



**Molemole Municipality**

## **MOLEMOLE MUNICIPALITY'S RULES OF ORDER**

**VISION:** *"A developmental people driven organization that services its people"*

**MISSION:** *"To provide essential and sustainable services in an efficient and effective manner"*

# **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF COUNCIL AND OTHER COMMITTEES OF MOLEMOLE MUNICIPALITY.**

## **PART 1: GENERAL.**

### **1. Definition.**

In these rules, unless inconsistent with the context-

**“By-law”** a law regulation made by Council;

**“Chief Whip”** shall mean the person elected as the Chief Whip of the Council;

**“Committee”** shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act;

**“Council”** means the Municipal Council of Molemole Municipality;

**“Code”** means the code of conduct for Councilors set out in the Systems Act;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) as amended;

**“Day”** shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;

**“Executive Committee”** shall mean the committee appointed in terms of section 42 (2) of the Structures Act;

**“Executive Mayor”** shall mean the Executive Mayor of the municipality as elected in terms of section 55 of the Structures Act;

**“Meeting”** means the meetings of the Council and other Committees established in terms of section 60, 79 and 80 of the Structures Act;

**“Member”** means a member of Council; (NOTE: As an alternative, the term “councilor” can be used)

**“Motion”** means a motion of which notice is given by a member

**“Municipal Manager”** means the person appointed by Council in terms of the Structures Act, or a person delegated by the Municipal Manager;

**“Point of order”** shall mean a point raised by a councillor during the council meeting and shall only relate to a matter of procedure and provided for in the rules of order;

**“Privilege”** shall mean the right of freedom of speech for councillors in council and committee meetings, subject to the rules of order of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the Council or Committee;

**“Report”** shall mean any item appearing on the agenda for consideration by the council or a committee;

**“Rules”** means the provision of these rules of conduct for Council and other committees of Council;

**“Sargent-at-arms”** shall mean a person in the full time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;

**“Senior Managers”** shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality

**Speaker”** shall mean the person as elected in terms of section 36 of the Structures Act;

**“Structures Act”** shall mean the Local Government: Municipal Structures Act, 1998;

**“Sub-committee”** means any other committee, other than the executive committee / mayoral committee or committees appointed by the council or the executive committee;

**“Structures Act”** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

**“Systems Act”** shall mean the Local Government: Municipal Systems Act, 2000;

**“Traditional Leader”** shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;

## **PART 2: APPLICATION OF RULES.**

### **2. Application.**

- (1) These rules apply to all meetings of Council and all committees established in terms of sections 60, 79 and 80 of the Structures Act.
- (2) Except where it is clearly inappropriate, a rule applying to members in any proceedings, should also apply to a non-member who takes part in those proceedings with the approval of the Speaker.

### **3. Supplementation.**

- (1) The Speaker may give a ruling in respect of any eventuality for which these rules do not provide and no further discussions shall be allowed on the ruling.
- (2) The ruling of the Speaker shall be entered in the minutes.

## **PART 3: COUNCIL MEETINGS**

3.1 The Municipal manager of a Municipality or, in the absence of the municipal manager, a person designated by the MEC for local government in the province, must call the first meeting of council of that municipality within fourteen (14) days after the council has been declared elected or, if it is a district council, after all the members to be appointed by local councils, have been appointed.

3.2 Council shall hold an ordinary meeting for the transaction of business not less than once in every three (3) months.

### **4. Special council meetings**

4.1. The Speaker may at any time of own accord and shall, upon request in writing of a majority of councillors of the municipality, call a special meeting of council, provided that no such special meeting shall take place unless all councillors were given at least twenty four hours' notice prior to the date and time set for the meeting.

4.2. In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with 4.1 above, the Municipal Manager of the municipality may call the meeting.

#### **5. Service of notices**

At least five (5) days inclusive of weekends/holidays before any ordinary meeting of council and at least twenty four (24) hours before any special meeting of council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or his/ her delegate. The said notice shall be delivered either through electronic mail or to an address provided by a councillor as his/ her official address/ mail address.

#### **6. Non-service of notices**

Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting.

#### **7. Urgent matters**

7.1. No business shall be transacted at a meeting of council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant chairperson considers urgent and the said chairperson has ruled the matter to be urgent.

7.2. The Municipal Manager may raise matters which in his / her discretion are urgent, for decision by council. A matter will be deemed urgent when the decision required, if delayed, would prejudice Council and / or its operations.

7.3. The Speaker or chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; provided that the Speaker may rule that the matter is not urgent as defined in 7.2 above.

## **8. Conduct at meetings**

The Speaker or the chairperson of the meeting in the event of a meeting other than a council meeting shall:

1. Maintain order during meetings
2. Ensure compliance with the Code of Conduct for Councillors during meetings
3. Ensure that meetings are conducted in accordance with the rules
4. Ensure that members conduct themselves in a dignified and orderly manner during meetings
5. Ensure that members of the public attending open council meetings are seated in areas designated for that purpose
6. Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting
7. Ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting
8. Ensure that the Whip of each political party represented in the municipal council as well as the Chief Whip of Council maintains discipline during any meeting.

## **9. Interpretation of rules**

9.1 The ruling of the Speaker or the chairperson in the event of a meeting other than a council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Speaker / chairperson may be required to provide reasons for a ruling.

9.2 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, National and Provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

9.3 Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

#### **10. Quorum and acts of council**

10.1 A majority of councillors must be present at a meeting of council before any matter may be considered and / or voted on.

