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ISIFUNDAZWE SAKWAZULU-NATALI

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27 NOVEMBER 2013
27 KULWEZI 2013

No. 1059

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MUNICIPAL NOTICE

No. 63**27 November 2013****UMLALAZI MUNICIPALITY****Amendment to Standing Rules and Orders**

Notice is hereby given that the uMlalazi Council, in terms of Section 160(6) of the Constitution, 1996 (Act No 108 of 1996), has amended its Standing Rules and Orders for Councillors.

In terms of Section 12(3)(b) of the Local Government : Municipal Systems Act, 32 of 2000 the amended Standing Rules and Orders of Council are open for inspection during normal working hours at the office of the Director: Corporate Services, Municipal Buildings, Hutchinson Street, Eshowe 3815. Full particulars and a copy of the amended Standing Rules and Orders can be viewed on the municipal website at www.umlalazi.org.za

Should no comments be received within a period of 21 days from the date of this advert, the Council will proceed to promulgate the Standing Rules and Orders, as amended.

**Thembinkosi Simon Mashabane
Municipal Manager**

Notice No: 76/2013



uMLALAZI MUNICIPALITY

RULES AND ORDERS OF MUNICIPAL COUNCILS AND COMMITTEES OF THE COUNCIL

PREAMBLE

WHEREAS every municipal councillor must recognise that the prime function of local government is at all times to serve the best interests of all of the community, must be dedicated to the concepts of effective and democratic local government, must promote the dignity and worth of the services rendered by local government and maintain a constructive, creative and practical attitude toward local government and a deep sense of social responsibility as an elected representative, must be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order that the community, municipal officials and employees may merit the respect and confidence of the elected representatives, must set and achieve community goals and uphold municipal policies, must refrain from interference in the administration of the municipality and from all other partisan political activities which would impair performance as an elected representative, must make it a duty to continually improve his/her professional ability and develop competencies required to perform the duties of an elected representative, must keep the community informed of municipal affairs, must encourage communication and foster friendly and courteous service to the community and seek to improve the quality and image of municipal Councillors, must handle each challenge without discrimination and with principles of justice and fairness, must seek no favour and acknowledge that personal gain or profit secured by a councillor's position is dishonest, must adhere to the Code of Conduct for Councillors, comply with the standing rules and orders and by-laws of a municipal council and at all times respect the rule of law.

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CHAPTER 1 : DEFINITIONS

1. Definitions

In these rules, any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise-

“authorized official” means:-

- (a) an official of the Municipality who has been duly authorized to administer, implement and enforce the provisions of this by-law;
- (b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (c) a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (d) a Authorised Official , contemplated in terms of section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
- (e) an employee of a registered security company in terms of Private Security Industry Regulation Authority (PSIRA) appointed by the Municipality in terms of the relevant legislation;

"by-law" means legislation passed by the council of a municipality;

"chairperson" means a councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

"council" means the council of the uMlalazi Municipality;

"Code of Conduct" means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act;

"contact details" means a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular-phone number;

"calendar day" means a twenty-four hour day as denoted on the calendar;

"councillor" means a member of the uMlalazi municipal council;

"day" means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

"deputation" means a person or group of persons who wish to appear personally before the council or a committee of the council in order to address the council or committee of the council;

"Director Corporate Services" means the person appointed as Director Corporate Services in terms of Section 57 of the Structures Act and includes any person acting in that capacity;

"executive committee" means the council's executive committee established in terms of section 43 of the Structures Act;

"explanation" means the clarification of some material part of a councillor's former speech which may have been misunderstood;

"in-committee" means any council or committee meeting at which the public and or officials of the municipality are excluded;

"integrated development plan" means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act;

"Mayor" means a councillor elected as the Mayor of the municipality in terms of section 48 of the Structures Act;

"meeting" means a meeting of the council or any one of its committees;

"municipal asset" means any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the municipality holds title;

"Municipal Manager" means the person appointed Municipal Manager in terms of section 82 of the Structures Act and includes any person acting in that capacity;

"notice of motion" means the instrument by which councillors may bring items on to the agenda of a council meeting in terms of rule 20.11;

"Authorised Official " means any person declared as a Authorised Official in terms of the Criminal Procedure Act No. 51 of 1977;

"point of order" means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

"precincts" means the council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the council or a committee of the council are conducted;

"public" includes the media and means any person residing within the Republic of South Africa;

"service delivery agreement" means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

"Speaker" means the chairperson of the council elected in terms of section 36 of the Structures Act and includes any acting Speaker when he or she is elected to perform the functions of the Speaker;

"**Structures Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"**table**" means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of these rules and orders;

Gender and Number - In every rule, unless the contrary intention appears, words importing the masculine gender include females and words in the singular number include the plural, and words in the plural number include the singular.

