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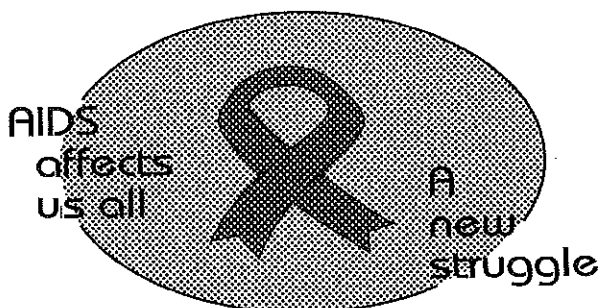
## **PROVINCIAL GAZETTE PROVINSIALE KOERANT**

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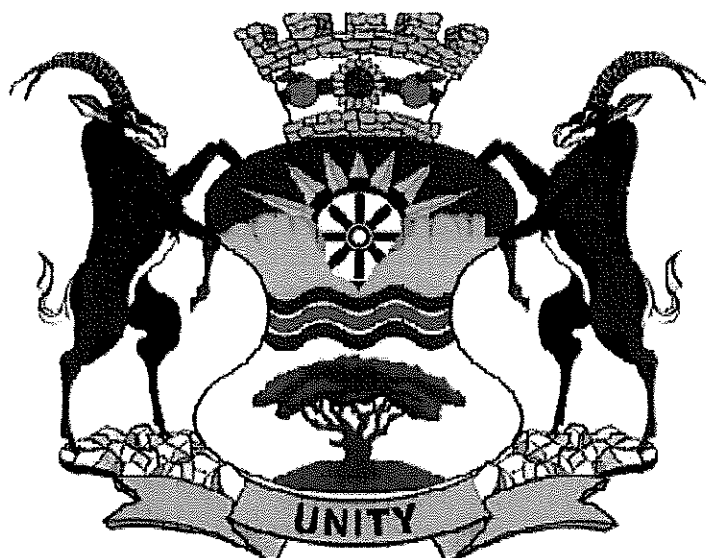
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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

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PROVINCIAL NOTICE 154 OF 2017

# **RUSTENBURG LOCAL MUNICIPALITY**



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## **CHAPTER 1**

### **DEFINITIONS**

#### **1. Definitions**

In this by-law, unless the context otherwise indicates -

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

"Absent" means not present at a meeting of the Council or a Committee of the Council without valid cause or reason and absenteeism has a corresponding meaning;

"Caucus" means an informal discussion of members of a group or party with a view to reach a resolution;

"Constitution" means the Constitution of the Republic of South Africa (Act No. 108 of 1996);

"Committee" means any committee of Council and the Mayoral Committee, including any committee established in terms of legislation;

"Chairperson" means a person chairing a meeting other than a council meeting or such person elected during that particular meeting;

"Council" means the council of the Rustenburg Local Municipality;

"Day" means Monday to Friday, including a Saturday, Sunday and a public holiday;

"Division of votes" means to record individually every member or person's vote for or against any proposal and/or the withdrawal from the meeting by a member or person during the thirty seconds allowed;

"Executive Mayor" means the Executive Mayor as contemplated in part 2 of Chapter 4 of the Structures Act;

"Mayoral committee" means the committee appointed by the Executive Mayor in terms of section 60 of the Municipal Structures Act.

"Mayoral executive system" means a system which allows for the exercise of executive authority through the Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by the mayoral committee;

"Meeting" means a formal meeting of the council, a committee and Mayoral Committee;

"Member" means a member of the council, committee and Mayoral Committee, duly elected, appointed or nominated as such;

"Motion" means a motion introduced in writing in terms of this by-law as well as a motion in terms of other applicable legislation;

"Municipal Finance Management Act" or "MFMA" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"Municipal Manager" means the head of administration and accounting officer for the municipality in terms of Section 82 of the Municipal Structure Act and Section 60 of the Municipal Finance Management Act and for purposes of this by-law, shall include any other person nominated, delegated or acting as such;

"Manager" means a manager as contemplated in Section 56 of the Systems Act;

"Municipality", when referred to as-

- (a) An entity, means a municipality as described in section 2 of the Municipal Systems Act; and
- (b) A geographic area means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

"Party" means a political party represented in Council.

"Petition" means a written request for consideration of urgent action by council or granting relief in a matter of public interest;

"Point of order" shall mean a point raised by a councillor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order;

"Political head" means the Executive Mayor;

"Sergeant-at-arms" shall mean a person in the full time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct the Manager: Law Enforcement and Security to act as Sergeant-at-arms;

"Personal explanation" means the explanation of some material part of a member's former speech which may have been misunderstood;

"Proposal" means any proposal with the exception of a motion, moved and seconded during a meeting:

"Quorum" means majority of councillors;

"Rules" means the Rules of Order by-law;

"Secretariat" means an official designated to perform secretarial duties pertaining to a council or committee;

"Serve" means delivery of a notice or document at the address chosen by the councillor or member for that purpose or personally;

"Speaker" means the chairperson of the council, as contemplated in part 2 of Chapter 3 of the Structures Act;

"Single Whip" means member elected as the Single Whip of Council

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) and herein referred to as the "Act";

"Systems Act" or "MSA" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"report" means a written report, signed by the person authorised or delegated to sign such a report, submitted for consideration by council or a committee in accordance with the provisions of the approved delegations of the council, such report to contain a firm, clear and precise recommendation(s)

Any other word or expression not mentioned above shall have the meaning assigned to it in the Structures and Systems Acts.

## **2. Application of Rules**

This By-Law applies to all meetings of Council or any Committee.

The Executive Mayor may direct that these Rules apply *mutatis mutandis* to any other committee of Council, including Mayoral Committee/Portfolio/MPAC meetings and Ward Committees meetings.

## **CHAPTER 2**

### **COUNCIL, MAYORAL, PORTFOLIO AND OTHER COMMITTEES**

#### **Part 1**

#### **Calling of meetings**

## **3. Speaker to convene Council meetings**

- (1) The Council shall hold an ordinary meeting for the transaction of business on a bi-monthly basis (two months). This shall take place in terms of Sections 18(2) & 29(1) of the Municipal Structures Act.
- (2) The Speaker shall call a special meeting for any urgent matter(s), for which the Speaker may determine a date and place but if the majority of councillors request the Speaker in writing to convene a special meeting, the Speaker must convene such meeting at a time set out in the request (See Sections 18(2) & 29(1) of the Municipal Structures Act)
- (3) In the event where the Speaker fails and/or refuses to call a special meeting when requested, the Municipal Manager of the municipality may call the meeting.
- (4) In the event where the Speaker fails and/or refuses to sign the agenda, the Single Whip must sign the agenda.

