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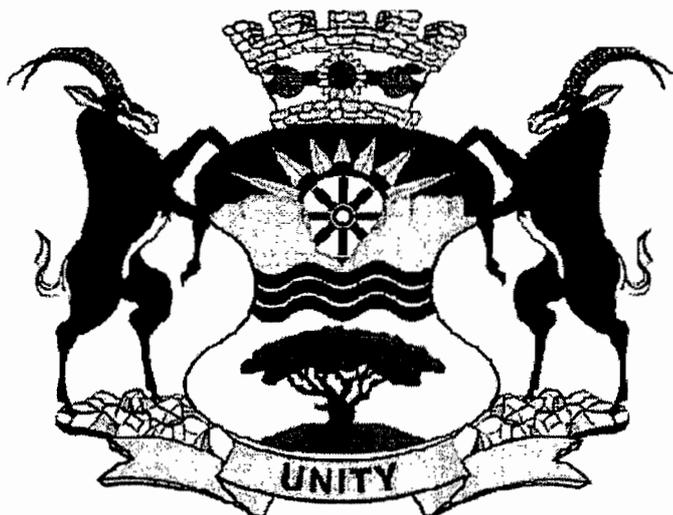
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 80

RUSTENBURG LOCAL MUNICIPALITY



RULES OF ORDER BY-LAW

Rustenburg Local Municipality

RULES OF ORDER BY-LAW, 2010 (No 01 of 2010)

To regulate the internal arrangements, business and proceedings, establishment, composition, procedure, powers and functions of its Council and Committees and to provide for matters incidental thereto.

Be it enacted by the Municipal Council of the Rustenburg Local Municipality in terms of section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:-

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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;

"Mayoral committee" means the committee appointed by the executive mayor;

"manager" means a manager as contemplated in Section 57 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" means pointing out any deviation of order, anything contrary to this by-law or other by-laws of the council or any other law;

"Political head" means the Speaker and/or Executive Mayor and/or Single Whip appointed by the Council;

"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" has the same meaning as in Section 30 of the Municipal Structure's Act;

"Rules" means the Rules of Order

"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;

"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 and Ward Committees meetings.

CHAPTER 2

COUNCIL, MAYORAL, PORTFOLIO AND OTHER COMMITTEES

Part 1

Calling of meetings

3. **Speaker to convene Council meetings**

The Speaker shall convene meetings of the Council, on the last Tuesday of every month excluding December, or 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 a meeting at a time set out in the request. (See Sections 18(2) & 29(1) of the Municipal Structures Act).

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, but if the majority of members request a special meeting in writing, and/or if necessary, the Executive Mayor must convene a meeting at a time set out in the request: provided that the Mayoral Committee shall not hold a meeting at the same time that a Council meeting is in progress.

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

The Chairperson of a portfolio or other committee shall, after consultation with the Municipal Manager or the relevant Head of Department, convene meetings of such portfolio committees, normally on a predetermined workday excluding during December, but if the majority of members request a special meeting in writing, and/or if necessary, the

chairperson must convene a meeting at a time set out in the request: provided that no committee shall hold a meeting at the same time that a Mayoral Committee or Council meeting is in progress.

6. Ward Councillor to call ward meetings

The Ward Councillor of each Ward shall call all meetings of that ward and shall be assisted therein by the Municipal administration.

Part 2

Notice of meetings

7. 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.

8. Portfolio committees

The relevant Secretariat shall be responsible to compile and serve the notice of all Portfolio Committee meetings.

9. Ward committees

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

10. Notice of meeting to be served

The notice of the time, place and venue of every meeting of the Council, Mayoral Committee, Portfolio Committee or other committee, shall be served on every councillor or members of such committee, at least two to four days before the meeting, unless a shorter period is agreed to by the Speaker, Executive Mayor or Chairperson, as the case may be.

11. Business limited by notice of meeting

With the exception of an urgent report of the Executive Mayor or the Municipal Manager, business not specified in the notice and or the agenda of the meeting shall not be considered at that meeting.

