, bepaal word.

(b) Die wyksraadslid is die voorsitter van die vergaderings van die wykskomitee.

(c) Indien die wyksraadslid vir welke rede ookal verhinder word om 'n vergadering by te woon of weier of nalaat om so 'n vergadering te belê en/of by te woon, moet die aangewese PV raadslid die pligte van die wyksraadslid vervul, en/of as voorsitter van sodanige vergadering optree.

Indien 'n wyksraadslid egter hom/haar van bespreking van 'n item voor die komitee moet onttrek, moet hy/sy met die aangewese PV raadslid of 'n ander lid reël om as voorsitter van die vergadering op te tree tydens sodanige onttrekking.

(d) 'n Wykskomitee moet daarna streef om besluite op 'n konsensus grondslag te neem. Indien konsensus oor 'n saak nie bereik kan word nie, moet die aangeleentheid beslis word deur die ondersteunende stem van 'n meerderheid van die lede teenwoordig.

(e) Die kworum by enige vergadering van die wykskomitee sal die helfte (50%) van die dienende wykskomiteelede wees.

(f) Stemming vind deur opsteek van hande plaas.

(g) Ingeval van 'n gelykop stemming sal die voorsitter 'n beslissende stem, benewens sy/haar beraadslagende stem, hê

(h) Alle vergaderings van die wykskomitee sal vir die publiek oop

such meetings must ensure that ward committee members and the public refrain from making party political statements, campaigning and canvassing.

### (3) Ward Committee Meetings

(a) A ward committee should meet on a monthly basis but shall meet at least quarterly on a suitable date and at a venue to be determined by the ward councillor in collaboration with the Speaker and Municipal Manager.

(b) The ward councillor chairs meetings of the ward committee.

(c) If the ward councillor is for whatever reason prevented from attending a meeting or refuses or fails to convene and/or attend such a meeting, the designated PR councillor shall fulfil the duties of the ward councillor and/or chair such a meeting.

If however, the ward councillor has to recuse himself/herself from discussion of an item at the committee, he/she must arrange with the PR councillor or another member to chair the meeting during such recusal.

(d) A ward committee shall endeavour to take decisions based on consensus. If consensus on any matter cannot be achieved, such matter may be determined with the supporting vote of a majority of the members present.

(e) The quorum at any meeting of the ward committee shall be half (50%) of the serving ward committee members.

(f) Voting shall be by show of hands.

(g) In the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

(h) All meetings of the ward committee shall be open to the public. Members of the public may not participate in the debates and proceedings of a meeting of the ward committee unless the Chairperson has given permission to such a person to address the committee and then only on such conditions as the Chairperson may permit.

(i) The chairperson, whose decision will be final, will decide on any question of order during a meeting.

