

KWAZULU-NATAL PROVINCE

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ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)

(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 13

**2 MAY 2019
2 MEI 2019
2 KUNHLABA 2019**

No. 2072

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KWAZULU-NATAL DEPARTMENT OF HUMAN SETTLEMENTS

KWAZULU-NATAL LAND ADMINISTRATION AND IMMOVABLE ASSET MANAGEMENT ACT (NO.2 OF 2014)

NOTICE IN TERMS OF SECTION 5(3) OF THE KWAZULU-NATAL LAND ADMINISTRATION AND IMMOVABLE ASSET MANAGEMENT ACT (NO.2 OF 2014)

In terms of section 5 of the Kwazulu-Natal Land Administration And Immovable Asset Management Act (No.2 Of 2014), I **Mr Ravigasen Ranganathan Pillay**, Minister of Human Settlements and Public Works for the KwaZulu –Natal Provincial Government, hereby give notice that I intend disposing by Donation, the under mentioned Kwazulu-Natal Human Settlement Property, to the Shallcross Civic and Ratepayers Association.


NO	PROPERTY DESCRIPTION	EXTENT	TITLE DEED NO.	APPLICABLE CONDITIONS	CURRENT ZONING	CURRENT USAGE
1.	PROPOSED PORTION 4 OF ERF 1258 SHALLCROSS	3 568 m ²	T2639/1977	NONE	PUBLIC ADMINISTRATION	VACANT

Written representation or submissions in regard to the said disposal can be made within thirty (30) days of publication of this notice to:-

The Acting Head of Department of KZN Human Settlements
Private Bag X 9157
PIETERMARITZBURG
3200

Enquiries: Mr H Ganesh
Tel: (031) 3193761

E-mail: heeralall.ganesh@kzndhs.gov.za
10th Floor , Eagle Building
DURBAN
4000



MR RR PILLAY (MPL)
HONOURABLE MEC: HUMAN SETTLEMENTS AND PUBLIC WORKS

10/04/19
DATE

NOTICE 17 OF 2019

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 43 OF 2019**MN NO.: 184/2018****BYLAWS RELATING TO THE STANDING RULES AND ORDERS OF KWADUKUZA
MUNICIPALITY'S MUNICIPAL COUNCILS AND COMMITTEES OF THE COUNCIL**

The Kwadukuza Municipality, acting under the authority of section 156 (2) of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) read with section 113(m) of the Local Government: Municipal System Act, 2000 (Act No.32 of 2000) hereby publishes bylaws relating to the standing rules and orders of KwaDukuza municipality's municipal councils and committees of the council which bylaws will come into effect on the date of publication in the provincial gazette.

Be it enacted by the Council of the KwaDukuza Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

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CHAPTER 1**DEFINITIONS****Definitions**

- 1. In these Rules and Orders, unless inconsistent with the context –

“Authorised person” means an official of the municipality authorised by the Municipal Manager to perform a specific task in terms of these Rules and Orders;

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

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

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

“Constitution” means the Constitution of the Republic of South Africa, 1996

“Council” means —

- (a) the KwaDukuza Municipality, exercising its legislative and executive authority through its municipal council;
- (b) its successor-in-title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Rules and Orders has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Systems Act; and
- (d) a service provider fulfilling a responsibility under these Rules and Orders;

“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;

“councillor” means a member of a 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;

“executive committee” means the council’s executive committee established in terms of section 43 of the Structures Act;

"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;

"municipality" means the KwaDukuza municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Structures Act, read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"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 54A of the Systems 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 section 23 of these Rules and Orders;

"Peace Officer" means any person declared as a Peace Officer 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;

CHAPTER 2

APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application of this by-law these Rules and Orders

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

2.2 these Rules and Orders governs the proceedings of the council and committees of the council which bind and must be complied with by –

(a) all councillors;

(b) any member of the public while present in the precincts;

- (c) any deputation addressing the council or a committee of the council;
- (d) any municipal official of the municipality; **and**
- (e) Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act

3. Interpretation of these Rules and Orders

- 3.(a) 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.
- (b) 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 will, subject to sections 3(e) and 3(f), be final and binding.
- (c) The interpretation and the ruling of the speaker or chairperson on any of these Rules and Orders must be recorded in the minutes of the council or committee meeting.
- (d) The municipal manager must keep a register of the rulings and legal opinions.
- (e) Any councillor may request the municipal manager, in writing within five days from a ruling made in terms of section 3(b), to obtain clarity on the interpretation and ruling and to report to the council or committee of the council.
- (f) The council or committee of the council may after consideration of the report in terms of section 3(e) 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 4

FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

Council meetings

- 4.(a) The council must hold an ordinary meeting of the council not less than once in

every three months.

- 4(b) The speaker must convene all meetings of the council in accordance with section 4(a) and subject to section 6.

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 –
- (a) a draft by-law tabled in the council;
 - (b) a budget tabled in the council;
 - (c) the municipality's integrated development plan, or any amendment of the plan, or any amendment of the plan tabled in council;
 - (d) the municipality's performance management system, or any amendment of the system, tabled in council;
 - (e) the decision to enter into a service delivery agreement;
 - (f) any reports on an award in terms of supply chain management policy;
 - (g) the disposal or acquisition of municipal capital asset;
 - (h) 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.
- 5.(4) Members of the council together with members of the public attending any council or committee meetings must accord the meeting the dignity it deserves by dressing appropriately as per Rule 41(d) and must not wear any attire which could be ascribed to a political party

6. Notice to attend an ordinary council meeting

- 6.(1) The speaker must convene meetings of the council, at least once every three months, 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 section 6(1) must be given at least –
- (a) five calendar days prior to an ordinary meeting; and
 - (b) two calendar days prior to a special meeting.

Special meetings

- 7.(1) The speaker must call a special meeting of the council –
- (a) for the purpose of pertinent or urgent council business; or
 - (b) or at the request of a majority of the councillors of the municipality.
- 7.(2) A special meeting must be held in compliance with section 6(2)(b) and in terms of section 7(1)(b) 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 section 7(1)(b), must
- (a) be signed by no less than fifty percent plus one of all councillors of the municipality; and
 - (b) be accompanied by –
 - (i) a duly signed notice of motion; and
 - (ii) 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.
 - (c) If the speaker fails to convene a meeting in terms of this section, the municipal manager must convene such meeting and conduct an election of an acting speaker in terms 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, must be delivered to –
- (a) a physical address within the area of jurisdiction of the municipality; or
 - (b) an e-mail address;
 - (c) facsimile; or
 - (d) by a short message service:
- Provided that contact details must be supplied by each councillor to the municipal

manager in writing within two days of a councillor's election and, thereafter, whenever the councillor wishes to change either address and at which address the councillor will 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, except special meetings convened in terms of section 7, 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 contact details within three days of such change.
- 8.(4) Subject to section 5(3), notice to attend a meeting must be displayed on the public notice boards of the municipality.

Non-receipt of notice

- 9.(a) A councillor may request an investigation regarding the non-receipt of a notice to attend a meeting.
- 9.(b) Non-receipt of a notice to attend a meeting will not affect the validity of any meeting or proceedings of council or any of its committees.

CHAPTER 4

QUORUM

Quorum

- 10.(1)(a) Notwithstanding that there may be vacancies, the quorum of a council must be fifty percent plus one of the total number of councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.
- (b) Subject to a quorum, the failure of any councillor to vote will not invalidate the proceedings of the council meeting.
- 10.(2)(a) 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.

- b) Subject to a quorum, the failure of any councillor to vote will not invalidate the proceedings of the committee meeting.

