

Fetakgomo – Tubatse Municipal Rules of Order

Final Version



The **GTM**
GREATER TUBATSE
MUNICIPALITY

South Africa's first democratic platinum city

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INTRODUCTION

1. Application

- (a) These Rules of Order apply to Municipal Council meetings and, with the necessary changes as the context may require, to meetings of other Committees.
- (b) These Rules of Order must be read together with the Municipality's Delegations Policy.
- (c) These Rules or Order apply to the traditional leaders, designated in terms of section 81 of the Local Government: Municipal Structures Act 117 of 1998 to participate in the Council, except for sections 14, 15, 20, 21, 22, 25 and 31 as well as the Schedules of these Rules of Order.

2. Definitions

- (a) The terms used in these Rules or Order will be assumed to carry the same meaning as assigned to them in the 1996 Constitution, the Local Government: Municipal Structures Act 117 of 1998, the Local Government: Municipal Systems Act 32 of 2000 and the Local Government: Municipal Finance Management Act 56 of 2003.
- (b) "Chairperson" means the person chairing a Council or a Committee meeting.
- (c) "Committee" refers to the Executive Committee, a section 80 Committee, a section 79 Committee or any other Committee instituted by the Council (including *ad hoc* Committees).
- (d) "Meeting" is a meeting of the Council or a Committee duly convened in terms of the Municipal Structures Act.
- (e) "Motion" is a proposal for adoption by the Council or a Committee, moved by a councillor in accordance with the procedures as set out in these Rules or Order.
- (f) "Other council activities" are meetings that, even though not convened in terms of the Municipal Structures Act, are convened in order to-
 - i. prepare, facilitate or discuss municipal affairs;
 - ii. engage with the municipal community; or
 - iii. administer training to Councillors.
- (g) "Personal explanation" by a councillor means an explanation that is confined to the material content of the councillor's previous input.
- (h) "Point of order" means a point related to an alleged deviation from these Rules of Order or other procedural rules applicable to a meeting.
- (i) "Procedural motion" is a motion, proposing any of the procedural actions, referred to in section 60.

- (j) “Question” is a query by a councillor, addressed to another councillor or to a Committee, raised in accordance with the procedures as set out in these Rules of Order.
- (k) “Recommendation” means a proposal from the Executive Committee to the Council for adoption in the form of a Council resolution or a proposal from the Municipal Manager to the Executive Committee.
- (l) “Motion without notice” is a motion on any matter which does not appear on the agenda and of which no previous notice has been given, which in the opinion of the Chairperson is of urgent public importance.
- (m) “Question without notice” is a question on any matter which does not appear on the agenda and of which no previous notice has been given, and which does not deal with a report to the Council or Committee which in the opinion of the Chairperson is of urgent public importance.

CHAIRPERSON

3. Duties

The Chairperson of the meeting must-

- (a) maintain order during the meeting;
- (b) ensure compliance with the Code of Conduct for Councillors at the meeting;
- (c) ensure that the meeting is conducted in accordance with these Rules of Order; and
- (d) determine the seating arrangements for meetings of the Council or the Committee.

4. Chairperson of Municipal Council

The Speaker is the Chairperson of all meetings of the Municipal Council.

5. Acting Chairperson

If the Speaker is absent or not available to perform his or her functions the Municipal Council must elect another Councillor to act Chairperson for the duration of the meeting.

6. Chairperson of Committees

- (a) The Chairperson of a Committee chairs the meeting of that Committee.
- (b) If the Chairperson is absent or not available to perform his or her functions the Committee must elect another member of the Committee to act as Chairperson for the duration of the meeting.

7. Reports to the Speaker

If any meeting is chaired by someone other than the Speaker, the Chairperson must report any breaches of the Code of Conduct for Councillors that require further investigation or action, to the Speaker.

8. Statements and communications by Chairperson

The Chairperson may, without notice, make any statement or read any communication at any meeting.

9. Interpretation of Rules

The ruling of the Chairperson in regard to the application or interpretation of these Rules or Order and other procedural matters not dealt with in the Rules of Order is, once he or she has given his or her reasons, final and binding.

10. Precedence of the Chairperson

Whenever the Chairperson wishes to speak during a debate, any Councillor then speaking or offering to speak shall keep quiet and all Councillors shall be silent so that the Chairperson can be heard without any interruption.

MEETINGS

11. Frequency of Council meetings

The Municipal Council must meet at least quarterly.

12. Frequency of Executive Committee meetings

The Executive Committee must meet at least once every month, for eleven months of a year.

13. Frequency of other Committee meetings

Other Committees must meet regularly, depending on the matters to be considered.

14. Calling of Council meetings

- (a) The Speaker must determine the date, time and venue of meetings of the Municipal Council, and must ensure that they take place at least quarterly.
- (b) If a majority of councillors request the Speaker in writing to convene a council meeting, the Speaker must convene a meeting at a time set out in the request.