(j) Members of the committee must submit items to be discussed,

<p>wees. Lede van die publiek mag nie aan die debatte en verrigtinge van die wykskomitee se vergaderings deelneem nie, tensy die voorsitter toestemming aan sodanige persoon verleen het om die komitee toe te spreek en dan slegs op sodanige voorwaardes as wat die voorsitter mag toelaat.</p> <ul style="list-style-type: none"> <li>(i) Die voorsitter sal oor enige ordereëling gedurende die vergadering beslis en sy of haar besluit sal finaal wees.</li> <li>(j) Lede van die komitee moet items wat bespreek moet word, vroegtydig by die voorsitter, indien.</li> <li>(k) Die voorsitter sal verantwoordelik wees om die sakelys vir wykskomiteevergaderings voor te berei.</li> <li>(l) Die voorsitter moet toesien dat notule van die verrigtinge van wykskomiteevergaderings afgeneem word.</li> <li>(m) Die Munisipale Bestuurder sal verantwoordelik wees vir die veilige bewaring van die notule van die vergadering.</li> <li>(n) Geen item op die sakelys van die Munisipaliteit, wat deur die Munisipale Bestuurder of politieke liggaam van die Munisipaliteit as “vertroulik” gemerk is, mag by ‘n vergadering van die wykskomitee bespreek word nie.</li> <li>(o) Indien ‘n lid ‘n regstreekse of onregstreekse finansiële of persoonlike belang het in ‘n saak wat voor die komitee dien, moet tensy die belang dieselfde is as vir enige ander persoon in die wyk, sodanige persoon hom/haar aan sodanige bespreking onttrek.</li> <li>(p) PV raadslede moet toegelaat word om wykskomiteevergaderings by te woon en aan die beraadslagings deel te neem maar sal nie die reg hê om te stem nie.</li> </ul>	<p>well in advance to the chairperson.</p> <ul style="list-style-type: none"> <li>(k) The chairperson will be responsible to prepare an agenda for ward committee meetings.</li> <li>(l) The chairperson shall cause minutes to be kept of the proceedings of Ward Committee meetings.</li> <li>(m) The Municipal Manager shall be responsible for the safekeeping of the minutes of the meeting.</li> <li>(n) No items from the agenda of the municipality marked confidential by the Municipality Manager or a political body of the municipality may be discussed at a ward committee meeting.</li> <li>(o) If a member has a direct or indirect financial or personal interest in a matter serving before the committee, unless that interest is the same as any other person in the ward, such person must recuse himself/herself from such discussion.</li> <li>(p) PR councillors shall be allowed to attend ward committee meetings and to participate in the deliberations, but will not have the right to vote.</li> </ul>
<p><b>10. FUNKSIES EN BEVOEGDHEDE VAN WYKSKOMITEES</b></p> <ul style="list-style-type: none"> <li>(1) ‘n Wykskomitee kan - <ul style="list-style-type: none"> <li>(a) aanbevelings met betrekking tot enige sake wat die wyk raak aan die wyksraadslid, of deur die wyksraadslid aan ‘n staande komitee van die Raad, maak; en</li> <li>(b) sodanige pligte en magte hê as wat deur die Raad aan die komitee gedelegeer word in terme van Artikel 59 van die Stelselwet. Geen uitvoerende magte sal egter aan</li> </ul> </li> </ul>	<p><b>10. FUNCTIONS AND POWERS OF WARD COMMITTEES</b></p> <ul style="list-style-type: none"> <li>(1) A ward committee may – <ul style="list-style-type: none"> <li>(a) make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor to a standing committee of the council; and</li> <li>(b) have such duties and powers as may be delegated to it by the council in terms of Section 59 of the Systems Act. No executive</li> </ul> </li> </ul>

<p>wykskomitees gedelegeer word nie.</p> <p>(2) 'n Wykskomitee dien as die amptelike publieke deelnemende struktuur van die Munisipaliteit en moet as sodanig –</p> <p>(a) die wyksraadslid bystaan met die identifisering van uitdagings en behoeftes van inwoners;</p> <p>(b) inligting insake munisipale aangeleenthede in die wyk versprei, soos byvoorbeeld in verband met die begroting, die geïntegreerde ontwikkelingsplan (GOP) en diensleweringsopsies;</p> <p>(c) die insette van inwoners verkry oor munisipale aangeleenthede soos die begroting, geïntegreerde ontwikkelingsbeplanning en diensleweringsopsies;</p> <p>(d) vrae en klagtes van inwoners ontvang in verband met munisipale dienslewering; en</p> <p>(e) met ander forums en organisasies skakel in verband met aangeleenthede wat die wyk raak.</p> <p>(3) 'n Wykskomiteelid moet op 'n gereelde basis aan die geografiese area, sektor of kategorie wat hy of sy verteenwoordig terugvoer gee oor wykskomitee-aangeleenthede.</p> <p>(4) Ingevolge artikel 16(2) van die Stelselwet mag die bogenoemde funksies en bevoegdhede wat aan 'n komitee verleen word nie uitgelê word nie as synde dit inmenging toelaat met die Raad se reg om te regeer en om sy uitvoerende en wetgewende gesag uit te oefen.</p>	<p>powers will however be delegated to ward committees.</p> <p>(2) A ward committee serves as the official public participatory structure of the Municipality and must as such –</p> <p>(a) assist the ward councillor in identifying challenges and needs of residents;</p> <p>(b) disseminate information in the ward concerning municipal affairs such as the budget, the integrated development plan (IDP) and service delivery options;</p> <p>(c) obtain inputs from residents regarding municipal affairs such as the budget, the integrated development planning and service delivery options;</p> <p>(d) receive queries and complaints from residents concerning municipal service delivery; and</p> <p>(e) interact with other forums and organisations on matters affecting the ward.</p> <p>(3) A ward committee member shall on a regular basis give feedback on ward committee matters to the geographic area, sector or category he or she represents.</p> <p>(4) In terms of section 16(2) of the Systems Act the above functions and powers conferred upon a ward committee should not be interpreted as permitting interference with the Council's right to govern and to exercise its executive and legislative authority.</p>
<p><b>11. SUBKOMITEES EN WAARNEMERS</b></p> <p>(1) 'n Wykskomitee kan een of meer subkomitees instel indien nodig vir die uitvoering van sy funksies.</p> <p>(2) Subkomitees kan vaste of ad hoc komitees wees.</p> <p>(3) Die wykskomitee moet die lede van so 'n subkomitee aanwys, 'n voorsitter vanuit sy lede aanwys en die opdrag en funksies van die subkomitee bepaal.</p> <p>(4) Die wykskomitee en subkomitee(s) kan gesamentlik vergader as 'n</p>	<p><b>11. SUBCOMMITTEES AND OBSERVERS</b></p> <p>(1) A ward committee may establish one or more subcommittees necessary for the performance of its functions.</p> <p>(2) Subcommittees may be standing or ad hoc committees.</p> <p>(3) The ward committee must appoint the members of such a subcommittee, appoint a chairperson from among its members and determine the brief and functions of the subcommittee.</p> <p>(4) The ward committee and subcommittee(s) may meet together as a</p>

