



**CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD**

# **RULES FOR THE ELECTION AND ESTABLISHMENT OF WARD COMMITTEES**

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## 1. Definitions and Interpretations

The following words and phrases shall be assigned the meanings cited below:

“**AGM**” means Annual General Meeting.

“**Conclusive result**” means the result of an election for one or more ward Committee representative/s, where at least one representative is elected to one or more available vacancies.

“**Council**” or “**the Council**” means the Municipal council of the City of Cape Town.

“**Electoral Officer**” means a municipal official appointed by the Speaker to administer and manage the Ward Committee election process.

“**City of Cape Town Database**” means a database of Organisations in wards, Sub-councils and the City, established and regularly updated by the CoCT.

“**Organisation**” means a body, group or association of natural or juristic persons that:

- (a) have an interest in any one or more of the sectors identified for a ward by the Sub-council;
- (b) is formally constituted by means of a constitution or in terms of a law and
- (c) that has been formally registered with the City of Cape Town as such an Organisation and in terms of the rules determined in this regard and herein.

“**Prescribed**” means prescribed by the Speaker.

“**Presiding Officer**” means any person appointed by the Electoral Officer in writing to preside over an election for a ward or wards.

“**Relevant Sub-council**” means the Sub-council which has jurisdiction over the ward in question.

“**Sector**” means a key area of interest or combination of areas of interest in a ward, as determined by Council.

“**Ward Committee**” means a Ward Committee established in terms of section 72 and 73 of the Local Government Structures Act and these rules.

“**Sub-council**” means a Sub-council of the City of Cape Town established in terms of section 61 of the Local Government: Municipal Structures Act and the City of Cape Town: Cape Town Sub-council By-law 2003.

“**Sub-council Manager**” means a municipal employee appointed in terms of the municipal organisational staff structure and who is responsible overall for the administration of that Sub-council.

## **2. Establishment of Ward Committees**

- 2.1 Council hereby resolves, by virtue of the provisions of section 72(1) of the Structures Act, to establish Ward Committees in terms of Section 73 of the Structures Act.
- 2.2 Each ward shall have a Ward Committee.

## **3. Deciding on the Composition of Ward Committees**

- 3.1 Every ward councillor must recommend to the Sub-council the sectors to be represented in his / her ward as well as the number of representatives per sector. Such recommendation must reflect the diversity of registered organisations active in the ward.
- 3.2 The Sub-council shall, at a formal meeting, either endorse the recommendation of the ward councillor and resolve to establish the ward committee, or alternatively, refer the same back to the ward councillor for reconsideration and resubmission to the Sub-council

## **4. Composition of Ward Committees**

- 4.1 A Ward Committee must consist of:
  - 4.1.1 the ward councillor of that particular ward who is the chairperson of that Ward Committee and
  - 4.1.2 not more than ten (10) members elected in terms of these rules;
  - 4.1.3 the proportional councillor, who has been assigned to that ward by the Office of the Speaker as an ex officio member with no voting rights and
  - 4.1.4 a member of the junior city council as an ex officio member with no voting rights.
- 4.2 A specific sector may be represented by more than one representative.
- 4.3 No Organisation may have more than one representative in a sector on a Ward Committee.
- 4.4 Subject to rule 4.7 no person may serve on more than one Ward Committee.
- 4.5 No political party may be represented on a Ward Committee.

- 4.6 The Speaker must, in consultation with the Whips of different political parties in Council, deploy PR Councillors as ex officio members to Ward Committees where they must fulfil the following roles:
- 4.6.1 in consultation with the ward councillors, assist and complement the work of the ward councillors in the Ward Committees.
  - 4.6.2 to participate in the deliberations of the Ward Committee, but without the right to vote.
- 4.7 The Executive Mayor, the Speaker and the Chief Whip of Council will have the discretion to become ex officio members of a Ward Committee and in the event that the Executive Mayor, the Speaker or the Chief Whip are ward councillors, they may appoint another councillor to act as chairperson of their respective Ward Committees.

