

*THE PROVINCE OF  
GAUTENG*

*DIE PROVINSIE  
GAUTENG*

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

**Vol. 14**

PRETORIA, 18 JULY 2008  
JULIE

**No. 185**

---

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page</i>	<i>Gazette</i>
		<i>No.</i>	<i>No.</i>
<b>LOCAL AUTHORITY NOTICE</b>			
1577	Local Government: Municipal Structures Act (117/1998): Metsweding District Municipality: Promulgation of Rules and Orders By-law .....	3	185

---

**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 1577**

**METSWEDING  
DISTRICT  
MUNICIPALITY**



**STANDING RULES AND  
ORDERS**

**METSWEDING DISTRICT MUNICIPALITY****PROMULGATION OF RULES AND ORDERS BY-LAW OF METSWEDING DISTRICT MUNICIPALITY**

Notice is hereby given in terms of section 13 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended, the Municipal Manager of Metsweding District Municipality, publishes for general information, the Rules and Orders of Metsweding District Municipality set forth hereunder, which have been approved by the Council of Metsweding District Municipality established in terms of section 12 of the said Act.

The Rules and Orders of Metsweding District Municipality adopted by Council under Item MA11/22-3-2006 are hereby repealed.

The Rules and Orders take effect on date of publication this notice.



**Mr. N. Pillay**

**Municipal Manager, Metsweding District Municipality, Private Bag X10579, Bronkhorstspuit, 1020. Physical Address: 287 Iridium Street, Ekandustria.**

**Notice 1 of 2008**

**Date of publication 18 July 2008**

**METSWEDING DISTRICT MUNICIPALITY  
RULES AND ORDERS**

**TABLE OF CONTENTS**

<b>CONTENT</b>	<b>PAGE NO</b>
1. Definitions	1
2. Authority and application of Rules and Orders	3
3. Notice and agenda of Ordinary meetings to member	3
4. Notice of Ordinary meetings to public and media	3
5. Admission of public to meetings	4
6. Special meetings of the council/committee	4
7. State of the district address	4
8. Attendance registers	4
9. Absence from meetings	4
10. Application for leave of absence	5
11. Appeal against refuse of application for leave of absence	5
12. Determination of language policy	5
13. Disclosure of declared interests	5
14. Adjournment in the event of no quorum	5-6
15. Count of members	6
16. Adjourned meeting	6-7
17. Business limited by notice of meeting and exception based on urgency	7-8
18. Order of business at ordinary meeting of council	8-9
19. Consideration of minutes of the previous meeting or meetings	9

20. Questions	9-10
21. Reports of the Executive Mayor	10
22. Delivery of reports of the Executive Mayor	10
23. Moving of reports of the Executive Mayor	11-12
24. Review of Council's Resolution	12
25. Consideration of the budget	13
26. Petitions	13
27. Deputations	13
28. Motion for consideration by council	13-14
29. Calling of reports by councilors	14
30. Disallowed motions and proposals during council meeting	14-15
31. Withdrawal of a motion or a proposal during council meetings	15
32. Motion or proposal affecting the budget	16
33. Motion or proposal affecting a by-law to be referred to the Executive Mayor	13
34. Further proposals which may be received during council Meetings	16-17
35. Amendment of a motion or proposal during council meetings	17
36. Motion or proposal referred back for further consideration	18
37. Postponement of consideration of motion or proposal during Council meeting	18
38. Adjournment of meetings	18
39. Adjournment of the debate of during council meetings	18-19
40. Putting a motion or proposal to the vote during council Meetings	19

41. Proposal that council proceed to next business	19
42. Precedence of Speaker during council meetings	19
43. Members to stand while speaking during council meetings	19
44. Limits on speeches during council meetings	19
45. Member to speaker only once during council meetings	20
46. Relevance	20
47. Irrelevance, tedious repetition, unbecoming language and breach of order	20
48. Removal or exclusion of member	21
49. Points of order and points of information	21
50. Method of voting during council/ committee meeting	21-22
51. Ruling of the speaker during council meetings	22
52. Maintenance of order during council meetings	22
53. Council in committee	23-24
54. Penalty clause	24
55. Privilege and immunity of councilors during meeting	24
56. Amendment of the rules and orders	24
57. Ad Hoc committees	25
58. Procedures at council meetings	25
58.1 Chairing of council meetings	25
58.2 Speaking rights council meetings	25
58.3 Presentation of items to council	25
59. Ward committees	26

## **1. DEFINITIONS**

In these Rules and Orders, unless the context otherwise indicates:-

**“Administration”** means:

- a) as an entity, the Municipal Manager and the other employees of the Municipality, and
- b) As a functional activity, the tasks that employees perform to enable council to make and implement policies and by-laws

**“Agenda”** means a list of matters to be considered at a meeting including reports regarding such matters;

**“Chairperson”** means the chairperson of a committee established in terms of sections 79 and 80 of the Municipal Structures Act;

**“Code of Conduct”** means the code of conduct for councillors in Schedule 1 of the Municipal Systems Act and/or the code of conduct for municipal staff members in Schedule 2 of the Municipal Systems Act;

