

RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE GEORGE MUNICIPALITY

1. APPLICATION OF RULES

- 1.1 These Rules of Order apply to all meetings of the Municipal Council and its Committees established in terms of Sections 79 and 80 of the of the Municipal Structures Act, 117 of 1998.
- 1.2 These Rules shall not apply to the meetings of the Mayoral Committee or Ward Committees.
- 1.3 These Rules of Order are aimed to allow for a free and constructive debate during Council's meetings to promote freedom of expression in such a manner as to allow for orderly debate by as large a number of Members as is possible within reasonable time constraints.

2. DEFINITIONS

In these Rules, unless inconsistent with the context:

“Act” means Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

“Chief Whip” “Chief Whip” means a councillor elected in terms of section 41A to be the whip of a municipal council;

“Committee” means a Committee of the Municipal Council of George Municipality established in terms of Section 79 or 80 of the Act;

“Code of Conduct” means the Code of Conduct for Councillors as contained in Schedule 7 to the Municipal Structures Act, 117 of 1998, as amended;

“Exigency” means an urgent matter that requires the immediate attention of Council that could not otherwise been reported;

“Mayor” means the Executive Mayor of the Council;

“Mayoral Committee” means the Mayoral Committee of the Municipality appointed in terms of Section 60 of the Structures Act;

“Meeting” includes meetings that take place in the chambers of the municipal council, any other venue, or virtual platform, and also includes meetings of the committees of the council;

“Member” means a member of the Municipal Council of George and any committee established by Council;

“MMC” means a member of the Mayoral Committee;

“Motion” means a matter submitted by a member in terms of Rule 19;

“Municipality” means the Municipality of George, duly established in terms of section 12 of the Act;

“Municipal Manager” means the person appointed in terms of Section 82 of the Act;

“Notice” for the purpose of Rule 6 means a written notification, either electronically, by SMS, or by delivery of such notification to the place of residence or work of a councillor;

“Number of days” Refers to calendar days, which will exclude the first day and include the last day;

“Ordinary Meeting” means a meeting in terms of Rule 7.1;

“Officer” for the purposes of Rule 29 means a member of the South African Police Services, or a Law Enforcement Officer appointed by the Municipality;

“Political Party” means a political party registered in terms of the Electoral Act, 1998;

“Opposed” or “opposition” for the purposes of Rule 16 will mean a verbal or written notice to the Speaker, acknowledged by the Speaker, by a member of his/her dissent from a recommendation before Council;

“Speaker” means the member elected in terms of Section 36 of the Act and any reference made to the Speaker will also include a Chairperson of a committee;

“Special Meeting” means a meeting in terms of Rule 7.2, 7.4 or 7.7;

“Systems Act” means the Local Government Municipal Systems Act, 2000;

“Structures Act”, means the Municipal Structures Act, 117 of 1998;

“Political Whip” means, for the purposes of these Rules, a Member of Council appointed by any other political party to perform the functions referred to in Rules 4.8 and 17;

“Removal” for purpose of Rule 28 and 29, will include the cancellation and removal of a member’s link in relation to a virtual meeting;

“Walkout” is an act of leaving the council meeting or failing to remain in attendance at that meeting, by a councillor or councillors, at the time that a formal vote is taken or is about to be taken on any matter before such meeting.

3. VIRTUAL MEETINGS.

- 3.1. This Rule will only be applicable in the event that a meeting must take place remotely for a reason or reasons determined by the Speaker. Save for the matters provided for in this Rule, the remainder of Rules of Order as set out hereunder, will remain in operation.
- 3.2. Only the Speaker may determine that a meeting must take place remotely.
- 3.3. If the notice of a meeting does not expressly state that the meeting will take place remotely, the meeting will be a face-to-face meeting at the venue communicated.
- 3.4. Members must ensure that they are connected and in attendance at least 30 minutes before the scheduled time of a meeting.
- 3.5. Any reference in these Rules of Order to being “present” at a meeting, includes being present through remote attendance.
- 3.6. A member in remote attendance attends a meeting when the Speaker certifies that such member is present at the meeting.
- 3.7. The presence of a member in terms of sub-rule 3.5 shall be deemed to be evidence for the attendance register.
- 3.8. A requirement in the Rules of Order that a meeting be open to the public, is satisfied if –
 - 3.8.1 the meeting is streamed live online; or
 - 3.8.2 the meeting is recorded and made available on the website of the Council as soon as practicable after the meeting.
- 3.9. The Municipal Manager must give notice to the public of each virtual meeting of the Municipal Council.
- 3.10. A public notice of the city's virtual meeting, must -
 - 3.10.1. state that the meeting is virtual and that there is no physical meeting location;
 - 3.10.2. describe how members of the public can observe the meeting.
- 3.11. Members who have accessed the meeting via the secure link sent to their email address shall be deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter.