## **5. Membership Criteria for Ward Committees**

- 5.1 For an Organisation to be able to participate in an election for a Ward Committee, such Organisation must:
- 5.1.1 be registered as an Organisation on the CoCT Database.
  - 5.1.2 be active within the boundaries of a ward as evidenced by the lodging of minutes with the Electoral Officer of an AGM held within the period of 18 months prior to date the set in rule 7.1.1 for the closing of the registration of Organisations.
- 5.2 The representative of a registered Organisation:
- 5.2.1 need not reside within the relevant ward;
  - 5.2.2 must be nominated as representing such Organisations in the manner prescribed by rule 10;
  - 5.2.3 must be a resident of the City of Cape Town.
- 5.3 The following persons may not be nominated or elected to a Ward Committee or remain members of a Ward Committee once their disqualification/s become effective in terms hereof:
- 5.3.1 a municipal councillor, except as determined in these rules;
  - 5.3.2 a person who has been declared insolvent or declared mentally incompetent by

- a court;
- 5.3.3 a member of the National Assembly, the National Council of Provinces or a Provincial Legislature;
- 5.3.4 anyone who has been convicted of an offence and sentenced to a prison sentence without the option of a fine;
- 5.3.5 anyone who is more than three months in arrears with any municipal account.

## **6. Registration of Organisations**

- 6.1 Any Organisation active in a specific ward that wishes to nominate a representative to serve on a Ward Committee must, by no later than the date determined by the Speaker in terms of Rule 7.1.1, be registered on the CoCT Database.
  - 6.1.1 A separate application must be submitted in respect of each ward for which an Organisation may wish to register.
  - 6.1.2 All successful applications must be entered onto the CoCT Database
  - 6.1.3 Any application not containing the required details and attachments will not be processed and will be returned to the Organisation that submitted such incomplete application and be so notified.
- 6.2 The Speaker must, in consultation with the Electoral Officer, prepare and/or amend a list applicable to the whole council, of sectors for which an Organisation may register.
- 6.3 The CoCT must ensure the creation, maintenance and accessibility of the Database.
- 6.4 The Electoral Officer must issue "Proof of Registration" to an Organisation that has been registered.
- 6.5 Organisations will be entitled to register for more than one Ward Committee.

## **7. Setting of Dates by Speaker**

- 7.1 Within 40 days after the adoption of these rules by Council, or within 40 days after a general municipal election, the Speaker shall in consultation with the Electoral Officer set dates by which:
  - 7.1.1 the registration of Organisations closes prior to the general nomination process;
  - 7.1.2 the respective ward councillors shall recommend to the Sub-council the sectors to be represented in his / her ward as well as the number of representatives per sector;

- 7.1.3 the acceptance of nominations of representatives to serve on a Ward Committee by Organisations will close;
  - 7.1.4 the names of the successful Ward Committee members must be announced and displayed at the respective Sub-council offices;
  - 7.1.5 registration applications of Organisations may be accepted again after the completion of the general nomination process.
- 7.2 Subject to 7.4 the Speaker in consultation with the Electoral Officer must within 10 working days after being notified of the occurrence of a vacancy in a sector of a Ward Committee:
- 7.2.1 determine a date by which registration of Organisations close for the relevant sector in that ward;
  - 7.2.2 determine a date by which nominations to fill the vacancy in that sector must be submitted by any registered Organisation;
  - 7.2.3 announce and display the names of the successful Ward Committee member(s) at the respective Sub-council office(s);
  - 7.2.4 determine a date by which registration of Organisations are allowed again in the relevant ward.
- 7.3 The speaker may delegate the functions listed under rule 7.2 to the Electoral Officer.
- 7.4 In the event of a vacancy arising and such seat having been previously contested, said seat shall be filled by the next ranked nominee until such list of nominees is exhausted.

## **8. Identification by Ward Councillors and Sub-councils of Sectors per Ward**

- 8.1 When recommending and determining sectors and the related number of representatives in each ward, the ward councillor and the relevant Sub-council must consider:
- 8.1.2 the demographics of the relevant ward and communities within that ward;
  - 8.1.3 the representivity of women and the disabled;
  - 8.1.4 the representivity of Organisations;
  - 8.1.5 any other relevant characteristic of the ward.

- 8.2 Where the Sub-council, in consultation with the ward councillor, has decided to cluster different sectors into one sector for representation purposes for a Ward Committee, the Sub-council Manager must, as soon as possible after that meeting, contact the representatives of the affected Organisations and inform such Organisations:
- 8.2.1 that the Sub-council has decided that the affected Organisations for such ward must be clustered into one sector for representation purposes;
  - 8.2.2 of the contact details of all affected Organisations;
  - 8.2.3 of the number of representatives allocated to such combined sector.