**“Committees”** means committees established in terms of sections 79 and 80 of the Municipal Structures Act;

**“Council”** means the full compliment represented/reflective of all political parties within it;

**“Councillor”** means a member of the municipal council.

**“Executive Mayor”** means the Executive Mayor of the Metsweding District Municipality;

**“Mayoral Committee”** mean members appointed by the Executive Mayor to serve in the Mayoral Committee;

**“meeting”** means a meeting of the Council and Committees of the Council unless otherwise indicated in these By-laws;

**“** means a councillor;

**“meeting”** means a meeting of the Council and Committees of the Council unless otherwise indicated in these By-laws;

**“Metsweding District Municipality”** means the Metsweding District Municipality established in terms of the relevant legislation;

**“motion”** means a motion introduced in writing in terms of these Rules and Orders, and includes a motion under section 40 or 58 of the Municipal Structures Act;



**"Municipal Manager"** means the head of administration and accounting officer of the municipality appointed by council and includes any employee of the municipality who acts in his or her stead;

**"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**"point of order"** means a pointing out of a deviation from or a pointing out of anything contrary to these Rules and Orders or by-laws of the Metsweding District Municipality or any law;

**"point of information"** means the explanation of some material part of the issue at hand;

**"proposal"** means a proposal that is moved and seconded at a meeting, but does not include a motion;

**"quorum"** means a majority (50 per cent plus one) of the members;

**"quorum and decisions"** means that a majority of the councillors must be present at a meeting of the council before a vote may be taken on any matter as provided for in section 30 of the Municipal Structures Act;

**"report of the Executive Mayor"** means the report of the Executive Mayor to the Council as contemplated in Sections 56(1) and 56(5) of the Municipal Structures Act;

**"Rules Committee"** means a committee of the Council, established in terms of section 79 the Municipal Structures Act;

**"Speaker"** means the Speaker or Acting Speaker of the Council appointed in terms of the Municipal Structures Act.; and

**"Traditional Leader"** means a traditional authority that traditionally observes a system of customary law in the area of the municipality.

Any other word or expression shall have the ordinary meaning assigned thereto.

**2. AUTHORITY AND APPLICATION OF RULES AND ORDERS**

- (1) These rules and orders are made in terms of section 160 (6) of the Constitution of the Republic of South Africa.
- (2) These rules apply to:-
  - (a) each member of Council,
  - (b) each party represented in Council
  - (c) each employee of Council in the course and scope of his or her employment by Council
  - (d) committees established in terms of sections 79 and 80 of the Municipal Structures Act
  - (e) the public.

**3. NOTICE AND AGENDA OF ORDINARY MEETINGS TO MEMBERS**

- (1) Notice of the time, place of every ordinary meeting and agenda of meetings must be served on every member at least 48 hours in the case of Council meetings and 24 hours in the case of Committees of the Council; Public Holidays and weekends are excluded.
- (2) The notice must be served electronically, telephonically and/or in person or be left at the member's usual place of residence or place of business.
- (3) The validity of a meeting is not affected if the notice of the meeting is accidentally not served on a member.
- (4) Should agendas not be delivered timeously to Members in terms of Section 3(1) the meeting may be postponed.

**4. NOTICE OF ORDINARY MEETINGS TO PUBLIC AND MEDIA**

- (1) The Municipal Manager must, in consultation with the Speaker, give notice to the public in terms of Section 19 of the Municipal Systems Act.
- (2) The notice of Council meetings, inclusive of special or urgent meetings, must be posted on the public notice boards attached to council premises or buildings occupied by elected or appointed officials the municipality
- (3) In respect of a special or an urgent meeting of Council a notice in terms of subsection (2) will be sufficient.
- (4) Public access to meetings will be regulated by Council policy and procedures.

## **5. ADMISSION OF PUBLIC TO MEETINGS**

Meetings of a municipal council and those of its committees are open to the public, including the media, and the council or such committee may not exclude the public, including the media, from a meeting, except when-

- a) It is reasonable to do so having regard to the nature of the business being transacted; and
- b) A by-law or a resolution of the council specifying the circumstances in which the council or such committee may close a meeting and which complies with paragraph (a), authorises the council or such committee to close the meeting to the public.

## **6. SPECIAL MEETINGS OF THE COUNCIL/COMMITTEES**

- (1) Save for the First Council Meeting after a general election, the Speaker may call a Special meeting of the Council.
- (2) Chairpersons of Committees established in terms of sections 79 and 80 of the Municipal Structures Act, may call a Special or meeting of that Committee..

## **7. STATE OF THE DISTRICT/MUNICIPAL ADDRESS**

- (1) The Speaker must call a meeting of Council, to be held at the beginning of each calendar year, for the Executive Mayor to deliver an address on the State of the District.
- (2) After the Executive Mayor's address on the State of the District has been delivered, the Speaker must place it on the agenda of the next ordinary Council meeting for debate.

## **8. ATTENDANCE REGISTER**

Every member attending a meeting must sign his or her name in the attendance register kept for this purpose.

## **9. ABSENCE FROM MEETINGS**

A councillor or traditional leader who-

- a) Is unable to attend a meeting of which notice has been given; or
- b) Is unable to remain in attendance at a meeting ;or
- c) Will arrive after the stipulated time for a meeting;  
Must, prior to the commencement of the meeting, lodge with the municipal manager, a written application for leave of absence from the whole or any part of the meeting concerned.

**10. APPLICATION FOR LEAVE OF ABSENCE**

An application for leave of absence from any meeting of the Council or any committee of the Council must be filed by a member in accordance with the Council's approved policy in this regard.