15. Calling of Executive Committee meetings

- (a) The Mayor must determine the date, time and venue of meetings of the Executive Committee, and must ensure that they take place at least once every month for eleven months of a year.
- (b) If a majority of members of the Executive Committee request the Mayor in writing to convene a meeting of the Executive Committee, the Mayor must convene a meeting at a time set out in the request.

16. Special meetings and urgent meetings

- (a) Sections 14 and 15 apply to the calling of special meetings and urgent meetings.

17. Notice to members of Council Meetings

- (a) The Municipal Manager must give at least seven (7) calendar days' notice of ordinary meetings to enable members to prepare adequately. This also applies to meetings where by-laws or policies are to be considered.
- (b) The following constitutes adequate notice in case of ordinary and special meetings: hand delivery of the agenda and supporting documentation to the councillor's physical address, as submitted to the Municipal Manager.
- (c) In the case of an urgent meeting, the notice period must be at least 48 hours.
- (d) The following constitutes adequate notice in case of urgent meetings:
 - i. Delivery be done through emails or if the systems fails;
 - ii. hand delivery of the agenda and supporting documentation to the councillor's physical address, as submitted to the Municipal Manager; or
 - iii. if the delay caused by hand delivery defeats the purpose of an urgent meeting; notification of the urgent meeting by phone or sms.
- (e) The Speaker, or in his/her absence the Mayor, determines whether a Council meeting is urgent or not.

18. Attendance

- (a) Every Councillor present at a meeting shall sign his or her name in the attendance register.
- (b) The names of all Councillors present at a meeting and of all Councillors to whom leave of absence from any such meeting was granted shall be recorded in the minutes of such meeting.
- (c) When Councillors attend a Committee or Council meeting, they must be dressed in a manner that may befitting and accords with the role, function and political primacy of the Municipal Council, but they must not dress in their political regalia.
- (d) Absence from a meeting by a Councillor does not prevent the meeting from assigning responsibilities to the Councillor or from deploying or nominating him or her with respect to official business of the municipality.

19. Leave of absence

- (a) All applications for leave of absence from Council or Committee meetings must be submitted in writing to the Municipal Manager prior to the commencement of the relevant meeting.(a day before the start of the meeting)
- (b) The Chairperson of the Council grants leave of absence during the Council Meeting.

- (c) The Chairperson of a Committee grants leave of absence of meetings in respect of that Committee.
- (d) Applications for leave of absence from a meeting are deemed to have been granted if-
 - i. the Council, Executive Committee or the Mayor delegated the relevant councillor to act elsewhere on behalf of the Council in a matter; or
 - ii. if the Council, Executive Committee or the Mayor or Committee of the Council requests the councillor to leave the relevant meeting in circumstances envisaged in Item 3(b) of Schedule 1 to the Systems Act, or the councillor recuses him/herself.

20. Sanction for absence without leave of absence

- (a) If an application for leave of absence is not approved or if a Councillor fails to remain in attendance at a meeting, the following fines may be imposed by the Speaker;
 - i. absence without leave at first meeting: Category I;
 - ii. absence without leave at two consecutive meetings: Category II;
 - iii. **that 10% of the Councillors monthly allowance will be deducted;**
- (b) The fines, once duly imposed by the Speaker, will automatically be deducted from the Councillor's monthly allowance.
- (c) Before imposing a fine the Speaker must-
 - i. request the Councillor in writing to explain his or her failure to attend or failure to apply for leave of absence; and
 - ii. afford the Councillor an opportunity to submit this explanation to the Speaker, via the Municipal Manager, within 10 calendar days from the date of such letter.
- (d) In deciding on the imposition of a fine the Speaker shall:
 - i. give special consideration to the question as to whether the meeting was urgently convened or not;
 - ii. give special consideration to the question as to how (i.e. by hand delivery or phone/sms) the relevant Councillor was notified of the meeting;
 - iii. if necessary, consult with the Municipal Manager to obtain clarity on point i. and point ii..
- (e) The decision of the Speaker on the imposition of a fine shall be final and binding.

21. Sanction for absence at three consecutive meetings

- (a) When a Councillor is absent from three or more consecutive meetings of the Municipal Council or from three or more consecutive meetings of a Committee, which should be attended by such Councillor, the Council must make a recommendation to the MEC for local government that he or she be removed from office as a Councillor.
- (b) Before such a recommendation can be made, the Speaker must-

- i. inform the Councillor in writing of the intention to impose such a sanction; and
 - ii. afford the Councillor an opportunity to submit reasons, within 10 working days from the date of such letter, for his or her failure to attend or failure to apply for leave of absence.
- (c) The Speaker shall forward the reasons given by the Councillor to the Council together with the Speaker's recommendation as to what the Council should decide.
- (d) The decision of the Council on whether or not to make a recommendation to the MEC for local government shall be final and binding.

22. Other council activities

- (a) Councillors are obliged to attend other council activities.
- (b) The Speaker may impose a fine of the Category II in the event of persistent and unreasonable absence of a Councillor from other council activities.
- (c) Before imposing a fine the Speaker must-
- i. request the Councillor in writing to explain his or her failure to attend or failure to apply for leave of absence; and
 - ii. afford the Councillor an opportunity to submit this explanation to the Speaker, via the Municipal Manager, within 10 working days from the date of such letter.