#### **4. Executive Mayor to convene Mayoral committee meetings**

The Executive Mayor shall convene meetings of the Mayoral Committee, normally on a predetermined workday excluding during December.

#### **5. Chairperson to convene Portfolio and other committee meetings**

- (1) At every meeting of the council the Speaker, or if he/she is not present, an Acting Speaker shall be the chairperson. An acting Speaker may be elected by the majority of councillors present at any meeting of the council where the Speaker is not present.
- (2) The Mayor shall chair meetings of the Executive Committee / Executive Mayor shall chair meetings of the Mayoral Committee and if not present, the Deputy Mayor / Deputy Executive Mayor or if the Deputy Mayor / Deputy Executive Mayor is also not available, any other councillor appointed by majority members of the Executive Committee / Mayoral Committee in attendance.
- (3) The Chairperson appointed by the Executive Committee / Executive Mayor shall chair meetings of the Portfolio Committees.
- (4) The person so nominated by the Council, Executive Committee / Mayoral Committee or any other committee shall chair meetings of committees and sub-committees; provided that where no such person was nominated the members present may elect their own chairperson.

**6. Ward Councillor to call ward meetings**

- (1) The Ward Councillor of each Ward shall call all meetings including ward committee meetings, public meetings and any other meetings as requested and shall be assisted therein by the Office of the Speaker.
- (2) If the Ward Councillor fails to call the meetings then the matter should be referred to the Rules of Order Committee

**7. All meetings of Council open to public**

- (1) The Municipal Council shall conduct its business in an open manner and every meeting of the Council and its Committees shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of Section 20 (1) (a) and (b) of the Systems Act.
- (2) The Council and its Committees will deal In-Committee when discussing any of the following matters:
  - 2.1. a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
  - 2.2. personal and private information of any councillor or an employee of the municipality;
  - 2.3. the intention of the municipality to purchase or acquire land or buildings;
  - 2.4. the price a municipality may offer for the purchase or acquisition of land or buildings;
  - 2.5. any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
  - 2.6. disciplinary proceedings or proposed disciplinary



- proceedings again against any employee;
- 2.7. any matter that might not be disclosed in terms of legislation;
- 2.8. consideration of the minutes of previous In-Committee discussions.
- (3) A councillor may, when an item in the agenda is put to order, other than a matter referred to in 7.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In-Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

## **Part 2**

### **Notice of meetings**

#### **8. Council, Mayoral and other committees**

The Municipal Manager or his/her delegate shall be responsible to compile and serve the notice of all Council, Mayoral and Portfolio Committee meetings.

#### **9. Ward committees**

The Ward Councillor, with the assistance provided by the Office of the Speaker, shall be responsible to compile and serve the notices of all Ward Committee meetings.

#### **10. Notice of meeting to be served**

- (1) At least seven (7) days before any ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted there and signed by the

Speaker or the Single Whip as contemplated in 3.3 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address.

- (2) At least four (4) days before any Portfolio Committee meeting, a notice to attend the meeting, specifying the business proposed to be transacted there be signed by the Member of the Mayoral Committee, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address.

#### **11. Business limited by notice of meeting**

- (1) With the exception of an urgent report of the Executive Mayor or the Municipal Manager, as agreed with the Speaker, business not specified in the notice and or the agenda of the meeting shall not be considered at that meeting.
- (2) Business to be conducted at Special Council meetings shall be limited to what is specified in the Notice – no addendums will be allowed.

### **Part 3**

#### **Agendas of meetings**

#### **12. Preparation of Council agenda**

The Municipal Manager or his/her delegate is responsible for the preparation of the agenda in consultation with the Executive Mayor for the approval by the Speaker that is circulated to the members.

**13. Preparation of Mayoral committee agenda**

The Municipal Manager or his/her delegates is responsible for the preparation of the agendas of all Mayoral Committee meetings, in consultation with the Executive Mayor.

**14. Preparation of Portfolio committee agenda**

The relevant Secretariat as directed by the relevant Head (Director: Corporate Support Services) in conjunction with the Chairperson of the committee is responsible for the preparation of the agendas of all Portfolio Committee meetings.

**15. Preparation of other committee agendas**

The Municipal Manager (through the delegated Directorate of Corporate Support Services) is responsible for the preparation of the agendas of all other Committee meetings, in consultation with the Speaker, the Executive Mayor, or Chairperson, as the case may be.

**16. Raising of urgent matters**

- (1) The Municipal Manager may raise matters which in his / her discretion is urgent, for decision by the Council. A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council and / or its operations.
- (2) The Speaker or Chairperson of the meeting in consultation with Whips of all parties, will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; provided that the Speaker may rule that the matter is not urgent as defined in 1 above.

**17. Order of business on the Council agenda**

The order of business of an ordinary meeting of Council shall be as follows:

- (1) Opening and welcome
- (2) Applications for leave of absence
- (3) Official notices
- (4) Proposals of condolences or congratulations by the Speaker
- (5) Proposals of condolences or congratulations by other members
- (6) Declarations of interest by members relating to any item
- (7) Minutes of the previous meeting
- (8) Report of the Executive Mayor
- (9) Submission of report by Council representatives from Bojanala District Municipality
- (10) Reports from Municipal Public Accounts Committee
- (11) Report from the Audit Committee
- (12) Report on SALGA activities
- (13) Submissions by the Traditional Leader
- (14) Reports by the Speaker
- (15) Report by the Single Whip
- (16) Report by the Municipal Manager on implementation of Council resolutions
- (17) Motions or proposals deferred from previous meetings
- (18) New motions or petitions
- (19) Questions
- (20) Adoption of minutes
- (21) Closure

**18. Bringing forward items on the agenda**

After the matters referred to in Section 17 of the Rules have been considered, the council may at its discretion bring forward any business which is on the agenda.

**19. Lapsing of proposal to bring forward an item**

If a proposal in terms of Section 18 of the Rules is opposed, such proposal shall lapse without further discussion.

**20. Signing of agendas / notice**

- (1) The Speaker (or his/her delegate in his/her absence and for this purpose shall sign the agenda for all Council meetings before distribution thereof)
- (2) The Executive Mayor (or his/her delegate in his/her absence and for this purpose) shall sign the agenda for all mayoral committee meetings before distribution thereof.
- (3) The Chairperson (or his/her delegate in his/her absence and for this purpose) shall sign the agenda for all portfolio meetings before distribution thereof.
- (4) The Ward Councillors (or his/her delegate in his/her absence and for this purpose) shall sign the agenda for all ward meetings before distribution thereof.

