

ENDUMENI MUNICIPALITY

STANDING ORDERS FOR THE COUNCIL AND ITS COMMITTEES

Definitions

1. In these bylaws, unless the context otherwise indicates:

“budget” means the estimates of revenue and expenditure of the Council drawn up and presented by the Executive Committee in terms of Section 105 of the Ordinance read with sections 10G(3) and (4) of the Local Government Transition Act Second Amendment act, 1996 and includes a proposal for the levying of rates, the increase or decrease of tariffs or the raising of a loan, which is made during the debate on such estimates of revenue and expenditure;

“Chairperson” means the chairperson of the Council and any committee of the Council (refer also “Speaker”);

“Council” means the Town Council of Endumeni;

“Code of Conduct” means the Code of Conduct for Councillors attached as Schedule 5 to the Local government; Municipal Structures Act, 1998 (as amended) and as Schedule 1 to the Local Government: Municipal Systems Act, 2000 (as amended)

“Executive Committee” means an executive committee established in terms of section 43 of the Local Government; Municipal Structures Act, 1998 (as amended);

“Mayor” means the member of the Executive Committee elected by the Council as the Mayor and who shall also preside at meetings of the Executive Committee (section 48/49 of the Local Government: Municipal Structures Act, 1998, as amended) refers;

“Meeting” means a meeting of the Council or any one of its Committees;

“Member” means a member of the Council;

“Motion” means a motion introduced in writing in terms of Section 17 of these rules;

“Municipal Manager” is the Head of the Administration and also the accounting officer for the Municipality appointed by the Council in terms of the provisions of Section 82 of the Local Government: Municipal Structures Act, 1998 (as amended);

“Proposal” means any proposal, with the exception of a motion, moved and seconded during a meeting;

“Quorums and decisions”

1. A majority of the members must be present at a meeting of the Council before a vote may be taken on any matter subject thereto that:
 - (a) All questions concerning matters mentioned in section 160(2) of the Constitution (i.e. functions which may not be delegated by a Municipal Council *viz* passing of bylaws, approval of budgets, imposition of rates and other taxes, levies and duties, and the raising of loans) are determined by a decision taken by a municipal council with a supporting vote of a majority of the members; and
 - (b) All other questions before a municipal council are decided by a majority of the votes cast (subject to Section 34 of the Local Government; Municipal Structures Act, 1998 - Dissolution of Municipal Councils).
2. A majority of the members of the Executive Committee constitutes a quorum for a meeting and any question before the committee is decided if there is agreement among at least the majority of the members present at the meeting.

“Speaker” means the chairperson of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (as amended);

“The Ordinance” means the Local authorities Ordinance (Natal), 1974 (Ordinance No. 25 of 1974);

“The report of the Executive Committee” means the report of the Executive Committee to the Council as contemplated in Section 44(4) of the Local Government: Municipal Structures Act, 1998 (as amended);

“Manager Corporate Services” means a manager appointed in terms of Section 56 of the Local Government: Municipal Systems act, 2000 (as amended); and

Any other word or expression shall have the meaning assigned thereto in the relevant legislation.

2. **Notice of Meetings**

Notice of the date, time and place of every meeting of the Council and all its committees shall be served on every Councillor either personally or by leaving the same at his/her usual place of abode/business at least 24 (twenty four) hours before such meeting and shall also be displayed on all public notice boards at the municipal offices. Such notice shall be signed by the Municipal Manager or the Manager Corporate Services and the accidental omission to serve on any Councillor such notice as is referred to above shall not affect the validity of any meeting.

3. **Attendance at Council/Committee meetings and attendance register**

- 3.1 A member applying to the Council for leave of absence from any meeting/meetings of the Council or any committee of which he/she is a member (unless on the ground of illness, force majeure, or the like) shall lodge application therefore in writing with the Municipal Manager before the commencement of the meeting to which the application is to be submitted;
- 3.2 In terms of the provisions of Section 4(2) of the Code of Conduct for Councillors, a member 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 member is required to attend, shall be removed from office as a member (Councillor);
- 3.3 If, during the period of any leave of absence granted to a member, he/she attends any meeting of the Council or of a committee of which he/she is a member, the unexpired portion of such leave of absence shall therefore be deemed to have been cancelled;
- 3.4 Notwithstanding anything to the contrary in these rules, whenever leave of absence from meetings of any committee is granted to any member necessitating the absence of such member from more than three consecutive meetings of such committee, the Council upon the motion of any member may forthwith appoint a temporary member to fill the vacancy in such committee for the period of such leave;
- 3.5 An attendance register shall be provided in the Council Chamber which register shall be signed by each member attending any meeting of the Council or a committee of the Council.