23. Application to traditional leaders

Sections 20, 21 and 22 do not apply to traditional leaders, participating in the Council in terms of section 81 of the Municipal Structures Act 117 of 1998.

24. Commencement of meeting

- (a) All councillors that are required to attend a meeting shall be seated in the meeting venue at least 15 minutes prior to the time the meeting is scheduled to commence.
- (b) After the commencement of the meeting, no councillor shall be permitted to enter the (Council) meeting venue except officials who are providing support to Council, and there shall be less movements during Council proceedings especially in front of the chairperson.

25. Quorum

- (a) The quorum for a meeting of the Municipal Council or Committee is a majority of its members (i.e. 50% + 1 member);
- (b) Whenever there is no quorum, the meeting must be adjourned for no more than 30 minutes.
- (c) If there is no quorum after 30 minutes, the meeting must be dismissed, subject to subsection (d).

- (d) Only in the event of a Council meeting, a further adjournment of another 30 minutes may follow the initial adjournment, if necessary.
- (e) In the event of a Council meeting, the Mayor/Chief Whip performs the function under (b), (c) and (d) in the absence of the Speaker.
- (f) In the event of a Council meeting, if neither the Chairperson nor the Mayor is present after the initial suspension of 30 minutes, the Council meeting is automatically dismissed.
- (g) In the case of an Executive Committee meeting, the Councillor responsible for financial matters performs the function under (b) and (c).
- (h) In the event of an Executive Committee meeting, if neither the Chairperson nor the Councillor responsible for financial matters is present after the initial suspension of 30 minutes, the meeting is automatically dismissed.
- (i) In the case of any other Committee meeting, the Municipal Manager performs the function under (b) and (c).
- (j) In the event of any other Committee meeting, if neither the Chairperson nor the Municipal Manager is present after the initial suspension of 30 minutes, the meeting is automatically dismissed.

26. Agenda

- (a) All meetings must be conducted according to the order in which the matters appear on the agenda before a Municipal Council or Committee, and only matters, which are on the agenda, may be debated.
- (b) The agenda of a special or urgent meeting shall contain one (1) item to seven (7) items and Council/Committee may waive to consider or accommodate more than seven items for discussion in addition to the following items:
 - i. confirmation of quorum;
 - ii. opening;
 - iii. election of chairperson if necessary;
 - iv. leave of absence; and
 - v. Closure.

27. Order of business

- (a) The order of business at every ordinary meeting of the council, the executive Committee or a Committee is as follows:

Municipal Council	Executive Committee	Other Committees
1. Opening	1. Opening	1. Opening
2. Election of the Chairperson	2. Election of the Chairperson	2. Election of the Chairperson
3. Leave of Absence	3. Leave of Absence	3. Leave of Absence
4. Confirmation of Agenda & Quorum	4. Confirmation of Agenda & Quorum	4. Confirmation of Agenda & Quorum

5. Announcements	5. Announcements	5. Announcements
6. Official Notices / Statement by Chairperson	6. Official Notices / Statement by Chairperson	6. Official Notices / Statement by Chairperson
6.1 Proposal of Sympathy or Congratulations by the Chairperson	6.1 Proposal of Sympathy or Congratulations by the Chairperson	6.1 Proposal of Sympathy or Congratulations by the Chairperson
6.2 Proposal of Sympathy or Congratulations by Other Members of the Council	6.2 Proposal of Sympathy or Congratulations by Other Members of the ExCo	6.2 Proposal of Sympathy or Congratulations by Other Members of the Committee
7. Confirmation of Previous Minutes	7. Confirmation of Previous Minutes	7. Confirmation of Previous Minutes
8. Reports :	8. Reports :	8. Reports :
i) By the Executive Committee	i) By the Section 80 Committees	i) By the Directorate / Department
ii) By the Speaker	ii) By the Municipal Manager	ii) Report Backs by the District Representative (Important to report back)
iii) By Section 79 Committee(s)		
9. Questions of which Notice has been given	9. Questions of which Notice has been given	9. Questions of which Notice has been given
10. Motions Deferred from Previous Meetings	10. Motions Deferred from Previous Meetings	10. Motions Deferred from Previous Meetings
11. Consideration of Petitions	11. New Motions	11. New Motions
12. New Motions	12. Closure	12. Closure
13. Closure		

- (b) The Chairperson may, after considering suitable motivation, change the order of matters appearing on the agenda.
- (c) The Chairperson has the right to adjourn a meeting at any time but not during the taking of a vote.
- (d)** In the event of a Council meeting, the Speaker may adjourn the meeting for a maximum of 30 minutes for parties to caucus, if requested to do so by one of the political parties in the Council.
- (e) In the event of an adjournment for parties to caucus, **the party with the largest representation in the Council remains seated in the Council chamber and the Municipal Manager ensures suitable venues for the remaining parties.**

28. Invitation to address meeting and petitions

- (a) The Chairperson may invite other persons to address a meeting.