**21. Leave of absence**

- (1) Applications for leave of absence from any Council or Committee meeting must be submitted to the Speaker or the Chairperson in writing and signed by the member applying for leave.
- (2) All applications for leave must be submitted to the Speaker by Whips of different parties before the start of the meeting.
- (3) Council will grant leave at its discretion, and is at liberty to reject such application for leave of absence.

- (4) Council may grant leave of absence subject to reasons provided in advance.
- (5) Leave will be deemed to have been granted if a councillor has been delegated to attend a meeting or engagement on behalf of the council.
- (6) Application for leave of absence of members of the Mayoral Committee shall be submitted to the Executive Mayor who will in turn submit them to the Speaker.
- (7) Any verbal application on behalf of a member must be followed up in writing within seven (7) days.

#### **Part 4**

#### **Minutes of meetings**

##### **22. Responsibility for minutes**

- (1) The Municipal Manager (through the delegatee) shall be responsible to keep proper minutes of all Council and Mayoral Committee meetings.
- (2) The Secretariat of any other Committee or its delegatee shall be responsible to keep proper minutes of all Portfolio Committee meetings.
- (3) The Municipal Manager or his delegate shall be responsible to assist the Ward Councillors to keep proper minutes of all Ward Committee meetings.

##### **23. Adoption of minutes**

Minutes of Council will be adopted immediately as a reflection of what transpired in the meeting.

**24. Discussion on minutes**

No proposal or discussion shall be allowed on the minutes except as to its accuracy.

**25. Minutes of Council-in-committee**

The minutes in relation to any item considered by the council-in-committee, shall be kept separately from other minutes of the council unless consideration of that item was finalised in open council, and such minutes shall be approved by the council in committee.

**26. Copies of approved minutes.**

All approved minutes of the Council or any committee must be made available to the public upon such request at the payment of any prescribed fee.

**27. Minutes must be signed.**

- (1) The approved minutes of Council meetings shall be signed by the Speaker as Chairperson of that specific meeting.
- (2) The approved minutes of Mayoral Committee meetings shall be signed by the Executive Mayor as Chairperson of that specific meeting.
- (3) The approved minutes of Portfolio Committee meetings shall be signed by the relevant member of the Mayoral Committee as Chairperson of that specific meeting.

**28. Safe custody of signed of minutes**

The approved minutes, signed by the Chairperson of the meeting, shall be kept in safe custody by the Municipal Manager and shall be *prima*

*facie* evidence of resolutions adopted by the Council, the Mayoral Committee, or other Committee as the case may be.

**29. Minutes shall be written, typed and printed**

Minutes of Council and all Committees shall be typed, written and printed in English.

**Part 5**

**Attendance at meetings**

**30. Dress code**

All councillors and officials must dress appropriately, presentably, in a dignified manner and in formal or traditional wear.

**Male councillors and officials' dress code:**

Male councillors and officials shall wear formal, traditional and religious attires and no political attire will be allowed in all council and portfolio meetings.

The Rules of Order by-law should consider the weather conditions in Rustenburg climate environment.

They should wear long formal trousers, shirt, tie (optional), jacket and formal shoes.

Formal, religious and traditional attire does not include jeans, shorts, flip-flops (open-toe sandals) and sneakers.



**Female councillors and officials' dress code:**

Female councillors and officials shall wear formal, traditional and religious attires and no any political attire will be allowed in all council and portfolio meetings.

The Rules of Order by-law should consider the weather conditions in Rustenburg climate environment.

They should wear formal skirts, dresses, long formal pants, formal shorts pants and formal shoes.

They should wear formal jackets or something that covers the shoulders and chest.

Formal, religious and traditional attire does not include jeans and sneakers.

**31. Cell phones and tablets**

All cell phones and tablets that will have an effect in interfering and/or disturbing the recording system of council when in session will and shall be required to be switched off or be technically equipped to not interfere and/or disturb the recording system.

**32. Attendance register of meeting**

Every member attending a meeting shall sign his/her name in the attendance registers kept for this purpose by the Municipal Manager or his delegate, immediately before commencement of the meeting and if late, upon his/her arrival.

**33. Member to remain in attendance**

Any councillor failing to remain in attendance at such meetings, without good reason, is guilty of transgressing item 4(1) (b) of the Code of Conduct in terms of the Municipal Systems Act as amended.

**34. Minutes must reflect absence**

The minutes must reflect the name of any Councillor leaving a meeting before it adjourns and the time he/she leaves such meeting.

**35. Monitoring of attendance**

- (1) The Municipal Manager must regularly monitor such attendance register and inform the Speaker of the absenteeism of any Councillor without a written apology, including information on councillors leaving and returning during a meeting in order to establish whether the required quorum was present or not. The Speaker must report non-attendance of Councillors quarterly to Council.
- (2) No councillor shall leave the council meeting while in process, unless when answering the call of nature, when something urgent requires him/her to do so, if the meeting has been adjourned or prior permission has been granted by the Speaker.
- (3) Failure to adhere to the above, Section 73 of the Rules will apply.

**36. Attendance report**

The Municipal Manager shall prepare and submit a return for inclusion in the Municipality's Annual Report showing the attendance of each councillor at meetings of the Council and committees for that year.

**37. Adjournment in the event of no quorum**

If at the expiry of thirty (30) minutes after the commencement time at which a meeting is scheduled to take place, a quorum has not assembled, no meeting shall take place unless it is resolved with the majority consent of the members present to allow further time not exceeding fifteen minutes in order to enable a quorum to assemble.

**Part 6****Adjourned meeting****38. Meeting deemed adjourned**

The members present shall after the expiry of the forty-five minutes, if no quorum was obtained by then, request the Speaker or chairperson to convene a meeting, notice of which shall be given in terms of Section 29(1) of the Structures Act and such meeting shall be deemed to be an adjourned meeting for the purpose of Section 37 of the Rules hereof.

**39. Notice of adjourned meeting**

When a meeting is adjourned, notice of the adjourned meeting shall be served as if for any ordinary meeting.

**40. Business not disposed of at adjourned meeting**

Business not disposed of at a meeting adjourned in terms of Section 39 of the Rules shall be dealt with at an adjourned meeting convened by the Speaker or Chairperson of the committee for this purpose: Provided that such business not dealt with and which originated from a special meeting convened at the request of members in terms of Section 29(1) of the Structures Act, may be held over until the next ordinary meeting.

