



VHEMBE DISTRICT MUNICIPALITY RULES OF ORDER FOR THE MEETINGS OF COUNCIL AND ITS COMMITTEES

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1. Application of rules

1.1 The rules of order contained herein apply to all meetings of the municipal Council and any committees of the municipal Council as well as any other committee of Council established within the municipality unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.

- 1.2 The rules aimed at allowing free, open, and constructive debate during meetings. The rules encourage and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings
- 1.3 The rules endeavour to create the opportunity for Councillors serving in Council structures to air their views on any matter of public importance.
- 1.4 The rules of order are applicable to
 - 1.4.1 All Councillors
 - 1.4.2 Traditional Leaders participating in Council and its Committees in terms of section 81 of the Municipal Structure Act; 117 of 1998
 - 1.4.3 Any municipal official of the municipality and
 - 1.4.4 Any member of the public while present in the Council chamber and precinct

2. Definitions

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

Chief whip: shall mean the person under elected as the Chief Whip of the Council.

Committee: shall mean any committee established in the municipality including committee established in terms of section 79 and 80 of the Municipal Structures Act.

Constitution: shall mean the constitution of Republic of South Africa, 1996

Council: shall mean the municipal Council for the Vhembe District Municipality

Councillor: shall mean a member of the municipal Council

Executive Mayor: shall mean the Executive Mayor of the municipality as elected in terms of the section 55 of the structures Act

In Committee: shall mean the part of the meeting of the municipal council where the meeting will be closed and members of the public and press and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted.

Mayor: shall mean the Executive Mayor of the municipality as elected in terms of section 48 of the Structures Act.

Mayoral Committee: shall mean the Committee appointed by the Executive Mayor in terms of section 60 of the Municipal Structures Act.

Member: shall mean a councillor serving in the municipal council of the municipality

Motion: shall mean a matter submitted by a member in accordance with Section 25 below.

Municipality: shall mean the Vhembe District Municipality.

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

Privilege: shall mean the right of freedom of speech for councillors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said produced or submitted to the council or committee.

Procedural motion: shall mean a matter raised by a member at a meeting in terms of section 25

Report: shall mean any item appearing on the agenda for consideration by the Council or a Committee.

Council official: shall mean a person in the employment of the municipality entrusted to assist the Speaker to maintain order during Council meetings and assisted by such staff members as the Speaker may direct.

Senior managers: shall mean the persons appointed by the Council as the Municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality

Speaker: shall mean the person as elected in terms of section 36 of the Municipal Structures Act.

Structures Act: shall mean the Local Government: Municipal Structures Act, 1998

Sub-Committee: means any other committee, other than the executive committee/Mayoral Committee or committees appointed by the Council or the Executive Committee.

Systems Act: shall mean the Local Government: Municipal Systems Act, 2000

Traditional Leader: shall mean a Traditional leader identified by the MEC to participate in the proceedings of a municipal Council in terms of section 81 of the Municipal Structures Act.

Whip: shall mean a member of the municipal Council appointed by each political party represented in the Council to perform the function of party whip.

3. Meetings of Council open to public

3.1. The Municipal Council shall conduct its business in an open manner and every meeting of the Council and all Committees, including the Mayoral committee shall be open to the public, provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act .Public notice must be released seven (07) days before the Council for Ordinary Council in newspapers.

3.2 The Council will deal in Committee when discussing any of the following matters

3.2.1 A trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality.

3.2.2 Personal and private information of any Councillor or an employee of the municipality.

3.2.3 The intention of the municipality to purchase or acquire land or buildings.

3.2.4 The price a municipality may offer for the purchase or acquisition of land or buildings.

3.2.5 Any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending.

3.2.6 Disciplinary proceedings or proposed disciplinary proceedings against any employee

3.2.7 Any matter that might not be disclosed in terms of legislation

3.2.8 Consideration of the minutes of previous in committee discussions

3.3 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in 3.2 above, and provided it is not a matter that is required in law to be dealt in open Council, propose with motivation, that the matter be further dealt with in open Council, propose with motivation, that the matter be further dealt with in committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

3.4 Languages

As per the S.A constitution of 1996 Section 6 (1) chapter 1 the following languages will be used: English, Tshivenda, Xitsonga, Sepedi and Afrikaans but not excluding any other officially recognised language as per the SA Constitution should the need arise.

