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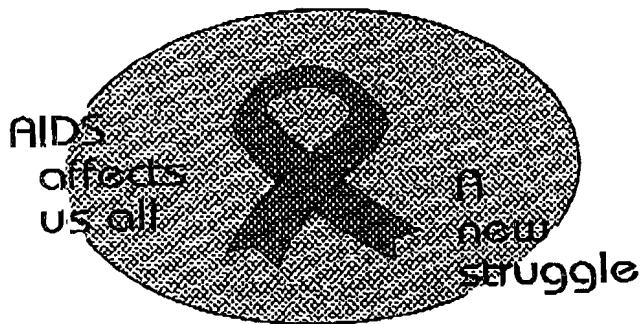
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We all have the power to prevent AIDS



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affects
us all

A
new
struggle

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 252

RUSTENBURG LOCAL MUNICIPALITY



PUBLIC PARTICIPATION BY-LAW

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PUBLIC PARTICIPATION BY-LAW

(No. 1 of 2006)

To provide for mechanisms by which the public may participate in affairs of the Municipality, openness, transparency and accountability on the part of the Council, its political structures and its administration by providing for citizens to exercise their right to public participation.

PREAMBLE

The Municipality acknowledges that it is committed to the development of a culture of municipal governance. The municipality has executive authority to make by-laws about public participation pursuant to the provisions of the Local Government: Municipal Systems Act (No. 32 of 2000)

1. DEFINITIONS

In this bylaw, unless the context indicates otherwise-

- 1.1 "Council" means the Council of the Rustenburg Local Municipality
- 1.2 "Councillor" means a member of the Council;
- 1.3 "local community" or "community" in relation to the Municipality, means that body of people comprising-
 - 1.3.1 the residents of the Municipality
 - 1.3.2 the rate payers of the Municipality;
 - 1.3.3 any civic organisations and non-governmental, private-sector or labour organisations or bodies which are involved in local affairs in the Municipality;
- 1.4 "Minister" means the National Minister responsible for local government;
- 1.5 "Municipal Manager" means the person appointed in terms of section 82 of the Municipal Structures Act;
- 1.6 "Municipality", when it referred to as "an entity" means a municipality as described in section 2 of the Systems Act; and when referred to as a geographic area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act (No. 27 of 1998);
- 1.7 "organised local government" means an organisation, which is a recognised under section 2(1) of the Organised Local Government Act (No. 52 of 1997), to represent local government nationally or provincially;
- 1.8 "Province" means the North West Province;
- 1.9 "Provincial Gazette" means of the official Gazette of the Province;
- 1.10 "Structures Act" means the Local Government: Municipal Structures Act (No. 320 of 2000) as amended.

DEVELOPMENT OF CULTURE OF COMMUNITY PARTICIPATION

In giving effect to section 16 of the Systems Act and as set out in the schedules hereto, the Municipal Manager must ensure that for this purpose-

- 2.1 The Municipality employs sufficient staff members, other than councillors, who may help informing and educating the local community about the affairs of the municipality, in particular, in the areas referred to in section 16 (1)(a) of the schedule;
- 2.2 That all the staff members, including councillors referred to in subsection 2.1, are trained in the basic knowledge of the areas referred to;
- 2.3 The Municipal Manager may establish a working group, consisting of councillors and previously trained staff members, to administer the training of new staff members and councillors under section 16 of the Systems Act.

3.

MECHANISMS, PROCESSES AND PROCEDURES

- 3.1 As provided for in section 18 of the Systems Act and elsewhere in this bylaw, the Municipal Manager must establish methods for public participation as set out in section 5.
- 3.2 The Municipal Manager must notify the public of all the available methods for participation. Notification might take the form as provided for in this by-law.
- 3.3 The Municipality must, when implementing methods for public participation, provide-
 - 3.3.1 for a qualified person to help members of the community who cannot read or write;
 - 3.3.2 appropriate access to public meetings and hearings for people with physical disabilities; and
 - 3.3.3 a translator, where appropriate after having assessed the language preferences and usage.