**41. Only items specified to be dealt with**

Subject to the provisions of Section 11 of the Rules, no business shall be transacted at an adjourned meeting except such that was specified in the notice of the meeting which was adjourned.

**Part 7****Quorum at Meetings****42. When majority of members are required**

A majority of members must be present at a meeting before a vote is taken on any matter as prescribed by the Act. (Section 30 (1) of the Municipal Structures Act).

**43. When supporting vote of the majority is required**

If put to the vote all questions concerning matters mentioned in S160(2) of the Constitution are determined by a decision taken by a Council with a supporting vote of a majority of the Councillors, all other questions before a Council are decided by a majority of the votes cast by showing of hand. If requested the Speaker can allow a vote by ballot voting.

**44. Counting of members**

If, during any meeting, the attention of the Speaker or Chairperson is drawn to the number of members present, such members shall be counted and if it is found that there is no quorum, the Speaker shall cause the call bell to be rung for at least fifteen (15) seconds, and if after an interval of five minutes there is still no quorum, the Speaker shall forthwith adjourn the meeting.

## **CHAPTER 3**

### **CONDUCT DURING MEETINGS**

#### **Part 1**

#### **Questions to Council**

#### **45. Official language**

All eleven (11) official languages as stipulated in the Constitution under Chapter 1 Section 6 should be accommodated in all Council meetings, however Council proceedings will be conducted in English.

#### **46. When questions may be put**

A member may at a meeting put a question -

- (1) On a matter arising out of or connected with any item of the report of the Executive Mayor, Speaker, or Municipal Manager when such item has been called or during discussion thereof;
- (2) Concerning the general work of the council not arising out of or connected with any item of the report of the Executive Mayor: Provided that such question shall only be asked if at least ten days' notice in writing has first been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker, the Executive Mayor, Single Whip and the Municipal Manager.
- (3) A question on a matter which in the opinion of the Speaker is of urgent importance, may be put at a meeting after notice thereof in triplicate had been lodged in writing with the Municipal Manager at least ten (10) minutes before the question is put and the Municipal Manager shall forthwith furnish a copy thereof to the Speaker, the Executive Mayor and Single Whip.

**47. Entitled to written reply**

Any question put in terms of this section, shall be responded to by the Municipal Manager in writing within seven (7) days. Such reply should be submitted to the Executive Mayor and the Speaker.

**48. Request for elucidation**

If, after the question has been replied to, a member is of the opinion that the reply to the question is not clear, he may with the consent of the Speaker request elucidation thereof, and no additional questions shall be put without the consent of the Speaker.

## **Part 2**

### **Deputations**

**49. Receipt of memorandum**

The Municipal Manager shall submit the memorandum contemplated in section 50 of the Rules to the Executive Mayor who may receive the deputation and deal with the matter raised in the memorandum.

**50. Submission of memorandum**

A deputation desiring an interview with the council shall submit a memorandum to the Municipal Manager in which the presentation it wishes to make is set out who shall in turn refer it to the Speaker and/or Executive Mayor for consideration as to whether such deputation shall be heard or not.

**51. Limitation on number of deputies**

- (1) A deputation shall not exceed four (4) in number and at an interview contemplated in section 52 of the Rules, only one (1) person shall speak on behalf of the deputation except when a member puts a question in which case any person belonging to the deputation, may reply to such question.
- (2) The matter shall not be further considered until the deputation has withdrawn from the meeting.

**52. Granting of interview**

If the Executive Mayor is of the opinion that the matter raised in the memorandum is one which should be submitted to the council, he/she shall so report to the council and, if the council so orders, an interview shall be granted to the deputation.

**Part 3  
Reports****53. Moving of reports**

The Speaker or Chairperson shall move the recommendation contained in a report unless he/she shall have previously stated his/her disagreement with it. The Chairperson of a Committee or other member presenting a report may withdraw or amend any section with the consent of the Committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of the Council not to adopt a recommendation or a part or parts thereof.

**54. Reports of the Executive Mayor**

A report submitted by the Executive Mayor in terms of Section 56 of the Structures Act, shall first contain matters in respect of which council must take note or recommendations that are made, and therefore recommendations made by himself/herself or committees with regard to matters that have been dealt with by them.

**55. Municipal Manager to address Auditor General report**

The Municipal Manager in his capacity as Accounting Officer and Head of Administration must on request of Council, answer questions which may arise from the discussion of the report of the Auditor-general and may, in consultation with the Executive Mayor and with the permission of the Speaker, address the Council in respect of any other matter.

**56. Debate on reports**

- (1) Matters that are not delegated to the Executive Mayor will be submitted to council for consideration.
- (2) Matters that are delegated to the Executive Mayor by Council will be submitted to council for noting or referred to portfolio committees for further discussions.

**57. Progress report on Council resolutions**

In respect of resolutions or requests minuted in the minutes of previous meetings, the Municipal Manager must submit a progress report on the implementation of Council resolutions.



## **Part 4**

### **Motions and petitions**

#### **58. Motions**

Subject to the provisions of any other law –

- (1) Every notice of a motion shall be in writing and such notice shall be signed by the member submitting it and a seconder;
- (2) A motion shall be submitted to the Municipal Manager who shall enter it in a book kept for that purpose which book shall be open to inspection by any member;
- (3) Notice of a motion shall not be specified in the agenda for a meeting unless it is received at least ten (10) days prior to such a meeting;
- (4) A motion shall lapse if both the mover and/or the seconder are not present at the meeting when such motion is being debated and/or if the seconder withdraws;
- (5) No member shall have more than two notices of motion on the same agenda at the same time.

#### **59. Procedure in dealing with motions**

No further proposal or amendment to the motion will be allowed except for the following:

- (1) That the question be referred back to the Executive Mayor for further consideration;
- (2) That consideration of the motion be postponed;

- (3) That the debate be adjourned temporarily for purposes of a caucus;
- (4) That the motion be put to the vote;
- (5) That the council do proceed to the next business on the agenda: Provided that such proposal shall only be deemed to have been submitted to the council for decision, if it is duly seconded.

#### **60. When Speaker shall disallow a motion**

The Speaker shall disallow a motion or proposal -

- (1) which in his/her opinion -
  - (a) might lead to the discussion of a matter already dealt with in the agenda or which has no bearing on the administration of or conditions in the municipality; or
  - (b) advances, arguments, expresses an opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;
- (2) In respect of which -
  - (a) Council has no jurisdiction;
  - (b) A decision by a judicial or quasi-judicial body is pending; or
  - (c) Which has not been duly seconded;
- (3) Which, if passed, would be contrary to the provisions of this by-law or of any other law, or impractical: Provided that if such motion or proposal, in the opinion of the council, justifies further investigation, it shall be referred to the Executive Mayor.