4 Council Meetings

4.1 The Council shall hold an ordinary transaction of business at least Once in every three months / quarterly according to Section 18(2) of the Municipal Structures Act 1998 (Act no.117 of 1998).

4.2 Proceeding to Council

All Councillors must be seated 15 minutes before the Council meeting. They must bow when entering and exiting the chamber when meeting is in progress. The Speaker and the Executive Mayor must enter 05 minutes before and they must use the same entrance .When the Speaker adjourns the Council, all Councillors must stand until the Speaker and the Executive Mayor shall have left the Council chamber Using the same entrance, they came in.

4.3 **Council Security**

There **may** be two Council security officers in the council chamber during Council meetings. In addition the Speaker shall call additional Council Security officers should the need arise to enter the Council **to facilitate councillors removal from the chamber**. The Municipal Manager must notify SAPS in writing of Council meetings who will give security support to the Council security officers should the need arise. **Such SAPS Officers will enter the chamber when called upon to do so by the Speaker after consultation with the Municipal Manager. These shall be read in line with item 34.4**

5 Special Council meetings

- 5.1 The Speaker may at any time of own accord and shall, upon request in writing of a majority of the councillors of the municipality / Executive Mayor, call a special meeting of council, provided that no such special meeting shall take place unless all councillors were given at least 48 hours' notice prior to.
- 5.2 In the event where the Speaker fails and / refuses to call special meeting when requested in accordance with 5.1 above, the Municipal manager in consultation with the Executive Mayor of the municipality may call the meeting.

6. Service of notices

At least 7 days before any Ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting specifying the business proposed to be transacted there at and signed by the Speaker or Chief Whip as contemplated in 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail or SMS messages councillors phones should the need arise.

7. Non -Service of notices

Accidental omission to serve on any councillor a notice of meeting as per Sec.6 above shall not invalidate the proceedings of the meeting.

8 Urgent matters

No business shall be transacted at a meeting of the council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant chairperson considers urgent and the said chairperson has ruled the matter to be urgent. The addendum should be prepared.

9. Conduct at meetings

The speaker or the Chairperson of any meeting including council meetings shall

- 9.1 Maintain order during meetings
- 9.2 Ensure compliance with the code of conduct for Councillors during Meetings
- 9.3 Ensure that meetings are conducted in accordance with the rules
- 9.4. Ensure that members conduct themselves in a dignified and orderly manner during meetings
- 9.5 Ensure that members of the public attending meetings are seated in areas designated for that purpose.
- 9.6 Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey the rulings made by the Speaker or chairperson of the meeting.
- 9.7 Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson shall request the member to leave the Council Chamber.
- 9.8 Ensure that the whip of each political party represented in the municipal council as well as the Chief Whip of Council maintain discipline during any meeting.

10 Interpretation of rules

- 10.1 The ruling of the Speaker or the chairperson in the event of a meeting other than a Council meeting, with regard to the application and interpretation of the Rules as well as other procedural matters not dealt with in the rules shall be final and binding, provided that the Speaker / Chairperson may be required to provide reasons for a ruling.
- 10.2 Any ruling made by the Speaker must be made having due regard to the

provisions of the constitution, national and provincial legislation, municipal by-laws and Policies, the rules of natural justice.

- 10.3 Any interpretation and ruling made by the speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

11 Quorum and acts of Council

11.1 A majority of the Councillors must be present at a meeting of the council before any matter may be considered and / or voted on.

11.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or Chairperson may suspend the meeting for such a period he /she deems fit and thereafter adjourn the meeting to another date, time and / or venue.

12 Decisions and voting

12.1 Subject to 12.3 below, all matters will be decided by a majority of Councillors Present at the meeting

12.2 Before a formal vote is taken on any matter before the Council, all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.