**11. APPEAL AGAINST REFUSAL OF APPLICATION FOR LEAVE OF ABSENCE**

A councillor or traditional leader whose application for leave of absence had been refused may lodge an appeal against such refusal, in writing with the Municipal Manager and the office of the Speaker, within (14) fourteen days after the date of the decision, provided that the council or committee who must consider the appeal may condone the late submission of an appeal in exceptional circumstances.

**12. DETERMINATION OF LANGUAGE POLICY**

Council must at its first meeting after the general election for councillors review the language policy of the municipality, and where such policy does not exist, instruct the municipal managers to develop a draft policy and submit it to council.

**13. DISCLOSURE OF DECLARED INTERESTS.**

- 1) The municipal manager must compile a register of the financial interests of councillors and traditional leaders declared in terms of the code of conduct;
- 2) As soon as the municipal manager has completed the register referred to above he or she must submit it to council;
- 3) Council must on receipt of the register, in a closed meeting, determine which of the declared interests must be made public having regard for the need for confidentiality and the need for public disclosure;
- 4) A councillor or traditional leader who has declared an interest that is recorded in the register may not be present during the consideration of the matter;
- 5) Any interest declared in terms of this rule that had not been made public, is confidential.
- 6) Councillors shall be responsible to update this register by furnishes any new developments in terms of their interests to the Municipal Manager on an annual basis.

**14. ADJOURNMENT IN THE EVENT OF NO QUORUM**

- (1) If a quorum is not present at the expiry of 20 minutes after the time appointed for a meeting, the meeting may not be held unless it is decided, with the consent of the majority of the members present, that a further ten minutes should be allowed to enable a quorum to be present.

(2) If a quorum is still not present after the extended time contemplated in subsection (1), the Speaker or Chairperson of the Committee as the case may be, must adjourn the meeting to another time.

(3) Notice of an adjourned meeting must be given in accordance with sub-section 2 and, for the purposes of section 6; such a meeting must be deemed to be an adjourned meeting.

## **15. COUNT OF MEMBERS**

- (1) If, at a meeting, the attention of the Speaker or Chairperson of the Committee, as the case may be, is called to the number of members present, the members present must be counted.
- (2) If it is found, after a count contemplated in subsection (1), that a quorum is not present, the Speaker or Chairperson of the Committee, as the case may be, must –
  - (a) have this fact recorded in the minutes; and
  - (b) have the call bell rung for at least one minute.
- (3) If there is still no quorum present within five minutes after the call bell has been rung in accordance with subsection (2), the Speaker or Chairperson of the Committee, as the case may be, must adjourn the meeting immediately.
- (4) Business not disposed of at a meeting adjourned in terms of subsection (3) must be dealt with at an adjourned meeting convened by the Speaker or Chairperson of the Committee, as the case may be, for this purpose.
- (5) If the business not dealt with originated from a special meeting convened at the request of members in terms of section 29(1) of the Municipal Structures Act, the business may be held over until the next ordinary meeting.

## **16. ADJOURNED MEETING**

- (1) When a meeting is adjourned, notice of the adjourned meeting must be served in accordance with section 3.
- (2) Subject to the provisions of section 7, no business may be transacted at an adjourned meeting, unless the business is specified in the notice of the initial meeting that gave rise to the adjourned meeting.

- (3) The Speaker or Chairperson of the Committee, as the case may be, should if requested by Party Whips, adjourn a meeting in order to afford members the opportunity to caucus.

**17. BUSINESS LIMITED BY NOTICE OF MEETING AND EXCEPTIONS BASED ON URGENCY**

- (1) Subject to the provisions of subsection (2), no business not specified in the notice of a meeting may be transacted at that meeting, with the exception of an urgent report of the Executive Mayor or the Speaker.
- (2) A member may at a meeting propose that the provisions of subsection (1) be suspended to enable him or her to make a proposal on a matter of urgency, which must be in writing.
- (3) The written proposal on a matter of urgency must be –
- (a) signed by the proposer and a seconder;
  - (b) handed to the Speaker at least two hours before the commencement of the meeting where moving the proposal and motion is to be proposed, unless the Speaker allows a shorter period of time; and
  - (c) dealt with in terms of the provisions of these Rules and Orders.
- (4) Before the new motions in terms of Section 8(1)(i) are dealt with, the Speaker shall make known that a proposal and motion in terms of subsection 2 hereof, if any, have been handed to him or her.
- (5) The Speaker shall consider the proposal and motion and shall disallow both if he or she could have disallowed such motion in terms of section 19.
- (6) If the Speaker allows the proposal and motion in terms of subsection (5), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he has spoken for not more than five minutes on only the reasons for the urgency of the consideration of that motion, which includes the reading of the motion, he or she shall propose that the provisions of subsection (1) be suspended.
- (7) The seconder of the proposal and motion contemplated in subsection (3)(a) hereof shall not speak on the proposal and motion at this stage, except to formally second them.

- (8) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of the whole Council.
- (9) If the proposal to suspend is carried, the proposer may speak on the motion and thereafter the debate thereon shall proceed in accordance with the provisions of these Rules and Orders.
- (10) The proposer of the motion has the right to reply.

