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NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

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200 Local Government: Municipal Systems Act, 2000: Bojanala Platinum District Municipality: Rules of Order By-law 3 6946

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 200 BOJANALA PLATINUM DISTRICT MUNICIPALITY

RULES OF ORDER BY- LAW

To regulate the internal arrangements, business and proceedings, establishment, composition, procedure, powers and functions of District Council and District Council Committees and to provide for matters incidental therefore.

Be enacted by the District Council of the Bojanala Platinum District Municipality in terms of section 11 (3) (m) of the Local Government: Municipal System Act, 2000), as follows:

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CHAPTER 1

DEFINITIONS

1. Definitions

In this By-law, unless the context otherwise indicates –

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

“Absent” means not present at a meeting of the District Council or a Committee of the Council without corresponding meaning;

“Advisory committee” means an ad hoc committee appointed in terms of section 79 of the Structure Act, to advise on specific issues as per terms of reference by council or the executive mayor

“Caucus” means an informal discussion of members of a group or party with a view to reach a resolution, provided that the report back phase shall form part of the particular meeting;

“Chairperson” means a person chairing a meeting other than a council meeting or such person elected during that particular meeting;

“Citizen” means a person who acquire a citizenship by birth in terms of section 2 of South African Citizenship Act 88 of 1995

“Committee” means any committee established by the district council in terms of sections 79 or 80 of the Act, or any other section of the Act and includes a portfolio committee, rules and disciplinary committee or advisory committee;

“Constitution” means the constitution of the Republic of South Africa (Act No, 108 of 1996)

A person who was been awarded citizenship by naturalization in terms of section 5 of the South African Citizenship Act 88 of 1995

A person who has been awarded citizenship by descent in terms of section 3 of South African Citizenship Act 88 of 1995

“ Councillor” means an elected or nominated member of the district council and “District Councillor” has a cognate meaning;

“Day” means a working day, calendar day, including a Saturday or public holiday, as indicated in the relevant context

“District council” means the municipal council of the Bojanala Platinum District Municipality;

“Division of votes” means to record individual every member or person’s vote for or against any proposal any proposal and / or the withdrawal from the meeting by a member or person during the thirty seconds allowed

“Executive mayor” means an executive mayor as elected in terms of section 55 of the Act;

“Functus officio” means already deliberation on (dealt with);

“Gender” words importing the masculine gender include female or vice versa;

“In seriatim” means word by word;

“Manager” means a person appointed as the municipal manager of the municipality, and a person appointed as manager directly accountable to the municipal manager;

“Mayoral committee” means the committee appointed by the executive mayor in terms of section 60 of the Municipal Structure Act to assist him/her;

“Meeting” means a formal meeting of the council or a committee;

“member” means a member a committee, duly elected, appointed or nominated as such;

“MFMA” means the Local Government: Municipal Finances Management Act, 2003, (Act No. 56 of 2003)

“Motion” means a motion introduced in writing in terms on this By-law as well as a motion in terms of other application legislation;

“Municipal manager” means the heads of administration and accounting officer for the municipality in terms of section 82 of the Municipal Structures Act and Section 60 of the Municipal Finance Act and for purpose of this By-law, shall include any other person nominated, delegated or acting as such;

“Municipal code” means a compilation of the municipality’s By-laws including any provision incorporated by reference as By-laws of the municipality;

“Municipality” when referred to as a geographic area, means a municipal area determine in terms of the Local Government Municipal Demarcation Act, 1998 (Act 27 of 1998)

“Mutatis mutandis” means with the necessary contextual changes;

“Petition” means a written request for consideration of urgent action by council or granting relief in a matter of public interest;

“Point of order” means pointing out any deviation of order, anything contrary to this By-law of the council, policies of District Council or any other law;

“Proposal” means any proposal excluding a motion, moved and seconded during a meeting

“Public member” any person other than a member of council or an employee of the municipality

“Quorum” means 50% of the number of members, plus 1 unless otherwise directed;

“Report” means a written report, signed by the person authorized or delegated to sign such a report, submitted for consideration by council or a committee in accordance with the provisions of the approved delegations of the council, such report to contain a firm, clear and precise recommendation(s)

“Secretariat” means an official designated to perform secretarial duties pertaining to a council or committee meeting;

“Serve” means delivery of a notice or document at the address chosen by the councilor or member for that purpose;

“Speaker” means the chairperson of the council, as elected in terms of section 36 (2) the Structure Act;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act No.177 of 1998)

“System Act” means the Local Government: Municipal System Act, 2000 (Act no.32 of 2000);

Any other word or expression not mentioned above shall have the meaning assigned to it in the Constitution, Structures Act, Municipal Finance Management Act, or any other application legislation.

Application of By-law

2. This By-law applies to all meetings of the District Council and shall apply *mutatis mutandis* to any other committee of the District Council.

