



**CONFIDENTIAL**

# ANNEXURE

## MANGAUNG METROPOLITAN COUNCIL

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3. ITEM 41.2 (PAGES 1 – 4)

**WEDNESDAY  
NOVEMBER 9, 2016**

## **MANGAUNG METROPOLITAN MUNICIPALITY**

Members are kindly requested  
to retain this annexure for use  
with the minutes

Bram Fischer Building  
BLOEMFONTEIN  
NOVEMBER 7, 2016



**MANGAUNG**

METRO MUNICIPALITY  
METRO MUNISIPALITEIT  
LEKGOTLA LA MOTSE

DIRECTORATE  
HUMAN SETTLEMENTS &  
HOUSING

**Adv N.N Mofokeng**

**04 October 2016**

**COUNCIL ITEM  
SPEAKER, CLR MXOLISI SIYONZANA**

**UNSOLICITED BID: PROPOSAL BY THE FREE STATE TAXI ASSOCIATION (PTY) LTD, A BUSINESS ENTITY OF THE GREATER BLOEMFONTEIN TAXI ASSOCIATION (GBTA) TO LEASE THE MANGAUNG INTERMODAL TRANSPORT FACILITY FOR A LONG TERM**

**1. PURPOSE**

To request the Mangaung Metropolitan Municipal Council (Council) to authorize the Acting City Manager as the accounting officer of the Mangaung Metropolitan Municipality (MMM) to solicit public comments as well as comments from other interested parties, National and Provincial Treasury, in compliance with section 113 of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA), read together with Section 21A of the Local Government: Municipal System Act 32 of 2000 (the Systems Act) and Regulation 37 of the Local Government: Municipal Supply Chain Management Regulations of 2005 (Municipal SCM Regulations, 2005), to consider an unsolicited bid received from the Free State Taxi Association (Pty) Ltd (FSTA), a business entity of the Greater Bloemfontein Taxi Association (GBTA) to lease the Mangaung Intermodal Transport Facility (MITF); as well as Regulations 34, 35, 36 and 37 of the Local Government: Municipal Asset Transfer Regulations (Asset Transfer Regulations, 2008) read together with Section 21A of the Systems Act, to conduct a public participation process in connection with the granting of a long term right to a private institution to use, control and manage a capital asset of "High Value" belonging to a municipality as defined in the Asset Transfer Regulations, 2008.

**2. BACKGROUND**

The National Department of Transport awarded an amount of R400 000 000.00 (Four Hundred Million Rand) to the Mangaung Metropolitan Municipality (MMM) in a form of a Grant under the Public Transport Infrastructure and Systems Grant (PTISG) to undertake the construction of the Intermodal Public Transport Facility for the integration of different public transport modes consisting mainly of taxis, buses and trains. The intention was therefore, to ensure that the diverse modes of public transport complement one another in that they will be operating as a single co-ordinated entity and at the same time provide a transport system that is effective, efficient, safe, affordable, reliable and sustainable.

In line with the adopted national strategy on transport intermodals, a decision was also taken that, in order for the facility to sustain itself and also yield sound financial returns on investment, it was prudent to accommodate retail space within the facility itself in order to rent out to the prospective businesses. Apart from the taxi bays, the facility has a retail space for the anchor tenant, the general retail space for smaller businesses, offices, cook houses as well as the hawkers' stalls. The

facility can also accommodate vending machines, ATM's and has a potential for advertising. The facility was completed in October 2011 and has since been a white elephant due to the challenges that were identified by the taxi industry, which challenges led to a dispute. There has been countless meetings since then in a quest to resolve these challenges and it is only now that the City and the taxi industry begin to find a common ground, hence the submission.

### **3. DISCUSSION**

MMM received an unsolicited bid from the FSTA, a company established by the GBTA to serve as its business entity to lease the MITF for a period of thirty (30) years with an option to renew for a further period not exceeding thirty (30) years. The said proposal is hereto attached as **Annexure "A"** and the aerial photography depicting the facility as **Annexure "B"**. The FSTA is a registered and recognised taxi association operating in Bloemfontein and providing short distance transport services to commuters within the Bloemfontein area. It is the intention of the FSTA to use, manage and control the MITF by overseeing the effective general management thereof that will include but not limited to taxi operations, tenancing, security, maintenance of the building as well as cleaning. The FSTA will also be responsible for all costs relating to the consumption of services including insurance re-imbursement and also commit to ensuring that they shall prevent anything whatsoever that may compromise any possible claim in respect thereof.

It is also the commitment of FSTA to accommodate other transport modes like the long distance buses and ticket offices, as it was initially planned. It needs mentioning that the GBTA had over the past years identified a number of structural challenges in terms of the design, which challenges were making it difficult for the taxi operations to run smooth. These challenges were identified during the inspection prior to the trial run, during the trial run and post the trial run. As part of intervention, MMM and the GBTA categorized the issues identified into short term and long term. The short term interventions were carried out and FSTA is proposing that they be granted permission to address all the remaining challenges at own cost, which cost will be set off against the rental payable until all their costs are recovered.

In considering this proposal, it becomes prudent to note that it is generally the responsibility of MMM as the municipality to provide public transport facilities in order to facilitate the achievement of effective, efficient, safe, affordable, reliable and sustainable transport system and as such the facility is a capital asset needed to provide the minimum level of basic municipal services. It is therefore prudent that the asset be treated as such and that it should not be disposed of permanently. It should remain a public facility or place and everyone must have a right of access to, albeit within the approved management rules to be agreed upon between the MMM and the FSTA.

It is also important to note that this is an unsolicited proposal in that it was received outside the normal bidding processes and that certain legislative arrangements must be fully observed. It needs mentioning as well that Phase 1 (Bastion Square) is part of the facility that is being utilised by other associations and that it is currently occupied and functional. It is therefore recommended that it be excluded from the proposed arrangement.

### **4. LEGISLATIVE FRAMEWORK GOVERNING UNSOLICITED BIDS RECEIVED BY MUNICIPALITIES**

Section 113 of the MFMA provides that a municipality is not obliged to consider an unsolicited bid received outside its normal bidding process. In terms of this section, should a municipality decide to consider an unsolicited bid as described, a prescribed framework must then be followed. The framework referred to is outlined under Regulation 37 of the Municipal SCM Regulations 2005 and in terms thereof, If a municipality decides to consider an unsolicited bid, it may do so only if:

- a) a product or service is demonstrably or proven unique and innovative concept;
- b) a product or service will be exceptionally beneficial to, or have exceptional cost advantages for the municipality;
- c) the person who made the bid is the sole supplier of the product or service, and
- d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.

After considering the above and going forward, a municipality must make its decision public in terms of Section 21A of the Systems Act and clearly give the public the reasons for not opening the bid for other competitors and, outlining the benefits or potential benefits anticipated. The notice must also request or invite the public and other potential competitors to submit their comments within 30 days from the date on which the notice was published. Upon receipt of such comments, a municipality must submit same, including comments from the unsolicited bidder to the National Treasury as well as the Provincial Treasury for comments and on receipt of comments by the said Departments, a municipality must convene a meeting of the adjudication committee to consider the unsolicited bid, a meeting of which must be open to public.