- (4) The mover with the consent of the seconder may withdraw a motion or amendment.

#### **61. Determination of unopposed motions**

In dealing with motions the Speaker shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the Speaker shall call the opposed motions in seriatim.

#### **62. Receipt of motions**

At the request of a member who gave notice of a motion, the Municipal Manager shall acknowledge receipt thereof in writing.

#### **63. Motion limited to one**

- (1) No member shall move more than one amendment of the same motion or proposal, on a motion so moved in terms of Section 58.
- (2) A proposal in terms of Section 66 of the Rules shall not be put until the Executive Mayor has spoken on it, and if such proposal is carried, the debate on the recommendation shall end and the council shall proceed to the next business on the agenda.
- (3) Save as provided for in Sections 63 (1) and (2) of the Rules, a member who has made a proposal in terms of Section 58 of the Rules may speak thereon for not more than ten (10) minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right of reply.

**64. Moving a motion and right to reply**

A motion submitted in council shall be read, noted and deferred to the next council for discussion.

**65. Limitation of motions**

No member or party shall have more than six (6) motions per calendar year with the exception of a deferred motion.

**66. Motions prohibited**

No member or party may move a motion in terms of this section -

- (1) which is intended to rescind or amend a resolution passed by Council within the preceding three months; or
- (2) which has the same purpose as a motion which was concluded within the preceding three months.

**67. Rescinding of a motion**

The Council may at any time, following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it.

**68. Voting on motion**

If more than one amendment to a motion or proposal has been moved, such amendments shall be put to the vote in the order that they were made.

**69. Carry of amendment**

If an amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall then become the

motion or proposal in respect of which any further proposed amendments shall be put: Provided that the Speaker may, if he/she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule with the consent of council that such other amendment need not be put, after which the latter amendment shall lapse.

#### **70. Adjournment of debate for purposes of caucus**

- (1) A proposal in terms of Section 59(3) of the Rules is only submitted in respect of a matter during the discussion thereof which serves before the council.
- (2) A request in terms of Section 59(3) of the Rules is limited to two per meeting per party.
- (3) On the resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first or elect another member or his party whip to report back.
- (4) No member shall move or second more than one proposal for adjournment of the same debate.
- (5) That the time granted for a caucus be adhered to.

#### **71. Motion that Council proceed to next business**

- (1) A proposal in terms of Section 59(5) of the Rules may be carried unless the council is required on legal grounds or failure to adopt such a resolution may prejudice council to pass a resolution on a particular question.

- (2) If a proposal in terms of Section 64 of the Rules is carried over to the next Council meeting, the question under discussion shall be discarded as far as the current council meeting is concerned.

## **72. Submission of petition during meeting**

Petitions, which must be clearly written, typed and printed, must be signed by not less than three (3) citizens and must be couched in respectful language and presented to the Office of the Municipal Manager who shall bring the matter before the Executive Mayor.

### **Part 5**

#### **Procedures and proceedings**

## **73. Conduct at meetings**

The chairperson of Council meetings and of other Council committee meetings shall:

- (1) Maintain order during meetings
- (2) Ensure compliance with the Code of Conduct for Councillors during meetings
- (3) Ensure that meetings are conducted in accordance with the rules
- (4) Ensure that members conduct themselves in a dignified and orderly manner during meetings
- (5) Ensure that members of the public attending meetings are seated in areas designated for that purpose
- (6) Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting
- (7) Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson to leave the meeting

- (8) Ensure that the Whip of each political party represented in the municipal council as well as the Single Whip of Council maintains discipline during any meeting.

#### **74. Interpretation of rules**

- (1) The ruling of the Speaker or the Chairperson in the event of a meeting other than a Council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Speaker / Chairperson may be required to provide reasons for a ruling.
- (2) Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.
- (3) Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

#### **75. Precedence of the Chairperson**

Whenever the Chairperson of any meeting speaks, any member then speaking or offering to speak, is to discontinue and the members are to be silent so that the Chairperson or in his/her absence the elected chairperson may be heard without interruption. All members must adhere to the ruling of the Speaker.

#### **76. Indication of wish to speak**

A member who wishes to speak shall indicate to the Speaker or chairperson by raising his/her hand and only speak with the permission of the Chairperson.

#### **77. Members to remain seated**

A member shall remain seated when speaking and shall address the Speaker or Chairperson. When a speech of vote or the address of Council such address should be done standing.

**78. Points of order**

If a member, who is not speaking, indicates to make a point of order or to make a proposal and such member is seen and addressed by the Chairperson, the member then speaking shall stop speaking until the Chairperson has made a ruling.

**79. Speeches limited to five (05) Minutes**

A member may speak for no longer than five (05) minutes on a motion or proposal: Provided that the Speaker may permit a speech to be continued for a further period or periods of five (05) minutes.

**80. Waiving by Speaker**

The Speaker may waive the provisions of Section 82 of the Rules in regard to a statement made with the consent of Council by the Executive Mayoral member of the Mayoral Committee elected by the Executive Mayor to address Council in relation to any matter arising from a report.

**81. Member to Speak only once**

Subject to provisions to the contrary in this by-law contained, no member shall speak more than once on any motion or proposal: Provided that the mover may reply in conclusion of the debate, but shall confine himself/herself to answering to previous speakers and shall not introduce any new matter into the debate.



**82. Relevance**

A member who speaks shall direct his/her speech strictly to the matter under discussion or to a point of order and no discussion shall be permitted -

- (1) which will anticipate any matter on the agenda in the opinion of any member or the Municipal Manager;
- (2) in respect of any matter that is *sub judice* or could, in the opinion of any member or the Municipal Manager, prejudice council: Provided that such matter may be discussed in committee with the permission of the Speaker.

**83. Irrelevance, tedious repetition, unbecoming language and Breach of Order**

The Speaker or Chairperson shall call the attention of the members to irrelevance, tedious repetition, unbecoming language or any breach of order on the part of a member or any person participating in the meeting and shall direct such member or person if speaking to discontinue his/her speech or, in the event of persistent disregard of the authority of the Chairperson, to retire from the meeting.

**84. Withdrawal or apology**

The Speaker or Chairperson shall direct a member or any other person to apologise or withdraw a remark if it is unbecoming or injures or impairs the dignity or honour of a member or official of Council or any other person or institution. The Bill of Rights enshrined in the Constitution of the Republic of South Africa must be respected at all times.