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. Preparation of Ward Committee agendas

The Ward Councillor, assisted by the secretariat provided by the Municipality, is responsible for the preparation of the agenda of all Ward Committee meetings

17. Raising of urgent matters

The Municipal Manager may, after consultation with the Speaker, Executive Mayor or Chairperson, in his discretion raise any urgent matter for resolution by Council, Mayoral Committee, Portfolio Committee or other committee when the resolution required could, in his/her opinion, prejudice the council or community in the event that it is delayed.

18. Urgent Items to form part of the agenda

If on the day after 5th day before a meeting, the Executive Mayor has any item that he/she deems urgent to present to the Council for the purpose of noting or consideration, he/she may do so after consultation with the Speaker.

The Speaker may similarly present an urgent item to the Council.

19. 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 for discussion and noting
 - 8.1 Part 1: Recommendations
 - 8.2 Reports for noting
- (9) Reports by the Speaker
- (10) Report by the Single Whip
- (11) Information by the Municipal Manager;
- (12) Motions or proposals deferred from previous meetings
- (13) New motions or petitions;
- (14) Questions;
- (15) Adoption of minutes;
- (16) Closure

20. Bringing forward items on the agenda

After the matters referred to in Section 19 of the Rules have been considered, the council may at its discretion bring forward any business which is on the agenda.

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

If a proposal in terms of Section 19(4) and (5) of the Rules is opposed, such proposal shall lapse without further discussion.

22. **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.

Part 4

Minutes of meetings

23. **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.

24. **Adoption of minutes**

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

25. **Discussion on minutes**

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

26. **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.

27. **Copies of approved minutes.**

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

28. 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 Chairperson of that specific meeting.

29. Safe custody of minutes

The approved minutes, signed by the Chairperson of the meeting, shall be kept in safe custody and shall be *prima facie* evidence of resolutions adopted by the Council, the Mayoral Committee, or other Committee as the case may be.

30. Municipal Code

All approved and signed minutes must be included in the Municipal Code of the Municipality.

Part 5

Attendance at meetings

31. **Dress code**

No councillor or official shall be allowed to attend Council meeting unless dressed in formal, traditional or smart casual. No jeans, canvas shoes (tekkies), t-shirts or shorts will be allowed.

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. **Non-attendance of meetings.**

A councillor must attend each meeting of the council and of a committee of which he/she is a member unless there is good reason for absence. Leave of absence may be granted if such application for leave of absence is done in writing and handed to the Speaker or Municipal Manager or the chairperson or secretary of any committee of the council before the commencement of the meeting. Any verbal application on behalf of a member must be followed up in writing within seven (7) days.

34. **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.

35. **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.

36. **Monitoring of attendance**

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.

37. **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.

38. **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

39. 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 38 of the Rules hereof.

40. Notice of adjourned meeting

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

41. 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.

42. Only items specified to be dealt with

Subject to the provisions of Section 18 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

43. Quorum of advisory committee

Notwithstanding whether a quorum of any advisory committee is present, such committee may proceed with its deliberation.

44. 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).

45. 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.

46. 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

47. **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 and the Executive Mayor.

48. **Entitled to written reply**

A member who has put a question in terms of Section 50 of the Rules shall be entitled to be furnished with a written reply in due course.

49. Reply to questions

The Executive Mayor, Speaker, the Single Whip or Municipal Manager may at the next ordinary meeting of the council reply to questions if left unanswered.

50. Who must answer questions raised

Any question put in terms of this section, shall be answered by or on behalf of the Executive Mayor, Speaker, Single Whip or Municipal Manager.

51. 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.

52. Out of order or unclear questions

The Speaker may disallow a question if he/she is of the opinion that it is out of order or not put clearly.

Part 2

Deputations

53. Receipt of memorandum

The Municipal Manager shall submit the memorandum contemplated in section 54 of the Rules to the Executive Mayor who may receive the deputation and deal with the matter raised in the memorandum.