#### **18. ORDER OF BUSINESS AT ORDINARY MEETINGS OF COUNCIL**

- (1) The order of business at an ordinary meeting of Council convened in terms of section 3 of these Rules and Orders must be as follows:
  - (a) Opening
  - (b) Application for leave of absence
  - (c) Official notices
  - (d) Unopposed proposals by the Speaker and other proposals allowed by the Speaker
  - (e) Consideration of the minutes of the previous meeting or meetings
  - (f) Report of the Executive Mayor
    - (i) Recommendations to Council
    - (ii) Resolutions by the Mayoral Committee
    - (iii) Recommendations by committees
  - (g) Questions of which notice has been given
  - (h) Motions or proposals deferred from previous meetings
  - (i) New motions
  - (j) Petitions
  - (k) Any other matter not contained in the notice of the meeting, at the discretion of the Speaker.
- (2) After the matters referred to in paragraphs (a) to (e) of subsection (1) have been considered, the Speaker may allow at

his or her discretion the bringing forward of any business which is on the agenda.

- (3) The order of business at a special meeting of Council, as well as the applicability of all provisions of the Rules and Orders during that meeting, is determined by the Speaker.

#### **19. CONSIDERATION OF MINUTES OF THE PREVIOUS MEETING OR MEETINGS**

- (1) If a copy of the minutes of a meeting has been served on every member in the manner provided for in section 3, the minutes are taken as read with a view to confirmation.
- (2) No proposal on or discussion of the minutes is allowed, except for a proposal on or discussion of the accuracy of the minutes.
- (3) The minutes in relation to an item considered by the Council in committee as contemplated in section 42 must be –
  - (a) kept separately from other minutes of the Council, unless the resolution of that item was passed in open Council; and
  - (b) approved by the Council in committee not later than the second ordinary meeting after the meeting to which the minutes relate.

#### **20. QUESTIONS**

- (1) A member may at a Council meeting put a question -
  - (a) on a matter arising out of or connected with any item of the report of the Executive Mayor when the item has been called or during the discussion of the item, and such a question is not considered to be a speech in terms of section 34 of these Rules and Orders; or
  - (b) on a matter that concerns the general work of the Municipality and that does not arise out of or is not connected with an item of the report of the Executive Mayor, provided that -



- (i) the question is submitted in writing and is signed by the member submitting it;
  - (ii) the question is submitted to the Executive Mayor at least 24 hours prior to the meeting; and
  - (iii) the Executive Mayor must acknowledge receipt of all the questions in writing and furnish the Speaker with a copy of the questions.
- (2) A question on a matter which, in the opinion of the Speaker, is of urgent public importance may be put at a meeting after written notice of the question has been submitted, in triplicate, to the Executive Mayor at least 120 minutes (2hours) before the commencement of the meeting, and the Executive Mayor must immediately furnish the Speaker with a copy of the question.
- (3) Any questions put in terms of subsection (1)(a) must be answered by or on behalf of the Executive Mayor during the discussion of the item or when reasonably possible.
- (4) The Executive Mayor may, unless circumstances dictate otherwise, and with due motivation, reply in writing to questions put in terms of subsection (1) (b) to all Councillors.

## **21. REPORTS OF THE EXECUTIVE MAYOR**

- (1) A report submitted by the Executive Mayor in terms of section 56(5) of the Municipal Structures Act must first contain the matters on which recommendations are made and in respect of which no powers have been delegated to the Executive Mayor and thereafter the matters which have been delegated to the Executive Mayor and committees of the Executive Mayor and the Council.
- (2) Unless an item is submitted to the Council for cognisance only, every item on matters in respect of which the Executive Mayor has no delegated powers must contain a recommendation, which may be considered by the Council.

## **22. DELIVERY OF REPORTS OF THE EXECUTIVE MAYOR**

A report of the Executive Mayor, with the exception of a report accepted by the Speaker as a matter of urgency, must for the purposes of a meeting be served in the manner provided for in section 3.

**23. MOVING OF REPORTS OF THE EXECUTIVE MAYOR**

- (1) The Executive Mayor must submit his or her report to a meeting of the Council by requesting that the report be considered.
- (2) When a report of the Executive Mayor is being considered, the Speaker must put the recommendations in the part of the report in respect of which the Executive Mayor has no delegated powers one after the other, unless he or she has good cause to vary the order of the recommendations.
- (3) The recommendations contemplated in subsection (2) are deemed to have been proposed and seconded.
- (4) When a recommendation contemplated in subsection (2) has been adopted, the recommendation becomes a resolution of the Council.
- (5) The Executive Mayor may withdraw, hold in abeyance, defer, refer or amend any item contained in his or her report of the Executive Mayor.
- (6) If the Executive Mayor or a Member of the Mayoral Committee takes part in the debate concerning an item in a report of the Executive Mayor, he or she must close the debate on that item only after all members who have indicated their intention to speak have done so, provided that the Executive Mayor or the said member may nominate another member of the Mayoral Committee who, in his or her opinion, is more conversant with the item to close the debate on his or her behalf, irrespective of whether that other member had previously taken part in the debate on that item.
- (7) After the matters in respect of which the Executive Mayor has no delegated powers have been dealt with, the Speaker must permit a debate of the matters delegated to the Executive Mayor, provided that –
  - (a) the debate is limited to –
    - (i) a period not exceeding one hour in the case of matters delegated to the Executive Mayor and 30 minutes in the case of matters delegated to the respective committees; or
    - (ii) an extended period that the Council may determine;

- (b) a member, except the Executive Mayor, may not speak on matters for longer than five minutes;
  - (c) no other proposal is submitted during the debate, except a proposal that the Mayoral Committee, a committee of the Executive Mayor or a committee of the Council be requested to reconsider its resolution; and
  - (d) during the debate a member may request that his or her opposition to a resolution in respect of which the Executive Mayor or a committee of the Council has delegated powers and the reason for the opposition be minuted, after which the Office of the Speaker is required to minute the opposition and the reason (if the reason is supplied by the member) or have them minuted.
- (8) Council may at any time, following a recommendation by the Mayoral Committee, rescind or amend any resolution passed by the Council.

