

# Draft Public Participation Policy

## 1. PREAMBLE

The municipality acknowledges that it is committed to the development of a culture of municipal governance that complements formal representative government with a system of participatory governance. The municipality has an obligation to establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality in terms of the provisions of the local government: municipality system acts, act no 32 of 2000

## 2. GOAL

To provide for mechanisms by which the public may participate in the 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.

## 3. DEFINITIONS

In this policy, unless the context indicates otherwise-

**“Council”** means the municipal council of Fetakgomo local municipality established by Municipal Systems Act, Act No. 32 of 2000 and Provincial Notice;

**“Councilor”** means a member of the council;

**“Local community” or “community”** in relation to the municipality, means that body of people comprising –

- The residence of the municipality

- The rate payers of the municipality

- Any civic organization and non-governmental, private sector or labour organization or bodies which are involved in local affairs in the municipality;

**“Minister”** means national minister responsible for local government;

**“Municipal manager”** means the person appointed in terms of Section 82 of the Local Government: Municipal Structures Act, Act No 117 of 1998;

**“Municipality”**, when referred to as “an entity” means municipality as described in section 2 of the Local Government: Municipal System Act, Act No. 32 of 2003; and when referred to as a geographic area means a municipality area determined in terms of the Local Government: Municipality Demarcation Act, Act No. 27 of 1998;

**“Organized local government”** means an organization which is recognized under Section 21(1) of the Organised Local Government Act, Act No. 52 of 1997, to represent local government nationally and provincially;

**“Province”** means the province of Limpopo

**“Provincial Gazette”** means the official gazette of the province.

**“Structures Act”** means the Local Government: Municipal Structures Act, Act No. 117 of 1998, as amended;

**“Systems Act”** means the Local Government: Municipal System Act, Act No. 32 of 2000, as amended.

#### **4. DEVELOPMENT OF CULTURE OF COMMUNITY PARTICIPATION**

4.1 In giving effect to section 16 of the system act and as set out in the policy, the municipal manager must ensure that for this purpose –

4.1.1 The municipal encourages and creates conditions for the local community to participate in the affairs of the municipality, including in –

- The preparation, implementation and review of its integrated development plan;
- The establishment, implementation and review of its performance management plan;
- Consideration of drafts by-laws;
- The monitoring and review of its performance, including the outcome and impact such performance;
- The preparation of its budget; and
- Strategic decisions relating to the provision of municipal service.

4.1.2 The municipal employs sufficient staff members, other than councilors, who may help in informing and educating the local community about the affairs of the municipality, in particular, in the areas referred to in Section 16 (1)(1) of the Systems Act.

4.1.3 That all staff members, including councilors, are trained in the basic knowledge of the areas referred to in section 16 of the systems acts.

4.1.4 The municipal manager may establish a working group, consisting of councilors and previously trained staff members, to administer the training of a new staff and councilors under section 16 of the system act.

#### **5. MECHANISMS, PROCESSES AND PROCEDURES**

5.1 The municipal manager must notify the public of all the available methods for participation. Notification may take the form as provided for in this policy.

5.2 The municipality must, when implementing methods for public participation, provide –

5.2.1 for a staff member to help members of the community who cannot read or write;

5.2.2 Appropriate access to public meetings and hearing for people with physical disability; and

5.2.3 A translator, after having assessed the language preferences and usage and where appropriate.

## **6. COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION**

The provisions of Section 18 of the Systems Act shall apply.

## **7. METHODS FOR PUBLIC PARTICIPATION**

7.1 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 view on any other affairs of the municipality on which the community's input is required, which may include, but is not limited to –

7.1.1 Public meetings and hearings by the council and other political structures and office bearers of the municipality.

7.1.2 Consultative sessions with locally recognized community organizations and traditional authorities ,and

7.1.3 The submission of written public comment.

### **7.2 Petitions and complaints**

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

7.2.2 The municipal manager must notify the community of all important petitions and complaints lodged with it in 7 ( seven) days of having processed and considered the petitions and complaints referred to in this subsection

7.2.3 Any petition or complaint must comply with the following requirements –

7.2.3.1 it must be in legible writing or typed;

7.2.3.2 the document must clearly indicate the topic; and

7.2.3.3 indicate the relevant department or official where possible.

### **7.3 Invitation for public comment and open sessions**

7.3.1 When the municipal considers and deliberates on any of the issues set out hereunder, it must hold open sessions to which members of the public and interested organizations must be invited to submit their views and comments –

- 7.3.1.1 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;
- 7.3.1.2 The views of the public and the interested organizations on strategies, programs and services to address priority needs through the integrated development plan for the purpose of helping the council;
- 7.3.1.3 The involvement of the community in the development, implementation and review of the council's performance management system, including the setting of appropriate key performance indicators and performance targets for the municipality for the purpose of helping the council.
- 7.3.1.4 The views and comments of the public and interested organizations on a proposed tariff as contemplated in section 74 of the Systems Act as well as its Credit and Debt control policy.
- 7.3.1.5 Decisions on mechanisms for the provision of services through service delivery agreements and the other matters referred to in section 2 of this policy.
- 7.3.1.6 The municipal manager must, after the council has held an open session on any of the matters contemplated in this policy or other relevant legislation and after the conclusion of the session concerned.