**85. Disorderly conduct of councillor and the duty of the chairperson**

- (1) If at any meeting of the council or committee a councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the chairperson shall direct such councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, is he/she was standing.
- (2) In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall direct such councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- (3) The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- (4) Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request the Sergeant-at-arms to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period

not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sergeant-at-arms of the council will ensure that such councillor/s do/es not enter such an alternative venue.

- (5) A member displaying such disorderly conduct may be referred to the Rules of Order committee.

**86. Obstruction by persons other than councillors**

Any person, other than a councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the venue where the meeting is being held. If the person refuses to leave, the Sargent-at-arms will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the meeting venue for such period as it may be deemed fit.

**87. Points of order and personal explanation**

- (1) Any member, regardless of whether he/she addressed the Council on the matter under debate or not, may:
- raise a point of order
  - raise a point of personal explanation at the end of the debate

- (2) Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- (3) Any member contemplated in 87(1) shall be entitled to be heard and the councillor speaking at the time shall remain silent until a ruling has been made by the Speaker or chairperson.
- (4) The ruling of the Speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- (5) Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of point 87 (4) above.

**88. Member entitled to be heard**

A member contemplated in Section 87 of the Rules shall be entitled to be heard forthwith.

**89. Ruling of Speaker or Chairperson final**

Subject to the provisions of Sections 87 and 88 of the Rules the ruling of the Speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion or the taking of a vote thereon.

**90. Declaration of pecuniary interest**

- (1) Subject to Item 5 of the Code of Conduct for Councillors as stipulated in the Systems Act, a member wishing to declare a

pecuniary interest in terms of Items 7(1), (2), (3) and (4) of the Code of Conduct for Councillors, as contemplated in this subsection, shall do so forthwith after the item or motion in respect of which such interest exists, has been called and withdraw from the meeting until such matter has been disposed of: Provided that all the relevant information pertaining to such interest is disclosed before a member withdraws from the meeting.

- (2) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor:
  - (a) shares and securities in any company;
  - (b) membership of any close corporation;
  - (c) interest in any trust;
  - (d) directorships;
  - (e) partnerships;
  - (f) other financial interests in any business undertaking;
  - (g) employment and remuneration;
  - (h) interest in property;
  - (i) pension; and
  - (j) subsidies, grants and sponsorships by any organisation.
- (3) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.
- (4) Gifts received by a councillor above a prescribed amount of a thousand rand (R1 000.00) must be declared in a declaration register, in accordance with subsection (2).
- (5) The municipal council must determine which of the financial interests referred in subsection (2) must be made public having

regard to the need for confidentiality and the public interest for disclosure.

- (6) Failing to comply with the above, disciplinary action in terms of the Code of Conduct will come into effect.

91. **Maintenance of order**

The Speaker or Chairperson may at any time during a meeting, if he/she deems it necessary for the maintenance of order, direct a member or any other person to leave the meeting venue or order that members of the public leave the meeting venue.

**Part 6**

**Decisions and voting**

92. **Voting**

- (1) Subject to 3 below, all matters will be decided by a majority of councillors present at the meeting.
- (2) Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.
- (3) Any matter referred to in Section 160(2) of the Constitution shall be decided on by a majority of the councillors in the municipal council.
- (4) If on any question there is an equality of votes, the Speaker or chairperson of the Committee may exercise a casting vote in addition to that particular councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee: Provided that for those matters listed in Section 160(2) of the Constitution, there will be no provision for a casting vote.
- (5) If the Speaker or chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.

- (6) In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or chairperson, by way of secret ballot.
- (7) The Municipal Manager or an official designated by him shall count the votes and declare to the chairperson the result of the divisions. In the event of a secret ballot, the municipal manager shall hand to each councillor a ballot paper bearing the official mark or logo of the municipal council, and having the alternates to be voted for clearly depicted thereon.
- (8) The municipal manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.
- (9) The Speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- (10) The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the Speaker.
- (11) A member may abstain from voting without leaving the chamber.
- (12) A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.
- (13) Should there be an equality of votes in respect of a proposal, the Speaker or chairperson shall record his/her casting vote in addition to his vote as councillor in terms of S30(4) of the Act.

## **Part 7**

### **Disciplinary action**

#### **93. Adherence to Code of Conduct**

The Speaker as the Chairperson shall ensure that the Codes of Conduct for Councillors and Officials respectively are adhered to.

#### **94. Disciplinary action**

Any person who refuses to carry out any instruction given in terms of the Rules or who wilfully obstructs the carrying out of such instruction or otherwise, shall be subject to disciplinary action.

**95. Rules of Natural Justice**

The rules of natural justice must be complied with during the proceedings of the Rules Committee.

**CHAPTER 4  
COUNCIL- IN- COMMITTEE**

**96. Move that Council resolve In-Committee**

The Speaker or Chairperson may -

- (1) at any time after an item on the agenda has been called or during consideration thereof, move that the council resolves itself into committee in terms of Section 20 of the Systems Act for the further consideration of that item if he/she is of such an opinion or a member has moved that the Council goes into committee;

**97. No seconder required for motion.**

No seconder is required when requesting a matter to be discussed in committee.

**98. Only member who moved motion allowed to speak.**

Notwithstanding anything to the contrary in this by-law contained, only the member moving a motion in terms of Section 96 of the Rules may speak on such motion for a period not exceeding five (05) minutes and shall restrict his/her speech to the reasons why the council or committee should resolve itself into committee or discuss the matter in open council or committee, as the case may be without prejudice to council: Provided that, if a motion is moved in terms of section 98 of the Rules, the member concerned may speak for a



period not exceeding five (05) minutes on each item in respect of which such proposal is made.

99. **Direction to discontinue speech**

The Speaker or Chairperson may, if in his/her opinion information is disclosed or is about to be disclosed in the course of a speech which may be prejudicial to the council or committee or any person, direct the member concerned to forthwith discontinue his speech.

100. **Adoption of resolution**

If Council or Committee adopts a resolution in terms of Section 96 of the Rules, the further debate on the item in question, whether in or out of committee, shall for all purposes be deemed to be a continuation of the preceding debate on that item.

101. **Determination of items be considered**

If a proposal in terms of the provision to Section 96 of the Rules is carried, the Speaker or chairperson shall determine when the items concerned shall be considered.

102. **Revert to open council**

At the conclusion of the consideration of items in committee, Council or Committee shall revert to the consideration of further items in open Council or Committee.

103. **Minuting of resolutions**

All resolutions adopted in-Committee or in-Council, must be recorded in the minutes of the open council or committee meeting as no resolution of Council or a Committee may be confidential.