Cancellation and adjournment in absence of quorum

Cancellation

- 11.(1) No meeting may 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 a further fifteen minutes for a quorum, whereafter if no quorum is present, the meeting must be cancelled.

Adjournment

- 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 must –
- (a) count the councillors present;
 - (b) 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;
 - (c) if a quorum becomes present after the adjournment then the meeting must continue;
 - (d) 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 will be reconvened within seven days as a continuation meeting.

CHAPTER 5 ATTENDANCE

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 –
- (a) leave of absence is granted in terms of section 13;
 - (b) that councillor is required to withdraw in terms of section 46(b); or
 - (c) 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 must sign an attendance register provided for that purpose.
- 12.(3) The attendance register must be filed in the office of the municipal manager.
- 12.(4) Any councillor who is entitled to leave of absence in terms of section 13 and no longer requires such leave, is entitled to attend, participate and vote in the meeting from which leave of absence was granted and sign the attendance register.

Leave of absence

- 13.(1) Leave of absence –
- (a) shall only be granted by the Speaker, or in her absence a person duly appointed by the Municipal Council to act in the position of the Speaker;
 - (b) must not be granted by the Speaker 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 –
- (a) is unable to attend a meeting of which notice had been given; or
 - (b) is unable to remain in attendance at a meeting; or
 - (c) will arrive after the stipulated commencement time of a meeting, he or she will, as soon as is reasonably possible, but no later than 24 hours prior to that meeting, lodge with the municipal manager or a designate from the office of the Speaker 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 or his designated official 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 or her decision.

-
- 13.(5) The municipal manager or his designated official 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 will be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she –
- (a) failed to attend a meeting; or
 - (b) failed to remain in attendance at a meeting.
- 13.(7) Where a councillor fails to remain in attendance at a meeting –
- (a) without being granted permission to do so; or
 - (b) 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 Councilors will 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 section 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.
- 13 (10) Leave of absence may be granted by the Speaker under the following circumstances and the time frames referred to in section 13 (2) above shall be waived for the following reasons:
- (a) If the Councillor is on Council Business;
 - (b) Family emergency;
 - (c) If the Councillor suddenly falls ill;
 - (d) Death in the family;
 - (e) Work related circumstances;
 - (f) Any other circumstances deemed to be acceptable by the Speaker and or the Municipal Council.

Non-attendance

- 14.(1) Subject to compliance with the procedure set out in section 13 and the provisions of item 4(2) of Schedule 1 of the Systems Act, a councillor who is absent without good cause from a meeting, of which notice has been given, will be liable to pay a fine in terms of the Uniform Standing Procedure as annexed as Schedule 1 to the Standing Rules, which fine may be deducted from remuneration due to the councillor concerned.
- 14.2 A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee for which no leave of absence has been applied for, which that councillor is required to attend in terms of item 3 of Schedule 1 of the Systems Act, must be removed from office as a councillor in accordance with section 14(2)(e) of the Systems Act.
- 14.3 Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with the uniform standing procedure as annexed hereto as Schedule 1 which each municipal council must adopt.
- 14.4 Where a councillor has been absent without obtaining leave from a meeting—
- (a) the Rules Committee as contemplated in section 43 or the speaker or chairperson as the case may be, must invite the councillor to provide a formal explanation setting out the reasons for the councillor's absenteeism from the meeting;
 - (b) the speaker or chairperson must consider the explanation and decide whether or not the councillor was absent with good cause, providing appropriate reasons for the decision;
 - (c) the councillor may appeal in writing to the speaker's or chairperson's decision within seven days of receipt of such decision.
 - (d) the council or committee, as the case may be, must –
 - (i) allow the councillor an opportunity to make representations, oral or written; and
 - (ii) consider the councillor's appeal, together with any comments from the speaker or chairperson of the meeting concerned;
 - (iii) make a finding as to whether the councillor was absent with or without good cause.
- 14.5 The municipal manager must 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 must 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.

- 14.6 Where the speaker receives a report in terms of section 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

Adjourned meetings

15. Subject to section 11(3), a council or committee meeting may, by majority vote, be adjourned to another day or hour but no later than 14 days after the original meeting.

Continuation meeting

- 16.(1) When a meeting is adjourned, notice of the continuation meeting must be served in terms of section 8.
- 16.2(2) No business will be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7 PROCEEDINGS

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, will be the chairperson and will 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 and chairperson of council and committee meetings –
- (a) must maintain order during meetings;

- (b) must ensure compliance in the council with the Code of Conduct for Councillors; and
- (c) must ensure that meetings are conducted in accordance with these Rules and Orders.

17.3 If the speaker or chairperson of the council or committee of the council is absent or 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.

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.

Minutes

18.(a) The proceedings of every council meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.

18.(b) Written minutes of the proceedings of each council and committee meeting must contain an accurate record of the resolutions adopted by council at such meeting.

18.(c) The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.

18.(d) 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.

Order of business

19.(1) The order of business at every meeting of the council or its executive committee or committee of council, as may be applicable, is as follows and may be

changed by the Municipal Council from time to time:

(a)

Council	Executive Committee	Committee
<ul style="list-style-type: none"> • Prayer • Notice convening the meeting • Signing of the register • Declaration of Pecuniary Interest <ul style="list-style-type: none"> a) Cllrs b) Staff Members • Apologies • Councillors Leave of Absence <ul style="list-style-type: none"> a) Applications b) Granted • Official Announcements • Confirmation of Minutes <ul style="list-style-type: none"> a) Corrections of the minutes • Matters arising from minutes • Outstanding matters • Business of the day • Closure 	<ul style="list-style-type: none"> • Prayer • Notice of Meeting • Signing of Attendance Register • Declarations of Pecuniary Interest/Other Forms of Interest <ul style="list-style-type: none"> a) Cllrs b) Staff Members • Apologies • Councillors Leave of Absence <ul style="list-style-type: none"> a) Granted b) Applications • Official Announcementsa) Matters for Information from Cllrs/Officials • b) Presentations • Clean Administration • Minutes <ul style="list-style-type: none"> a) Confirmation b) Matters Arising • Outstanding Matters • Business of the Day • Closure 	<ul style="list-style-type: none"> • Prayer • Notice convening the meeting • Signing of the register • Declaration of Pecuniary Interest <ul style="list-style-type: none"> c) Cllrs d) Staff Members • Apologies • Councillors Leave of Absence <ul style="list-style-type: none"> c) Applications d) Granted • Official Announcements • Presentations • Clean Administration • Confirmation of Minutes <ul style="list-style-type: none"> c) Corrections of the minutes • d)Matters arising from minutes • Outstanding Matters • Business of the day • Closure
•	•	•

19.(2) The speaker or chairperson may, in his discretion, at any stage bring forward any business that is on the agenda paper.

Confirmation of minutes of previous meeting

20.(1) The minutes of every meeting must be confirmed at the next ordinary meeting of that council or committee and must be signed by the speaker or chairperson.

20.(2) No motion or discussion will be allowed upon the minutes of a previous meeting, other than relating to the accuracy of those minutes unless authorized by the Chairperson of the meeting.