- 3.12 Except where voting by secret ballot is prescribed by law, members shall cast their votes electronically or by voice. As far as last-mentioned is concerned, the Speaker shall make a ruling on the method of voting to be used and his/her ruling in this regard will be final.
- 3.13 Only members who are present when a vote is called shall be permitted to vote.
- 3.14 the results of a vote are announced and the names of members and how they voted are recorded in the Minutes, and
- 3.15 Members must ensure that their votes are correctly recorded.
- 3.16 The Speaker may make a ruling that a member must switch on his/her camera on his/her device, and the member must do so promptly and without questioning the ruling of the Speaker.

4. **CONDUCT AT MEETINGS**

The Speaker must:

- 4.1 maintain order during meetings;
- 4.2 ensure compliance with the Code of Conduct for Councillors at meetings;
- 4.3 ensure that meetings are conducted in accordance with these Rules of Order, except if otherwise ruled by the Speaker;
- 4.4 ensure that any member refusing to comply with his / her ruling and upon two warnings and a final warning thereafter leaves the meeting place immediately; alternatively, ensure that disciplinary steps are instituted against such member in terms of Rule 28;
- 4.5 ensure that members conduct themselves in a dignified and orderly manner;
- 4.6 ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager;
- 4.7 ensure that members of the public attending any meetings of the Municipal Council conduct themselves in an orderly manner and obey any ruling made by the Speaker;
- 4.8 ensure that the Political Whips of Council be responsible for maintaining discipline of his / her different party's members during the meeting. Failure by the Political Whips to take appropriate action must be dealt with in terms of Rule 28 of this Rules.

5. **INTERPRETATION OF RULES**

- 5.1. The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding.
- 5.2. No debate or discussion on the ruling of the Speaker in terms of Rule 5.1 shall be allowed.

6. **CHAIRING OF MEETINGS**

- 6.1. The Speaker is the Chairperson of meetings of the Municipal Council, and in the case of a Committee the Chairperson or Deputy Chairperson chairs the meeting.
- 6.2. Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.

7. **NOTICE OF MEETINGS**

- 7.1. The Speaker must determine the date, time and venue of meetings of the Municipal Council, and must ensure that such meetings take place at least quarterly.
- 7.2. A separate Special Meeting of Council shall be called to approve the Annual Budget.
- 7.3. The Municipal Manager must give at least 72 hours notice of the meetings referred to above, to enable members to prepare adequately.
- 7.4. When the Municipal Council meets as a legislative body to consider By-Laws, the Municipal Manager must give seven (7) working days' notice of this meeting to all members of the Municipal Council.
- 7.5. The fact that any member(s) has/have not received notice of a meeting in accordance with these Rules will not affect the validity of any proceedings of that meeting.
- 7.6. In the case of virtual meetings, members must, at least two days before the meeting, ensure that they have the necessary internet connectivity and that they can open the agenda and annexures. The obligation is on the member to contact the Municipality's IT Section for assistance, should they experience connectivity problems or problems opening the agenda and annexures.
- 7.7. In the case of any urgent meeting, the notice period must be at least 24 hours.
- 7.8. Whenever a meeting of the Municipal Council is called, the Municipal Manager must give notice of the meeting stipulating the time, date and venue of the meeting by placing a notice to this effect on a notice board situated at the main administrative office of the Municipality, as well as on the municipal

website, by placing an advertisement in Afrikaans, English and Xhosa in one (1) newspaper circulating in George and any other appropriate manner as deemed fit by the Municipal Manager. The obligation to place an advertisement in the newspapers may be dispensed with at the discretion of the Municipal Manager in cases where time constraints do not allow these advertisements to be placed.

7.9 The agenda of the confidential part of the agenda will be distributed to all members to their municipal email addresses only. A secret passcode will be submitted with the agenda in order for members to open the agenda. Members must ensure that they are able to open the agenda at least two days before the start of the meeting.

7.10 Every member of the Municipal Council must specify in writing an electronic mail address and/or a physical address within the municipal area of George, where he/she can receive an electronic notice of meetings and other official correspondence. Delivery to this address will constitute proper notice of meetings of the Municipal Council.

8. **QUORUMS**

8.1 The quorum for a meeting of the Municipal Council or Committee is a majority of its members, determined in terms of section 20 of the Structures Act.

8.2 Whenever there is no quorum, for the Council meeting, the meeting must be adjourned for no more than 20 minutes, and if at the end of that period there is still no quorum, the Speaker may further adjourn the Council meeting for a period he/she deems fit after which he/she may adjourn the meeting to another time, date and venue at his/her discretion.

8.3 Whenever there is no quorum for a committee meeting, the meeting must be adjourned for no more than 20 minutes, and if at the end of that period there is still no quorum, the Chairperson, may further adjourn the meeting for a period he/she deems fit after which he/she may adjourn the meeting to another time, date and venue as determined by the Speaker.