10.2 In the event of no quorum for a meeting, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or chairperson may suspend the meeting for such a period that he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

#### **11. Decisions and Voting**

11.1 Subject to 11.3 below, all matters will be decided by a majority of councillors present at the meeting.

11.2 Before a formal vote is taken on any matter before Council, the Speaker shall signal all councillors present in that particular meeting, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.

11.3 Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of councillors in the municipal council.

11.4 If on any question there is an equality of votes, the Speaker or chairperson of the Committee may exercise a casting vote in addition to that particular councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee: Provided that for those matters listed in section 160(2) of the Constitution, there will be no provision for casting a vote.

11.5 If the Speaker or chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.

11.6 In the event where there is opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or chairperson, by way of secret ballot.

11.7 The Municipal Manager or an official designated by him shall count the votes and declare to the chairperson the result of the divisions. In the event of a secret ballot, the municipal manager shall hand to each councillor a ballot paper bearing the official mark or logo of the municipal council, and having alternates to be voted for clearly depicted thereon, substantially in accordance with the following:

Logo

Date:.....

Proposal or motion to be voted for	Councillor's vote (X) : - For or against
1.	
2.	

11.8 The municipal manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the council or committee and present at such meeting.

11.9 The Speaker or chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.



11.10 The number of members voting will be recorded, and the general result of the vote. The outcome of the voting will be announced by the Speaker.

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

11.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

**12 When councillors may not attend and participate in the proceedings of the council, mayoral committee / executive committee, portfolio committee or sub-committee**

A councillor shall-

12.1. Disclose to council, or to any committee of which that councillor is a member, any direct personal or private business interest that the councillor, or the spouse, partner or business associate of that councillor may have in any matter before council or the committee;

12.2. Withdraw from the proceedings of council or committee meeting when the matter is being considered by council or committee, unless council or the committee decides by resolution, that councillor's direct or indirect interest in the matter is trivial or irrelevant. A councillor who has so disclosed his/her interest may, with the approval of majority of members of council or its committee, address council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or chairperson on the time to be allowed for such an address.

12.3. A councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is

aware at the first meeting of council or committee of council at which it is possible for the councillor to make a disclosure.

12.4 This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

### **13. Walkout**

If a councillor or group of councillors leave any meeting in protest, and the remainder of councillors constitute a quorum the business of the meeting shall be proceeded with.

### **14. Count out**

If during any sitting of council or any committee, the attention of the Speaker or chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with 11 above.

### **15. Adjourned meetings**

Council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is an adjournment.

### **16. Notice of adjourned meeting**

When a meeting is adjourned, notice of the adjourned meeting shall be communicated by the Speaker/ Chairperson through an appropriate medium of communication to relevant stakeholders, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 34 below.

## **17. Chairperson of meetings**

17.1 At every meeting of the council the Speaker, or if he/she is not present, an Acting Speaker shall be the chairperson. An acting Speaker may be elected by the majority of councillors present at any meeting of council where the Speaker is not present.

17.2 The Mayor shall chair meetings of the Executive Committee / Executive Mayor shall chair meetings of the Mayoral Committee and if not present, the Deputy Mayor / Deputy Executive Mayor or if the Deputy Mayor / Deputy Executive Mayor is also not available, any other councillor appointed by a majority members of the executive committee / mayoral committee in attendance.

17.3 The chairperson appointed by the Executive Committee / Executive Mayor shall chair meetings of the portfolio committees.

17.4 The person so nominated by council, Executive Committee / Mayoral Committee or committee shall chair meetings of committees and sub-committees; Provided that where no such person was nominated the members present may elect their own chairperson.

## **18. Agenda**

18.1 Subject to 18.2 and 18.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

18.2 The Speaker or chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.

18.3 The Speaker or chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

**19. Business at council meetings**

The order of business at every ordinary meeting of council, the executive committee/ mayoral committee or a committee is as follows:

<b>Council</b>	<b>Executive Committee / Mayoral Committee</b>	<b>Committee</b>
<ul style="list-style-type: none"> <li>• Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Applications for leave of absence</li> <li>• Acceptance of the agenda</li> <li>• Declaration of interest</li> <li>• <b><u>Announcements</u></b></li> <li>• Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Outstanding matters</li> <li>• Submission of reports from Council representatives from District/Local municipality</li> </ul>	<ul style="list-style-type: none"> <li>Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Applications for leave of absence</li> <li>• Acceptance of the agenda</li> <li>• Declaration of interest</li> <li>• <b><u>Announcements</u></b></li> <li>• Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Outstanding matters</li> <li>• Reports from Portfolio Committees</li> </ul>	<ul style="list-style-type: none"> <li>Opening: Moment of reflection</li> <li>• Notice of the meeting</li> <li>• Applications for leave of absence</li> <li>• Acceptance of the agenda</li> <li>• Declaration of interest</li> <li>• <b><u>Announcements</u></b></li> <li>• Presentations</li> <li>• Confirmation of minutes from previous minutes</li> <li>• Outstanding matters</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> </ul>

<ul style="list-style-type: none"> <li>• Reports of the Executive Committee / Executive Mayor, under the sections: recommendations to the council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee</li> <li>• Reports from MPAC</li> <li>• Report from the Audit Committee</li> <li>• Reports on ward committees / consolidated report on ward committees</li> <li>• Report on SALGA activities</li> <li>• Monthly Activities</li> <li>• Input by the Traditional Leader</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> <li>• Reports - In-Committee;</li> </ul>	<ul style="list-style-type: none"> <li>• Reports from Audit Committees</li> <li>• Reports for noting</li> <li>• Reports for consideration</li> <li>• In-Committee reports</li> <li>• Urgent reports allowed- only with the consensus of the chairperson; and</li> </ul>	<ul style="list-style-type: none"> <li>• In-Committee reports</li> <li>• Notice of Motion</li> <li>• Urgent reports allowed only with the consensus of the chairperson; and</li> </ul>
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<ul style="list-style-type: none"> <li>• Notice of Motion</li> <li>• Questions</li> <li>• Urgent reports - allowed only with the consensus of the chairperson; and</li> </ul>		
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**20. Commencement and closure of meetings.**

20.1. The Speaker must take the chair precisely at the time for which the meeting is covered and must proceed immediately with the business of the meeting convened and must proceed immediately with the business of the meeting subject to section 14.