54. 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.

55. Limitation on number of deputies

- (1) A deputation shall not exceed ten (10) in number and at an interview contemplated in section 59 of the Rules, only one 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.

56. 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

57. Delivery of reports

Any report with the exception of a report accepted by the Speaker as a matter of urgency, shall for the purpose of a meeting be served in the manner provided in Part 3 of Chapter 2 hereof.

58. Moving of reports

The Executive Mayor, a member of the Mayoral Committee, or Portfolio Committee, or the Municipal Manager called upon by the Speaker to do so, shall submit his/her report to a meeting by requesting "that the report be considered" and such request shall not be discussed.

59. Written reports

The resolution required for amendment of a motion or proposal must be supported by a written report and must be submitted to the Speaker at the meeting for distribution to the members.

60. When written reports are required

Before the Council takes a decision on any of the following matters, the Executive Mayor must submit a written report and recommendation on –

- (1) any matter mentioned in S160(2) of the Constitution;
- (2) the approval or amendment of an integrated development plan for the municipality and

- (3) the appointment and conditions of service of the Municipal Manager and a Section 57 manager of the municipality – in terms of S30 (5) of the Act.

61. All Reports to contain recommendations

- (1) Unless an item is submitted to the council for information only, every item relating to matters in respect of which there are no delegated powers shall contain a recommendation to be considered by council for adoption.
- (2) All reports shall contain the clear recommendations of the Municipal Manager as well as that of the Executive Mayor, Speaker and the Single Whip or any committee, that have been taken at a meeting prior to the delivery of the said items.

62. Recommendations made under delegated authority

- (1) When a report is being considered, the Speaker shall put the recommendations *seriatim* to council unless he/she has a good reason not to do so.
- (2) The recommendations in the reports as mentioned in subsection (1) shall be deemed to have been proposed and seconded.
- (3) When a recommendation contemplated in subsection 160(2) of the Constitution has been adopted, such recommendation shall become a resolution of the council.

63. 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.

64. Reports of the Speaker

The arrangement as envisaged in Section 11 of the Rules will apply *mutatis mutandis*.

65. Reports by the Municipal Manager

The arrangement as envisaged in Section 11 of the Rules will apply *mutatis mutandis*.

66. 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.

67. Submission of reports by Directors

A report of the Director, co-signed by the relevant political head, shall be submitted to the Municipal Manager: Provided that the Municipal Manager shall submit such report to Council, the Executive Mayor, Mayoral Committee, relevant committee or relevant delegate of Council when so required, either by law or otherwise.

68. Debate on reports

After the matters in respect of which the Executive Mayor has no delegated powers have been dealt with, the Speaker shall permit debate of the matters delegated to the Executive Mayor: Provided that: -

- (1) such discussion shall be limited to a period not exceeding twenty (20) minutes or such extended period as the Speaker may determine;
- (2) a member, except the Executive Mayor, shall not speak on such matters for longer than ten (10) minutes;
- (3) no other proposal shall be submitted during such discussion, except a proposal that the Executive Mayor, Speaker or delegate be requested to reconsider his resolution in instances where council is not functus officio yet;
- (4) During such discussion a member may request that his opposition to a resolution in respect of which the Executive Mayor or a delegate has delegated powers and his reason therefore, be minuted after which the Municipal Manager shall minute or cause to be minuted such opposition and reason(s).

69. Referral of reports

The Municipal Manager may refer a report back to any Director for amendment or any addition thereto and may, if he/she deems it necessary, comment or make a recommendation in respect of any report which he/she submits.

70. Decision of Municipal Manager final

All policies and/or instructions by the Municipal Manager with regard to processes, procedures, timeframes and formats relating to reports for agendas must be strictly adhered to and any person who does not comply, shall be subjected to disciplinary action.

71. 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 listing

such items that do not appear on the agenda for discussion and the reasons for it to be noted only by council.