To assist Council in taking an informed decision, it is important to note that the proposed arrangement is unique in the sense that it is not common for the taxi industry to manage a taxi facility on their own and take the responsibilities that are normally taken by the municipalities. Furthermore, the co-management with the municipality has proven to be complicated in that it was a challenge to adopt a model that can seamlessly work. This is one of the reasons why the facility has been a white elephant for years, a situation which could not be seen as being in the interest of the public. The FSTA will be taking all the responsibilities as alluded to above and the municipality will be receiving rental for the facility. The Russell Square part of the MITF was the replacement of the old taxi rank which was utilized exclusively by the GBTA and the GBTA is the only association that can use the Russell Square part of the MITF.

## **5. LEGISLATIVE FRAMEWORK GOVERNING THE PROCESS THAT MUST BE FOLLOWED BY MUNICIPALITIES WHEN LEASING MUNICIPAL CAPITAL ASSETS**

The Chapter 4 of the Asset Transfer Regulations, 2008 applies to all municipalities in South Africa and is applicable when a municipality considers the granting of right to use, control or manage municipal capital assets. In terms of Regulation 34(1) (a) of the said regulations, a municipality may grant a right to use, control or manage a capital asset only after the accounting officer has in terms of Regulation 35 conducted a public participation process relevant to the proposed granting of such a right to use, control or manage a capital asset belonging to a municipality. Regulation 34(2)(a) and (b) further provides that Regulation 34(1)(a) must be complied with only if the subject capital asset is of "High Value"(has a value exceeding R10 million) and the proposed right of usage is for a long term. Due to the shortcoming of failure to define a long term identified in the regulations, a long term in this case will be afforded the meaning attached to it by the law of property to a long term lease (meaning a lease for a period exceeding nine (9) years 11(eleven) months and is not renewable and therefore not preemptory to register against the title deed of a capital asset concerned.

Regulation 34(3)(a) provides that only a Municipal Council may grant the accounting officer such authority. This means that this Item should request Council for such authority. It is a further requirement in terms of Regulation 32(3) (b) (i to iv) that a request for the authority to conduct public participation must be accompanied by the reasons for the proposal, expected benefits to the municipality, expected proceeds as well as expected gains and losses anticipated for the granting of

such right of usage, management or control of the asset. The contents of paragraph 4 above in relation hereof becomes relevant and shall be applied *mutatis mutandis*.

A public participation relevant for this purpose must also be conducted in terms of section 21A of the Systems Act referred to above and it must in terms of Regulation 35, and should run for at least sixty (60) days before the second meeting of Council that is to approve in principle, the granting of such a right.

The first notice will be for thirty (30) days and the second one for sixty (60) days and it is recommended that the process should run concurrently to save time.

The valuer has been requested to conduct an in-depth valuation of the facility and provide the municipality with the current value, possible running costs, potential income and rental payable if the lessee is the taxi association or its business entity, and considering that the taxi association will be the main or primary user of the facility. It is important to note that such information is only relevant for Council to consider on submission of the second and final report post the public participation and the Treasury comments.

## **5. RECOMMENDATIONS**

- A)** That the Mangaung Metropolitan Municipal Council take note of the unsolicited bid received from the Free State Taxi Association, a business entity of the Greater Bloemfontein Taxi Association to lease the Mangaung Intermodal Transport Facility for a long term period;
- B)** That the Mangaung Metropolitan Municipal Council also take note that Russell Square part of the Mangaung Intermodal Transport Facility is a replacement capital asset with a value in the excess of R10 million and as such a capital asset of "HIGH VALUE" as defined in the Local Government: Municipal Asset Transfer Regulations, 2008;
- C)** That both the Local Government: Municipal Supply Chain Management Regulations, 2005 and the Local Government: Municipal Asset Transfer Regulations, 2008 prescribe peremptory processes that must be followed by a municipality when considering unsolicited bids and the granting of a right to a private person or entity to use, control and manage an asset of "HIGH VALUE" for a long term period;
- D)** That the Mangaung Metropolitan Municipal Council authorizes the Acting City Manager as the accounting officer of the Mangaung Metropolitan Municipality to solicit public comments as well as comments from other interested parties, National and Provincial Treasury, in compliance with section 113 of the Local Government: Municipal Finance Management Act 56 of 2003, read together with Section 21A of the Local Government: Municipal System Act 32 of 2000 and Regulation 37 of the Local Government: Municipal Supply Chain Management Regulations of 2005, to consider an unsolicited bid received from the Free State Taxi Association, a business entity of the Greater Bloemfontein Taxi Association to lease the Mangaung Intermodal Transport Facility for a long term period; as well as Regulations 34, 35, 36 and 37 of the Local Government: Municipal Asset Transfer Regulations read together with Section 21A of the Local Government: Municipal System Act 32 of 2000, to conduct a public participation process in connection with the granting of a long term right to a private institution to use, control and manage a capital asset of "High Value" belonging to a municipality as defined in the Asset Transfer Regulations, 2008;
- E)** That the Bastion Square part of the Mangaung Intermodal Transport Facility be excluded from the proposed arrangement between the Mangaung Metropolitan Municipality and the Free State Taxi Association;

- F) That both the processes as prescribed by the Local Government: Municipal Supply Chain Management Regulations, 2005 and the Local Government: Municipal Asset Transfer Regulations, 2008 should run concurrently to safe time;
- G) That upon receipt of both the necessary comments in terms of Local Government: Municipal Supply Chain Management Regulations, 2005 as well as Local Government: Municipal Asset Transfer Regulations, 2008, a follow up report be tabled before Council to consider the approval in principle to grant the Free State Taxi Association, a business entity of the Greater Bloemfontein Taxi Association to use control and manage the Mangaung Intermodal Transport Facility for a long term period under a lease arrangement for a long term of period thirty (30) years with an option to renew for a further period not exceeding thirty (30) years, an option which shall be exercised six (6) months prior to the expiry date;
- H) That all other matters relevant to the conclusion of the lease agreement, the rental amount and conditions thereof be dealt with when the Mangaung Metropolitan Municipal Council considers an approval in principle, and after all the processes referred to under "E" above have been concluded.

Submitted by:

  
**Adv N.N. MOFOKENG**

**GM: LAND DEVELOPMENT AND PROPERTY MANAGEMENT**

Supported / Not Supported

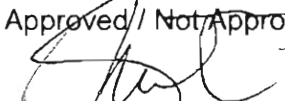
  
**M.M. MOKOENA**

**HOD: HUMAN SETTLEMENTS**

Recommended / Not Recommended

  
**Adv T.B. MWA**  
**ACTING CITY MANAGER**

Approved / Not Approved

  
**Cllr S.M. MLAMLELI**  
**EXECUTIVE MAYOR**





41 Dr Belcher Road  
BLOEMFONTEIN  
9300

Tel Number: 051- 432 0147

The City Manager  
"Manguang Metropolitan Municipality"  
Legal Services: Contract Management  
P.O.Box 3704  
Bloemfontein  
9300

10<sup>th</sup> of November 2016

Dear Sir;

SUBJECT: FREE STATE TAXI ASSOCIATIONS(FSTA) REQUEST FOR LONGTERM LEASE OF TAXI INTERMODAL

As indicated "FSTA" require a long term lease of the above mention building from the "Manguang Metropolitan Municipality" and request the following terms.