- (b) The Chairperson may include in the agenda, the consideration of petitions, forwarded to the Municipal Manager.

29. Reports

- (a) A report of a Committee or the Municipal Manager to the Council or to a Committee must contain the following:
 - i. matters in respect of which recommendations are made (Part A); and thereafter
 - ii. a schedule of decisions taken by the Committee or the Municipal Manager under delegated or statutory authority (Part B) from the Council or that Committee.
- (b) Unless an item is submitted to the Council or the Committee for information only, every item of Part A shall contain a recommendation, which may be adopted by the Council or the Committee.
- (c) The Chairperson shall permit debate of the matters in Part A, in accordance with sections (Rules) 33, 34 and 35.
- (d) The matters listed in Part B are for noting by Council or the Committee but the Chairperson may allow debate on any of these matters, upon the prior written request of a councillor, which shall be handed to the Chairperson, via the Municipal Manager, at least 24 hours prior to the meeting.

30. Minutes

- (a) The Municipal Manager ensures that minutes are taken of Council and Committee meetings. (Council Secretariat provide relevant support to all Council Structures meeting)
- (b) These minutes shall be submitted for confirmation at the next ordinary meeting of the Council or the Committee.
- (c) The minutes shall be taken as read for the purpose of confirmation, provided a adequate notice was give in terms of section 17.
- (d) Except as to accuracy, no motion, question or discussion on the minutes is permitted.

DECISION MAKING

31. General

- (a) All decisions, except those mentioned in section 31(b), must be taken by a supporting vote of the majority of the members present at any meeting of the Municipal Council or a Committee.

- (b) If the Chairperson asks the meeting if it is in agreement with a proposed recommendation or motion and it is not opposed by any councillor present, the recommendation or motion is adopted.
- (c) Where there is opposition to any proposal to be decided, voting shall be by a show of hands except if otherwise provided in any law.
- (d) A majority of the councillors present at a meeting may request to conduct the voting in secret, in which case a secret ballot will take place according to the procedures of Schedule 1.
- (e) If there is an equality of votes, the Chairperson must exercise a casting vote in addition to his or her deliberative vote as a Councillor.
- (f) Only the number of councillors, and not the names of councillors voting for or against an item, is to be recorded in the minutes.
- (g) A councillor may abstain from voting without leaving the meeting place.
- (h) Any councillor may request that his or her dissent, abstention or support be recorded in the minutes of that meeting.
- (i) The Chairperson must announce the decision taken by the Municipal Council or the Committee.

32. Decisions of the Municipal Council

- (a) Before the Council takes a decision on any of the matters mentioned below, it must first require the Executive Committee to submit to it a report and recommendation on the matter:
 - i. passing of by-laws;
 - ii. approving the budget;
 - iii. imposing rates and other taxes, levies and duties;
 - iv. raising loans;
 - v. approving an integrated development plan (IDP); and
 - vi. appointing and deciding on the conditions of service of a municipal manager; or appointing and deciding on the conditions of service of a head of a department.
- (b) The following matters are determined by a decision taken by the majority of the members of the Council:
 - i. the passing of by-laws;
 - ii. the approval of the budget;
 - iii. the imposition of rates and other taxes, levies and duties;
 - iv. the raising of loans; and
 - v. the approval of the IDP.

DEBATE MANAGEMENT

33. Maximum time per agenda item

- (a) The Chairperson allocates a time to each item on the agenda.
- (b) The maximum time allocated to each item on the agenda will be twenty (20) minutes.
- (c) The Chairperson has the discretion to extend or limit the time allocated for debate on each item on the agenda, or to extend the closing time of the meeting, should circumstances so require.

34. Allocation of speaking time

- (a) The Chairperson allocates speaking time to each political party and independent councillor represented on the Council giving due regard to both of the following criteria:
 - i. In principle, the amount of speaking time to which a political party is entitled is relative to the proportion of council seats it occupies. The following formula is used:

$$\frac{\text{percentage of council seats held by the party}}{\text{held by the party}} \times \text{time allocated to item on the agenda}$$

- ii. If this formula produces an amount that is not meaningful due to the combination of the size of the party and the time allocated to the item on the agenda, the Chairperson allocates a fair amount of speaking time, even if this amount is not strictly proportional to that party's representation on the council.
- (b) The Chairperson exercises his or her discretion in a manner that enables Councillors to participate in its proceedings and those of its Committees in a manner that allows parties and interests to be fairly represented and that is consistent with democracy.
- (c) The Chairperson also ensures that traditional leaders, designated in terms of section 81 of the Municipal Structures Act, are enabled to participate meaningfully in the proceedings of the Council and its Committees.
- (d) The Chairperson's ruling after exercising his or her discretion in this regard shall be final.