CHAPTER 2

COUNCIL, MAYORAL, PORTFOLIO AND OTHER COMMITTEES

Part 1

Secretariat of Committees and Corporate Calendar

3. No meeting of the district council or any committee shall sit or proceed without the secretariat being present.

4. The District Council and all Committee shall meet as per the District Council's corporate Calendar, subject to the provisions of Part 2

Part 2

Speaker or Acting Speaker to Convene District Council Meetings

5. The Speaker shall convene meeting of the district, at least quarterly each year, or a special meeting for any urgent matter(s), for which the Speaker may determine a date and place but if the majority of councilors request the Speaker in writing to convene a special meeting, the speaker must convene such a meeting at a time set out in the request, by not later than 48 hours after receipt of such request.
6. The Municipal Manager or his Delegatee is responsible for the preparation of the agenda that is circulated to the members prior the District Council meeting in consultation with the Speaker and the Executive Mayor.
7. The Municipal Manager or his delegate shall be responsible to compile and serve the notice of all the District Council meetings.
8. The notice contemplated in this part must be signed by the Speaker or his/her delegate

Executive Mayor to convene Mayoral Committee Meeting

9. The Executive Mayor shall convene meetings of the Mayoral Committee normally on predetermined date, provided that the Mayoral Committee shall not hold a meeting at the same time that a District Council meeting is in progress.
10. The Executive Manager or his delegate is responsible for the preparation of the agendas of all Mayoral Committee meeting, in consultation with the Executive Mayor.

11. The Municipal Manager or his delegate shall be responsible to compile and serve the notice of all the Mayoral Committee meetings.

12. The notice contemplated his part must be signed by the Executive Mayor or his delegate

Chairperson to convene Portfolio and other Committee Meeting

13. The Chairperson of a portfolio or other committee shall, after consultation with the Municipal Manager or the relevant Head of Department, convene a meeting of such portfolio committees, normally on a predetermined workday, but if the majority of members requested a special meeting in writing, and /or if necessary, the chairperson must convene a meeting at a time set out in the request: Provided that no committee shall hold a meeting on the same day and time as the District Council sitting.

14. The relevant Head of Department, in conjunction with the Chairperson of the committee, is responsible for the preparation of the agendas of all Portfolio Committee meetings.

15. The relevant Secretariat shall be responsible to compile and serve the notice of all Portfolio Committee meetings.

16. The notice contemplated in this part must be signed by the Portfolio Chairperson

Preparation of Other Committee Agendas

17. The Municipal manager or his Delegatee is responsible for the preparation of the agendas of all other Committee meetings, in consultation with the Speaker or the Executive Mayor, as the case may be.

Notice of meeting to be served

18. The notice of the time, place and venue of every meeting of the District Council, Mayoral Committee, Portfolio Committee or other committee, shall be served on every councilor or members of such committee, at least four (04) calendar days before the meeting. The special meeting must be convened within 48 hours notice.

Business Limited by Notice of Meeting

19. (a) With the exception of an urgent report/item of the Executive Mayor or the Speaker, no business not specified in the notice and or the agenda of the meeting shall be considered at that meeting. The reason for the urgency must be indicated and minuted.

(b) The Speaker may determine any venue for a council meeting as provided for in section 29 of the Structures Act, subject to public notice of such meeting and venue.

Raising of Urgent Matters

20. The Municipal Manager may, after consultation with the Speaker, Executive Mayor or Chairperson of a Committee, in his discretion raise any urgent matter, including an urgent motion, for resolution by the District Council, Mayoral, Portfolio or Other Committee when the resolution required could, in his opinion, prejudice the council or community in the event that it is delayed.

Urgent Items for Agenda

21. If on any day after the 4th day before a meeting, the Executive Mayor has any item that he/she deems urgent to present to the District Council for the purpose of noting or consideration, he may do so after consultation with the Speaker. The Speaker may similarly present an urgent item to the District Council, provided Councillors are provided with sufficient time to study such urgent report or motion, as determined by the Speaker.

Order of Business on the District Council Agenda

- (1) Opening and welcome;
- (2) Applications for leave of absence;
- (3) Official notices;
- (4) Proposals of condolences or congratulations by the Speaker on behalf of members
- (5) Declarations of interest;
- (6) Report of the Speaker;
- (7) Report of the Municipal Manager;
- (8) Reports of the Executive Mayor;
- (9) Items For Discussions;
- (10) Questions of which notice has been given;
- (11) Motions or proposals deferred from previous meetings;
- (12) New motions or petitions;
- (13) Adoption of Minutes
- (14) Closure

Part 3

Minutes

Minuting of Meetings

23. The proceedings of every meeting of the District Council and Committees shall be minuted by the Secretariat of the meeting.

Minutes of Meetings

24. Minutes of all meetings of the District Council or any Committee shall be confirmed and adopted at the end of such meeting and signed as provided for in section 30.

Responsibility of Minutes

25. The Municipal Manager or his delegate shall be responsible to keep proper minutes of all District Council, Mayoral Committee, Portfolio Committee and all other committee meetings.

Minutes Taken as Read

26. If a copy of the minutes has been served on every member, those minutes shall be taken as read with a view to confirmation thereof at a next meeting, unless the minutes served was proposed, seconded and adopted at the end of that meeting.

Discussion on Minutes

27. No proposal or discussion shall be allowed on the minutes except as to its accuracy. Matters arising from the minutes shall form part of the Municipal Manager's report and presented as a standard item on the agenda.

Minutes of District Council-in-Committee

28. Any item considered by the council-in-committee, shall be finalised in open District Council sitting

Copies of Approved Minutes

29. All approved minutes of the District Council, must be made available to the public on such request and upon payment of a prescribed fee.

Minutes Must be Signed

30. (1) The approved minutes of the District Council meetings shall be signed by the Speaker, Acting Speaker or Chairperson of that specific meeting.
(2) The approved minutes of Mayoral Committee meetings shall be signed by the Executive Mayor or Chairperson of that specific meeting.

- (3) The approved minutes of a Portfolio Committee and of any other Committee of District Council meetings shall be signed by the Chairperson of the Portfolio Committee or other Committee or Chairperson of that specific meeting.