<p>wyksforum vir die bespreking van groot aangeleenthede.</p> <p>(5) Die wykskomitee moet belangegroepes in die wyk aanmoedig om by subkomitees betrokke te raak wat relevant is tot hulle werksterrein.</p> <p>(6) 'n Wykskomitee mag 'n vaste uitnodiging rig aan 'n maksimum van twee persone wie na hulle mening sal bydra tot 'n beter verteenwoordiging van die komitee, om die wykskomiteevergaderings as waarnemers by te woon.</p> <p>(7) Die waarnemers in subparagraaf (6) hierbo genoem sal geen stemreg hê nie.</p>	<p>ward forum for major discussions.</p> <p>(5) The ward committee must encourage interest groups in the ward to participate in subcommittees that are relevant to their field of work.</p> <p>(6) A ward committee may extend a standing invitation to a maximum of two persons which in their opinion will contribute to a better representativity of the committee, to attend the ward committee meetings as observers.</p> <p>(7) The observers mentioned in subparagraph (6) above will have no voting rights.</p>
<p><b>12. AMPSTERMYN VAN LEDE VAN WYKSKOMITEES</b></p> <p>(1) Die ampstermyn van 'n lid van die wykskomitee (die wyksraadslid uitgesluit) sal onderworpe aan die bepalings van paragrawe 13 en 19(2) <u>gelyk wees aan die termyn van die Raad, en sal gevolglik ten einde loop op die dag wat die datum voorafgaan wat deur die toepaslike Minister vir doeleindes van 'n plaaslike verkiesing afgekondig word.</u></p> <p>(2) Lede aanvaar hul amp op die datum waarop hul ingevolge paragraaf 8 en/of paragraaf 19(2) hiervan verkies of gekoöpteer word en lê die amp neer op die datum wat ooreenkomstig paragraaf 9(1)(a) vasgestel word.</p> <p>(3) Die ampstermyn van die wyksraadslid as lid van die wykskomitee verstryk op die datum waarop sodanige raadslid ophou om raadslid vir daardie wyk te wees.</p>	<p><b>12 TERM OF OFFICE OF WARD COMMITTEE MEMBERS</b></p> <p>(1) The term of office of a member of the ward committee (excluding the ward councillor) shall, subject to the provisions of paragraph 13 and 19(2), <u>be equal to the term of the Council, and shall therefore terminate on the day preceding the date set by the applicable Minister for purposes of a local election</u></p> <p>(2) Members shall assume office on the date they are elected or co-opted in terms of paragraph 8 and/or paragraph 19(2) hereof and shall retire from office on the date to be fixed in terms of paragraph 9(1)(a).</p> <p>(3) The term of office of the ward councillor as a member of the ward committee terminates on the date that such a ward councillor ceases to be a councillor for that ward.</p>
<p><b>13. VAKATURES</b></p> <p>(1) 'n Lid ontruim sy/haar amp gedurende die ampstermyn van 'n wykskomitee, indien so 'n lid –</p> <p>(a) skriftelik bedank;</p> <p>(b) nie langer as 'n lid ingevolge die bepalings en vereistes vervat in paragraaf 5 hiervan, kwalifiseer nie;</p> <p>(c) uit die amp verwyder word ooreenkomstig sub-paragraaf (2); of</p> <p>(d) sterf.</p>	<p><b>13 VACANCIES</b></p> <p>(1) A member vacates office during a ward committee's term of office if that member –</p> <p>(a) resigns in writing;</p> <p>(b) no longer qualifies as a member in terms of the provisions and requirements contained in paragraph 5 hereof;</p> <p>(c) is removed from office in terms of sub-paragraph (2); or</p> <p>(d) dies.</p>