Deputations

- 21.(a) A deputation wishing to address the council or a committee of council must submit a memorandum to the municipal manager in which is set out the representations it wishes to make.
- 21.(b) A request by a deputation to address the council or a committee of the council must be approved by the speaker or relevant chairperson.
- 21.(c) The municipal manager must submit the memorandum to the council or a committee of the council, which may receive the deputation.
- 21.(d) Any matter requiring consideration arising from a deputation, will not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- 21.(e) A member of the public, other than a deputation, who wishes to speak at a council or committee meeting, must obtain the permission of the speaker or chairperson to do so, prior to the commencement of the meeting.
- 21.(f) 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.
- 21.(g) 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 or be removed by a designated Peace Officer from the Municipality.
- 21.(h) Any member of the public or deputation who fails or refuses to comply with the speaker's or chairperson's directions in terms of section 21(f) and section 21(g) and the matter may be reported to the South African Police Services by the Office of the Speaker or Municipal Manager or his designate .

Reports

- 22.(a) 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 section 8.

- 22.(b) The speaker or chairperson must allow debate in accordance with sections 34, 35, 36, 37, 38, 39 and 40 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 must be held, at the next meeting.

Motions

- 23.(1) No subject will be brought before council or a committee of council by a councillor except by way of notice of motion.

- 23.(2) A notice of motion must –

- (a) be in writing; and
- (b) be signed by the councillor submitting it and by another councillor acting as seconder; and
- (c) refer to one matter only.

- 23.(3) A notice of motion must, subject to section 7, be lodged with the municipal manager before 12h00 seven calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.

- 23.(4) The municipal manager must –

- (a) date and number each notice of motion;
- (b) enter each notice of motion lodged in a register, which must be open to inspection by any councillor and the public; and must
- (c) enter each notice of motion on the agenda in the order received.

- 23.(5) The speaker or chairperson must –

- (a) read out the number of every motion and the name of the mover and seconder;
- (b) ascertain which motions are unopposed and these will be passed without debate; and
- (c) call the movers of the opposed motions in the order they appear on the agenda.

- 23.(6) A councillor submitting a motion must move such motion and will have the right of reply.

23.(7) A motion will lapse if the councillor and seconder who submitted it is not present at the meeting when such motion is being debated.

23.8(8) A councillor will be allowed not more than three notices of motion on the same agenda.

24.(9) The speaker or chairperson must not reject a motion received by him or her in terms of these Rules and Orders.

Questions

25.(a) A 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 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 council or committee meeting.

25.(b) 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.

Supply of information to a councillor

26.(a) No councillor may approach or communicate with any officer of the municipal administration concerning the business of the municipality other than when exercising his rights or liberties as an ordinary member of the public.

26.(b) A councillor may approach and communicate with the municipal manager or any head of department or any officer 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 her may reasonably require for the proper performance of his duties as a councillor.

General matters of an urgent nature

27.(a) General 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 will not be unreasonably withheld.

- (b) Prior to adoption, councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

Interpretation

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

In-committee

- 29.(a)** Subject to section 5, the council or a committee of council may, at any time, resolve to proceed in-committee.

29.(b) The public will be excluded from any in-committee meetings.

29.c(c) The municipal manager or another official exempted from this section by the speaker or chairperson, will not be excluded from any in-committee meeting.

29.(d) All proceedings in-committee must be recorded in terms of section 18(1) and 18(2) and must be confidential.

29.(e) Unauthorised disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

29.2 The Council will deal In Committee when discussing any of the following matters:

- (a) a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
- (b) personal and private information of any councillor or an employee of the municipality;
- (c) the intention of the municipality to purchase or acquire land or buildings;
- (d) the price a municipality may offer for the purchase or acquisition of land or buildings;
- (e) any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- (f) disciplinary proceedings or proposed disciplinary proceedings against any employee;

- (g) any matter that might not be disclosed in terms of legislation;
 - (h) consideration of the minutes of previous In Committee discussions.
- 29.3 A councillor may, when an item in the agenda is put to order, other than a matter referred to in 28.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with in In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

CHAPTER 8

VOTING

Decisions by voting

- 30.(1) A quorum must be present in order for a vote to be taken.
- 30.(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 –*
- (a) the passing of by-laws;*
 - (b) the approval of budgets;*
 - (c) the imposition of rates and other taxes, levies and duties;*
 - (d) the raising of loans;*
 - (e) the rescission of a council resolution within 12 months of the taking thereof; or a longer period if the said resolution is contrary to any legislation governing local government or any other applicable laws.*
 - (f) any other matter prescribed by legislation.*
- 30.3(3) All other questions before the council must be decided by a majority of the votes cast by the councillors present.
- 30.4(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 will not exercise a casting vote during the election of any office bearer of council and when Council considers matters listed in section 162 of the Constitution.

Method of voting

31.(a) Voting will 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.

31.(b) During the taking of a vote no councillor may leave the council chamber or committee room.

31.(c) The municipal manager or his nominee, will count the votes cast and will record the result of voting, but the speaker or chairperson will announce the result.

Dissenting votes and Abstention

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

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

CHAPTER 9**REVOCACTION OF COUNCIL AND COMMITTEE RESOLUTIONS****Revocation of Council Resolutions**

32.(a) Approval to revoke or alter a resolution of council may not be delegated to any person or committee.

32.(b) Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.

32.(c) Any revocation or alteration of a council resolution must be made within a period of twelve (12) months as provided for in section 30(2)(e), *or a longer period if the said resolution is contrary to any legislation governing local government or any other applicable laws or any other matter prescribed by legislation.*

Revocation of Committee Resolutions

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

33.(b) 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.

33.(c) Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the number of the members of that committee.

CHAPTER 10

DEBATE

Opportunity to speak

34.(a) A councillor may only speak when so directed by the speaker or chairperson.

34.(b) A councillor may indicate a desire to speak by raising his hand and awaiting the direction of the speaker or chairperson, which direction must not be withheld.

34.(c) Councillors and officials must direct their address to the speaker or chairperson.

Relevance

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

Length of speeches

36. Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech will exceed five minutes in length without the consent of the speaker or chairperson.

Councillors to speak only once

37. A councillor may not speak more than once on any motion or proposal provided that the mover of the motion may speak to the motion, will have the right of reply and the reply will be confined to answering previous speakers and will not introduce any new matter into the debate.

Precedence of the speaker or chairperson

38. 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.

Points of order

- 39.(a) Any councillor may raise a point of order at any time by standing to draw the attention of the speaker or chairperson.
- 39.(b) Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.
- 39.(c) The ruling of the speaker or chairperson on a point of order will be final and will not be open to discussion.

Explanation

40. 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****General conduct**

41.(1) The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

- a) Maintain order during meetings
- b) Ensure compliance with the Code of Conduct for Councillors during meetings
- c) Ensure that meetings are conducted in accordance with the Council's Rules and Orders
- d) Ensure that members conduct themselves in a dignified and orderly manner during meetings are dressed appropriately for the dignity of the meeting and ensure that no political party attire or regalia is acceptable within the Council Chamber
- e) Ensure that members of the public attending meetings are seated in areas designated for that purpose
- f) Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting
- g) Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
- h) Ensure that Council conduct its business in the highest decorum and integrity that the occasion deserves;

- i) Ensure adherence to the code of conduct
- j) Ensure adherence to the rule of law and the by-laws of the municipality;
- k) Ensure that all members do not use offensive or objectionable language; and
- l) Ensure that members do not use a cellular phone during the meetings, bring a firearm or any dangerous weapon into a meeting of council or any of its committees.

Misconduct and Disorderly Conduct of a Councillor or persons other than Councillors

42.(a) The speaker may order a councillor to withdraw and apologise for any word, statement, opinion or gesture made by that councillor.

42.(b) If a councillor or councillors behave improperly during a meeting of council or any of its committees, the speaker must direct the councillor or councillors to conduct himself or themselves properly and, if speaking, to stop speaking and resume his seat or seats.

42.(c) In the event of persistent disregard of the directions of the speaker, the speaker must direct such councillor or councillors to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalised.