8.4 In the absence of the Speaker or Chairperson of a committee the Acting Speaker or Deputy Chairperson of a committee must perform the functions referred to in Rule 6.2. If, after the initial adjournment of 20 minutes neither the Speaker nor the Acting Speaker, the Chairperson, or Deputy Chairperson of a committee are present, the meeting must be adjourned.

9. **AGENDA**

9.1 Subject to rules 9.2 and 10.2, all meetings must be conducted according to the order in which the matters appear on the agenda before the Council, and only matters which are on the agenda, may be debated.

9.2 The Speaker may, after considering suitable motivation, change the order of matters appearing on the agenda.

9.3 The Municipal Manager in consultation with the Speaker, may direct that any matter be entered into the confidential part of the Council's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Council.

9.4 The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.

10. **ORDER OF BUSINESS OF AN ORDINARY MEETING.**

10.1 The order of business of an ordinary meeting convened in terms of Rule 7.1 shall be as follows:

10.1.1 Opening;

10.1.2 Mayoral address;

10.1.3 applications for leave of absence;

10.1.4 disclosure of interests by Councillors (Item 6 of the Code of Conduct for Councillors) and disclosure of benefits by Municipal staff members (Item 5 of the Code of Conduct for Municipal staff members);

10.1.5 confirmation of the minutes of the previous meeting(s);

10.1.6 questions of which notice has been given;

10.1.7 report of the mayor which includes:

10.1.7.1 recommendations to the Council;

10.1.7.2 decisions under delegated authority;

10.1.7.3 schedule of decisions of the mayor, together with the members of the mayoral Committee in terms of Section 60(3) of the Act.

10.1.8 motions or proposals deferred from previous meetings;

10.1.9 new motions;

10.1.10 any other matter not contained in the notice of the meeting at the discretion of the Speaker.

10.1.11 urgent matters raised by the Municipal Manager in terms of Rule 20.

10.2 After the matters referred to in paragraphs 10.1.1 to 10.1.4 have been considered, the Speaker may in his/her discretion bring forward any business which is on the agenda.

11. **LEAVE OF ABSENCE**

11.1 Application for leave of absence from a meeting of the Council or a Committee thereof must be addressed to the Chief Whip in writing on the prescribed form by the member who is applying for such leave, whereafter the Chief Whip will refer the application to the Speaker for approval. E-mails directed to the Chief Whip in this regard will be acceptable.

- 11.2 Leave will not be granted to a member if the leave will result in a breach of item 2 of the code of conduct for councillors.
- 11.3 Notwithstanding Rule 11.1 above, applications for leave of absence from a meeting are deemed to have been granted if:
- 11.3.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
 - 11.3.2 if the Council, Mayor or Committee of the Council requests the member to withdraw from the relevant meeting:
 - 11.3.2.1 in terms of Item 4(b) of the Code of Conduct for Councillors or;
 - 11.3.2.2 if the member recuses him/herself in terms of Rule 11.4.
- 11.4 The Speaker may, subject to Rules 11.1 and 11.2 above, grant leave of absence to a member for the following reasons:
- 11.4.1 Illness or any other valid reasonable reason making it impossible for the member to attend.
 - 11.4.2 Essential business or personal commitments, or personal circumstances of the member.
 - 11.4.3 Non-delivery of the notice of a meeting, or delivery of the notice of a meeting less than 72 hours before its commencement, provided that this will not apply to an ordinary meeting of the Council or Committee or when the member has changed his/her address referred to in Rule 6.10 and failed to inform the Municipal Manager at least 7 days before the relevant meeting of the revised address for the service of documentation.
 - 11.4.4 Any other valid circumstances as determined by the Speaker where the member is prevented from attending the meeting.
- 11.5 A Councillor must recuse himself from a meeting when any matter concerning that Councillor is discussed and the Councillor is requested by the Speaker to recuse him/herself. Non-adherence to this Rule will be regarded as a breach of Rule 28 of these Rules.
- 11.6 Sanction for non-attendance:
- 11.6.1 A member who is absent without leave from a meeting or who fails to be present at the beginning of a meeting or who fails to remain in attendance, or who walks out as defined in these Rules, at such meeting, is in breach of these Rules and item 2 of the Code of Conduct for Councillors.
 - 11.6.2 A committee consisting of the Speaker, Chief Whip and a Councillor appointed by Council (the Attendance Committee), must investigate and report to Council on any transgression contemplated in rule 11.6.1.

- 11.6.3 The Attendance Committee must conduct its work according to the uniform standing procedures adopted by Council.
- 11.6.4 If the Attendance Committee finds that a member breached rule 11.6.1, the member must be fined as follows:
- 11.6.4.1 First meeting - 10% of a councillor's all-inclusive monthly salary;
- 11.6.4.2 Second meeting - 25% of a councillor's all-inclusive monthly salary;
- 11.6.4.3 Third meeting - Attendance committee for removal proceedings.
- 11.6.5 A member who is absent from three or more consecutive meetings of the council, or from three or more consecutive meetings of a committee which he or she is required to attend, must be removed from office as a councillor.
- 11.6.6 Proceedings for the removal of a member in terms of rule 11.6.5 or the imposition of a fine in terms of rule 11.6.4 must be conducted in accordance with the uniform standing procedure adopted by Council in terms of Rule 11.6.3.