#### **24. REVIEW OF COUNCIL'S RESOLUTION**

- (1) A request by a member for the review of a resolution in terms of section 59(3) of the Municipal Systems Act may be submitted during the course of a meeting, and the request must state the reasons for the review.
- (2) A request contemplated in subsection (1), except for a request submitted in writing by at least one quarter of the members, must be put to the vote without debate.
- (3) If a request in terms of subsection (2) has been carried, or if a request has been submitted in writing by at least one quarter of the members, the Council must –
  - (a) refer the matter to the Executive Mayor for the submission of a report to the Mayoral Committee; or
  - (b) summarily confirm or revoke the resolution.

## **25. CONSIDERATION OF THE BUDGET**

The procedure and the applicability of all the provisions of the Rules and Orders during the consideration of the budget by the Council will be dealt with in the discretion of the Speaker.

## **26. PETITIONS**

- (1) A petition may be submitted by a member in the course of a Council meeting, and he or she may not mention or divulge the content of the petition, except to state the subject of the petition.
- (2) A petition contemplated in subsection (1) must be referred to a committee established by the Council to deal with petitions and such petition must be disposed of within 90 days of receipt thereof by the Council.

## **27. DEPUTATIONS**

- (1) A deputation desiring an interview with the Council must submit a memorandum to the Speaker in which are set out the representations the deputation wishes to make.
  - a
- (2) If the Speaker is of the opinion that the matter raised in the memorandum is one that should be placed before a particular Committee of the Council, the Speaker may order that an interview be granted by such Committee to the deputation.

## **28. MOTIONS FOR CONSIDERATION BY COUNCIL**

- (1) Subject to the provisions of these Rules and Orders -
  - (a) every motion must be in writing and the notice of the motion must be signed by the member submitting it;
  - (b) a motion must be given to the Speaker who must enter it in a book which is kept for that purpose and which is open to inspection by any member;
  - (c) a motion must not be specified in the notice for a meeting unless the motion is received at least 15 working days prior to the meeting; and
  - (d) a motion lapses if the member who submitted it is not present at the meeting at which the motion is being debated.
- (2) The Speaker must acknowledge receipt of all motions in writing.

- (3) Every motion must be relevant to the administration of, or conditions in, the Municipality or must deal with a matter in respect of which the Municipality has jurisdiction.
- (4) A motion may only be regarded as having been submitted to the Council for a resolution if the proposal introducing that motion was duly seconded.
- (5) A member submitting a motion must move the motion and must have the right to reply.
- (6) Every motion must, on receipt by the Speaker, be dated and numbered and must be placed on the agenda by the Speaker in the order in which it is received, provided that a motion amending another motion is placed on the agenda immediately after the motion it is amending, irrespective of the time when notice of the motion to amend was given.
- (7) No member may have more than one motion placed on the agenda, with the exception of a deferred motion, and no member may move more than six motions during any financial year.
- (8) When dealing with motions, the Speaker must -
  - (a) read out the number of every motion and the name of the mover,
  - (b) ascertain which motions are unopposed, and these unopposed motions must be passed without debate; and
  - (c) call the opposed motions one after the other.

### **29. CALLING OF REPORTS BY COUNCILLORS**

The provisions of Section 27 above apply *mutatis mutandis* to the calling of reports by Councillors during meetings of the council or committees of the council.

### **30. DISALLOWED MOTIONS AND PROPOSALS DURING COUNCIL MEETINGS**

The Speaker must disallow a motion or proposal if -

- (a) in his or her opinion, the motion or proposal -

- (i) may lead to the discussion of a matter on the agenda that has already been dealt with or a matter that has no bearing on the administration of, or conditions in, the Metsweding District Municipality;
  - (ii) advances arguments, expresses opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;
- (b) the motion or proposal -
- (i) is one in respect of which the Metsweding District Municipality has no jurisdiction;
  - (ii) is one in respect of which a decision by a judicial or quasi-judicial body is pending;
  - (iii) is one which has not been duly seconded;
- (c) the motion or proposal would, if passed, be contrary to the provisions of these Rules and Orders or of any other law, or would be impractical; and
- (d) the motion or proposal is one which the Council has already dealt with within the four (4) previous Council meetings:

Provided that, if the motion or proposal, in the opinion of the Council, justifies further investigation, it is referred to the Speaker.

### **31. WITHDRAWAL OF A MOTION OR A PROPOSAL DURING COUNCIL MEETINGS**

- (1) A motion or proposal may be withdrawn or amended by the mover with the consent of the Speaker, which may be given or refused without debate.
- (2) After consent for the withdrawal of a motion or proposal has been given, no member may speak on the motion or proposal.
- (3) After consent for the withdrawal of a motion or proposal has been refused, a member may speak on the motion or proposal.

**32. MOTION OR PROPOSAL AFFECTING THE BUDGET**

A motion or proposal that is designed to increase or decrease the approved budget of the Municipality may only be considered by the Council during the consideration of the annual and mid-term budget.