4. **Adjournment in the event of no quorum**

- 4.1 If, at the expiry of 10 minutes after the time at which a meeting is due to commence, a quorum has not assembled, no meeting shall take place, unless it is unanimously agreed by the members present to allow further time not exceeding 10 minutes in order to enable a quorum to assemble;
- 4.2 The members present shall, after expiry of the 10 minutes contemplated in Section 4.1, if no quorum has been obtained by then, by a majority of votes request the Municipal Manager/Manager Corporate Services to convene a meeting for a time, notice of which shall be given in terms of Section 2 of these Rules or Order and such meeting shall be deemed to be a continuation meeting for the purposes of Section 5.

5. **Count out of Members**

- 5.1 If, during the meeting, the attention of the 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 Chairperson shall allow an interval of 5 minutes and if there is still no quorum, the Chairperson shall forthwith adjourn the meeting;
- 5.2 Business not disposed of at a meeting adjourned in terms of Section 5.1 shall be dealt with at a continuation meeting convened by the Municipal Manager/Manager Corporate Services for this purpose: Provided that such business not dealt with and which originated from a special meeting convened at the request of members in terms of Section 29(1) (Council and 50(1) (Executive Committee) of the Local Government: Municipal Structures Act, 1998, may be held over until the next ordinary meeting of the Council or the Executive Committee as the case may be.

6. **Continuation Meeting**

- 6.1 When a meeting is adjourned, notice of the continuation meeting shall be served in terms of Section 2 of these Rules Or Order;
- 6.2 Subject to the provisions of Section 7, no business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting which was adjourned;

7. Business Limited by Notice of Meeting

- 7.1 Subject to the provisions of Section 7.2 and, with the exception of an urgent report of the Executive Committee, no business which is not specified in the notice of the meeting, shall be transacted at that meeting;
- 7.2 A member may, during a meeting, propose that the provision of Section 7.1 suspended to enable him to make a proposal reduced by him to writing and read out;
- 7.3 The proposal thus reduced to writing shall be signed by the proposer and seconder and be handed to the Speaker/Chairperson and shall be dealt with in terms of the provisions of these Rules of Order;
- 7.4 The proposer contemplated in Section 7.2 shall have the right to reply.

8. Order of Business of Ordinary Meeting

- 8.1 The order of business of an ordinary meeting of the Council/Executive Committee shall be as follows:
 - (a) Opening;
 - (b) Application for leave of absence;
 - (c) Official announcements by Speaker/Chairperson/Municipal Manager;
 - (d) Minutes of the previous meetings;
 - (e) Questions of which notice has been given;
 - (f) Reports of the Executive Committee;
 - (g) Petitions;
 - (h) Motions;
- 8.2 Once the matters referred to in paragraphs (a) to (h) of section 8.1 have been considered, the Speaker/Chairperson may, in his/her discretion, change the order of any business, which is on the agenda.

9. **Minutes of Meeting**

- 9.1 If a copy of the Minutes of a meeting has been served on every member in the manner as provided in section 2 of these Rules of Order, the Minutes shall be taken as read with a view to confirmation;
- 9.2 No motion, proposal or discussion shall be allowed on the Minutes, except as to their accuracy.

10. **Questions**

- 10.1 A member may, at a meeting, put a question-
 - (a) On a matter arising out of or connected with any item of the report of the Executive Committee when such item has been called or during discussion thereon;
 - (b) Concerning the general work of the Council not arising out of or connected with any item of the report of the Executive Committee: Provided that such question shall only be put if at least fourteen days' notice in writing has first been lodged with the Municipal Manager/Manager Corporate Services, who shall forthwith furnish a copy thereof to the Speaker and the Chairperson of the Executive Committee;
- 10.2 A question on a matter which, in the opinion of the Speaker/Chairperson, is of urgent importance, may be put at a meeting after notice thereof in triplicate shall have been lodged in writing with the Municipal Manager/Manager Corporate Services at least ten minutes before the question is put and the Municipal Manager/Manager Corporate Services shall forthwith furnish a copy thereof to the Speaker and/or the Chairperson of the Executive Committee;
- 10.3 A member who has put a question in terms of section 10.1(b) shall, on request, be entitled to be furnished with a written reply in due course;
- 10.4 The Chairperson of the Executive Committee shall, not later than at the next ordinary meeting of the Council, reply to questions in terms of section 10.1(b) and 10.2;
- 10.5 Subject to the provisions of section 10.4, any question put in terms of this section, shall be answered by (or on behalf of) the Chairperson of the Executive Committee at a time during the meeting which shall be determined by the Chairperson;
- 10.6 If, after his question has been replied to, a member is of the opinion that the reply to his question is not clear, he may, with the consent of the Chairperson, request elucidation thereof, but no additional questions shall be put without the consent of the Chairperson;

10.7 The decision of the Chairperson as to whether a member has asked a question in terms of section 10.1(a) or has spoken in terms of section 31 and/or as to whether the question is out of order or not clearly put and therefore rejected by him, is final and cannot be further discussed.