Safe Custody of Signed Minutes

31. All approved and signed minutes shall be kept in safe custody and shall be *prima facie* evidence of resolutions adopted by the District Council or any Committee.

Municipal Code

32. This By-law must be included in the Municipal Code.

Part 4

Attendance at Meetings

33. A councilor must attend each meeting of a municipal council and of a committee of which that councilor is a member.

Attendance Register of Meeting

34. Every member attending a meeting must sign his/her name in the attendance registers kept for this purpose by the Municipal Manager or his Delegatee, immediately before commencement of the meeting and if late, on arrival, such time of arrival must be noted in the attendance register.
- The attendance register should include the scheduled time of the meeting, type of a meeting (District Council, Mayoral, Portfolio or Committee), have a column for the name of a councilor/official, time of arrival, signature, address and contact numbers. The Secretariat shall be the custodian of the attendance register.

Non Signing of Attendance Register

35. In the event a member does not sign the attendance register, he/she will be deemed to be absent.

Non Attendance of Meeting

36. A councilor must attend each meeting of the council and of a committee of which he/she is a member unless there is good reason for absence. Leave of absence may be granted if such application for leave of absence is done in writing and handed to the Speaker or Municipal Manager or the chairperson before the commencement of the meeting. Any verbal application on behalf of a member must be followed in writing as soon as possible..

Member to Remain in Attendance

37. Any councilor failing to remain in attendance at such meetings, without good reason, is guilty of transgressing Schedule 1 section 4 (1) (b) of the Code of Conduct for District Councilors enshrined in the Municipal Systems Act.

Minutes Must Reflect Absence

38. The minutes must reflect the name of any District Councillor leaving a meeting, with the approval of the Speaker, before it adjourns and the time he/she leaves such meeting and any absenteeism by any member.

Monitoring of Attendance

39. The Municipal Manager must regularly monitor such attendance register and inform the Speaker of the absenteeism of any District Councilor without a written apology, including information on councilors leaving and returning during a meeting in order to establish whether the required quorum was present or not.

Attendance Report

40. The Municipal Manager shall prepare and submit a quarterly report for inclusion in the Speaker's Annual Report indicating the attendance of each councilor at Meetings of the District Council and committees for that year.

Quorum at Meetings

41. (1) At least 50% plus one Councilor, who are members of a District Council/ Committee, must be present at any meeting of District Council/Committee in order to constitute a quorum.
- (2) If the Chairperson/Speaker is absent from any meeting of such a Committee/ District Council except the Mayoral Committee and a quorum exists, the District Councilors present may elect an acting Chairperson from the members present for the purposes of such a meeting.

Adjournment in the Event of no Quorum

42. If at the expiry of (20) twenty minutes after the commencement time at which a meeting is scheduled to take place a quorum has not assembled, no meeting shall take place. The majority members present may consent to allow further time not exceeding ten (10) minutes in order to enable a quorum to assemble. Should a quorum then assemble, the scheduled meeting must proceed. If no quorum assembles during the extended period, the meeting will be deemed to be adjourned.

Part 5

Adjourned Meeting

Meeting Deemed Adjourned

43. If no quorum could be assembled as contemplated in section 41, the Speaker or elected chairperson may be requested to convene a meeting, notice of which shall be given in terms of section 29 (1) of the Structures Act and such meeting shall be deemed to be adjourned meeting.

Notice of Adjourned Meeting

44. When a meeting is adjourned, notice of the adjourned meeting shall be served as if for any ordinary meeting.

Business not disposed of at adjourned meeting

45. Business not disposed off at a meeting adjourned in terms of section 41 shall be dealt with at an adjourned meeting convened by the Speaker for this purpose: Provided that such business not dealt with and which originated from a special meeting at the request of members in terms of Section 29 (1) of the Structures Act, may be held over until the next ordinary meeting.

Only items specified to be dealt with

46. No business shall be transacted at an adjourned meeting except such that was specified in the notice of the meeting which was adjourned.

Part 6

Quorum at Meeting

Quorum of Advisory Committee

47. Notwithstanding whether a quorum of any advisory committee is present, such committee may proceed with its deliberations.

When Majority of members are required

48. A majority of members must be present at a meeting before a vote is taken on any matter as prescribed in Section 30 of the Structures Act.

When Supporting Vote of the Majority is required

49. If put to the vote all questions concerning matters mentioned in S160(2) of the Constitution are determined by a decision taken by a District Council with a supporting vote of a majority of the District Councilors, all other questions before a District Council are decided by a majority of the votes cast.

Counting of Members

50. If, during any meeting, the attention of the Speaker/Chairperson is drawn to the number of members present, such members shall be counted and if it is found that there is no quorum, the Speaker/ Chairperson shall cause the call bell to be rung for at least fifteen (15) seconds, and if after an interval of five minutes there is still no quorum, the Speaker/Chairperson shall forthwith adjourn the meeting.

CHAPTER 3

CONDUCT DURING MEETINGS

When Questions May be Put

51. A member may at a meeting put a question-
- (1) On a matter arising out of or connected with any item of the report of Executive Mayor, Speaker, Member or Municipal Manager when such item has been called or during discussion thereof;

(2) Concerning the general work of the council not arising out of or connected with any item of the report of the Executive Mayor: provided that such question shall only be asked if at least ten days' notice in writing has first been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the Executive Mayor;

(3) A question on a matter which in the opinion of the Speaker or the Chairperson, is of urgent importance, may be put at a meeting after notice thereof in triplicate had been lodged in writing with the Municipal Manager at least ten (10) minutes before the question is put and the Municipal Manager shall forthwith furnish a copy thereof to the Speaker and the Executive Mayor.

