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GENERAL NOTICE

NOTICE 121 OF 2009

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

PROVINCIAL FRAMEWORK DRAFT: CRITERIA FOR DETERMINING OUT OF POCKET EXPENSES FOR WARD COMMITTEE MEMBERS

1. I, Maureen Modiselle, the Premier of the North West Province responsible for Local Government as provided for by Notice No. 7 of 2009 published through the North West Extraordinary Provincial Gazette No. 6712 dated 7th December 2009, hereby in terms of section 73(5) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended, publishes a provincial framework draft as set out in the Schedule hereto for public comment.
2. Any person or party or interested entity who or which wishes to make any comment or input in relation to the draft framework, is invited to submit written comments or inputs on or before Friday the day of 30th April 2010 for attention of Ms. M Kgomo at:

Address: Department of Local Government and Traditional Affairs
Private Bag X 2099
MMABATHO
2735

Or

Fax: 018 387 3307

Or

E-mail: MKgomo@nwpg.gov.za

Given under my hand at Mafikeng this 1st day of March 2010.

Maureen Modiselle

PREMIER OF THE NORTH WEST PROVINCE RESPONSIBLE FOR LOCAL GOVERNMENT

SCHEDULE

PREAMBLE

This Provincial Framework provides criteria for the calculation of out of pocket expenses for ward committee members and highlights the obligations of municipalities, local and district, to prioritize the funding of ward activities from, amongst others, their own budgets, sourced through own revenue, equitable share and the Municipal Systems Improvement Grant (MSIG).

The Framework also provides guidelines for the institutional development and assistance required by ward committees and sets out indicators for ward committee functionality and their related activities, which includes addressing existing gaps with respect to deepening local democracy and improving public participation and empowerment, so that ward residents are encouraged and supported to be involved in their own development and upliftment, especially on ward level.

This Provincial Framework is further intended to empower ward councillors to play a more involved role in community representation. It will mean that ward councillors have to work more closely with their ward committees. There will be greater community ownership of ward committees and therefore ward councillors must be more accountable to the communities and their diverse interests and needs. Municipal councils will be required to be more supportive to ward councillors and more responsive to ward-based issues comprising of concerns/complaints relating to service delivery matters.

CHAPTER 1 INTERPRETATION

1. Definitions

In this Provincial Framework a word or phrase to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended, has that meaning and, unless the context otherwise indicates:-

“CBP” means Community Based Planning

“Department” means the Department of Local Government and Traditional Affairs

“LAP” means Local Area Planning

“Premier” means Premier of the North West Province responsible for Local Government as provided for by Notice No. 7 of 2009 published through the North West Extraordinary Provincial Gazette No. 6712 dated 7th December 2009.

“CDW” means Community Development Worker appointed by the Department of Local Government and Traditional Affairs.

“Minister” means the National Minister responsible for Department of Cooperative Governance and Traditional Affairs

“Out of pocket expenses” means payment as contemplated in section 73 of the Act;

“The Act” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“Ward committee” means a ward committee as contemplated in section 73 of the Act;

CHAPTER 2 FUNDING FRAMEWORK

2. Objects of the Provincial Framework

- 2.1 To improve ward committee's functionality by ensuring that ward committee members are more active and able to effectively support their elected ward councillors to serve the community.
- 2.2 The object of the Provincial Framework is to provide guidelines to municipalities to assist them to develop their own specific frameworks that will inform their own policies for payment of out of pocket expenses for their ward committee members.
- 2.3 Reimbursing ward committee members for any out of pocket expenses they may have reasonably incurred in undertaking or executing their ward duties would improve the functionality and participation of ward committees. This will ensure that ward committee members have financial support to effectively assist their elected ward councillors to serve their wards.

3. Funding of Ward Committees

- 3.1 Out of pocket expenses of ward committees attending to the activities of the ward must be paid from the budget of the municipality in question. (Section 73 (5) (a) of the Act). A local council may make arrangements for the payment of out of pocket expenses to members of ward committees in respect of participation by ward committee members in the activities of the ward committees. (s. 73 (5)(c))
- 3.2 The Act also compels municipalities to develop a policy and determine criteria for and calculation of the out of pocket expenses based on a provincial framework as determined by the Premier.
- 3.3 A municipal council may allocate funds and resources to enable ward committees to perform their functions, exercise their powers and undertake development in their wards within the framework of the law. (s. 73 (5)(d))

4. Criteria for the Calculation of Out of Pocket Expenses

The following criteria must be taken into consideration when determining out of pocket expenses for a member of a ward committee:

4.1 Ward Size

The size of the ward is a factor that influences democratic representation and participation as well as transport costs.