CHAPTER 2 : APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application of these rules and orders

- 2.1 These rules and orders govern the proceedings of the council and committees of the council which bind and must be complied with by:-
 - 2.1.1 all Councillors;
 - 2.1.2 any member of the public while present in the precincts;
 - 2.1.3 any deputation addressing the council or a committee of the council; and
 - 2.1.4 any municipal official of the municipality.

3. Interpretation of these rules and orders

- 3.1 Any interpretation of these rules and orders must be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- 3.2 The ruling of the Speaker or chairperson with regard to the interpretation of these rules and orders at a meeting of the council or committee of the council shall, subject to rules 3(5) and 3(6), be final and binding.
- 3.3 The interpretation and the ruling of the Speaker or chairperson of any of these rules and orders must be recorded in the minutes of the council or committee meeting.
- 3.4 The Municipal Manager must keep a register of the rulings and legal opinions.
- 3.5 Any councillor may request the Municipal Manager, in writing within five days from a ruling made in terms of rule 3(2), to obtain clarity on the interpretation and ruling. The Municipal Manager must thereafter report to the council or committee of the council.

- 3.6 The council or committee of the council may, after consideration of the report in terms of rule 3(5) confirm, amend or substitute the ruling of the Speaker or chairperson subject to any rights which any third party may have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

CHAPTER 3 : FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

4. Council meetings

- 4.1 The council must hold an ordinary meeting of the council not less than once in every three months.
- 4.2 The Speaker must convene all meetings of the council in accordance with rule 4.1 and subject to rule 6.

5. Admission of public

- 5.1 All meetings of the council and those of its committees must be open to the public, and the council or committee of the council may not exclude the public from a meeting, other than when the council or committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it reasonable and justifiable to do so having due regard to the principles of an open and democratic society.
- 5.2 The council or a committee of the council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters :-
- 5.2.1 a draft by-law tabled in the council;
- 5.2.2 a budget tabled in the council;
- 5.2.3 the municipality's integrated development plan, or any amendment of the plan, or any amendment of the plan tabled in council;
- 5.2.4 the municipality's performance management system, or any amendment of the system, tabled in council;
- 5.2.5 the decision to enter into a service delivery agreement;
- 5.2.6 any report on an award in terms of supply chain management policy;
- 5.2.7 any other matter prescribed by legislation.
- 5.3 The Municipal Manager must give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting of the council or committee

of the council and any special or urgent meeting of the council or committee of the council, except when time constraints make this impossible.

6. Notice to attend an ordinary council meeting

6.1 The Speaker must convene meetings of the council, at least quarterly, through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.

6.2 Notice to attend a meeting in terms of rule 6.1 shall be given at least-

6.2.1 five calendar days prior to an ordinary meeting; and

6.2.2 two calendar days prior to a special meeting.

7. Special meetings

7.1 The Speaker

7.1.1 for the purpose of urgent council business

7.1.2 or at the request of a majority of the Councillors of the municipality, must call a special meeting of the council

7.2 A special meeting must be convened in compliance with rule 6.2.2 and in terms of rule 7.1.2 no later than four days from the date of receipt of a request.

7.3 A request for the calling of a special meeting, as contemplated in rule, 7.1.2, shall-

7.3.1 be signed by no less than 50 percent (fifty per centum) plus one of all Councillors of the municipality; and

7.3.2 be accompanied by-

7.3.2.1 a duly signed notice of motion; and

7.3.2.2 a written statement by the councillor signing the notice of motion giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the council.

7.3.3 If the Speaker fails to convene a meeting in terms of this rule, the Municipal Manager must convene such meeting and conduct an election of an acting Speaker in term of section 41 of the Structures Act.

8. Service of notices and agenda

8.1 Notice to attend a meeting or any other official communication from the council, shall be delivered to-

8.1.1 a physical address within the area of jurisdiction of the municipality; or

8.1.2 an e-mail address; or

8.1.3 by a short message service (SMS); provided that contact details shall be supplied by each councillor to the Municipal Manager in writing within two days of a Councillors' election and, thereafter, whenever the Councillor wishes to change either address and at which address the councillor shall accept service and or receipt of any notice to attend a meeting and any other official communication from the council.