Entitled to Written Reply

52. A member who has put a question in terms of section 51(3) shall be entitled to be furnished with a written reply in due course.

Reply to Questions

53. The Executive Mayor, Speaker/ Chairperson or Municipal Manager may at the next ordinary meeting of the council reply to questions if left unanswered.

Who must answer questions raised

54. Any question put in terms of this section, shall be answered by or on behalf of Executive Mayor, Speaker/ Chairperson or Municipal Manager.

Request for Elucidation

55. If, after the question has been replied to, a member is of the opinion that the reply to the question is not clear, he may with the consent of the Speaker or Chairperson request elucidation thereof, and no additional questions shall be put without the consent of the Speaker.

Out of Order or Unclear Questions

56. The Speaker or Chairperson may disallow a question if he/she is of the opinion that it is out of order or not put clearly.

Part 2

Disputations

Receipt of Memorandum

57. The Municipal Manager shall receive any memorandum for deputation.

Submission of Memorandum

58. The Municipal Manager shall submit to the Executive Mayor any memorandum received in terms of Section 57 above who may deal with the matter raised in the memorandum.

Interview

59. A deputation desiring an interview with the council shall submit a memorandum to the Municipal Manager in which a presentation it wishes to make is set out.

Limitation on Number of Deputies

60. (1) A deputation shall not exceed ten (10) in number and only one person shall speak on behalf of the deputation except when a member of District Council puts a question in which case any person belonging to the deputation, may reply to such question.

- (2) The matter(s) tabled by the deputation shall not be further considered until the deputation has withdrawn from the meeting.

Granting of Interview

61. If the Executive Mayor is of the opinion that the matter raised in the memorandum is one which should be submitted to the council, he/she shall so report to the council and, if the council so orders, an interview shall be granted to the deputation.

Part 3

Reports

Delivery of Reports

62. Any report with the exception of a report accepted by the Speaker/Chairperson as a matter of urgency, shall for the purpose of a meeting be served in the ordinary order of business as contemplated in Section 22.

Written Reports

63. The resolution must be supported by a written report and must be submitted to the Speaker or Chairperson at the meeting for distribution to the members.

When Written Reports are Required

64. Before the District Council takes a decision on any of the following matters, the Executive Mayor must submit a written report and recommendation on-

- (1) Any matter mentioned in S160(2) of the Constitution;

- (2) The approval or amendment of an integrated development plan for the municipality; and
- (3) The appointment and conditions of the service of section 57 managers of the municipality.

All Reports to Contain Recommendations

65. (1) Unless an item is submitted to the council for information only, every item relating to matters in respect of which there are no delegated powers shall contain a recommendation to be considered by council for adoption.
- (2) All reports to District Council shall contain clear recommendations of the Executive Mayor and Municipal Manager or any other committee that have been taken at a meeting prior to the delivery of the said items

Recommendations made under delegated authority

66. (1) When a report is being considered, the Speaker/Chairperson shall put the Recommendations *in seriatim* to council unless he/she has a good reason not to do so.
- (2) The recommendations in the reports as mentioned in subsection (1) shall be deemed to have been proposed and seconded.
- (3) When a recommendation in any meeting has been adopted, such recommendation shall become a resolution of any such meeting.

Reports of the Executive Mayor

67. A report submitted by the Executive Mayor in terms of Section 56 of the Structures Act, shall first contain the matters in respect of which council must take note or recommendations that are made, and thereafter recommendations made by himself/herself or committees with regard to matters that have been dealt with by them.

Reports by the Speaker

68. The provisions of Part 3 will apply *mutatis mutandis* to reports by the Speaker.

Reports by the Municipal Manager

69. The provisions of Part 5 will apply *mutatis mutandis* to reports by the Municipal Manager.

Municipal Manager to Address Auditor General Report

70. The Municipal Manager in his capacity as accounting officer and head of administration, must on request of council, answer questions which may arise from the discussion of the management letter from the Auditor-General and may, in consultation with the Executive Mayor and with the permission of the Speaker, address the District Council in respect of any other matter.

Submission of Reports by Managers

71. All reports of managers, co-signed by the relevant political head of the portfolio committee, shall be submitted to the Municipal Manager. The Municipal Manager shall submit such reports to the District Council, the Executive Mayor, Mayoral Committer, relevant committee or relevant delegatee of District Council when so required, either by law or otherwise.

Debate on Reports/Items

72. After the matters in respect of which the Executive Mayor has no delegated powers have been dealt with the Speaker may permit debate of the matters delegated to the Executive Mayor, Provided that :-
- 1) Such debate shall be limited to a period of twenty (20) minute or such extended period as the Speaker may determine
 - 2) A member ,except the Executive Mayor and Single Whip, shall not speak on such matters for longer than ten (10) minutes
 - 3) No other proposal shall be submitted during such debate, except a proposal that the executive Mayor ,Speaker or delegate be requested his resolution in instances where council not *functus officio* yet
 - 4) During such debate members may request that his/her objection to a resolution in respect of which the Executive Mayor or a delegatee which has delegated powers and his/her reason therefore, be minuted after such opposition and reason(s)

Referral of Reports / Items

73. The Municipal Manager may refer a report/item back to any manager for amendment or any addition thereto and or make a recommendation in respect of any report which he/she submits

Decision of Municipal Manager in Final

74. All policies and /or instructions by the Municipal Manager, as delegated by Council, with regard to processes, procedures, timeframe and formats relating to reports for agenda must be strictly adhered to and any person who does not comply ,shall be subjected to disciplinary actions.