72. Closing of questions and clarifications

If the Executive Mayoral member contemplated in section 70 of this by-law takes part in the debate concerning any item in the report, he shall also close the debate on such item: Provided that the Executive Mayor, member concerned or Municipal Manager may nominate another member who, in his/her opinion, is more conversant with the particular item which is being debated, to close the debate on his/her behalf, irrespective of whether or not such member had previously taken part in the debate on that item.

Part 4

Motions and petitions

73. Requirements for 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;
- (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 seven (07) days prior to such a meeting;

- (4) a motion shall lapse if the member who submitted it or a member assigned by him/her in writing is not present at the meeting when such motion is being debated.

74. Motions which may be received

Save for the provisions of Section 40 of the Structures Act when a motion or proposal is under debate at a meeting, no further proposal shall be received except the following:

- (1) To amend the motion or proposal;
- (2) That the question be referred back to the Executive Mayor for further consideration;
- (3) That consideration of the motion be postponed;
- (4) That the meeting do now adjourn;
- (5) That the debate be adjourned temporarily for purposes of a caucus;
- (6) That the motion be put to the vote;
- (7) 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.

75. When motion may be put

A proposal may only be put by a member while he/she is speaking on a motion or proposal under debate.

76. Further motions

If a motion is put in terms of section 74 of the Rules, no further proposal may be put before the mover and seconder of the motion or proposal under debate have spoken thereon.

77. 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.

78. 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.

79. Receipt of motions

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

80. Motion to be seconded

A motion shall only be regarded as having been submitted to the Council for decision if the proposal introducing that motion was duly seconded.

81. Entering of motion on agenda

Every motion shall on receipt be dated and numbered and shall be entered by the Secretariat upon the agenda in the order in which it is received.

82. Moving of motion at conclusion of speech

A motion in terms of Sections 73 and 74 (of the Rules) by a member who did not take part in the debate on the motion or proposal under discussion, may only be put at the conclusion of a speech.

83. Motion limited to one

- (1) No member shall move more than one amendment of the same motion or proposal.

- (2) A proposal in terms of Section 88 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 83(1) and (2) of the Rules, a member who has made a proposal in terms of section 74 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.

84. Amendment of a motion

An amendment which is moved in terms of this Section:

- (1) shall be relevant to the motion or proposal on which it is moved;
- (2) shall be submitted in writing, signed by the mover and a seconder and handed to the Speaker; and
- (3) shall be stated to the meeting by the Speaker before it is put to the vote.

85. More than one amendment moved

Subject to the provisions of Section 83(1) of the Rules more than one amendment of a motion or proposal may be moved and, save as provided in section 83(2) of the Rules every amendment proposed shall at the close of the debate on such motion or proposal, shall be put to the vote.

86. Relevance of motions

Every motion shall be relevant to the administration of or conditions in the Municipality or shall deal with a matter in respect of which Council has jurisdiction.

87. Moving a motion and right to reply

A member submitting a motion shall move such motion and shall have the right of reply: Provided that motion lapses if the member is absent from meeting on which motion has been placed.

88. Limitation of motions

No member or party shall have more than six (6) motions per calendar year as contemplated in section 74 of the Rules entered upon the agenda with the exception of a deferred motion.

89. 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.

90. Rescinding or amendment of a motion

Notwithstanding the provisions of sections 89 of the Rules, the Council may at any time, following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it.

91. 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.

92. 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.

93. Withdrawal of motions

- (1) A motion or proposal may, may with the consent of the Council, be withdrawn or amended by the mover.
- (2) After consent for the withdrawal of a motion or proposal has been granted, no member shall be allowed to speak further upon such motion or proposal.

94. When a Motion shall be referred back for further consideration

A motion in terms of this section shall only be made in respect of a recommendation by the Executive Mayor which is being considered by the council.