11. Reports of the Executive Committee

11.1 A report submitted by the Executive Committee in terms of section 44(4) of the Local Government: Municipal Structures Act, 1998 (as amended) shall contain, despite the number of volumes comprising the report or the order in which matters appear in the report or the date on which such functions have been exercised by the Executive Committee-

- (a) The matters in respect of which the Executive Committee does not have delegated authority and on which recommendations have been made; and
- (b) The matters which have been delegated to the Executive Committee and which are submitted for noting only.

12. Delivery of Reports of Executive Committee

A report of the Executive Committee, with the exception of a report accepted by the Chairperson as a matter of urgency, shall for the purposes of a meeting, be served in the manner provided in section 2 of these Rules of Order.

13. Submission of Report of the Executive Committee

13.1 The Chairperson of the Executive Committee (or a member called upon by him to do so), shall submit a report of the Executive Committee to a meeting by proposing that the report be considered", which proposal shall be seconded and which proposal shall not be discussed;

13.2 When the report of the Executive Committee is being considered, the Speaker (or the person acting in his stead) shall put the recommendations in that part of the report in respect of which the Executive Committee has no delegated powers, seriatim, unless for a good cause he sees fit to amend their order;

13.3 The recommendations in the report of the Executive Committee, as mentioned in section 13.2, shall be deemed to have been proposed and seconded;

- 13.4 When a recommendation contemplated in section 13.2 has been adopted, such recommendation shall become a resolution of the Council;
- 13.5 After the matters, in respect of which the Executive Committee has no delegated powers, have been dealt with, the Speaker shall permit debate of the matters delegated to the Executive Committee: Provided that-
- (a) Such debate shall be limited to a period not exceeding 1 hour or such extended period as the Council may determine;
 - (b) A member, except the chairperson of the Executive Committee, shall not speak on such matters for longer than 5 minutes; and
 - (c) During such debate a member may request that his opposition to a resolution in respect of which the Executive Committee has delegated powers, and his reason therefore, be minuted, after which the Municipal Manager/Manager Corporate Services shall minute or cause to be minuted such opposition and reason.
- 13.6 The Chairperson of the Executive Committee (or a member as contemplated in section 13.1) may-
- (a) With the consent of the majority of the members of the Executive Committee present, which shall be granted or refused without debate, withdraw any item; and
 - (b) Subject to the provisions of section 19, amend any item with the consent of all the members of the Executive Committee present and of the majority of the members present, which shall be granted or refused without debate.
- 13.7 If the Chairperson of the Executive Committee (or a member contemplated in section 13.1) takes part in the debate concerning any item in the report, he shall, subject to the proviso in section 30.1, close the debate on such item: Provided that the Chairperson or member concerned may nominate another member of the Executive Committee who, in his opinion, is more conversant with the item which is being debated, to close the debate on his behalf, irrespective of whether such member has previously taken part in the debate on that item, in which case the provisions of section 30.2 pertaining to the Chairperson of the Executive Committee, shall also apply to such member.

14 Petitions

- 14.1 A petition may be submitted by a member during the course of a meeting and he may not mention or divulge the content or the title thereof when it is submitted and no comment or address may be delivered when it is submitted;
- 14.2 A petition, as contemplated in section 14.1, shall be referred to the Executive Committee for report to the Council.

15 Deputations

- 15.1 A deputation desiring an interview with the Council or the Executive Committee shall submit a memorandum to the Municipal manager/Manager Corporate Services in which is set out the representations it wishes to make;
- 15.2 The Municipal Manager/Manager Corporate Services shall submit the memorandum contemplated in subsection (1) to the Executive Committee which may receive the deputation and deal with the matter raised in the memorandum if the necessary powers has been delegated to it;
- 15.3 A deputation shall not exceed six persons in number and at an interview contemplated in this clause, only one person shall speak on behalf of the deputation, (except when a member puts a question in which case any person forming part of the deputation, may reply to such question) and that only for a period not exceeding 20 minutes; provided that the Speaker/Chairperson may allow a further period not exceeding 10 minutes;
- 15.4 The matter shall not be further considered until the deputation has withdrawn.

16 Motions

- 16.1 Subject to the provisions of any other law-
- (a) Every notice of motion shall be in writing and such notice shall be signed by the member submitting it and also by another member acting as seconder;
 - (b) A motion shall be given to the Municipal Manager/Manager Corporate Services who shall enter it in a book kept for that purpose which shall be open to inspection by any member;
 - (c) Notice of a motion shall not be specified in the summons for a meeting unless it is received at least 7 days prior to such a meeting; and