12.3 Any matter referred to in section 160(2) of the constitution shall be decided on by a majority of the councillors in the municipal Council.

12.4 If on any question there is an equality of votes, the Speaker or Chairperson of the committee may exercise a casting vote in addition to that particular councillors deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee. Provided that for those matters listed in Section 160(2) of the constitution there will be no provision for a casting vote.

12.5 If the Speaker or Chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.

12.6 In the event of there being opposition to a recommendation, the proposal

to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or Chairperson, by way of secret ballot.

12.7 The Municipal Manager or an official designated by him shall count the votes and declare to the chairperson the result of the division. In the event of a secret ballot, the Municipal Manager shall hand to each councillor a ballot paper bearing the official mark or logo of the municipal council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:



Date-----

Proposal or motion to be voted for	Councillors vote (x) :for or against
1.	
2.	

12.8 The Municipal Manager shall collect all the ballot papers and count same in the presence of a representative from each party represented in the the Council or committee and present at such meeting.

12.9 The Speaker or Chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.

12.10 The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the Speaker.

12.11. A member may abstain from voting without leaving the chamber.

12.12 A member may request that his/her support /dissent /abstention be recoded in the minutes of the meeting

13 When Councillors may not attend and participate in the proceedings of the Council

A Councillor shall –

13.1 Disclose to the Council, or to any committee of which that councillor is a

member, any direct personal or private business interest that the councillor, or the spouse, partner or business associate of that councillor may have in any matter before the council or the meeting.

13.2. Withdraw from the proceedings of the council or committee meeting when the matter is being considered by the Council or Committee, unless the Council or the Committee decides by resolution, that the Councillors direct or indirect interest in the matter is trivial or irrelevant. A Councillor who has so disclosed his/her interest may, with the approval of majority of the members of the Council or its committee, address the Council or committee on the matter prior to the deliberations and vote on the matter taking place, subject always to the ruling of the Speaker or Chairperson on the time to be allowed for such an address.

13.3. A councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Council or committee of the Council at which it is possible for the councillor to make a disclosure.

13.4. This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

14. Walkout

If a Councillor or group of Councillors leave any meeting **for any reasons**, and the remainder of the councillors constitute a quorum the business of the meeting shall be proceeded with.

15. Count out

If during any sitting of the council or any committee, the attention of the Speaker or Chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance **with item 11 and 14 respectively**.

16. Adjourned meetings

The Council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is adjournment.

17. Notice of adjourned meeting

When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of the council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

18. Chairperson of meetings

18.1. At every meeting of the council the Speaker, or if he/she is not present, an acting Speaker shall be the Chairperson. An acting Speaker may be elected by the majority of councillors present at any meeting of the council where the Speaker is not present.

18.2. The Executive Mayor shall chair meetings of the Mayoral Committee and if not present any other councillor appointed by the majority members of the Mayoral Committee in attendance.

18.3. Section 80 Portfolio committees will be chaired by heads of such portfolios and will report to the Mayoral Committee whereas section 79 committees including MPAC, and the Internal Audit committees shall be Chaired by councillors appointed by council and shall report to Council through the office of the Speaker.

18.4. The person so nominated by the Council / Mayoral Committee or Committee shall chair meetings of committees and sub-committees, provided that where no such person was nominated the members present may elect their own chairperson.

19. Agenda

19.1. Subject to 18.2 and 18.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

19.2. The Speaker or Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.

19.3. The Speaker or Chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

20. Business at Council meetings

The order of business at every Ordinary meeting of the council / mayoral committee or other council committees

COUNCIL	MAYORAL COMMITTEE	COMMITTEE
<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • Announcements • Presentations • Confirmation of minutes from previous meeting • Outstanding matters • Submission of reports by council representatives of local councils 	<ul style="list-style-type: none"> • Opening: Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • Announcements • Presentations • Confirmation of minutes from previous meeting • Outstanding matters • Reports from portfolio committee 	<ul style="list-style-type: none"> • Opening :Moment of reflection • Notice of the meeting • Applications for leave of absence • Acceptance of the agenda • Declaration of interest • Announcements • Presentation • Confirmation of minutes from previous meeting • Outstanding matters