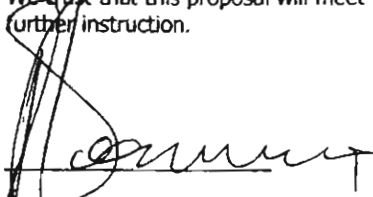
1. Long term lease of a minimum of 30 years, with a renewable clause of a further 30 years.
2. "FSTA" will take full responsibility for the total facility management which includes:
  - a. Building Maintenance
  - b. Security of facility
  - c. Cleaning of facility
  - d. Center Management
  - e. Building Advertising
3. "FSTA" undertakes to make the necessary structural changes to the taxi intermodal in order to make this building fit for purpose for the taxi operation.
4. "FSTA" will undertake all improvements within the legal health & safety compliance. "FSTA" will make sure this building with improvements complies with the Municipality's health and safety compliance audit.
5. The closure of Peet Laan between Hanger Str and Railway tracks to mainstream traffic, is essential to the traffic flow for this taxi intermodal to work. (This means only taxi's and delivery vehicles will use Peet Laan) . Harvey road must be kept open.
6. "FSTA" on signing of an acceptable lease agreement will undertake to immediately start the necessary works, to make the intermodal fit for purpose.
7. Taxi transport operations at the intermodal, will commence on completion on works at the intermodal.

DIRECTORS: L. Seloana; M.Gold M. Molotsane; M.Makhethe; T.J.Moletsane; M.A.Mpotane;  
M.S.Mojanaga; T.C.Bokwa; S.J.Lumisi; N.M.Ntsalla; T.A.Nthakaga  
FREE STATE TAXI ASSOCIATIONS(PTY)LTD Reg No: 2016/234867/07  
Telephone Number: 051 - 432 0107

8. Due to the capital expenditure and monthly costs, that "ESTA" require to fix this facility to make such fit for purpose, that the "Manguang Metropolitan Municipality" offsets this capital spent by allowing "ESTA" a "Zero" Rental and Rates & Taxes, over the term for this lease.
9. "ESTA" has a service costs for the taxi parking lanes inside the intermodal which are a direct cost for "ESTA", in terms off:
  - a. Water
  - b. Electricity
  - c. Fire and protection services
  - d. Security
  - e. Servicing of service lifts and escalators
  - f. Cleaning
  - g. Day to day operation cost
  - h. Maintenance of facility(This is a direct monthly saving for the "Mangaung Metropolitan Municipality" on this facility)
10. Added to this "ESTA" will be monitoring their fleet by setting up a full monitored tracking facility (C-Track) to monitor driver behavior to make the "Manguang Metropolitan Municipal" area, safer for passengers and other road users. Thus helping the Municipality further.
11. Attached please find a brief overview of the estimated costs and what is needed to make this building fit for purpose as the taxi intermodal, from AURECOM our professional Architects and Engineers for the works that are need to complete such a task.

As "ESTA" we are committed to making this Intermodal a working example of how the "taxi industry" and "government" are working together for the improvement of downtown Manguang, Traffic management, Passenger management and Economic Empowerment for a service industry that supports all industries throughout the "Manguang Metropolitan Municipality" area.

We trust that this proposal will meet with "Manguang Metropolitan Municipalities" approval and we await your further instruction.



L. SELOANA - CHAIRMAN



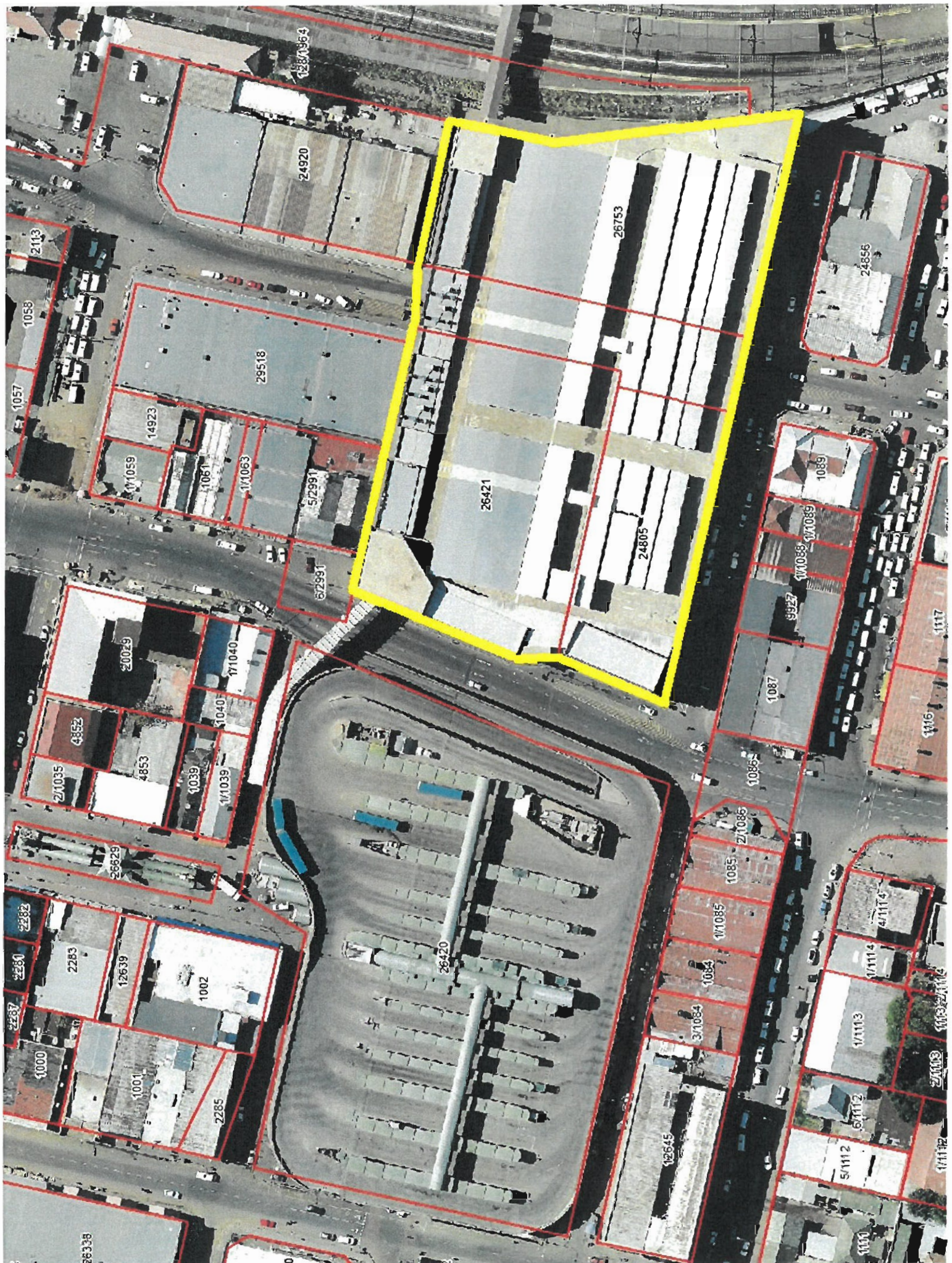
M. GOLD - MANAGING DIRECTOR

DIRECTORS: L. Seloana; M.D. Gold; M.Molotsane; M.Makhete; T.J.Moletsane; M.A.Mpotane; M.S.Mojanaga;  
T.C.Bokwa; S.J.Lumisi; N.M.Ntsalla; T.A.Nthakaga

FREE STATE TAXI ASSOCIATION(PTY)Ltd REG NO: 2016/234867/07  
Telephone Number: 051 - 432 0107



ANNEXURE "B"







Your Ref:

Our Ref:

Room 701, Bram Fischer Building

Date: 04 November 2016

**Council Item**

**Speaker**

**Councillor MA Siyonzana**

**PREPARATIONS AND ARRANGEMENTS FOR THE FUNERAL OF THE LATE  
COUNCILLOR TJ MOEA**

**1. PURPOSE**

The purpose of the report is three fold, namely:

- To inform the Municipal Council on the unexpected death of the Ward Councilor of ward 39 Councilor TJ Moea;
- To request the Council to declare the Funeral of Councilor TJ Moea as Civic Privileges Funeral.
- To request the Municipal Council's approval of the cost that will be incurred for the funeral arrangements of the late councilor.