**33. MOTION OR PROPOSAL AFFECTING A BY-LAW OR LAW TO BE REFERRED TO THE EXECUTIVE MAYOR**

Before the Council passes a resolution on a motion or proposal, other than a recommendation of the Executive Mayor affecting the making or amendment of a law or by-law, the motion or proposal must be submitted to the Executive Mayor for a report on it.

**34. FURTHER PROPOSALS WHICH MAY BE RECEIVED DURING COUNCIL MEETINGS**

- (1) Subject to the provisions of section 52 when a motion or proposal is under debate at a Council meeting, no further proposal may be received, except for a proposal that –
- (a) the motion or proposal be amended;
  - (b) the motion or proposal be referred back to the Mayoral Committee or other committees for further consideration;
  - (c) consideration of the motion or proposal be postponed;
  - (d) the meeting be adjourned;
  - (e) the debate be adjourned;
  - (f) the motion or proposal be put to the vote;
  - (g) the Council proceed to the next business;
  - (h) for the purposes of dealing with the matter, the Council resolve itself into committee in terms of section 52 and
  - (i) consideration of the matter be held over until the Council has dispatched all the other matters on the agenda:

Provided that the proposal is deemed to have been submitted to the Council for a resolution only if it was duly seconded.

- (2) If a proposal is made in terms of subsection (1)(a) or (b), no further proposal may be made in terms of subsection (1) until

the mover and seconder of the motion or proposal under debate have spoken on the motion or proposal.

- (3) A proposal in terms of subsection (1)(c) to (i) by a member who did not take part in the debate on the motion or proposal under discussion may only be made at the conclusion of a speech.
- (4) A second proposal in terms of subsection (1)(c) to (i) may not be made on the same matter unless, in the opinion of the Speaker, new information that is materially different is submitted.
- (5) A member who has made a proposal in terms of subsection (1)(c) to (i) may speak on the motion or proposal for not more than five minutes, and the seconder is not allowed to speak on the motion or proposal, and there is no right of reply.
- (6) When a motion or proposal is made in terms of subsection (3), the mover of the motion or proposal under debate may speak on the motion or proposal for not more than five minutes, and subsequently the proposal must be made without further debate.
- (7) A proposal in terms of subsection (1) must be dealt with in accordance with the provisions of sections 34 to 40

### **35. AMENDMENT OF A MOTION OR PROPOSAL DURING COUNCIL MEETINGS**

- (1) An amendment that is moved in terms of section 33(1)(a) -
  - (a) must be relevant to the motion or proposal on which it is moved;
  - (b) must be reduced to writing, be signed by the mover and seconder and be handed to the Speaker; and
  - (c) must be clearly stated to the meeting by the Speaker before it is put to the vote.
- (2) Whenever an amendment has been moved and seconded on a motion or proposal, no further amendment may be moved until a resolution on the first amendment has been passed.
- (3) No member may move more than one amendment of the same motion or proposal.
- (4) If an amendment is carried, the amended motion or proposal must take the place of the original motion or proposal and must then become the motion or proposal in respect of which any further proposed amendments are made.



**36. MOTION OR PROPOSAL REFERRED BACK FOR FURTHER CONSIDERATION**

- (1) A motion or proposal in terms of section 33(1) (b) may only be made in respect of a recommendation by the Executive Mayor which is being considered by the Council.
- (2) A proposal in terms of section 33(1) (b) may not be put to the vote until the Executive Mayor or chairperson of the committee concerned has spoken on it, and if the proposal is carried, the debate on the recommendation must end and the Council must proceed to the next business.

**37. POSTPONEMENT OF CONSIDERATION OF MOTION OR PROPOSAL DURING COUNCIL MEETINGS**

If a motion that consideration of a motion or proposal be postponed to a particular date is carried, the motion or proposal must –

- (1) be placed first among the motions or proposals to be considered on the particular date; or
- (2) if the motion or proposal arises from a recommendation of the Mayoral Committee, be contained in the report of the Mayoral Committee to the Council on the day in question.

**38. ADJOURNMENT OF MEETINGS**

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

**39. ADJOURNMENT OF THE DEBATE DURING COUNCIL MEETINGS**

- (1) If a proposal is carried that the debate be adjourned as contemplated in section 33(1)(e), the Council must proceed with the agenda, and the motion or proposal in respect of which the debate has been adjourned must, notwithstanding the provisions of section 36, be placed first on the list of motions or proposals contemplated in section 17(1) (i) of the next Council meeting, and the discussion of the motion or proposal must be resumed at that meeting.

- (2) On the resumption of an adjourned debate, the member who moved its adjournment is entitled to speak first.
- (3) No member may move or second more than one proposal for adjournment of the same debate.

#### **40. PUTTING A MOTION OR PROPOSAL TO THE VOTE DURING COUNCIL MEETINGS**

The mover of the original motion or proposal under debate has the right, notwithstanding the provisions of section 44, to reply before closing remarks by the Executive Mayor or a member of the Mayoral Committee and before the motion or proposal is put to the vote.

#### **41. PROPOSAL THAT COUNCIL PROCEED TO NEXT BUSINESS**

- (1) A proposal in terms of section 33(1)(g) may be carried, unless the Council is required on legal grounds to pass a resolution on a particular matter.
- (2) If a proposal in terms of section 33(1)(g) is carried, the matter under discussion must be dropped and lapses.

#### **42. PRECEDENCE OF SPEAKER DURING COUNCIL MEETINGS**

Whenever the Speaker speaks, a member then speaking or offering to speak must sit down and the members must be silent so that the Speaker may be heard without interruption.