8.2 All documentation relevant to any council or committee meeting must be given to all Councillors at least five calendar days prior to an ordinary council or committee meeting and two calendar days prior to a special council or special committee meeting.

8.3 All Councillors must inform the Speaker of any change of his/her contact details within three days of such change.

8.4 Subject to rule 5.3, notice to attend a meeting must be displayed on the public notice boards of the municipality, except when time constraints make this impossible.

9. Non-receipt of notice

9.1 A councillor may request an investigation by the Speaker regarding the non-receipt of a notice to attend council or any of its committee meeting.

9.2 Non-receipt of a notice to attend a meeting shall not affect the validity of any meeting or proceedings of council or any of its committees.

CHAPTER 4 : QUORUM

10. Quorum

10.1 Notwithstanding that there may be vacancies, the quorum of a council must be fifty percent (50 percent) plus one (1) of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.

10.1.1 Subject to a quorum, the failure of any councillor to vote shall not invalidate the proceedings of the council meeting.

10.2 Notwithstanding that there may be vacancies, a majority of the number of Councillors appointed to a committee of council must be present at a meeting of the committee before a vote may be taken on any matter.

10.2.1 Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the committee meeting.

11. Cancellation and adjournment in absence of quorum

11.1 No meeting shall take place, if no quorum is present fifteen minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding fifteen minutes for a quorum, where after if no quorum is present, the meeting must be cancelled.

11.2 If during discussion on an item at any meeting of council or any of its committees the attention of the Speaker or chairperson is called to the number of Councillors present, he or she shall-

11.2.1 count the Councillors present;

11.2.2 if it is found that there is no quorum, the Speaker or chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;

11.2.3 if a quorum becomes present after the adjournment then the meeting must continue;

11.2.4 if no quorum becomes present after the adjournment then the chairperson or Speaker must forthwith adjourn the meeting.

11.3 When a meeting is adjourned as a result of no quorum, the meeting shall be re-convened within seven days (7) as a continuation meeting.

CHAPTER 5 : ATTENDANCE

12. Attendance

12.1 All councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that councillor is a member except when:-

12.1.1 leave of absence is granted in terms of rule 13;

12.1.2 that councillor is required to withdraw in terms of rule 20.4;

12.1.3 that councillor is absent with the permission of the Speaker or chairperson.

12.2 Each councillor attending any meeting of the council or a committee of the council shall sign an attendance register provided for that purpose.

- 12.3 The attendance register shall be filed in the office of the Director Corporate Services.
- 12.4 Any councillor who is entitled to leave of absence in terms of rule 13 and no longer requires such leave may attend the meeting from which leave of absence was granted and sign the attendance register.

13. Leave of absence

- 13.1 Leave of absence shall not be granted in such a manner that more than the number required for a quorum will at any one time be absent.
- 13.2 If a councillor-
- 13.2.1 is unable to attend a meeting of which notice had been given; or
- 13.2.2 is unable to remain in attendance at a meeting; or
- 13.2.3 will arrive after the stipulated commencement time of a meeting, he or she shall, as soon as is reasonably possible and prior to that meeting, lodge with the Municipal Manager a written application for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- 13.3 The Municipal Manager must as soon as possible inform the Speaker or chairperson of the meeting concerned of any application for leave of absence received.
- 13.4 The Speaker or chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the Municipal Manager of his decision.
- 13.5 The Municipal Manager must as soon as is reasonably possible, inform a councillor who has applied for leave of absence of the Speaker or chairperson's decision.
- 13.6 A councillor shall be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she-
- 13.6.1 failed to attend a meeting; or
- 13.6.2 failed to remain in attendance at a meeting.
- 13.7 Where a councillor fails to remain in attendance at a meeting -
- 13.7.1 without being granted permission to do so; or

13.7.2 without obtaining permission from the Speaker or chairperson to leave prior to the close of the meeting, the time of leaving must be recorded in the minutes of the meeting and that councillor shall be deemed to have been absent without leave at that meeting;

- 13.8 Where a councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the councillor may attend the meeting and sign the attendance register in terms of rule 12(2).
- 13.9 Leave of absence for two or more consecutive council or committee meetings must be sanctioned by the council or the relevant committee.