7.3.2.1 Formulate a full report thereon together with any advice or recommendations the council may deem necessary or desirable. c

7.3.3.2 Make copies of the report available to the community in one or more of the following manners - m

- 7.3.3.2.1 by publication in the local newspaper;
- 7.3.3.2.2 leaving a copy at all the libraries in their municipal area
- 7.3.3.2.3 posting a copy on the notice board at the council's offices; and
- 7.3.3.2.4 providing every councilor of each ward with copies for distribution to the communities

7.3.3.3. The municipal manager must ensure that the report is published according to the council's language policy to the municipality area. o

#### **7.4 Public meetings and hearings by the council**

- 7.4.1. Notwithstanding the provision of section 8, the municipal manager must on appropriate notice and in a manner provided for in this policy notify the community of any public meeting and /or hearing

arranged to discuss and consider any of the petitions and complaints lodged by the members of the local community.

- 7.4.2. any such public meeting and/or hearing 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.

## **7.5 Comments via electronic mail**

- 7.5.1 The municipal manager, if is in the confines of the municipality's resources and capacity, provide the public with a central e-mail address, whereby members of the local community may submit written comment directly to the municipality on any matter referred to in this policy and/or other relevant legislation.
- 7.5.2 The municipal manager must ensure that the comments are addressed regularly and collated by a member specifically allocated to this task.

## **7.6 Notification**

- 7.6.1 whenever the council –
  - 7.6.1.1 Holds a meeting as provided for under this policy;
  - 7.6.1.2 holds a session about any matter contemplated in this policy or any relevant legislation;
  - 7.6.1.3 Holds a public meeting on any other matter decided by the council that warrants notification of the community in terms of this policy in a reasonable period.
- 7.6.2 copies of all notices contemplated in subsection 5.7.1 must be posted at –
  - 7.6.2.1 The notice board at the council's offices;
  - 7.6.2.2 All libraries in the municipal are; and
  - 7.6.2.3 Ward information centers;
  - 7.6.2.4 Other places as may be determined by the ward committee.

## **8.1 Public notice of meetings of the council**

the municipal manager must give notice to the public in the manner provided for in section 19 of the system act of the time, date and venue whenever there is a scheduled –

- 8.1 Ordinary meetings of the council; and

- 8.2 Special urgent meeting of the council; except when the constraints make this impossible.

**9. Venue for public meetings and hearings**

The municipal manager must ensure that it make use of the of an appropriate venue for any public meeting and/or hearing as provided for in this policy in terms of –

- 9.1 The size of the venue after gauging and taking into consideration the approximate number of people who might attending;
- 9.2 The location of the venue and access to it via public and private transport;
- 9.3 The amount of staff members of the council to be made available to ensure the smooth administration of the meeting; and
- 9.4 The provision of the security for both the members of the municipality as well as members of the local community attending the meeting.

**10. Communication to local community**

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- 10.1 When anything must be notified by the municipal through the media to the community under this policy or any other applicable legislation, it must be done through one or more of the following –
- 10.1.1 In the local newspaper or newspapers of its areas and in the appropriate language for its are;
- 10.1.2 In a newspaper or newspapers circulating on its area and decided by the council as a newspaper of record;
- 10.1.3 By means of radio broadcast covering the area of the municipality;
- 10.1.4 By means of the distribution of flyers and pamphlets at the points determined by the ward committee;
- 10.1.5 By use of hailing using a public address (pa) system; or
- 10.1.6 Announcement (s) at public meeting (s);
- 10.1.7 Pasting posters at all ward information centers

## **11. Community participation in the integrated development plan**

- 11.1 Once the council has formulated a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan, the municipal manager must through appropriate mechanisms, processes and procedures set out in this policy consult the local community before adopting the process. the notification to the local community may take place in a suitable manner provided for in this policy.
- 11.2 The notification carrying the written process as referred to in subsection 9.1 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.
- 11.3 the municipal manager must ensure that the publication setting out the process specifies a date, time and/or place or where the input from the community may be submitted.
- 11.4 once the municipal has fanilised its integrated development plan under section 25 of the system act, it must in 14(fourteen) days of the adoption of such a plan give notice to the public in a manner provided for in this policy as well as make available copies of or extracts of the public inspection at specified places and publish in the local newspaper a summary of the plan.