<p>(2) Die Raad moet 'n lid uit die amp verwyder, indien so 'n lid -</p> <ul style="list-style-type: none"> <li>(a) sonder toestemming van die komitee, van drie agtereenvolgende vergaderings van die wykskomitee afwesig was, of</li> <li>(b) met of sonder toestemming van die komitee van 6 vergaderings van die wykskomitee afwesig was deur die loop van een kalender jaar, of</li> <li>(c) aktief betrokke is, en dit bewys kan word, by veldtogte om die wyksraadslid uit sy/haar amp te verwyder sonder dat griewe teen die wyksraadslid by wykskomiteevergaderings geopper is of skriftelike klagtes aan die Speaker of Uitvoerende Burgemeester, gerig is; of</li> <li>(d) op 'n wyse optree wat daarop bereken is om die gesag van die wyksraadslid, die wyk- en/of die wykskomitee te ondermyn; of</li> <li>(e) 'n misdadig begaan het waarvoor 'n gevangenisstraf, sonder die keuse van 'n boete, opgelê is vir 'n periode van nie minder as twaalf maande; of</li> <li>(f) aanhoudend in die administrasie van die Munisipaliteit inmeng; lede moet twee keer gewaarsku en die derde keer verwyder word; of</li> <li>(g) aanhoudend gewelddadige of beledigende of intimiderende gedrag teenoor ander lede en/of die gemeenskap, openbaar; of</li> <li>(h) 'n vergadering onder die invloed van drank en/of onwettige dwelms bywoon; of</li> <li>(i) 'n omkoopgeskenk aanvaar het, en dit bewys kan word, van 'n party wat 'n belang in 'n ontwikkelingsprojek vir die betrokke wyk het; of</li> <li>(j) sy/haar lidmaatskap van die wykskomitee gebruik het, en dit bewys kan word, om guns van enige aard te werf of poog om dit werf; of</li> <li>(k) geld aan die Munisipaliteit verskuldig is vir meer as drie maande gedurende enige tydperk in sy of haar ampstermyn.</li> </ul>	<p>(2) The Council shall remove a member from office if that member –</p> <ul style="list-style-type: none"> <li>(a) has been absent without leave of the committee from three consecutive meetings of the ward committee, or</li> <li>(b) has been absent with or without leave of the committee from six meetings of the ward committee during the course of one calendar year, or</li> <li>(c) is proven to be actively involved in campaigns for the removal of the ward councillor from office without having raised grievances against the ward councillor in the ward committee meeting or written complaints to the speaker or the Executive Mayor, or</li> <li>(d) acts in a manner which seeks to undermine the authority of the ward Councillor, the Council and/or the ward committee, or</li> <li>(e) commits a crime that results in an imprisonment without the option of a fine for a period of not less than twelve months; or</li> <li>(f) consistently interferes in the administration of the municipality; members should be warned twice and be removed the third time, or</li> <li>(g) consistently exhibits violent or abusive or intimidatory behaviour towards other members and/or the community, or</li> <li>(h) attends a meeting under the influence of alcohol and/or illegal drugs, or</li> <li>(i) is proven to have accepted a bribe from any party that has an interest in a development project for that particular ward, or</li> <li>(j) is proven to have used his/her membership of the ward committee to extract, or attempt to extract, favours of any kind, or</li> <li>(k) is indebted to the municipality for more than three months during any period of time in his/her term of office.</li> </ul>
<p><b>14. GEDRAG VAN LEDE</b></p> <p>(1) 'n Lid van die komitee -</p>	<p><b>14 CONDUCT OF MEMBERS</b></p> <p>(1) A member of the committee –</p>