20.2. The Speaker shall be the last person to arrive and the first person to leave meetings.

**21. Order of Business.**

(1) The business of meetings will appear in the following order on the agenda.

(a) Opening and welcome.

(b) Election of Acting Speaker, if necessary shall be chaired by the Municipal Manager.

(c) Application for leave of absence.

(d) Confirmation of minutes.

(e) Statements and communications by the Speaker.

(f) Statements and communications by the Mayor.

(g) Urgent matters submitted by the Municipal Manager.

(h) Consideration of reports.

(i) Consideration of notices of motion.

- (j) Consideration of notice questions
- (k) Consideration of motions of exigency.

- (2) A member who wishes to have the order of business on the agenda changed must approach the Speaker prior to the meeting.
- (3) The Speaker may of any volition change the order of the business appearing on the agenda.

**21. Non-disclosure of matters.**

- (1) Whether the Municipal Manager, in his or her discretion, has provisionally placed any matter on a part of the agenda which will not be disclosed to the public before the meeting, the Speaker, when such matters are to be considered, must:
  - (a) Direct that all members of the public including members of the media leave the venue of the meeting, and
  - (b) Direct that the members consider whether it would be reasonable for any or all of the items on such part of the agenda to be considered without the presence of the public, with due regard to section 160 (7) of the Constitution which requires that the public and media may only be excluded from being present at a meeting only when it is reasonable to do so, having regard to the nature of the business being transacted/ processed
- (2) The motivation for the exclusion of the public must be minuted in full.
- (3) Any items from which the public will not be excluded, shall be considered directly after the procedure as set out in sub-section (1) and matters excluded from the public or media shall be last on the agenda.

**22. Speaker may introduce urgent matters.**

The Speaker may at any time and without notice make any statement or introduce urgent matters.

### **23. Business to be transacted/ processed**

Except as otherwise provided in these rules, no matter not specified in the agenda of a meeting of Council shall be transacted at such meetings.

### **23. Meetings.**

- (1) Committees must meet as per the approved schedule of meetings.
- (2) Council must meet at least once quarterly and the Speaker decides when and where the Council meets, but if a majority of the members request the Speaker in writing to convene a meeting, the Speaker must convene a meeting at a time and venue set out in the request.
- (3) The Municipal Manager must, at the direction of the Speaker, give notice in writing to each member of every meeting decided upon in terms of sub-section (2) of this section.
- (4) The Municipal Manager must give notice to the public of the day, time and venue of every meeting by publishing a notice in a local newspaper determined by him or her, provided that he or she may depart from this requirement when time constraints make this impossible in respect of urgent meetings.

### **24. Attendance of meeting.**

- (1) Every member attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- (2) A member must attend each meeting except when:
  - (a) Leave of absence is granted in terms of section-11; or
  - (b) The member is required to withdraw in terms of law.



## **25. Members of council attending committee meetings of which they are not members**

Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

The provisions of 43.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.

The rules with regard to agendas as set out above will also be applicable to requests to attend MPAC and address it.

Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his / her behalf.

## **26 Information to be obtained from municipal manager or the head of department concerned**

Subject to the provisions of 37 above, members of the council who desire to obtain from any official of the council information with regard to the administrative work of the council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

## **27. Information to the press or other media: In-committee discussions**

The Mayor/ Executive Mayor, or in his/her absence the Deputy Mayor / Executive Mayor, the Speaker and the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.

In view of the Municipal Manager, the Speaker or the Mayor / Executive Mayor being the authorised channel through which the media may receive information and reports, members of the council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the council or any committee: Provided that this clause shall not be construed as abrogating a councillors individual constitutional right to make

press statements which reflect his/her own personal or political view and not that of the council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Mayor / Executive Mayor, Speaker or Municipal Manager.

Chairpersons of committees must liaise with the Executive Mayor / Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

#### **28. Leave of absence.**

- (1) A member who wishes to absent himself or herself from meeting must before so absenting himself or herself, obtain leave of absence in writing from the meeting, provided that the Speaker, on good cause, may grant leave of absence (after the meeting and ensure that such authority is reported to the next Council meeting) to a member who has been prevented by special circumstances from obtaining leave of absence prior the meeting.

#### **29. Sanction for non-attendance.**

- (1) A member who without leave of absence absents himself or herself from a meeting or who fails to be in attendance at the start of the meeting or fails to remain in attendance at such a meeting is in breach of these rules.
- (2) A committee elected by Council must investigate and make a finding on any breach referred to in sub-section (1) of this section.
- (3) A committee elected by Council must conduct its business in accordance with the uniform standing procedures determined by Council.
- (4) If the Committee finds that a member has breached sub-section (1) of this section, the member shall be fined one (01) day of his or her gross remuneration.
- (5) A member who is absent from three or more consecutive meetings which he or she is required to attend in terms of section 9 of the rules, without obtaining leave of absence in terms of section (11) must be removed from office.