Municipality	Area size (km ²)	No. of wards	Average ward size (km ²)
Mafikeng	3 703	28	132
Ditsobotla	6 465	19	340
Tswaing	6 000	13	462
Ramotshere-Moiloa	3 973	17	234
Ratlou	4 555	12	380
Rustenburg	3 430	36	95
Madibeng	3 814	31	123
Moses Kotane	5 220	30	174
Moretele	1 370	24	57
Kgetleng-Rivier	3 973	5	795
Matlosana	3 162	31	102
Tlokwe	19 434	21	925
Maquassi Hills	4 644	8	581
Ventersdorp	3 764	5	753
Naledi	7 264	9	807
Greater Taung	5 600	22	255
Mamusa	3 615	6	603
Lekwa-Teemane	3 681	6	614
Kagisano	11 354	12	946
Molopo	12 588	4	3 147
Total	117 609	339	347

4.2 Population

Municipality	Population	No of Wards	Average no. of people per ward
Mafikeng	290 228	28	10365
Ditsobotla	200 141	19	10534
Tswaing	114 157	13	8781
Ramotshere-Moiloa	141 122	17	8301
Ratlou	117 492	12	9791
Rustenburg	449 775	36	12494
Madibeng	371 197	31	10911
Moses Kotane	227 421	30	7581

Moretele	182 414	24	7601
Kgetleng-Rivier	37 806	5	7561
Matlosana	353 790	31	11311
Tlokwe	124 351	21	5921
Maquassi Hills	78 630	8	9829
Ventersdorp	43 082	5	8616
Naledi	58 104	9	6456
Greater Taung	214 765	22	9762
Mamusa	54 000	6	13667
Lekwa-Teemane	42 967	6	7161
Kagisano	88 740	12	7395
Molopo	6 516	4	1629
Total	3 196 698	339	9430

Population density correlates with the ward committees' ability to manage social dynamics presented by different population groups as they relate to service delivery and social cohesion.

4.3 Financial Viability

The financial viability of a municipality must be a key consideration in determining the amount that should be budgeted for out of pocket expenses on a monthly basis. However, proper community participation is integral to service delivery and must be treated as a key priority of the municipality. It must be budgeted for as part of the core business of the municipality.

4.4 Functionality

Payment of out of pocket expenses must be directly linked with the functionality, or performance, of the individual ward committee members. There should be a sanction for non performance which could be in the form of a financial penalty.

5. Payment and Budgeting

- 5.1 The proposed out of pocket expenses that may be paid monthly is R1 000 per ward committee member, excluding the ward councillor. This is aimed at avoiding the administrative burden of tracking and managing submission of claims by individual ward committee members. Every payment must however be signed for and proper records kept in this regard.

- 5.2 This amount may be adjusted to the extent that a particular municipality covers some of these costs itself from its own budget and subsidization by, for instance, arranging transport and refreshments for ward committee members.
- 5.3 It should however be noted that the work of ward committees are not limited to attending ward committee meetings or meetings of the municipality. The implications of the ward functionality indicators are that ward committees are expected to be much more active in undertaking voluntary community representation. This includes meetings of the community, engaging with stakeholder’s structures such as street committees, managing grievances and complaints, and doing door to door work in the community, as more fully detailed under paragraph 7 hereunder.
- 5.4 The proposed out of pocket expenses taking the above into account may include the following:

Description	Estimated Costs Per Person	Total Costs per Ward
Transport	R 300	R 3 000
Tele/Mobile phone	R 500	R 5 000
Refreshments/meals	R 200	R 2 000
Total	R1 000pm	R 10 000pm

6. Sources of Funding

Over and above own revenue sources (service charges, rates, etc) municipalities must prioritize funding for community participation including effective support to ward committees from two important sources.

6.1 Local Government Equitable Share (LGES)

Municipalities receive allocations from the local government equitable share on an annual basis. Therefore, municipalities should use at least 2% of this allocation for supporting ward committees, which is critical in speeding up and facilitating better service delivery.

6.2 Municipal Systems Improvement Grant (MSIG)

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

A portion of the MSIG allocation to municipalities is specifically dedicated for community participation and good governance.

The Department of Cooperative Governance & Traditional Affairs is responsible for the management of the grant. All receiving municipalities are expected to comply with the normal procedure followed when applying for the allocation of funds from MSIG.

6.3 Provincial assistance

The department may be in a position to assist municipalities on application.

6.4 District Municipality

The district municipality of the local municipality must provide financial assistance through the Office of the Speaker. Applications must be submitted to the district municipality as required by them. The district municipality may or may not impose conditions for this financial assistance.

CHAPTER 3 INSTITUTIONAL DEVELOPMENT AND FUNCTIONALITY

7. Section 74 of the Act provides that ward committees may make recommendations on any matter affecting its ward to the ward councillor or through the ward councillor, Speaker to the local council, the executive committee, or to the executive mayor.