## **9. Amendment by Sub- council to List of Sectors for a Ward**

- 9.1 Should a request be received from a ward councillor or Ward Committee that the Sub-council should, subject to rule 6.2, add or subtract a sector to be represented on a specific Ward Committee, the Sub-council Manager in consultation with the Sub-council Chairperson must:
- 9.1.1 determine the date on which the Sub-council shall consider the request;  
and
  - 9.1.2 inform the members of the affected Ward Committee of that Sub-council meeting and its purpose and request their written comments for submission to the Sub-council at its meeting.
- 9.2 Should the Sub-council agree to the request, the Sub-council Manager must:
- 9.2.1 not later than five working days after the meeting of the Sub-council request the Speaker to provide dates for nominations for that sector;
  - 9.2.2 upon receipt of such dates from the Speaker, initiate the nomination process for a sector representative.
- 9.3 The Sub-council may only add a sector to a Ward Committee if the total number of representatives on the relevant Ward Committee is less than ten.
- 9.4 Should a request be received from the Ward Councillor or the Ward Committee to combine an existing sector already represented on the Ward Committee with a new or other sector, or amend the combination of sectors in a Ward Committee the Sub-council Manager must:
- 9.4.1 prepare a report in this regard for the next Sub-council meeting;
  - 9.4.2 inform the affected Ward Committee's members of that Sub-council meeting and request their written comments for consideration by the Sub-council.
- 9.5 Should the Sub-council approve the request, the Sub-council Manager must:

- 9.5.1 inform the existing representatives of such sectors that he/she will no longer represent the sector as from the date of the Sub-council meeting that amends the sector:
- 9.5.2 initiate the prescribed nomination process to fill a vacancy in a Ward Committee as prescribed by rule 19 for the new sector.
- 9.6 A Sub-council may amend the number of representatives to represent a sector in a ward committee, subject to the requirements of rule 4.1. After such a decision is taken by a Sub-council, the Sub-council Manager must forthwith inform the Speaker and the Electoral Officer of such a decision, in writing. Thereafter the new position on the relevant Ward Committee must be filled in accordance with the provision of rules 18 and 19 as applicable.

## **10. Nomination of Candidates to Serve on a Ward Committee**

- 10.1. The Electoral Officer must, in accordance with the timeframes determined by the Speaker, call for nominations by means of:
  - 10.1.1 a notice at the Sub-council office and other strategic points;
  - 10.1.2 notification in writing or by electronic transmission to the Organisations registered on the CoCT Database;
  - 10.1.3 any other means deemed appropriate by the Electoral Officer.
- 10.2 Such notice must indicate:
  - 10.2.1 the sector/s in wards for which nominations are invited;
  - 10.2.2 the date and time by which nominations must be submitted;
  - 10.2.3 the place where the nominations must be submitted;
  - 10.2.4 the qualifying criteria of Ward Committee members;
  - 10.2.5 where information and the required forms may be obtained;
- 10.3 Only Organisations, that are registered on the CoCT Database on the closing date for registration of Organisations determined by the Speaker, may nominate a candidate(s) to represent a sector on a ward committee.
- 10.4 The nomination of a candidate by an Organisation must:
  - 10.4.1 be done on the prescribed nomination form.
  - 10.4.2 contain a copy or extract of the minutes of a duly constituted meeting of such Organisation that states:
    - (i) the name and identity number of the person (s) authorised to sign the nomination form on behalf of such Organisation;

- (ii) the name and identity number of the person nominated to represent such a group / sector on the Ward Committee.
- 10.4.3 include a letter from the nominated person confirming his/her acceptance of the nomination;
- 10.4.4 not exceed one (1) candidate per sector;
- 10.4.5 be submitted in a sealed envelope at the offices of the relevant Sub-council or another place determined by the Sub-council Manager for this purpose, by not later than 16:00 on the closing day for nominations as determined by the Speaker.
- 10.5 The relevant Sub-council Manager or his / her representative must issue a written receipt to the person delivering the nomination envelope. The receipt must indicate:
  - 10.5.1 the name of the official receiving the nomination envelope;
  - 10.5.2 the date and time it was received;
  - 10.5.3 the ward number and the name of the Organisation's candidate submitting the nomination envelope, and for which sector it is submitted;
  - 10.5.4 the name and contact telephone number of the person who had submitted the envelope.
- 10.6 A copy of the receipt must be retained by the Sub-council Manager or his / her representative
- 10.7 On the day immediately following the closing day for nominations, the Sub-council Manager must:
  - 10.7.1 compile a list of nomination envelopes received indicating;
    - (i) the Sub-council name / number;
    - (ii) the name of the Organisation that submitted the nomination;
    - (iii) the date it was submitted;
    - (iv) for which ward and sector the nomination is submitted;
  - 10.7.2 deliver the list together with the sealed nomination envelopes to the Office of the Electoral Officer;
  - 10.7.3 obtain a receipt consisting of a signed copy of the list referred to in (i) above indicating the nomination envelopes that were delivered to the Electoral Officer.
- 10.8 Upon receipt of the nomination envelopes, at least two officials appointed by the Electoral Officer must, in each other's presence, open the nomination envelopes provided by the Sub-council Manager and also indicate in writing on the list of nomination envelopes whether the envelopes contains all the documentation required in terms of rule 10.5.