<ul style="list-style-type: none"> • Report of the Executive Mayor under the sections: recommendations to the council, decisions of the executive mayor taken with the Mayoral Committee • Report from the MPAC • Report from the Audit Committee • Report from SALGA activities • Monthly activities • Input by Traditional leaders • Reports for noting • Reports for consideration • Reports in committee • Notice of motion • Questions • Urgent report -allowed only with the consensus of the chairperson 	<ul style="list-style-type: none"> • Reports from Audit Committees • Reports for noting • Reports for consideration • In committee reports • Urgent reports are allowed only with the consensus of the chairperson 	<ul style="list-style-type: none"> • Reports for consideration • In committee reports • Notice of motion • Urgent reports are allowed only with the consensus of the chairperson
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21. Leave of absence

21.1. Applications for leave of absence from any council or committee meeting must be submitted to the Speaker or the Chairperson in writing and signed by the member applying for a leave.

21.2. All applications for leave must be at least 3 hours before the starting time of the Meeting.

21.3. The Speaker or chairperson shall grant leave at his or her discretion, and the

Speaker is at liberty to reject such application for leave of absence

21.4. Leave will be deemed to have been granted if a councillor has been delegated to attend a meeting or engagement on behalf of the council

22. Minutes to be kept and confirmation thereof

22.1. Minutes of the proceedings of every meeting of the Council and committee shall be electronically or otherwise recorded and be kept for that purpose by the General Manager: Corporate Services. The Municipal Manager shall be responsible for the correctness of the same, and the minutes of every meeting shall be confirmed at the next ordinary meeting.

22.2. Minutes of the proceedings of every meeting of the council or council committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ordinary meeting by the Chairperson. Minutes shall be bound and kept secure.

23. No discussion on minutes under confirmation of minutes

No motion or discussion shall be allowed upon confirmation of the minutes except as to its accuracy.

24. Petitions to be written, typed, or printed

Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectable language and presented to the Office of the Municipal Manager who shall, if he /she deems it necessary, bring the matter before the Mayoral Committee.

25. Deputations to submit memorandum

Deputations wishing to be received by the Mayoral Committee shall be required , in the first instance to send a duly motivated memorandum in writing requesting same , and the Municipal Manager shall bring the memorandum before the Executive

Mayor/Mayoral Committee, which it may authorise , if it sees fit to receive the deputation , and to report to the Council forthwith.

26. Reception of deputations

A deputation wishing to address the Mayoral Committee shall not exceed five in number, but only one member thereof shall be at liberty to address the committee (except in reply to the questions from members of the committee) and only for a period not exceeding ten minutes. The committee shall not further consider the matter until the deputation shall have withdrawn itself from the meeting.

27. Moving a report

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

28. Motions

28.1. No matter shall be brought before the council or a committee by any member of the council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it: provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by electronic mail. Motion with notice must be signed by 25% of the council, motion without notice by 30% of the council.

28.2. Any notice of motion shall be submitted to the Speaker or chairperson before 12h00, ten days prior to the meeting of the council or committee.

28.3. A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.

- 28.4. A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 28.5. When a member introduces a motion which is intended to rescind or amend a resolution passed by the council in the preceding three months, or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.
- 28.6. When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.
- 28.7. The Speaker or chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 28.8. All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 28.9. No member shall have more than two notices of motion on the same agenda at the same time.
- 28.10. Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality , if it is required, and ,who .if he/she be of the opinion that it is ultra vires existing legislation, shall cause the giver of the notice to be so informed .The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker , Executive Mayor and Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.

28.11. A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before the council passes a resolution in this regard.

28.12. The Speaker may disallow a motion which :

- a) May lead to discussions of a matter already dealt with on the agenda
- b) Addresses a matter where the Council has no jurisdiction
- c) Addresses a matter where a decision of a judicial or quasi-judicial body is pending
- d) Has not been seconded
- e) If passed, would be contrary to the law.

