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- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 200 OF 2015

Standing Rules and Orders of the Matatiele Local Municipality

MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

RULES AND ORDERS OF THE COUNCIL

MAY 2015

Standing Rules and Orders of the Matatiele Local Municipality

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Standing Rules and Orders of the Matatiele Local Municipality

DEFINITIONS

In these Standing Rules and Orders of the Matatiele Local Municipal Council, unless inconsistent with the context; the following words and expressions shall have the meanings respectively assigned to them hereunder:

“**AD HOC COMMITTEE**” means a Committee appointed in terms of section 33 (1) Local Government Municipal of the Systems Act 32 of 2000;

“**APPROVAL**”, means approval by the Council;

“**BASIC MUNICIPAL SERVICES**”, means a Municipal Service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety or the environment;

“**BOARD OF DIRECTORS**”, in relation to a municipal entity, means the board of directors of that entity;

“**CHIEF WHIP**”, means a political officer in the Council whose task is to administer the whipping system that ensures that members of the Council attend and vote as the Council’s Leadership desires;

“**CITIZENS**”, means a citizen of the Republic of South Africa as envisaged in section 3 of the Constitution Act, (Act 108 of 1996);

“**CODE OF CONDUCT**” in relation to:

- a) a Councillor, means the code of conduct set out in schedule 1 (of Local Government; Municipal Systems Act 32 of 2000 as amended) ;and
- b) a staff member of a Municipality, means the code of conduct set art in Schedule 2; (of the Local Government; Municipal Systems Act 32 of 2000 as amended)

“**COUNCILLOR**” means a member of the Matatiele Local Municipal Council;

“**COUNCIL**” means the Matatiele Local Municipality and its successors in law, and includes the Council of that Municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation;

“**COUNCIL PROPERTY** “, includes all property whether movable or immovable, which is owned by, vests in or is under the control of the Council;

Standing Rules and Orders of the Matatiele Local Municipality

“DELEGATING AUTHORITY”;

- a) in relation to a delegation of a power or duty by a Municipal Council, means the Municipal Council; or
- b) in relation to a sub- delegation of a power or duty by another political structure, or by a political office bearer, Councillor or staff member of a municipality, means that political structure, political office bearer, Councillor or staff member;

“DEVELOPMENT “;

Means sustainable development, and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organizational and human resources upliftment of a community aimed at:

- a) improving the quality of life of its members with specific reference to the poor and other disadvantaged sections of the community; and
- b) ensuring that development serves present and future generations;

“ELECTION”, means the election of the Councillors referred to in section 23 (1) (a) and (c) of the Municipal Structure ACT 117 OF 1998;

“ENVIRONMENTALLY SUSTAINABLE”, in relation to the provision of municipal service, means the provision of a municipal service in a manner aimed at ensuring that:

- a) the risk of harm to the environment and to human health and safety is minimized to the extent reasonably possible under the circumstances;
- b) the potential benefits to the environment and to human health and safety are maximized to the extent reasonable possible under the circumstances; and

legislation intended to protect the environment and human health and safety is complied with;

“EXECUTIVE AUTHORITY”, means the Matatiele Local Municipality’s Executive Authority envisaged in section 156 of the Constitution (Act 108 of 1996) read with section 11 of the Local Government: Municipal Systems Act 32 of 2000;

“EXECUTIVE COMMITTEE”, means an Executive Committee established in terms of section 43 of the Municipal Structure Act 1177 of 1998;

“FINANCIAL MISCONDUCT “, means any misappropriation , mismanagement, waste , or theft of the finances of a Municipality and also includes any form of financial misconduct specifically set out in section 171 of the Municipal Finance Management Act 2003 (Act NO 56 of 2003);

“FINANCIAL YEAR”, means the financial year of the Municipality that ends on 30 June of each year;

Standing Rules and Orders of the Matatiele Local Municipality

“FINANCIALLY SUSTAINABLE”, means the provision of a Municipal Service in a manner aimed at ensuring the financing of that service from internal and external sources, including budgeted income, grants and subsidies for the service, is sufficient to cover the costs of:

- a) the initial capital expenditure required for the service;
- b) operating the service; and
- c) maintaining, repairing and replacing the physical assets used in the provision of the service

“HEADMAN OR HEAD WOMAN” means a traditional leader who:

- a) is under the authority of, or exercises authority within the area of jurisdiction of a Senior Traditional leader in accordance with customary law; and
- b) is recognized as such in terms of Traditional Leadership and Governance Framework Act 41 of 2003;

“INTEGRATED DEVELOPMENT PLAN” means a plan envisaged in section 25 of the Local Government; Municipality systems Act 32 of 2000;

“INDEPENDENT WARD COUNCILOR”, means a Councillor who was not nominated by a Party as a Candidate in a ward election;

“KINGSHIP OR QUEENSHIP”, means a kingship or queenship established in terms of section 2A of the Traditional Leadership and Governance Framework Act 41 of 2003;

“LOCAL COMMUNITY “OR” COMMUNITY” means that body of persons comprising:

- a) the residents of the Municipality;
- b) the ratepayers of the Municipality;
- c) any civic organizations and non-governmental, private sector or labour organizations or bodies which are involved in local affairs within the Municipality; and
- d) visitors and other people residing outside the Municipality who, because of their presence in the Municipality, make use of services or facilities provided by the Municipality, and includes , more specifically, the poor and other disadvantaged sections of such body of persons;

“LOCAL MUNICIPALITY”, means a category B Municipality envisaged in section 155 (1) of the Constitution Act (Act 108 of 1996);

Standing Rules and Orders of the Matatiele Local Municipality

“MATATIELE LOCAL MUNICIPALITY”, means the Local Municipality of Matatiele and includes the Council of the Municipality, the Mayor and/ or the Mayoral Committee or any other Committee established by the said Council duly authorized by the said Council to perform any duty, power or function;

“MAYOR”, means a member of the Executive Committee elected in terms of section 48 of the Municipal Structures Act 117 of 1998;

“MEC” means a Member of a Provincial Executive Council;

“MEC FOR LOCAL GOVERNMENT” means the MEC responsible for Local Government in the Province;

“MINISTER” means the National Minister responsible for Local Government;

“MUNICIPAL COUNCIL “OR” COUNCIL” means a Municipal Council referred to in section 157 (1) of the Constitution Act. (Act 108 of 1996) and in the context of these Standing Rules and Orders refers to the Council of Matatiele Local Municipality;

MUNICIPAL FINANCE MANAGEMENT ACT; , means the Local Government: Municipal Finance Management Act (Act 56 of 2003) and any Regulations made under that Act;

“MUNICIPALITY”, when referred to as:

- a) an entity, means a Municipality as described in section 2 of the Municipal Systems Act (Act 32 of 2000); and
- b) a geographic area, means a Municipal Area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“MUNICIPAL MANAGER”, means a person appointed in terms of Section 82 of the Municipal Structures Act 1998, (Act 117 of 1998 as amended);

“MUNICIPAL AREA”, means the area under the jurisdiction of the Council:

“MUNICIPAL STRUCTURES ACT”, means the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

“MUNICIPAL SYSTEMS ACT “, Means the Local Government: Municipal systems Act, (Act 32 of 2000);

Standing Rules and Orders of the Matatiele Local Municipality

“MUNICIPAL ELECTION”, means;

- a) an election of a Municipal Council; or
- b) a by – election for a Municipal Council or in a ward;

“NATIONAL ORGAN OF STATE “, means an Organ of State functioning within the National sphere of government;

“NATIONAL TREASURY”, means the National Treasury established by Section 5 of the Public Finance Management Act 1999 (Act 1 of 1999);

“NORMAL OFFICE HOURS”, mean the hours when Council’s offices are open from Mondays to Fridays, excluding public holidays, unless indicated otherwise by the context;

“POLITICAL OFFICE BEARER”, means the Speaker, Executive Mayor, Mayor, Deputy Mayor or a member of the Executive Committee as referred to in the Municipals Structures Act;

“POLITICAL STRUCTURE” means the Council of the Matatiele Local Municipality or any Committee or other Collective Structure of the Municipality elected, designated or appointed in terms of a specific provision of the Municipal structures Act;

“PERSON”, means a natural person or a juristic person, and includes an Organ of state;

“PRESCRIBE” means prescribe by regulation or the guidelines in terms of section 120 of the Municipal Systems Act. (Act 32 of 2000), and “prescribed” has a corresponding meaning;

“PRESCRIBE “, means prescribe by regulation in terms of section 92 of the Municipal Structures Act 117 of 1998;

”PROPERTY” means:

- a) immovable property registered in the name of a person, and includes a unit as defined in section 1 of the sectional titles Act.(Act 95 of 1986);or
- b) a right registered against immovable property in the name of the person;

“PROVINCIAL GAZETTE”, means the official gazette of the Province of the Eastern Cape;

“QUORUM”, means quorum as provided for in section 30 of Municipal Structures Act 117 of 1998;

“RATEPAYER”, means a person who is liable to the Municipality for the payment of:

- a) rates on property in the Municipality;

Standing Rules and Orders of the Matatiele Local Municipality

- b) any other tax, duty or levy imposed by the Municipality; or
- c) fees for services provided either by the Municipality or in terms of a service delivery agreement;

“RESIDENT “, means a person who is ordinarily resident in the Municipality;

“RULES AND ORDERS OF THE COUNCIL AND ITS COMMITTEES”, means the Rules and Orders of the Council of Matatiele Local Municipality;

“SERVICE AUTHORITY”, means the power of a Municipality to regulate the provision of a Municipal Service by a Service Provider;

“SERVICE DELIVERY AGREEMENT “, means an agreement between a Municipality and an institution or person mentioned in section 76 (b) of Municipal systems Act (Act 32 of 2000) in terms of which a Municipal service is provided by that institution or person, either for its own account or on behalf of the Municipality;

“SERVICE PROVIDER”, means a person or institution or any combination of persons and institutions which provide a Municipal service;

“STANDING CHAIRPERSON” means a member of Council appointed to be in charge of Council and Committee meetings; and, “Acting chairperson”, bears a corresponding meaning;

“STAFF”, means the employees of the municipality, including the Municipal Manager;

“SENIOR MANAGER”, means a Municipal Manager referred to in section 82 (1) of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998);

“SPEAKER”, means a Councillor elected in terms of section 36 of the Municipal Structures Act 117 of 1998 to be the chairperson of a Municipal Council as envisaged in section 160 (1) (b) of the Constitution Act 108 of 1996;

“WARD”, means a ward mentioned in item 2 of Schedule 1 of the Municipal Structures Act 117 of 1998;

“WARD COMMITTEE “, means a ward Committee established in terms of section 73 of the Municipal Structures Act 117 of 1998;

“WARD CANDIDATE REPRESENTING A PARTY”, means a ward Candidate who was nominated by a Party as a Candidate in a ward election;

Standing Rules and Orders of the Matatiele Local Municipality

LEGAL FRAMEWORK AND STATUTORY REQUIREMENTS:

THESE STANDING RULES AND ORDERS OF THE COUNCIL AND ITS COMMITTEES DERIVE LEGITIMACY AND ARE PREMISED FROM:

- a) the relevant provisions of the Constitution of the Republic of South Africa (Act NO 108 of 1996);,
- b) the Local Government: Municipal structure Act (Act 117 of 1998);
- c) the Local Government: Municipal systems Act (Act NO 32 of 2000);
- d) the Local Government: Municipal Finance Management Act, (Act No 56 of 2003); and Shall be implemented in terms of the object of other relevant sister policies and By-Laws within the Matatiele Local Municipality.

Standing Rules and Orders of the Matatiele Local Municipality

CHAPTER 1

RULES AND ORDERS OF THE COUNCIL AND ITS COMMITTEES

PART I: GENERAL COUNCIL AND COMMITTEE PROCEDURES¹

1.0 First Meeting of the Council during a Municipal Term

- 1.1 The Municipal Manager shall call the first Meeting of the Municipal Council within 14 Days after the Municipal Council has been elected².
- 1.2 The Municipal Manager shall, at least three Days before the first Meeting of the Municipal Council, send to each Councillor at his/her place of residence or another place nominated by him within the municipal area, a notice specifying the place, time and date of the first Meeting of the new Council and an agenda listing the business to be transacted at the meeting.
- 1.3 At the commencement of proceedings of the first Council meeting, after it has been elected, the Municipal Manager must read the notice convening the Council.
- 1.4 The order of business on the agenda of the first Meeting of a Municipal Council Term shall, unless the Municipal Council by resolution otherwise determines, be as follows: -
- (1) Swearing-in of Councillors or Affirmation of Oath (affirm faithfulness and obedience to the Constitution of the Republic of South Africa).
 - (2) The election of the Speaker in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act; .
 - (3) The Municipal Manager shall surrender the Chair of the Council to the Speaker upon his/her election.
 - (4) The determination of the size of and the method for the election of Councillors to serve on the Executive Committee;

¹ Constitution Act: Act 108 of 1996: s.160 (6)

“A Municipal Council may make by-laws which prescribe rules and orders for

- a. its internal arrangements;
- b. its business and proceedings; and
- c. the establishment, composition, procedures, powers and functions of its Committees.”

² Local Government: Municipal Structures Act: s.29 (2)

Standing Rules and Orders of the Matatiele Local Municipality

- (5) The election of Councillors to serve on the Executive Committee in- accordance with such method;
- (6) The election of the Mayor from the Members of its Executive Committee in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act;
- (7) The election of the Chief Whip (if such position is created in Council) in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act;
- (8) The determination of the Constitution or Terms of Reference of the Committees to assist the Executive Committee and Municipal Council;
- (9) The election of Councillors to serve on any Committee to assist the Executive Committee and Municipal Council in such order as Council may determine; and
- (10) Any other business.