The ward committee also has such duties and powers as the local council may delegate to it in terms of section 59 of the Local Government: Municipal Systems Act, 2000.

In order to execute this legislative mandate, the ward committee needs administrative and operational support from the municipality. Section 73 (4) authorizes the local council to make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

8. Functionality of Ward Committees

- 8.1 The payment of out of pocket expenses must be linked to the following functionality indicators (performance criteria) as determined and weighted by every municipality:
- 8.1.1 Number of ward committee's management meetings held and percentage attendance by members;
 - 8.1.2 Number of community meetings organized by ward committee and percentage attendance by the ward community;
 - 8.1.3 Submission and tabling of ward reports and plans to the council covering the needs and priorities for the ward, feedback on the performance of the Councils various line/service functions and their impact on the ward;
 - 8.1.4 Number of door to door campaigns and/or interactions with sub structures including street committees;
 - 8.1.5 Number of complaints, queries, and requests registered from the community and attended to (checklist of needs met against registered needs and turn-around-time);
 - 8.1.6 Distributed publications (information brochures, flyers, newsletters, emails, sms, etc.) over a period of time;
 - 8.1.7 Management and updating of ward profiles and database of indigent households;
 - 8.1.8 Participation in plans and programs of the local and district municipality and other spheres of government impacting on the ward development and monitoring thereof; and

8.1.9 Properly drawn agendas, specifying issues for discussion, to guide ward committee meetings and ward public meetings. Keeping of minutes for all meetings held.

A minimum achievement rate to be determined by every municipality that will be commensurate with its specific wards. Failure to achieve this minimum must lead to some sort of financial penalty. A scorecard must be developed to determine the achievement rate. Copies of the completed scorecards must be provided to the Office of the Speaker of the Local Municipality, and if so approved by the Speakers Forum, to the Office of the Speaker of the district municipality.

9. Typical activities of ward committees include the following:

- Organize and attend meetings of the ward committee, council, community and sector consultation and feedback meetings;
- Receive and record complaints from the community within the ward regarding service delivery, payment systems and others and provide feedback on council's responses;
- Visit relevant sector organizations and communities for the purposes of information gathering, information sharing, council feed-back, intervention, networking, community mobilization, conflict resolution and other reasons;
- Participate in the stakeholders cluster forums;
- Be represented in the council's study groups by their chairpersons;
- Co-ordinate all ward programmes;
- Participating in IDP Planning and Review Representative Forum by:
 - Information gathering
 - Identifying priorities/reprioritize/add new projects.
 - Attending budget review exercises
 - Serving on representative forums to liaise with residents.
 - Overseeing development projects emerging from IDP
 - Attending public IDP meetings
- Participating in budget processes by:
 - Holding public hearings per ward.
 - Participating in Mayoral Committee and Finance Committee outreach programmes
 - Regular discussion with the ward councillor.
 - Attending budget meetings as community members
 - Attending community meetings and budget road-shows.

CHAPTER 4 ASSISTANCE AND SUPPORT FOR PUBLIC PARTICIPATION PROCESS

10. Department of Local Government and Traditional Affairs

The support provided by the Department shall include the following:

- Monitor and provide necessary support either financially and or otherwise to municipalities to ensure effective and functional ward committees.
- Prepare an annual report providing information on progress regarding the implementation of the National and Provincial Frameworks and compliance with the implementation plans.
- Declare a municipality a provincial priority if the Premier reasonably believes that the municipality requires specific action to rectify the situation, or support in the implementation of this framework.
- To establish a Ward Committee Coordinating Forum consisting of departmental officials, district and local municipalities' officials responsible for community participation. The Forum to meet once quarterly to share best practices, discuss progress and challenges relating to ward committees and how best to address such matters.
- CDW is an ex-officio member of the respective ward committee.
- CDWs supervisors to provide the municipal manager of the municipality with monthly reports on trends within the wards. Municipal Manager to ensure that the Speaker and affected sector departments/institutions/organizations, are provided with relevant reports for necessary attention. Follow up to be made to ensure that matter has been brought to its finality
- CDW supervisors must ensure proper control of CDWs including coordination of activities.
- Provide funds for training and development of ward committees
- Provide funds for the building of public participation centres and including equipment
- Provide transport for the imbizos including publications and advertising
- Provide funds for CBP implementation.

11. District Municipalities

The district municipalities shall provide resources (both financial and otherwise) to local municipalities towards improving functionality of ward committees which include the following:

- Capacity building of ward committee members

- Provision of venues for quarterly meetings for the Ward Committees Coordinating Forum
- Provide transport needs
- Assist local municipalities in securing or construction of proper public participation centres for ward committee meetings
- Establish a District Ward Committee Forum.
- Monitor the activities of the district ward committee forum.
- Assist with project management and events organizing of some of the bigger meetings or events through the deployment of their administrative personnel and provision of resources.