- (d) A motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.
- 16.2 At the request of a member who gave notice of a motion, the Municipal Manager/Manager Corporate Services shall acknowledge receipt thereof in writing;
- 16.3 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 and before any notice of motion is placed on the agenda it shall be submitted to the Speaker/Chairperson who shall direct that such notice be not placed on the agenda;
- 16.4 A member submitting a motion shall move such motion and shall have the right of reply;
- 16.5 Every motion, as contemplated in section 16.1(a), shall on receipt be dated and numbered and shall be entered by the Municipal Manager/Manager Corporate Services upon the agenda in the order in which it is received: Provided that when a motion, in the opinion of the Municipal Manager/Manager Corporate Services, amends another motion, it shall be entered upon the agenda immediately after the latter motion, irrespective of the time when notice of the motion to amend was given;
- 16.6 No member shall have more than 1 motion, as contemplated in section 16.1(a), entered upon the agenda with the exception of a deferred motion, and no member shall move more than 4 motions during a calendar year;
- 16.7 When a member moves a motion in terms of this section,-
 - (a) Which is intended to rescind or amend a resolution passed by the Council taken within the preceding twelve months; and
 - (b) Which has the same intent as a motion which was rejected within the preceding twelve months;

Such motion shall only be entered upon the agenda if the notice of such motion is signed by no fewer than 6 (six) of the members in addition to the member who proposed the motion.

- 16.8 No revocation/alteration of any resolution of the Council within the period of 12 (twelve) months commencing on the day on which such resolution is taken shall be valid unless determined and decided upon by a majority of at least two-thirds of the Councillors present at the meeting at which such revocation/alteration is proposed;
- 16.9 No member shall propose a motion similar to one, which was dealt with in terms of the provisions of section 16.7 before a period of six months after it has been dealt with has elapsed.

16.10 Notwithstanding the provisions of section 16.7 and 16.9, the Council may, at any time, following a recommendation by the Executive Committee, rescind or amend any resolution passed by it.

16.11 In dealing with motions, the Speaker/Chairperson shall-

- (a) Read out the number of every motion and the name of the mover and seconder;
- (b) Ascertain which motions are unopposed and these shall be passed without debate; and
- (c) Call the opposed motions seriatim.

17 Irregular Motions or Proposals

17.1 The Speaker/Chairperson shall reject a motion or proposal-

- (a) Which, in his opinion, might lead to discussion of a matter already dealt with in the agenda or which has no bearing on the administration of or conditions in the municipality;
- (b) In respect of which -
 - (i) The Council has no jurisdiction; and
 - (ii) A decision by a judicial or quasi-judicial body is pending; and
- (c) Which, if passed, would be contrary to the provisions of these bylaws or of any other law, or would be impractical.

Provided that if such motion or proposal in the opinion of the Council, justifies further investigation, it shall be referred to the Executive Committee.

18 Withdrawal of Motions or Proposals

18.1 A motion or proposal may be withdrawn or amended by the mover with the consent of the Council/Executive Committee which shall be given or refused without debate;

18.2 Once consent for the withdrawal of a motion or proposal has been granted, no member shall speak upon such motion or proposal;

18.3 Once consent for the withdrawal of a motion or proposal has been refused, a member may speak upon such motion or proposal.

19 Motion or Proposal Affecting Budget to be referred to Executive Committee

A motion or proposal which is designed to increase or decrease the approved budget of the Council shall not be adopted before the Executive Committee has reported thereon to the Council: Provided that such a report by the Executive Committee may be dispensed with if the Chairperson of the Executive Committee deems such report unnecessary.

20 Motion or Proposal Affecting Bylaw to be referred to Executive Committee

A motion or proposal, other than a recommendation of the Executive Committee, affecting the making or amendment of a law or a bylaw shall, before the Council adopts a resolution thereon, be submitted to the Executive Committee for a report thereon.

21 Proposals which may be received

21.1 Subject to the provisions of section 38, when a motion or proposal is under debate at a meeting, no further proposal shall be received except that:

- (a) The motion or proposal be amended;
- (b) The question be referred back to the Executive Committee for further consideration;
- (c) Consideration of the question be postponed;
- (d) The meeting be adjourned;
- (e) The debate be suspended; and
- (f) That the question be put to the vote

Provided that such proposal shall only be deemed to have been submitted to the Council for decision if it was duly seconded and the provisions of section 35.2-35.5 are not applicable to any proposal made in terms of section 21.1(b)-(f).

21.2 A proposal in terms of section 21.1(a) or (b) may only be put by a member while he is speaking on a motion or proposal under debate;

- 21.3 If a proposal is put in terms of section 21.1(a) or (b), no further proposal may be put in terms of section 21.1 before the mover and seconder of the motion or proposal under debate have spoken thereon;
- 21.4 A proposal in terms of sections 21.1(c), (d), (e) or (f) may only be put at the conclusion of a speech by a member who did not take part in the debate on the motion or proposal under discussion;
- 21.5 A second proposal in terms of sections 21(c), (d), (e) or (f) shall not be put within half an hour of a similar proposal on the same matter unless, in the opinion of the Speaker/Chairperson, the circumstances are materially altered;
- 21.6 Subject to the provisions of section 21.2 and 21.3, a member who has made a proposal in terms of section 21.1, may speak thereon for not more than 5 minutes but the seconder shall not be allowed to speak thereon, and there shall be no right of reply;
- 21.7 The member who submitted the motion or proposal under debate may, when a proposal is made in terms of section 21.1, without forfeiting his right of reply if the proposal is not carried, speak on such proposal for not more than 5 minutes and the proposal shall subsequently be put to the vote without further debate;
- 21.8 A proposal in terms of section 21.1 shall be dealt with in terms of the provisions of sections 22 to 27.