42.(d) 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 and any such misconduct by a councillor or councillors must be dealt with in terms of these Rules and Orders and the Code of Conduct.

42.(e) Where a councillor refuses to retire from a meeting or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request an authorised official to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment the meeting will reconvene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The authorised

official of the council will ensure that such councillor/s do/es not enter such an alternative venue.

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

CHAPTER 12 COMMITTEES

43. RULES AND ETHICS COMMITTEE

43.1. Establishment

The Rules and Ethics Committee is a standing committee of Council established in accordance with Section 79 of the Municipal Structures Act, 1998 and in terms of Item 14 Schedule 1 of the Local Government: Municipal Systems Act, 2000 , where applicable, the adopted Standing Rules and Orders of the Council.

43.1.1 The role and responsibilities and terms of reference of the Rules and Ethics Committee is to:-

- a) formulate rules and policies that regulate the behaviour of Councillors, such as the **Uniform Standing Procedure as annexed as Schedule 1 and its annexures hereto as** contemplated in Item 4(3) of Schedule 1 of the Local Government: Municipal Systems Act, 2000 (Code of Conduct for Councillors) , for submission to the Council for adoption;
- b) Review adopted Standing Rules and Orders, as and when required, by the Council for submission to relevant Committees and Council for adoption;
- c) investigate and make findings on any alleged breaches of the Code of Conduct, in terms of Schedule 1 of the Municipal Systems Act 32 of 2000 including sanctions for non-attendance at meetings and make recommendations regarding any other matter concerning the Standing Rules and Orders.

- d) investigate and make findings on any alleged breaches of the Standing Rules and Orders and Code of Conduct for Councillors, including sanctions for non-attendance at meetings, where required by the Council;
- e) make recommendations to Council on guilt, appropriate sanctions and any other matter concerning the breach of the Standing Rules and Orders and the Code of Conduct for Councillors; and
- f) Propose applicable and/or standard fines and/or sanctions for breaches of the Code of Conduct for Councillors.
- g) Procedures and a policy for the granting of leave of absence in compliance with item 3 (a) of schedule 1 of the Municipal Systems Act 32 of 2000 ;
- h) Instances where council must decide on permission or consent to be granted to councillors ,e.g. consent for outside work by full –time councillors in terms of Item 8 of schedule 1 of the Municipal Systems Act 32 of 2000 ; and
- i) Permission to disclose information in terms of item 10 (1) of schedule 1 of the Municipal Systems Act 32 of 2000;
- j) Supervising in collaboration with the Speaker and managing the declaration of the financial interests of councillors to ensure honesty and avoid corruption;
- k) Oversee adherence to the Code of Conduct in terms of schedule 1 of the Municipal Systems Act 32 of 2000 and the Standing Rules and Orders of the council.
- l) Manage investigations and the disciplinary process of the councillors who are in breach of the provisions of the Standing Rules and Orders and the Code of Conduct of Councillors.
- m) Ensure that the public register of the councillor’s financial interest is made available in the Office of the Speaker for the public access.

43.2. Other functions of the Rules and Ethics Committee

The Rules and Ethics Committee may formulate recommendations for consideration by the Council in relation to the following policies and procedures:

Procedure on declaration of financial interests by councillors and development of the register of the financial interests of councillors , taking into consideration that some interests that must be made public and other must be kept confidential;

Procedures to enforce the code of conduct and disciplinary procedure for councillors in the breach of the code;

43.2.1 The committee shall consider and decide on the following matters upon referral to it:

- (a) Reports on attendance of councillors in council and committees

- to which they are assigned;
- (b) Declaration of confidential and public register of financial interests of councillors for each financial year;
 - (c) Reports from the Office of the Speaker on implementation of policies and procedures;

43.3. Submission of reports to Council:

43.3.1 The committee shall thereafter submit reports and recommendations to council on its findings on investigations and disciplinary processes against councillors who are in breach of the Code of Conduct of Councillors and the Standing Rules and Orders.

- (a) These reports must be submitted to the Council at a Council meeting following the completion of the investigation process to avoid unnecessary delays.
- (b) The Committee may review the adopted Standing Rules and Orders, whenever this is necessary and after being requested by the municipal council to do so and submits its recommendations to Council.

43.4. Composition and Membership

43.4.1 The Rules and Ethics Committee comprises of the speaker of the Council, the Chief Whip of the Council and the party whips (or a representative) of all political parties represented in the municipal council.

43.4.2 The Committee may also co-opt not more than 3 advisory members to provide support on specialist areas identified by the committee. These members may not have voting powers.

• 43.5. Chairperson

43.5.1 The Chairperson of the Rules and Ethics Committee is the speaker of the council.

43.5.2 In the absence of the Chairperson, a member of the Committee designated thereto in writing by the Chairperson chairs the meeting.

43.5.3 Where no councillor has been designated by the chairperson of the committee, a councillor elected by members of the committee from amongst themselves chairs the meeting.

43.6. Meetings

- 43.6.1. The chairperson decides when and where the Rules and Ethics Committee meets.
- 43.6.2. If the majority of members requests the Chairperson in writing to convene a Committee meeting, the Chairperson must convene the meeting at a time set out in the request.
- 43.6.3. The committee meets at least quarterly and reports to the Council on its activities.

43.7. Meeting procedures

The meetings of the Rules and Ethics must be conducted in accordance with the Standing Rules and Orders of the Council and in terms of the Uniform standing procedure as adopted by the rules and ethics committee, as annexed to the standing rules and order of the Council.

43.8. Quorum and Decisions

- 43.8.1. A majority of the elected members of the committee constitutes a quorum for meetings.
- 43.8.2. The Quorum of the Rules Committee shall be not less than fifty percent plus one of the total number of councillors.
- 43.8.3. A question before the committee is decided if there is agreement amongst at least the majority of the members present at the meeting.
- 43.8.4. If on any question there is an equality of votes, the Chairperson must exercise a casting vote in addition to his or her vote as a member of the Committee.

43.9. Decision making of the Committee

- 43.9.1. Any investigation in terms of this Committee must be conducted in terms of the Rules of Natural Justice.
- 43.9.2. These rules are concerned with procedural fairness and two basic principles that are fundamental to the rules of natural justice, which are the following:-
 - (a). The affected individual must be heard, i.e. given an opportunity to state his/her case before any sanction is imposed. (herein referred to as the *audi alteram partem* rule which means "listen to the other side")
 - (b) The investigation and the hearing must be conducted with *impartiality and must be free of bias or interest* (whether pecuniary or personal), on the part of the decision maker.

43.9.3. The Committee shall ensure that:

- a) timeous notice of any intended action must be given;
- b) reasonable time must be provided for the preparation of a defense;
- c) the affected individual must be given a proper opportunity to be heard; and
- d) the allegation or charge, including any potentially prejudicial fact and consideration must be communicated to the individual concerned, to allow for a proper defense and rebuttal of the allegations;

Proper procedures in keeping with the rules of natural justice, must be adopted for the application of Items 13 and 14 of the Code.

43.10. Dissolution of the Committee

The municipal council may dissolve the Rules and Ethics at any time.

43.11. Line Authority

The Rules and Ethics Committee reports to the municipal council.

43.12. Interaction with the Municipal Manager

The Rules and Ethics Committee interacts directly with the Municipal Manager.

43.13. Dispute Resolution

In the event of a dispute between Rules and Ethics Committee and any councillor, or any other political structure, or the Municipal Manager, the dispute must be referred to Council.