- (6) Proceedings for the removal of a member in terms of sub-section (5) of this section, must be conducted in accordance with the uniform standing procedures determined by the Council in terms of sub-section (3) of this section.

### **30. Sanctions and offences**

Any person who wilfully contravenes any provision of these rules shall be guilty of an offence and shall be subject to the following sanctions imposed by the council:

Having a fine imposed by the council as determined by it from time to time for the categories of offences as approved by it by resolution from time to time;

Be suspended from the attendance of council or committee meetings as the council may determine for such a period as the council may by resolution determine from time to time for the categories of offences as determined by it.

### **31. Minutes.**

- (1) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the meeting at the next sitting meeting and signed by the Speaker or chairperson.
- (2) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each member within 72 hours before the next meeting.
- (3) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (4) The Municipal Manager must ensure that the minutes reflect the names of the members that attended the meeting, those that are absent and those that have been granted leave of absence.

### **32. Minutes of Executive Committee/ Mayoral Committee, committees and sub-committees**

Every committee, including the Executive Committee / Mayoral Committee, except when specifically exempted from this provision by a resolution of the council or the executive committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director Corporate Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been

sent to each member of the committee twenty four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then at the sole discretion of the chairperson.

### **33. Inspection of minute books by councillors**

The minutes of every council or committee shall be open for inspection by every member of the council during office hours; provided the demands of duties of the registry and secretariat staff are taken into account.

### **34. Quorum.**

- (1) A majority of the members constitutes quorum.
- (2) If there is no quorum at the time for which the meeting is scheduled, the Speaker must take the chair as soon as a quorum is present.
- (3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than thirty (30) minutes and if at the end of that period, there is no quorum, the Speaker must adjourn the meeting to another time, date and venue at his or her discretion and record the names of those members present.
- (4) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than thirty (30) minutes and if there is no quorum at the end of that period, no meeting shall take place and the Municipal Manager must record the names of members present.
- (5) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the Speaker must adjourn the meeting.
- (6) Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- (7) The Speaker must report the names of the absentee members to the committee established in terms of section (12) for the purposes of an investigation of a breach of these rules.

### **35. Terms of reference of sub-committees**

Upon the appointment of any sub-committee the council a committee shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. The council's standing rules and orders shall apply to all sub-committees

## **PART 4: DECISIONS.**

### **35. Unopposed matters.**

Whenever Council is called upon to consider a matter before it and there is no opposition from any member, a unanimous vote will be recorded in the minutes.

### **36. Manner of voting.**

- (1) The Speaker must put every opposed motion to the vote by calling upon the members to indicate by a show of hands unless otherwise prescribed by law, whether they are for such motion or against it, whereupon he or she must declare the results of such vote.
- (2) Upon the Speaker's declaration of the result of the vote, a member may demand for his or her vote to be recorded against the decision concerned and the Municipal Manager shall ensure that such vote is recorded in the minutes.
- (3) If there is an equality of votes in respect of a motion on which voting takes place in accordance with sub-section (1) the Speaker must exercise his\her casting vote in addition to the deliberative vote, provided that the Speaker may not exercise his\her casting vote in terms of any matter set out in section 160 (2) of the Constitution.

### **37. Decisions.**

- (1) In accordance with the Constitution, a supporting vote of a majority of the members is necessary to decide on-
  - (a) The passing of by-law;

- (b) The approval of budget;
- (c) The imposition of rates and other taxes, levies and duties;
- (d) The raising of loans.
- (2) In accordance with the Structures Act, a supporting vote of at least two thirds of the members is necessary to adopt a decision to dissolve Council.
- (3) All other questions are decided by a majority of votes casts.

### **38. Unopposed business.**

- (1) When a meeting has been in process, the Speaker may interrupt the proceedings and direct that Council proceed forthwith to dispose of business other than opposed business.
- (2) After the disposal of such business the proceedings shall be resumed at the point at which they were interrupted, unless all other remaining business has been adjourned until the next meeting.
- (3) An item on the agenda shall be deemed to be opposed business if a member signifies his or her intention to discuss such item immediately after the Speaker has intimated to the meeting that such item shall be opposed by reason only of the matters being asked in connection therewith.

## **PART 5: PUBLIC ACCESS.**

### **39. Admittance of Public.**

The Speaker must take reasonable steps to regulate public access to, and public conduct at meetings.

### **40. Exclusion of the Public and Media from meetings.**

- (1) The Public, including Media, may be excluded from the meetings;
- (a) Where so directed by the Speaker in terms of section (6) of these rules; and

- (b) Where so decided by Council in terms of sub-section (3) of this section.
- (2) If such motion is seconded, it shall be put to the vote forthwith without discussion.
- (3) If, after due consideration by Council of the reasons stated, such motion is carried, the place of meeting shall be cleared of all members of the public, including the media.

#### **41. Re-admission of Public and Media to meetings.**

- (1) A member may during the course of the meeting from which the public and the media were excluded, move "that the meeting again be opened" and state the reasons for such motion.
- (2) If such motion is seconded it shall be put to the vote forthwith without discussion.

#### **42. Invitation to non-member(s).**

The Speaker may invite a person who is not a member to attend and address Council meeting to state his or her views on a matter before Council.

#### **43. Deputations.**

- (1) A deputation seeking an interview with Council must give the Municipal Manager six (6) working days' written notice of its intention and furnish details of the representations to be made and the source of the deputation.
- (2) The Municipal Manager must submit a notice in terms of sub-section (1) together with his or her comments and recommendations, to the Speaker who may decide to grant an interview under certain conditions or refuse it; (This will apply where committees do not have delegated power; this provision will then have to be inserted in the Rules Committee).