22 Amendment of a Motion or Proposal

- 22.1 An amendment which is moved in terms of section 21.1(a)-
- (a) Shall be relevant to the motion or proposal on which it is moved;
 - (b) Shall be reduced to writing, signed by the mover and the seconder and handed to the Speaker/Chairperson; and
 - (c) Shall be clearly stated to the meeting by the Speaker/Chairperson before it is put to the vote.
- 22.2 Once an amendment of a motion or proposal has been proposed and seconded, a further amendment cannot be proposed before a decision has been made concerning this first amendment;
- 22.3 If the amendment is accepted, the amended motion or proposal replaces the original motion or proposal and becomes the substantive motion or proposal in respect of which a further amendment may be proposed;

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

23 The Question shall be referred back for further consideration

23.1 A proposal in terms of section 21.1(b) shall only be submitted in respect of a recommendation by the Executive Committee which is being considered by the Council;

23.2 A proposal in terms of section 21.1(b) shall not be put to the vote until the Chairperson of the Executive Committee 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.

24 Postponement of Consideration of Question

If a motion is carried that consideration of a question be postponed to a specific date, as contemplated in section 21.1(c), the motion or proposal, if the question did not arise from a recommendation of the Executive Committee shall, subject to the provisions of section 26, be placed first among the motions or proposals contemplated in section 8.1(g), which are to be considered on the particular date, or if such a question arises from a recommendation of the Executive Committee, it shall be contained in the report of that committee to the Council on the day in question.

25 Adjournment of meeting

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

26 Suspension of Debate

26.1 If a proposal that the debate be suspended, as contemplated in section 21.1(e) is carried, the Council shall deal with the next question on the agenda and the question in respect of which the debate has been suspended shall, notwithstanding the provisions of section 24, be placed first on the list of motions or proposals contemplated in section 8.1(g), of the next meeting and the discussion thereof shall be resumed at that meeting;

26.2 On resumption of a suspended debate, the member who moved its suspension shall be entitled to speak first;

26.3 No member shall move or second more than one proposal for suspension of the same debate.

27 Voting on the Matter

The mover of a motion or proposal under debate shall, notwithstanding the fact that the proposal has been adopted in terms of section 21.1(f), have the right to reply in terms of section 30 before the question is put to the vote.

28 Precedence of Chairman

Whenever the Speaker/Chairperson speaks, any member then speaking or offering to speak is to be silent so that the Chairman may be heard without interruption.

29 Length of Speeches

29.1 Subject to the provisions of section 13, 21, 38 and 50, a member may speak for no longer than 5 minutes on a motion or proposal: Provided that the Speaker may permit a speech to be continued for a further period or periods of 5 minutes;

29.2 The Speaker may waive the provisions of section 29.1 in regard to a statement made with the consent of the Council by the Chairperson of the Executive committee or a member of the Executive Committee, in relation to any matter arising from a report of the Executive Committee;

29.3 A member shall not read his speech, but may refresh his memory by referring to notes;

29.4 The provisions of this section shall not apply to a member delivering the mayoral report or in the presentation of the estimates of income and expenditure;

30 Member to Speak only Once

30.1 Subject to provisions to the contrary in these bylaws contained, no member shall speak more than once on any motion or proposal: Provided that the Speaker/Chairperson may allow a member to speak more than once should he/she deem it necessary and provided further that the mover of an amendment may reply in concluding the debate, but shall confine himself to answering to previous speakers and shall not introduce any new matter into the debate;

30.2 The Speaker may permit the Chairperson of the Executive Committee or a member who made a proposal in terms of section 13 to make an explanatory statement prior to consideration of any particular item contained in the report of the Executive Committee or during discussion of such report, in reply to a specific question.

31. **Relevance**

31.1 A member who speaks shall confine his speech strictly to the matter under discussion or to an explanation or a point of order and no discussion shall be permitted-

- (a) Which will anticipate any matter on the agenda; or
- (b) In respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending.

32. **Irrelevance, Tedious Repetition, Unbecoming Language and Breach of Order**

32.1 The Speaker/Chairperson shall call the attention of the members to irrelevance, tedious repetition, unbecoming language, misconduct, unseemly behaviour, persistent obstruction of business and unnecessary challenging of the ruling of the Speaker/Chairperson or any breach of order on the part of a member and shall direct such member, if speaking to discontinue his speech or, in the event of persistent disregard of the authority of the chair, to retire from the meeting;

32.2 The Speaker/Chairperson shall direct a member to apologize or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honour of a member or official of the Council.