Own rules

44.(a) These Rules and Orders are applicable to all Committees of the Council. No Committee of the Council may determine its own rules. .

The chairperson

45.(1) The chairperson of a committee must—

- (a) preside at every meeting of the committee at which he or she is present; and
- (b) be entitled to vote in the first instance and in the case of an equality of votes in addition to his deliberative vote, will give a second or casting vote.

- (2) In his absence, the acting or deputy chairperson will have the same powers and rights of voting as those possessed by the chairperson.

CHAPTER 13 PECUNIARY INTEREST

Declaration of pecuniary interest

- 46.(a)** 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.
- (b) 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.
- (c) 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.
- (d) The disclosure of interests in terms of section 46(a) and benefit in terms of section 46(c) 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.
- (e) When elected or appointed, a Councillor must within 60 days or as soon as possible thereafter declare in writing to the municipal manager the financial interests referred to in item 7 of schedule 1 of the Systems Act.

CHAPTER 14

BREACH AND SANCTIONS

Breach

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

Sanction

48. Where it is alleged that a councillor has breached these Rules and Orders, the council must, in terms of Item 14 of the Code of Conduct as stipulated in schedule 1 of the Municipal Systems Act 32 of 2000, investigate the alleged breach and may impose a sanction in keeping with the Uniform Standing procedure.

CHAPTER 15

GENERAL PROVISIONS

Suspension of a rule or order

- 49.(1) In instances of urgency or where a council considers that adherence to a section 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 section, provided that:
- (a) such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;
 - (b) no section may be relaxed when the removal of any political office bearer is before the council.
 - (b) the suspension or relaxation of the section relates to an item on the agenda for the meeting of the council or committee of the council; and
 - (c) section 23 must not be suspended; and
 - (d) the reasons for the suspension of the section are recorded in the minutes of the meeting.

Adoption as by-law

50. These Rules and Orders shall be adopted as a by-law of the KwaDukuza Municipality.

Repeal of existing Rules and Orders

51. The council's existing Bylaws relating to Rules and Orders are hereby repealed.

Short title and commencement

52. These Rules and Orders shall be called the KwaDukuza Municipality: "Municipal Standing Rules and Orders of the KwaDukuza Municipal Council and Committees of the Council . "

SCHEDULE 1**UNIFORM STANDING PROCEDURE IN TERMS OF ITEM 4(3) OF THE CODE OF CONDUCT FOR COUNCILLORS AS CONTAINED IN SCHEDULE 1 OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (as amended)**

Adopted by the Council of the KwaDukuza Municipality on _____ 2018.

To provide for the imposition of fines, reprimands, warnings, suspensions and the removal of councillors who are in breach of the Code.

PREAMBLE**WHEREAS:**

- A.** Item 4(3) of the Code provides that proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item;
- B.** The uniform standing procedure must comply with the rules of natural justice; and
- C.** There is also a need to provide guidance on the correct procedure to be followed before any disciplinary measures are instituted in terms of the Code in order to ensure adherence to principles of fairness and natural justice.

NOW THEREFORE, the following procedure must be applied in dealing with breaches of the Code:-

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CHAPTER 1: INTERPRETATION

Definitions

1. In this Uniform Standing Procedure, unless the context indicates otherwise—

“Code” means the Code of Conduct for Councillors as contained in Schedule 1 of the Act;

“MEC” means the KwaZulu-Natal Member of the Executive Council responsible for local government, and any successor-in-title to the position; and

“the Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

CHAPTER 2: LEGISLATIVE PROVISIONS

2. Item 3 of the Code provides as follows:

Attendance at meetings

3. *A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-*
- (1) *leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or*
 - (2) *that councillor is required in terms of this Code to withdraw from the meeting.*

3. Item 4 of the Code provides as follows:

Sanctions for non-attendance of meetings

4. (1) *A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:*
- (a) *not attending a meeting which that councillor is required to attend in terms of item 3; or*
 - (b) *failing to remain in attendance at such a meeting.*
- (2) *A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.*
- (3) *Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.*

4. Item 13 of the Code provides as follows:

Duty of chairpersons of municipal councils

- (1) *If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must—*
- (a) *authorise an investigation of the facts and circumstances of the alleged breach;*

- (b) *give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and*
 - (c) *report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.*
- (2) *A report in terms of subitem (1) (c) is open to the public.*
- (3) *The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.*
- (4) *The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.”*

5. Item 14 of the Code provides as follows:

“Breaches of Code;

- (1) *A municipal council may—*
- (a) *investigate and make a finding on any alleged breach of a provision of this Code; or*
 - (b) *establish a special committee—*
 - (i) *to investigate and make a finding on any alleged breach of this Code; and*
 - (ii) *to make appropriate recommendations to the council.*
- (2) *If the council or a special committee finds that a councillor has breached a provision of this Code, the council may—*
- (a) *issue a formal warning to the councillor;*
 - (b) *reprimand the councillor;*
 - (c) *request the MEC for local government in the province to suspend the councillor for a period;*
 - (d) *fine the councillor; and*
 - (e) *request the MEC to remove the councillor from office.*
- (3) (a) *Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been*

notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.

(b) A copy of the appeal must be provided to the council.

(c) The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.

(d) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.

(4) The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

(5) The Commissions Act, 1947 (Act No. 8 of 1947), or, where appropriate, applicable provincial legislation, may be applied to an investigation in terms of subitem (4).

(6) If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may—

(a) suspend the councillor for a period and on conditions determined by the MEC; or

(b) remove the councillor from office.

(7) Any investigation in terms of this item must be in accordance with the rules of natural justice.”

CHAPTER 3: PROCEDURAL ISSUES

Non-attendance of meetings

6. (1) Fines for non-attendance of council or committee meetings

(a) A councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of R 300.00 (Three

Hundred Rands) per meeting, which must be deducted from that councillor's allowance. This must also apply where leave of absence is declined and the councillor nonetheless remains absent at such a meeting.

- (b) A councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Speaker of Council or Chairperson of the committee is liable for a fine of R200-00 (Two Hundred Rands) per meeting, which must be deducted from that councillor's allowance.

(2) Absence from three consecutive meetings

- (a) Upon becoming aware that a councillor has been absent from three or more consecutive meetings of the Council or from three or more consecutive meetings of a committee which that councillor is required to attend, the Municipal Manager must inform the Speaker of Council in order to commence proceedings as obligated in terms of Item 13(1)(a) of the Code.
- (b) The Speaker of Council must authorise an investigation of the facts and circumstances of the alleged breach. This does not preclude the Speaker of Council from conducting the investigation personally.
- (c) When an investigation of an alleged breach has been completed, the Speaker of Council must notify the councillor in writing of the allegations against him or her and give the councillor an opportunity to respond to the said allegations in writing.
- (d) The written notification must at least contain the following:
 - (aa) the specific item or items alleged to have been breached;
 - (bb) the time period for a written response; and
 - (cc) the right to request any relevant documentation or information.
- (e) A period of at least fourteen days must be deemed reasonable to allow for a response from the councilor concerned.