14. Non-attendance

- 14.1 Subject to compliance with the procedure set out in rule 13 and 38, a councillor who is absent without good cause from a meeting, of which notice has been given, shall be liable to pay a fine equivalent to one week's remuneration, which fine may be deducted from remuneration due to the councillor concerned.
- 14.2 Where a councillor has been absent without obtaining leave from a meeting-
- 14.2.1 the Rules Committee as contemplated in rule 38 or the Speaker or chairperson as the case may be, shall invite the councillor to provide a formal explanation setting out the reasons for the councillor's absenteeism from the meeting;
- 14.2.2 the Speaker or chairperson shall consider the explanation and decide whether or not the councillor was absent with good cause, providing appropriate reasons for the decision;
- 14.2.3 the councillor may appeal in writing to the Speaker's or chairperson's decision within seven days of receipt of such decision.
- 14.2.4 the council or committee, as the case may be, shall-
- 14.2.4.1 allow the councillor an opportunity to make representations, oral or written; and
- 14.2.4.2 consider the councillor's appeal, together with any comments from the Speaker or chairperson of the meeting concerned;
- 14.2.4.3 make a finding as to whether the councillor was absent with or without good cause.
- 14.3 The Municipal Manager shall keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and shall submit a written report to the Speaker whenever a councillor is absent from three or more consecutive meetings which that councillor was required to attend.

- 14.4 Where the Speaker receives a report in terms of rule 14.3, the Speaker must submit the report to council and direct that the matter be investigated in accordance with Item 14 of the Code of Conduct.

CHAPTER 6 : ADJOURNMENT

15. Adjourned meetings

Notwithstanding rule 11.3 , a council or committee meeting may, by majority vote, be adjourned to another day or hour but no later than fourteen (14) days after the original meeting.

16. Continuation meeting

- 16.1 When a meeting is adjourned, notice of the continuation meeting shall be served in terms of rule 8.
- 16.2 No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7 : PROCEEDINGS

17. Speaker and chairpersons of meetings

- 17.1 At every meeting of the council, the Speaker, or if he or she is absent, an acting Speaker, shall be the chairperson and shall perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each councillor when taking office is given a copy of these rules and orders and the Code of Conduct.
- 17.2 The Speaker of Council and chairperson / chairpersons of committees:-
- 17.2.1 must maintain order during meetings;
- 17.2.2 must ensure compliance in the council with the Code of Conduct for Councillors;
- 17.2.3 must ensure that meetings are conducted in accordance with these standing rules and orders.
- 17.3 If the Speaker or chairperson of the council or committee of the council is absent and not available to perform the functions of Speaker or chairperson, or during a vacancy, the council or committee under the direction of the Municipal Manager or his/her nominee must elect another Councillor to act as Speaker or chairperson as the case may be with the exception of the Executive Committee where Section 49 (2) and (3) of the Local Government Municipal Systems Act 32 of 2000 will apply.
- 17.4 No meeting of the council or a committee of the council may commence or continue unless a Speaker or chairperson presides at a meeting.

18. Minutes

- 18.1 The proceedings of every council meeting must be electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- 18.2 Written minutes of the proceedings of each council and committee meeting must be accurately recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- 18.3 The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.
- 18.4 Where the Municipal Manager is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, he or she must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

19. Order of business

- 19.1 The order of business at every meeting of the council or its executive committee or committee of council is as follows:
 - 19.1.1 Devotion;
 - 19.1.2 Notice of meeting;
 - 19.1.3 Applications for leave of absence;
 - 19.1.4 Declarations of pecuniary or other interests;
 - 19.1.5 Announcements/ Disclosures;
 - 19.1.6 Deputations;
 - 19.1.7 Confirmation of minutes of previous meeting;
 - 19.1.8 Matters Arising from the Minutes;
 - 19.1.9 Outstanding Matters;
 - 19.1.10 Reports;
 - 19.1.11 Notices of motion;
 - 19.1.12 Questions of which notice has been given; and

19.1.13 General matters of an urgent nature.

19.2 The Speaker or chairperson may, in his/her discretion, at any stage bring forward any business that is on the agenda.

20. Proceedings of Order of Business

20.1 Devotion

The Chairperson will nominate a member present to open the meeting with devotion.

20.2 Notice of meeting

The notice of meeting will comply with Rule 6, 7, 8 and 9 of the Standing Rules and Orders.

20.3 Applications for leave of absence

Applications for leave of absence shall comply with Rule 13 of the Standing Rules and Orders.