35. Allocation of speaking time to traditional leader

- (a) If a vote is to be taken in the Council on a matter that affects the area of a traditional authority, the Speaker shall afford the relevant traditional leader an opportunity to address the council.
- (b) The opportunity shall be afforded prior to the vote being taken and shall consist of the allocation of a meaningful amount of speaking time.

- (c) The Speaker's decision on whether or not the matter affects the traditional authority, who is the relevant traditional leader and how much speaking time is allocated, shall be final and binding.

MOTIONS AND QUESTIONS

36. Motions with prior notice

- (a) A councillor may move a motion in terms of the procedure referred to in section 41.
- (b) A councillor must refrain from unduly congesting the agenda of the Council with unnecessary or frivolous motions.

37. Questions with prior notice

- (a) A councillor may put a question not related to a report if the question has been moved in terms of **Rule 41**.
- (b) The Chairperson decides which councillor must respond to a question and if the councillor is unavailable to respond immediately, when such response must be put before the Council.

38. Questions without notice

- (b) A councillor may put a question, without having to give notice on a matter related to a report when such item has been called or during discussion thereon.
- (c) Questions, related to a report of a Committee will be replied to by or on behalf of the Chairperson of that Committee.

39. Right to reply to questions without notice

- (a) In a Council meeting, Executive Committee members have the right to reply to questions without notice.
- (b) In the case of an Executive Committee meeting, chairpersons of section 80 Committees have the right to reply to questions without notice.

40. Impermissible motions or questions

- (a) The Chairperson shall not accept any motion or question-
 - i. that deals with matters outside of the council's jurisdiction;
 - ii. on which a decision by a judicial or quasi-judicial body is pending;
 - iii. that advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions;
 - iv. may lead to the discussion of a matter already dealt with in the agenda; or
 - v. that unnecessarily congests the agenda of a Council meeting.
- (b) No motion shall again be moved if it seeks to rescind a decision that was taken by the Municipal Council or Committee less than 3 months before the date of the relevant meeting. (Resolution and a Motion) unless if the

motion/resolution/rescindment of the decision has serious financial implications or affect service delivery to the institution/community;

- (c) No motion or question shall again be moved if it has the same content as a motion that was not carried in the period of three months before the date of the relevant meeting.
- (d) No question shall be put if it has the same content as a question that was replied to in the period of three months before the date of the relevant meeting.
- (e) The Chairperson decides on the permissibility of motions, if necessary, assisted by the Municipal Manager for technical input.

41. Procedure for moving motions and questions

- (a) A notice of intention to introduce a motion or put a question shall be in writing, signed and dated by the Councillor submitting the motion or question and the Councillor seconding the motion.
- (b) The notice must specify in full the motion or question, and shall be delivered to the Municipal Manager at least five working days before the date of the meeting at which it is intended to be introduced or put.

42. Motions without notice

A Councillor may move a motion without notice at the meeting after notice in writing thereof has been lodged with the Chairperson, via the Municipal Manager at least sixty (60) minutes before the commencement of the meeting.

43. Questions without notice

A Councillor may ask a question without notice at the meeting after notice in writing thereof has been lodged with the Chairperson at least sixty (60) minutes before the commencement of the meeting.

44. Dealing with motions

- (a) A member submitting a motion shall introduce such motion and shall have the right of reply thereto.
- (b) When dealing with motions:
 - i. the motion shall be read out together with the number thereof and the name of the mover;
 - ii. the Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and thereafter
 - iii. the Speaker shall call the opposed motions in their order on the agenda.

45. Right to reply to the debate on a motion

The mover of a motion may speak to the motion and reply to the debate.

46. Absence of mover or questioner

A motion or question lapses if the mover or questioner is absent from the meeting when called upon to speak to the motion or introduce the question, unless the mover or questioner has notified the Chairperson in writing of a substitute councillor to speak to the motion or introduce the question.

47. Withdrawal of motion or question

- (a) A motion or question may, without discussion and with the permission of the seconder be withdrawn by the mover.
- (b) No Councillor shall speak upon such motion or amendment after the mover has indicated its withdrawal.

48. Limits to right to reply

A reply to the debate on a motion or a reply to a question must be confined to answering to previous speakers and must not introduce any new matter into the debate.

RECOMMENDATIONS

49. Right to introduce a recommendation

- (a) A recommendation to the Council can come from the Executive Committee or a section 79 Committee.
- (b) A recommendation to the Executive Committee can come from a section 80 Committee or from the Municipal Manager.

50. Explanatory statement

- (a) In a Council meeting, Executive Committee members may make an explanatory statement at the beginning of a recommendation.
- (b) In an Executive Committee meeting, chairpersons of section 80 Committees may make an explanatory statement at the beginning of a recommendation.

AMENDMENTS

51. Amendments

- (a) An amendment may be moved in relation to a recommendation or a motion.
- (b) An amendment which is moved-
 - i. must be relevant to the recommendation or the motion on which it is moved;
 - ii. must be seconded but need not be put in writing; and
 - iii. may only be moved by a councillor while he or she is speaking on a recommendation or a motion under debate.
- (c) No councillor may move more than one amendment to the same recommendation or motion.