Standing Rules and Orders of the Matatiele Local Municipality

2.0 MEETINGS OF THE COUNCIL

- 2.1 The Council shall hold an ordinary meeting for the transaction of business not less than four times in each calendar year.
- 2.2. the Speaker shall call a special meeting :
- (1) if a majority of the Councillors requests the Speaker in writing to convene a Meeting of the Municipal Council³ at a time set out in such request; or
 - (2) if at least one quarter of the Councillors requests the Speaker in writing to convene a Meeting of the Municipal Council at a reasonable time to review any decision taken by a Committee, a Municipal Functionary or a Municipal Employee in consequence of a delegation or instruction⁴ or to transact any legitimate business of the Municipal Council.
 - (3) if the Speaker fails to convene a meeting within **14 calendar days from the date of delivery or receipt of a request from at least one quarter of Councillors** in terms of this rule, the **Municipal Manager or a minimum of 50 + 1 % of Councillors through signing a written petition must convene such meeting** and conduct an election of an Acting Speaker in terms of section 41 of the Local Government : Municipal Structures Act 1998 (Act 117 of 1998) and the provisions of this rule shall apply to all Committees of the Council mutatis mutandis respectively.
- 2.3 Council is in recess during the period of 15 December to 10 January of each year, subject to a once off Council resolution in every term of Council unless the Council decides otherwise.
- 2.4 The proceedings of the Council, or of a Committee of Council, may be interrupted, suspended or adjourned only by Speaker, or the Councillor presiding at the time.
- 2.4. Every meeting of the Council and its Committees shall be open to the public: provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted, in terms of section 20 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

³ Local Government: Municipal Structures Act: s.29 (1)

⁴ Local Government: Municipal Systems Act: s.32 (3) (a) and s.59 (3) (a)

Standing Rules and Orders of the Matatiele Local Municipality

3.0 Notices of Meetings of the Council and its Committees

- 3.1 The Municipal Manager shall issue a notice for both Ordinary and Special Meetings of the Municipal Council and its Committees in accordance with the Municipal Calendar and/or Speaker's Sessional Orders as and when duly authorised by the Speaker or the Presiding Officer concerned.
- 3.2 The Municipal Manager shall, at least 72 hours before an Ordinary Meeting of the Municipal Council or any of its Committees a, send to each Councillor through electronic means, time and date of the Ordinary Meeting and an agenda listing the business proposed to be transacted at the meeting.
- 3.3. Notwithstanding the requirement of 3.2, the Municipal Manger shall devise appropriate means of creation and delivery of the Agenda to the Members of Council should a need arise.
- 3.4 The Speaker shall request the Municipal Manager to call a Special Meeting of the Municipal Council within 48 hours on such Notice as the Speaker may prescribe.
- 3.5 The Chairperson, shall request the Municipal Manager to call a Special Meeting of the Committee concerned on such Notice as the Chairperson may prescribe.
- 3.6 The accidental omission to serve notice on any Councillor as a result of whatever circumstances, or the late receipt of such notice, shall not affect the validity of any Meeting.

4.0 Agenda for Meetings of Council & its Committees and Dress Code

- 4.1 Any Agenda for any meeting shall be electronically generated and transmitted to Members of Council and Committees.
- 4.2. Any Agenda for any Meetings of the Municipal Council and any of its Committees shall include copies of all Reports contemplated to be considered at that Meeting unless the Presiding Officer permits a Report to be laid on table.
- 4.3 Before the Municipal Council takes a decision on any of, the following matters, the Executive Committee shall submit to it a Report and recommendation on any of the following matters but not limited to: -
- (1) The passing of bylaws;
 - (2) The approval of budgets;

Standing Rules and Orders of the Matatiele Local Municipality

- (3) The imposition of rates and other taxes, levies and duties;
 - (4) The raising of loans;
 - (5) The approval of the Integrated Development Plan, and any amendment to that plan; and
 - (6) The appointment and conditions of service of the Municipal Manager and any Managers directly accountable to the Municipal Manager of the Municipality.
 - (7) The adoption of the Performance Management System.
- 4.3 No business shall be transacted at a Meeting of the Municipal Council, or any of its Committees, other than that specified in the agenda relating thereto unless the Presiding Officer concerned accepts it as a matter of urgency.
- 4.4.1 The order of business at an Ordinary Meeting of the Municipal Council shall be as determined by the agenda and includes the following: -
- (1) Opening/welcome.
 - (2) Reading of the Notice Convening the Meeting
 - (3) Attendance Register and Applications for leave of absence
 - (4) Apologies
 - (5) Pecuniary Interest
 - (6) Statements and communications by the Speaker.
 - (7) Deputations
 - (8) Official Announcements
 - (9) Confirmation of minutes of previous Meeting
 - (10) Notice of motion (if any)
 - (11) Matters for Consideration
 - (11.1.) Consideration of Executive Committee Report
 - (11.2.) Consideration of Audit Committee Report

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- (11.3.) Consideration of Municipal Public Accounts Committee Report
 - (11.4.) Consideration of Public Participation & Petitions Committee Report
 - (11.5.) Consideration of Women Caucus Committee Report.
 - (11.6.) Consideration of Rules Committee Report
 - (12) Consideration of urgent Matters
 - (13) Reading and consideration of motions
 - (14) **Confidential matters** (to be discussed in Committee, Members of the Public and Press to be excluded when a matter classified as confidential is discussed).
 - (15) Date of next meeting
 - (16) Adjournment
- 4.4.2 Discussion in all Committee or Council meetings will be confined to the items contained in the agenda for the meeting.
- 4.4.3 Municipal Councillors and Officials shall be at liberty to request for items to be prepared and submitted to the next meeting of a Committee subject to allowing for a reasonable time frame for preparation of such item/s.
- 4.4.4 No supplementary item shall be submitted to a Committee or Council meeting without prior approval of the Chairperson or Speaker.
- 4.4.5 Deputation may be allowed by any Committee, subject to the observance of protocol.
- 4.4.6 Members of Council may not attend or take part in the proceedings of Council or Committee based on the disclosure of interest in line with item 5 of the Code of conduct for Councillors as contained in schedule 1 of the Municipal Systems Act 32 of 2000 as amended.
- (1) A member of Council must disclose to the Municipal Council, or to any Committee of which that Member of Council is a member, any direct or indirect personal or private business interest that a member of Council, or any spouse, partner or business associate of that member of Council may have in any matter before the Council or the Committee.
 - (2) A member of Council must withdraw from the proceedings of the Council or Committee when that matter is considered by the Council or Committee; unless

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the Council or Committee decides that the member's direct or indirect interest in the matter is trivial or irrelevant.

- (3) A Member of Council who, or whose spouse, partner or business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the member is aware at the first meeting of the Municipal Council at which it is possible for the member to make the disclosure.
- (4) This section does not apply to an interest or benefit which a member, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the Municipality.
- 4.5 Notwithstanding the provisions of this Code, a Councillor may at the conclusion of the business on any item on the agenda, propose that precedence be given to any other item on the agenda and may briefly state the reasons for such Proposal.
- 4.6 If such Proposal is seconded, it shall be put to the vote without any debate.
- 4.7 The Speaker may, if he/she considers it expedient, give precedence to any item on the agenda.
- 4.8 The Speaker may, without notice, make any statement and read any communication, at any Meeting, when the item referred to in section 4.7 is called.
- 4.9 Dress code shall be observed as follows by both Members of Council and Officials:**
- 4.9.1 Suitable dress, that is, clothing which is universally acceptable by the majority of Members attending a Council, Executive Committee or any other Committees shall be accepted at all meetings.
- 4.9.2 Members of Council and Officials, when attending meetings, are expected to **wear formal attire**. This normally means men with tie/cravat and a jacket, except when wearing safari suits. Ladies, when wearing "trouser-pants" to ensure that their tops or jackets cover their waist-line.
- 4.9.3 However, for the purpose of cultural and religious inclusiveness a shirt without a collar and tie, or a "chitenge" shirt or Moslem /African style dress, shall be accepted as formal style of dress.

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4.9.4 Members of Council and Officials should refrain from wearing clothing that could be regarded as being more suitable for the beach, sexually provocative and unbecoming for a meeting.

4.9.5 The Speaker and the Chairpersons of various Committees shall be responsible for maintenance of adherence to this dress code.

4.10 Precincts of the Council

4.10.1 Council sits at its declared precincts.

4.11 Prayer and Meditation

4.11.1 A prayer/moment of silence for prayer and meditation must be observed at the commencement of meeting on every sitting day.

4.12 Public access

4.12.1 Admittance of public

4.12.1.1 The Council shall conduct its business in an open manner and hold its sittings and those of its Committees, in public.

4.12.1.2 The Speaker has the power to take reasonable measures to regulate public access, including access of the media, to the Council, and to provide for the search of any person, and where appropriate, the refusal of entry or the removal of any person in terms of the relevant legislation.

4.12.1.3 The Councillor presiding at a Committee has the power to take reasonable measures to regulate public access, including access of the media, to a meeting of Committee, and to provide for the search of any person, and where appropriate, the refusal of entry or the removal of any person in terms of section 9 of the constitution.

4.12.1.4 Persons attending sittings of the Council or its Committees must observe such directions and conform to such rules that may be laid down by the Councillor presiding.

5.0 Minutes of Meetings

5.1 The Speaker and Presiding Officer shall be responsible for the correctness of the minutes of every Meeting.

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- 5.2 The Speaker or Presiding officer shall be accountable for ensuring that **final draft minutes** of the proceedings of every meeting are drawn up and **sent within ten calendar days**, to every Member of the Municipal Council, or of the Committee concerned, and after receipt of such final draft minutes each member shall **have full right to scrutinise such minutes and make necessary comments** on the **correctness or accuracy** of the minutes to either the Presiding officer or the Secretariat Services Officials of the Municipality, and Speaker or Presiding Officer concerned, shall ensure that the same be submitted for confirmation at the next Ordinary Meeting thereafter by the Presiding Officer concerned: Provided that minutes relating to a Meeting or part of a Meeting from which the public and the press have been excluded shall be kept separate from the other minutes and shall be confirmed at a Meeting in the absence of the public and the press.
- 5.3 Where any member of the Council or any of its Committees whose name appears among those present at the meeting is absent for any time during that meeting, **the minutes of that meeting shall show the time the member left the meeting and when he returned** and shall show the business that was dealt with during the member's absence.
- 5.4 The minutes shall be taken as read for the purpose of confirmation, if a copy thereof was furnished to each Member at least forty-eight hours prior to the Meeting concerned: provided that the accidental omission to furnish or late furnishing of such copy to a Member shall not affect the application of this subsection.
- 5.5 Except as to accuracy, no proposal or discussion shall be allowed in respect of the minutes.
- 5.6 The minutes of a meeting shall be open for inspection by the public at the Information Office and on the Municipal Council's Web Site should one have been established; provided that the minutes of a Meeting or part of a meeting from which the public and the press have been excluded, shall not be open for public inspection.
- 5.7 The Speaker shall be accountable for the minutes of the Municipal Council and General Manager: Corporate Services shall ensure their safe-keeping.
- 5.8 Minutes of proceedings at a Meeting of the Municipal Council or of a Committee, signed by the Speaker or Presiding Officer, or a copy of or extract from such minutes certified as correct by the Speaker/Presiding Officer or an officer authorised by him/her shall be received in evidence in a Court without further proof.
- 5.9 Until the contrary is proved, every Meeting of the Municipal Council or of a Committee in respect of the proceedings whereof Minutes have been so made shall be deemed to have been duly convened, constituted and held, and all Members of the Meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee, the Committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

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- 5.10 Recording of minutes with a mechanical device shall be confined only to Executive Committee and Council meetings.
- 5.11 **The Speaker and any Presiding Officer or Chairperson shall sign the minutes of the previous meeting after confirmation and adoption and those in attendance of the meeting shall stand and remain standing until the minutes are completely initialled and signed.**
- 5.12 **The minutes of the proceeding of meeting(s) chaired by an acting chairperson shall be signed off by the standing chairperson, irrespective of she/he was the chairperson of the previous meeting concerned or not.**
- 5.13 **The minutes of the proceeding of a meeting chaired by an ex-chairperson shall be signed off by the Municipal Manager, should no person with proper authority be available to sign off such meetings.**

6.0 Absence of Councillors and Quorum

6.1 Absence of Councillors

- 6.1.1 Unless an apology has been made and accepted in terms of sub-rule 6.1.2 below, a Member of Council must attend the following:-
- Meetings of the Council
 - Committee meetings of the Council;
 - Official seminars, conferences, meetings, training sessions, and workshops approved by the Speaker or the Mayor in case of Executive Committee members;
 - Meetings of other structures or bodies as determined by the Speaker or the Mayor.
- 6.1.2 A Member of Council who wishes to be absent from sittings or meetings mentioned in sub-rule 6.1.1 above, must submit a written apology to the Speaker or the Presiding Officer 24 hours before the meeting, who will consult with the Chief Whip and Whip of the party concerned and in turn advise the chairperson of the meeting (if not Council) of such apology.

6.2 Quorum

- 6.2.1 A majority of all Members of the Council or Committee shall constitute a quorum of 50% + 1 as a legal requirement for the meeting to take place.

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- 6.2.2 If, after twenty (20) minutes of the time at which a Meeting should have commenced, no quorum is assembled, the Meeting shall not take place, unless the Members present agree to wait a further period, the duration of which is agreed to by them, not exceeding a further twenty ((20) minutes, to obtain a quorum.
- 6.2.3 If no quorum assembles in the circumstances contemplated in section 6.2.2 above, the business of the proposed Meeting shall stand over till the next Ordinary Meeting of the Council, unless a Special Meeting is called by the Speaker prior to such Ordinary Council Meeting for the purpose of disposing of such business, should a meeting of any other Committee of Council, fail to take place due whatever reason including a lack of quorum, the meeting business or agenda of that day shall be moved to the next higher structure of Council including Council, for consideration and proper decision making.
- 6.2.4 Whenever during a Meeting there is no quorum, the Presiding Officer shall suspend proceedings for a period of five minutes and, if at the end of that period, there is still no quorum, the Presiding Officer shall declare the Meeting to be at an end.
- 6.2.5 The provisions of section 6.2 shall apply mutatis mutandis to any uncompleted business at a Meeting contemplated in section 6.2.4
- 6.2.6 Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of Councillors present, must be recorded in the minutes of proceedings.
- 6.2.7 Unless the Constitution provides otherwise:-
1. The presence of the majority of Councillors constitutes a meeting of the Council.
 2. Subject to section 30(2) of Municipal Structures Act, at least a majority of Councillors must be present before a vote may be taken.
 3. All questions are decided by a majority of the votes cast except a question mentioned in section 160(2) of the Constitution, which must be decided by a supporting vote of a majority of Councillors.
 4. The Speaker/Chairperson has no deliberative vote, but, if on any question there is an equality of votes, the Councillor presiding must exercise a casting vote in addition to the Councillors' votes as a Councillor.

6.3 Order in Council Meetings

- 6.3.1. The Speaker or Chairperson or the person presiding at the time therein shall ascertain that order is at all times maintained during the commencement of the Council and/or Committee Meeting.

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- 6.3.2 The Speaker shall have a **meeting with all Whips** of parties prior to each Council Meeting in order to prepare an order paper for the Council meeting.
- 6.3.3 The Speaker shall allocate speakers from different parties represented in Council which have indicated **interest in speaking** on any item on the agenda
- 6.3.4 All party members allocated time to speak during the proceedings of Council shall speak for a specified time not longer than the time allocated by the Speaker, and a Council member may not speak more than twice on an item which is for discussion .
- 6.3.5 When entering or leaving the chamber or Venue the Councillor and Officials as well the members of public shall be expected to bow to the speaker or person presiding therein.
- 6.3.6 During the deliberations in the chambers, no Councillor shall be authorised to use offensive gestures when addressing the Speaker or any other person presiding therein.
- 6.3.7 During the deliberations in the chambers, no Councillor may use offensive or unbecoming language.
- 6.3.8 Whenever a Councillor is debating in the chambers or any other venue, such Councillor shall be obliged to do that through the chairperson.
- 6.3.9 No Councillor shall converse aloud during the proceedings of a meeting.
- 6.3.10 A Councillor may only be allowed to interrupt another during the proceedings, only when raising a point of order, or a question of privilege therein.
- 6.3.11 All Councillors are expected to stand when addressing the Speaker .
- 6.3.12 Whenever the Speaker speaks, any Councillor then speaking or offering to speak must sit, and the Speaker must be heard without any form of interruption.
- 6.3.13 The Speaker or the person presiding at the time therein, shall be authorised excuse or retire any Councillor who persistently and timeously, refuses to conform to the rules and regulations set out by the Speaker or any other presiding person at the time or the powers bestowed to Speaker by these rules or any relevant legislation.
- 6.3.14 Should the Members of Council so required to vacate the meeting because of misconduct, refuse to do as advised, the Council shall have the power to engage the services of security personnel to that effect including those of the South African Police Services.
- 6.3.15 When the Council starts or adjourns, the Members of Council must rise and remain standing in their seats until the Speaker or the person presiding has entered or left the chamber.