## **PART 6: ORDER IN MEETINGS.**

### **44. Conduct of non-members and members of the public.**

If a non-member, member of the media or member of the public misconducts himself or herself, behaves in an unseemly, manner or obstructs the business of any meetings, the Speaker may order his or her removal from the meeting.

### **45. Conduct of members.**

(1) If a member-

(a) Misconducts himself or herself, or

(b) Behaves in an unseemly manner, or

(c) Obstructs the business of meeting, or

(d) Challenges the ruling of the Speaker on any point or order of ruling in terms of section 3(1) of the rules.

(e) Declines to withdraw any expression when required to do so by the Speaker, or indulges in tedious repetition or unbecoming language, or

(f) Commits any breach of these rules, the Speaker shall direct such member to conduct himself or herself properly and, if speaking, to discontinue his or her speech.

(2) In the event of a persistent disregard of the directions of the Speaker, the Speaker shall direct such member to leave from the place of meeting for the remainder of the meeting and may, if necessary, cause him/her to be removed there from.

(3) In the event of a more serious persistent disregard of the directions of the speaker, the Speaker shall direct such member to retire from the place of meeting and may order immediate removal from the meeting through the office of the Risk Officer. Based on the seriousness of the persistent disregard or disruptive behavior, the Speaker may further assign the Ethics and Integrity committee to subject such a



member to discipline which could arrive at a sanction deemed fit by the Committee and to be pronounced in Council. Such a sanction shall be duly adhered to by the member failing which he/ she may get an even harsher penalty not limited to suspension from a minimum of four (4) meetings inclusive of special Council meetings and a certain portion of his/her salary as determined by Ethics and Integrity Committee subject to approval of the decision/ outcomes by a majority vote of members of Council.

#### **46. Misconduct.**

Any member, non-member or member of the public who;

- (a) Refuses or fails to comply with a direction of the Speaker given in terms of section 24 and 25 of the rules,
- (b) Returns to the place of meeting prior to the conclusion of the meeting from which he was directed to retire; or
- (c) Offers resistance whilst being removed from the place of meeting shall be guilty of a misconduct and liable on conviction to a fine not exceeding ten thousand rand (R10 000).
- (d) If it's a member may be subjected to Ethics and Integrity committee and shall abide by the outcome subject to a majority vote on the outcome of the, disciplinary process irrespective of party application.

### **PART 7: RULES OF DEBATE.**

#### **47. Debate management**

Time allocated to each political party or interest group will be determined by the Speaker.

At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which items on the agenda are to be debated.

At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or chairperson with a list indicating which members will speak on which item included in the agenda.

The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in 32.1 above.

Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.

**48. Member to address chair.**

A member who speaks at the meeting must rise and address the chair and may do so in any one of the official languages of the Province of Limpopo.

**49. Order of Priority.**

When a member wishes to address Council, he or she must first have the permission of the Speaker before speaking.

**50. Precedence of Speaker.**

Whenever the Speaker addresses the meeting, all members must seat down and be silent so that the Speaker may be heard without any interruption.

**51. Relevance.**

- (1) A member who speaks must direct his/her speech strictly to the subject or matter under discussion or to an explanation or to a point of order-
- (2) No discussion shall be permitted-
  - (a) Which will anticipate any matter on the agenda, and
  - (b) On any matter in respect of which a decision by a judicial or *quasi* judicial body or commission of enquiry is pending.

## **52. Right to speak.**

- (1) A member may only speak once-
  - (a) To the matter before Council;
  - (b) To any motion before Council;
  - (c) To any amendments to the matter (motion) before Council;
  - (d) To a matter (motion) or an amendment proposed or to be proposed by himself or herself;
  - (e) To a point of order or question of privilege, unless authorized by the Speaker or as provided for in terms of these rules.
- (2) The mover of an original motion speaks to the motion and reply but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- (3) The right to reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

## **53. Length of speeches.**

- (1) Except with the consent of the Speaker no member may speak for more than five (5) minutes on any subject (matter).
- (2) The mover of an original or of any amendment may however speak for five (5) minutes on such motion or amendment.

## **54. Re-introduction of motion or question.**

No motion which has been rejected by Council and no question asked in terms of the rules and dealt with at any meeting may again be moved or asked within a period of three (3) months of such meeting except with the consent of the Speaker.

**55. Notices of motions.**

- (1) The Speaker may not accept any motion except a motion of exigency or a motion of course unless notice thereof has been given in terms of sub-section (2) of the section.
- (2) Every notice of intention by a member to introduce a motion shall be in writing, motivated, signed and dated and delivered to the Municipal Manager at least six (6) working days before the date of the meeting on which it is intended to be introduced.

**56. Notices of questions.**

- (1) Subject to section 38 of the rules, the Speaker may not accept any questions unless notice thereof has been given in terms subsection (2) of this section,
- (2) Every notice of intention by a member to introduce a question shall be in writing, motivated, signed and dated and delivered to Municipal Manager at least six (6) working days before the date of the meeting on which it is intended to be introduced.

**57. Absence of mover or questioner.**

In the event of the mover or questioner not being present in his place at the meeting of the Council when called upon by the Speaker to move a motion or ask a question standing in his name on the agenda, such motion or question shall lapse unless the original mover or questioner has notified the Speaker in writing of a substitute to move the motion or ask the question.