#### **43. MEMBER TO STAND WHILE SPEAKING DURING COUNCIL MEETINGS**

- (1) A member must stand when speaking, unless otherwise directed by the Speaker, and must address the Speaker.
- (2) If a member who is not speaking rises on a point of order or a point of information, and the member is seen and addressed by the Speaker, the member then speaking must sit down until the Speaker has made a ruling.

#### **44. LIMITS ON SPEECHES DURING COUNCIL MEETINGS**

- (1) A member may speak for no more than five minutes, provided that the Speaker may permit a speech to be continued for a further period or periods of five minutes.

- (2) The provisions of section 44(1) do not apply to the Executive Mayor, the Speaker, the Chief Whip of the Council and Members of the Mayoral Committee or in the presentation of the estimates of income and expenditure.

#### **45. MEMBER TO SPEAK ONLY ONCE DURING COUNCIL MEETINGS**

- (1) Subject to provisions contained in these Rules and Orders, no member may speak more than once on any item.
- (2) The Speaker may permit the Executive Mayor or a member of the Mayoral Committee to make an explanatory statement prior to the consideration of any particular item contained in the report of the Executive Mayor or during the discussion of that report, in reply to a specific question.

#### **46. RELEVANCE**

A member who speaks must direct his or her speech strictly to the matter under discussion or to an explanation or a point of order, and no discussion is permitted -

- (a) which will anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that the matter may be considered with the permission of the Speaker.

#### **47. IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER**

- (1) The Speaker or Chairperson of a committee may call the attention of a member to irrelevance, tedious repetition, unbecoming language or any breach of order on the part of that member and may direct the member, if the member is speaking, to discontinue his or her speech or, in the event of persistent disregard of the authority of the Speaker or relevant Chairperson, to retire from the meeting.
- (2) The Speaker or Chairperson of a committee may direct a member to apologise or withdraw an allegation if the allegation is unbecoming or injures or impairs the dignity or honour of a member or an official of the Municipality.

**48. REMOVAL OR EXCLUSION OF MEMBER**

- (1) If a member refuses to comply with a direction in terms of section 46, the Speaker or Chairperson of a committee may instruct a person to remove the member or to have the member removed and to take steps to prevent the member's return to the meeting.
- (2) The Council may exclude from meetings of the Council for a period that it may determine, but not exceeding 60 days, a member who wilfully disregards the authority of the Speaker or who wilfully obstructs the business at any meeting.
- (3) A proposal to exclude a person may be moved at any stage of the Council meeting.

**49. POINTS OF ORDER AND POINTS OF INFORMATION**

- (1) For the purpose of this section, a point of order or point of information does not constitute a speech and therefore does not affect the right of a member to speak on a particular item.
- (2) Any member, whether or not he or she has addressed the Council or a Committee of the Council on the matter under debate, may -
  - (a) raise a point of order; and
  - (b) raise a point of information.
- (3) A member contemplated in subsection (2) is entitled to be heard immediately, and the member speaking at the time must cease speaking and sit down until a ruling has been made by the Speaker or Chairperson of a committee.
- (4) Subject to the provisions of section 50, the ruling of the Speaker or Chairperson of a committee on a point of order or on the admissibility of a point of information is final and is not open to discussion.

**50. METHOD OF VOTING DURING COUNCIL / COMMITTEE MEETING**

- (1) Every motion or proposal must be submitted to the Speaker or Chairperson of a committee, who is required to call on the members to indicate by an appropriate manner to be determined by the Speaker or Chairperson of a Committee whether they are for or against the motion or proposal, and the Speaker or said Chairperson must declare the result of the voting.

- (2) After the Speaker or Chairperson of a committee has declared the result of the voting in terms of subsection (1), a member or a party, as the case may be, may request that his or her, or its, dissenting vote or abstention be recorded against the decision.
- (3) Should there be an equality of votes in respect of a proposal, except a proposal made in terms of section 33(1) or (4) during Council meetings, the Speaker or Chairperson of a committee must record his or her casting vote as contemplated in section 30(4) of the Municipal Structures Act.

#### **51 . RULINGS OF THE SPEAKER DURING COUNCIL MEETINGS**

- (1) A member may request that the ruling of the Speaker on the interpretation of these Rules and Orders be recorded in the minutes of a Council meeting, and a register of such rulings must be kept by the Municipal Manager.
- (2) The Speaker must sign at each entry in the register referred to in subsection (1) in respect of each ruling given by him or her.

#### **52. MAINTENANCE OF ORDER DURING COUNCIL MEETINGS**

- (1) The Speaker may at any time during a Council meeting and if he or she deems it necessary for the maintenance of order –
  - (a) instruct a person to remove a person, excluding a member, from the Council Chamber or to have such a person removed; or
  - (b) order that the public gallery be vacated.
- (2) All councillors and officials attending a meeting of the Council must be dressed in traditional or formal attire to the dignity of the Council: **Provided that, if in the opinion of the Speaker, a Councillor or an official is not dressed properly, the Speaker may exclude that person from the Council meeting.**
- (3) The dignity of Council should be observed at all times and all actions such as, inter alia, eating, drinking (excluding water), handling cell phones, foul language and crossing the "floor/open space" directly in front of and just below the podium, etc, which, in the opinion of the Speaker, compromises the dignity of Council, are prohibited.
- (4) The Speaker may request or order the removal of a person or persons who refuse to carry out an instruction or order given in terms of subsection (1) or who wilfully obstruct the carrying out

of such an instruction or order or otherwise contravene the provisions of subsection (1), (2) or (3).