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- 6.3.16 General Manager: Corporate Services or designee shall ensure that all Members of Council and Officials are seated at least 10-15 minutes before the commencement of the Council /Committee Meeting, shall maintain order and adherence to the these standing and rules and orders of the Council during the proceedings of the Council.
- 6.3.17 Whenever Council has discussed an item In-Committee, the Speaker/chairperson will give feedback to the officials/person that was asked to go out/person that was excused from the meeting during the discussion of a particular item.
- 6.3.18 Provision for translation or relaying of Communication in meetings shall be made as and when necessary.
- 6.3.19 During the deliberations in the chambers, no Member of Council may refer to any other Member of Council by his/her first name or names only.
- 6.3.20 Carrying of fire arms or any weapon (that might scare or cause injuries) is prohibited in Council or Committee meetings, as well as in the place of work.
- 6.3.21 With the permission of the Speaker any other person presiding therein, Councillors shall be granted time to hold a caucus meeting during a Council or Committee meeting, as and when necessary.
- 6.3.22 The members of Council, municipal Staff and all members of the Public shall show respect to the presiding officer when leaving or entering the meeting during the proceedings of the meeting by bowing before the Presiding Officer.

6.4 Language to be used in Council Meetings

- 6.4.1 Notwithstanding the provisions of section 6(3)(b) and section 30 of the Constitution of the Republic of South Africa, Act 108 of 1996, either English, IsiXhosa, Sesotho and Afrikaans shall be the languages used during the Council proceedings.

6.5 Communication with the outside world and media by a Councillor

- 6.5.1 No Councillor is allowed to communicate with the out side world other than a political constituency and ward community in case of ward Cllr or a deployed Councillor in that particular constituency, on any issue, on behalf of the Municipality without an explicit approval from the Speaker or the Mayor in case of Executive Committee Members.
- 6.5.2 No ordinary Councillor is allowed to communicate with the media on behalf of the Municipality without an explicit approval from the Speaker.
- 6.5.3 No Councillor who is an Executive Committee member is allowed to speak to the media without an explicit approval from the Mayor.

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7.0 Questions

7.1 QUESTIONS CONCERNING THE GENERAL WORK OF THE COUNCIL

- 7.1.1 At any ordinary meeting a question concerning the general work of the Council but not arising out of or connected with any item on the agenda may be put without comment.
- 7.1.2 Notice of such question shall be given by a member in writing to the Municipal Manager not later than twenty one clear days before the meeting, and the latter shall furnish a copy thereof to the Speaker of the Council, or the Mayor, or the chairperson of the Committee, if any, within which terms of reference, in his/her opinion, the matter falls.
- 7.1.3 All such questions, which are considered, shall be put in the order in which notice thereof was received and shall be replied to by the Chairperson of that Committee or if there is no Committee within which terms of reference the matter falls, by the Mayor provided that such replies may be tabled.
- 7.1.4 A member putting a question in terms of this sub rule shall be entitled in due course to be furnished with a copy of the reply.

7.2.0 QUESTIONS CONCERNING ITEMS ON THE AGENDA

- 7.2.1 At any meeting when any item on the agenda of a Committee or a report of an officer of the Council is under consideration, any member may, without comment, put a question directly arising out of or connected with such item: provided that a written copy of such question, signed by the questioner, is submitted to the Municipal Manager at least 24 hours before the sitting for the day commences: provided further that in the computation of that period any Saturday, Sunday or Public Holiday shall be excluded.
- 7.2.2 The Speaker shall call upon the member who has lodged the question in terms of rule 7.2.1 in the order in which notice thereof was given, immediately after the item has been called, and such question shall be replied to immediately, if possible, or if the information requested is not immediately available, the reply shall take the form of a written reply to the next ordinary meeting.

7.3.0 QUESTIONS OF ELLUCIDATION

- I. 7.3.1 At any meeting a member may forthwith after an item on the agenda has been called request elucidation of that item before it is debated, provided a written copy of the request specifying the points to be elucidated is submitted to the Municipal Manager at least 24 hours before the sitting for the day commences and the proviso to rule 7.2.1 shall apply *mutatis mutandis*.

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7.3.2 Every such request shall be replied to by the Chairperson of a Committee within whose terms of reference the matter falls or in the absence of such Committee by the Speaker, or in the case of a motion by its mover, before the debate on the item commences.

7.4.0 QUESTIONS PUT WITHOUT NOTICE OR COMMENT

7.4.1 Notwithstanding the provisions of rules 7.2.1 and 7.2.2, any member may without notice and comment put a question directly arising out of or connected with an item on the Agenda, to the chairperson of a Committee within whose terms of reference the item falls, or a mover of a motion, or to any member speaking, which may be replied to.

7.5.0 QUESTIONS ON MATTERS OF URGENT PUBLIC IMPORTANCE

7.5.1 At any meeting, questions of urgent public importance, of which the Speaker shall be the judge, may be put to the Presiding Officer without comment, subject to the provisions of subsection 7.2.1.

7.5.2 All such questions which are considered by the Speaker to be in order shall be put to the chairperson of the Committee within whose terms of reference the matter falls and shall be replied to by him or on his/her behalf at any stage in the consideration of the agenda.

7.5.3 A Councillor may request the Speaker to place a matter of public importance on the agenda.

7.5.4 The Councillor must make a request to the Speaker at least three (3) days before the meeting of the Council. Such a discussion may not exceed the time allocated for it by the Speaker after consultation with the Chief Whip of the Council.

7.5.5.1 Questions of privilege may not be discussed under this rule.

7.5.5.2 Matters already discussed by Council during preceding twelve months may not be discussed under this rule.

7.6.0 QUESTIONS DISALLOWED

7.6.1 The Speaker, whose decision shall be final and not open to discussion, may disallow any question referred to in sections 7.1.0, 7.2.0 and 7.3.0, the subject matter of which is not within the jurisdiction of the Council, or which is otherwise out of order or which is unduly long, and he/she shall cause the member concerned to be informed thereof.

8.0 Motions, Urgent Matters and supplementary items

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8.1.0 NOTICE OF MOTION

- 8.1.1 Every Notice of intention to introduce a Motion at a Meeting shall be signed and dated by the Member submitting it, shall specify in full the proposed Motion, shall specify the date of the Meeting at which it is intended to be introduced and shall be received by the Speaker at least ten Clear Days before such date of a meeting.
- 8.1.2 A Notice of Motion shall deal with one matter only and shall be relevant to the affairs of the Municipal Council.
- 8.1.3 Where a Member gives Notice of a Motion on a matter that falls within the terms of Reference of a Committee the subject of that motion must have been considered previously by that Committee unless such Motion is in the form of a reference to that Committee for consideration and report.
- 8.1.4 On receipt of a Notice of Motion, the Speaker shall, if the Notice complies with and is received by him/her in accordance with rule 8.1.3, enter the Notice of Motion in a book kept for the purpose, which book shall be available for inspection by any Member and he/she shall place it on the agenda for the Meeting specified in such Notice.
- 8.1.5 All Notices of Motion shall be dated and numbered in the sequence received by the Speaker and the Speaker shall forward it to the Municipal Manager to be included in the agenda in the order in which they are received.
- 8.1.6 A Notice of Motion which: -
- (1) has as its purpose the rescission or amendment of a resolution adopted by the Municipal Council during the preceding **three Months**; or
 - (2) is substantially the same as a Motion rejected during the preceding **three months**,
- shall be placed on the agenda only if the Notice of Motion has been signed by at least **one-third of the Members** in addition to the mover of the Motion.
- 8.1.7 A Notice of Motion similar to one placed on the agenda as contemplated in rule 8.1.6, **shall not be submitted by a single mover until six Months** have elapsed after the Motion so placed on the agenda had been disposed of.

8.2.0 IRREGULAR MOTIONS

8.2.1 The Speaker shall reject a Motion: -

- (1) which, in his/her opinion, does not comply with the provisions of rules 7.1.1, 7.1.6 or 7.1.7;

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- (2) in respect of which the Municipal Council does not have jurisdiction;
- (3) in respect of which a decision by a judicial or quasi-judicial body is pending; or
- (4) which, if adopted, would be contrary to any law or incapable of execution.

8.2.2 Whenever the Speaker rejects a Motion he/she shall do so in writing and ensure that before the day of the relevant meeting the member introducing the Motion is informed of both the rejection and the grounds for the rejection.

8.3.0 OPPOSED AND UNOPPOSED MOTIONS

8.3.1 If a Motion is not rejected in terms of section 8.2.0 the Speaker shall ascertain whether the Motion is opposed and, if it is unopposed, it shall be adopted forthwith without debate.

8.3.2 If it is opposed, the Speaker shall call upon the mover of the Motion to speak thereon.

8.3.3 If the mover is not present at the Meeting when called upon by the Speaker to move his/her Motion, no other Member may move such Motion in his/her own name unless the original mover has notified the Speaker in writing that a particular Member will move the Motion on his/her behalf.

8.3.4 If a Motion is not moved in terms of this section it shall lapse and it may not again be moved without further Notice.

8.3.5 No Member shall move more **than two Motions**, including any Motion the consideration of which was deferred from a previous Meeting, on the same agenda or move more than **six Motions** in any one Financial Year unless otherwise agreed to with the Speaker.

8.4.0 MOTIONS HAVING FINANCIAL IMPLICATIONS OR INVOLVING LEGISLATION

If a Motion: -

- (1) has the effect of increasing the expenditure or reducing the revenue of the Municipal Council, or if it involves expenditure not provided for in the Current Estimates, it shall take the form of a reference to the Executive Committee for investigation and report to the Municipal Council; or
- (2) would, if adopted, amend the Standing Rules and Orders of the Council, before being put to the vote, be referred to the Speaker for a further report unless he is satisfied with the drafting thereof and that it is legally in order.

8.5.0 Motions without Notice

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Motions without notice shall be discussed at the end of agenda with the permission of the Speaker or any person presiding, provided it is regarded as a matter of urgency.

8.6.0. Urgent Matters and Supplementary items

8.6.1. Urgent matters shall be accommodated at the discretion by the Presiding Officer and discussed under Urgent Matters as per the structure of the Agenda

8.6.2. Supplementary Items shall be accommodated into the agenda of any meeting by agreement with the Presiding Officer.

9.0 Reports

9.1.0 REPORTS TO COMMITTEES

9.1.1 A report by an officer of the Municipality on any matter, other than a matter delegated to him/her, which falls within the Terms of Reference of a Committee, shall be placed on the agenda of a Meeting of the Committee concerned by the Municipal Manager.

9.1.2 Any report with financial implications and which is placed on the agenda of a Meeting of the Committee shall be accompanied by a clear source of funding including a vote number where applicable.

9.1.3 Where a Report has not been placed on the agenda, and The Presiding Officer of a Committee is of the opinion that the matter is one of urgency; he/she may submit the Report to a Meeting of the Committee concerned, provided that the Report is on a matter within the Terms of Reference of that Committee.

9.1.4 Such Presiding Officer may speak on the reasons for the urgency of the report for not more than five minutes after which the aspect of urgency shall, without further debate, be decided on by the Committee.

9.2.0 REPORTS OF COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE AND COUNCIL.

9.2.1 The report of every Committee to Assist the Executive Committee and Council shall be submitted to an appropriate Meeting of the Executive Committee or Council and shall contain a recommendation or a set of recommendations, which may be adopted by the Executive Committee or Council .

9.2.2 Every recommendation shall be deemed to have been a Motion moved by the Chairperson of the Committee to Assist the Executive Committee or Council and to have been seconded.

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- 9.2.3 The chairperson of a Committee to Assist the Executive Committee or Council may at any time, with the consent of the Mayor or Speaker, correct or withdraw any item emanating from his/her Committee that appears on the agenda of a Meeting of the Executive Committee or Council .
- 9.2.4 If an item falls within the Terms of Reference of more than one Committee to assist the Executive Committee or Council and contradictory recommendations have been submitted by those Committees, the Mayor or Speaker shall decide the order in which the recommendations shall be put to the vote in the Executive Committee or Council .
- 9.2.5 The Municipal Manager, after consultation with the Chairperson of a Committee to assist the Executive Committee or Council, may, if he/she is of opinion that the matter is one of urgency, submit a Report on a matter to a Meeting of the Executive Committee.
- 9.2.6 The Chairperson of the Committee concerned may speak on the reasons for the urgency of the Report for not more than five minutes after which the aspect of urgency shall without further debate be decided on by the Executive Committee or Council.

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9.3.0 REPORTS OF THE EXECUTIVE COMMITTEE

- 8.3.1 A report of the Executive Committee shall be submitted to an appropriate Meeting of the Municipal Council via the Speaker and shall be divided into two parts, **Part A** containing the items on which the Executive Committee has both delegated and undelegated powers which require approval/adoption and the part B containing those items considered by the Executive Committee in respect of which noting is required .
- 9.3.2 Unless an item is submitted for information only, every item contained in **Part A** of the report to any Committee shall contain a recommendation which may be adopted by the Municipal Council.
- 9.3.3 The Mayor may, at any time with the consent of the Speaker, correct or withdraw any item emanating from the Executive Committee that appears on the agenda of a Meeting of the Municipal Council.
- 9.3.4 A Report submitted by the Executive Committee only for information may not be debated, but shall only be noted.
- 9.3.5 Every recommendation in **Part A** of a report of the Executive Committee shall be deemed to have been a Motion moved by the Mayor and to have been seconded.
- 9.3.6 The Speaker shall put the recommendation contained in the first part of a report of the Executive Committee *seriatim*, unless he considers it expedient to rearrange the order.
- 9.3.7. If an item is put to the meeting in terms of rule 9.3.6 and is met by silence or the word "agreed" or "accepted", it shall be deemed to have been adopted unanimously.
- 9.3.8 The Mayor may, if he/she is of opinion that the matter is one of urgency, submit a Report on a matter to the Speaker who shall decide whether the Report concerned should be placed on the agenda of the Meeting of the Municipal Council as requested by the Mayor.
- 9.3.9 Where the Speaker agrees to a Report being placed on the agenda of the Meeting of the Municipal Council, copies of the Report shall be laid on the table at the Meeting concerned.
- 9.3.10 The resolutions and recommendations of the Executive Committee as well as any other Committee directly reporting to the Council shall become the resolutions of the Council once adopted or accepted by the Council.**

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10.0 Proposals

10.1.0 PROPOSALS DURING THE COURSE OF A MEETING OF THE COUNCIL

10.1.1 During the course of a Meeting of the Municipal Council no Proposal shall, subject to the provisions of this section, be received except the following: -

- (1) To amend a Motion or Proposal;
- (2) That the Municipal Council does now adjourn;
- (3) That a debate be adjourned;
- (4) That a matter be referred back;
- (5) That the Motion or Proposal be now put to the vote;
- (6) That the Municipal Council proceed to the next business;
- (7) That the public or the press be excluded from any or all Meetings or part of a Meeting;
- (8) That the Municipal Council goes in or out of Committee;
- (9) That a provision of these standing Rules and Orders of the Council be suspended; or
- (10) That a Member be excluded in terms of this code or in terms of any legislation.