**2. BACKGROUND**

Mangaung Metro is facing another dark moment. The City and community of the Mangaung learned of the untimely death of the Councilor Tankiso Moea on the afternoon of November 02, 2016. He was admitted on the 30<sup>th</sup> October 2016 at Pelonomi Netcare and he had complications that led to his unfortunate and sudden departure. The Council contribution of the Councilor TJ Moea commenced during the start of this Council term in August 2016. He also served his community in many ways including that he was an active Ward Committee member for the past three terms of Council before becoming a Councillor. He was an active member of the ANC Youth League in his branch, and Deputy Coordinator of the Branch Election Team and also a branch membership organizer.

### **3. FUNERAL ARRANGEMENTS AND PREPARATIONS**

The date of the funeral service will be announced in due course, once the family, the ANC and Council have met and reached agreement on the logistical arrangements, the date, time and venue of both the memorial service and funeral will be made known to the members of Council.

In anticipation of the MMM to accord the Civic Funeral Privileges to Councillor TJ Moea, MMM will work closely with the family to ensure that all logistical arrangements and preparations are concluded timeously.

### **4. ROLE OF DIFFERENT DEPARTMENTS AND OFFICE OF THE SPEAKER**

The following are the required arrangements, namely:

- booking of the venue,
- provision of PA system
- light refreshments for the dignitaries during the memorial service;
- drafting of the programme for the memorial service
- issuing of invitations towards the memorial service
- flower bouquets, on behalf of the City
- branding material in the venues
- designing and printing of funeral programmes.
- catering
- decoration for the venues (memorial services and funeral)
- Logistics arrangements regarding parking and traffic control.

### **5. ADMINISTRATIVE AND LEGAL IMPLICATIONS FINANCE**

Civic Funerals for members who are in office have serious financial implications, as the service involve the following, namely:

- Catering for mourners at the funeral;
- contributing a venue for the memorial service and funeral service and related logistical requirements should such a need arise;
- jointly with the family, the Office of the Speaker, who is the custodian of Council.

The funeral is regarded as one of the funeral that deserves Civic Funeral, given the fact that the late Councilor TJ Moea, commanded enough recognition and respect within the community of Mangaung in particular Thaba Nchu.

### **6. CONCLUSION**

That the approval of this report will contribute in ensuring a decent sending off for the late Councillor TJ Moea.

## 7. RECOMMEDATIONS

It is therefore recommended that:

- a) Council approves the report;
- b) Council approval be granted to accord Civic Funeral Privileges to the late Ward Councillor TJ Moea of Ward 39.
- c) Council approves that an amount of R100 000.00 be set aside for all funeral requirements, including memorial service costs.

Submitted by:

  
**Me. Bonga Mncube**  
**Secretary of Council**

Recommended / not recommended

  
**Adv. Tankiso Mea**  
**Acting City Manager**

Approved / not approved

  
**Councillor Mxolisi Siyonzana**  
**Speaker**





**MANGAUNG**

METRO MUNICIPALITY  
METRO MUNISIPALITEIT  
LEKGOTLA LA MOTSE

OFFICE OF THE  
SPEAKER

PO Box 3704, Bloemfontein, 9300  
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Tel: +27(0)51 405 8667/8642, Fax: +27(0)51 405 8676

Your Ref:

Our Ref:

Room 701, Bram Fischer Building

Date: 04 November 2016

**Council item**

**Speaker**

**Clr Mxolisi Siyonzana**

## **ESTABLISHMENT OF WARD COMMITTEE FOR MANGAUNG METROPOLITAN MUNICIPALITY FOR THE TERM 2016-21**

### **1. Purpose**

The purpose of this document is first, to outline the process of the establishment of Ward Committee for Mangaung Metropolitan Municipality. Secondly, the document will outline the roles and responsibilities of the different role players during this process.

### **2. Discussions**

In terms of Section 72 of the Municipal Structures Act, No. 117 of 1998, a metropolitan or local municipality of a type that include ward participatory system may establish ward committees for all their wards. Ward Committees are established mainly to enhance participatory democracy in local government. They are a municipal structure that must afford the ordinary members of the community an opportunity to influence the decisions of the elected public representatives. In other words, they must ensure that the concerns and views of the community are heard by those that must take decisions.

On the other hand, Section 73 of the same Act provides guidelines on the composition of a Ward Committee. It provides that each ward committee will consist of the Ward Councillor, who must also be the chairperson of the committees and not more than 10 other persons. Municipalities are further urged to make rules and guidelines regulating Ward Committee and they must deal with amongst others the following matters:

- a) The procedure to elect the 10 members taking into account the need for equitable representation of women and the diversity of interest in the ward.



- b) The circumstances under which those matters must vacate office
- c) The frequency of meetings
- d) And any other matters

The legislation does not deal with the details regarding procedural or operational matters of the establishment and operation of Ward Committees. Municipalities working together with the Department of Cooperative Governance and Traditional Affairs (Cogta) are expected to develop and implement guidelines and policies around those matters. Cogta has developed the guidelines for Municipalities and the document was duly provided to all municipalities for use during the upcoming process of establishment of Ward Committees. See attached annexure "A".

### **3. Deliberations**

In its correspondence to Municipalities, Cogta has requested that the process of the establishment of Ward Committee should be completed by the 18<sup>th</sup> November 2016.

The disestablished Mangaung Metro Municipality had developed and approved its own guidelines for the establishment and operations of Ward Committees. These were used in the past by the then Municipality. However, in keeping with the decision of the last Council meeting that all policies of the disestablishment municipalities must be subjected to a process of review, the concern is with the possible delay that such a process may cause towards the establishment of Ward Committees.

It is for this reason that a route of using the provisional guidelines is proposed. However, to ensure that there is uniformity and consistency and as per the directive in the Guidelines, the Municipality has developed rules to regulate the election process. See attached annexure "B".

It is crucial that the Municipality speeds up the process of establishment of Ward Committees because Councillors are handicapped in the execution of their responsibilities because currently everything rests on their shoulders. With their many tasks and responsibilities, it becomes burdensome for them to do all the work by themselves, hence the importance and urgency to establish Ward Committees. This will ensure that they have extra hands that can assist to alleviate the workload that they must carry.

### **4. Outline of the process towards the establishment**

The following process and steps are proposed to ensure that the ward committees are successfully established within Mangaung Metro.