Progress Report on District Council Resolutions

75. In respect of resolution of resolutions or requests minuted in the minutes of a previous meeting, the Municipal Manager must submit a progress report listing such items that do not appear on the agenda for discussion or noting by council.

Part 4

Motions and Petitions

Requirements for Motions

76. Subject to the provisions of any other law –
- (1) every notice of a motion shall be in writing and such notice shall be signed by the member submitting it and seconded;
 - (2) a motion shall be given to the Municipal Manager or his delegate who shall enter it in a book kept for that purpose which book shall be open to inspection by any member;
 - (3) notice of a motion shall not be specified in the agenda for a meeting unless it is received at least ten (10) days prior to such a meeting;
 - (4) a motion shall lapse if the member who submitted it or a member assigned by him/her in writing is not present at the meeting when such motion is being debated.

Motions Which May be Received

77. Save for when a motion or proposal under debate at a meeting, no further proposal shall be received except the following:
- (1) to amend the motion or proposal;
 - (2) that the question be referred back to the Executive Mayor for further consideration;
 - (3) that consideration of the question be postponed;

- (4) that the meeting adjourns;
- (5) that the debate be adjourned temporarily for purposes of a caucus;
- (6) that the question be put to the vote;
- (7) that the council do proceed to the next business on the agenda, Provided that such proposal shall only be deemed to have been submitted to the council for decision, if it is duly seconded.

Further Motions

78. If a motion is put in terms of section 77 above, no further proposal may be put before the mover and seconder of the motion or proposal under debate have spoken thereon.

When Speaker/Chairperson shall Disallow a Motion

79. The Speaker/Chairperson shall disallow a motion or proposal –
- (1) which in his/her opinion –
 - (a) might lead to the discussion of a matter already dealt with in the agenda or which has no bearing on the administration of or conditions in the municipality; or
 - (b) advances arguments, expresses an opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;
 - (2) in respect of which –
 - (a) the council has no jurisdiction;
 - (b) a decision by a judicial or quasi-judicial body is pending; or
 - (c) which has not been duly seconded;

- (3) which, is passed, would be contrary to the provisions of this By-law or of any other law, or impractical: Provided that if such motion or proposal, in the opinion of the council, justifies further investigation, it shall be referred to the Executive Mayor.

Determination of Unopposed Motions

80. In dealing with motions the Speaker shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the Speaker shall call the opposed motions in seriatim.

Receipt in Motions

81. At the request of a member who gave a notice of a motion, the Municipal Manager shall acknowledge receipt thereof in writing.

Motion to be Seconded

82. A motion shall only be regarded as having been submitted to the council for decision if the proposal introducing that motion was duly seconded.

Entering of Motion on Agenda

83. Every motion shall on receipt be dated and numbered and shall be entered by the Municipal Manager upon the agenda in the order in which it is received.

Moving of Motion at Conclusion of Speech

84. A motion by a member who did not take part in the debate on the motion or proposal under discussion, may only be put at the conclusion of a motion.

Motion Limited to One

85. No member shall move more than one amendment of the same motion or proposal.

Executive Mayor to speak on Motion

86. A proposal shall not be put until the Executive Mayor has spoken on it, and if such proposal is carried, the debate on the recommendation shall end and the council shall proceed to the next business on the agenda.

Amendment of a Motion

87. An amendment which is moved in terms of this Section:
- (1) shall be relevant to the motion or proposal on which it is moved;
 - (2) shall be submitted in writing, signed by the mover and a seconder and handed to the Speaker; and
 - (3) shall be stated to the meeting by the Speaker before it is put to the vote.

More Than One Amendment Moved

88. Subject to the provisions of Section 89, more than one amendment of a motion or proposal may be moved, save as provided therein, every amendment proposed shall at the close of the debate on such motion or proposal, be put to the vote.

Relevance of Motions

89. Every motion shall be relevant to the administration of or conditions in the municipality or shall deal with a matter in respect of which the council has jurisdiction.

Moving a Motion and Right to Reply

90. A member submitting a motion shall move such motion and shall have the right of reply: Provided that motion lapses if the member is absent from meeting on which motion has been placed.

Limitation of Motions

- 91 No member or party shall have more than one motion entered upon the agenda with the exception of a deferred motion, and no member or party shall move more than four motions annually.

Motions Prohibited

92. No member or party may move a motion in terms of this section, which has the same purpose as a motion which was concluded within the preceding three months.

Rescinding or Amendment of a Motion

- 93 Notwithstanding the provision of section 94 the District Council may at any time, following a recommendation by the Executive Mayor, rescind or amend any resolution of a motion passed as a result thereof.

Voting on Motion

- 94 If more than one amendment to a motion or proposal has been moved, such amendments be put to the vote in order in which they were moved.

Carrying of an Amendment

95. If an amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall then become the motion or proposal in respect of which any further proposed amendments shall be put: Provided that the Speaker may if/she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule with the consent of council that such other amendment need not be put, after which the latter amendment shall lapse.

Withdrawal of Motions

96. (1) A motion or proposal may, with the consent of the District Council, be withdrawn or amended by the mover.
- (2) After consent for the withdrawal of a motion or proposal has been granted, no member shall be allowed to speak upon such motion or proposal.

When a Motion shall be Referred Back for further consideration

97. A motion in terms of this section shall only be made in respect of a recommendation by the Executive Mayor which is being considered by the Council.

Postponement of Consideration of a Motion.