95. Postponement of consideration of question

If a motion is carried that consideration of a question be postponed until a future meeting, the motion or proposal, if the question did not arise from a recommendation of the Executive Mayor, shall subject to the provisions of Section 73 of the Rules be placed first among the motions or proposals contemplated in Section 74 of the Rules which are to be considered on the particular date, or if such a question arises from a recommendation of the Executive Mayor, it shall be contained in the report of that committee to the council on the day in question.

96. One motion for adjournment of meeting

No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

97. Adjournment of debate for purposes of caucus

- (1) A proposal in terms of Section 74(5) 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 74(5) 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.

98. Putting of the question

The mover of a motion or proposal under debate shall, notwithstanding the fact that the proposal has been adopted in terms of section 74(6) of the Rules have the right to reply in terms of Section 87 before the question is put to the vote.

99. Motion that Council proceed to next business

- (1) A proposal in terms of Section 74(7) 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 74 of the Rules is carried, the question under discussion shall be discarded.

100. Submission of petition during meeting

A petition may be submitted by a member in the course of a meeting but he/she may not mention or divulge the contents or the title thereof at the time when it is submitted.

- (1) A petition as contemplated in subsection 1 shall be referred to the Executive Mayor for a report to Council.

Part 4**Procedures and proceedings****101. 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.

102. **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.

103. **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.

104. **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.

105. **Speeches limited to 10 Minutes**

Subject to the provisions of Sections 91 and 112 of the Rules a member may speak for no longer than ten (10) 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 (5) minutes.

106. **Waiving by Speaker**

The Speaker may waive the provisions of section 109 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.

107. **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.

108. **Explanatory Statement by the Executive Mayor**

The Speaker may permit the Executive Mayoral member who made a proposal in terms of Section 61 of the Rules to make an explanatory statement prior to the consideration of any particular item contained in the agenda, in reply to such a specific question.

109. **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.

110. **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.

111. **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.

112. **Removal or exclusion of members or any other person**

If a member or any other person refuses to comply with a direction in terms of Section 110 of the Rules hereof, the Speaker or Chairperson may direct an official to remove the member or person or to cause his/her removal and to take steps to prevent his/her return to the meeting.

113. **Exclusion from Council meetings**

- (1) Council may exclude from meetings, for such period as it may determine, but not exceeding sixty (60) days, a member or any other person who wilfully disregards the authority of the Speaker or Chairperson or who wilfully obstructs the business at any meeting.

- (2) A ruling to exclude any person may be made at any stage of the meeting.

114. Points of Order and personal explanation

Any member, whether he/she has addressed the meeting on the matter under debate or not, may -

- (1) rise to a point of order;
- (2) give a personal explanation.

115. Member entitled to be heard

A member contemplated in section 114 of the Rules shall be entitled to be heard forthwith.

116. Ruling of Speaker or Chairperson final

Subject to the provisions of Sections 114 and 115 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.

117. 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 must also be declared 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.

118. 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
Voting****119. Mode of voting**

Every motion or proposal shall be submitted to the Council or committee by the Speaker or chairperson who shall call upon the members to indicate as indicated in section 45 of the Rules.

120. Recording of vote

After the Speaker or Chairperson has declared the result of the voting in terms of section 127 of the Rules a member may demand -

- (1) that his/her vote be recorded against the decision; or

121. Casting vote of the Speaker/Chairperson

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.

122. Interpretation to be minuted

Any member may request that the ruling of the Speaker or Chairperson as to the interpretation of the Rules of Order be recorded in the minutes and the Municipal Manager shall keep a register of such rulings.

123. **Rulings and precedence**

All rulings of the Speaker or Chairperson must be in line with the principle of precedence.

Part 7

Disciplinary action

124. **Adherence to Code of Conduct**

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

125. **Disciplinary action**

Any person who refuses to carry out any instruction given in terms of section 123 of the Rules or who wilfully obstructs the carrying out of such instruction or otherwise, shall be subject to disciplinary action.