20.4 Declarations of pecuniary or other interests

20.4.1 A councillor must disclose to the municipal council, or to any committee of which that Councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or committee.

20.4.2 The councillor making a declaration must withdraw from the proceedings of the council or committee unless the council or committee decides that the councillor's direct or indirect interest in that matter is trivial or irrelevant.

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

20.4.4 The disclosure of interests in terms of this rule does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

20.5 Announcements/ Disclosures

The Chairperson of the Council or Committee shall afford a member of the Committee or Official an opportunity to make any relevant announcements or disclosures as the case may be.

20.6 Deputations

- 20.6.1 A deputation wishing to address the council or a committee of council shall submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.
- 20.6.2 A request by a deputation to address the council or a committee of the council must be approved by the Speaker or relevant chairperson limited to a maximum of 15 minutes per deputation.
- 20.6.3 The Municipal Manager shall submit the memorandum to the council or a committee of the council, which may receive the deputation.
- 20.6.4 Any matter requiring consideration arising from a deputation, shall not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- 20.6.5 When speaking at a council or committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or chairperson.
- 20.6.6 If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or chairperson must direct that that member remove himself/herself or be removed by a Authorised Official from the precincts.
- 20.6.7 Any member of the public or deputation who fails or refuses to comply with the Speaker's or chairperson's directions shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

20.7 Confirmation of minutes of previous meeting

The minutes of every meeting shall be confirmed at the next ordinary meeting of that council or committee and shall be signed by the Speaker or chairperson.

20.8 Matters Arising from the Minutes

- 20.8.1 Discussion shall be allowed upon items in the minutes of the previous meeting only for clarity and progress on implementation of resolution purposes, subject to these items not appearing as separate items on the agenda.
- 20.8.2 No council or committee resolution shall be amended or rescinded under matters arising other than in terms of Rule 27 and 28 of these standing rules and orders.

20.9 Outstanding Matters

20.9.1 Items discussed under outstanding matters should not have been discussed under Matters Arising and should not refer to an item included on the current agenda for discussion.

20.9.2 Refers to items that have not been resolved and still require investigation and reporting.

20.10 Reports

20.10.1 Any report submitted to the council or a committee of the council must, with the exception of a report accepted by the Speaker or chairperson as a matter of urgency, be provided to Councillors in terms of rule 8.

20.10.2 The Speaker or chairperson must allow debate in accordance with chapter 10 on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report shall be held, at the next meeting.

20.11 Notices of motion

20.11.1 No subject shall be brought before council or a committee of council by a councillor except by way of notice of motion.

20.11.2 A notice of motion must-

20.11.2.1 be in writing; and

20.11.2.2 be signed by the councillor submitting it and by another councillor acting as seconder; and

20.11.2.3 refer to one matter only.

20.11.3 A notice of motion shall be lodged with the Municipal Manager before 12h00 seven calendar days prior to the next ordinary meeting, failing which the notice will be considered at the next ensuing ordinary meeting.

20.11.4 The Municipal Manager must-

20.11.4.1 date and number each notice of motion;

20.11.4.2 enter each notice of motion lodged in a register, which shall be open to inspection by any councillor and the public; and must

20.11.4.3 enter each notice of motion on the agenda in the order received.

20.11.5 The Speaker or chairperson shall-

20.11.5.1 read out the number of every motion and the name of the mover and seconder;

20.11.5.2 ascertain which motions are unopposed and these shall be passed without debate; and

20.11.5.3 call the movers of the opposed motions in the order they appear on the agenda.

20.11.6 A councillor submitting a motion shall move such motion and shall have the right of reply.

20.11.7A motion shall lapse if the councillor and seconder who submitted it is not present at the meeting when such motion is being debated.

20.11.8 A councillor shall be allowed not more than three notices of motion on the same agenda.

20.11.9The Speaker or chairperson must not reject a motion received by him or her in terms of these rules.

20.12 Questions of which notice has been given

20.12.1A councillor may put a question requiring a written reply from any political or municipal office bearer of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the Speaker or chairperson and the Municipal Manager at least seven (7) days prior to the council or committee meeting and the Municipal Manager must ensure that the Councillor receives a written reply from that political or municipal office bearer, at the next ordinary council or committee meeting.

20.12.2 If after a question has been replied to, a councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or chairperson, request a follow up question.