98. If a motion is carried that consideration of a motion be postponed until a future meeting, the motion or proposal must be placed first among the motions which are to be considered.

One Motion for Adjournment of Meeting

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

Adjournment of Debate for Purpose of Caucus

100. (1) A proposal for a caucus is only submitted in respect of a matter during the discussion thereof which serves before the council.
- (2) A request for a caucus is limited to three (3) occasions per party or grouping per meeting.
- (3) On the resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first or elect another member or his party whip to report back.
- (4) No member , except for the Single Whip, shall move or second more than one proposal for adjournment on the same debate,

Putting of the Question

101. The mover of a motion or proposal under debate shall have the right to reply before the question is put to the vote.

Motion That District Council Proceed with Next Business

102. (1) A proposal that District Council proceed to next business may be carried unless the council is required on legal grounds, or failure to adopt such a resolution may prejudice council to pass a resolution on a particular question.
- (2) If a proposal in terms of subsection (1) is carried, the question under discussion shall be discarded.

Submission of Petition during Meeting

103. (1) A petition may be submitted by a member in the course of a meeting but he/she may not mention or divulge the contents or the title thereof at the time when it is submitted.
- (2) A petition as contemplated in subsection (1) shall be referred to the Executive Mayor for a report to District Council.

Urgent Motions

104. Subject to provisions of section 77, urgent motions may be allowed by the Speaker.

Procedures and proceedings

Precedence of the Speaker or Chairperson

105. (1) Whenever the speaker/Chairperson speaks, any member then speaking or offering to speak is to discontinue and the members are to be silent so that the Speaker/Chairperson may be heard without interruption. All members must adhere to the ruling of the Speaker/Chairperson.
- (2) The Speaker/Chairperson shall give the powers to re-arrange the sitting arrangements of District Council in events where District Council is to be

addressed or graced by the presence of any official authority: Provided that the Speaker has consulted with the Executive Mayor on any such decision.

Indication of wish to speak

106. A member who wishes to speak shall indicate to the Speaker or chairperson by raising his/her hand or by switching on the microphone and only speak with the permission of the Speaker or chairperson.

Members to Rise

- 107 A member shall rise when speaking and shall address the Speaker or Chairperson, unless a disability prohibits a member from doing so

Points of Order

- 108 If a member, who is not speaking, indicates to make a point of order or to make a proposal and such member is seen and addressed by the Speaker or Chairperson, the member then speaking shall stop speaking until the Speaker/Chairperson has made a ruling.
109. The Speaker or Chairperson may waive the provisions of section 78 in regard to a statement made with consent of the council or committee by the Executive Mayor or a member of the Mayoral Committee elected by the Executive Mayor to address council/committee in relation to any matter arising from a report.

Members to speak only once

110. Subject to provisions of this By-law, a member shall speak only once on an item: Provided that the mover may reply in conclusion of the debate, but shall confine himself to answering to previous speakers and shall not introduce any new matter into the debate.

Explanatory Statement by the Executive Mayor

111. The Speaker may permit the Executive Mayor or a member who made a proposal to make an explanatory statement prior to the consideration of any particular item contained in the agenda, in reply to such a specific question.

Relevance

112. A member who speaks shall his/her speech strictly to the matter under discussion or to a point of order and no discussion shall be permitted-
- 1) Which will anticipate any matter on the agenda in the opinion of any member or the Municipal Manager;
 - 2) In respect o any matter that is sub judice or could, in the opinion of any member or the Municipal Manager, prejudice council: Provided that such matter may be discussed in-committee with permission of the Speaker.

Irrelevance, Tedious Repetition, Unbecoming Language and Breach of Order

113. The Speaker or Chairperson shall call the attention of the members to irrelevance, tedious repetition, unbecoming language or any breach of order on the part of a member or any person participating in the meeting and shall direct such member or person if speaking to discontinue his/her speech or, in the event of persistent disregard of the authority of the Speaker, to retire from the meeting.

Withdrawal and Apology

114. The Speaker or Chairperson shall direct a member or any other person to apologise or withdraw a remark if it is unbecoming or injures or impairs the dignity or honour of a member or official of the council or any other person or institution. The Bill of Rights enshrined in the Constitution of the Republic of South Africa be respected at all times.

Removal or exclusion of member or any other person

115. If a member or any other person refuses to comply with a direction in terms of Section 114 and 115 above, the Speaker or Chairperson may direct an official, or security, to remove the member or person or to cause his/her removal and to take steps to prevent his/her return to the meeting.

Exclusion from the District Council Meetings

116. (1) The council may exclude a member from the meetings of the council or any committee for such period as it may determine, but not exceeding sixty (60) calendar days, or any other person who willfully disregards the authority of the Speaker or Chairperson or who willfully obstruct the business at any time.
- (2) A ruling may exclude a member may be made at any stage of the meeting.

Points of Order and Personal Explanation

117. Any member, whether he/she addressed the council on the matter under debate or not, may –
- (1) Rise to a point of order;
- (2) give personal explanation

Member entitled to be heard

118. A member contemplated in section 119 shall be entitled to be heard forthwith.

Ruling of Speaker Final

119. Subject to the provisions of Section 119, the ruling of the Speaker or chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion or the taking of vote thereon.