<ul style="list-style-type: none"> <li>(a) moet die funksies van die komitee ter goeder trou verrig en sonder vrees, begunstiging of vooroordeel;</li> <li>(b) mag nie die posisie of voorregte van 'n lid vir private gewin of om 'n ander persoon onbehoorlik te bevoordeel, gebruik nie;</li> <li>(c) mag nie op enige wyse optree wat die geloofwaardigheid, onpartydigheid onafhanklikheid of integriteit van die komitee aantast nie;</li> <li>(d) moet die beginsel van toerekenbaarheid teenoor die gemeenskap en alle politieke partye wat in die Raad verteenwoordig is, aanvaar;</li> <li>(e) moet toeganklik vir die gemeenskap wees en moet toesien dat alle rolspelers aan die proses en sake ter sprake, kan deelneem en dat hul in staat gestel word om insette met betrekking tot die werksaamhede van die komitee te maak;</li> <li>(f) moet die beginsel van deursigtigheid aanvaar ten einde openlikheid, opregtheid en eerlikheid tussen alle rolspelers in 'n deelnemende proses te bevorder en moet vertroue en respek vir die integriteit van elke rolspeler en 'n verbintenis deur almal ten opsigte van die oorheersende doelstellings van die proses in die belang van die gemeenskaplike strewe, aanmoedig;</li> <li>(g) moet diversiteit erken en, onder meer die verskille wat met ras, geslag, geloof, etnisiteit, taal, ouderdom, ekonomiese status en seksuele oriëntasie geassosieer word, begryp;</li> <li>(h) moet ag slaan op alle beskouinge en standpunte in die proses van gemeenskapsdeelname; en</li> <li>(i) moet die voorsitter van die komitee 'n verskoning tesame met 'n geldige rede aanbied indien 'n vergadering nie bygewoon kan word nie.</li> </ul> <p>(2) Die gedragskode vir raadslede van die Munisipaliteit, soos wetlik voorgeskryf, sal behalwe waar dit onvanpas mag wees, op lede van die komitee van toepassing wees.</p>	<ul style="list-style-type: none"> <li>(a) must perform the functions of the committee in good faith and without fear, favour or prejudice;</li> <li>(b) may not use the position or privileges of a member for private gain, or to improperly benefit another person;</li> <li>(c) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the committee;</li> <li>(d) must adopt the principle of accountability to the community and all political parties represented in Council;</li> <li>(e) must be accessible for the community and ensure that all role players can participate in the process and the issues at hand and are able to make their inputs with respect to the work of the committee;</li> <li>(f) must adopt the principle of transparency to promote openness, sincerity and honesty among all the role-players in a participative process and promote trust and respect for the integrity of each role-player and a commitment by all to the overriding objectives of the process in the interest of the common good;</li> <li>(g) must recognise diversity and understand the differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation, among others;</li> <li>(h) must embrace all views and opinions in the process of community participation.</li> <li>(i) must provide an apology with a valid reason to the chairperson of the committee if a meeting cannot be attended.</li> </ul> <p>(2) The code of conduct for councillors of the Municipality as prescribed by law shall be applicable to members of the committee except where it may be inappropriate.</p>
<p><b>15. KOMMUNIKASIE MAATREËLS</b></p> <p>(1) Die Munisipale Bestuurder moet in elke jaar waarin 'n verkiesing van lede van die wykskomitee moet plaasvind, soos beoog word ingevolge die bepalings van paragraaf 9, ten minste 30 dae voor die</p>	<p><b>15. COMMUNICATION MEASURES</b></p> <p>(1) The Municipal Manager shall in each year in which an election of members of the ward committee has to take place as contemplated by the provisions of paragraph 9 at least 30 days before the closing</p>

sluitingsdatum vir ontvangs van nominasies, soos beoog word ingevolge die bepalings van paragraaf 6(3) -

- (a) 'n kennisgewing in 'n nuusblad wat in die munisipale gebied in omloop is, publiseer; en
- (b) tegelykertyd daarmee 'n kennisgewing bestel op alle organisasies wat by die Munisipaliteit vir die GOP proses geregistreer is sowel as daardie organisasies wat deur die wykskandidaat geïdentifiseer word,

waarin die organisasies ingelig word oor die verkiesing van wykskomiteeledes en die sluitingsdatum vasgestel vir nominasies, die datum van die verkiesing, die lokaal en alle relevante inligting verstrek word en die organisasies genooi word om geskikte persone te nomineer om as lede van die wykskomitee te staan.