52. Speaking on an amendment

A Councillor who has moved an amendment may speak thereon for not more than five minutes but he or she has no right to reply.

53. Replying to an amendment

- (a) In a meeting of the Municipal Council, if a member of the Executive Committee or a section 79 Committee wishes to address the Council on any amendment moved to a recommendation he or she may do so during his or her reply.
- (b) In a meeting of the Executive Committee, if the Chairperson of a section 80 Committee wishes to address the Committee on any amendment moved to a recommendation he or she may do so during his or her reply.

54. Closure of the debate

The debate shall close when the amendment has been replied to.

55. Voting on amendments

- (a) If more than one amendment to a recommendation or motion has been moved, such amendments must be put to the vote in the order in which they were moved.
- (b) Each amendment to a recommendation or a motion must be clearly stated to the meeting by the Chairperson before it is put to the vote.
- (c) If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation or motion respect of which only further proposed amendments shall be put to the vote.
- (d) The Chairperson may, if he or she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put to the vote, after which the latter amendment shall lapse.

56. Councillors speaks only once

Subject to section 59, no Councillor shall speak more than once on any recommendation, motion or question unless with the consent of the majority of the Councillors present at the meeting.

PERSONAL EXPLANATIONS, POINTS OF ORDER AND PROCEDURAL MOTIONS

57. Personal explanation

A Councillor may seek the permission of the Chairperson to address the meeting in personal explanation, in order to explain some material part of his or her former speech which may have been misunderstood.

58. Point of order

- (a) A Councillor may seek the permission of the Chairperson to address the meeting on a point of order with a view to calling attention to any departure from these rules and procedures or other procedural rules applicable to a meeting
- (b) Any person asking permission to speak in explanation or raise a point of order shall be heard forthwith, unless the Chairperson rules the explanation or point of order inadmissible.
- (c) A councillor speaking in explanation or raising a point of order shall confine his or her speech to two (2) minutes, unless indicated otherwise by the Chairperson.

59. Right to speak

Speaking in explanation or raising a point of order does not affect a Councillor's right to speak in terms of these Rules of Order.

60. Procedural motion

- (a) When a matter is under discussion at any meeting of the Municipal Council or a Committee, no further debate must be allowed if any of the following procedural motions are accepted:
 - i. that consideration of the matter be adjourned and resumed at a time determined by the Municipal Council or the Committee;
 - ii. that the meeting of the Municipal Council be adjourned and reconvened at a time determined by the Chairperson;
 - iii. that the Council or the Committee proceed to the next business;
 - iv. that the matter be referred back to a Committee with reasons therefore;
 - v. that the matter now be decided.
- (b) Procedural motions shall be seconded but need not be put in writing.
- (c) The mover of a procedural motion may speak for not more than 5 minutes but the seconder shall not be permitted to speak.
- (d) Upon a procedural motion being moved, the mover of the original motion or question or the Councillor making the recommendation may reply to the procedural motion for five minutes.

61. Motion to adjourn

If a motion to adjourn is carried, the Council or Committee shall forthwith adjourn; provided that the Chairperson may direct that the meeting proceed first to dispose of unopposed business.

62. Motion to decide the matter

A procedural motion that the matter now be decided may be moved only after 30 minutes of debate on a specific matter.

CONDUCT DURING MEETINGS

63. Conduct during meetings

A councillor speaking at a meeting of the council or any person addressing the Municipal Council shall rise and address the chair unless he or she is temporarily or permanently unable to do so.

64. Relevance

A Councillor who speaks confines his or her speech strictly to the motion, recommendation or question under discussion or to an explanation or a point of order.

65. Order during meetings

- (a) If at any meeting a Councillor-
- i. conducts himself or herself in an improper fashion;
 - ii. behaves in an unseemly manner;
 - iii. persistently obstructs business to be carried out;
 - iv. challenges the ruling of the Chairperson on any point of order;
 - v. declines to withdraw an expression when required to do so by the Chairperson;
 - vi. indulges in tedious repetition or unbecoming language; or
 - vii. commits any other breach of these Rules of Order;
- the Chairperson shall direct such councillor to conduct himself or herself properly and, if speaking, to discontinue his or her speech and resume his or her seat.
- (b) In the event of persistent disregard of the directions of the Chairperson, the 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 or her to be ejected there from the council/venue by the security services/protocol officer.

66. Sanctions for improper behaviour

- (a) A direction in terms of subsection 65(a) shall be regarded as a warning.
- (b) Upon two (2) warnings and a final warning during the deliberations of a meeting the Chairperson may decide to pursue disciplinary proceedings against such councillor in terms of the Code of Conduct for Councillors.