**104. Only members may be present**

When the Council or Committee resolves itself into committee, all members of the public and Council officials except the Municipal Manager and such other officials as the Speaker or Chairperson may require to remain, shall leave the meeting venue and shall not return to the meeting venue for the duration of the proceedings in committee unless otherwise instructed by the Speaker/Committee.

**105. Resignation as member of a committee of Council**

A member of a Committee wishing to resign from the Committee, shall tender his resignation in writing via the Whip of the party. Such tendered resignation may not be withdrawn after receipt thereof is registered by the Municipal Manager.

**106. Appointment of Committee member**

The Speaker and/or Executive Mayor respectively may appoint another member to serve on any respective committee if long leave of absence is granted to a member or for any other reason in the opinion of the Executive Mayor, Speaker with regard to political representation on any committee.

**107. Appointment of Acting Speaker**

The appointment of the Acting Speaker will be in line with Section 41 of the Structures Act. The Municipal Manager will preside over the election of such Acting Speaker in terms of Section 36(3) of the same Act.

**108. Appointment of Acting Executive Mayor**

In the absence of the Executive Mayor, the Executive Mayor will appoint an Acting Executive Mayor from within his/her Mayoral Committee in line with Section 49(3) of the Structures Act.

**CHAPTER 5**  
**MAYORAL COMMITTEE MEETINGS**

**109. No quorum at Mayoral Committee meetings**

If, after the expiry of 30 minutes after the time at which a meeting of the Mayoral Committee is due to commence there is no quorum, the meeting shall be adjourned and held on a day and at an hour determined by the Executive Mayor.

**110. Participation in discussions at Mayoral Committee meetings**

Any person requested or permitted by the Executive Mayor to attend a meeting of that committee may, with the permission of the Chairperson speak at such meeting but will not have any voting powers.

**111. Approval of minutes of Mayoral Committee meetings**

At any ordinary meeting of the Mayoral Committee, after consideration of applications for leave of absence, such minutes of any previous meeting of the committee as have not been confirmed shall, subject to the provisions of Sections 112 and 113 of the Rules be read, approved with or without amendment and signed by the Executive Mayor on the last page thereof and every amendment and other page shall be initialled by him/her.

**112. When minutes considered read**

The minutes contemplated in terms of the Rules of Order may be taken as read if they have been open to inspection by the members of the committee for not less than one hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so requires, unless the committee decides to defer consideration thereof to the next meeting.

**113. Minutes may be held over**

(1) The minutes of a meeting of the Mayoral Committee may, owing to pressure of work, be held over for confirmation at any subsequent meeting.

(2) No proposal or discussion shall be allowed upon such deferred minutes

**114. Voting at meetings of Mayoral Committee**

In the spirit of true democracy, all matters of business considered by the Mayoral Committee shall be decided or resolved by general consensus.

**115. Deadlock in discussions**

If the Executive Mayor finds that there is a deadlock in the discussion of a matter before the Committee and no consensus is foreseen, he/she himself may make a decision thereon in his capacity as Executive Mayor

**116. Ruling of Executive Mayor on procedure and precedence**

Ruling of the Executive Mayor as to procedure at a meeting shall be final

**117. Mayor's preference to speak**

Whenever the Executive Mayor in his/her absence, the elected chairperson, speaks any member then speaking is to discontinue his/her speech and all members are silent so that the Executive Mayor may be heard without interruption.

**118. Resignation as member of Mayoral Committee**

A member of the Mayoral Committee wishing to resign there-from, shall tender his/her resignation in writing to the Executive Mayor and thereafter such resignation may not be withdrawn.

**119. Filling of vacancy**

The filling of a vacancy after the resignation or death of a member of the Mayoral Committee rests solely within the discretion of the Executive Mayor and he/she is not compelled to fill a vacancy.

**120. Termination of appointment**

The Executive Mayor may terminate the appointment of a member of the Mayoral Committee in accordance with the provisions of the Structures Act.

**121. Prohibition on publishing or disclosing documents**

Any member of the Mayoral Committee who publishes or discloses or causes to be published or disclosed any document or record of the

proceedings of the Mayoral Committee or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Mayoral Committee, shall be guilty of an offence.

## **CHAPTER 6**

### **PORTFOLIO COMMITTEES AND OTHER COUNCIL COMMITTEES**

#### **Part 1**

#### **122. Establishment of Portfolio committees and other Council committees**

The following Portfolio and other Council Committees, as approved by the delegation of powers and/or other legislation are hereby established:

##### **Section 80 committees**

1. Corporate Support Services.
2. Public Safety;
3. Integrated Development Planning, Performance Management and Legal
4. Local Economic Development
5. Planning and Human Settlement;
6. Roads and transport
7. Community Development;
8. Technical and Infrastructure Services;
9. Budget and Treasury Office;
10. Intergovernmental Relations, Youth, Women, Children and People living with disabilities

##### **Section 79 committees**

11. Rules of Order committee
12. Municipal Public Accounts Committee

**123. Chairperson of Portfolio committees**

Chairpersons of Portfolio Committees will be appointed from the Mayoral Committee.

- (1) If the Chairperson is absent from any meeting of such a Committee and a quorum exists, the councilors present may elect an acting chairperson from the members present for the purpose of such a meeting.

**124. Dates and time of meetings**

Each committee will meet according to the adopted central diary.

**125. Notice of meetings**

- (1) Any ordinary meeting of a committee shall be convened by way of written notice signed by the Chairperson of such committee and such notice shall contain the business to be dealt with
- (2) The notices for meeting shall be distributed according to the rules of order.
- (3) If any Committee failed to meet due to no quorum or other reason the Chairperson of the Committee shall report the reasons for such failure to the Executive Mayor

**126. Attendance register**

- (1) The Secretary shall keep an attendance register in which every member of the Committee attending a meeting of that Committee shall sign his/her name.

- (2) Whenever a councilor, official or any other person is invited by a Committee, attends any meeting of such Committee, he/she shall enter his/her name in the attendance register.
- (3) If any member of a Council or a Committee who, without obtaining leave of absence, is absent from three consecutive meetings of such a committee, such absence shall be reported to the Speaker to be dealt with in compliance with the Code of Conduct for Councillors as outlined in the Municipal System Act No.32 of 2000 and Regulations Schedule 1

#### **127. Minutes of meetings**

- (1) The proceedings of every meeting of the Committees shall be minuted by the secretary of the meeting.
- (2) Minutes of every meeting shall be confirmed immediately after the meeting of the Committee and signed by the Chairperson.