**58. Motions and questions on matters dealt by committees.**

- (1) A member may not give notice of a motion or question in regard to any matter assigned to a committee unless such motion or question has previously been

submitted to such committee or unless it is in the form of a reference to such committee for consideration and report.

- (2) The chairperson of a committee may if, he or she is of opinion that the matter is one of urgency give notice of his or her intention to introduce a motion or ask a question on matter assigned to such committee notwithstanding the fact that such motion or question has not received the prior consideration of such committee.

#### **59. Recommendation of committee regarded as motion.**

- (1) The adoption of a recommendation contained in a report submitted by a committee to the Council shall be deemed to have been moved by the chairman of such committee or in his or her absence or when he or she opposes such recommendation by a member of such committee deputed by him or her to act at the time when the Speaker of the meeting intimates that such recommendations is open for discussion, and no such motion need be seconded, and nor shall the chairperson of such committee be thereby precluded from exercising his or her right to speak thereon,
- (2) The chairperson referred to in sub-section (1) of this section, may however, speak on the matter and reply but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

#### **60. Question.**

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon a member may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked except by the member asking the original question and then only in respect of matters arising out of the reply to such original question.

- (3) The Speaker may not disallow any such question, provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of section 34.

**61. Motion of exigency.**

- (1) A member may direct the attention of the Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving "that the motion to which attention has been directed be considered forthwith as a matter of exigency.
- (2) Such motion is herein referred to as a motion.
- (3) If such motion is seconded and carried by a majority of the members present, the mover shall be permitted without notice to bring the matter under consideration by way of motion or question.

**62. Motion of course.**

In addition to those provided for elsewhere in this rules, the following shall be regarded as motion of course-

- (i) The precedence be given to the consideration of any particular item appearing on the agenda;
- (ii) That any report referred to in the agenda be noted, adopted, acted upon or referred back;
- (iii) That any document before the Council be acted upon in the manner specified in the motion;
- (iv) The action be taken in regard to any item submitted for consideration in the manner specified in the motion.

**63. Points of order.**

A member may raise a point of order to call attention to a departure from these rules by stating the particular rule such member relies on, whereupon such member shall immediately be heard.

**64. Points of explanation.**

The Speaker may allow a member to raise a point of explanation provided that such explanation shall be confined to some material part of the debate which may have been misunderstood.

**65. Withdrawal of motion, amendment or question.**

- (1) A motion or amendment may without debate and with the permission of the seconder and Council, be withdrawn by the mover.
- (2) A member may not speak on such motion or amendment after Council has agreed to the withdrawal of such motion.
- (3) A question may be withdrawn by the member intending to put it.

**66. Speaker's ruling on points of order and explanation.**

- (1) The ruling of the Speaker on a point of order or an explanation shall be final and not open to discussion.
- (2) The ruling of the Speaker on any points or order raised as to the interpretation of these rules shall be entered in the minutes.

**67. Order of debate.**

When a motion is under debate at any meeting of Council no further motion shall be received except the following:

- (a) That the motion be amendment;
- (b) That the consideration of the matter be postponed;
- (c) That the public and the media be excluded;
- (d) That the public and the media be re-admitted;
- (e) That Council do now adjourn;
- (f) That Council adjourn for specified time;
- (g) That the debate be adjourned;
- (h) That the matter be put to the vote;
- (i) That Council proceed to next business.

**68. That the motion be amended.**

- (1) Every amendment shall be relevant to the motion on which it is moved.
- (2) An amendment shall, if required by the Speaker, be in writing, signed by the mover and handed to the Speaker.
- (3) An amendment shall be read before being moved.
- (4) An amendment shall not be discussed or put to Council until it has been seconded,  
NOTE: The seconding of motions might be problematic for parties single representation as they will never be able to successfully put a motion, seconding is not a requirement of common law and could be omitted from rules.
- (5) If there are more than amendment to a motion the amendment last proposed shall be put to the vote first and if carried the matter shall be resolved accordingly.
- (6) If the amendment last proposed is rejected the amendment proposed immediately prior to the last amendment shall be put to the vote.
- (7) No further amendment shall be moved to a motion or amendment after the Speaker has commenced to take the vote upon such motion or amendment.



**69. That consideration of the matter be postponed.**

- (1) A member may at the conclusion of a speech move that the consideration of the matter be postponed to a fixed or undetermined date.
- (2) Such motion must be seconded but need not be in writing, provided that the seconder shall not be permitted to speak. The mover shall be permitted to speak to the motion for a period not exceeding five (5) minutes and the seconder shall not speak except for seconding the motion.
- (3) Upon such motion being made the mover of the matter under debate may (without prejudice to his or her ultimate right of reply in the motion that the matter be postponed be not carried) be heard in reply before five (5) minutes, after which the motion shall be put without further debate.
- (4) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed, provided that section 5(2) and (3) of this section shall not apply to such matter.

**70. That Council do now adjourn to another date.**

- (1) A member who has not already participated in the debate on the matter then before the meeting may at any time except during the course of a speech by another member or while a vote is being taken move "that the Council do now adjourn to another date".
- (2) Such motion must be seconded but need to be in writing.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five (5) minutes but the seconder shall not speak except for seconding the motion.
- (4) If the motion is carried the Council shall forthwith adjourn; provided that the Speaker may direct that the meeting proceed first to dispose of business other than opposed business.
- (5) If the motion is not carried the Speaker shall not accept another motion until the period of half an hour has lapsed.