-
- (f) The Speaker of Council must report the matter to the following meeting of the Council and include the response of the councillor in order for council to resolve on the matter.
- (g) If, based on the evidence and the representation of the councillor, it is clear that the Code has been breached, the outcome of the said investigation and the Council's decision on the matter must be reported to the MEC, which report, together with the Council's resolution on the matter, must be forwarded to the MEC within fourteen days of the Council's decision.
- (h) The councillor must be notified in writing within seven days of receipt of the council's decision, and the said notice must at least contain the following information-
- (aa) whether or not the councillor has been found guilty of the alleged breach;
 - (bb) the grounds on which such a finding was made;
 - (cc) the sanction to be imposed; and
 - (dd) the councillor's right to appeal to the MEC.
- (i) If the councillor did not make representations on the allegations or where Council does not support the findings of the investigation of the Chairperson of Council, Council may decide to establish an ad-hoc committee or refer the matter to the Rules Committee to investigate the matter and to make recommendations to the Council, the following must be taken into account when the special committee is constituted:
- (aa) the committee must comprise of the Speaker, Mayor and one councillor representative from all political parties represented in the Council;
 - (bb) any person involved in the preliminary investigation must not be a member of the committee;
 - (cc) the council must strive to have equitable political representation on the committee in keeping with section 160(8) of the Constitution of the Republic of South Africa, 1996; and
 - (dd) the council must elect a chairperson.

- (j) Prior to a hearing taking place, the councillor must be notified in writing of the intention to conduct a hearing.
- (k) The councilor must be given at least fourteen days' written notice of the hearing.
- (l) The notification to attend the hearing must contain, at least, the following:
 - (aa) the alleged breach;
 - (bb) the time, date and venue of the hearing;
 - (cc) the councillors rights; and
 - (dd) the implications of a failure to attend the hearing.
- (m) The hearing must be conducted by the committee as elected by the Council.
- (n) Both parties must be given the opportunity to present their case.
- (o) The hearing must be open to the public.
- (p) At the hearing-
 - (aa) the Chairperson must produce the necessary evidence to establish that the councillor
 - (i) has been absent from three (3) or more consecutive meetings of the Council; or
 - (ii) has been absent for three (3) or more consecutive meetings of a committee which that councillor is required to attend.
 - (bb) the councillor must have the right to put questions to the witnesses called by the Chairperson;
 - (cc) the committee must have the right to put questions to the witnesses called by the Chairperson for the purposes of clarifying any issues;
 - (dd) the councillors must have the right to call other witnesses in support of the councillor's case; and
 - (ee) the Chairperson and the councillor concerned may address the committee after all the evidence has been heard and before the committee makes a decision.

-
- (q) The Municipal Manager must provide facilities including personnel to assist the Committee including the recording of the hearing(s) which record must contain all particulars related to the hearing including-
- (aa) the names of the parties and their representatives;
 - (bb) the names of the witnesses;
 - (cc) the plea;
 - (dd) the evidence led;
 - (ee) the finding; and
 - (ff) any recommended sanction.
- (r) In the event that the Chairperson becomes aware that councillor will not be able to attend the hearing after delivery of the notice, the Chairperson must attempt to establish the reasons for such failure to attend the hearing, prior to the commencement of the proceedings.
- (s) If the Chairperson is unable to establish reasons why the councillor has failed to attend the hearing, the committee must commence the proceedings in the absence of the councillor.
- (t) At the end of the hearing, the special committee must consider all the evidence. If a majority of the members of the committee find that, on a balance of probabilities-
- (aa) the councillor has been absent from three (3) or more consecutive meetings of the Council; or
 - (bb) the councillor has been absent from three (3) or more consecutive meetings of a committee which that councillor is required to attend, the committee must make an appropriate finding and recommendation(s) to the municipal council.
- (u) The council must consider the finding and recommendation of the special committee and make an appropriate decision.
- (v) The outcome of the said investigation and the Council's decision on the matter must be reported to the MEC, which report, together with the Council's

resolution on the matter, must be forwarded to the MEC within fourteen days of the Council's decision.

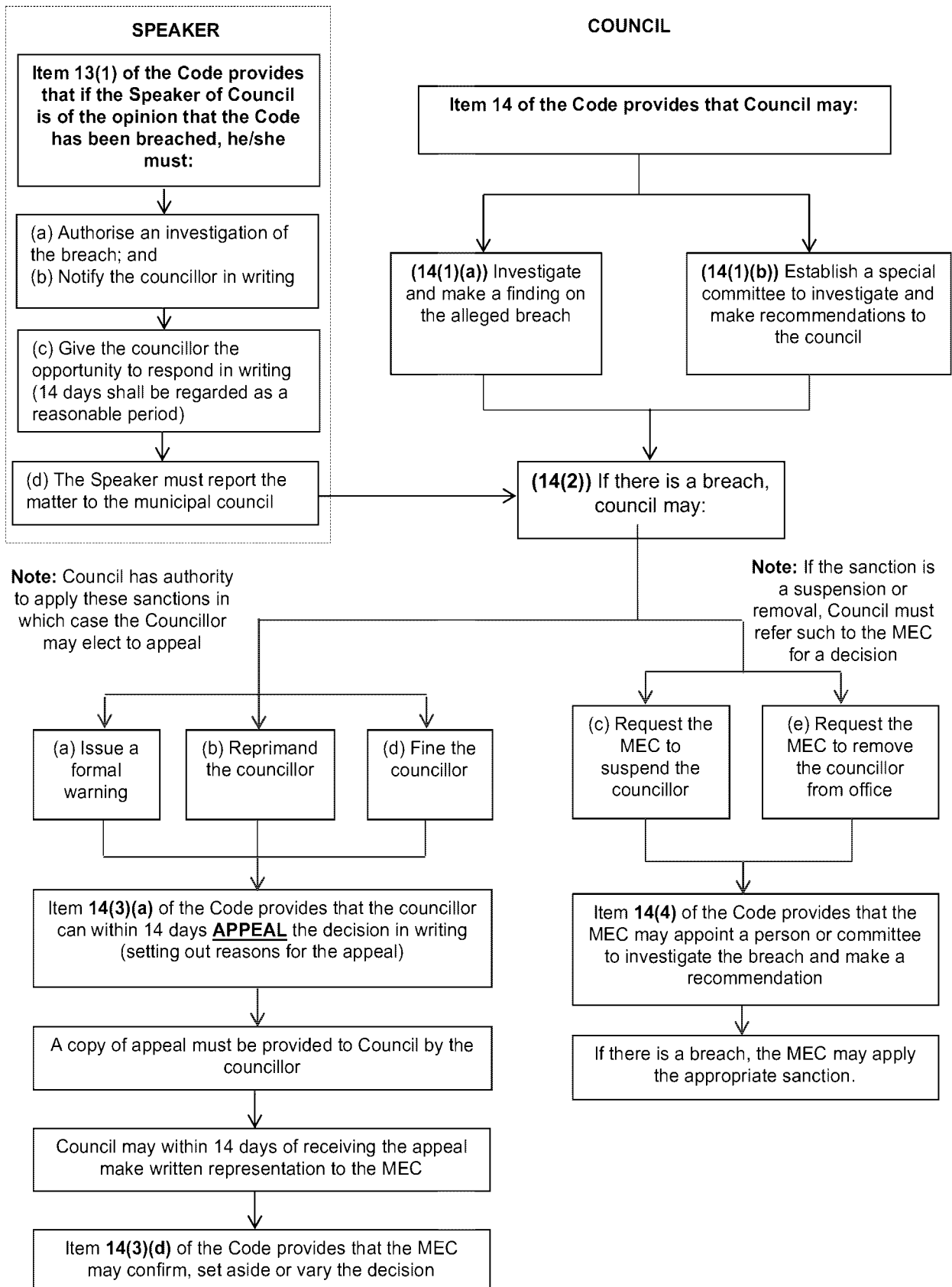
- (w) The councillor must be notified in writing within seven days of receipt of the council's decision, and the said notice must at least contain the following information-
- (aa) whether or not the councillor has been found guilty of the alleged breach;
 - (bb) the grounds on which such a finding was made;
 - (cc) the sanction to be imposed; and
 - (dd) the councillor's right to appeal to the MEC.