10.1.2 Every Proposal in terms of this section shall be seconded.

10.1.3 A Proposal in terms of rule 10.1.1 and any secondment thereof shall, subject to the provisions of rule 10.1.2, not be regarded as a speech for the purposes of this Code.

10.1.4 Any Proposal in terms of rule 10.1.1 shall be dealt with in accordance with the applicable provisions of this section.

10.1.5 Nothing in this section shall affect the right of the Speaker, of his/her own initiative or at the request of a Member, temporarily to adjourn a Meeting of the Municipal Council for a period not exceeding two hours.

10.1.6 Where the original motion or proposal relates to a Bylaw or to legislation, any motion to amend shall take the form of a reference back to the Executive Committee (unless the amendment does not alter the proposed Bylaw or legislation in principle and is acceptable to the Mayor as chairperson of the Executive Committee).

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- 10.1.7 Any amendment which would have the effect of increasing the expenditure or reducing the income of the Municipal Council shall take the form of a reference back to the Executive Committee for consideration.

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10.2.0 AMENDMENT OF MOTION OR PROPOSAL

- 10.2.1 Every amendment proposed in terms of section 10.2.0 shall be relevant to the Motion or Proposal to which it is proposed and shall not be proposed during the course of a speech contemplated in rules 10.4.1 and 10.5.1.
- 10.2.2 No amendment to an amendment shall be proposed at any Meeting of the Municipal Council.
- 10.2.3 An amendment proposed in any Meeting of the Municipal Council shall be reduced to writing, signed by the mover and the seconder and handed to the Speaker.
- 10.2.4 An amendment shall be read before being proposed.
- 10.2.5 No Member shall be entitled to propose more than one amendment to any original Motion or Proposal.
- 10.2.6 More than one amendment of a Motion or Proposal may be proposed and, subject to the provisions of rule 10.2.7, all amendments proposed shall be put to the vote at the closure of the debate on such Motion or Proposal.
- 10.2.7 If more than one amendment to a Motion or Proposal has been proposed, such amendments shall be put to the vote in the sequence in which they were proposed.
- 10.2.8 If an amendment is adopted, the amended Motion or Proposal shall take the place of the original Motion or Proposal and shall become the Motion or Proposal in respect of which any further amendments proposed shall be put to the vote: Provided that the Speaker, if he/she is of opinion that an amendment adopted renders another amendment unnecessary or meaningless, may rule that such other amendment need not be put to the vote after which such amendment shall lapse.
- 10.2.9 The Speaker shall reject an amendment, which constitutes a direct negative of the original Motion or Proposal.
- 10.2.10 The provisions of this section shall apply *mutatis mutandis* to sections 7.2.0, 7.3.0 and 7.4.0 of these standing rules and orders of the Council.
- 10.2.11 After all the amendments have been put to the vote, the original Motion or Proposal, as amended if any amendment has been adopted, shall be put to the vote.

10.3.0 REFERENCE BACK

- 10.3.1 A Member may during the course of his/her speech on any matter propose verbally (not in writing) that the matter or any aspect thereof be referred back for further consideration and report.

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10.3.2 A Proposal in terms of rule 9.3.1 shall state: -

- (1) The Committee to which the matter is to be referred back or, if there is not a Committee within whose Terms of Reference the matter falls, the proposal shall state that the matter be referred to the Municipal Manager for reporting to the Executive Committee; and
- (2) The aspect of which reconsideration is required.

10.3.3 The proposer and the Chairperson of the Committee within whose Terms of Reference the matters falls or, in the absence of such Committee, the Mayor, may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding the Proposal.

10.3.4 If a Proposal contemplated in rule 10.3.1 is seconded, it shall be put to the vote without further debate and, if carried, the Municipal Council shall proceed to the next item.

10.3.5 The proposer of a Proposal contemplated in rule 10.3.1, which was adopted by the Municipal Council, shall be entitled to be heard by the Committee or the Municipal Manager, as the case may be.

10.4.0 PROPOSAL THAT THE MATTER BE PUT TO THE VOTE

10.4.1 A Proposal that the matter be now put to vote may be proposed verbally at the close of any speech.

10.4.2 The proposer may speak on the Proposal for a period not exceeding five minutes, but the seconder may not speak beyond formally seconding it.

10.4.3 A Proposal that the matter be now put to the vote shall be put to the vote without further debate.

10.4.4 If a Proposal that the matter be now put to the vote is carried, any Proposal to amend the original Motion or Proposal and the original Motion or Proposal, as amended, shall be put to the vote forthwith.

10.4.5 If a Proposal that the matter be now put to the vote is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.5.0 PROPOSAL THAT THE COUNCIL/ COMMITTEE MOVE TO THE NEXT BUSINESS

10.5.1 A Proposal that the Municipal Council/ Committee proceed to the next business may be proposed verbally at the close of any speech.

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10.5.2 Such Proposal shall be put to the vote without debate except that the Chairperson of a Committee within whose Terms of Reference the matter falls or, in the absence of such Committee Chairperson, the Mayor/ Speaker, may speak on the Proposal for a period not exceeding five minutes, but the seconder shall not speak beyond formally seconding it and, if the Proposal is carried, the matter under discussion shall lapse and shall not be included in the agenda of any subsequent Meeting within a period of six months, unless it is reinstated on the recommendation of that Committee, or the Speaker.

10.5.3 If a Proposal that the Municipal Council / Committee proceed to the next business is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.6.0 PROPOSAL THAT THE DEBATE BE ADJOURNED

10.6.1 A Councillor who has not yet participated in a debate on a matter under consideration may at the conclusion of any speech, verbally propose that the debate be adjourned.

10.6.2 The proposer and the Chairperson of the Committee within whose Terms of Reference the matter falls or, in the absence of such Committee Chairperson, the Mayor/Speaker, may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding it.

10.6.3 Save as is provided in rule 10. 6.2, no debate shall be permitted on such Proposal except in respect of the period of adjournment.

10.6.4 If such Proposal is carried, the Meeting shall proceed to the next business on the agenda.

10.6.5 If a Proposal that a debate be adjourned is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.

10.6.6 A Councillor may not propose or second more than one Proposal for the adjournment of the debate during the course of that debate.

10.7.0 PROPOSAL THAT THE MEETING BE ADJOURNED

10.7.1 A Member may, at any time (except during the course of a speech by another Councillor or while a vote is being taken), verbally propose that the Municipal Council do now adjourn.

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- 10.7.2 The proposer, one Councillor in opposition thereto and the Mayor may speak on the Proposal for a period not exceeding five minutes each, but the seconder shall not speak beyond formally seconding it.
- 10.7.3 A Proposal contemplated in rule 10.7.1 shall be put to the vote without further debate.
- 10.7.4 If the Proposal is carried, the Municipal Council shall forthwith adjourn: Provided that the Speaker may direct that any unopposed business shall be disposed of before the adjournment.
- 10.7.5 If the Proposal that the Municipal Council do now adjourn is rejected, another such Proposal may not, without the consent of the Presiding Officer, be entertained on the same matter until a period of half an hour has elapsed after such rejection.
- 10.7.6 A Member may not on the same day propose or second more than one Proposal for adjournment during the course of anyone Meeting of the Municipal Council.
- 10.7.7 Any business uncompleted at an adjournment shall be dealt with at the next Ordinary Meeting, unless the Municipal Council decides otherwise or the Presiding Officer convenes a Special Meeting to dispose thereof.
- 10.7.8 If a Meeting is adjourned to a date not more than 14 days after the date of the adjournment, a notice calling for a meeting in lieu of the adjourned Meeting need not be given.

11.0 Withdrawal of Motion or Proposal

- 11.1 A Motion or Proposal may, without debate and with the permission of the Speaker, be withdrawn or corrected by the mover or proposer.
- 11.2 A Councillor may not speak upon such Motion or Proposal at any Meeting of the Municipal Council after the mover or proposer has asked for its withdrawal, unless such withdrawal is refused by the Speaker.

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12.0 Debate and Discussion

12.1.0 LENGTH OF SPEECHES

12.1.1 Subject to the provisions of section 12.2.0, a Councillor may not speak for more than such period as the Speaker may have agreed or two consecutive minutes on any one Motion or Proposal (whichever is longer).

12.2.0 MEMBERS MAY SPEAK TWICE ONLY

12.2.1 Subject to any provision to the contrary in this Code, a Member may not address the Municipal Council more than twice on any Motion or Proposal.

12.2.2 Subject to any provision to the contrary in this Code, the mover of a Motion or the proposer of a Proposal or a Member contemplated in rules 8.3.3 and 8.3.5, may speak on the Motion or Proposal and reply to the debate but in replying he/she shall strictly confine her/himself to answering previous speakers and shall not introduce any new matters into the debate.

12.2.3 Such reply shall conclude the debate.

12.2.4 The reply to the debate by the Mayor or another Member of the Executive Committee requested by the Mayor to act on his/her behalf on any item in the first part of the report of that Committee, shall conclude the debate on that part of the report: Provided that the Speaker may refuse the Mayor the opportunity to speak if he/she is of opinion that the item concerned has not been sufficiently debated and that there are other Members who wish to participate in the debate.

12.2.5. The procedure mentioned in rule 12.2.4. shall apply to section 79 Committee Reports presented to Council for consideration.

12.2.6 Notwithstanding requirements of this section, the Speaker, Mayor and the Chief whip may speak more than twice on all items of discussion before Council, subject to them not exceeding five minutes in each occasion of speaking or making a speech on a particular item.

12.3.0 RELEVANCE

12.3.1 A Councillor who speaks in the Municipal Council shall direct his/her speech strictly to the Motion or Proposal under discussion or to an explanation or a point of order and no discussion shall be allowed:

- (1) Which will anticipate any matter on the agenda; or
- (2) On any matter in respect of which a decision by a judicial or quasi-judicial body or commission of inquiry is pending.

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12.4.0 POINTS OF ORDER AND EXPLANATION

12.4.1 Any Councillor, whether he/she has spoken under discussion or not, may rise:

- (1) on a Point of Order; or
- (2) on a Point of Personal Explanation,

and a Councillor so rising shall be entitled to be heard forthwith: provided that no new issues are introduced, unless the Speaker rules the Point of Order or the Point of Personal Explanation to be inadmissible.

12.4.2 The ruling of the Speaker on a Point of Order, or on the admissibility of a Point of Personal Explanation, shall be final and not open to discussion.

12.5.0 DISCUSSION ON SECOND PARTS OF REPORTS OR PART B REPORTS OF THE EXECUTIVE COMMITTEE

12.5.1 After the conclusion of the business on the first part of a Report of the Executive Committee, the Speaker shall allow discussion on the second part of such reports for a period not exceeding one hour.

12.5.2 During such discussion: -

- (1) no Proposal other than a Proposal that the Committee concerned be requested to reconsider the matter shall be made;
- (2) a Member may request that his/her opposition to a decision in the second part of the Executive Committee's report be minuted.

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12.6.0 UNFINISHED BUSINESS

12.6.1 The discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next Ordinary Meeting of the Municipal Council.

12.6.2 A matter to be reconsidered shall be reported to the next Ordinary Meeting by the Speaker unless a Special Meeting for that purpose is convened.

12.6.3 If a Proposal to adjourn a Meeting of the Municipal Council has been carried, the Councillor on the floor at the adjournment shall, upon consideration of the matter forming the subject of such debate at the adjourned Meeting, be entitled to speak first.

12.7.0 ETIQUETTE OF DEBATING

12.7.1 A Member speaking at a Meeting shall remain seated and address the chair.

12.7.2 If a Member who is not speaking raises on a Point of Order or gives a personal explanation and such Member is addressed by the Presiding Officer, the Member then speaking shall be silent until the Presiding Officer has given a ruling.

13.0 Resolutions of Meetings

13.1 No resolution involving expenditure shall be taken at any Meeting unless the Council or any Committee of Council concerned is satisfied that there is a provision made in the Current Estimates for such expenditure, or, if the estimates for the next Financial Year have not been adopted by the Municipal Council, that provision has been or will be made in the estimates for that Financial Year.

13.2 All recommendations and resolutions adopted by the Municipal Council shall be classified and treated as Council resolutions.

14.0 Unopposed Business

14.1 When a Meeting has been in progress for not less than two hours, the Speaker may interrupt the proceedings and direct that the Municipal Council proceed forthwith to dispose of unopposed business.

14.2 After the disposal of such business, the proceedings shall be resumed at the point at which they were interrupted.

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15.0 Voting⁵

- 15.1 A majority of the Members of a Municipal Council must be present before a vote may be taken on any matter.
- 15.2 Questions concerning the following matters are determined by a decision taken by the Municipal Council with a supporting vote of a majority of its Members: -
- (1) the passing of bylaws;
 - (2) the approval of budgets;
 - (3) the imposition of rates and other taxes, levies and duties; and
 - (4) the raising of loans.
 - (5) Adoption of IDP
- 15.3 All other questions before the Municipal Council or before any of its Committees are decided by a majority of the votes of Members cast.
- 15.4 If on any question there is an equality of votes, the Presiding Officer presiding at any Meeting shall exercise a casting vote in addition to that Councillor's vote as a Member.
- 15.5 Except where the law prescribes a secret ballot or the Municipal Council otherwise resolves by resolution, voting at a Meeting shall be by a show of hands of those Members entitled to vote.
- 15.6 A Member of a Meeting entitled to vote, may request that his/her vote be recorded against a decision of that Committee.
- 15.7 Whenever a vote is taken at a Meeting the votes of the Members shall be recorded by the Presiding Officer who shall declare the result of the voting.
- 15.8 The Presiding Officer shall thereafter declare the decision of the Meeting.
- 15.9 During the taking of a vote, no Member shall enter or leave the Municipal Council chamber or Committee room.

16.0 Casual Vacancies

- 16.1 If, for any reason, the Speaker ceases to hold office as such, the Municipal Manager shall convene a Special Meeting of the Municipal Council to elect a Speaker in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act.