4.

COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION

- 4.1 The Municipality must, when communicating information for public participation, follow the same procedures as stipulated in 2.3 above.

5.

METHODS OF PUBLIC PARTICIPATION.

- 5.1 The Municipal Manager must inform the community of any public comment procedures available through which the members of the community can voice their opinions and views on any

other affairs of the municipality on which the community input is required, which may include, but are not limited to-

5.1.1 Public meetings and hearings by the Council and other political structures and office bearers of the municipality as provided for in subsection 5.4;

5.1.2 Consultative sessions with locally recognised community organisations and traditional authorities; and

5.1.3 The submission of written public comment.

5.2 Petitions and complaints

5.2.1 Petitions and complaints lodged by the local community will be received by the Council at a facility provided at the Council's offices.

5.2.2 The Municipal Manager must notify the community of all important petitions and complaints lodged within seven days of having processed and considered the petitions and complaints referred to in this subsection.

5.2.3 Any petition or complaint must comply with the following the requirements-

5.2.3.1 it must be in legible writing or typed;

5.2.3.2 the document must clearly indicate the topic; and

5.2.3.3 indicate the relevant directorate or official where ever possible.

5.3 Invitations for public comment and open sessions

5.3.1 When the Municipality considers and deliberates on any of the issues set out hereunder, it must hold open sessions to which members of the public and interested organisations must be invited to submit their views and comments-

5.3.1.1 the identification of the needs of the community in the Municipal area, including the prioritisation of those needs for the purpose of helping the Council;

5.3.1.2 the views of the public and interested organisations on strategies, programmes and services to address priority needs through the integrated development plan for the purpose of helping the Council;

5.3.1.3 the involvement of the community in the development, implementation and the review of the Council's performance management system, including the setting of appropriate key performance indicators and the performance targets for the municipality for the purpose of helping the Council;

5.3.1.4 the views and comments of the public and interest organisations on a proposed tariff policy as contemplated in section 74 of the Systems Act as well as its debt collection policy.

5.3.2 In giving effect to subsection 5.3.1, the Municipal Manager, together with the councillors and officials, must hold an open session on any of the issues referred to in subsection 5.2 when any issue arises, however, the open sessions should fall outside the framework of the sessions held in respect of the development of the municipalities

integrated development programme and its performance management system and as required by the Systems Act.

5.3.3 The Municipal Manager must, after of the Council has held an open session of any of the matters contemplated in subsection 5.3.1, and after the conclusion of the session concerned-

5.3.3.1 formulate a full report thereon together with any advice or recommendations the Council may deem necessary or desirable;

5.3.3.2 makes copies of the report available to the community in one or more of the following manners-

5.3.3.2.1 by publication in the local newspaper;

5.3.3.2.2 leaving a copy at all the libraries in the Municipal area; and

5.3.3.2.4 providing every Councillor of each ward with copies for distribution to the communities.

5.3.3.3 the Municipal Manager must ensure that the report is published according to the Council's language policy for the Municipal area.

5.4 Public meetings and hearings by the Council

5.4.1 Notwithstanding the provisions of section 6, the Municipal Manager must, on appropriate notice and in a manner provided for in this bylaw, notify the community of any public meeting and/ or hearings arranged to discuss and consider any of the petitions and complaints lodged by members of the local community under subsection 5.2.

5.4.2 Any such public meeting and/ or hearings must take place in 14 (fourteen) days of the Municipal Manager having notified the community of the important issues raised and considered by the Council and after it has called for any comment under subsection 5.3.

5.5 Comments via electronic mail

5.5.1 The Municipal Manager if it is in the confines of the Municipality's resources and capacity, whereby members of the local community may submit written comment directly to the Municipal Manager on any matter referred to in this bylaw and/ or other relevant legislation.

5.5.2 The Municipal Manager must ensure that the comments are accessed regularly and collated by a staff member specifically allocated to this task.