(7) Other breaches of the Code

- (1) Sub-paragraphs 6(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (u), (v) and (w) must be applicable in dealing with other breaches in terms of the Code.
- (2) In dealing with other breaches of the Code, the council must consider any mitigating and extenuating circumstances prior to the imposition or recommendation on a sanction.
- (3) The council should be consistent with regard to the sanction imposed for similar breaches and the council should endeavor to ensure that the sanction is proportionate to the breach.
- (4) Schedule 6 contains a schedule of fines for breaches of the Code. The Schedule is a guideline to ensure uniformity. Each case must be considered by Council in its merits with consideration of mitigating and extenuating circumstances.

CHAPTER 4: ANNEXURES

**ANNEXURE A
FLOWCHART**



ANNEXURE B

SAMPLE NOTICE OF A PRELIMINARY INVESTIGATION

_____ **MUNICIPALITY**

Per Hand:

Date:

Councillor:

This serves to notify you that an investigation into the following allegation(s) against you has been commissioned:

- 1. You may request further particulars pertaining to the allegations.**
- 2. You must respond to the abovementioned allegations within _____ days of receiving this notice.**

Yours faithfully,

Chairperson:

Date:

I, the undersigned, confirm that I have received the above notification.

Councillor:

Date:

ANNEXURE C

SAMPLE NOTICE TO ATTEND A HEARING

_____ **MUNICIPALITY**

Per Hand:

Date:

Dear Councillor:

This serves to notify you that you are required to attend a hearing to consider the following allegation(s) against you:

Details regarding the hearing are as follows:

Time: _____

Date: _____

Place: _____

You have the following rights, to -

- 1. be represented at the hearing;**
- 2. present evidence at the hearing;**

- 3. call witnesses;**
- 4. question any of council's witnesses;**
- 5. an interpreter; and**
- 6. be present at the hearing. If you fail to attend without good cause, the hearing may be conducted in your absence.**

You are requested to notify the committee prior to the hearing if an interpreter is required in order to allow for the necessary arrangements to be made.

Yours faithfully,

For Municipality:

Date:

I, the undersigned, confirm that I have received the above notification.

Councillor:

Date:

ANNEXURE D

SAMPLE RECORD OF HEARING

Details of the hearing and representation

Date and time of hearing:

Name of councillor:

Name of councillor representative:

PRESENT:

Chairperson:

Members of Special Committee:

Interpreter:

Councillor's witnesses:

Council's witnesses:

Preliminary steps:

2.The Chairperson:

- (1) introduces all present;**
- (2) explain the proceedings that are to be followed and the method of recording the proceedings.**
- (3) confirm the language preference of the councillor and ensure interpreter is present (if applicable);**
- (4) confirm if the councillor has representations;**
- (5) establish the presence of witnesses; and**
- (6) read out the councillor's rights.**

The charge

3. The councillor is charged with the following offence(s):

Plea

4.(1) Record a guilty or not guilty plea:

(2) If a plea of guilty is recorded, skip item 5 to 6 below.

Council's case

5.(1) Council presents its case:

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(2) Cross-examination by councilor or representative:

Councillor's case

6.(1) Councillor presents his or her case:

(2) Cross-examination by committee:

Finding

7. After having considered the evidence, the committee makes a finding on the alleged breach.

(1) The reasons for the finding:

(2) The recommendations are:

(3) If a finding of not guilty is made, close the hearing.

Sanction

8.(1) Consider mitigating or extenuating circumstances, prior to the imposition of a sanction:

(2) The council considers the committee’s recommendation and councillor’s representation’s and imposes the following sanction:

Notification of outcome of hearing

9. The councillor is notified in writing of the outcome of the disciplinary hearing and of any sanction imposed.

Right of appeal

10. The councillor is advised of his or her right of appeal against the sanction in terms of Item 14(3)(a) of the Code.

ANNEXURE E

SAMPLE OUTCOME OF HEARING

_____ **MUNICIPALITY**

Date:

To: (councillor’s name and address)

OUTCOME OF HEARING

With reference to the hearing held on in which a breach was investigated against you, the findings are as follows:

1. you have been found to have breached / not breached Item _____ of the Code of Conduct;

2. the reasons for the finding are as follows:

3. The council considered the findings and imposed the following sanction:

Please take note that you have the right to appeal against the sanctions of the hearing. If you decide to appeal, your grounds for appeal must be lodged within fourteen working days of having been notified of the decision of the council. Please lodge your appeal with the MEC for local government in terms of Item 14(3)(a) and 14(3)(b) of the code.

.....

Council **Date**

ANNEXURE F

SCHEDULE OF FINES

This Schedule shall serve as a guideline to Council on the determination of sanctions in terms of the Code. The sanctions included in this Schedule shall be read in conjunction with relevant by-laws and adopted policies.

OBLIGATION	ITEM OF THE CODE	PENALTY
<p>A councillor must-</p> <ul style="list-style-type: none"> a) perform the functions of office in good faith, honestly and a transparent manner; and b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised. 	<p>Item 2 of the Code</p>	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 1 month salary, which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.
<p>A councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council which conflicts with any legislation applicable to local government.</p>	<p>Item 2A of the Code</p>	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 month salary, which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office. <p>Where the consequences of the unlawful votes have detrimental financial implications, Council or other authorities may also institute civil recovery proceedings.</p>
<p>A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or that councillors is required in terms of the Code to withdraw from the meeting.</p>	<p>Item 3 of the Code</p>	<p>A councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 2weeks salary per meeting, which must be deducted from that councillor's allowance. This must also apply where leave of absence is declined and the councillor nonetheless remains absent at such a meeting.</p> <p>A councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Council or the committee is liable</p>

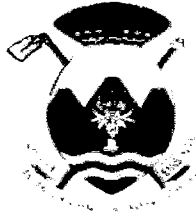
		<p>for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance</p> <p>A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor. The Process outlined in Chapter 3 must be followed when removing a councillor in terms of this Item.</p>
<p>A councillor must-</p> <p>a) 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 the committee; and</p> <p>b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.</p> <p>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 municipal council at which it is possible for the councillor to make the disclosure.</p>	Item 5 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor 1 month's salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private</p> <p>1) gain or to improperly benefit another person. Except with the prior consent of the municipal council,</p> <p>2) a councillor may not-</p> <p>a) be a party to or beneficiary under a contract for-</p> <p>i) the provision of goods or services to the municipality; or</p> <p>ii) the performance of any work otherwise than as a councillor for the municipality;</p> <p>b) obtain a financial interest in any business of the municipality; or</p> <p>c) for a fee or other consideration appear on behalf of any other person before the council or a committee.</p>	Item 6 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may</p> <p>(a) fine the councillor 1 month salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor;</p>		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p>

<p>a) shares and securities in any company; b) membership of any close corporation; c) interest in any trust; d) directorships; e) partnerships;</p> <p>f) other financial interests in any g) interest in property; pension; and</p> <p>h) subsidies, grants and sponsorships by any organisation</p> <p>Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually</p> <p>Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).</p>		<p>(a) fine the councillor 3 weeks salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>A councillor who is a full-time councillor may not undertake any other paid work, except with the consent of municipal council which consent must not unreasonably be withheld.</p>	<p>Item 8 of the Code</p>	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 2 weeks salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not request, solicit or accept any reward, gift or favour for-</p> <p>a) voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member; b) persuading the council or any committee in regard to the exercise of any power, function or duty; c) making a representation to the council or any committee of the council; or d) disclosing privileged or confidential information</p>	<p>Item 9 of the Code</p>	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.</p>	<p>Item 10 of the Code</p>	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months'</p>