20.13 General matters of an urgent nature

20.13.1General items of an urgent nature may be placed on an agenda by the Municipal Manager and any member of the council with the prior consent of the Speaker or chairperson, which consent shall not be unreasonably withheld.

20.13.2Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

21. Supply of information to a councillor

- 21.1 No councillor shall approach or communicate with any official of the municipal administration concerning the business of the municipality other than when exercising his/her rights or liberties as an ordinary member of the public.
- 21.2 A councillor may approach and communicate with the Municipal Manager or any head of department or any official of the municipal administration specifically designated by the Municipal Manager or by the head of department concerned for this purpose, in order to obtain such information as he or she may reasonably require for the proper performance of his/her duties as a councillor.

22. Interpretation

If a majority of Councillors present so resolve, an interpreter may be used in meetings of the council and committees of the council.

23. In-committee

- 23.1 Subject to rule 5, the council or a committee of council may, at any time, resolve to proceed in-committee.
- 23.2 The public shall be excluded from any in-committee meetings.
- 23.3 The Municipal Manager or another official exempted from this rule by the Speaker or chairperson shall not be excluded from any in-committee meeting.
- 23.4 All proceedings in-committee must be recorded in terms of rule 18.1 and 18.2 and shall be confidential.
- 23.5 Unauthorized disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

CHAPTER 8 : VOTING

24. Decisions by voting

- 24.1 A quorum must be present in order for a vote to be taken.
- 24.2 All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of Councillors determined in accordance with the municipality's establishment notice:-
- 24.2.1 the passing of by-laws;
- 24.2.2 the approval of budgets;

- 24.2.3 the imposition of rates and other taxes, levies and duties;
- 24.2.4 the raising of loans;
- 24.2.5 the rescission of a council resolution within 6 months of the taking thereof; and
- 24.2.6 any other matter prescribed by legislation.
- 24.3 All other questions before the council shall be decided by a majority of the votes cast by the Councillors present.
- 24.4 If on any matter there is an equality of votes, the Speaker or chairperson may exercise a casting vote in addition to a deliberative vote as a councillor, provided that a Speaker or chairperson shall not exercise a casting vote during the election of any office bearer of council.

25. Method of voting

- 25.1 Voting shall be by a show of hands unless the law prescribes otherwise, or the council or committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.
- 25.2 During the taking of a vote no councillor may leave the council chamber or committee room.
- 25.3 The Municipal Manager or his nominee, shall count the votes cast and shall record the result of voting, but the Speaker or chairperson shall announce the result.
- 25.4 Councillor Party Agents may be appointed by the respective Political Parties to monitor the counting of votes.

26. Dissenting votes

A councillor may request that his/her dissenting vote be recorded as evidence of how he or she voted on the matter or motion.

CHAPTER 9 : REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

27. Revocation of Council Resolutions

- 27.1 Approval to revoke or alter a resolution of council may not be delegated to any person or committee.
- 27.2 Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.

27.3 Any revocation or alteration of a council resolution must be made in terms of rule 27.

28. Revocation of Committee Resolutions

28.1 Approval to revoke or alter a resolution of a committee of the council may not be delegated to any person.

28.2 Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a committee of the council must be given.

28.3 Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the members of that committee.

CHAPTER 10 : DEBATE

29. Opportunity to speak

29.1 A councillor may only speak when so directed by the Speaker or chairperson.

29.2 A councillor may indicate a desire to speak by raising his/her hand and await the direction of the Speaker or chairperson, which direction must not be withheld.

30. Relevance

Every Speaker must restrict him or herself strictly to the matter under consideration.

31. Length of speeches

Other than the delivery of the Mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five (5) minutes in length without the consent of the Speaker or chairperson.

32. Councillors to speak only once

A councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the Speaker or chairperson provided that the mover of the motion may speak to the motion, shall have the right of reply and the reply shall be confined to answering previous Speakers and shall not introduce any new matter into the debate.

33. Precedence of the Speaker or chairperson

Whenever the Speaker or chairperson rises during a debate, any councillor then speaking or offering to speak must seat himself and the councillor must be silent, so that the Speaker or chairperson may be heard without interruption.

34. Points of order

- 34.1 Any councillor may raise a point of order at any time by standing to draw the attention of the Speaker or chairperson.
- 34.2 The point of order takes precedence over everything else in the meeting and the Speaker or chairperson must grant immediate hearing to the councillor raising the point of order and rule accordingly.
- 34.3 The ruling of the Speaker or chairperson on a point of order shall be final and shall not be open to discussion.