#### **128. Quorum at meetings**

- (1) Majority of Councilors, who are members of a Committee must be present at any meeting of a committee in order to constitution a quorum.
- (2) If, after the expiry of thirty (30) minutes after the time at which a meeting of any Committee was due to commence, there is no quorum, the meeting shall be held on a day and at a time determined by the Director: Corporate Support Services, after consultation with the Councilors concerned.



**129. Voting at meetings**

- (1) Each Councilor who is a member of a Committee will have the right to vote on any matter considered by the Committee: Provided that the Chairperson shall have a casting vote.
- (2) In a case where consensus cannot be reached, the Chairperson of the Committee shall allow the members of the Committee to vote by show of hands,
- (3) Should there be an equality of votes or in no final decision is taken in respect of any matter, such shall be referred to the Mayoral Committee for consideration.

**130. Confidentiality, prohibition on publishing of reports or disclosing of documents**

- (1) All reports considered or to be considered by any Committee must be treated as confidential and shall not be disclosed to any member of the public or media. Provided that resolutions on reports dealt with in terms of delegated powers may be disclosed.
- (2) Any member of any Committee who publishes or discloses or causes to be published or disclosed any document or record of the proceedings of any Committee of the Council in actions to any purchase or expropriation of land or other property by the Council or any legal or arbitration proceedings in which the Council is concerned, or the agenda or minutes or document or records, or any part thereof, of the Council in committee or another committee of the Council, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Council, shall be guilty of an offence.

**131. Pecuniary Interest of members**

Any member of a Committee who has a pecuniary interest in any matter to be considered by such Committee, shall declare such interest immediately when the item in respect of which pecuniary interest exists, comes up for discussion and withdraw from the meeting until such matter is disposed.

**132. Participation in discussions**

Any member of a Committee shall have the right to participate in the discussions of such Committee: Provided that only Councilors who are members of such Committee will have the right to vote.

**133. Ruling by Chairperson**

- (1) The ruling by the Chairperson of any Committee with regard to procedure shall be final.
- (2) If a ruling of a Chairperson of a Committee is questioned, such ruling shall be discussed and revised at the next ordinary meeting of the Committee and for this purpose, the Chairperson of the Committee shall vacate the Chair.

## **CHAPTER 7 WARD COMMITTEES**

### **Part 1**

**134. Functions**

The Ward Committees shall be responsible for the effective co-ordination of the planning and development of the Municipality at ward level and shall have the following functions:

- (1) Facilitate the establishment of a community based information system in the ward.
- (2) Identify and assess community needs/problems to be considered for both ward development proposals/plans and capital projects.
- (3) Prepare and evaluate development plans/proposals for the ward for submission to Council.
- (4) Initiate, encourage, support and participate in ward self-help projects and mobilize people, material, financial and technical assistance in relation thereto.
- (5) Monitor and evaluate the implementation of development plans as approved by Council in respect of the specific ward.
- (6) Assist in the maintenance of law and order.
- (7) Be responsible for monitoring day to day emergency occurrences, including natural and man made disasters, and take a count of the number of people that would be affected by such emergency occurrences.
- (8) Serve as the communication channel between Council and the people in the ward.
- (9) Monitor the administration of the ward and report to the Council through the office of the Speaker.
- (10) Co-ordinate and monitor projects and activities undertaken by Council and other agencies in the area, especially in the ward.

## Part 2

### 135. Composition

- (1) The Ward Committee shall have not more than 11 members (including the Chairperson) and shall consist of:
  - 1.1. The Ward Councilor who will also be the Chairperson of the committee.
  - 1.2. At least 50% of the members of the Ward Committee shall be women.
  - 1.3. One representative from a "Community Based Organization" or Non-Governmental Organization" whichever is applicable.
  - 1.4. One person with disabilities representing persons with disabilities in the ward.
  - 1.5. One youth representing young peoples' interest in the ward.
  - 1.6. One member of a recognized traditional authority or business representative where applicable.
- (2) A member of a Ward Committee will cease to hold office when such member:
  - 2.1. Dies;
  - 2.2. resigns as a member;
  - 2.3. no longer resides in the ward; or
  - 2.4. is absent from 3 consecutive Ward Committee Meetings without acceptable reason.
  - 2.5. Is in breach of the ward committee policy as adopted by council

### Part 3

#### 136. Mandate and administrative arrangements

- (1) Recommendations of a Ward Committee will be endorsed by a broader ward meeting before submission to the Council to promote broad-based ownership and popular participation.
- (2) Decisions of Council will be communicated in the wider ward for support and implementation.
- (3) Decisions by Ward Committees shall be by consensus.
- (4) A quorum for Ward Committees shall be 50% plus one.
- (5)
  - 5.1. The Ward Councilor must be present at all meetings of the Committee. If the ward Councilor will be absent for a certain period of time the Speaker can appoint an Acting Chairperson / PR councillor.
  - 5.2. Where the Ward Councilor is not available due to illness or delegation, the Speaker and/or the Single Whip will appoint an overseer.
- (6) Council shall have the power to overrule decisions by Ward Committees when deemed to be in the best interest of the community.
- (7) Ward Committees, where appropriate and to further entrench broad participation, may establish sub-committees of not less than 6 and not more than 8 members. Such sub-committees shall discuss sectoral issues and make recommendations to the Ward Committee.

- (8) The Ward Committee shall elect from amongst themselves a secretary who shall be responsible for the recording of the proceedings of the Ward Committee for safekeeping by the Council.
- (9) Council shall, where appropriate, provide the following resources and administrative support to Ward Committees:
  - 1. Where possible, provide a venue for meetings free of charge;
  - 2. Assistance with typing and duplicating of agendas, notices and minutes.

## **CHAPTER 8 MISCELLANEOUS**

### **137. FREEDOM OF SPEECH AND PROTECTION OF COUNCILLORS**

Councillors enjoy freedom of speech during Council meetings and will be immune from litigation based on any speech, debate or discussion made during the meeting.

### **138. Penalties**

Any person, who contravenes or fails to comply with any provision contained in this by-law, shall be guilty of an offence and liable, on conviction, to such penalty as prescribed.

### **139. Repealed**

The Rules of Order By-law No. 1 of 2010, published under Local Authority Notice 254 in the North West Provincial Gazette No 6891 of 16 May 2011, is hereby repealed.

**140. Short Title and Commencement**

This by-law shall be called the Rustenburg Local Municipality Rules of Order By-law, No.1 of 2017 and shall commence on the date of publication in the North West Provincial Gazette.