⁵ Constitution Act. S.160 (3), and
Local Government: Municipal Structures Act. s. 30

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- 16.2 The provisions relating to Ordinary Meetings shall apply *mutatis mutandis* to any such Special Meeting.
- 16.3 If, for any reason, the Mayor ceases to hold office as such, the Speaker shall convene a Special Meeting of the Municipal Council to elect a Mayor in accordance with the procedures set out in Schedule 3 to the Municipal Structures Act.
- 16.4 A vacancy on a Committee shall be notified by the Speaker at the first Meeting of the Municipal Council after it has arisen and shall be filled by the Municipal Council in accordance with section 1.2.2.
- 16.5 The existence of a vacancy on any Committee shall not affect the validity of any of its decisions or proceedings.

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17.0 General Committee Procedures⁶

- 17.1 Subject to the provisions of this Code, a Committee, by resolution taken with a supporting vote of a majority of its Members, may determine its own procedures subject to compliance with the requirements of the standing Rules and Orders of the Council and any Policy Directives of the Municipal Council.

PART II: SPECIAL COUNCIL AND COMMITTEE PROCEDURES

1.0 Removal of Speaker from Office⁷

- 1.1 The Municipal Council may by resolution remove the Speaker from office.
- 1.2 Where a Councillor wishes to propose the removal of the Speaker, prior notice of an intention to move a Motion for the removal of the Speaker has to be given in accordance with Chapter 1, Part I, section 7.1.0.

2.0 Dissolution of Committees

- 2.1 The Municipal Council may by resolution dissolve any Committee to Assist the Executive Committee or Council.
- 2.2 Where a Councillor wishes to propose the dissolution of any Committee to Assist the Executive Committee, prior notice of an intention to move a Motion for such dissolution has to be given in accordance with Chapter 1, Part I, section 7.1.0.

3.0 Removal of Members of Committees⁸

- 3.1 The Municipal Council may by resolution remove any one, more than one or all Councillors from Membership of a Committee.
- 3.2 Where a Councillor wishes to propose the removal of any Councillor from any Committee, prior notice of an intention to move a Motion for the removal of the Councillor from such Committee has to be given in accordance with Chapter 1, Part I, section 7.1.0.
- 3.3 If all the Members of the Executive Committee are removed, a new election of Members and of the Mayor must be held in terms of sections 45 and 48 of the Municipal Structures Act respectively.

⁶ Local Government: Municipal Structures Act: s 50, s. 51, s. 52.

⁷ Local Government: Municipal Structures Act: s 40

⁸ Local Government: Municipal Structures Act: s 53

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- 3.4 The election of a Member or Members of an Executive Committee, following a removal from office in terms of this section, is subject to section 43 of the Municipal Structures Act.
- 4.0 Legislative Procedures⁹**
- 4.1 Only a Councillor or the Executive Committee of the Council may introduce a proposed Bylaw in the Municipal Council¹⁰.
- 4.2 Where an individual Councillor introduces a proposed Bylaw at a Meeting of the Municipal Council,
- (1) he/she shall give no less than ten Days' Notice to the Municipal Manager and the Municipal Manager shall notify all Councillors accordingly; and
 - (2) if the Municipal Council is of opinion that the proposed Bylaw be considered, the Municipal Council shall, by resolution, refer the matter back to the Executive Committee.
- 4.3 Where: -
- (l) any matter referred to in rule 4.2 is referred back to the Executive Committee; or
 - (2) the Executive Committee is of opinion that a proposed Bylaw be considered, the Executive Committee concerned shall request the Municipal Manager to publish a notice in the Newspapers of Record stating:
 - (1) the purport of the proposed Bylaw;
 - (2) that the draft Bylaw may be inspected at the Information Office and on the Municipal Council's Web Site should one have been established; and
 - (3) that any person wishing to comment on the proposed Bylaw should submit his/her comments to the Speaker at his/her office on or before a date twenty one (21) days after the date of publication¹¹.
- 4.4 Where comments are made and the Executive Committee is of opinion that detailed consideration needs to be given to any proposed Bylaw or for any other reason it is of such opinion, it shall establish a Working Group to consider the proposed Bylaw and report back to the Executive Committee.
- 4.5 If the Executive Committee is of opinion that such Bylaw should be passed, it shall recommend such to the Municipal Council and the Municipal Manager shall ensure that

⁹ Constitution Act (CA) 160 (3) (b), CA 160 (4), CA 62

¹⁰ Local Government: Municipal Systems Act: s 12, s.13

¹¹ CA 160 (4), Local Government: Municipal Systems Act: s 12

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all Councillors have been given reasonable notice of the intention of the Executive Committee to introduce the proposed Bylaw in the Municipal Council¹².

- 4.6 A Bylaw is made by a decision taken by a Municipal Council: -
- (1) in accordance with the provisions of this Code; and
 - (2) with a supporting vote of a majority of its Members¹³.
- 4.7 A Bylaw may take effect on:
- (1) a future date determined in the Bylaw; or
 - (2) in the event of no future date of application being provided for in the Bylaw, the date when the Bylaw is published in the *Official Gazette*¹⁴.
- 4.8 A Bylaw may be enforced only after it has been published in the *Official Gazette*¹⁵.

5.0 Suspension and Waiver of standing Rules and Orders of the Council

- 5.1 A Councillor may in any Meeting of the Municipal Council, except during the course of a speech propose that any rule of order contained in this code or a Financial Regulation be suspended in respect of one item specified by her/him, provided that the Municipal Council shall not be competent to suspend any rules prescribed by law, nor any rules relating to misconduct by members, nor the disciplinary code, nor any of the following: Chapter 1, Part I, rule. 1.2, rule. 8.1.1, rule. 8.2.1, rule 8.3.1, rule . 9.1.6, rule. 0.1.7.
- 5.2 The proposer and one Councillor in opposition thereto may speak on such Proposal for not more than five minutes each but the seconder shall not speak beyond formally seconding the Proposal.
- 5.3 Such Proposal shall be put to the vote without further debate.
- 5.4 The Speaker/ Presiding Officer/Chairperson may call for a waiver of a procedural requirement contained in these rules for the purpose of legitimization and compliance with the requirements of these standing Rules and Orders of the Council.

6.0 Exercise of Powers where the Council is not sitting

- 6.1 Whenever any matter of urgency arises:
- (l) during the period the Municipal Council is not in recess but it is not practicable to obtain a decision of the Municipal Council, or of the Executive Committee, such

¹² ibid

¹³ CA 160 (3) (b), Local Government: Municipal Systems Act: s 12

¹⁴ Local Government: Municipal Systems Act: s 13

¹⁵ CA 162

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matter may on the recommendation of the Municipal Manager be decided by the Speaker or the Mayor as Presiding Officer of the Executive Committee, as the case may be;

- (2) during any period that the Municipal Council is in recess, such matter may be decided by the Speaker in consultation with the Mayor provided that if the matter refers to the business of the Council itself then the Municipal Manager shall consult with the Speaker.

6.2 The power conferred to the Municipal Manager and the Mayor or Speaker, as the case may be, by rule 6.1 shall include the power to incur expenditure: Provided that: -

- (1) a certificate from the Chief Financial Officer that provision has been made in the current estimates for such expenditure has been furnished to Municipal Manager and Mayor or Speaker (as the case may be);
- (2) no expenditure on capital account shall be incurred unless approved jointly by the Municipal Manager and the Mayor.

6.3 All matters decided in terms of rule 6.1 shall be reported for ratification to the next Ordinary Meeting of the Municipal Council or of the Executive Committee: Provided that anything done pursuant thereto in the meantime shall be deemed to have been duly authorised by the Municipal Council or the Executive Committee.

7.0 Attendance at meetings by Councillors who are Non-Members

7.1 Any Councillor may attend any Executive Committee meeting or meeting of any Committee to Assist the Executive Committee notwithstanding that he is a non-member of that Committee.

7.2 Any Councillor attending a meeting of a Committee of which he is a non-member may not address that meeting unless he has been given permission thereto by the Presiding Officer.

PART III: THE RIGHTS OF RESIDENTS AND HUMAN RIGHTS¹⁶

1.0 Petitions

1.1 Any Person may present a Petition to a Councillor.

1.2 A Councillor may at a Meeting of the appropriate Committee submit any such petition and may briefly state the purpose thereof.

¹⁶ Local Government: MStruA s. 19(3)

Local Government: MSysA s. 2, 5, 16, 17, 18, 21 and 5 (2)(d)

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1.3 A petition shall be referred to the Committee within whose Terms of Reference it falls or, in the absence of such Committee, to the Speaker, for consideration and report to the Municipal Council.

2.0 Deputations:

2.1 A deputation wishing to appear before the Municipal Council or a Committee shall submit a memorandum to the Mayor/Speaker or Municipal Manager who shall submit it to the Committee within whose Terms of Reference it falls and the Speaker, in the absence of such Committee, may if he/she considers it expedient, receive the deputation and deal with the matter raised in the memorandum at such reasonable time as she/ he considers appropriate.

2.2 The Speaker may allow any deputation to appear before the Municipal Council without submission of a memorandum, if in his/her opinion the matter concerned is of an urgent nature.

2.3 A deputation shall not consist of more than five Persons.

2.4 Except with the consent of the Presiding Officer or in reply to a question from a Member, only one person from the deputation may address the Meeting.

2.5 A deputation may not address the Municipal Council for more than fifteen minutes without the consent of the Speaker or Presiding Officer, but it may respond briefly to a question by a Councillor.

3.0 Referenda

3.1 The Municipal Council:

(1) may by resolution, and,

(2) on the petition of five hundred Residents, shall submit to a general poll of the voters of the Municipality or of the voters of a part of the Municipality, any matter or question affecting the interests of the Municipality or the part concerned.

3.2 The Municipal Council may, by resolution, prescribe the time, date and procedures for any such Referendum.

4.0 Plebiscites

4.1 The Municipal Council:

(1) may by resolution, and,

(2) on the petition of five hundred Residents, shall

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submit to a general poll of the voters of the Municipality or of the voters of a part of the Municipality, any proposed Bylaw for the Municipality or intended to be applicable only in the part concerned.

- 4.2 The Municipal Council may, by resolution, prescribe the time, date and procedures for any such plebiscite.
- 4.3 In the event of the plebiscite being successful, the Speaker shall introduce the draft Bylaw into the Municipal Council for consideration-

5.0 Applications for Amendment of Bylaw:

5.1.0 REGULATORY FRAMEWORK:

- 5.1.1 The Municipal Manager may prescribe the procedures and forms for any Application for any amendment of any Bylaw.
- 5.1.2 The Municipal Manager shall publish any Regulatory Act, prescribed under section 5.1.1, on the Municipal Notice Board and such publication shall be deemed to be sufficient notice of any such Regulatory Act to all Persons concerned.

5.2.0 APPLICATION PROCEDURE

- 5.2.1 Any Person desiring any amendment of any Bylaw shall apply to the Speaker at the Municipal Office
- 5.2.2 Where the Municipal Manager has prescribed any form for any Application; such form shall be obtainable from the office of the Municipal Manager.
- 5.2.3 In considering any Application under rule 5.2.1, the Speaker shall consider the legality of the proposed Bylaw and, if he deems it appropriate, report thereon to the Council.

6.0 Information, Privacy and Meetings

- 6.1 The Municipal Council must conduct its business in an open manner¹⁷ and shall, subject to rules 6.3, 6.4 and 6.5, ensure that meetings of the Municipal Council and its Executive Committee and other Committees to assist the Executive Committee and Council are open to residents in the Municipal area.

¹⁷ Constitution Act: s. 160 (7)
Local Government: MStruA: s. 20(4)(a)
Local Government: MSysA: s. 20

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- 6.2 The Municipal Manager¹⁸ shall give notice to the public of the time, date and venue of every: -
- (a) Ordinary Meeting of the Municipal Council; and
 - (b) Special Meeting of the Municipal Council, except when time constraints make this impossible,
- by placing a Notice under his/her hand containing such information on the Municipal Notice Board.
- 6.3 The Municipal Council shall, within the financial and administrative capacity of the Municipality, provide space for the public in the chambers and places where the Municipal Council meets¹⁹.
- 6.4 The Speaker may take reasonable steps to regulate public access to Meetings of the Municipal Council²⁰.
- 6.5 The Presiding officer may close any Meeting or part of a Meeting of the Municipal Council or Committee to the public when it is reasonable to do so having regard to the nature of the business being transacted at such Meeting: Provided that the Speaker may not exclude the public when the Municipal Council is considering or voting on any of the following matters: -
- (1) a draft bylaw tabled in the Municipal Council;
 - (2) a budget tabled in the Municipal Council;
 - (3) the draft Integrated Development Plan of the Municipality, or any amendment of the plan, tabled in the Municipal Council;
 - (4) the draft Performance Management System for the Municipality or any amendment of the system, tabled in the Municipal Council; and
 - (5) a decision to enter into a Service Delivery Agreement being considered by the Municipal Council.
- 6.6 The Speaker may order any Member of the public to leave the chamber if he/she is of opinion that the behaviour of such Person is causing the proceedings of the Municipal

¹⁸ Local Government: MSysA: s. 19

¹⁹ Local Government: MSysA: s. 20(4)(a)

²⁰ Local Government: MSysA: s. 20(4)(b)

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- Council to be disturbed and may call upon any Person to assist him to remove such Person from the chamber if such Person refuses to obey.
- 6.7 Any Member of the public who disobeys an order of the Speaker to leave the chamber shall be guilty of an offence and liable on conviction to a Criminal Fine or a period of imprisonment not exceeding six months.
- 6.8 Notwithstanding anything to the contrary in this Code, a Member may: -
- (1) at any time propose that a Meeting resolves itself into Closed Session; or
 - (2) if the Municipal Council or Committee concerned is in Closed Session as contemplated in sub rule (1), propose that for the further consideration of the matter concerned, the Municipal Council or Committee resolves itself out of Closed Session.
- 6.9 Where the Proposal is that the Municipal Council or Committee goes into Closed Session, the proposer, the Presiding Officer of the Committee within whose Terms of Reference the matter falls or, in the absence of such Committee, the Mayor, may speak on a Proposal for a period not exceeding five minutes each and shall restrict his/her speech to the reason why the Municipal Council should or should not resolve itself into or out of Closed Session, as the case may be, but the seconder shall not speak beyond formally seconding the Proposal.
- 6.10 If a Proposal that the Municipal Council go into Closed Session is adopted, the Speaker may, in his/her discretion, order that the public and the press, if present, and all officers of the Municipal Council, except those Persons allowed by the Speaker to remain, shall leave the place of the Meeting.
- 6.11 When the Municipal Council is in Closed Session, the provisions of this Code, except in so far as they are in conflict with this rule, shall apply.
- 6.12 If, in the opinion of the Presiding Officer, information is disclosed or is about to be disclosed during a speech which may be prejudicial to the Municipal Council or the inhabitants of the Municipality, the Presiding Officer may direct the Member concerned to forthwith discontinue such speech.
- 6.13 If the Municipal Council resolves itself into or out of Closed Session during the debate on an item of business, the further debate on that item either in or out of Closed Session shall for all purposes be a continuation of the preceding debate on that item.
- 6.14 If the Municipal Council resolves itself into Closed Session, the Municipal Council shall at the conclusion of the consideration of the item concerned, revert to the consideration of further business out of Closed Session.
- 6.15 A decision of the Municipal Council in Closed Session shall be a decision of the Municipal Council.