## **11. Rejection of Nominations**

- 11.1 The Electoral Officer must reject any nomination not complying with the requirements specified in rule 10.3 and 10.4
- 11.2 The Electoral Officer must in writing inform the relevant Sub-council Manager and any Organisation of such rejection, the reasons for such rejection and afford the Organisation not more than seven (7) days to correct such defective nomination.

## **12. Termination of Membership of a Ward Committee**

- 12.1 A member of a Ward Committee remains a member of the Ward Committee unless he/she
  - 12.1.1 dies.
  - 12.1.2 resigns
  - 12.1.3 is removed due to the amendment of the sector list for such ward in terms of rule 9;
  - 12.1.4 is removed as a member by the Speaker in terms of rule 12.2.
  - 12.1.5 or ceases to qualify as per rule 5.3
- 12.2 Membership of a Ward Committee may be terminated by the Speaker if a member:
  - 12.2.1 fails to execute the mandate of his / her Organisation/Sector;
  - 12.2.2 is found to be in contravention of the Code of Conduct.
- 12.3 Any vacancy occurring due to the termination of membership is filled in terms of rule 10.

## **13. Dissolution of Ward Committee**

- 13.1 A Ward Committee may be dissolved by the Speaker, where it fails to fulfil its role and functions.
- 13.2 For the purpose of this rule “failure to fulfil its role and functions” includes:
  - 13.2.1 when the Ward Committee has failed to hold three consecutive scheduled meetings;
  - 13.2.2 when its members decide by majority to dissolve the Ward Committee;
  - 13.2.3 when maladministration, fraud, corruption or any serious malpractice is occurring or has taken place;

- 13.2.4 such other reasons which in the discretion of the Speaker make it impossible for the Ward Committee to continue to fulfil its role and functions.
- 13.2 The procedure for the dissolution of a Ward Committee is as follows:
  - 13.3.1 The Speaker shall, after written notice has been given, afford the Ward Committee the opportunity to respond within 14 days of the date of the notice regarding its failure to observe its role and functions, and the circumstances thereof;
  - 13.3.2 should the Speaker after considering all the facts and circumstances still remain of the view that the Ward Committee has failed to fulfil its role and functions, he/she shall dissolve the Ward Committee on such date as he/she may determine;
- 13.4 A new Ward Committee must be reconstituted in terms of the process prescribed by rule 10.
- 13.5 All Ward Committees in the City will disestablish on the expiration of the term of office of the current municipal council.

#### **14. Terms of Office of Ward Committee Members**

Subject to rule 13.5 members are appointed / elected for a period not exceeding the term of office of the current council.

#### **15. Appointment of the Electoral Officer**

- 15.1 The Speaker must appoint an Electoral Officer
- 15.2 The functions of the Electoral Officer are to:
  - 15.2.1 administer the nomination process for a general election of Ward Committees normally held after the municipal elections in a fair and transparent manner;
  - 15.2.2 administer the nomination process when a vacancy in a Ward Committee occurs in a fair and transparent manner;
  - 15.2.3 create and maintain a database of all Organisations that wish to participate in the Ward Committee process;
  - 15.2.4 declare a nominee / candidate as being elected or rejected;
- 15.3 The Electoral Officer may in writing delegate any of his / her administrative functions to a Sub-council Manager.

15.4 The Speaker may at his discretion at any time replace the Electoral Officer and appoint a replacement subject to:

15.4.1 fair administrative procedure being followed;

15.4.2 the replacement not being done due to the Electoral Officer fairly applying these rules.

## **16. Appeals against decisions by the Electoral Officer**

16.1 Any appeal against a decision by the Electoral Officer must be directed to the Speaker in writing with a copy to the Electoral Officer.

16.2 In deciding the appeal the Speaker must:

16.2.1 apply his / her mind;

16.2.2 not make a decision in contravention of these rules;

16.2.3 provide his /her decision as well as reasons for such decision/s, in writing to the Electoral Officer and the appellant within one month of any appeal being lodged.