PUBLIC ACCESS TO MEETINGS

67. Notice to public of Council Meetings

- (a) The Municipal Manager must annually publish the program of Council and Executive Committee meetings for that year in the local press.
- (b)** Whenever a meeting of the Municipal Council is called, the Municipal Manager must give notice of the meeting stipulating the time, date and venue of the

meeting by placing a notice to this effect on the official notice boards of the Municipality. (except close sessions meetings)

68. Meetings open to the public

- (a) The Municipal Council and its Committees must conduct its business in an open manner.
- (b) Subject to the rule mentioned in subsection 68(c), the Municipal Council and its Committees may close its meetings but only if:
 - i. there might otherwise be unreasonable disclosure to the public of personal information regarding any person;
 - ii. there might be disclosure of trade secrets or financial, commercial, scientific or technical information of the municipality or any other person that would be likely to cause harm to the commercial or financial interests of the municipality or any person;
 - iii. information might be disclosed and such disclosure would give rise to an action for breach of a duty of confidence owed to any person in terms of an agreement;
 - iv. there might be disclosure of information that could reasonably be expected to endanger the life or physical safety of any person;
 - v. there might be disclosure of information which is privileged from production in legal proceedings; or
 - vi. there might be disclosure of information about research being carried out by or on behalf of the municipality and the disclosure of such information would expose the municipality to serious disadvantage.
- (c) The Municipal Council and the Executive Committee may not exclude the public, including the media, when considering or voting on any of the following matters:
 - i. a draft by-law;
 - ii. the budget;
 - iii. the adoption or review of the Integrated Development Plan; and
 - iv. the adoption or review of the Performance Management System.

69. Maintenance of order in public gallery

The Chairperson can have one or all members of the public removed from the public gallery.

COMMITTEES

70. Application of Rules of Order

These Rules of Order apply to Committee meetings with the necessary changes as the context may require.

71. Vacancies

Members of Committees shall hold office until their successors have been appointed or until such Committee is dissolved.

72. Councillors may attend Committee meetings

- (a) Councillors have the right to attend meetings of any Committee of which they are not members.
- (b) Such persons may only address the Committee with the leave of the Chairperson, and have no right to vote.

73. Reporting to the Executive Committee

- (a) The Municipal Manager shall submit to the Executive Committee
 - i. reports called for by the Executive Committee; and
 - ii. reports required to be considered by the Municipal Council in terms of legislation.
- (b) A report of a Head of Department shall be submitted to the Municipal Manager who may submit it to the Executive Committee.

SCHEDULE 1 PROCEDURE IN CONDUCTING A SECRET BALLOT

1. Deciding a matter other than the election of office bearers by ballot

- (a) When a question is to be decided by secret ballot, a ballot paper containing the question to be decided shall be handed to each councillor
- (b) Each councillor signifies his or her vote by means of a cross in the appropriate column according to whether he or she is in favour or against the proposal.
- (c) After the ballot papers have been marked they shall be folded and placed in a ballot box provided by the Municipal Manager.
- (d) All ballot papers issued to councillors shall be of equal size and of the same colour;
- (e) Any ballot paper placed in the ballot box, not being a ballot paper so handed to a councillor shall be rejected.
- (f) The Municipal Manager and two councillors appointed by the Chairperson for this purpose shall act as counters under the direction of the Chairperson and shall count the votes cast and report to the Chairperson the result thereof by means of a written and signed statement.
- (g) Thereafter, the Chairperson declares the majority vote to be the decision of the council on the question in respect of which such ballot has been taken, provided that in the event of an equality of votes, the Chairperson must still bring out a casting vote.

2. Deciding the election of office bearers by ballot

- (a) In the event of the election of an office-bearer, the procedures of Schedule 3, Municipal Structures Act 117 of 1998 are followed, complemented by the following provisions:
- (b) The names of the nominees shall appear on the ballot paper and the councillor signifies his or her vote by means of a cross in the appropriate column according to whom he or she votes for.
- (c) After the ballot papers have been marked they shall be folded and placed in a ballot box provided by the Municipal Manager.
- (d) All ballot papers issued to councillors shall be of equal size and of the same colour;
- (e) Any ballot paper placed in the ballot box, not being a ballot paper so handed to a councillor shall be rejected.
- (f) The Municipal Manager and two councillors appointed by the Chairperson for this purpose shall act as counters under the direction of the Chairperson and shall

count the votes cast and report to the Chairperson the result thereof by means of a written and signed statement.

SCHEDULE 2 PROCEDURE FOR ELECTING EXECUTIVE COMMITTEE MEMBERS

1. Application

The procedure set out in this schedule applies whenever the Council meets to elect members of the Executive Committee or of any other Committee.

2. Definitions

In this schedule, any word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act 117 of 1998 or the Local Government: Municipal Systems Act 32 of 2000, shall have such meaning and, unless the context otherwise indicates:

- (a) “List” means a list of one or more members of the Council nominated in order of preference by a party or a member of the Council;
- (b) “Presiding Officer” means the Chairperson of the Council;
- (c) “Quota of votes per seat” means the result of the total number of members of the Council divided by one plus the total number of seats to be filled by the Council on the Executive Committee plus one, disregarding fractions.