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6.16 The minutes relating to any item considered by the Municipal Council or a Committee in Closed Session shall, unless consideration of that item was concluded out of Committee, be kept separate from the other minutes of the Municipal Council.

7.0 The Right to Information²¹

7.1 The Municipality shall, on demand, make available to the public at the office of Municipal Manager:

- (1) All Policy and Administrative Directives applicable in the Municipal Administration, which relate to the proper administration of any discretion vested in terms of any Bylaw;
- (2) the names and business addresses of the Municipal Functionaries and a statement of their respective Powers in terms of any Bylaw;
- (3) all Acts of Delegations by the Municipal Council or the, Executive Committee of powers to any Person in terms of any law;
- (4) the names and business addresses of all Authorised Delegates and a statement of their respective powers, which are delegated to them;
- (5) all Bylaws of the Municipality²²;
- (6) all Proclamatory Acts by the Municipality in terms of any Bylaws;
- (7) all Regulatory Acts by any Municipal Organ of State in terms of any Bylaws; and
- (8) the minutes of all Meetings.

7.2 The Information Officer shall make available to the public all information about the financial interests of Councillors referred in the Public Part of the Register of Interests bearing in mind the Policy Directives of the Municipal Council with regard to a need for both confidentiality and the public interest in disclosure.

7.3 Any Person may inspect any instrument or information referred to in rules 7.1 and 7.2 during Office Hours at the Office of the Municipal Manager.

7.4 Every Person may, during Office Hours, make extracts from the instruments and information listed in rules 7.1 and 7.2 upon payment of the Tariff fee for copying.

8.0 Exhaustion of Administrative Law Remedies

²¹ Constitution Act: s. 32

²² Constitution Act: s. 162(3)

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- 8.1 No Person may approach any court of competent jurisdiction for the review of any administrative action under this/her Code until he has exhausted his/her rights to administrative justice given under sections 6.0 and 7.0 above.

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CHAPTER 2

INTERNAL ARRANGEMENTS

PART I: THE POLITICAL STRUCTURE – MUNICIPAL POLITICAL FUNCTIONARIES

1.0 The Speaker²³

1.1.0 FUNCTIONS OF THE SPEAKER²⁴

1.1.1.0 General Functions of the Speaker will include but not limited to :

1.1.1.1 The Speaker

- (1) presides at Meetings of the Municipal Council;
- (2) performs the duties and exercises the powers assigned to the Speaker in terms of this/her Code or delegated by the Municipal Council to the Speaker in terms of any law;
- (3) ensures that the Municipal Council meets as required in terms of this/her Code;
- (4) maintains order during Meetings of the Municipal Council or its Committees;
- (5) ensures compliance in the Municipal Council and its Committees with the Councillors' Code of Conduct; and
- (6) ensures that Meetings of the Municipal Council are conducted in accordance with the- provisions of this/her Code.
- (7) performs any function legally and reasonably expected to perform as the Speaker.

1.1.2.0 Speaker's rulings²⁵

- 1.1.2.1 The Speaker may give a ruling or frame a temporary rule in respect of any eventuality for which the Rules and Orders do not provide.

²³ CA 160 (1) (b), Local Government: Municipal Structures Act: s. 36 (1)

²⁴ Local Government: Municipal Structures Act: s. 37

²⁵ cf PN 343/2000

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1.1.2.2 Any rule made pursuant to rule 1.1.2.1 shall remain in effect and binding upon Councillors until such time as any new Rules and Orders are made which deal with the matter on which the Speaker has given a ruling.

1.1.2.3 Every temporary rule framed by the Speaker shall be recorded in the minutes and in a register kept by the Speaker for that purpose.

1.1.2.4 Any ruling of the Speaker as to the interpretation of these Rules and Orders shall be recorded in the minutes and in the register referred to in rule 1.1.2.3, if any Member present at a Meeting so requests or if the Speaker so decides.

1.1.3.0 Speaker's Sessional Orders

1.1.3.1 The Speaker shall by Notice posted at the Municipality Notice board, and at any other Municipal facility where the public may expect Municipal Information, set out Sessional Orders which shall determine: -

- (1) the period of the Recess of the Municipal Council and its Committees;
- (2) the dates, times and venues of all Ordinary Meetings of the Municipal Council and its Committees during the Session concerned; and
- (3) the dates on which the Budget and other Key Policy Documents are to be considered by the Municipal Council and its Committees during the Session concerned.

1.1.3.2 The Speaker shall use his/her best endeavours to ensure that delivery of the Sessional Orders to a Councillor is made: -

- (1) at the physical address of the Councillor; or
- (2) by sending such rules by post or other means including electronic means to the Councillor's postal address so that it would reach such Councillor timeously in the normal course of postal delivery.

1.1.3.3 The accidental omission to serve notice on any Councillor in terms of rule 1.1.3.2 or the late receipt of such notice, shall not affect the validity of the Sessional Orders.

1.1.3.4 In preparing his/her Sessional Orders, the Speaker shall include a draft timetable and process for the adoption of the Policy Statements of the Municipality and call for comment on the timetable by way of written notice in the Newspapers of Record.

1.1.3.5 After adjusting any draft timetable and process to take into consideration the comments (if any) of the Ministers concerned and the public, the Speaker shall adopt his/her draft as the timetable and process into his/her Sessional Orders and give notice in writing of such adoption in the Newspapers of Record.

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1.1.4.0 Speaker's Responsibility to Protect Rights of Councillors

1.1.4.1 The Speaker shall ensure that all Councillors are entitled to participate in the proceedings of the Municipal Council in a manner that:

- (1) allows parties and interests reflected within the Municipal Council to be fairly represented; and
- (2) is consistent with democracy²⁶.

1.1.4.2 The Speaker shall ensure that each Councillor when taking office is given a copy of this Code and the Councillors' Code of Conduct and that a copy of this Code and the Councillors' Code of Conduct is available in every room or place where the Municipal Council meets

1.1.4.3 A copy of the agenda of a Meeting of a Committee shall be furnished, prior to the Meeting concerned, by the Speaker to a Councillor, who is not a Member of the Committee concerned at the request of the such Councillor, except that the Council may resolve that the agendas of all, or certain, Committee meetings be circulated to all or certain Councillors prior to the Meetings concerned.

1.1.4.4 Any Councillor shall be entitled to attend any Meeting of a Committee of which he/she is not a Member.

1.1.4.5 The Presiding Officer may permit any Councillor so attending to speak at the Committee Meeting, but such Councillor shall have no vote.

1.2.0 PERIOD OF OFFICE OF THE SPEAKER²⁷

1.2.1 Subject to the provisions of this Code, the Speaker is elected for a Municipal Council Term.

1.2.2 The Speaker vacates office as Speaker during a Municipal Council Term if he/she: -

- (1) resigns as Speaker;
- (2) is removed from office as Speaker; or
- (3) ceases to be a Councillor²⁸.

1.3.0 ACTING SPEAKER²⁹

²⁶ CA 160 (8)

²⁷ Local Government: Municipal Structures Act: s 38

²⁸ Local Government: Municipal Structures Act: s 39

²⁹ Local Government: Municipal Structures Act: s 41

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1. 3.1 if the Speaker is absent or not available to perform the functions of Speaker, or during a vacancy, the Municipal Council shall elect another Councillor to act as Speaker.

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1.4.0 REMUNERATION OF THE SPEAKER³⁰

1.4.1 The remuneration, benefits and allowances of the Speaker shall be determined by resolution of the Municipal Council provided that such resolution is consistent with the Remuneration of Public Office Bearers Act.

2.0 The Mayor

2.1.0 FUNCTIONS OF THE MAYOR³¹

2.1.1 The functions of the Mayor will include but not limited to :

- (1) presides at Meetings of the Executive Committee; and
- (2) performs the duties, including any ceremonial functions, and exercises the powers assigned to the Mayor in terms of this Code or delegated to the Mayor by the Municipal Council or the Executive Committee.
- (3) confers awards and/or medals to Councillors, Traditional leaders, Staff and Local Citizens for outstanding and excellent performance.
- (4) performs any function legally and reasonably expected to perform as the Mayor

2.2.0 PERIOD OF OFFICE OF THE MAYOR³²

2.2.1 Subject to the provisions of this Code, the Mayor is elected for the duration of his/her term as a Member of the Executive Committee.

2.2.2 The Mayor vacates office during an Executive Committee Term if he: -

- (1) resigns as Mayor;
- (2) is removed from office as a Member of the Executive Committee in terms of Chapter 1, Part II, section 3.1; or
- (3) ceases to be a Member of the Executive Committee.

2.2.3 No Person may hold office as Mayor for more than two consecutive Municipal Council Terms.

2.2.4 If a Person is elected to fill a vacancy in the office of Mayor, the period between that election and the next election of a Mayor is regarded as a Municipal Council Term³³

³⁰ CA 219

³¹ Local Government: Municipal Structures Act: s. 49 (1)

³² Local Government: Municipal Structures Act: s. 48

³³ Local Government: Municipal Structures Act: s. 48 (5) and (6)

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2.3.0 REMUNERATION OF THE MAYOR³⁴

2.3.1 The remuneration, benefits and allowances of the Mayor shall be determined by resolution of the Municipal Council provided that such resolution is consistent with the Remuneration of Public Office Bearers Act.

3.0 The Chief Whip

3.1.0 FUNCTIONS OF THE CHIEF WHIP

3.1.1 The Chief Whip will perform the following functions but not limited to :

3.2.0 Promotion and ensuring of effective and efficient functioning of the Whips Committee and the Whipping system within the Municipality;

3.2.1. Assists the Speaker with the smooth running of Council meetings and maintenance of order in each Council meeting

3.2.2 Facilitation and co ordination of the selection of names by each political party represented in the Council to represent their parties and lead discussion on those areas identified by the by respective party, and forwarding such names to the Speaker at least 12 hours before the time set for the Council meeting to commence.

3.2.3 Allocating speaking times for each of the political parties, in line with the principles of democracy;

3.2.4 Assignment of duties and responsibilities to Councillors in terms of Committee membership and other functionalities through the whipping Committee subject to Council approval.

³⁴ CA 219

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3.2.5 Assists the Speaker in ensuring efficient, productive and effective functionality of the Council and all Committees established by the Council.

4.0 Chairpersons of Council Committees

4.1.0 FUNCTIONS OF CHAIRPERSONS OF COMMITTEES

4.1.1 The Chairperson of a Committee to Assist the Executive Committee or Council:

- (a) presides at Meetings of that Committee;
- (b) maintains, where necessary with the assistance of the Speaker, order during Meetings of the Committee concerned;
- (c) ensures compliance in the Committee concerned with the Councillors' Code of Conduct; and
- (d) ensures that Meetings of the Committee concerned are conducted in accordance with the provisions of these Rules.

4.2.0 TERM OF OFFICE OF CHAIRPERSONS OF COMMITTEES

4.2.1 Subject to the provisions of this Code, the Chairperson of every Committee to Assist the Executive Committee or Council is appointed for a Municipal Council Term.

4.2.2 The Chairperson of a Committee to Assist the Executive Committee or Council vacates office as Chairperson during a Municipal Council Term if he/she :

- (1) resigns as Chairperson;
- (2) is removed from office as Chairperson by resolution of the Executive Committee or Council;
- (3) is removed from office as a Member of the Executive Committee or Council in terms of Chapter 1, Part II, rule 3.1;
- (4) ceases to be a Member of the Committee concerned; or
- (5) ceases to be a Councillor.

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5.0 Plurality of Offices³⁵

- 5.1 A Councillor may not hold the office as Speaker and Mayor or Chief Whip at the same time.

³⁵ Local Government: Municipal Structures Act: s. 36 (5)

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PART II: THE POLITICAL STRUCTURE – COMMITTEES OF THE COUNCIL³⁶

6.0 The Executive Committee³⁷

6.1.0 OBJECTS OF THE EXECUTIVE COMMITTEE

6.1.1 The object of the Executive Committee is to ensure that the Municipality:

- (1) provides democratic and accountable government for the community of Matatiele Local Municipality.
- (2) provides services to the community of Matatiele Local Municipality in a sustainable manner;
- (3) promotes social and economic development;
- (4) promotes a safe and healthy environment;
- (5) encourages the involvement of the community of Matatiele Local Municipality and its community organisations in the matters of the Municipality, and
- (6) strives, within its financial and administrative capacity to achieve the objects set out above.

6.2.0 CONSTITUTION OF THE EXECUTIVE COMMITTEE³⁸

6.2.1.0 Size of the Executive Committee³⁹

6.2.1.1 The Municipal Council may by resolution determine the size of its Executive Committee which size shall be that necessary for effective and efficient government. The upper limit shall be the lesser of 20% of the Councillors or ten members. The lower limit shall be three members. The size of the Executive Committee shall be submitted to the MEC for promulgation in the Provincial Gazette.

6.2.2.0 The Composition of the Executive Committee⁴⁰

6.2.2.1 The Municipal Council may by resolution determine the mechanism for the election of its Executive Committee: Provided that such mechanism entitles Councillors to participate in its proceedings and those of its Committees in a manner that: -

- (1) allows parties and interests reflected within the Municipal Council to be fairly represented; and

³⁶ CA 160 (5) and (6) and 160 (1) (c), and Local Government: Municipal Structures Act: s. 33.

³⁷ PN 343/2000:cl 19,19A and 19B, and Local Government: Municipal Structures Act: s. 44

³⁸ Local Government: Municipal Structures Act: s. 42, s. 46 and s. 47.

³⁹ Local Government: Municipal Structures Act: s. 43 (1)

⁴⁰ CA 160 (8), Local Government: Municipal Structures Act: s. 43 (2) and s. 43 (3)

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- (2) is consistent with democracy.

6.2.3.0 The Chairperson

- 6.2.3.1 The Mayor shall hold the chair of the Executive Committee or, if the Mayor is absent or not available or, if the office of the Mayor is vacant, a Councillor designated as a care taker Mayor shall hold the chair of the Executive Committee *pro tempore*.

6.2.4.0 Period of Office for Members⁴¹

- 6.2.4.1 Subject to the provisions of this Code, the Members of the Executive Committee are elected for a Municipal Council Term.

- 6.2.4.2 A Member of the Executive Committee vacates office during a term if he/she:

- (1) resigns as a Member of the Executive Committee
- (2) is removed from office as a Member of the Executive Committee in terms of this Code, or
- (3) ceases to be a Councillor⁴².

- 6.2.4.3 Where it is necessary to fill a vacancy in the Executive Committee, the Municipal Council may by resolution fill such vacancy in any manner that:

- (1) allows parties and interests reflected within the Municipal Council to be fairly represented; and
- (2) is consistent with democracy.