33. **Removal or Exclusion/Suspension of Member**

33.1 If a member refuses to comply with a direction in terms of section 32, the Speaker/Chairperson may direct an official to remove the member or to cause his removal and to take steps to prevent his return to the meeting;

33.2 The Council may exclude/suspend from meetings of the Council for such period as it may determine, a member who so misconducted him/herself, or behaved in an unseemly manner or who willfully disregards the authority of the chair or who willfully and persistently obstructs the business at any meeting: Provided that such suspension/exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors (refer to section 1 "Definitions");

33.3 A proposal to exclude/suspend any person may be moved at any stage of the meeting;

- 33.4 Such member shall recuse himself from the meeting and leave the Council Chamber during the consideration by the Council of his suspension and the period thereof. During the whole of the period of suspension of a member in terms of this sub-rule, such member shall not perform any of the duties or functions of a member of the Council (including attendance as a member at meetings of the Council or any of its committees), nor shall he receive payment of any allowance or the like normally payable to him as a member;
- 33.5 The Municipal Council may by resolution of a majority of councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders;
- 33.6 The Rules Committee shall consist of the Speaker, the Mayor and one representative of each political party represented on the council, such representative to be nominated from time to time by each political party.

34. **Point of Order and/or Personal Explanation**

34.1 For the purpose of this section-

“point of order” means pointing out any deviation from, or anything contrary to, these bylaws or other bylaws of the Council or any law or any other irregularity in the proceedings; and

“personal explanation” means the explanation of some material part of a member’s former speech, which may have been misunderstood.

34.2 Any member, whether he has addressed the Council on the matter under debate or not, may-

- (a) Make a point of order; and
- (b) Give a personal explanation.

34.3 A member contemplated in section 34.2 shall be entitled to be heard forthwith.

34.4 Subject to the provisions of section 36, the ruling of the Speaker/Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

35. **Method of Voting**

- 35.1 Every motion or proposal shall be submitted to the Council by the Speaker who shall call upon the members to indicate whether they are for or against it. Should there be any uncertainty in respect of any item before Council, the Speaker shall call upon the members to indicate by a show of hands whether they are for or against it and he shall thereupon declare the result of the voting;
- 35.2 Only after the Speaker has declared the result of the voting in terms of subsection 35.1, may a member demand-
- (a) That his vote be recorded against the decision; or
 - (b) A division, by putting such demand to the Speaker.
- 35.3 When a division in terms of section 35.2(b) is demanded, the Speaker shall accede thereto and state so clearly, and no member shall leave or enter the Council Chamber until after the result of the division has been declared.
- 35.4 A division shall take place in the manner prescribed in section 35.1 and the vote of each member shall be taken separately by name and recorded in the minutes by the Manager Corporate Services.
- 35.5 When a division takes place in accordance with the preceding provisions, every member present, including the Speaker, shall be obliged to record his vote for or against the motion or proposal;
- 35.6 A member demanding a division shall not leave the Council Chamber before such division has been taken.
- 35.7 Should there be an equality of votes in respect of a proposal, except a proposal as contemplated in section 21, which is being voted on in terms of sections 35.1 or 31.5 and the Speaker refuses to record his casting vote as contemplated in terms of section 30.4 of the Local Government: Municipal Structures Act, 1998, as amended, the matter shall be referred back to the Executive Committee for consideration.

36. **Interpretation of Standing Orders**

- 36.1 Any member may request that the ruling of the Speaker as to the interpretation of the Standing Orders be recorded in the minutes and a register of such rulings shall be kept by the Manager Corporate Services.
- 36.2 The Speaker shall sign the entry in the register referred to in section 36.1 of each ruling given by him.

36.3 A member who has made a request in terms of section 36.1, may verbally during the meeting (or within 5 days thereof in writing) require the Manager Corporate Services to submit the matter to the Executive Committee, in which event the Executive Committee shall consider the ruling and report thereon to the Council.

36.4 The Council may only, on the recommendation of the Executive Committee, direct that the ruling of the Speaker be amended or substituted.

37. **Maintenance of Order**

37.1 The Speaker/Chairperson may, at any time during a meeting, if he deems it necessary for the maintenance of order, direct an official to remove or cause the removal of any person, excluding a member, from the Council Chamber or order that the public gallery be cleared.

37.2 Any person who refuse to carry out any instruction given in terms of subsection 37.1, or who willfully obstructs the carrying out of such instruction or otherwise contravenes the provisions of section 37.1, shall be guilty of an offence.