#### **4.1 Election model**

The Guidelines provides for two models for election models. i.e. Sectorial or Geographic model. The two models are fully explained in the Guidelines that have been provided to all Councillors. It is our submission that the Municipality can combine the two models at the same time. This is because some of our wards have a combination of the urban and rural settings and in such instances the ideal approach will be to combine both models. Further to that, it will also be noted that even what is considered as pure urban wards, there are some that are so vast and spread over a large area with various “small communities” that it will also make a perfect sense to use both models in such cases.

#### **4.2 Management of the establishment process**

The Guidelines places the administrative responsibility for the establishment of ward committees on the Municipal administration. They further states that the Ward Councillor and Office of the Speaker must coordinate a schedule of meetings for establishment process. Mangaung Metro has 50 wards and it is clear that the process will require a large number of officials to successfully complete the process. The objectives is to have at least three officials per ward who will work with the Ward Councillor on the date of the election.

In the past, the Municipality was able to assemble and develop a team of Facilitators who have played a pivotal role during the processes of Ward Committee establishment and other related processes such as Community-Based Planning (CBP). These officials are volunteers from various sub-directorates of the Municipality. The Office of Speaker will invited officials to volunteer their services and they identified by the office of the Acting City Manager and the Office of the Speaker.

#### **4.3 Ward Committee Constitution and Code of Conduct**

Once elected, the behaviour of Ward Committee members must conform to certain behavioural standards and a particular conduct set out by the Municipality in the Constitution and Code of Conduct for Ward Committees. For this purpose the said document is also submitted for approved by Council marked annexure “C”.

### **5. Financial implications**

The Municipality has made provision in the budget for the process of establishment and operation of Ward Committees including induction.

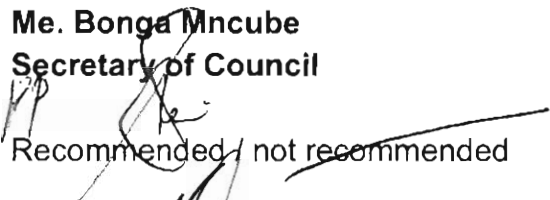
### **6. Recommendations**

It is therefore recommended that:

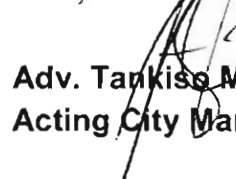
- 6.1 Council approves the rules regulating the procedures to elect members of Ward Committees.
- 6.2 Council resolves to utilize the combination of the two models, i.e. Sectorial and Geographic models.
- 6.3 Council approves the Constitution and Code Conduct for Ward Committees.

Submitted by:

**Me. Bonga Mncube**  
**Secretary of Council**

  
Recommended / not recommended

**Adv. Tankiso Mea**  
**Acting City Manager**

  
Approved / not approved

  
**Councilor Mxolisi Siyonzana**  
**Speaker**



**PROCEDURAL MANUAL  
FOR THE  
NOMINATION AND ELECTIONS  
OF  
WARD COMMITTEES**

November 2016

## **1. Introduction**

The credo for local government in the post 1994 dispensation is to bring local government closer to the people. In order to give effect to this, legislation requires of a municipality to develop a culture of Municipal governance that compliments formal representative government with a system of participatory governance. This implies that a municipality is compelled to encourage and create conditions where local communities can participate in the affairs of the municipality.

The establishment of ward committees is the first step towards a system of participatory local governance, as these committees will serve as an important link between the community and the municipality.

Once a ward committee has been established the committee will perform the following functions:

- a) Express the needs and concerns of the residents within the ward it presents.
- b) Identify development priorities in the ward.
- c) Establish dialogue with the Council, through the ward councillor, to ensure that the municipality:
  - Responds to the needs and concerns of the residents within the ward.
  - Involves the residents in the ward in identifying and prioritizing needs.
  - Identifies resources in the ward for meeting needs.
  - Promotes accountability of the municipality to the residents of the ward.
  - Assist residents in the ward to access municipal services.
- d) Monitor municipal programmes and services in its ward.
- e) Promote good relations between the residents in its ward, the municipality and community organisations.

In order to ensure the success of the ward committee system it is essential that the residents in a ward elect those persons who they believe will be able to make

a meaningful contribution towards the quality of their lives, in a democratic manner.

Each ward will be required to elect 10 persons from their constituency that will serve on the ward committee, at a meeting or meetings that will specifically be held for this purpose at one or more venues inside each ward.

In light of the above-mentioned, this manual aims to structure the process of establishing ward committees in the Municipality by outlining the nomination and electoral system applicable to the election of ward committee members.

Perform all other roles and functions as indicated in the Constitution and Code of Conduct for Ward Committees.

## **2. Eligibility of Ward Committee candidates**

A person is eligible to be elected as a Ward Committee member if he/she complies with all of the following requirements:

- He/she must be at least 18 years or older but not over 55 years old on the date of the election.
- He/she must be a South African citizen with a bar-coded identity document.
- He/she must reside in the specific ward that he/she is availing himself/herself to be elected.
- He/she must be a registered voter in the specific ward that he/she is availing himself/herself to be elected.
- He/she must not have a criminal record.
- He/she must be nominated in accordance with paragraph 3 of this manual.
- He/she is not the employee of the Municipality.

## **3. Nomination procedure**

A person will only be accepted as a candidate if he/she complies with each one of the criteria as outline in paragraph 2 above.

The appendix 1 (Nomination of candidate to serve on ward committee) and Appendix 2 (Acceptance of nomination by a ward committee candidate) forms must be used for all nominations, whilst the Appendix 3 (Proof of registration as voter for ward committee elections) form is only necessary for those candidate who are not in possession of registration as a voter.

The above-mentioned forms will be available from-

- a) A prescribed venue and person in each of the respective wards identified by each ward Councillor. (These venues will be made known to the public as soon as possible).
- b) Ward Councillors; and/or
- c) The following municipal offices:

The nomination procedure is as follows:

- a) A candidate can only be nominated by another person who is eligible to vote in the election of that specific ward (see paragraph 6).
- b) A candidate's nomination must be and signed by the nominator and seconded by twenty (20) persons who are eligible to vote in the election of that specific ward.
- c) The candidate can only be nominated by means of the Appendix 1 form.
- d) The Appendix 1 form must be completed and signed by the nominator (1) and the twenty (20) other persons who have seconded the candidate.
- e) The Appendix 1 form must be supported by all the documentation as prescribed on the form.
- f) A registered voter may not nominate or second more that ten (10) candidates in a ward.
- g) The candidates must accept his nomination by completing an Appendix 2 form.
- h) The appendix 2 form must be supported by all the documentation as prescribed on the form.
- i) The Appendix 1 and Appendix 2 forms, with the prescribed supporting documentation, must be submitted together, in a sealed envelope, by 12:00



on the last day of nominations to the offices mentioned below. Nomination dates for the 2016 elections are (30 November 2016).

- Office of Speaker
  - Municipal offices
  - A prescribed venue and person in each of the respective wards, identified by the ward councillor. (These venues will be made known to the public as soon as possible).
- j) The appointed municipal officials or persons appointed by the ward councillor in a ward must keep a record of all nominations received in the form of Appendix 4 and issue a receipt for every nomination submitted to him/her.
- k) No late nominations will be accepted.

#### **4. Verifications of nominations**

All nominations will be checked and verified by an Election Task Team under the leadership of the City Manager.

All the candidates whose nominations do not comply with the prescribed procedure in paragraph 3 above will be contacted by the **7<sup>th</sup> December 2016** in order to have them rectify their nominations.