### **53. COUNCIL IN COMMITTEE**

- (1) A member may -
  - (a) at any time after an item on the agenda has been called or during consideration of the item and subject to the provisions of section 20 of the Municipal Systems Act, move that the Council resolve itself into committee, for the further consideration of that item; or
  - (b) if the Council is in committee as contemplated in paragraph (a), move that, for the further consideration of the item under debate, the Council resolve to consider the matter in open Council, provided that the Executive Mayor or the member of the Mayoral Committee contemplated in section 13(1) may at any time move that the Council resolve itself into committee for consideration of one or more items on the agenda.
- (2) No seconder is required for a motion in terms of subsection (1).
- (3) Only the member moving a motion in terms of subsection (1) may speak on that motion for a period not exceeding five minutes, and such a member must restrict his or her speech to the reasons the Council should resolve itself into committee or discuss the matter in open Council, as the case may be.
- (4) If the Council is in committee, the provisions of these Rules and Orders, except in so far as they are in conflict with this section, apply.
- (5) If a motion in terms of subsection (1) is carried, the Speaker must determine when the item in question is to be considered by the Council in committee.
- (6) Once the Council in committee has considered an item contemplated in subsection (5), the Council must revert to the consideration of further items in open Council.
- (7) When the Council resolves itself into committee, all members of the public and officials of the Metsweding District Municipality, except the Municipal Manager and other officials and persons that the Speaker may require to remain, must leave the Council Chamber and must not return to the Council Chamber for the duration for the proceedings in committee.

- (8) The Speaker may instruct a person to remove or to have removed a person who remains in the Council Chamber in contravention of subsection (7), or to take steps to prevent the entry of a person into the Council Chamber in contravention of subsection (7).
- (9) The Speaker must appoint a person to be responsible for keeping the minutes of the Council while the Council is in committee. The Speaker must announce the resolution as soon as the Council comes out of committee, unless the matter at hand is a staffing matter.

#### **54. PENALTY CLAUSE**

- (1) Any contravention of these Rules and Orders or the Code of Conduct for Councillors contained in the Municipal Systems Act must be investigated in accordance with item 14 of Schedule 1 of the Municipal Systems Act, and the sanctions referred to in item 14(2) of Schedule 1 of the Municipal Systems Act apply if a member is found guilty of contravening these Rules and Orders or the Code of Conduct for Councillors.
- (2) A member who is, in a financial year of the Municipality, absent from a meeting of the Council or Mayoral Committee or a meeting of a committee of the Council or Mayoral Committee without the necessary permission or leave, forfeits 10 per cent of his or her monthly remuneration for the first non-attendance of a meeting, 15 per cent for the second non-attendance of a meeting and 20 per cent for each subsequent non-attendance of a meeting.

#### **55. PRIVILEGE AND IMMUNITY OF COUNCILLORS DURING MEETINGS**

- (1) Subject to the provisions contained in the rules and orders, there must be freedom of speech and debate in the Council and its committees.

Members of Council enjoy those additional privileges and immunities in terms of Privileges and Immunities of Councillors Act, 2002 (Act No 1 of 2002), read with sections 46, 47 and 48 of the Municipal Structures Act.

#### **56. AMENDMENT OF THE RULES AND ORDERS**

Any provision of the rules and orders may be amended, revoked or added by a resolution of Council.

A proposal by a member of Council to change the rules and orders must be submitted to the Rules Committee.

- (4) A report in respect of the proposed change must be submitted by the Rules Committee to Council for consideration.

#### **57. AD HOC COMMITTEES**

- (1) Council may at any time establish an ad hoc committee to deal with or advise it with regard to a particular matter.
- (2) An ad hoc committee ceases to exist when-
  - a) It furnishes its final report to council; or
  - b) Council disestablishes it.
- (3) Council when establishing an ad hoc committee, must determine the terms of reference of that ad hoc committee.
- (4) Council may at any time after establishing an ad hoc committee remove one or more members from that committee.

#### **58. PROCEDURES AT COUNCIL MEETINGS**

##### **58.1. CHAIRING OF COUNCIL MEETINGS**

The Speaker of Council chairs the meeting.

##### **58.2. SPEAKING RIGHTS AT COUNCIL MEETINGS**

The Speaker, Executive Mayor, MMC's and Councillors are accorded speaking rights to deliberate on matters at Council Meetings. No official from the administration or the public is allowed to address Council unless at the express instruction/request of the Speaker who requests the Municipal Manager to address Council on a particular matter or the Speaker has allowed a deputation from the Community to address Council in terms of the Rules and Orders.

##### **58.3. PRESENTATION OF ITEMS TO COUNCIL**

The speaker would in terms of the Municipal Systems Act request the Executive Mayor to place before Council reports of the Mayoral Committee and any Annexure under delegated authority.

Where after the Speaker would deal with each item on the agenda separately and indicating the page no of the resolutions. This procedure will continue until all items on the agenda are dealt with at which point the speaker will adjourn the meeting.



**59. WARD COMMITTEES**

1. The establishment of ward committees and the determination of their powers and functions, term of office, vacancies, their out of pocket expenses and dissolution thereof, must be done in accordance with part 4 of the Municipal Structures Act.
2. Ward Committees must, on a quarterly basis present to Council, comprehensive performance reports on the implementation of plans and programmes.

=====