		<p>salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not, except as provided by law-</p> <p>a) interfere in the management or administration of any department of the municipal council unless mandated by council;</p> <p>b) give or purport to give any instruction to any employee of the council except when authorised to do so;</p> <p>c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or</p> <p>d) encourage or participate in any conduct which would cause or contribute to mal-administration in the council.</p>	Item 11 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 3 months' salary which must be deducted from that councillor's allowance;</p> <p>issue a formal warning;</p> <p>(b) reprimand the councillor;</p> <p>(c) request the MEC to suspend the councillor for a certain period; or</p> <p>(d) request the MEC to remove the councillor from office.</p>
<p>A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.</p>	Item 12 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; and</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>Assaulting any person on municipal premises or on municipal business.</p>		<p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months' salary;</p> <p>(b) request the MEC to suspend the councillor for a certain period; and</p> <p>(c) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>Stealing any property from municipal premises.</p>		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p>

		<p>(a) fine the councillor a minimum of 4 months salary;</p> <p>(b) request the MEC to suspend the councillor for a certain period; and</p> <p>(c) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Malicious injury to municipal property.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 4 months' salary;</p> <p>(b) request the MEC to suspend the councillor for a certain period; and</p> <p>(c) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.		<p>The Council may-</p> <p>(a) fine the councillor a minimum of 1 months' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; and</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Failing to fall silent when the Presiding Officer speaks or rises during a meeting.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 2 weeks' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; and</p> <p>(e) request the MEC to remove the councillor from office.</p>
Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 2 weeks' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; and</p>

		(e) request the MEC to remove the councillor from office.
Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.		The Council may- (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.

MUNICIPAL NOTICE 45 OF 2019**Msinga Local Municipality****NOTICE FOR ERRATUM**

Notice is hereby calling for the erratum for the publication issued on the 21th of March 2019 which should read as follows:

Public notice calling for inspection of a certified valuation roll and lodging of an objection.

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government Municipal Property Rates Act of 2004 (Act No. 6 of 2004), hereinafter referred to as "Act", that the valuation roll for the financial years 1 July 2019 to 30 June 2024 is open for public inspection and at the certified valuation roll will be available at the following sources:

- ✓ **Municipal Website**
- ✓ **Municipal Offices**
- ✓ **Municipal Library**
- ✓ **Thusong Centre**

The 2018/19 certified valuation roll has been prepared and tabled in the council meeting that was held on the 23 January 2019.

Attention is specifically drawn to the fact that in terms of section 50(2) of the act an objection must be in relation to a specific individual property not against the valuation roll as such. The form of lodging of an objection is obtainable from the municipal offices: Msinga Municipality R33 Main Road Tugela Ferry 3010. The complete form must be returned to this office by hand and the closing date for any objection is 03 June 2019 extended from 15 April 2019

Should you require any further information in this regard please do not hesitate to contact Mr K Sithole or Mr SW Mtshali on the telephone number (033) 4938 000 or by email: senzo.mtshali@umsinga.gov.za during normal working hours

MR S.L. Sokhela
Municipal Manager
Private Bag X 530
Tugela Ferry, 3010
R33 Main Road, Opposite MPCC
Tugela Ferry, 3010

MUNICIPAL NOTICE 46 OF 2019**MUNICIPAL PROPERTY RATES BY-LAW**

Notice No. 01

19 March 2015

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the adoption of the Municipal Property Rates By-law below, which will come into operation on the date of publication hereof.

The Municipal Property Rates Bylaw as promulgated in the Provincial Gazette Number 131 under Notice Number 55 dated 3 July 2008 (as amended) is hereby repealed.

UMHLATHUZE MUNICIPALITY**MUNICIPAL PROPERTY RATES BY-LAW****PREAMBLE**

WHEREAS section 229(1) of the Constitution requires a Municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a Municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE BE IT ENACTED by the Council of the Umhlathuze Municipality as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

'Municipality' means Umhlathuze Municipality;

'Property Rates Act' means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

'Rates Policy' means the policy on the levying of rates on rateable properties of the Umhlathuze Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

2. OBJECTS

The object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act

3. ADOPTION AND IMPLEMENTATION OF RATES POLICY

3.1. The Municipality shall adopt and implement its Rates Policy consistent with the Municipal Property Rates Act on the levying of rates on rateable property within the jurisdiction of the Municipality; and

3.2. The Municipality shall not be entitled to levy rates other than in terms of its Rates Policy.

4. CONTENTS OF A RATES POLICY

The Rates Policy shall, *inter alia*:

4.1. Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;

4.2. Comply with the requirements for:

4.2.1. the adoption and contents of a rates policy specified in section 3 of the Act;

4.2.2. the process of community participation specified in section 4 of the Act;

and

4.2.3. the annual review of a Rates Policy specified in section 5 of the Act.

4.3. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and

4.4. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5. PRINCIPLES

The rates policy adopted by the municipal council must comply with the following principles –

- (1) All ratepayers within a specific category, as determined by the municipal council from time to time, must be treated equitably.

- (2) A fair and transparent system of exemptions, rebates and reductions must be adopted and implemented by the municipality.
- (3) Relief measures in respect of the payment of rates may not be granted on an individual basis, other than by way of exemption, rebate or reduction.
- (4) Exemptions, rebates and reductions must be used to alleviate the rates burden on certain categories of owners and certain categories of property.
- (5) Provision must be made for the promotion of local, social and economic development.

6. ENFORCEMENT OF THE RATES POLICY

The Municipality's Rates Policy shall be enforced through the Municipality's Rates By-Law, the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act.

7. SHORT TITLE AND COMMENCEMENT

This By-law is called the Municipal Property Rates By-law, and takes effect on the date of Publication in the Gazette.

MUNICIPAL NOTICE 47 OF 2019

**CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION ROLL NO 2
AND LODGING OF OBJECTIONS****SUPPLEMENTARY VALUATION ROLL DATE: 31 MARCH 2019
CLOSING DATE FOR OBJECTIONS: 30 MAY 2019**

Notice is hereby given in terms of Section 49(1)(a)(i) read together with Section 78(2) of the Local Government Municipal Property Rates Act, 2004(Act. No. 6 of 2004), hereinafter referred to as the "Act" that the 2nd Supplementary Valuation Roll for years 2017-2022 is open for public inspection

The supplementary valuation roll is available for inspection at the following offices:**Winterton:** Tourism Offices, Cashier and Winterton Library**Bergville:** Main Reception, Tourism Office, Bergville Library, Cashier and Rates Offices**Website:** www.okhahlamba.gov.za

An invitation is hereby made in terms of Section (49)(1)(a)(ii) read together with Section 78(2) of the Municipal Rates Act, that any owner of property or other person who desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from the Supplementary Valuation Roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of section 50(2) of the act an objection must be in relation to a specific property and not against the supplementary valuation roll as such.

The form for the lodging of an objection is also available at the municipal offices and website above.

The completed forms must be returned to the following address on or before the expiry date of the period afforded for public inspection as stated above:

All envelopes containing objections should be marked as follows: Mr. NS Malinga –
Supplementary Valuation Roll 2 - Objections Supplementary Roll 2.

For enquiries and comments: Contact Person: Ms C Moola, tel. (036) 448 1116/ 036 448 8059
c/ o The Municipal Manager , Okhahlamba Local Municipality, 259 Kingsway Street or
P.O. Box 71, BERGVILLE, 3350.