6.3.0 TERMS OF REFERENCE OF THE EXECUTIVE COMMITTEE⁴³

- 6.3.1 The Executive Committee may, within the limits prescribed by any legislation made in terms of section 155(6) (a) and (7) of the Constitution:

- (1) exercise all powers of the Municipal Council, which may be delegated by the Municipal Council in terms of any law and which have not been delegated or assigned to any other Committee, Municipal Functionary or municipal employee or are not deemed to be so delegated or assigned in terms of any law;
- (2) advise the Municipal Council on all matters reserved to the Municipal Council in terms of any law or by resolution of the Municipal Council;

⁴¹ Local Government: Municipal Structures Act: s. 46

⁴² Local Government: Municipal Structures Act: s. 47

⁴³ Local Government: Municipal Structures Act: s. 44 (2) – (4), PN 343/2000: cl 19B

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- (3) take any necessary or incidental decisions for the management or administration of any resolution of the Municipal Council;
 - (4) appoint from within its own Membership a sub-Committee with powers to co-opt such other Members as the sub-Committee may deem fit, to consider and to report to the Executive Committee on any matter falling within the Terms of Reference of that Committee;
 - (5) refer to the Municipal Council for decision, with or without a recommendation, any matter in which the Executive Committee is entitled to exercise its powers; and
 - (6) consider all matters of a policy nature incidental to the above Terms of Reference.
- 6.3.2 The Executive Committee shall appoint a Chairperson from within its own ranks for each Committee to assist the Executive Committee.
- 6.3.3 The Executive Committee shall report to the Municipal Council on all decisions taken by the Committee.
- 6.3.4 Any Proposal which falls within the Terms of Reference of the Committee shall be reported to that Committee prior to consideration thereof by the Municipal Council.

7.0 Committees to assist the Executive Committee and Council⁴⁴

7.1.0 ESTABLISHMENT: COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE

- 7.1.1 The Municipal Council may by resolution establish one or more Committees to assist the Executive Committee or Council necessary for the effective and efficient performance of any of their functions or the exercise of any of its powers.

7.2.0 CONSTITUTIONS: COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE AND COUNCIL

7.2.1.0 Size of Committees to assist Executive Committee

7.2.1.1 Section 80 Committees

The Municipal Council shall by resolution determine the size of any Committee to assist the Executive Committee: Provided that such Committee shall not in number exceed the number of Members of the Executive Committee.

7.2.1.2 Section 79 Committees

⁴⁴ Local Government: Municipal Structures Act: s. 79 (1) and 80

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The Municipal Council shall by resolution determine the size of any Committee other than the Committees mentioned on 7.2.1.1 above, and such Committees shall be chaired by Councillors appointed by Council.

7.2.2.0 The Composition of Committees to assist the Executive Committee or Council

7.2.2.1 The Municipal Council may by resolution determine the mechanism for the appointment of its Committees to assist the Executive Committee or Council: Provided that such mechanism entitles Councillors to participate in its proceedings and those of its Committees in a manner that-

- (1) allows parties and interests reflected within the Municipal Council to be fairly represented; and
- (2) is consistent with democracy.

7.2.3.0 The Chairperson

7.2.3.1 The Chairperson of any Committee to Assist the Executive Committee or Council shall hold the chair of such Committee or, if the Chairperson is absent or not available or, if the office of the Chairperson of such Committee is vacant, a Member of that Committee shall be elected by the Committee concerned to hold the chair of that Committee pro tempore.

7.2.3.2 Nothing contained in rule 7.2.3.1 shall prevent any Committee to Assist the Executive Committee or Council electing any Member of that Committee to stand vice the Chairperson in all circumstances where the Chairperson is absent or not available or the office of the Chairperson of such Committee is vacant.

7.2.4.0 Period of Office for Members

7.2.4.1 Subject to the provisions of this Code, the Members of any Committee to assist the Executive Committee or Council are elected for a Municipal Council Term.

7.2.4.2 A Member of a Committee to assist the Executive Committee vacates office during a term if:

- (1) he/she: -
 - (a) resigns as a Member of the Committee concerned;
 - (b) is removed from office as a Member of that Committee in terms of this/her Code; or

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- (c) ceases to be a Councillor; or
 - (2) the Committee is dissolved by resolution of the Municipal Council⁴⁵.
- 7.2.4.3 Where it is necessary to fill a vacancy in any Committee to assist the Executive Committee, the Municipal Council may by resolution fill such vacancy: Provided that the provisions of section 7.2.2. provisions shall mutatis mutandis apply.
- 7.3.0 TERMS OF REFERENCE: COMMITTEES TO ASSIST THE EXECUTIVE COMMITTEE:
- 7.3.1 The municipal Council may by resolution:
- (1) prescribe the functions over which any Committee to assist the Executive Committee shall have jurisdiction; and
 - (2) delegate duties and powers to such Committee, taking into account:-
 - (a.) the extent of the functions and powers of the Municipality;
 - (b) the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance; and
 - (c) the financial and administrative resources of the Municipality available to support the Committee.
- 7.3.2 The Executive Committee may by resolution delegate any powers and duties of the Executive Committee to any Committee to assist the Executive Committee: Provided that:
- (1) the Executive Committee is not divested of the responsibility concerning the exercise of that power or the performance of that duty; and
 - (2) the Executive Committee may vary or revoke any decision taken by a Committee, subject to any vested rights.
- 7.3.3 A Committee to assist the Executive Committee shall report to the Executive Committee in accordance with the Policy Directives of the Executive Committee.
- 7.3.4 The Municipality shall post, on the Municipal Website, the Terms of Reference of all Committees to Assist the Executive Committee.
- 7.3.5 Any Proposal which falls within the Terms of Reference of a Committee to Assist the Executive Committee shall be reported on to that Committee prior to consideration thereof by the Executive Committee unless the Chairperson of the Committee to Assist the Executive Committee decides otherwise.

8.0 Advisory Committees⁴⁶

⁴⁵ Local Government: Municipal Structures Act: s. 47

⁴⁶ Local Government: Municipal Systems Act: s. 17 (4)

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8.1 The Municipal Council may establish one or more Advisory Committees consisting of:

- (a) Persons who are not Councillors, and,
- (b) where appropriate, such Persons and Councillors,

to advise the Municipal Council or any of its Committees on any matter within the competence of the Municipality.

9.0 Special Committee

9.1.0 CONSTITUTION OF SPECIAL COMMITTEE

9.1.1 The Municipal Council shall establish a Special Committee consisting of the Speaker and no less than three nor more than eight other Councillors recommended by the Speaker: Provided that if the Speaker has exercised his/her powers in terms of Chapter 3, section 4.5.0 hereof, he/she shall not be a member of such Committee in respect of any appeal in respect of such matter, in terms of Chapter 3, rule 4.5.6.

9.2.0 TERMS OF REFERENCE OF SPECIAL COMMITTEE

9.2.1 The Special Committee may, at the instance of the Speaker or a Councillor sanctioned by the Speaker:

- (1) investigate and make a finding on any alleged breach of this Code or the Councillor's Code of Conduct by a Councillor; and
- (2) make appropriate recommendations to the Municipal Council on any alleged breach of this Code and/or the Councillor's Code of Conduct by a Councillor and on the sanctioning of such Councillor (where appropriate).

9.2.2 If the Special Committee finds that a Councillor has breached a provision of this Code, the Special Committee may advise the Municipal Council to: -

- (1) require the Speaker to issue a Formal Warning to the Councillor concerned in accordance with this Code;
- (2) require the Speaker to reprimand that Councillor in accordance with this Code;
- (3) request the MEC for Local Government to suspend such Councillor for a period in accordance with the Councillor's Code of Conduct;
- (4) impose a Civil Fine on the Councillor concerned consistent with this Code; and/or
- (5) request the MEC for Local Government to remove that Councillor from office in accordance with the Councillor's Code of Conduct.

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9.3.0 THE PRESIDING OFFICER OF THE SPECIAL COMMITTEE

9.3.1 The Speaker shall hold the chair of the Special Committee but:

(1) If the Speaker is not a member of the Committee by virtue of the proviso to rule 9.1.1; or

(2) If the Speaker is absent or not available or the office of the Speaker is vacant,

a Member of the Special Committee shall be elected by the Committee concerned to hold the chair of that Committee *pro tempore*.

9.3.2 The provisions of rule 9.2.2 shall apply *mutatis mutandis* to rule 9.3.1.

10.0 Adhoc/Interim Committee

10.1 The Council by way of resolution, may appoint an Adhoc/Interim Committee that will carry out a particular assignment as shall be specified in the resolution.

10.2 A Committee thus appointed shall continue its designated duties until it completes its assignment, or it has been discharged from its assignment, and may conduct its business while the Council is prolonged or not in session.

10.3 A Committee so appointed shall possess powers and privileges tantamount to those of any other Committee appointed by Council.

11.0 Rules Committee

11.1 Constitution of the rules Committee

11.1.1 The Council shall appoint a Rules Committee, which inter-alia shall monitor and ascertain the observation and application of all relevant rules in the Council.

11.1.2 The Committee so appointed shall be composed of at least five (5) Councillors inclusive of the Speaker or who ever else as Council may if it deems necessary appoint (i.e. Speaker, Whips of all parties and a maximum of 3 three Councillors from the majority party excluding the Speaker and Council whip if they are members of the majority party)

11.1.3 The term of office for the Committee so appointed shall be for the duration of the term of Councillors.

11.1.3 Among other things the rules Committee shall have the authority if need be to consider or effect amendments of those rules as and when necessary.

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- 11.1.4 The rules Committee shall consider and review the standing rules and orders of Council subject to Council approval.
- 11.1.5 The Rules Committee shall further be responsible for assisting both the chief whip and Speaker in applying and interpreting the standing rules and orders of the Council.

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PART III: THE ADMINISTRATIVE STRUCTURE⁴⁷

1.0 Appointments⁴⁸

1.1 The Municipal Council must appoint:

- (1) a Municipal Manager who is the Head of Administration and also the Accounting Officer for the Municipality; and
- (2) when necessary, an Acting Municipal Manager⁴⁹⁵⁰.

1.2 The Municipal Council, after consultation with the Municipal Manager, shall by resolution agree to appoint such Managers directly accountable to the Municipal Manager, as it deems necessary for the effective performance of its functions⁵¹.

1.3 The Municipal Council may employ such other personnel that are necessary for the effective performance of its functions⁵².

2.0 The Municipal Manager

2.1 The Municipal Manager shall, unless otherwise instructed by the Municipal Council, carry out any obligation:

- (1) imposed on the Municipal Manager in terms of any legislation⁵³; and
- (2) imposed by contract with the Municipality.

2.2 The Municipal Manager shall be the Chief Executive Officer of the Municipality for the purposes of the Occupational Health and Safety Act.

2.3 The Municipal Manager may delegate in the manner prescribed in this Code any power or function assigned to him by any legislation.

2.4 ***The Municipality shall, publish in the annual report a Record of the salary scales and benefits applicable to the post of the Municipal Manager***

3.0 Managers that are directly accountable to the Municipal Manager

⁴⁷ Local Government: Municipal Systems Act: s. 6, 50 and 51

⁴⁸ Local Government: Municipal Systems Act: s. 68

⁴⁹ Local Government: Municipal Structures Act: s. 82

⁵⁰ CA 195, Local Government: Municipal Systems Act: s. 57

⁵¹ Local Government: Municipal Systems Act: s. 56

⁵² CA 160 (1) (d), ca 195

⁵³ Local Government: Municipal Systems Act: s. 55, 66, 67 (4), 70, 100, 117

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- 3.1 A Manager who is directly responsible to the Municipal Manager shall, unless otherwise instructed by the Municipal Council, carry out any obligation:
- (1) of a Municipal Functionary imposed on such Municipal Functionary in terms of any legislation and
 - (2) imposed by contract with the Municipality.
- 3.2 **The Municipality shall publish in the annual report of the Municipality a Record of the salary scales and benefits applicable to all posts held by Managers who are directly accountable to the Municipal Manager.**
- 4.0 **Other Staff**
- 4.1 The Municipal Manager, within a Policy Framework determined by the Municipal Council and subject to any applicable legislation, is obliged to:
- (1) approve the staff establishment for the Municipality;
 - (2) provide a job description for each post on the staff establishment;
 - (3) attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and
 - (4) establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service.
- 5.0 **The Employees Code of Conduct⁵⁴**
- 5.1.0 PRINCIPLES OF DISCIPLINING EMPLOYEES⁵⁵
- 5.1.1 The maintenance of the discipline of Municipal Employees is the responsibility of the Municipality.
- 5.1.2 The Municipality has the right to determine the Disciplinary Measures to be applied in accordance with this Code and any relevant Industrial Council Agreement.
- 5.2.0 DUTIES OF EMPLOYEES
- 5.2.1 Breach of Standing Orders:

⁵⁴ Schedule 2 to LG:MSysA

⁵⁵ Local Government: Municipal Systems Act: s. 67

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Any Municipal Employee who fails to comply with the Standing Orders of the Municipal Manager shall be guilty of an Infringement and subject to Sanctions in terms of any relevant Industrial Council Agreement.

5.2.2 Breach of Labour Agreement:

Any Municipal Employee who fails to comply with any relevant Industrial Council Agreement shall be guilty of an Infringement and subjected to Sanctions in terms of that Agreement.

5.3.0 SANCTIONS

5.3.1.0 **Dismissal**

5.3.1.1 Notwithstanding anything to the contrary contained in this Code and any relevant Industrial Council Agreement; the Municipality retains the power to dismiss any Municipal Employee for a just cause.

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PART IV: THE ADMINISTRATION

1.0 The Exercise of Original Executive Authority by the Council.

1.1 The Municipal Council may not delegate or assign any of the following executive powers, functions or tasks but shall exercise such powers, functions and tasks itself:

- (1) the approval of budgets;
- (2) the imposition of rates and other taxes, levies and duties;
- (3) the raising of loans;
- (4) the approval of its Integrated Development Plan;
- (5) decisions to expropriate immovable property or rights in or to immovable property;
- (6) the determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or Managers directly responsible to the Municipal Manager;
- (7) making investments on behalf of the Municipality;
- (8) the setting of any Tariff; and
- (9) adoption of the IDP.
- (10) any matter which, in terms of this Code, has to be determined by resolution of the Municipal Council:

Provided that the Municipal Council may delegate:

- (a) the powers referred to in rule 1.1 (5) and 1.1 (6) to the Executive Committee within a Policy Framework determined by the Municipal Council; and
- (b) the powers referred to in rule 1.1 (7) to the Executive Committee or the Chief Financial Officer within a Policy Framework determined by the Cabinet Member for Finance.

Standing Rules and Orders of the Matatiele Local Municipality

2.0 Delegations⁵⁶

2.1.0 DELEGATIONS TO ORGANS OF STATE

2.1.1 The Municipal Council may delegate any power or function to any other executive Organ of State that is to be exercised or performed by the Municipality, which is not reserved to the Municipal Council in terms of any law.

2.2.0 DELEGATIONS TO COMMITTEES AND EMPLOYEES

2.2.1 The Municipal Council may delegate to any Committee or employee any power or function that is to be exercised or performed by the Municipality, which is not reserved to the Municipal Council in terms of any law.