Candidates whose nominations do not comply with the prescribed procedure will be given until 12:00 on **9<sup>th</sup> December 2016** to rectify their nominations.

No rectified nominations will be accepted after the said date and time.

The Election Task Team will transfer the names of the accepted candidates to the Appendix 6 forms (Election of ward committee members' result) in alphabetical order for each one of the respective wards for the purposes of the election of ward committee members.

## **5. Proof of registration as a voter**

A certified copy of the page of a candidate's identity document, which contains his or her IEC registration receipt (bar coded or manual receipt which indicates the voting district number), will be accepted as proof that the candidate is a registered voter in a specific ward, provided that the voting number is clearly legible on the certified copy.

The Appendix 3 form (proof of registration as voter for ward committee election) must be submitted by candidates who are not in a possession of an IEC bar-coded or manual registration receipt.

The City Manager or his designate(s) will certify Appendix 3 forms at Mangaung Municipal Offices during normal office hours (see paragraph 10).

## **6. Who may vote for Ward Committee members**

In order to vote during the ward committee elections a person must:

- a) Be at least 18 years old on the date of the election
- b) Permanently reside in the ward
- c) Be registered as a voter on the national common voters roll in the specific ward for which the ward committee is being elected.

The presiding officer or municipal electoral staff may request a member of the public attending the meeting where ward committee members are being elected to provide proof of registration as a voter in that specific ward if a voter's eligibility to vote is challenged by any person in that meeting. The presiding officer's ruling, with regard to the person's eligibility to vote, will be final.

## **7. Electoral procedure**

- The members of a ward committee will be elected at a meeting or meetings that will be held specifically for this purpose in every ward.

- The members of a ward committee will be elected through a process of secret ballot at the venue and place identified by the Municipality.
- The City electoral staff will be responsible for the running of the election process.
- Each person wishing to vote will request and will be issued with a ballot paper and shall be allowed to vote for the candidate of his/her choice.
- Ballot boxes will be made available at the venue.
- Only persons registered as voters in a specific ward, who can prove registration as voters in specific ward, who can prove registration as a voter by means of the IEC registration in their identity documents, as well as the media and representatives of community organisations, who have applied for observer status to the City Manager before the actual elections, and municipal electoral staff will be allowed inside the venue.
- The City electoral staff or officials with the support of the Ward and PR Councillor or allocated to every ward by the Speaker will be responsible for the process of elections.
- The initial formal meeting procedure will be followed for a period not exceeding forty-five (45) after the opening of the election venue. Thereafter members of the public will be allowed to cast their votes and leave the venue until it is closed in the evening. The procedure that will be followed for the election of ward committee is the following:
  - a) The Ward Councillor or chairperson will introduce himself/herself to the meeting. Thereafter he/she will briefly explain the purpose of the meeting as well as the ward committee constitution and code of conduct to the meeting.
  - b) The chairperson will read the names of all the candidates as they appear on the Appendix 6 form.
  - c) The chairperson must explain the following to the meeting:
    - Who is eligible to vote.
    - That each eligible voter can vote for 10 candidates; and
    - The voting procedure (the use of a ballot paper).
  - d) The chairperson must ask if there is any person that would like to object to any person participating in the election of the ward committee members (i.e. voting).

- e) The chairperson must then request the member of the public to whom an objection was raised to submit his/her proof of registration as a voter in that specific ward. The chairperson's ruling, with regard to the person's eligibility to vote will be final.
- f) The chairperson will declare when voting must commence once all the formalities have been complied with.
- g) The chairperson must remind the meeting that they are only allowed to vote for a maximum of ten (10) candidates.
- h) No person may assist another one during the voting process and only the chairperson or municipal electoral staff may assist those persons requiring assistance.
- i) The voters at the meeting are requested to mark their ballot papers and throw the ballot paper into the ballot box before they exit the venue.
- j) All ballot boxes are sealed and transported to a central venue identified for purposes of counting. At the venue the ballot boxes are opened in front of all persons allowed to be at the venue and the votes allocated to each candidate by means of Appendix 5.
- k) The chairperson must then record the number of votes cast for every candidate in the Appendix 6 form.
- l) All the spoilt ballot papers will be recorded separately.
- m) The chairperson must announce the number of votes each candidate accrued during the election before submitting the result to the City Manager.
- n) The chairperson must sign the Appendix 6 form and submit it to the City Manager within 24 hours after the election.
- o) The City Manager must add the results of the elections together where more than one meeting was held in a ward; and
- p) The City Manager and/or the Speaker must announce the results of each ward within seven days after the last constituency meeting was held for the purpose of electing a ward committee

## **8. Determining whether a voter is registered in a specific ward**

The bar-code receipt as well as the hand written receipt issued to a person upon registration as a voter by the IEC contains the voting district (VD) number in which a person is registered. This number can be used to determine if a person is a registered voter in a specific ward.

## **9. Duties of Ward Councillors**

In order to ensure the success of the ward committee elections it is expected of each ward councillor to:

- a) Ensure a suitable venue(s) in his/her ward for the information sessions to be held between the **(date)** and for the elections of his/her ward committee.
- b) Identify a suitable venue, a person and times in his/her ward where the members of the community can collect the prescribed nomination forms.
- c) Identify a suitable venue, person and times in his/her ward where the members of the community can submit the completed nomination forms.
- d) Inform the City Manager and Office of Speaker of (a), (b) and (c) above as soon as possible.
- e) Arrange at least one community meeting in his/her ward before the closing of nomination on the **(date)** to inform the community of the election of ward committee members.

## **10. Certification of appendix 3 forms**

10.1 The following offices can certify Appendix 3 forms:

- Office of Speaker
- All municipal officials with commissioner oaths authority
- Police Stations

## **11. Election date**

Elections in our four (4) regions will be held as follows:

<b>Date</b>	<b>Activity</b>
Thaba Nchu	
Botshabelo	
Bloemfontein North	
Bloemfontein South	

## **12. Filling of vacancies**

- 12.1 A casual vacancy arising in a ward committee is filled by the candidate who received the eleventh most votes during the original ward committee elections.
- 12.2 Any subsequent vacancies are filled by the next person who received the most votes during the elections.
- 12.3 Only when the supply of candidates has been exhausted, will a further election be held.
- 12.4 The elections will be conducted in accordance with the procedures as prescribed in this Manual.

**APPENDIX 1**

**MUNICIPALITY**

**NOMINATION OF CANDIDATE TO SERVE ON WARD COMMITTEE**

---

Election date: \_\_\_\_\_ Ward: \_\_\_\_\_

I, \_\_\_\_\_ (ID No) \_\_\_\_\_

hereby nominate \_\_\_\_\_ with ID Number: \_\_\_\_\_  
to contest the above-mentioned election as a ward committee member.

Attached is –

- a) The prescribed acceptance of nomination signed by the ward committee candidate;
- b) A certified copy of the page of the ward committee candidate's identity document on which the candidate's photo, name and identify number appears;
- c) Proof of the ward committee candidate's as a voter in this specific ward (a certified copy of the page of his/her identity document which contains his/her registration receipt or a certified Appendix 3 form).



[illegible]

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**APPENDIX 2**

**MANGAUNG METROPOLITAN MUNICIPALITY**

**ACCEPTANCE OF NOMINATION BY A WARD COMMITTEE CANDIDATE**

Election date: \_\_\_\_\_ Ward: \_\_\_\_\_

I, \_\_\_\_\_ (ID No) \_\_\_\_\_

hereby accept my nomination as a ward committee candidate by \_\_\_\_\_  
(Note: Insert name of nominating individual).