12. **MAYORAL ADDRESS**

- 12.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Mayor may address the meeting on any matter, whether it is on the agenda or not, which he/she deems appropriate. During the mayoral address no points of order or debate shall be allowed.
- 12.2 At the conclusion of the mayoral address, the Speaker must allow time for reply by every political party. as set out in the speakers list received from the Chief Whip in terms of Rule 17.1.
- 12.3 The mayoral address and reply is subject to the provisions of rule 19.2.

13. **REPORTS**

- 13.1 The Municipal Council may not take any decision unless it has before it sufficient information as determined by the Speaker to take an informed decision. Except in exceptional circumstances, such information must be in a written report.
- 13.2 It is expected of a member, at least 2 days before a meeting, to make enquiries to the relevant Portfolio councillor or Chief Whip on any matter on the agenda which is not clear or on which more information is needed.

13.3 The relevant portfolio Councillor or Chief Whip must ensure that sufficient information on the matter is provided to the member at least 24 hours before a meeting.

13.4. No questions directly to the Municipal Manager or other staff member will be allowed during a meeting on any matter in instances where there was non-compliance with Rule 13.2.

14. **REPORT OF THE MAYOR**

14.1 A report of the Mayor shall contain the following matters:

14.1.1 recommendations to Council (where the Mayor has no delegated authority);

14.1.2 a schedule of decisions by the Mayor under his/her delegated or statutory authority; and

14.1.3 a schedule of decisions by the Mayor together with members of the Mayoral Committee in terms of Section 60(3) of the Act.

14.2 The Speaker shall permit debate of the matters referred to in Sub-rule 14.1.1 above, in accordance with Rule 17 of these Rules.

15. **LEGAL AND FINANCIAL CONSTRAINTS**

The Municipal Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to these aspects.

16. **DECISIONS AND VOTING**

16.1 Subject to the provisions of rule 16.3 all decisions must be taken by a supporting vote of the majority members present at any meeting of the Council.

16.2 Before any vote is taken on any matter before the Council no Councillor or any other person shall be allowed to enter or leave the Council Chamber, while voting is in process.

16.3 The following matters are determined by a decision taken by the majority of the members of the Council:

16.3.1 the passing of By-Laws;

16.3.2 the approval of budgets;

16.3.3 the imposition of rates and other taxes;

16.3.4 the raising of loans; and

16.3.5 the approval of the Integrated Development plan.

16.4 If the Speaker asks the meeting if it is in agreement with the recommendation(s) and the recommendation(s), is/are not opposed by any member present, the recommendation(s) is/are adopted.

- 16.5 Where there is opposition to any proposal to be decided, voting must be by a show of hands.
- 16.6 Only the number of members, and not the names of members voting for / against an item, is to be recorded in the minutes.
- 16.7 A member may abstain from voting without leaving the meeting place.
- 16.8 Any member may request that his / her dissent, abstention or support be recorded in the minutes of that meeting.
- 16.9 The Speaker must announce the decision of the Municipal Council taken in terms of rules 16.4 or 16.5.
- 16.10 If there is an equality of votes in respect of a motion on which voting takes place in accordance with rule 16.1, the Speaker must exercise his/her casting vote, in addition to his/her deliberative vote, provided that the Speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution and in Schedule 3 of the Structures Act.

17. **DEBATE MANAGEMENT**

- 17.1 At least 24 hours prior to a meeting of Council, the Political Whips of the parties in Council, must provide to the Chief Whip an items list showing:
 - 17.1.1 Which items on the agenda for that meeting are to be debated and for which written amendment proposals should be submitted.
 - 17.1.2 Any motions of Exigency in terms of Rule 32 which a member intends to table.
 - 17.1.3 The total time to be allocated to the debate of each such item. With the information provided in the items list, the Speaker and the Chief Whip shall determine the time allocated for each item and the total time allocated for debate during the Council meeting. This time will be divided according to the number of members of each political party, with the proviso that no party will receive less than 5% of the total time spent on debate during a Council meeting. The various party whips, in collaboration with their individual caucuses, will then decide which items on the agenda will be debated and which amount of time is needed for such debate, provided that the total time allocation is not exceeded. Political parties are not under obligation to utilize all the time allocated to them – it is the maximum allowed time for the Council meeting and is indicated as such on the Speakers list.
- 17.2 Based on the list drawn up in terms of rule 17.1 each party must deliver to the Chief Whip, at least 20 hours before a Council meeting, a list of the members who will speak on an item and the time allocated to each such member.