35. Explanation

Any councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

CHAPTER 11 : CONDUCT**36. General conduct**

- 36.1 Councillors and officials must during any council or committee meeting-
- 36.1.1 conduct the business in the highest decorum and integrity that the occasion deserves;
 - 36.1.2 must, at all times adhere to the principles contained in the code of conduct and these rules and orders;
 - 36.1.3 must at all times adhere to the rule of law and the by-laws of the municipality;
 - 36.1.4 must be dressed appropriately formal for the dignity of the meeting;
 - 36.1.5 must not use offensive or objectionable language; and
 - 36.1.6 must not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

37. Misconduct

- 37.1 The Speaker may order a Councillor or official to withdraw and apologise for any word/s, statement/s, opinion or gesture made by that councillor.
- 37.2 If a Councillor or Councillors, official or officials behave improperly during a meeting of council or any of its committees, the Speaker shall direct the Councillor or Councillors, official or officials to conduct himself/herself or themselves properly and, if speaking, to stop speaking and resume his/her seat or seats.

- 37.3 In the event of persistent disregard of the directions of the Speaker, the Speaker shall direct such Councillor or Councillors, official or officials to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalized.
- 37.4 In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the council or committee the Speaker or chairperson must adjourn the meeting to another day or hour but not later than fourteen (14) days after the original meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these standing rules and order and the Code of Conduct.
- 37.5 Any Councillor who refuses to leave a meeting of the council or a committee of the council when directed to do so by the Speaker or chairperson of a meeting in terms of any rule in these rules and orders, may be forcibly removed by an authorized official and shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.
- 37.6 Any official who refuses to leave a meeting of the council or a committee of the council when directed to do so by the Speaker or chairperson of a meeting in terms of any rule in these rules and orders, may be forcibly removed by an authorized official and shall be charged with misconduct in terms of the disciplinary regulations.

CHAPTER 12 : COMMITTEES

38. Rules Committee

- 38.1 The municipal council may by resolution of a majority of Councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders.
- 38.2 The Rules Committee shall consist of the Speaker, the Mayor and one representative of each political party represented on the council, such representative to be nominated from time to time by each political party.

39. Own rules

- 39.1 Every committee of the council shall determine its own procedures subject to any directions from council and these standing rules and orders.
- 39.2 Chapter 10 of these rules and orders may be relaxed by a chairperson of a committee to accommodate interactive and effective participation, provided that the chairperson may, at his/her discretion, apply the provisions of any rule contained in chapter 10.

40. The chairperson

40.1 The chairperson of a committee shall-

40.1.1 preside at every meeting of the committee at which he or she is present; and

40.1.2 be entitled to vote in the first instance and in the case of an equality of votes in addition to his deliberative vote, shall give a second or casting vote.

40.2 In his absence, the acting or deputy chairperson shall have the same powers and rights of voting as those possessed by the chairperson.

CHAPTER 13 : BREACH AND SANCTIONS

41. Breach

Any councillor who fails or refuses to obey any of these rules and orders, or any resolution of Council, may be guilty of a breach of the Code of Conduct.

42. Sanction

Where it is alleged that a councillor has breached these rules, the council must, in terms of Item 14 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, investigate the alleged breach and may impose a sanction.

CHAPTER 14 : GENERAL PROVISIONS

43. Suspension of a rule or order

43.1 In instances of urgency or where a council considers that adherence to a rule would be unreasonable and would prejudice the operation of a meeting of the council, then the council may with the approval of the majority of the number of Councillors of the municipality and for the duration of that meeting, temporarily relax the provisions of a rule, provided that:

43.1.1 Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;

43.1.2 No rule may be relaxed when the removal or election of any political office bearer is before the council.

43.2 The suspension or relaxation of the rule relates to an item on the agenda for the meeting of the council or committee of the council; and

43.3 Rule 22 must not be suspended;

43.4 the reasons for the suspension of the rule are recorded in the minutes of the meeting.

44. Adoption as by-laws

These rules and orders must be adopted as a by-law of the municipality.

45. Repeal of existing by-laws

The council's existing by-laws in respect of rules and orders are hereby repealed.

46. Short title and commencement

These standing rules and orders shall be called the uMlalazi Municipal Standing Rules and Orders, and shall come into operation on date of promulgation in the Provincial Gazette.