38. **Council in Committee**

38.1 Notwithstanding anything to the contrary contained in these bylaws, a member may-

(a) At any time after an item on the agenda has been called or during consideration thereof, move that the Council/Executive Committee resolve to go into committee for the further consideration of that item; or

(b) If the Council/Executive Committee is in committee as contemplated in paragraph (a), move that for the further consideration of the item under debate, the Council/Executive Committee resolve to consider the matter in open Council.

Provide that the Chairperson of the Executive Committee or the member of the Executive Committee contemplated in section 13.1, may, at any time, move that the Council/Executive Committee resolve to go into committee for consideration of one or more items on the agenda.

- 38.2 Notwithstanding anything to the contrary contained in these bylaws, only the member moving a motion in terms of section 38.1 may speak on such motion and shall restrict his speech to the reasons why the Council should resolve to go into committee or discuss the matter in open council, as the case may be: Provided that if a motion is moved in terms of section 38.1, the member concerned may speak for a period not exceeding 5 minutes on each item in respect of which such proposal is made.
- 38.3 If the Council/Executive Committee is in committee, the provisions of these bylaws, except insofar as they are in conflict with this section, shall apply.
- 38.4 If the Council/Executive Committee adopts a resolution in terms of section 38.1, the 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.
- 38.5 If a proposal in terms of the proviso to section 38.1 is carried, the Speaker/Chairperson shall determine when the items concerned shall be considered and all such items shall be considered consecutively.
- 38.6 At the conclusion of consideration of items in committee, the Council/Executive Committee may, if necessary, revert to consideration of further items in open council and when resuming in open Council/Executive Committee the action of the Council/Executive Committee whilst in committee shall be formally confirmed.
- 38.7 When the Council resolves to go into committee, all members of the public and Council officials except the Municipal Manager, Heads of Departments and such other official as the Speaker/Chairperson may require to remain, shall leave the Council Chamber and shall not return to the Council Chamber for the duration of the proceedings in committee;
- 38.8 The Speaker/Chairperson may direct an official to remove or cause to be removed any person who remains in the Council Chamber in contravention of section 38.7 , or take steps to prevent the entry of any person into such chamber in contravention of the subsection.

39. **Reporting to the Executive Committee**

- 39.1 For the purposes of this section, “Head of Department” means the head of any section or branch who is not directly responsible to any senior official, other than the Municipal Manager.

- 39.2 A report by a Head of department shall be submitted to the Municipal Manager who may in turn submit it to the Executive Committee: Provided that the Municipal Manager shall submit a report when this is required by the Council or Executive Committee or has to be considered in terms of any law.
- 39.3 The Municipal Manager may refer a report back to a departmental head for amendment or any addition thereto and may, if he deems it necessary, comment or make a recommendation in respect of any report, which he submits.
- 39.4 A Head of Department, or his representative, at any committee meeting shall be entitled to express the views of his department on any relevant matter under consideration and where any such matter requires the decision of the Council the Head of the Department shall be entitled to request the Municipal Manager to ensure that his views are made know to the Council.

40. **Time of Executive Committee Meetings**

- 40.1 The Executive Committee shall determine the dates and times of its meetings.
- 40.2 No meeting of the Executive Committee shall be held during a meeting of the Council without the Council's consent.

41. **Notice of Executive Committee Meeting**

- 41.1 An ordinary meeting of the Executive Committee shall be convened by way of a written notice signed by the Municipal Manager/Manager Corporate Services and such notice shall contain the business to be dealt with, upon the understanding that such matters as may, in the opinion of the Municipal Manager, require the urgent attention of the Executive Committee, may nevertheless be tabled at the meeting of the Executive Committee in question by the Municipal Manager, despite the fact that no mention is made thereof in the notice.
- 41.2 The notice contemplated in section 41.1 shall be delivered to every member of that committee personally or left at his business or residential address not later than 24 hours before the commencement of any ordinary meeting, and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby. The said notice shall also be displayed on all public notice boards at the municipal offices.

42. **Attendance Register for Executive Committee meetings**

42.1 An attendance register shall be kept in which every member of the Executive Committee attending a meeting of that committee shall sign his name.

42.2 Whenever a member who is not a member of the Executive Committee attends a meeting of that committee, he shall enter his name in the attendance register.

43. **No Quorum at Executive Committee Meeting**

If, after the expiry of 10 minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall not take place unless it is unanimously agreed by all members present to allow further time not exceeding 10 minutes in order to enable a quorum to assemble and if there is still no quorum the meeting shall be postponed and held on a day and at an hour determined by the Municipal Manager.

44. **Participation in Discussion at Executive Committee meetings**

Any person requested or permitted by the Executive Committee to attend a meeting of that committee may, subject to the permission of the Chairperson (who shall have the sole discretion in this regard), speak at such meeting.

45. **Approval of Minutes of Executive Committee Meetings**

45.1 At any ordinary meeting of the Executive Committee, after consideration of applications for leave of absence, such minutes of any previous meeting of the committee as have not yet been confirmed shall, subject to the provisions of section 45.2, be read, approved with or without amendment and signed by the Chairperson of the Executive committee on the last page thereof.