- 17.3 On receipt of the lists referred to in rule 17.1, the Speaker must, if he/she wishes to deviate from the provisions of those lists, convey his/her decision in this regard to the Chief Whip within a reasonable time prior to the Council meeting.
- 17.4 All matters before the Council not listed in rule 17.1 must individually be put to the meeting for adoption without debate, before the matters listed in rule 17.1 are considered.
- 17.5 At the discretion of the Speaker, a time of ten (10) minutes of response maybe allowed to the Mayor or relevant Member of the Mayoral Committee or relevant committee, or the mover of a motion, to conclude the debate on an item debated in terms of rule 17.1.
- 17.6 Notwithstanding any contained in rules 17.1 to 17.8, the Speaker may not, when exercising any discretion in terms of these rules, prejudice any party in respect of time allocated in relation to any party. The Speaker's ruling after exercising his discretion in this regard shall be final.
- 17.7 The Municipal Manager shall indicate an official to assist the Speaker with timekeeping during debate.
- 17.8 The duration of the Mayoral address in terms of Rule 12 may not exceed the following times:
- 17.8.1 Speech of the Mayor: 30 minutes
 - 17.8.2 Reply on the Mayor's Speech by all political parties: 30 minutes
 - 17.8.3 The times for the reply will be allocated by the Chief Whip to each political party.

18. **MINUTES**

- 18.1 The Municipal Manager must ensure that all decisions of the Municipal Council are recorded.
- 18.2 If a copy of the minutes of a meeting has been served on every Councillor the minutes shall be taken as read with a view to confirmation.
- 18.3 No proposal or discussion shall be allowed on the minutes, except as to their accuracy.
- 18.4 The correctness of the minutes of the Municipal Council must be considered at its next meeting, failing which, at the following meeting.
- 18.5 The Municipal Manager must ensure that the names of members attending any meeting, those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.

18.6 The Municipal Manager must ensure that the names of members, who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.

18.7 For administrative reference purposes, audio recordings of all meetings of Municipal Council must be kept for a period of three years.

19. **MOTIONS**

19.1 Subject to the provisions of any other law:

19.1.1 Every notice of motion shall be in writing and shall be submitted to the Chief Whip and such notice shall be signed by the member submitting it and by the member seconding it;

19.1.2 Subject further to Rule 19.5 below a notice of a motion shall not appear on an agenda, unless it is received by the Chief Whip at least ten (10) working days prior to such meeting and approved by the Speaker in terms of Rule 19.2;

19.1.3 a motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.

19.2 The Chief Whip shall acknowledge receipt in writing of any motion submitted in terms of rule 19.1 and refer the motion to the Speaker for approval, whereafter it will be submitted to the Municipal Manager for placement on the agenda.

19.3 Every motion shall deal with a matter in respect of which the Council has jurisdiction.

19.4. No motions on staff related matters shall be allowed.

19.5 A member submitting a motion shall introduce such motion and shall have the right of reply thereto.

19.6 When a member introduces a motion in terms of this Rule:

19.6.1. which is intended to rescind or amend a resolution passed by the Council taken within the preceding three (3) months or;

19.6.2 which has the same purport as a motion which was not supported within the preceding three (3) months, such motion shall, subject to rule 23 hereunder, not be entertained.

19.7 When dealing with motions:

19.7.1 the motion shall be read out together with the number thereof and the name of the mover;

19.7.2 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 their order on the agenda.

19.8 Debate with regards to opposed motions will be allowed, subject to the stipulations of Rule 17.

20. **URGENT MATTERS**

20.1 The Municipal Manager may, in his / her discretion, raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council or its operations.

20.2 The Speaker must determine an appropriate time when the Municipal Manager may raise urgent matters, and the Speaker must determine the period of time available for discussion of any urgent matter.

21. **DISALLOWED MOTIONS AND PROPOSALS**

21.1 The Speaker shall disallow a motion or proposal which:

21.1.1 May 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

21.1.2 Advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:

21.1.2.1 The Council has no jurisdiction

21.1.2.2 A decision by a judicial or quasi-judicial body is pending;
or

21.1.2.3 Which has not been duly seconded

21.1.3 If passed, would be contrary to the provisions of these Rules or of any other law or which Council is not financially competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation it shall be referred to a relevant Committee.

21.1.4 Is in connection with a staff related matter.

22. **QUESTIONS**

22.1 Any member may submit a question relating to a matter in order to solicit, explanations or information which is related to and/or relevant to Council business and/or matters.

22.2 The member must ensure that the question(s) is (are) submitted to the Chief Whip at least ten (10) working days before the date of the meeting.

22.3 The Chief Whip shall acknowledge receipt in writing of any question received in terms of rule 22.1 and refer the question to the Municipal Manager for a written reply to the question. If the Municipal Manager has insufficient time to obtain the requested information for placement on the agenda of the meeting contemplated in Rule 22.2, the question shall stand over until a next meeting.