- (2) Wanneer ookal 'n buitengewone openbare vergadering in 'n wyk belê word, moet die Munisipale Bestuurder in samewerking met die betrokke wyksraadslid, ten minste 10 dae voor die datum vasgestel vir sodanige vergadering, 'n kennisgewing ten dien effekte in 'n nuusblad wat in die betrokke gebied in omloop is, publiseer en die tyd, datum en plek van die vergadering asook die doel daarvan aandui en die publiek uitnooi om die vergadering by te woon.
- (3) Ingeval 'n gewone openbare vergadering in 'n wyk belê word, moet die Munisipale Bestuurder in samewerking met die wyksraadslid, kennis gee van sodanige vergadering op enige wyse wat hulle gerade mag ag.
- (4) Ander weë en middele om 'n openbare vergadering bekend te stel hetsy dit 'n buitengewone of gewone vergadering is, kan insluit radio of ander toepaslike weë van kommunikasie soos regstreekse posbestellings, plakkate of kennisgewings by sleutelpunte soos klinieke, skole, busstoppe, taxi staanplekke en biblioteke.
- (5) Die Munisipale Bestuurder moet skriftelike kennis gee van vergaderings van 'n wykskomitee, ten minste sewe dae voor die datum vasgestel vir sodanige vergadering, aan al die lede van so 'n komitee.
- (6) Die wyksraadslid moet kwartaalliks skriftelik aan die Speaker oor die aktiwiteite van die wykskomitee rapporteer ten einde die Speaker in

date for receipt of nominations as is contemplated by the provisions of paragraph 6(3) –

- (a) cause a notice to be published in a newspaper circulated in the municipal area; and
- (b) simultaneously serve written notice on all the organisations registered at the municipality for the IDP process as well as those organisations identified by the ward councillor;

informing the organisations of the election of ward members, stating the closing date fixed for nominations, the date of the election, the venue and all relevant information and inviting the organisations to nominate suitable persons to stand as members of the ward committee.

- (2) Whenever an extraordinary public meeting is convened in a ward, the Municipal Manager in collaboration with the ward councillor concerned, shall at least 10 days before the date fixed for such a meeting, publish a notice to such effect in a newspaper circulating in the area concerned, stating the time, date and place of the meeting as well as the purpose thereof, inviting the public to attend the meeting.
- (3) In the event an ordinary public meeting is convened in a ward, the Municipal Manager in collaboration with the ward councillor shall give notice of such meeting in any way they may deem fit.
- (4) Other ways and means of publicising a public meeting, be it an extraordinary or ordinary meeting, may include radio or other appropriate means of communication such as direct mail outs, posters or notices in key areas such as clinics, schools, bus stops, taxi ranks and libraries.
- (5) The Municipal Manager shall give written notice of meetings of a ward committee to all the members of such a committee at least seven days before the date fixed for such a meeting.
- (6) The ward councillor must report in writing quarterly to the Speaker on the activities of the ward committee in order to enable the Speaker to deal with those issues that need to be addressed by him or the

<p>staat te stel om met daardie sake waaraan hy of die Raad aandag moet gee, te handel.</p>	<p>Council.</p>
<p><b>16. ALGEMENE EN ADMINISTRATIEWE MAATREËLS</b></p> <p>(1) Geen vergoeding is ooreenkomstig die bepalings van artikel 77 van die Strukturewet betaalbaar aan lede van 'n wykskomitee nie en sal 'n lid ook nie geregtig wees op terugbetaling van enige uitgawe wat deur hom/haar omgegaan is, hetsy dit uitgawe is wat in die loop van die uitvoering van sy/haar pligte aangegaan is of nie.</p> <p>(2) Die Raad moet 'n beleid aanvaar met betrekking tot -</p> <p>(a) uit-die-sak uitgawes van wykskomiteeledes met betrekking tot hulle deelname aan wykskomitees;</p> <p>(b) die betaling van sodanige uitgawes as wat nodig mag wees om te verseker dat 'n wykskomitee behoorlik funksioneer;</p> <p>(c) kapasiteitsbou- en opleidingsprogramme vir wykskomiteeledes; en</p> <p>(d) die vergoeding al dan nie van subkomiteeledes en waarnemers in terme van paragraaf 11.</p> <p>(3) Die Munisipaliteit moet sy personeellede vir administratiewe ondersteuning beskikbaar stel om wyksraadslede en komiteeledes by te staan met die vervulling van hul klerikale en administratiewe funksies. In besonder moet personeel beskikbaar gestel word om wyksvergaderings sowel as openbare vergaderings by te woon, onder andere, om notules by vergaderings af te neem en ook om as verkiesingsbeamptes by wykskomiteeverkiesings op te tree.</p> <p>(4) Die wykskomitee moet wanneer aldus deur die Munisipaliteit versoek, twee persone uit eie geledere kies om op die Swartland Munisipale Advies Forum (SMAF) te dien om die wyke se standpunte te verteenwoordig en om deel te neem wanneer hul deur die Munisipaliteit geraadpleeg word oor aangeleenthede wat die Swartland Munisipale gebied in die algemeen affekteer.</p>	<p><b>16 GENERAL AND ADMINISTRATIVE MEASURES</b></p> <p>(1) In terms of section 77 of the Structures Act no remuneration is payable to members of a ward committee – neither shall a member be entitled to be reimbursed for any expenditure incurred by him or her, be it expenditure incurred in the course of the execution of his or her duties or not.</p> <p>(2) The Council shall adopt a policy with regard to –</p> <p>(a) out of pocket expenses of ward committee members in respect of their participation in ward committees;</p> <p>(b) payment of such expenditure that may be necessary to ensure that a ward committee functions properly;</p> <p>(c) capacity building and training programmes for ward committee members; and</p> <p>(d) the compensation whether or not of subcommittee members and observers in terms of paragraph 11.</p> <p>(3) The Municipality shall make available its staff members for administrative back-up to assist the ward councillors and committee members in fulfilling their clerical and administrative functions. In particular staff shall be made available to attend ward meetings as well as Public meetings, inter alia, to take the minutes at such meetings and also to act as election officers at ward committee elections.</p> <p>(4) The ward committee must, whenever called upon by the municipality, elect two persons from its own ranks to serve on the Swartland Municipal Advisory Forum (SMAF) to represent the wards viewpoint and to participate when they are consulted by the municipality on matters affecting the Swartland Municipal area in general.</p>
<p><b>17. ROL VAN PV RAADSLEDE</b></p> <p>(1) Die Speaker moet, in oorleg met die swepe van die verskillende</p>	<p><b>17 ROLE OF PR COUNCILLORS</b></p> <p>(1) The Speaker shall, in consultation with the whips of the different</p>

