



## **MARULENG PUBLIC PARTICIPATION BY LAW**

### **1 .PREAMBLE**

The Maruleng Municipality is a level of government established by the Municipal Structures Act of 1998 premised on constitutional democracy. The legal frame work obligates municipalities to establish and maintain systems for participatory governance through involvement of the public.

### **BACKGROUND**

The constitution of the republic provides a policy frame work for municipalities in respect of public involvement as follows:

Section151 (1)(e) Municipalities are obliged to encourage the involvement of communities and community organizations in local government.

Section 152.the objects of local government are to encourage the involvement of communities and community organizations in the matters of local government.

Section 195(e) in terms of the basic values and principles governing public administration-people s needs must be responded to and the public must be encouraged to participate in policy making.

Section 212 of the constitution, provides that national legislation may provide the role for traditional leadership as an institution at local level on matters affecting local communities.

The municipal systems act, act 32 of 2000 defines the ‘legal nature of a municipality as including the local community within the municipal area, working partnership with the municipality’s political administrative structures to provide for community participation”

According to chapter 4 section16 council has the duty:

To encourage the involvement if the local community.

To consult the local community about the level of quality, range and impact of municipal services provided by the municipality, either directly or through another service provider.

Section 5 of the constitution states that members of the community have a right to:

To contribute to the decision making process of the municipality and submit written or oral recommendations, representations and complains to the municipal council.

To be informemed of decisions of the municipal council.

To regular disclosures of the affairs of the municipality, including its finances.

## **2. PURPOSE**

The purpose of the Public Participation By law is to guide and regulate public participation in the Municipality.

To outline roles and responsibilities of councillors, council officials and the members of the community.

## **3. LEGAL FRAMEWORK**

The By Law takes queue from the following: the constitution of the republic of south Africa, Act 108 of 1996, section 152(a) and (e)

Municipal systems Act of 2000, section 16(1)

## **3. SCOPE OF THE BY LAW**

The By law will apply to all councillors, officials and the community of Maruleng Municipality.

## **4. DEFINITIONS**

5.1. Municipal Council: means the municipal council of Maruleng Municipality established in terms of section 18 of the structures act.

5.2. Municipal Structures act: means the Local government Municipal Structures act Of 1998

5.3. Municipality: means the Maruleng municipality.

5.4. Mayor: means the chairperson of the Executive committee elected in terms of the section 48 of the structure s act.

5.5. Member: means a councilor of Maruleng municipality.

5.6. Petition: means a formal written request, typically signed by many people asking the municipality to consider any issue, problem or proposal.

5.9. Political party: means a party registered with the IEC as per the Electoral Act 73 of 1998.

5.10. Speaker: means a councillor elected in terms of the section 36 of the Structures Act to preside over the sittings of council and the rules and ethics committee.

5.12. Municipal manager: means the accounting officer appointed in terms of the section 82 of the structures act to head administration.

5.13. Deputation: means a limited group of people delegated by their constituency to make a representation to the council on their behalf.

## **5. PRINCIPLES**

The processes of community involvement must be premised on inclusivity. All sections of the community must be catered for within the framework of the municipality, there must be arrangement and support for the elderly and the disabled.

The language barrier and literacy levels must be factored at the preparatory phase of a public participation programme.

## **6. BY LAW PROVISIONS**

### **ROLE PLAYERS**

#### **6.1. WARD COMMITTEE SYSTEM**

The municipality will establish ward committees through the municipality, provided that every ward shall have a ward committee.

The municipality will further make administrative arrangements to enable the ward committees and ward sub committees to perform their functions and exercise their powers effectively.

The municipality will carry the duty to facilitate the elections of ward committees. Also to provide capacity and training to the ward committees.

The municipality will further provide a stipend in line with the ministerial determination, with the quest to enable ward committees to perform their functions with any hardship.

### **THE ROLE OF WARD COMMITTEES**

The ward committees will serve as the basic participatory structure in the municipality.

To create formal unbiased communication channels and cooperative partnerships between the community and the council.

To serve as a mobilizing agent for community action

To provide a platform to communities to engage with municipalities

Functions

Ward committees should hold quarterly meetings with their constituency.

Hold monthly meetings of the ward committee.

Submit monthly reports to the speaker.

Conduct regular door to door campaigns or interactions in order to get challenges of the citizens.

Distribute information as and when requested by the councilor or the municipal officials.

Management and updating of ward profile and data base of the indigent.

Participation in plans and programs of municipalities and other spheres on the of government with impact.

## **6.2. PUBLIC PARTICIPATION FORUMS**

The municipality should regularly arrange and hold public participation meetings/forums in the form of public hearings, IDP/ Budget forums and Mayors public participation forums.

These meetings are intended to account to the communities, improve service delivery, greater community empowerment, and greater sense of ownership about municipal administration, including financial affairs.

Such meetings/forums should also be used to solicit views and recommendations from the members of the public.

## **6.3 PUBLIC NOTIFICATIONS**

The municipality is compelled by the MSA to establish processes and procedures with regard to notifying the community about municipal issues and they must submit their issues

The municipality may in the event of the following issue out public notices:

### **LOCALISED MAINTENANCE**

In the event the municipality is to perform some maintenance work on its infrastructure that may disrupt service provision, it is prudent that the public be informed of such maintenance through a public notice in advance to avoid inconvenience to the public. The notices above should be in the language of use in such a community and must provide details : a clear statement of the work to be done, date, place and start and finish time.

They must be exhibited where the public will have easy of access at all times.