- 22.4 No member may re-submit a question(s) relating to any matter if that (those) question(s) was (were) considered during the previous three (3) months.
- 22.5 No questions relating to staff matters will be allowed.
- 22.6 No decision shall be taken by Council on any question which was raised at Council, in terms of this Rule.
- 22.7 The member who submitted the question shall have a right to reply to the answer provided, but no debate by any member of the question or answer will be allowed.
- 22.8 A question shall lapse if the member who submitted it is not present at the meeting where such question is being dealt with.

23. **RECONSIDERATION OF RESOLUTIONS**

The Municipal Council must reconsider any decision taken if the majority of members of the Municipal Council lodge such a request in writing with the Municipal Manager, provided that such reconsideration will not adversely affect existing rights. Motions for the reconsideration of decision must be submitted in terms of rule 19.

24. **AMENDMENTS TO RECOMMENDATIONS, MOTIONS OR PROPOSALS**

- 24.1 When an amendment which is moved it:
- 24.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;
 - 24.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker; and
 - 24.1.3 may only be moved by a member while he / she is speaking on a recommendation, motion or proposal under debate.
 - 24.1.4 must be posted in the chat box in the case of a virtual meeting.
- 24.2 A member who has moved an amendment may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right to reply.
- 24.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to rule 24.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 24.4 Except for the Executive Mayor and/or Chief Whip, no member shall move more than one amendment to a recommendation, motion or proposal.
- 24.5 If the Mayor or Member of the Mayoral Committee or Chairperson of a Committee or the mover of the original motion wishes to address the Council

on any amendment moved to such recommendation, motion or proposal he / she may only do so during his / her reply.

- 24.6 The debate shall close when the Mayor or Member or Chairperson has replied thereto.
- 24.7 If more than one amendment to a recommendation motion or proposal has been moved, such amendments must be put to the vote in order in which they were moved.
- 24.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 24.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he / she is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

25. **PRECEDENT OF SPEAKER**

- 25.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members shall be silent so that the Speaker may be heard without interruption.
- 25.2 A member addressing the Council shall do so by addressing the Speaker.

26. **COUNCILLOR TO SPEAK ONLY ONCE**

- 26.1 Subject to a provision to the contrary contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided that the Mayor or MMC or member of the relevant committee may reply in conclusion of the debate, but shall confine himself / herself to answering to previous speakers and shall not introduce any new matter into the debate.
- 26.2 The Speaker shall permit the Mayor, MMC or Chairperson of a Section 80 Committee to make an explanatory statement prior to the consideration of any particular item contained in the report of the mayor or during the discussion of such report, in reply to a specific question.

27. **RELEVANCE**

- 27.1 A member who speaks shall direct his / her speech strictly to the matter under discussion or to an explanation or point of order, and no discussion shall be permitted:

27.1.1 which will anticipate any matter on the agenda; or

27.1.2 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, provided that such matter may be considered with the permission of Council.

28. IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE OR BEHAVIOR AND BREACH OF ORDER

28.1 The Speaker must call the attention of the member to irrelevant, tedious repetition, unbecoming language or behaviour or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his / her speech until the member has come to order. Such direction shall be regarded as a warning. Upon 2 warnings and a final warning during the deliberations of a Council meeting, the provisions of rule 29 shall apply and the Speaker may decide to take disciplinary action against such member in terms of the Code of Conduct for Councillors.

28.2 The following conduct by a Councillor during a meeting is deemed contrary to the provisions of item 2(b) of the Code of Conduct for Councillors as contained in Schedule 7 to the Municipal Structures Act:

28.2.1 to make unnecessary tactless, incriminating, disparaging or improper suggestions or the expression of opinions in this regard;

28.2.2 to make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;

28.2.3 to make unwelcome or obscene gestures against any member or employee, which gestures are regarded by that member or employee to be unwelcome or obscene;

28.2.4 to encourage, endanger, advocate or aggravate hatred, discrimination, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion which may result in harm or humiliation, or which may cause insult, humiliation or defamation of any racial, ethnic, gender or religious group through the uttering of words, whether in writing or orally, or the performance of deeds;

28.2.5 to incite imminent violence;

28.2.6 to breach this Rules of Order;

28.2.7 to disregard any instructions or rulings of the Speaker;

28.2.8 to use threatening, abusive or insulting language towards a member or an employee or to display any writing, sign or other visible presentation which is threatening, defamatory or insulting and which causes that member or employee harassment, fear or distress;

28.2.9 to make an allegation, statement or remark which injures or impairs the dignity or honour of a member or employee of the municipality;

28.2.10 to obstruct the continuation of the business of any meeting by interjecting when another member is speaking and/or in any other manner making it impossible for another member to exercise his/right to speak;