28.13. The mover with the consent of the seconder may withdraw a motion or Amendment.

28.14. The Speaker or Chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and after signing it, to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject the amendment.

28.15. Except upon the recommendation of the committee to which the council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of the council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each councillor.

29. Precedence of the Speaker

29.1. When speaking, councillors shall be seated, but at all times, address their speech to the Speaker or Chairperson.

29.2. Whenever the Speaker or chairperson speaks, any member then speaking or offering to speak must be silent in order for the Speaker to be audible and

speak without interruption.

29.3. During the sitting of the Council or a committee, members except lady members and members in traditional, cultural, or religious headdress shall have their heads uncovered.

30. Relevance

A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or question of order.

31. Councillor to speak once only

Except or otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Executive Mayor or any member may reply in conclusion of a debate but shall confine him/her to answering to previous speakers and shall not introduce any new matter into the debate.

32. Debate Management

32.1. Time allocated to each political party or interest group will be determined by the Speaker.

32.2. At least 24 hours before the meeting, the Whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which items on the agenda are to be debated.

32.3. At least 12 hour before the meeting, the Whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which members will speak on which item included in the agenda.

32.4. The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the

principle in 32.1 above.

32.5. Each political party or interest group represented in the municipality has the right to speak on each item on the agenda

33 Length of speeches

33.1. No Speech shall exceed three (3) minutes in length without the consent of the Speaker. This period shall exclude consecutive translation time required.

33.2. The Speaker or the chairperson shall be entitled to, at any time, to set limits or extend reasonable time for the discussion of and /or any decision or any item or group of items on the relevant agenda.

33.3. The time limits shall be at the sole discretion of the Speaker or chairperson guided by the principles of fairness, democracy, efficiency, and good governance.

34. Disorderly conduct of councillor and the duty of the chairperson

34.1. If at any meeting of the council or committee a councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the chairperson shall direct such councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she was standing.

34.2. In the event of persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him /her to be ejected there from.

34.3. The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.

34.4. Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuses to leave the meeting, the Speaker shall request the Council security officers to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargent in arms or Council security officers will ensure that such councillor/s does/do not enter such an alternative venue.

35. Obstruction by persons other than councillors

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

36. Points of order and personal explanation

36.1. Any member, regardless of whether he/she addressed the council on the matter under debate or not, may:

- a) Raise a point of order
- b) Raise a point of personal explanation at the end of the debate

36.2. Any point of order or personal explanation will not constitute a speech and will therefore, not affect the right of any member to speak on a particular item provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation. When raising a point of order the member must draw attention to the rule of order which has been transgressed.

36.3. Any member contemplated in 36.1 shall be entitled to be heard and the councillor speaking at the time shall remain silent until a ruling has been made by the Speaker or chairperson.

36.4. The ruling of the Speaker or Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

36.5. Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.

36.6. Any member persisting on a point of order or personal explanation after a ruling has been made by the Speaker will be subjected to the provision of point 34 above.

37 Questions

37.1. Any member may submit a question requiring a written reply from any political office bearer, the Municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of

the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or chairperson and the municipal manager at least 10(ten) days prior to the council or committee shall ensure that the member receives written reply at the meeting.

37.2. If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or Chairperson, request a follow up question.

37.3. All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

38. Terms of reference of sub-committees

Upon the appointment of any sub-committee the council or a committee shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. The council standing rules and orders shall apply to all sub- committees.

39. Council may increase or restrict powers

With the exception of the Mayoral Committee whose functions are determined in terms of the Municipal Structures Act and the committee whose functions and powers are determined in terms of section 80 of the Municipal Structures Act or by the Mayoral Committee /Executive Mayor, the council may at any time extend withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Sections 79 of the Municipal Structures Act.

40. Minutes of Mayoral Committee, committees and sub-committees

Every committee, including the Mayoral Committee, except when specifically exempted, this provision by a resolution of the Council or the Mayoral Committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in

writing, shall record minutes of its proceedings and cause the same to be duly kept by the General Manager Corporate Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committee and even then, at the sole discretion of the chairperson.