126. **Uniform procedure to apply sanctions for non-attendance of meetings and other transgressions by Rules Committee**

In terms of Section 59(1) of the Municipal Systems Act the Council delegates the Speaker as Chairperson of the Rules and Disciplinary Committee together with two members of the Mayoral Committee to be nominated by the Executive Mayor to consider the non-attendance of meetings of any councillors in terms of item 4 of the Code of Conduct and impose a fine as determined in sub-section 47(3) in respect of absence without leave for one or two meetings and must take steps to remove a councillor from office who is absent from three or more consecutive meeting of the Council or of a committee which such councillor is required to attend, without written leave of absence.

127. 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

128. **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 Structures Act for the further consideration of that item if he is of such an opinion or a member has moved that the Council goes into committee;
- (2) if the council or committee is in committee as contemplated in subsection (1), move that, for the further consideration of the item under debate, the council or committee resolve to consider the matter in open council or committee: Provided that the Speaker or chairperson, may at any time move that the council or committee resolve itself into committee for consideration of one or more items on the agenda.

129. **No seconder required for motion**

No seconder is required for a motion in terms of section 128 of the Rules.

130. **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 128 of the Rules may speak on such motion for a period not exceeding ten (10) 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 129 of the Rules, the member concerned may speak for a period not exceeding ten (10) minutes on each item in respect of which such proposal is made.

131. **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.

132. **Adoption of resolution**

If Council or Committee adopts a resolution in terms of section 128 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.

133. **Determination of items be considered**

If a proposal in terms of the provision to section 128(2) of the Rules is carried, the Speaker or chairperson shall determine when the items concerned shall be considered.

134. **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.

135. **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.

136. **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.

137. **Ejecting of attendees**

The Speaker or Chairperson may direct an official to eject or cause to be ejected any person who remains in the meeting venue in contravention of section 153 of the Rules or take steps to prevent the entry of any person into such venue in contravention of that section.

138. **Reports to the press and public**

The Municipal Manager may supply to any newspaper or its representative or member of the public, the agenda of Council or Committee of council: Provided that the Executive Mayor may instruct him to withhold from the press or any person any particular agenda or item in an agenda if it is regarded to be in the interest of the Municipality.

139. **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.

140. **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.

The Council can in its own discretion approve an acting allowance to act as a Speaker.

141. **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.

142. **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

143. **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.

144. **Participation in discussion 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.

145. **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 146 and 147 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.

146. **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.

147. **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

148. **Voting at meeting 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.

149. **Deadlock in discussion**

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

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

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

151. **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.

152. **Resignation of 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.

153. **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.

154. **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.

155. **Non-attendance of Mayoral Committee meetings**

The provision of Section 47 of the Municipal Structures Act applies mutatis mutandis to members of the Mayoral Committee.

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

Any member who publishes or discloses or causes to be published or disclosed any document or record of the Council or 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 of the Mayoral 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. See section 170.

CHAPTER 6 BUDGET MEETING

157. **Executive Mayor to deliver budget speech**

Although it is the responsibility of the Executive Mayor to deliver his/her budget speech, it shall be his/her prerogative to nominate a Member of the Mayoral Committee to deliver the budget speech on his/her behalf if he/she so chooses.

158. **Provisions when considering the budget**

Notwithstanding anything to the contrary in this by-law contained, the following provisions shall apply when the council considers the budget:

- (1) No proposal designed to increase or decrease the estimated revenue or expenditure of the council, shall be put to the vote before the debate on the budget has been closed;
- (2) After the debate on the budget has been closed, the Speaker shall put to the vote the proposals contemplated in section 158(1) of the Rules in the order in which they were proposed;
- (3) after all the amendments have been dealt with and if any proposal contemplated in section 158(2) of the Rules has been accepted, the budget shall not be deemed to have been amended as previously accepted, but the meeting shall be adjourned to a date and time determined by the Speaker unless the Executive Mayor, or a member of the Mayoral Committee authorized by him, proposes that such adjournment is not necessary;