- 28.2.11 to challenge the ruling of the Speaker on any point of order or ruling;
 - 28.2.12 to decline the withdrawal of any remark when ordered to do so by the Speaker;
 - 28.2.13 to indulge in tedious repetition or inappropriate language;
 - 28.2.14 in terms of rule 25, to interrupt the Speaker when he is speaking;
 - 28.2.15 failure by, or refusal of a political whip to maintain discipline of his / her party members during a meeting.
- 28.3 The Speaker shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honour of a member or officer of the Council.
- 28.4 In the event of a persistent disregard of the directions or rulings of the Speaker, the Speaker shall:
- 28.4.1 In the event of a face-to-face meeting, direct such Councillor to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from the venue in terms of Rule 29.
 - 28.4.2 In the event of a virtual meeting, cause the virtual link of such Councillor to be disconnected.
- 28.5 No member, official or other person shall be allowed to bring any food, beverages or alcohol into the Council Chamber and the use of a cellphone, reading of a newspaper or magazine while a meeting is in progress is strictly forbidden.
29. **REMOVAL OR EXCLUSION OF COUNCILLOR**
- 29.1 If a member refuses to comply with a direction in terms of rule 28, the Speaker may instruct the Municipal Manager to direct an officer to remove the member or to cause his / her removal and to take steps to prevent his / her return to the meeting, provided that the Speaker may, in his / her sole and absolute discretion, permit the return of the member to the meeting on the submission by the said member to the Speaker of a written expression of regret, such expression of regret must be part of the minutes of the meeting.
- 29.2 A proposal to exclude any person may be moved at any stage of the meeting.
30. **MAINTENANCE OF ORDER**
- 30.1 A member of the public or the media may not –
- 30.1.1 address the meeting at any time, unless he or she is a member of a deputation;
 - 30.1.2 obstruct the business of the meeting;
 - 30.1.3 make any interjections;
 - 30.1.4 make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones,

- sex-related jokes or insults or unwelcome graphic comments of another person's body;
- 30.1.5 use threatening, abusive or insulting language towards a member or an employee or to display any writing, sign or other visible presentation which is threatening, defamatory or insulting and which causes that member or employee harassment, fear or distress.
- 30.1.6 make unwelcome or obscene gestures.
- 30.2 Whenever a meeting resolves to close its session or a part thereof any member of the public and the media must leave the meeting immediately and not return to that meeting until it resumes as a public meeting.
- 30.3 A member of the public or media attending a Council or committee meeting is subject to the authority of the Speaker.
- 30.4 The Speaker may, at any time during a meeting, if he /she deems it necessary for the maintenance of order, instruct the Municipal Manager to direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber, or order that the public gallery be vacated.
- 30.5 The Speaker may request or order the removal of any person or persons who refuses to carry out any reasonable instruction given by him / her, or who wilfully obstructs the carrying out of such instruction.
- 30.6 A person who continuously makes himself/herself guilty to a breach of this Rule, can on instruction of the Speaker, be refused entrance to the Council Chambers for a period determined by the Speaker.

31. **POINTS OF ORDER AND PERSONAL EXPLANATION**

31.1 For the purpose of this Rule:

- 31.1.1 any point of order or personal explanation shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order or personal explanation shall not be permitted to address the Speaker for longer than two (2) minutes on such point of order or personal explanation;
- 31.1.2 "a point of order" means pointing out any deviation of or anything contrary to these Rules by a member. A member who wishes to address the Speaker on a Point of Order, shall quote the specific Rule, failing which the Point of Order will be refused by the Speaker. The stipulations of Rule 31.4 shall be applicable in such cases;
- 31.1.3 "a point of personal explanation" means the explanation of some material part of a member's speech which has been misunderstood or which needs clarity.

- 31.2 Any Member, whether he / she addressed the Council on the matter under debate or not, may:
- 31.2.1 raise his / her hand to a point of order;
 - 31.2.2 rise his / her hand on a point of personal explanation at the end of the debate.
- 31.3 A member contemplated in Sub-Section 31.2, shall be entitled to be heard forthwith, and the Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker.
- 31.4 A member who wishes to raise a “point of order” during a virtual meeting, shall quote and post the specific Rule in the chat box, failing which the “point of order” will be refused by the Speaker.
- 31.5 A member who wishes to raise “a point of personal explanation” during a virtual meeting, shall briefly post in the chat box the material part of a member’s speech that has been misunderstood or which needs clarity, failing which the “point of personal explanation” will be refused by the Speaker.
- 31.6 The ruling of the Speaker on a point of order or on the admissibility of a point of personal explanation shall be final and shall not be open to discussion. Any attempt of a member to question the ruling of the Speaker shall be regarded a transgression of Rule 28.

32. **PROCEDURAL MOTIONS**

- 32.1 When a matter is under discussion at any meeting of the Municipal Council, no further debate must be allowed if any of the following procedural motions are accepted:
- 32.1.1 that consideration of the matter be adjourned and resumed at a time determined by the Council;
 - 32.1.2 that the meeting of the Council be adjourned and reconvened at a time determined by the Speaker;
 - 32.1.3 that the matter be referred back to a Committee with reasons therefore and;
 - 32.1.4 that the matter now be decided.