<p>politieke partye in die Raad, die PV raadslede vir die onderskeie wykskomitees aanwys.</p> <p>(2) PV Raadslede moet in hul hoedanigheid as lede van die Raad, toegelaat word om vergaderings van die wykskomitee by te woon en moet toegelaat word om in die beraadslagings deel te neem, maar sal nie die reg hê om te stem nie.</p> <p>(3) In die algemeen moet PV raadslede toegelaat word om met die werk van die wyksraadslede behulpsaam te wees en dit aan te vul.</p> <p>(4) 'n PV raadslid moet as voorsitter by enige gewone openbare vergadering of wykskomiteevergadering waarneem onder die omstandighede soos in paragrawe 9(2)(c) en 9(3)(c) beskryf.</p> <p>(5) Beide die wyksraadslid en PV raadslede moet wedersydse respekvolle werksverhoudinge in 'n wyk ontwikkel, sodanig dat daar 'n rol vir die PV raadslede is, maar aan die ander kant, word van PV raadslede verwag om die wettige prerogatief van wyksraadslede te respekteer en nie in te meng nie.</p>	<p>political parties in Council, designate PR councillors for the respective ward committees.</p> <p>(2) PR councillors shall in their capacity as members of the Council, be allowed to attend meetings of the ward committee and shall be allowed to participate in the deliberations but shall not have the right to vote.</p> <p>(3) In general PR councillors must be allowed to assist and complement the work of the ward councillors.</p> <p>(4) A PR councillor shall act as chairperson at any ordinary public meeting or ward committee meeting under the circumstances described in paragraphs 9(2)(c) and 9(3)(c).</p> <p>(5) Both the ward councillor and PR councillor(s) in a ward should develop mutually respectful working relations, such that there is a role for the PR councillors, but on the other hand, PR councillors are expected to respect the legal prerogative of ward councillors and not interfere.</p>
<p><b>18. GESKILOPLOSSING</b></p> <p>Die volgende geskiloplossing hanteringsmeganisme moet toegepas word:</p> <p>(1) Alle moontlike pogings moet aangewend word om die geskil intern te hanteer indien die wyksraadslid nie betrokke is nie.</p> <p>(2) Wanneer 'n geskil ontstaan, moet die wyksraadslid 'n persoon of persone (maksimum twee) aanstel om te poog om die geskil deur mediasie op te los.</p> <p>(3) Indien die mediasie poging misluk, word die aangeleentheid na die Speaker verwys vir arbitrasie.</p> <p>(4) Indien die aangeleentheid die wyksraadslid betrek, moet dit regstreeks na die Raad verwys word.</p> <p>(5) Indien die aangeleentheid die Speaker (waar hy of sy ook 'n wyksraadslid is) betrek, moet dit na die Uitvoerende Burgemeester verwys word.</p>	<p><b>18 DISPUTE RESOLUTION</b></p> <p>The following dispute resolution mechanism must be applied:</p> <p>(1) Every possible effort should be made to deal with disputes internally if the ward councillor is not involved.</p> <p>(2) When a dispute arises, the ward councillor must appoint a person or persons (maximum two), to attempt and resolve the dispute through mediation;</p> <p>(3) If the attempt at mediation fails, the matter is then submitted to the Speaker for arbitration;</p> <p>(4) If the matter involves the ward councillor, it must be referred to the Council directly.</p> <p>(5) If the matter involves the Speaker (where he or she is also a ward councillor), it must be referred to the Executive Mayor.</p>