- (6) Save as is provided in sub-section (3) of this section, no discussion on such motion shall be permitted, except that a member who has first indicated as such, may speak in opposition of the motion for not more than five (5) minutes.
- (7) No amendment to such motion may be moved except in relation to the period of adjournment.
- (8) If a motion to adjourn a meeting has been carried to during a debate and prior to the conclusion thereof then upon consideration of the matter forming the subject of such debate at the adjournment meeting the member who moved the adjournment shall be entitled to speak first.
- (9) No business shall be transacted at an adjourned meeting except such as was set out in the agenda for the meeting of which it is an adjournment.

**71. That Council adjourn for a specific time.**

- (1) A member may at any time except during the course of a speech by another member or while a vote is being taken move "that the Council adjourn for specific time, up to one hour".
- (2) Such motion need not be in writing.
- (3) If the motion is carried the Council shall forthwith adjourn for specified time.
- (4) The Speaker may limit the number of such motions.

**72. That the debate be adjourned.**

- (1) A member who has not yet participated in a debate may at the conclusion of any speech move that the debate be adjourned.
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover of such motion may speak to it for five (5) minutes, the seconder may not speak beyond formally seconding it.
- (4) Save as is provided in sub-section (3) of this section no discussion may be permitted on such motion except in relation to the period of adjournment and that

the member who first rises in his or her place for that purpose may speak in opposition thereto for five (5) minutes.

- (5) If such motion is carried, the meeting proceeds to the next business of the agenda, and the discussion of the adjourned debate, unless otherwise resolved, is resumed at the next meeting.
- (6) On the resumption of the adjourned debate the member who moved the adjournment is entitled to speak first;
- (7) If the motion is not carried the Speaker shall not accept another such motion until half an hour has elapsed.
- (8) A member may not move or second more than one motion for the adjournment of the debate during the course of that debate.

### **73. That the matter be put to the vote.**

- (1) A member who has not yet participated in a debate on a matter may during such debate, at the conclusion of any speech, move that the matter be now put to the vote.
- (2) Subject to the provision of sub-section (3) of this section, no motion put in terms of sub-section (1) shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub-section (1) of this section, speak on such motion for not more than five (5) minutes, whereupon the said motion shall be put to the vote without any further discussion.

### **74. That the matter be removed from the agenda.**

- (1) A member who has not yet participated in the debate on matter may during such debate, at the conclusion of any speech, move that the matter be removed from the agenda.
- (2) Subject to the provisions of sub-section (3) of this section, no motion put in terms of sub-section (1) shall be open to discussion.

- (3) The mover of a matter under discussion may when a motion has been put in terms of sub-section (1) of this section, speak on such motion for not more than five (5) minutes, whereupon the said motion shall be put to the vote without any further discussion.
- (4) If such a motion is carried, the matter under discussion shall not be further pursued.

#### **75. Suspension of standing orders**

No standing order shall be suspended without the vote of a majority of the members of the council or of three-fourths of the members present and a motion duly seconded to suspend the standing orders shall be put without debate.

### **PART 8: LEGISLATIVE PROCESS.**

#### **76. Introduction of Draft by-law.**

A draft by-law may only be introduced by a member.

#### **77. Introduction by member.**

- (1) A member introduces a draft by-law by submitting it together with a memorandum on the object of the by-law to the Speaker.
- (2) The Speaker must on receipt of a draft by-law, present it together with any comments received in terms of sub-section (3) of this section to the Executive Committee for consideration.
- (3) The Speaker must obtain the comments of the Municipal Manager on the contents of the draft by-law and may solicit the comments of any person.
- (4) The Executive Committee must within three (3) months of receipt of a draft by-law from the Speaker, consider the matter and submit a report to the Council in the form referred to in section 57(1) of the rules.

## **78. Introduction by Executive Committee.**

- (1) The Mayor may on own volition or after considering a request from the Municipal Manager introduce a draft by-law.
- (2) If the motion on own volition decides to introduce a draft by-law, it shall obtain the comments of Municipal Manager on the contents thereof and may solicit the comments of any person thereon.
- (3) The Mayor shall submit a report on its proposal to introduce a draft by-law to the Council in the form referred to in section 57(1) OF THE RULES.

## **79. First introduction to Council.**

- (1) A draft by-law introduced by a member or the Mayor shall be reported to the Council in the following form:-
  - (a) An executive summary of the draft by-law;
  - (b) Memorandum on the objects of the by-law;
  - (c) The need to regulate the conduct proposed in the draft by-law;
  - (d) The contents of the proposed by-law;
  - (e) Other by-law that must be repealed or amended if the draft by-law is adopted;
  - (f) Any relevant comments or proposals; and A recommendation.
- (2) Council after considering the report referred to in sub-section (1) must decide to either reject the proposed by-law or to provisionally pass it.
- (3) When a proposed by-law has been rejected by the Council no by-law of the same substance may be introduced within a period of six (6) months from the date of rejection.
- (4) When a proposed by-law has been provisionally passed, it must be advertised for public comments.

## **80. Publication.**

- (1) The Municipal Manager must as soon as possible after Council has provisionally passed a by-law, publish the draft by-law for public comments in the Local and National newspapers in such a manner that the public will have the opportunity to make representations with regard thereto .
- (2) The publication must be in the five (5) official languages of the Province, namely: Sepedi, English, Afrikaans, Xishonga and Tshivenda.

## **81. Second introduction to Council.**

- (1) The Municipal Manager must as soon as possible after the closing date for public-representations, submit a report to the Mayor together with;
  - (i) A copy of the proposed by-law;
  - (ii) Copies of advertisements in which the public was invited to make representations;
  - (iii) Any comments from the public; and
  - (iv) Any other comments from the administration.
- (2) The Mayor must consider the report by the Municipal Manager and advise the Council to either pass the by-laws, in an amendment form or reject it.
- (3) When a draft by-law has been rejected by the Council no by-law of the same substance may be introduced within a period of six (6) months from the date of rejection.
- (4) When a proposed by-law has been passed, it must be advertised in the Provincial Gazette.