33. **MOTION OF EXIGENCY**

- 33.1 A member may direct the attention of the Council to a matter, which does not appear on the agenda and of which no previous notice has been given. Such matter should be stated briefly and without comment thereon, moved, “that the motion to which attention has been directed, be considered forthwith as a matter of exigency.”
- 33.2 Such motion is herein referred to as a motion of exigency.

- 33.3 If such motion is seconded and allowed by a majority of votes cast, the mover shall be permitted to bring the matter under consideration by way of motion.
- 33.4 The procedures as set out in Rules 19.6 and 19.7 shall apply if the motion is allowed in terms of Rule 33.3.
- 33.5 No motions of exigency on staff related matters or matters on which the council has no jurisdiction, may be entertained.

34. **MEETINGS OPEN TO THE PUBLIC AND PRESS**

- 34.1 The Council must conduct its business in an open manner and may close its meetings only when it is reasonable to do so, having regard to the nature of the business transacted.
- 34.2 Notwithstanding the provisions of rule 34.1, the Council may not exclude the public, including the media, when considering or voting on any of the following matters:
- 34.2.1 a draft By-Law;
 - 34.2.2 the budget;
 - 34.2.3 the draft Integrated Development Plan, or any amendments of the Plan; and
 - 34.2.4 the Municipality's draft Performance Management System, or any amendments of the System;
 - 34.2.5 disciplinary actions against a Councillor according to the Code of Conduct for Councillors;
 - 34.2.6 any other circumstances according to which legislation cannot exclude the public and press.

35. **INVITATION TO ADDRESS MUNICIPAL COUNCIL**

The Speaker or Executive Mayor may, in his / her discretion, invite any person or persons to address any meeting of the Municipal Council.

36. **CAUCUSES**

- 36.1 Caucuses will be allowed by the Speaker at his/her discretion upon a request of a member, provided that no political party and its alliance partners shall collectively receive more than 30 minutes caucus time during a Council meeting.
- 36.2 The onus to manage the time allowed for caucuses during a meeting rests with a political party and its alliance partners and the Speaker shall not approve any application for an extended caucus time.

37. **PROCESS FOR ADOPTION OF BY-LAWS**

A by-law may only be introduced by a member or the Mayoral Committee.

37.1 Submission by member

- 37.1.1 A member introduces a by-law by submitting it to the Speaker together with a memorandum stating the objectives of the by-law.
- 37.1.2 Upon receipt of a draft by-law and its accompanying memorandum in terms of rule 37.1, 1 the Speaker must submit such by-law and memorandum to the Mayoral Committee for consideration.
- 37.1.3 The Mayoral Committee must consider the draft by-law within three months after receipt thereof and must submit a report in the form contemplated in rule 37.3.1 to council.

37.2. Submission by Mayoral Committee

- 37.2.1 The Mayoral Committee may submit a draft by-law to council on its own volition or after consideration of a request submitted by the Municipal Manager.
- 37.2.2 If the Mayoral Committee decides to submit a draft by-law on its own volition, it must obtain the comments of the Municipal Manager on the contents thereof and may request comment from any person.
- 37.2.3 The Mayoral Committee must submit a report to council on the proposal to submit a draft by-law in the form contemplated in rule 37.3.1.

37.3 First submission to council

- 37.3.1 A draft by-law submitted by a member or the Mayoral Committee, must be submitted to council in the following form –
 - 37.3.1.1 an executive summary of the by-law;
 - 37.3.1.2 the content of the draft by-law;
 - 37.3.1.3 any other by-law that must be repealed or amended if the draft is adopted;
 - 37.3.1.4 any relevant comments or proposals; and
 - 37.3.1.5 a recommendation.
- 37.3.2 After consideration of the report contemplated in rule 37.3.1 council must resolve to reject the draft or to adopt it in principle.
- 37.3.3 If a proposed by-law is rejected by council, no by-law with the same contents may be submitted to council within a period of six months of the date of such rejection.
- 37.3.4 When a proposed by-law is adopted in principle, it must be advertised for public comment.

37.4 Publication

- 37.4.1 The Municipal Manager must, as soon as possible after a by-law has been adopted in principle, publish the draft by-law in such a way that the public will have the opportunity to make representations in connection therewith.

37.4.2 Publication must be in the official languages of the province.

37.5. Second submission to council

37.5.1 The Municipal Manager must, as soon as possible after the closing date for representations by the public, submit a report to the Council together with –

37.5.1.1 a copy of the proposed by-law;

37.5.1.2 copies of the advertisements in which the public was invited to submit representations;

37.5.1.3 any comments received from the public; and

37.5.1.4 any comments from the administration.

37.5.2 If a proposed by-law is rejected by council, no by-law with the same contents may be submitted to council within a period of six months of the date of such rejection.

37.5.3 When a by-law is adopted after consideration thereof, it must be published in the Provincial Gazette.