5.6 Referenda and opinion polls

5.6.1 To gain the local community's input on any issue provided for in the by-law, the Municipal Manager may call for a referendum or opinion-poll, if the local community is notified in the manner provided therefore, of the following-

5.6.1.1 the specific issue that calls for a referendum or opinion poll;

5.6.1.2 the manner in which the referendum or opinion polls will take place;

5.6.1.3 where and when the referendum or opinion poll will take place;

5.6.1.4 the date on which the results of the referendum or opinion poll will be made public to the community.

5.6.2 The date referred to in subs section 5.6.1.4 may not be later than 2 (two) working days after the referendum or 7 (seven) working days after the opinion poll itself.

5.7 Notification

5.7.1 Whenever the Council-

5.7.1.1 holds a public meeting as provided for under this bylaw;

5.7.1.2 holds a session about any matter contemplated in subsection 5.3; or

5.7.1.3 holds a public meeting on any other matter decided by the Council that warrants notification to the community,

The aforesaid matters must be advertised once in two of the daily newspapers as well as community newspapers circulating in the Municipal area according to the Council's language policy for a reasonable period before the event.

Copies of all notices contemplated in subsection 5.7.1 must be posted at-

5.7.2.1 the notice board at the Council's offices;

5.7.2.2 all libraries in the Municipal area; and

5.7.2.3 other places as may be available.

6.

PUBLIC NOTICE OF MEETINGS OF THE COUNCIL

The Municipal manager must give notice to the public in the manner provided for in section 9 of the time, date and venue whenever there is a scheduled-

6.1 ordinary meeting of the Council; and

6.2 special urgent meeting of the Council, except when time constraints make this impossible.

7.

ADMISSION OF PUBLIC TO MEETINGS AND HEARINGS

The Municipal Manager must ensure that it makes use of an appropriate venue for any public meeting and / or hearing as provided for in this bylaw in terms of -

7.1 the size of the venue after gauging and taking into consideration the approximate number of people who might be attending;

7.2 the location of the venue and access to it via public and private transport;

7.3 the amount of staff members of the Council to be made available to ensure the smooth administration of the meeting; and

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7.4 the provision of security for both members of the Municipality as well as members of the local community attending the meeting.

8.

COMMUNICATIONS TO LOCAL COMMUNITY

8.1 When anything must be notified by the Municipality through the media to the local community under this by-law or any other applicable legislation, it must be done through one or more of the following-

8.1.1 in the local newspaper or newspapers of its area and in the appropriate language of its area or;

8.1.2 in a newspaper or newspapers circulating in its area and decided by the Council as a newspaper of record;

8.1.3 by means of radio broadcasts covering the area of the municipality; or

8.1.4 by means of the distribution of flyers and pamphlets.

8.2 When the Municipality invites the local community to submit written comments or representations on any matter before the Council, it must be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the municipality named in the invitation, will help that person to transcribe that person's comments or representations.

9.

COMMUNITY PARTICIPATION IN THE INTEGRATED DEVELOPMENT PLAN

9.1 Once the Council has formulated a process set out in the writing to guide the planning, drafting, adoption and a review of its Integrated Development Plan, the Municipal Manager must through appropriate mechanisms, processes and procedures set out in this bylaw, consult the local community before adopting the process. The notification to the local community might take place in a suitable manner provided for in this bylaw.

9.2 The notification carrying the written process as the referred to in subsection 8.1 must inform the community about their rights and duties for input required on the Integrated Development Plan as well as how the community may go about commenting on such a process. The notice should also include the particulars of the process, which the Municipality intends to follow.

9.3 The Municipal Manager must ensure that the publication setting out the process specifies a date, time and / or place or where input from the community may be submitted.

9.4 Once the Municipality has finalised its Integrated Development Plan under section 25 of the Systems Act, it must within 14 days of the adoption of such a plan give notice to the public in a manner provided for in this bylaw as well as make available copies of or extracts of a plan for public inspection at specified places and publicise in the local newspaper a summary of the plan.