## **82. Debate procedure.**

The rules pertaining to debate also apply to the legislative process, business has been adjourned until the next meeting.

- (1) An item on the agenda shall be deemed to be opposed business if a member signifies his or her intention to discuss such item immediately after the Speaker

has intimated to the meeting that such item is open for discussion; provided that no item shall be deemed to be opposed by reason only of the matters being asked in connection therewith.

### **83. Council may increase or restrict powers**

With the exception of the Executive Committee / Mayoral Committee whose functions are determined in terms of the Structures Act, and the committees whose functions and powers are determined in terms of Section 80 of the Structures Act by the Executive Committee / Executive Mayor, the council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Section 79 of the Structures Act.

### **83. Dress code**

Council may by resolution prescribe a dress code for councillors and traditional leaders attending meetings.

#### **1. DRESS CODE FOR MALE COUNCILLORS**

1.1 The following are regarded as acceptable outfit for Council or Committee meeting(s):

- (a) Every member should wear Jacket, shirt and trouser as defined above.
  - (b) In case of a shirt, only the traditionally designed one is acceptable.
  - (c) Only long pants are allowed in Council Chamber.
  - (d) Wearing a tie is recommendable but not obligatory.
  - (e) Any sort of pair of shoes is acceptable; unless mentioned in clause Rule 5.2 of this document.
- 
- (a) The following may not be worn by male councilors in any meeting of the Council or Committee: Apron;
  - (b) Gumboots;
  - (c) Any head outfit;
  - (d) T-shirt;
  - (e) Any clothing or appenditure affixed with political party emblem/logo; words or picture of any kind, except that of the manufacturer of such apparel or appenditure, subject thereto that the Speaker or Committee Chairperson may allow such logo, words or picture supporting a national humanitarian cause;
  - (f) Denim outfit;

- (g) Sandals;
- (h) Canvas/ canvass shoes;
- (i) Sport wear;
- (j) Skirt;
- (k) Overalls or work suits;
- (l) Short pants;
- (m) Vests;
- (n) Evening wear;
- (o) Any clothing that reveals the employee's stomach, full back, cleavage or chest, or otherwise revealing attire;
- (p) Torn or dirty clothes.

## **2. DRESS CODE FOR FEMALE COUNCILLORS**

2.1 The following are regarded as acceptable outfit for Council or Committee meeting(s):

- (a) Every member should wear Jacket, shirt/dress and skirt as defined above.
- (b) Any head outfit except balaclava; helmet; mask; cap; or head outfit affixed with political party emblem/logo;
- (c) Traditional outfit is acceptable.
- (d) In the case of any dress, they must be adorned with shawl on the shoulders.
- (e) Any design of shoes can be worn unless indicated on clause 6.2 of this document.

2.2 The following may not be worn by female councilors in any meeting of the Council or Committee:

- (a) Apron;
- (b) Gumboots;
- (c) T-shirt;
- (d) Any clothing or appenditure affixed with political party emblem/logo; words or picture of any kind, except that of the manufacturer of such apparel or appenditure, subject thereto that the Speaker or Committee Chairperson may allow such logo, words or picture supporting a national humanitarian cause;
- (e) Denim/Jeans outfit;
- (f) Slippers;
- (g) Evening wear;
- (h) Canvas/ canvass shoes;



- (i) Sportswear;
- (j) Sweatshirts or sweatpants;
- (k) Overalls or work "dust code" suits. Neither jacket nor trouser is allowed;
- (l) Short pants;
- (m) Vests, Sleeveless dress or costume;
- (n) Short sleeve outfit without shawl on;
- (o) A hat; cap; balaclava; helmet or mask;
- (p) Any clothing that reveals the employee's stomach, full back, cleavage or chest, or otherwise revealing attire;
- (q) Torn or dirty clothes.

#### **84. Legal defence and indemnification of councillors and officers of the council**

The council may determine the circumstances in which it will undertake the defence of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a councillor or an official may have against any person, body, organisation or institution arising from the councillor's or official's capacity as a councillor or official of the Municipality.

#### **85. Speaker may refer matters for legal advice**

The Speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

#### **86. Activities prohibited within the council chamber or a meeting venue and the use of council chamber by other persons or institutions**

The decorum of the council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.

The following activities are strictly prohibited from being conducted within the confines of the council chamber or a meeting venue of the council or its committees by any person:

- **Having a cellular telephone that is not on silent mode and speaking on a cellular phone during the meeting;**
- **Consuming any food or drink in his/her possession, excluding water provided at the meeting.**

Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Senior Committee Clerk prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

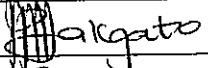
The use of the council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director Corporate Services in making the venue available in writing.

**87. Ward committees**

The council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees

**88. APPROVAL**

The Rules of Order of Council shall be approved by Council.

<b>Signature</b>	
<b>Initials and Surname</b>	M.P. Margato
<b>Designation</b>	Mayor
<b>Council resolution number</b>	SC 5.1.7/30/06/2016
<b>Date of Council</b>	30/06/2016
<b>REVIEW DATE</b>	

**89. EFFECTIVE DATE**

This Rules of Order of Council shall become effective on the date of approval by Council

**90. REVIEW**

The Rules of Order of Council shall be reviewed annually or as and when necessary.