Declaration of Pecuniary Interest

120. (1) Subject to item 5 of the Code of Conduct for District Councilors as stipulated in the Systems Act, a member wishing to declare a pecuniary interest in terms of Items 7(1), (2), (3) and (4) of the Code of Conduct as indicated in the Structures Act, shall do so forthwith after the item or motion in respect of which such interest exists, has been called and withdraw from the meeting until such matter has been disposed off: provided that all the relevant information pertaining to such interest is disclosed before a member withdraws from the meeting.
- (2) When elected or appointed, a member must within 60 days declare in writing to the speaker the following financial interest held by that councilor:
- a) Shares and securities in any company;
 - b) Membership of any close corporation;
 - c) Interest in any trust;
 - d) Directorships;
 - e) Partnerships;
 - f) Other financial interests in any business undertaking;
 - g) Employment and remuneration;
 - h) Interest in property;
 - i) Pension; and
 - j) Subsidies, grants and sponsorship by any organization.
- (3) Any change in the nature or detail of the financial interest of a councilor must be declared in writing to the speaker.
- (4) Gifts received by a councilor above R300 (Three Hundred Rand must also be declared in accordance with subsection (2) and (2).
- (5) The Municipal council must determine which of the financial interest referred in subsection (2) must be made public having regard to the need for confidentiality and the public interest for disclosure.
- (6) Failing to comply with the above, disciplinary action in terms of the Code of Conduct will come into effect.

Maintenance or Order

121. The Speaker or chairperson may at any time during a meeting, if he/she deems it necessary for the maintenance of order, direct a member or any other person to leave the meeting venue or order that members of the public leave the meeting venue.

Attendees Suitably Dressed

122. No person shall enter or remain in any meeting venue unless suitably dressed in the opinion of the Speaker or chairperson.

Part 6

Voting

Mode of voting

123. Every motion or proposal shall be submitted to the council or committee by the Speaker or chairperson who shall call upon the members to indicate by a show of hands or with the consent of the Speaker or chairperson by means of ballot whether they are for or against it, and he shall thereupon declare the result of the voting.

Recording of Vote and Division of Vote

124. After the speaker or chairperson has declared the result of the voting in terms of section 125, a member or the Municipal Manager may demand –
- (1) that his/her vote be recorded against the decision; or
 - (2) a division of votes to record individually every member or person's vote for or against any proposal, by rising and putting such demand to the Speaker or Chairperson.

Accession when Division is Demanded

125. When a division in terms of section 125 above is demanded, the Speaker or chairperson shall accede thereto, and a period of at least thirty (30) seconds shall lapse, during which thirty seconds, members or persons wishing to abstain from voting must leave the meeting, where-after all entrances to the meeting venue shall be closed and no member or person shall thereafter leave or enter the meeting venue until after the result of the division has been declared.

Declaration of the Result of Division

126. After expiry of the period specified in section 126, the motion or proposal shall again be put to the vote by the Speaker or chairperson in the manner provided for in section 125 and thereafter he/she shall declare the result of the division.

Votes to be Recorded Separately

- 127 A division shall take place in the manner prescribed in section 124 above and the vote of each member shall be taken separately by name and recorded in the minutes by the Municipal Manager or his/her delegate in terms of Committees.

Obligation to Vote

128. When a division takes place in accordance with the preceding provisions, every member present, including the Speaker or the chairperson, shall be obliged to record his/her vote objection if any, for or against the motion or proposal.

Absence from Division

129. A member demanding a division shall not leave the meeting venue before such division has been taken.

Casting Vote of the Speaker/Chairperson

130. Should there be an equality of votes in respect of a proposal, the Speaker or chairperson shall record his/her casting vote in addition to his vote as councilor in terms of S30(4) of the Structures Act.

Interpretation to be Minuted

131. Any member may request that the ruling of the Speaker or chairperson as to the interpretation of the Rules of Order be recorded in the minutes and the Municipal Manager shall keep a register of such rulings.

Register of Rulings must be Signed

132. The Speaker or chairperson shall sign the entry in the register referred to in section 131 of each ruling given by him/her.

Part 7

Disciplinary Action

Adherence to Code of Conduct

133. The Speaker or chairperson shall ensure that the Codes of Conduct for District Councillors respectively are adhered to.

Refusal to carry instructions

134. Any person who refuses to carry instruction given in terms of these Rules of Order or who willfully obstructs the carrying out of such instruction or otherwise, shall be subject to disciplinary action.

Uniform Procedure to Apply Sanctions for Non –attendance of Meetings by Rules and Disciplinary committee

135. The Speaker as Chairperson of the Rules and Disciplinary committee, together with the Whips of all parties, proportional representation consider the non-attendance of meetings of any councillor in terms of item 4 of the code of Conduct and impose a fine as determined in section 139 here under.

Rules of Natural Justice

136. The rules of natural justice must be done complied with during the proceedings of this committee, every councillor shall make an application for leave of absence in writing for non attendance of meetings.

Sanctions and Fines

137. Upon finding a councillor guilty of transgressing item 4(1) of the Code of Conduct, non-attendance of one meeting or part thereof without leave, the disciplinary committee of the district council, will impose the following sanctions:
- (1) a written warning in the case of a first transgression; or
 - (2) a fine of R500, 00 in the case of a transgression and a final written reminder;
 - (3) Implementation of the provisions of the Systems Act (Code of Conduct), in case of a third transgression.

CHAPTER 4

COUNCIL-IN-COMMITTEE

Move That District Council resolve in-Committee

138. The Speaker, after consultation with the Municipal Manager may –
- (1) at any time after an item on the agenda has been called or during consideration thereof, move that the council resolves itself into Council-In-Committee
139. No seconder is required for a motion in terms of section 139 above.