## **SUBSTANTIAL PROJECTS**

In the event the municipality is to run a major or substantial project in a particular place, it is necessary that a public notice be put at seven days before. The notice must describe the kind of projects, the contractor and the period of the project. If there will be any disturbance or inconvenience arising out of the project it must be covered on the project.

## **MEETINGS AND HEARINGS**

In the event of a council sitting, public participation forum or any major event that is in the public's interest to be informed of, the municipality must dispatch notices seven days before.

The notice must cover the following: date, time and place of the meeting.

Main issue of the meeting and anticipated timeline of the meeting.

Procedure to make inputs, either oral or written if necessary.

Where to source documents for the meeting and the contact person.

### **6.4. PUBLIC PARTICIPATION FORUM/ IMBIZO**

The Mayor will more often have to meet the public through a public participation forum. The fora are intended to have two way flow of information between the municipality and the members of the public. This kind of sessions must be taken serious and inputs from such meetings must be considered highly in order to prove that such interaction is not in vain. The municipality must invite the public through all reasonable means relevant to the target community.

The Municipality may issue public notices to inform the citizenry of such ensuing forum.

The notice must cover the following information:

The date, time and venue of the meeting, who should attend the meeting.

Which issues will be addressed, what is expected of the community.

Over and above the public notices, where necessary loud hailing must be embarked upon to make sure that all who are suppose to know of such a meeting/forum get to know about it.

Further more the local leaders must be briefed of such a meeting in so that they also pass the information within their constituencies.

Consideration for refreshments must be made if the forum is like to be for a longer period.

The SAPS must also be invited to safe guard the meeting and ensure the rule of law.

The attendees at the meeting must enjoy freedom of expression within the confines of the constitution of the republic.

The timing of the public forum must be at a time at which most of the community members are available and able to attend. The logistics must support those who may have difficulties in attending the meeting.

Should a need for sign language be noticed, such services must be sourced with quest for maximum participation.

## **6.5. COMPLAINS PROCEDURES**

The Municipality by the nature of its core business is interactive. The interactiveness carries service standards that are informed by Batho Pele principles. In the event a member of the public is to feel short changed for the expected service, such a member must have the resource of reporting such discomfiture to the relevant authority.

The municipality must keep a book for the purpose of reporting such incidence and a contact number must be displayed to which complains can be lodged with.

The municipality must also provide tools for the purpose of rating municipal services.

The accounting officer must assign officials for the purposes of attending to such complains and ensure that feedback is provided to the complainant and proper corrective measures are taken.

## **6.6. CONSULTATIVE SESSIONS WITH COMMUNITY ORGANIZATIONS.**

The municipality will at some instances have sessions with civic organizations. There are matters whose interests are not across the municipality but sector specific and as such the municipality must specifically interact with such organizations including traditional councils.

For the purposes of the above, the municipality must have a register of stakeholders, which register must cover the name of the organization, the sector of the organization, the office bearers and office details. The municipality will through its leadership either visit the organizations or they be consulted at the municipality. The logistics for such meetings must ensure that the organizations are not overburdened by costs of the consultations.

The consultative sessions must be used to build strategic partnerships with the stake holders and to solicit support and buy in.

## **6.6. COMMENTS BOOKS**

## **Roles of each stakeholder in public participation**

### **Mayor**

Decides on marketing promotion and other policy issues that he/she is required to or wishes to convey to the community.

Liaises with the municipal manager and speaker in respect of consultative issues he /she is required to or wishes undertake so that the year planner can be updated and coordinated by the head: Public participation.

He /she chair of the executive committee and as chairperson of the IDP forum and Budget processes, the mayor sits at the fulcrum of decision making and community consultation

### **Speaker**

She/he must assume responsibility for informing the community on all governance issues as set out in chapter 2 and 4 of the Municipals Act, and this information could be included in a Citizens Participation charter

He/she must liaise with the municipal manager and mayor in ensuring that all participation issues are conveyed to the decision making structure of council and the community through the ward committees as well as other structures and processes.

The speaker is responsible for overseeing the functioning of the political arm of local government, and public participation is essentially connected to this function.

The speaker is chair of Ward forum and responsible for oversight of the ward committee system.

### **Municipal Manager**

He/she is responsible for the establishment and oversight of the public participation unit in close consultation with the Speaker, and to ensure that public participation is included as a key performance area in each of the performance contracts of the relevant staff, and that the appropriate key performance indicators and targets are identified.

To delegate such responsibility to a particular person, Head Public participation and to provide such person with the necessary resources to carry out the above functions.

### **Ward Councillor**

Must keep the community informed through the ward committee which she/he chairs. Must take corners and inputs from the community to the speaker, and or municipal manager who must

direct the representations to the relevant portfolio committee, EXCO or officials for attention /information.

The ward councillor must also assist the community in solving any municipal problems they may be experiencing, by bringing these to the attention of the municipal officials through the established channels of communication.

Ward councillor should act as a spokesperson for the people in the ward. And he /she is the chairperson of the ward committee.

### **Ward committee**

Brings community concerns to the attention of the ward councillor and must receive constant feedback from the ward councillor on issues which it has submitted to the council for consideration.

Must be the eyes and ears of the council and interact with the community on a continuous basis.

Keep the community it represents abreast of decisions and developments of the ward committee

Ward Committee may make recommendations on any matter affecting its ward to the ward councillor, through the ward councillor to council.

Ward committees should be involved in matters such as community mobilization, IDP, Budget processes and municipal performance management, council projects and other key activities and programmes.

### **Community**

Community interact with the mayor via public meetings or other forums with regard to the issues for which the mayor is directly responsible e.g the budget and Intergrated Development Planning (IDP) forums , and also policy issues or marketing of the municipality etc.