12. Public meetings/imbizos convened by sector departments at local level

Sector departments convening public meetings through the municipality must take the responsibility for the venues, transport costs for ferrying members of the public to the venue/s and including catering in case of such needs).

13. Local Municipalities

Municipalities must ensure that ward committees are effectively supported. This support ought to include:

- 13.1 Access to public participation centre and equipment;
- 13.2 Technical and administrative assistance through dedicated municipal staff;
- 13.3 Communication material and community interaction systems and campaigns;
- 13.4 Out of pocket expenses for ward committee members.
- 13.5 Develop a municipal ward committee implementation plan which includes CBP/LAP ward plan for inclusion in its Integrated Development Plan (IDP);
- 13.6 Prepare an annual report including progress regarding the implementation of this framework, in compliance with the municipal plan;
- 13.7 Implement the Municipal framework and carry out the responsibility for performing the functions of establishing ward committees, developing capacity of ward committee members, ward councilors, and funding ward development initiatives;
- 13.8 Collaboration of community participation activities between the offices of the Speaker and Municipal Manager;
- 13.9 Provision of adequate personnel within the office of the Speaker
- 13.10 Submit to the department on half yearly basis, report on the following:
 - Complaints management system
 - Functionality of ward committees
 - Profiles of newly elected/nominated ward committee members

- 13.11 Submission of written minutes/reports on regular basis by ward committees to the office of the Speaker after each formal or special ward committee or ward public meeting;
- 13.12 Provide written feedback to ward committees on relevant matters involving communities;
- 13.13 Holding at least quarterly ward public meeting coordinated by the office of the speaker;
- 13.14 Submission of CBP/LAP status report to the department on annual basis at the end of June;
- 13.15 Annually conduct community customer satisfaction survey and the department to be provided with a report on the outcome;
- 13.16 Incremental erection of ward committee offices (erection of at least one public participation centre per annum where such need exists);
- 13.17 Identify officials to attend on regular basis quarterly meetings of the Ward Committee Coordinating Forum;
- 13.18 On annual basis the local municipality to submit a status quo report of the Local Ward Committees Forum to the Department.

14. Ward Committee By-law

The municipality may elect to adopt a by-law regulating the activities of the ward committees within the municipality. Such a by-law must be consistent with this Provincial Framework and all municipal legislation.

15. Public comments

This Provincial Framework as contemplated in section 73(5) of the Act with regard to the criteria for determining out of pocket expenses for ward committee members, is hereby published for public comments.

ANNEXURE

Ward committee activities that may form part of the councillor's monthly, quarterly or annual report.

Report

ITEM	ACTIVITIES	MONTHLY, QUARTERLY, OR ANNUALLY	EVIDENCE
1.	Organize and attend meetings of the ward committee, council, community and sector consultation and feedback meetings	Monthly	1. Invitation 2. Minutes 3. Attendance Register
2.	Receive and record complaints from the community within the ward regarding service delivery, payment of services and others, and provide feedback on council's responses	Monthly	1. Council Resolutions 2. Report developed by ward committee
3.	Visiting relevant sector organizations and communities for the purposes of information gathering, information sharing, council feedback, intervention, networking, community mobilization, conflict resolution and other reasons.	Monthly	1. Attendance Register 2. Invitations
4.	Participating in the stakeholders cluster forums	Monthly	1. Attendance Register 2. Invitations
5.	Being represented in the council's study groups by their chairpersons	Monthly/quarterly	1. Minutes of the Ward Committee 2. Attendance Register
6.	Coordinating ward programme	Monthly/ quarterly	1. Invitations 2. Minutes 3. Attendance Register
7.	Participation in IDP planning and Review processes through Representative Forum:	Annually	1. Pamphlets 2. Programmes

	<ul style="list-style-type: none"> • Information gathering; through CBP • Identified priorities/reprioritized/add new projects; • Attend budget review exercises • Serve on representative forum to liaise with residents • Oversee development projects emerging from IDP • Attend public IDP meetings 		<ol style="list-style-type: none"> 3. Attendance Registers 4. Public notice
8.	<p>Participating in budget processes:</p> <ul style="list-style-type: none"> • Public hearing per ward • Mayoral Committee and Finance Committee outreach programme; • Discussion with ward councilor • Attend budget meetings as community members; • Attend community meetings and budget road-shows; • First after council to discuss budget 	Annually	<ol style="list-style-type: none"> 1. Pamphlets 2. Programmes 3. Attendance Registers 4. Public notice