My contact particulars are as follows:

Tel: (h) \_\_\_\_\_ (w) \_\_\_\_\_ (mobile) \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Attached is:

- a) A certified copy of the page of my identity on which my, name and identify appears.
- b) Proof of my registration as a voter in this specific ward (a certified copy of the page of my identity document, which contains my registration receipt or a certified Appendix 3 form).

Place: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature of candidate

**APPENDIX 3**

**MANGAUNG METROPOLITAN MUNICIPALITY**

**PROOF OF REGISTRATION AS VOTER FOR WARD COMMITTEE MEMBERS**

Election date: \_\_\_\_\_ Ward: \_\_\_\_\_

Particular of applicant

Full name	
Identity document number	
Date of birth	
Address (where ordinarily residents)	

I hereby declare that my address given above is situated within the ward as given above.

I further declare that I am a registered voter in the above-mentioned ward and that I am not in possession of proof of registration as a voter.

I request that my particulars on the voter's roll be checked and confirmed.

\_\_\_\_\_  
Signature of applicant

**OFFICE USE ONLY**

**CERTIFIED PROOF OF REGISTRATION AS VOTER**

I certify that the above-mentioned is registered /not registered as a voter in ward \_\_\_\_\_ of the Municipality.

He/she is therefore eligible/not eligible to vote for ward committee members in Ward \_\_\_\_\_

\_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

## APPENDIX 4

**MANGAUNG METROPOLITAN MUNICIPALITY**

Election date: \_\_\_\_\_

Ward: \_\_\_\_\_

[illegible]

## APPENDIX 5

**MANGAUNG METROPOLITAN MUNICIPALITY**

## COUNTING OF VOTES CONTROL FORM

[illegible]

**APPENDIX 6**

**MANGAUNG METROPOLITAN MUNICIPALITY**  
**ELECTION OF WARD COMMITTEE MEMBERS RESULT FORM**

Election date: \_\_\_\_\_

Ward: \_\_\_\_\_

Municipal Electoral Officer: \_\_\_\_\_

Venue: \_\_\_\_\_

Date of meeting: \_\_\_\_\_

Time: \_\_\_\_\_

Name of Candidate	Number of votes cast for candidate	Candidate's ranking in order number of votes cast

I hereby declare that the above results are correct.

\_\_\_\_\_  
Signed by : Secretary of Council



**WARD COMMITTEE  
CONSTITUTION  
AND  
CODE OF CONDUCT**



# CONSTITUTION

## PREAMBLE

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

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

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

Mangaung Metropolitan Municipality therefore resolves to establish Ward Committees in the following way:

## **1. DEFINITION**

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

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

## **2. NAME**

The Committee shall be known by ward number.

## **3. OBJECTIVES OF THE WARD COMMITTEE**

- 3.1 To express the needs and concerns of the residents within the ward.
- 3.2 To identify development priorities within the ward.
- 3.3 To promote and facilitate interaction between the Council and the community in a particular ward.
- 3.4 To respond to the concerns of the residence within the ward.
- 3.5 To involve the residents in the ward in identifying and prioritizing needs.
- 3.6 To identify resources in the ward for meeting the development needs.
- 3.7 To promote accountability of the Municipality to the residence of the ward
- 3.8 To assist residents in the ward to request Municipal services, taking into account the financial capacity of the municipality and other development projects being executed within the other ward.
- 3.9 To participate in the development of their areas.
- 3.10 To monitor municipal programmes and services in line with the policy of Council.
- 3.11 To foster good relations between the Council, community and all other sectors and institutions within the community.
- 3.12 To establish sub-committees as required to deal with issues such as health, transport, sports, education etc. and may for this purpose co-opt other persons from the ward with skills in particular relevant fields.
- 3.13 To assist in establishing programmes that will effectively deal with poverty, crime and other social ill etc.

- 3.14 To promote friendly relations between the residence in its ward, the Municipality and community organizations.
- 3.15 To deliberate on issues affecting the ward, and to take decisions through consensus that will be submitted by the Chairperson to serve as recommendations before the Council.

#### **4. ESTABLISHMENT OF THE WARD COMMITTEE**

- 4.1 A Ward Committee shall be established in each ward and shall be inclusive of disabled, youth and at least 50% of women.
- 4.2 A ward Committee shall consist of:
  - 4.2.1 A Ward Councilors, who must be the chairperson of the Committee.
  - 4.2.2 Not more than 10 (ten) other people elected to serve in a ward committee, provided that the only other additional members shall be those persons co-opted in terms of paragraph 3.12 above.
- 4.3 The office-bearers of the Ward Committee shall appoint:
  - 4.3.1 A Secretary.

#### **5. ELIGIBILITY OF WARD COMMITTEE MEMBERS**

A person is eligible to be elected as a Ward Committee member if he/she complies with all of the following requirements:

- 5.1. He/she must be at least 18 years or older but not above 55 years old on the date of the election.
- 5.2. He/she must be a South African citizen with a bar-coded identity document.
- 5.3. He/she must reside in the specific ward that he/she is availing himself/herself to be elected.
- 5.4. He/she must be a registered voter in the specific ward that he/she is availing himself/herself to be elected.
- 5.5. He/she must not have a criminal record or has been convicted of an offence and sentenced to imprisonment without the option of a fine for a period of not less than twelve months.
- 5.6. He/she must be properly nominated in accordance with the procedural manual for elections of Ward Committees.
- 5.7. He/she is not the employee of the Municipality.
- 5.8. He/she must not be in permanent employ of any institution/company.
- 5.9. He/she must not be in arrears to the municipality for rates and service charges for a period longer than three months.
- 5.10. He/she must not be an un-rehabilitated insolvent.
- 5.11. He/she must not be under curatorship.
- 5.12. He/she must not be of unsound mind or have been declared so by a competent court cannot be elected.

- 5.13. He/she must be active in the sector they represent and should be motivated to work on the ward committee by their commitment to working for a better life for their constituency.

## **6. ROLES AND DUTIES**

A Ward Committee may make recommendations on any matter affecting its ward to the Ward Councillor or through the Ward Councillor to the Speaker, Executive Mayor and the Municipality.

- 6.1 A Ward Committee must have such duties and responsibilities as may be delegated to it by the local council in terms of Section 59 of the Municipal Systems Act, 2000.
- 6.2 To create formal and unbiased communication channel as well as co-operative partnerships between the community and the Council. This may be achieved as follows:
- 6.2.1 Advise and make recommendations to the Ward Councillor on matters and policy affecting the ward.
  - 6.2.2 Assist the Ward Councillor in identifying challenges and the needs of residents.
  - 6.2.3 Spread information in the ward concerning municipal affairs such as the budget, community based planning (CBP), integrated development planning (IDP), service delivery improvement plan options and municipal properties.
  - 6.2.4 Receive queries and complaints from ward residents concerning municipal service delivery, communicate it them municipal Council and provide feedback to the community on the Council's response.
  - 6.2.5 Ensure constructive and harmonious interaction between the municipality and community through the use and coordination of ward residents meetings and other community development forums.
  - 6.2.6 Interact with other forums and organisations such as community policing forums, clinics committees and street committees etc. on matters affecting the ward.
  - 6.2.7 To serve as a facilitating agent for community activities. This may be achieved as follows:
    - a) Attending to all matters that affect and benefit the community.
    - b) Acting in the best interest of the community.
    - c) Ensure the active participation of the community in:
      - 1) Service payments.
      - 2) The integrated development planning (IDP), performance management system (PMS) and community based planning (CBP) processes.
      - 3) The municipality's budgetary process.
      - 4) Decisions about the provision of municipal services.
      - 5) Decisions about by-laws.
      - 6) No executive powers must be delegated to Ward Committee members.
      - 7) A Ward Committee may express dissatisfaction to the Speaker, on the non- performance of a Ward Councillor.