## **17. Appeal against decisions by the Speaker**

Appeals against a decision of the Speaker must be done in writing and submitted to Council who can make a final ruling subject to such ruling not being in contravention of these rules.

## **18. Election of Sector Representatives**

18.1 Where more nominations than the available vacancies have been received for a Sector within a ward, there will be an election for a sector representative/s, which election will be presided over by a Presiding Officer.

18.2 The voting procedure will be as follows:

18.2.1 a presiding officer will be appointed by the Electoral Officer. Different Ward Committees may have the same Presiding Officer;

18.2.2 A meeting of all representatives of Organisations that need to elect sector representatives for a specific Ward Committee will be called by the Presiding Officer. At this meeting the election procedures will be explained to all the representatives of the different Organisations;

- 18.2.2.1 The Presiding Officer shall, prior to engaging in elections, attempt to resolve the multiple nominations by attempting to reach consensus amongst the nominees and / or representatives
- 18.2.3 In the event of consensus not being reached the meeting will then break into different meetings at the same venue of the various Organisations, where a separate election will take place for every sector;
- 18.2.4 The Presiding Officer will, for each sector election, read out the names of each person nominated as sector representative as well as the Organisation which nominated the person.
- 18.2.5 After the names of nominated representatives are read out by the presiding officer, the presiding officer will request the representatives of Organisations present at the meeting to vote for the nominated persons by means of a show of hands;
- 18.2.6 The presiding officer will record the number of votes for each person, while listing the votes received per nominee from the highest to the lowest;
- 18.2.7 Declaring the person(s) receiving the most votes as being elected to fill the available vacancies;
- 18.2.8 Where persons nominated have received the same number of votes and there is still a vacancy remaining to be filled, the Presiding Officer reads out the names of only the persons nominated and who received the same number of votes;
- 18.2.9 The presiding officer again requests the representatives of the Organisations present to vote for each name so read out, by means of a show of hands.
- 18.2.10 The presiding officer will again record the number of votes for each person, while listing the votes received per nominee from the highest to the lowest;
- 18.2.11 Hereafter the presiding officer will declare the person(s) receiving the most votes as being elected to fill the available vacancies;
- 18.2.12 Where one or more sector representative(s) are successfully elected, but vacancies still remain, this procedure will be repeated until a conclusive result is reached, or no persons are successfully elected to the vacant positions as a result of a round of voting, due to nominated persons receiving the same number of votes;

- 18.2.13 The Presiding Officer, in the event of a vacancy(s) still remaining, then writes the names of the nominated persons who received the same number of votes on separate indistinguishable pieces of paper, shows these to the voters, folds the papers containing the names so that the names on the pieces of paper cannot be seen, puts the names into a container and requests the ward councillor or one of the Organisation to draw as many names from the container as there are vacancies available.
- 18.2.14 The Presiding Officer then reads out the name/s on the drawn piece/s of paper and declares that person(s) duly elected to fill the vacancy/s.
- 18.2.15 after all sector representatives are elected, the presiding officer issues a signed certificate in this regard to all elected sector representatives.
- 18.2.16 the presiding officer then forwards a duplicate of these certificates to the Electoral Officer for his records, as well as to the manager of the relevant Sub-council.

## **19. Notifying Successful Sector Candidates**

- 19.1 The Electoral Officer must:
  - 19.1.1 provide each Sub-council Manager with a list containing the names of the successful candidates for each ward Committee;
  - 19.1.2 provide each Sub-council Manager with an appointment letter for each successful candidate.
  
- 19.2 The Sub-council Manager must:
  - 19.2.1 display the list of names of successful candidates in a conspicuous place at the Sub-council offices and, at the discretion of the Speaker, advertise the names of such elected members in a local newspaper.
  
  - 19.2.2 inform the successful candidates when and where the first Ward Committee meeting will be held;
  - 19.2.3 arrange for the successful candidate to receive their letters of appointment;
  - 19.2.4 provide each successful candidate with a copy of these rules.

- 19.2.5 Inform every registered Organisation represented by a successful candidate of the name and contact detail of the candidate.

20 **Discretionary Powers of the Speaker**

The Speaker may, at any time on good cause shown, waive the requirements of these rules and approve/condone a deviation therefrom. In exercising this discretionary power, the Speaker shall apply his mind to the required deviation from the process and at the next meeting of Council report to Council thereon.

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