41 Inspection of minute books by Councillors

The minutes of every Council or Committee shall be open for inspection by every member of the Council during office hours, provided the demands of duties of the registry and secretariat staff members are taken into account.

42 Non-attendance of members of committees

Should any member of a committee fail to attend consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in 21 above, he, or she shall be required to submit a motivation for such absence and if the speaker is not satisfied with such explanation, it shall be reported to the municipal council that the councillor is deemed to have forfeited his/ her seat on such committee, and such forfeited his or her seat on such committee, and such forfeited shall be reported to the Council or the Mayoral Committee to the end that the vacancy may be filled.

43. Members of Council attending Committee meetings of which they are not members.

43.1. Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

43.2. The provisions of 43.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive will be requested to attend

the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.

43.3. The rules with regards to agendas as set out above will also be applicable to requests to attend MPAC and address it.

43.4. Any member of the executive requested to attend the MPAC may instruct the Municipal Manager or a senior manager to accompany him or her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his/ her behalf.

44. Information to be obtained from manager or the head of department concerned

Subject to the provision of 34 above, members of the Council who desire to obtain from any official of the Council information with regard to the administrative work of the Council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

45. Information to the press or other media: In Committees discussions

45.1. Executive Mayor, the Speaker and the Municipal Manager in their discretion May, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representatives, information and reports relating to the work of the municipality.

45.2. In view of the Municipal Manager, the Speaker or the Executive Mayor being the authorised channel through which the media may receive information and reports, members of the Council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the Council or any committee. Provided that this clause shall not be constructed as abrogating a councillor's individual constitutional right to make press statements which reflect his/her own personal or political view and not that of council, further provided however, that no discussion that took place in committee may be conveyed to the public or the press except by the Executive

Mayor, Speaker or, Municipal Manager.

45.3. Chairperson of the committee must liaise with the Speaker /Executive Mayor and Municipal Manager for the publication of any information relating to committees and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

46. Suspension of standing orders

No standing order shall be suspended without the vote of a majority of the members of the council of three-fourths (75%) of the members present and a motion duly seconded to suspend the standing orders shall be put without debate.

47. Legal defence and indemnification of councillors and officers of the Council

The council may determine the circumstances in which it will undertake the defence of or pay the costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or officials' capacity as a council or official of the Municipality.

48. Speaker may refer matters for legal advice

The Speaker shall be entitled, within the framework of the approved operational budget of the Municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

49. Activities prohibited within the Council chamber or a meeting venue and the use of the Council chamber by other persons or institutions

49.1. The decorum of the Council chamber as the official of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.

49.2. The following activities are strictly prohibited from being conducted within the confines of the Council Chamber or a meeting venue of the council or its committees by any person:

- a) Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting.
- b) Consuming any food or drink in his/her possession, excluding water provided at the meeting.

49.3. Caucus meetings of the various political parties may be held in the chamber provide it is booked with the Senior Committee Clerk prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

49.4. The use of the Council chamber by any other person or institution, other than a recognised Committee, body of a person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the General Manager Corporate Services in making the venue available in writing.

50. Sanctions and offences

Any person who wilfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the following sanction imposed by the Council.

50.1. Having fine imposed by the council as determined by it from time to time for the categories of offences as approved by it by resolution from time to time. **A penalty to an amount of 10% be deducted from a councillor monthly salary.**

50.2. Be suspended from the attendance of both Council or Committee meetings as the Council may determine for such a period as the Council may by resolution determine from time to time for the categories of offences as determined by it.

50. Dress code

51.1 Attire must be formal

51.2 The following are not allowed in Council meetings: Jeans, Tekkies, Helmets

Golf T Shirts, Hats, Overalls, Aprons and Water boots.

51.3. Ladies must wear clothes that in ordinate reveal their bodies

51.4. Councillors shall not be allowed to wear any clothing or accessories containing party political paraphernalia in meetings.

EFFECTIVE DATE OF RULES OF ORDER

The rules of Order come into effect from date of Council approval

RULES OF ORDER REVIEW

The rules of Order shall be reviewed annually.