8

10.

REPEAL

Any by-law applicable in the jurisdiction of the municipality and which relates to community participation is repealed to the extent that it conflicts with this by-law. Repeal is effective from promulgation of this by-law.

11.

SHORT TITLE AND COMMENCEMENT

This by-law is called the Public Participation By-law and shall come into effect after being published in the Provincial Gazette.

SCHEDULE 1

REGULATIONS FOR BUDGET PARTICIPATION

In terms of chapter 4 of the Municipal Finance Management Act (section 16), the Council must annually approve its budget before the start of that year. Section 22 stipulates that before final consideration, the draft budget should be made available to the public for their comments. To adhere to the requirements of the Act, the following procedure should be followed:

1. The municipal manager or a person to whom he/she may delegate the responsibility must:
 - i. determine a date after the 1st April for the public participation process;
 - ii. due notice should be given in the press and local radio stations to invite the general public at least one week prior;
 - iii. a venue must be booked which will be appropriately equipped for this purpose;
 - iv. audio-visual aids must be arranged for the presentations;
 - v. recording equipment must be arranged for recording the proceedings as well as inputs from illiterate individuals;
 - vi. officials must be arranged to minute the inputs in all local official languages;
 - vii. officials must be arranged to assist the illiterate who wants to make written comments or inputs;
 - viii. stakeholders must be invited for example:
 - Ward committees, provincial departments (e.g. Social Services, Arts and Culture, Sport and Recreation, Health, Public Works, etc.) Correctional Services, South African Police Service, South African Defence Force, mines, Rustenburg Association of Business, etc.
 - ix. each ward committee must be informed to delegate five members to attend;
 - x. the Mayoral Committee must be invited and special seating arrangements for them be arranged;
 - xi. all directors must be invited and seating for them be reserved.

2. A programme must be drafted and made available at the venue where the proceedings will take place. Such a programme must make provision for the following:
 - ii. Opening and welcome
 - iii. Background and introduction of budget processes
 - iv. Presentation of budget
 - v. Questions and comments
 - vi. Conclusion

3. All the public inputs must be minuted and made available to the executive Mayor for consideration before he / she presents the budget for final consideration to Council.

SCHEDULE 2

REGULATIONS FOR PARTICIPATION PERTAINING TO THE IDP

In terms of chapter 4 of the Municipal Systems Act (section 16), the Council must develop a system of participatory governance for the IDP when reviewing it (Section 16 (a)(i)). To adhere to the requirements of the Act, the following procedure should be followed in each Ward:

The municipal manager or a person to whom he/she may delegate the responsibility must:

- ii. determine a date for the public participation process;
- ii. due notice should be given in the press and local radio stations to invite the
- xii. general public at least one week prior;
- xiii. a venue must be booked which will be appropriately situated and equipped for this purpose;
- xiv. iv. audio-visual aids must be arranged for the presentations;
- xv. recording equipment must be arranged for recording the proceedings as well as inputs from illiterate individuals;
- xvi. officials must be arranged to minute the inputs in all local official languages;
- xvii. officials must be arranged to assist the illiterate who wants to make written comments or inputs;
- xviii. stakeholders must be invited for example:
Ward committees, provincial departments (e.g. Social Services, Arts and Culture, Sport and Recreation, Health, Public Works, etc.) Correctional Services, South African Police Service, South African Defence Force, Bojanala Platinum District Municipality, mines, Rustenburg Association of Business, etc.
- xix. each ward's residents must be invited to attend;
- xx. the Mayoral Committee must be invited;
- xxi. the Ward Councillor must be present;
- xxii. the IDP Specialist must be present.

A programme must be drafted and made available at the venue where the proceedings will take place. Such a programme must make provision for the following:

- vii. Opening and welcome
- viii. Background and introduction of IDP review processes
- ix. Presentation of IDP review
- x. Questions and comments
- xi. Conclusion

All the public inputs must be minuted and taken into consideration before the final draft review document is submitted for consideration to Council.