3. Preparation and submission of lists

- (a) Whenever an election for the Executive Committee has to take place, the Chairperson shall call upon parties and members to prepare lists to be submitted at the meeting.
- (b) The lists referred to above and as amended from time to time, can only be replaced if the Executive Committee is being dissolved and an entire new Executive Committee has to be elected.
- (c) The name of a member of Council shall not appear on more than one list.
- (d) A party or a member of the Council may submit only one list in respect of an election.
- (e) The order of preference in which names appear on the list, may be altered at any time by the party or member concerned. The party or member who submitted a list, must notify the Presiding Officer in writing of any amendment to the list.
- (f) At the meeting a vote shall be held in respect of all the lists submitted for that purpose and each member of the Council shall have one vote which may be cast in favour of one list.
- (g) The total number of votes cast in favour of each list shall be divided by the quota of votes per seat and by result shall, subject to subsection [8] determine the number of seats to be allocated to that list.

- (h) Where the calculation in subsection [7] yields a surplus, such surplus shall compete with similar surpluses accruing to any other list and any undistributed seat or seats shall be awarded to the list or lists concerned in sequence of the highest surplus.
- (i) If the surplus for two or more lists is equal, the Presiding Officer shall determine by lot which of such lists shall be awarded the undistributed seat or seats.
- (j) The names appearing on a list shall, according to the number of seats determined in terms of this regulation be taken from such list in the order of preference they appear on such list.
- (k) If a list contains fewer names than the number of seats to be filled from that list, the Presiding Officer shall in writing immediately notify the party or member concerned of the exact shortfall and request the party or member to deliver to him or her within not more than 14 days after the date of receipt of the notice, a list supplemented by the name or names of one or more eligible members.
- (l) Immediately upon receipt of the supplemented list, the Presiding Officer shall take the name or names in the order of preference on the list to fill the appropriate number of vacancies.
- (m) Subject to the provisions of subsection 14-
 - i. If the party concerned has ceased to exist or does not deliver within the time referred to above the supplemented list, the vacancy shall remain unfilled.
 - ii. If the party concerned delivers within the time referred to above a supplemented list containing fewer names than the number of seats to be filled from that list, the vacancy shall remain unfilled to the extent of that deficiency.
- (n) Where a vacancy is unfilled in terms of subsection [13] and such vacancy renders a quorum impossible in the Executive Committee, based on its original number of seats, the list concerned shall forfeit the number of vacant seats allocated to that list and the vacancy shall be filled within 14 days in accordance with the provisions of this schedule.
- (o) If any seat is forfeited in terms of subsection [13]
 - i. A new quote of votes per any seat so forfeited shall be determined as follows
 - The total number of votes cast minus those votes cast in favour of all lists forfeiting seats in terms of subsection [14] shall be divided by the remaining number of seats plus one, still to be allocated to the other lists; and
 - The result plus one, disregarding the fractions, shall be the new quota; and
 - ii. A new determination of the allocation of seats to such other list shall be made *mutatis mutandis* in accordance with this schedule.
- (p) If an additional number of seats are allocated to a list in terms of subsection [15] and that list does not contain a sufficient number of names, the procedure described in subsections [14] and [15] shall be repeated until all the vacant seats have been filled.

- (q) If a member of the Executive Committee vacates his or her office before the expiry of his or her term of office, such vacancy shall be filled by the following name appearing on the list from which the name of the vacating member had been taken and if such list contains no names or fewer names than the vacancies that are to be filled from such list, the provisions of subsections [14], [15] and [16] shall apply mutatis mutandis.

4. Election of single member

- (a) Notwithstanding this schedule, if there is only one seat to be filled on the Executive Committee, such seat shall be filled from members nominated by a party or a member of the Council and elected by a simple majority of the Council.
- (b) If a vacancy occurs in a seat of a member contemplated in subsection [1] before the expiry of his or her term of office such vacancy shall be filled in accordance with the provisions of subsection [1].

SCHEDULE 3 DETERMINATION OF MATTERS BY LOT

- (a) When any matter is required to be determined by by-lot, Chairperson ensures that the alternatives between which a choice is required to be made are written on pieces of paper of equal size and similar shape and colour.
- (b) The pieces of paper are displayed to every person who is present at the place where the by-lot is being conducted.
- (c) The Chairperson thereafter folds every piece of paper in such a manner that the names or reference thereon are not visible and shall place every such piece of paper in an empty container.
- (d) The Chairperson shakes the container so as to thoroughly mix the pieces of paper therein.
- (e) The Chairperson appoints an impartial person to draw from the container such number of pieces of paper as may be necessary to determine the matter in respect of which the lot is being conducted.
- (f) The pieces of paper drawn from the container are be unfolded by that person, read out and displayed to everyone who is present at the place where the lot is being conducted.
- (g) Thereafter, the Chairperson declares the result of the lot.

SCHEDULE 4 CATEGORIES OF FINES

- I. The Municipal Council hereby adopts, by resolution, the following categories of fines that apply in the event of violations of its Rules of Order, as in Rule 20 **(iii)**;
This Schedule may be amended by ordinary resolution of the Council.