- (4) if it is decided in terms of section 158(3) of the Rules that the meeting does not need to adjourn, the budget shall be deemed to have been amended in accordance with the proposal accepted in terms of that paragraph;
- (5) after an adjournment in terms of section 158(3) of the Rules the Executive Mayor shall investigate the implications of every proposal accepted and shall report thereon to the council when the meeting resumes;
- (6) after the Executive Mayor has reported in terms of section 158(5) of the Rules;

- (1) the Speaker shall permit debate on the proposals accepted;

- (2) Thereafter, he shall put every such proposal to the vote again, and if such proposal is accepted, the budget shall be amended in accordance with that resolution.

159. **Provisions of the MFMA, Policies and by-laws**

When considering the Budget, or any amendment or revision thereof, Council must take cognisance and comply with all relevant provisions of the MFMA, MSA, its regulations, all relevant Policies and By-laws in force.

160. **Motions or proposals affecting a By-Law, any other law or the budget to be referred to the Executive Mayor and the Speaker**

A motion or proposal other than a recommendation of the Executive Mayor which is designed to increase or decrease the budget of council or that will effect the making or amendment of a by-law shall, before the council adopts a resolution thereon, be submitted to the Executive Mayor and/or Speaker for a report.

CHAPTER 8 PORTFOLIO COMMITTEES

Part 1

161. Establishment of Portfolio committees

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

1. Budget and Treasury;
2. Community Development Services;
3. Local Economic Development & 2010;
4. Public Safety;
5. Technical & Infrastructural Services;
6. IDP & Rural Development;
7. Planning & Human Settlement;
8. Corporate Support Services.

162. Chairperson of 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.

163. Dates and time of meetings

Each committee will meet according to the adopted central diary.

164. 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

165. 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 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.

166. Order of business of ordinary meetings

The order of business of an ordinary meeting convened in terms of paragraph 7 supra, shall be as follows:

1. Opening/Welcome
2. Applications of leave of absence
3. Proposals of condolence or congratulations by the Chairperson
4. Proposals of condolence or congratulations by other members

5. Confirmation of minutes
6. Matters to be dealt with in terms of delegated powers
7. Matters which have been referred to the Committee by the Mayoral Committee for investigation

167. 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 at the next ordinary meeting of the Committee and signed by the Chairperson.

168. Quorum at meetings

- (1) Subject to the provisions in paragraph 12.2 infra, at least 50% plus one Councilors, who are members of a Committee must be present at any meeting of a committee in order to constitute 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.

169. 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.

170. Confidentiality of reports

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.

171. 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.

172. 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.

173. 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 9 WARD COMMITTEES

Part 1

174. 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**175. Composition**

- (1) The Ward Committee shall have not more than 11 members (including the Chairperson) and shall consist of:
1. The Ward Councilor who will also be the Chairperson of the committee.
 2. At least 50% of the members of the Ward Committee shall be women.
 3. One representative from a "Community Based Organization" or Non Governmental Organization" whichever is applicable.
 4. One person with disabilities representing persons with disabilities in the ward.
 5. One youth representing young peoples' interest in the ward.
 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:
1. Dies;
 2. resigns as a member;
 3. no longer resides in the ward; or
 4. is absent from 3 consecutive Ward Committee Meetings without acceptable reason.

Part 3**176. 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)
 1. The Ward Councilor must be present at all meetings of the Committee. If the ward Councilor will be absent for a period of time the Speaker can appoint an Acting Chairperson / PR Councillor.
 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 10
MISCELLANEOUS

177. 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.

178. 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.

179. Repealed

The Rules of Order By-law No. 1 of 2005, published under Local Authority Notice 381 in the North West Provincial Gazette No 6215 of 27 September 2005, is hereby repealed.

180. Short Title and Commencement

This by-law shall be called the Rustenburg Local Municipality Rules of Order By-law, No.1 of 2010 and shall commence on the date of publication in the North West Provincial Gazette.