## 19. ONTBINDING VAN WYKSKOMITEES

- (1) Die Raad mag ingevolge artikel 78 van die Strukturewet 'n wykskomitee ontbind indien die komitee versuim om sy oogmerke te verwesenlik.

Die volgende sal as 'n aanduiding beskou word dat die komitee versuim om sy oogmerk te verwesenlik:

- (a) wanneer dit versuim om drie keer agtereenvolgens te vergader;
  - (b) wanneer die lede besluit om te ontbind; en
  - (c) wanneer wanadministrasie, bedrog, korrupsie of enige ernstige wanpraktyke in 'n komitee voorgekom het of voorkom.
- (2) Die Raad mag ook ter enige tyd 'n wykskomitee ontbind indien die grense van 'n wyk kragtens 'n afbakeningsproses deur die Afbakeningsraad, tot so 'n mate gewysig, uitgebrei of verander word dat die betrokke wykskomitee na die mening van die Raad, nie meer as verteenwoordigend van die oorspronklike of die nuut afgebakende wyk, beskou kan word nie.

Ingeval van die ontbinding van 'n wykskomitee ingevolge die bepalings van hierdie paragraaf, sal die Raad verplig wees om die nodige stappe te neem om 'n nuwe wykskomitee vir sodanige geaffekteerde wyk in te stel en moet die Raad binne 60 dae vanaf die datum van die ontbinding van so 'n komitee 'n verkiesing hou ten einde 'n nuwe verteenwoordigende wykskomitee te verkies.

Die ampstermyn van die lede van 'n nuut verkose wykskomitee, sal ooreenkomstig die bepalings van paragraaf 12(2) saamgelees met paragraaf 9(1)(a), bepaal word.

- (3) Die Raad moet skriftelike kennisgewing van tenminste 30 dae aan 'n wykskomitee gee waarin so 'n komitee meegedeel word dat die Raad van voorneme is om die komitee te ontbind.
- (4) 'n Komitee sal geag word finaal ontbind te wees wanneer skriftelike kennisgewing gegee onder die handtekening van die Munisipale Bestuurder op die betrokke wyksraadslid beteken word om hom/haar van die Raad se besluit in dié verband in te lig.

## 19 DISSOLUTION OF WARD COMMITTEES

- (1) The Council may in terms of section 78 of the Structures Act dissolve a ward committee if it fails to fulfil its object.

The following will serve as an indication that a committee fails to fulfil its object:

- (a) when it fails to meet three consecutive times;
  - (b) when the members decide to dissolve it; and
  - (c) when maladministration, fraud, corruption or any serious malpractices have occurred or is occurring in a committee.
- (2) The Council may also at any time dissolve a ward committee if the boundaries of a ward are amended, extended or changed by virtue of a demarcation process by the Demarcation Board, to such an extent that the ward committee concerned, in the opinion of the Council cannot be considered to be representative anymore of the original ward or the new demarcated ward.

In the event of the dissolution of a ward committee in terms of the provisions of this paragraph, the Council shall be obliged to take the necessary steps to establish a new ward committee for such an effected ward and shall cause an election to be held in such a ward within 60 days from the dissolution of such a committee, to elect a new representative ward committee.

The term of office of the members of a newly elected ward committee, shall be determined in accordance with the provisions of paragraph 12(2) read with paragraph 9(1)(a).

- (3) The Council shall give written notice of at least 30 days to a ward committee informing such a committee that the Council intends to dissolve the committee.
- (4) A committee shall be considered finally dissolved when written notice under the signature of the Municipal Manager is served on the ward councillor concerned to inform him/her of the Council's decision in this regard.