- 8) A Ward Committee may, subject to availability of capacity and resources, conduct an annual satisfaction survey in order to assist the municipality and Ward Committee in the execution of its duties and responsibilities. The satisfaction survey should be administered in the ward by Ward Committee members and Community Development Workers under the supervision of the Ward Councillor and with the administrative support of the municipality.

## **7. Chairperson**

The duties of the Chairperson shall be:

- 7.1 To chair all meetings and maintain order during such meetings.
- 7.2 To determine the dates for all meetings and liaise with the Secretary in this regard.
- 7.3 To provide leadership to the Ward Committee.
- 7.4 To coordinate the various functions of the Ward Committee.
- 7.5 To link a Ward Committee with various role-players such as the municipality.
- 7.6 To monitor Council's programmes in that particular Ward.
- 7.7 To ensure smooth functioning of the Ward Committee.
- 7.8 To lead all delegations to Council on various issues that affects the ward.
- 7.9 To nominate in a fair manner, members to serve on the other bodies including other committees of the Council as a representative of the ward committee, if applicable.
- 7.10 To ensure that reports on the activities of the Ward Committee are compiled and submitted to the Council on a monthly basis, or such intervals as may be determined by the Council.
- 7.11 To ensure that the conduct of members are such to enhance the image and name of the ward and the Municipality.

## **8. SECRETARY**

The duties of the secretary shall be:

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

## **9. FINANCE**

- 9.1 The financial administration will be done by the Chief Financial Officer of the Mangaung Metropolitan Municipality in order to allow the Committee to fund raise in terms of the legal framework. The Chief Financial Officer will ensure that the financial records are audited and presented to the Speaker for distribution to the Ward Committees.
- 9.2 The duties of the Chief Financial Officer shall be:
- a) To keep all financial records.
  - b) To manage financial transactions on behalf of the organization.
  - c) To provide the Speaker with financial report on a monthly basis.
  - d) Expenditure will be subject to actual income of the Ward Committee, and approval of the ward councilor and the transformation manager or his delegate will be necessary before any payments can be affected.

## **10. ELECTION OF MEMBERS OF WARD COMMITTEES**

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

## **CODE OF CONDUCT**

### **1. GENERAL CONDUCT**

A Ward Committee member must:

- 1.1 Comply with the provisions of Rule 29 of the Standing Rules and Orders of the Mangaung Metropolitan Municipality and the code of conduct for Councilors as contained in Schedule 1 to the Local Government: Municipal Systems Act, (No 32 of 2000).
- 1.2 Perform the functions of office in good faith, honesty and transparent manner.
- 1.3 At all times act in the best interest of the community.
- 1.4 Refrain from doing anything that will cause him or her to interfere with the affairs of the administration of the Council or to obstruct any Council official in the exercise of an official duty.
- 1.5 Refrain from participating in any activities that are directed at or are aimed to undermine the efficiency, good name, standing in the community and the integrity of the Council, any of its committees and the administration.
- 1.6 Refrain from participating in activities that are aimed at or that may instigate the members of the community against the Council.
- 1.7 Refrain from participating in conduct in any manner whatsoever that will or may endanger the lives of other members of Ward Committees, Councilors or employees of the Council.
- 1.8 Ward committee members are expected to wear their name tags during working hours.
- 1.9 Refrain from wearing political party regalia during working hours.

### **2. ATTENDANCE OF MEETINGS**

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



- 2.4 Officials of the Council through the departmental heads concerned, may be requested to attend and address a meeting of a Ward Committee to provide clarity on relevant issues, but may not vote on the issue.

### **3. PERSONAL GAIN**

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

### **4. REWARDS, GIFTS AND FAVOURS**

- 4.1 A Ward Committee member may not request, solicit or accept any reward, gift or favour for:
- 4.1.1 Persuading the Councillor or any Council committee in regard to the exercise of any power, function or duty.
  - 4.1.2 Making a representation on behalf of the community or committee to the Council or any committee.
  - 4.1.3 Disclosing privileged or confidential information.

### **5. UNAUTHORISED DISCLOSURE OF INFORMATION**

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

### **6. BREACHES OF CODE**

- 6.1 Should it be alleged that a member of the Ward Committee has breached any of the provisions of the Code of Conduct or the Constitution, or should a verbal or written allegation be made of such a breach, the Ward Committee may with the approval of the Speaker:
- 6.1.1 Investigate and make a finding on alleged breach of this code and the Constitution; or
  - 6.1.2 Establishes a special sub-committee.
    - a) To investigate and make a finding on alleged breach of this code and the Constitution.
    - b) To make appropriate recommendations to the Ward Committee.
- 6.2 If the special sub-committee or the Ward Committee itself makes a finding that the Ward Committee member has breached a provision of this code or the Constitution,

the Ward Committee must, based on the proposal of the special sub-committee if any, make a recommendation to the Speaker to instigate disciplinary proceedings.

- 6.3 The Speaker will constitute an investigation team to investigate the allegation and to submit a report on the issued to the Speaker within ten days.
- 6.4 Depending on the contents of the report, the Speaker will within ten days of receiving the report, appoint a disciplinary committee as well and a chairperson of the committee, to consider the matter. The disciplinary hearing will be conducted in accordance with the rules of natural justice and the following procedures will be followed:
  - a) The Speaker will appoint the prosecutor.
  - b) The prosecutor may call witnesses, produce documents during the hearing in support of his or her case and cross examine the accused member or witnesses called by the accused member.
- 6.5 The accused member may testify him or herself may call witnesses in his or her defense and may cross examine witnessed called by the prosecutor.
- 6.6 After hearing all the evidence and perusing the documents, and on finding the accused member guilty of the charge, the disciplinary committee may take any one or more of the following recommendations to be imposed by the Speaker:
  - a) Issue of formal warning to the Ward Committee member.
  - b) Reprimand of the Ward Committee member.
  - c) Suspend the Ward Committee member for a period.
  - d) Remove the Ward Committee member from the committee.
- 6.7 The Speaker shall thereafter report the outcome of the disciplinary proceedings to the Council at the first ensuing the meeting of the Council.
- 6.8 The Ward Committee shall inform the community in the ward of the outcome of the disciplinary proceedings.
- 6.9 Any alleged breaches of the code by the Ward Councillor must be reported to the Speaker who must thereupon deal with the matter in terms of the applicable policies and legislation.

## **7. ROLE OF THE COMMUNITY**

- 7.1 If the community in a ward is dissatisfied with conduct of a Ward Committee member, they can:
  - 7.1.1 Report such member to the chairperson of the Ward Committee.
- 7.2 The Ward Committee must deal with the report or petition so received in terms of the provisions of paragraph 6 above.