45.2 The minutes contemplated in section 45.1 may be taken as read if they have been open to inspection by the members of the committee for not less than one hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so requires, unless the committee decides to defer consideration thereof to the next meeting.

45.3 No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

46. **Voting at Meetings of the Executive Committee**

46.1 The Chairperson of the Executive Committee shall allow the members of the Executive Committee to vote by a show of hands.

46.2 A member of the Executive Committee may request that his vote be recorded against a resolution.

47. **Ruling of Chairperson of Executive Committee on Procedure**

47.1 Subject to the provisions of subsection 47.2, a ruling by the Chairperson of the Executive Committee as to procedure shall be final.

47.2 If a ruling of the Chairperson of the Executive Committee is called in question, such ruling shall be discussed (and revised if necessary) at the next meeting of the Executive Committee and for this purpose the Chairperson of the Executive Committee shall vacate the chair.

48. **Committees of the Council**

48.1 All committees of the Council shall determine their own procedures subject to any directions from Council and these standing orders.

48.2 The Chairperson of a committee shall preside at every meeting of the committee at which he/she is present. He/she shall be entitled to vote in the first instance and in the case of an equality of votes, shall give a second casting vote. In his/her absence, the Acting/Deputy Chairperson shall have the same powers and rights of voting as those possessed by the Chairperson.

48.3 A member of a committee wishing to resign shall tender his resignation in writing to the Municipal Manager and thereafter such resignation may not be withdrawn.

48.4 The Executive Committee shall report to the Council every vacancy arising in any committee of the Council as soon as possible after the committee meeting at which such vacancy was announced, and the Council/Executive Committee may fill such vacancy.

49. **Exclusion of Members Publishing or Disclosing Documents**

49.1 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 or expropriation of land or other property by the Council, or any legal or arbitration proceedings in which the Council is concerned, or the agenda or minutes or document or records, or any part thereof, of the Council in committee or of the Executive Committee or another committee of the Council when in committee, or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Council, shall be guilty of an offence.

49.2 The Council may exclude for such period as it may determine, any member who, in its opinion, is guilty of an offence in terms of section 49.1. Provided that such exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors (refer to section 1 "Definitions").

49.3 If a member attends a meeting in contravention of a decision in terms of section 49.2 to exclude such member, the Speaker/Chairperson may call upon an official to remove such member and to take steps to ensure that such member does not return to the meeting.

50. **Declaration of Pecuniary Interest**

50.1 A member wishing to declare a pecuniary interest in respect of any item before Council or any committee of Council, shall do so forthwith after the item or motion in respect of which such interest exists, has been called.

50.2 No member shall speak for more than 5 minutes on the question of whether his pecuniary interest as contemplated in section 50.1, is so small or remote as to render a clash of interests unlikely, unless the Speaker/Chairperson allows him to continue his speech for a further 5 minutes.

50.3 The speech contemplated in section 50.2 shall not, for the purposes of section 29, be regarded as a speech on the item or motion under debate.

51. **Penalty Clause**

Any person who contravenes or fails to comply with any provision contained in these bylaws, shall be guilty of an offence and liable on conviction to a fine not exceeding R500.00.

52. **Municipal Manager**

The Municipal Manager shall exercise all functions imposed by law or proclamation upon him or in terms of powers delegated to him. He shall be the Chief Administrative, Executive (in so far as delegated) and Accounting Officer of the Council and shall be responsible for the proper conduct of the Council's business. He shall see that it is carried out with order and regularity in accordance with what is prescribed by law, the rules of order, standing orders or any regulations of the Council and the orders of reference to the various committees. He shall cause to be reflected in the minutes of the meetings of each committee every decision arrived at or instruction given by such committee and shall supply information relating to municipal work which may be applied for by members.

53. **Authority of Individual Members**

53.1 Individual members shall not have any executive power and cannot give instructions to officials or make any decisions binding on anyone else in regard to Council matters; subject to the right to request the Municipal Manager to report on any matter, or to ask the committee concerned to institute an enquiry into or otherwise deal with any aspect of matters of the Council which he feels requires attention.

53.2 A member or group of members shall not have official dealings or discussions with outside persons or bodies in connection with any matters being dealt with or to be dealt with by the Council or any committee of the Council unless the Municipal manager or other official nominated by him is present.

53.3 A member shall not inspect Departmental records or premises except by arrangement with the Municipal Manager.

53.4 The Council may suspend and exclude, for such period as it may fix, any member who is guilty of a breach of the provisions of sub-rules (1), (2) and (3) above, provided that such suspension and exclusion shall not equal or exceed such period as would result in the vacation of such member's office in terms of section 4(2) of the Code of Conduct for Councillors (attached as Schedule 5 to the Local Government: Municipal Structures Act, 1998, as amended).