2.3.0 FORMALITIES AND PARAMETERS FOR ACTS OF DELEGATION

2.3.1 An Act of Delegation shall be expressed in writing and may be subjected to any limitations, conditions and directions as the Municipal Council or the Executive Committee may impose.

2.3.2 The Municipality shall publish on the Municipal website , all delegations of the Municipal Council and of all sub-delegations of any Committee or functionary of the Municipal Council.

2.4.0 SUB-DELEGATION

2.4.1 Any delegation in terms of rules 2.2.1 or 2.3.1 includes the power to sub-delegate a delegated power unless the Municipal Council otherwise determines.

2.5.0 REFERRAL TO COUNCIL

The Municipal Council at the request in writing of at least one quarter of the Councillors is obliged to review any decision taken by a Political Structure, Municipal Functionary or Municipal Employee in consequence of a delegation or instruction and either confirm or revoke the decision subject to any rights that may have accrued to a Person and may require the Executive Committee to review any decision taken by such Person or body in consequence of a delegation or instruction.

3.0 Administrative Regulations

3.1 The Municipal Council may by resolution prescribe regulations regulating the interface between the Municipal Administration, the Municipal Council and its Committees.

⁵⁶ CA 238, 239 (definitions), 160 (2), LG: MStructA: s. 32, LG: MSysA: s. 59, 60, 61, 63, 64, 65

Standing Rules and Orders of the Matatiele Local Municipality

4.0 Policy Statements⁵⁷

- 4.1 The Municipality shall prepare initial drafts of the Policy Statements listed in the timetable and refer the same to the Persons listed against such Policy Statements in that timetable on or before the dates listed for each such Policy Statement listed therein.
- 4.2 The MEC for Local Government, where applicable, shall co-ordinate and assess the comments on the initial draft of the Policy Statement concerned of the Provincial Government and report thereon to the Municipal Manager on or before the date listed in the timetable for the Policy Statement concerned.
- 4.3 The MEC for Local Government, where applicable, shall co-ordinate and assess the comments on the initial draft of the Policy Statement concerned of the National Government and report thereon to the Municipal Manager on or before the date listed in the timetable for the Policy Statement concerned.
- 4.4 After adjusting any draft Policy Statement to take into consideration the comments (if any) of the Ministers, the Municipality shall publish its draft of the Policy Statement concerned on or before the date listed in the timetable by way of Notice in the Newspapers of Record.
- 4.5 After adjusting any draft Policy Statement to take into consideration the comments (if any) of the public, the Municipality shall adopt the Policy Statement concerned and publish in the Newspapers of Record within 14 Days of the adoption of the Policy Statement concerned a Notice stating:
- (1) that the Policy Statement concerned has been adopted; and
 - (2) that copies of or extracts from the Policy Statement concerned are available for public inspection at specified places; and

where a summary of the Policy Statement has been prepared, the place where a copy of such summary may be obtained.

5.0 Policy Directives

- 5.1 The Executive Committee may, by resolution, prescribe Policy Directives for the regulation of the exercise of the executive authority assigned, delegated or sub-delegated to any Municipal Functionary, other Municipal Organ of State or Municipal Employee.

⁵⁷ LG:MSysA: s. 25, 28, 29, 30, 34, 74, 99

Standing Rules and Orders of the Matatiele Local Municipality

5.2 The Executive Committee may, by resolution, prescribe Policy Directives for the regulation of any performance of any task allocation in the Internal Administration of the Municipality.

6.0 Administrative Directives

6.1 The Municipal Manager may, in writing, prescribe Administrative Directives for the regulation of the performance of any task allocated in the Internal Administration of the Municipality:

7.0 Financial Control

7.1 No delegate shall incur any expenditure unless a certificate or confirmation from the Chief Financial Officer or his/her nominee is issued certifying that provision has been made in the Current Estimates for such expenditure.

8.0 Councillors and Staff and Constitutional Rights

8.1.0 ADMINISTRATIVE JUSTICE

8.1.1 The discipline of Councillors and Municipal Employees will be handled consistently, promptly, fairly and in accordance with Administrative Justice⁵⁸.

8.2.0 INFORMATION FOR DISCIPLINARY ENQUIRIES

8.2.1 Where a Disciplinary Tribunal or any other Person or body charged with the discipline of any Councillor or Municipal Employee is vested with any discretion under these Bylaws or any Labour Law Agreement, such Person or body may by Administrative Notice served on any Person who in his/her opinion may be able to give any material information which he desires to obtain for the purposes of justly executing such discretion to furnish such information within such period and in such form as it may in such Notice specify.

8.2.2 Any Administrative Notice served under this section may require the Person on whom it is served to appear in person before such Person or body at such time and place as is specified in such Notice and/or to bring or deliver any book, document or thing which has any bearing upon the subject or who he suspects or believes such Person has in his/her possession or custody or under his/her control.

8.2.3 Where any book, document or thing is brought or delivered pursuant to any such Notice, it may be retained for examination by the Municipality for a reasonable time.

8.2.4 Any Person called in person may be interrogated by the Person or body who called such Person and, where such Person is called before any Disciplinary Tribunal, by that

⁵⁸ CA s.33

Standing Rules and Orders of the Matatiele Local Municipality

tribunal or any other Person entitled to question such Person in accordance with equitable principles.

9.0 System Integrity

9.1 No Person providing any information under any Administrative Notice served in terms of section 8.2.0 shall:

- (1) fail to provide the full information required in terms of such Notice without reasonable excuse;
- (2) wilfully provide false information;
- (3) fail to produce any book, document or thing in his/her possession or custody or under his/her control when lawfully required to do so; or
- (4) when appearing in person:
 - (a) fail to answer fully and satisfactorily to the best of his/her knowledge and belief all questions lawfully put to him;
 - (b) fail without sufficient cause to attend at the time and place specified in the Administrative Notice concerned; or
 - (c) fail to remain in attendance until excused from further attendance by the Disciplinary Tribunal or any other Person or body charged with the discipline of any Councillor or Municipal Employee (as the case may be).

9.2 No Person shall:

- (1) insult, disparage or belittle any member of a Disciplinary Tribunal in that capacity or prejudice, influence or anticipate the proceedings or findings of such tribunal;
- (2) wilfully interrupt the proceedings of a Disciplinary Tribunal or misconduct himself/herself in any manner during such proceedings;
- (3) do anything in relation to a Disciplinary Tribunal, which, if done in relation to a Court of law would constitute contempt of Court.

10.0 Civil Liability

10.1 Any Person required to appear before a Disciplinary Tribunal or any other Person or body charged with the discipline of any Councillor or Municipal Employee (as the case may be) may, if it or he is satisfied that that Person has by reason of his/her appearance in obedience to the Administrative Notice suffered any pecuniary loss or been put to any personal expense, be paid by the Municipality from moneys appropriated by the Municipality such allowances as the Municipality from time to time may determine or the amount of any such loss or expense, whichever is the lesser.

Standing Rules and Orders of the Matatiele Local Municipality

10.2 If it appears to any Disciplinary Tribunal:

- (1) a Person who is or was in the employ of Municipality; or
- (2) a Person who is or was a Councillor;
causes or caused the Municipality loss or damage because he: -
 - (a) failed to collect money owing to the Municipality for the collection of which he is or was responsible;
 - (b) is or was responsible for an irregular payment of money of the Municipality or for a payment of such money not supported by a proper voucher;
 - (c) due to an omission to carry out his/her duties, is or was responsible for fruitless expenditure money of the Municipality;
 - (d) is or was responsible for a deficiency in, or for the destruction of or damage to property of the Municipality, stamp, face value documents and forms having potential value, securities, equipment, stores or any other property of the Municipality; or
 - (e) due to an omission to carry out his/her duties, is or was responsible for a claim against the Municipality,

the Disciplinary Tribunal shall determine the amount of such loss or damage and, in appropriate cases, may instruct the Municipal Manager to recover the loss or damage.

11.0 Criminal Liability for Infringements

11.1 If it appears to any Disciplinary Tribunal in the course of any Disciplinary Enquiry that:

- (1) a Person who is or was in the employ of Municipality; or
- (2) a Person who is or was a Councillor,

is guilty of a criminal offence, it may instruct the Municipal Manager to take such steps as may be necessary to institute a prosecution for such offence.

11.2 In the event that a criminal charge has been pleaded to by a Councillor or Municipal Employee in respect of the same or similar facts that, in the opinion of the Speaker, constitute grounds for a Disciplinary Enquiry, the Councillor or Municipal Employee concerned may on Notice given to the Speaker or, in the case of an employee, the Municipality elect: -

- (1) to undergo the Disciplinary Enquiry in the normal course; or

Standing Rules and Orders of the Matatiele Local Municipality

- (2) to have his/her Disciplinary enquiry heard only upon the conclusion of the criminal proceedings, in which event the Speaker or the Municipality (as the case may be) shall suspend or order the suspension of any Disciplinary Enquiry until such conclusion.

END

Standing Rules and Orders of the Matatiele Local Municipality

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SCHEDULE 1

Infringements and civil fines

<i>Column 1</i> Infringement	<i>Column 2</i> Maximum Civil Fine
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Standing Rules and Orders of the Matatiele Local Municipality

1. Not attending a meeting which the Councillor concerned was required to attend, without an explanation.	2 weeks salary
2. Failure to remain in attendance at a meeting which the Councillor concerned was required to attend, without an explanation.	2 weeks salary
3. Failure to withdraw from the proceedings of the Municipal Council or a Committee when a matter in which the Councillor concerned or any spouse, partner or business associate of that Councillor may have any direct or indirect personal or private business interest is considered by the Council or Committee; unless the Municipal Council or the Committee concerned decided that the direct or indirect interest in the matter is trivial or irrelevant.	1 month's salary
4. Failure to disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Municipal Council at which it is possible for the Councillor to make the disclosure, where his or her spouse, partner, business associate or close family member, has acquired or stood to acquire any direct benefit from a contract concluded with the Municipality.	1 month's salary
5. Without the prior consent of the Municipal Council, being a party to or beneficiary under a contract for the provision of goods, works or services to the Municipality	3 weeks salary
6. Without the prior consent of the Municipal Council, being a party to or beneficiary under a contract involving the performance of any work otherwise than as a Councillor for the Municipality.	3 weeks salary
7. Requesting, soliciting or accepting any reward, gift or favour for voting or not voting in a particular manner on any matter before the Municipal Council or before a Committee of which that Councillor is a member.	5 months salary
8. Requesting, soliciting or accepting any reward, gift or favour for persuading the Municipality in regard to the exercise of any power, function or duty.	5 months salary
9. Requesting, soliciting or accepting any reward, gift or favour for making a representation to the Municipality.	5 months salary
10. Requesting, soliciting or accepting any reward, gift or favour for disclosing privileged or confidential information.	5 months salary
11. Interfering in the management or administration of the Municipal Administration unless mandated by resolution of the Municipal Council.	3 months salary
12. Using the position or privileges of a Councillor for private gain or to improperly benefit another person.	5 months salary
13. Using privileged or confidential information obtained as a Councillor for private gain or to improperly benefit another person.	5 months salary
14. Without the permission of the Municipal Council or of the Committee concerned disclosing any privileged or confidential information of the Municipality in any way whatsoever.	6 weeks salary
15. Giving or purporting to give any instruction to any employee of the Municipality except when authorised to do so by resolution of the Municipal Council.	3 weeks salary
16. Obstructing or attempting to obstruct the implementation of any decision of the Municipal Council or a Committee by an employee of the Municipality.	6 weeks salary

Standing Rules and Orders of the Matatiele Local Municipality

17. Encouraging, soliciting or participating in any conduct which would cause or contribute to maladministration in the Municipality.	3 weeks salary
18. Using, taking, acquiring or benefiting from or taking advantage of any property or asset owned, controlled, or managed by the Municipality to which the Councillor concerned has no right.	6 weeks salary
19. Assaulting any person on municipal premises or on municipal business.	3 months salary
20. Stealing any property from municipal premises.	5 months salary
21. Malicious injury to municipal property.	3 weeks salary
22. Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.	2 weeks salary
23. Failing to fall silent when the Presiding Officer speaks or rises during a meeting.	2 weeks salary
24. Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee of the Council.	2 weeks salary
25. Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee of the Council.	2 weeks salary
26. Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.	2 weeks salary

Standing Rules and Orders of the Matatiele Local Municipality

SCHEDULE 2

Clarification: A point of order

Definition: It is in fact an appeal to the presiding officer or Speaker for his/her ruling on a matter concerning the conduct of a meeting. The presiding Officer 's Speaker's decision is final and in any event he/she has a discretion to accept the point of order or not.

Clarification

1. A point of order is a question raised with a view of calling attention to any departure from the prescribed modes of proceeding in debates.
2. A Councillor whether he/she has spoken on the matter under discussion or not, may rise to a point of order or in explanation.
3. Such explanation shall be confined to some material part of the discussion which may have been misunderstood.
4. A Councillor so rising shall be entitled to be heard forthwith.
5. He/She must state the point clearly and confine himself strictly to the matter under discussion.
6. The ruling of the Presiding Officer on a point of order or on the admissibility of a personal explanation shall be final and not open to discussion.
7. If a member challenges the ruling of the Presiding Officer on any point of order, the Presiding Officer shall direct him/her to conduct himself/herself properly and to discontinue his/her speech and resume his/her seat.

Summary

- (1) A point of order can be put at any time during a meeting.
- (2) A point of order can be put regarding -
 - (a) bad language;
 - (b) a standing rule not complied with
 - (c) an amendment rule not complied with;
 - (d) an amendment that is *ultra vires*;

Standing Rules and Orders of the Matatiele Local Municipality

- (e) a matter pertaining to the good order; or
 - (f) an explanation required.
- (3) A point of order must be phrased as a question.

SCHEDULE 3

Privileges and immunities

- (1) **It is hereby provided in terms of section 161 of the Constitution in these Standing Rules and Orders under this Schedule:**
- (a) that Councillors have freedom of speech in a Municipal Council and in its Committees, subject to the relevant Council's Standing Rules and Orders as envisaged in section 160(6) of the Constitution; and
 - (b) that Councillors are not liable to civil or criminal proceedings, arrest, imprisonment or damages for -
 - (i) anything that they have said in, produced before or submitted to the Council or any of its Committees; or
 - (ii) anything revealed as a result of anything that they have said in, produced before or submitted to the Council or any of its Committees.
- (2) The privileges referred to in paragraphs (a) and (b) of rule (1) will apply to all Members of the Matatiele Municipal Council including participating Traditional Leaders.

MATATIELE LOCAL MUNICIPALITY

SCHEDULE 4

STATEMENT OF PLEDGE AND OATH

RULES AND ORDERS OF THE COUNCIL

I, _____ IDNo:

_____, certify that I have read and fully understand the standing orders that apply to the Local Municipality of Matatiele Local and hereby undertake by way of oath/affirmation to abide by these said Rules and Orders of the Council.

Signature

Date

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
 Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
 Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605.
 Tel. (040) 635-0052.