Only Member who Moved Motion Allowed to Speak

140. Notwithstanding anything to the contrary in this By-Law, only a member moving a motion in terms of section 140 may speak on such motion for a period not exceeding ten (10) minutes and shall restrict his/her speech to the reasons why the council or committee should resolve itself into committee or discuss the matter in open council or committee, as the case may be without prejudice to council.

Direction to Discontinue Speech

141. The Speaker or chairperson may, if in his/her opinion information is disclosed or is about to be disclosed in the course of a speech which may be prejudicial to the council or committee or any person, direct the member concerned to forthwith discontinue his speech.

Adoption of Resolution

142. If the council or committee adopts a resolution in terms of section 140, further debate on the item in question, whether in or out of committee, shall for all purposes be deemed to be a continuation of the preceding debate on that item.

Determination of Items to be considered

143. If a proposal in terms of the proviso to section 128 is carried, the Speaker or chairperson shall determine when the items concerned shall be considered.

Revert to Open District Council

144. At the conclusion of the consideration of items in committee, the council or committee shall revert to open District Council and record resolutions taken during District Council in-committee and thereafter continue with the consideration of further items in open council.

Minuting of Resolutions

145. All resolutions adopted in-committee or in-council must be recorded in the minutes of the open council or committee meeting as no resolution of council may be confidential.

Only Members May be Present

146. When the council resolved itself into committee, all members of the public and council officials except the Municipal Manager and such other officials as the Speaker or chairperson may require to remain, shall leave the meeting venue and shall not return to the meeting venue for the duration of the proceedings in committee unless otherwise instructed by the Speaker.

Ejecting of Attendees

147. The Speaker or chairperson may direct an official to eject or cause to be ejected any person who remains in the meeting venue in contravention of section 148 or take steps to prevent the entry of any person into such venue in contravention of that section.

Reports to the Press and Public

148. The Municipal Manager may supply to any newspaper or its representative or member of the public, the minutes of council, subject to the procedures provided for in District Council Policies and other relevant legislations.

Prohibition on Publishing or Disclosing Documents

149. Any member who publishes or discloses or causes to be published or disclosed any document or record of the council or the proceedings of any committee of the council relating to any purchase, any legal or arbitration proceedings in which the council is concerned, or the agenda or minutes, document, records, or any part thereof, the council in committee or another committee of the council, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the council, shall be guilty of transgressing this by law.

Confidentiality of Reports

150. All reports to be considered by District Council must be treated as confidential and shall not be disclosed to the public or media, until they are approved by the District Council.

Resignation as Member of a Committee of District Council

151. A member of a committee wishing to resign from the committee, shall tender his resignation in writing to the Speaker with regard to committees established in terms of Section 79 of the Structures Act, and to the Executive Mayor in terms of committees established in terms of Section 80 of the Structures Act.

Appointment of Committee Member in case of long leave of absence

152. The Speaker after consultation with Executive Mayor, and the Whippery, may appoint another councilor to serve on any respective committee, if long leave of absence is granted to a councilor or for any other reason in the opinion of the Executive Mayor or Speaker with due regard to political representation on any committee.

CHAPTER 6

BUDGET MEETING

Executive Mayor to Budget Speech

153. The Executive Mayor or a person acting as Executive Mayor must deliver his/her budget speech, in line with section 16 (2) of the MFMA.

Provisions When Considering the Budget

154. Notwithstanding anything to the contrary in this By-law, the following provisions shall apply when the council considers the budget:
- (1) No proposal designed to increase or decrease the estimated revenue or expenditure of the council, shall be put to the vote before the debate on the budget has been closed;
 - (2) After the debate on the budget has been closed, the Speaker shall put the vote to the proposals contemplated in subsection (1) in the order in which they were proposed;
 - (3) After all the amendments have been dealt with and if any proposal contemplated in subsection (1) has been accepted, the budget shall not be deemed to have amended as previously accepted, but the meeting shall be adjourned to a date and time determined by the Speaker unless the Executive, proposes that such adjourned is not necessary;

- (4) If it decided in terms of subsection (3) that the meeting does not need to adjourn, the budget shall be deemed to have been amended in accordance with the proposal accepted and a resolution passed;
- (5) After an adjourned in terms of subsection (3) the Executive Mayor shall investigate the implications of every proposal accepted and shall report thereon to the council when the meeting resumes;
- (6) After the Executive Mayor has reported in terms of subsection (5)
 - (a) The Speaker shall permit debate on the proposals accepted;
 - (b) Thereafter, he/she shall put every such proposal to the vote again, and if such proposal is accepted, the budget shall be amended in accordance and a resolution passed.

Compliance with Provisions of the MFMA, Policies and By-laws

155. When considering the Budget, or any amendment or revision thereof, District Council must take cognisance and comply with all relevant provisions of the MFMA its regulations all relevant Policies and By-laws in force.

Motions of proposals affecting a By-law, Any Other Law or the Budget to be referred to the Executive Mayor and the Speaker

156. A motion or proposal other than a recommendation of the Executive Mayor which is designed to increase or decrease the budget of council or that will affect the making or amendment of a By-law shall, before the council adopts a resolution thereon, be submitted to the Executive Mayor and/or Speaker for a report.

CHAPTER 6

GENERAL

Penalties

157. Any person, who contravenes or fails to comply with any provision contained in this by-law, shall be guilty of an offence and liable, on conviction, to such penalty as prescribed.

Orders Repealed

158. The previous Rules of Order adopted by Council are hereby repealed

Short Title and Commencement

159. This By-law shall be called the Rules and Order By-law and shall commence on the date of publication in the Provincial Gazette.
