

Repealed



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Selling price: **R1,50**
Other countries: **R1,95**

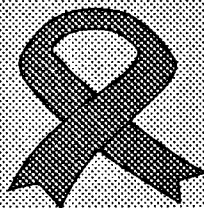
Vol. 10

BISHO/
KING WILLIAM'S TOWN, 25 FEBRUARY 2003

No. 979
(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH



9771682455006



00979

CONTENTS • INHOUD

No.	Page No.	Gazette No.
GENERAL NOTICE		
26 Local Government: Municipal Structures Act (117/1998): Procedure and the Maintenance of Order at Meetings of the Municipality of Makana By-laws.....	3	979

GENERAL NOTICE

NOTICE 26 OF 2003

BY-LAW RELATING TO THE PROCEDURE AND THE MAINTENANCE OF ORDER AT MEETINGS OF THE MUNICIPALITY OF MAKANA

1. Definitions

In this by-law, unless inconsistent with the context:

- 1.1 "Chairperson" means the mayor or deputy-mayor or Speaker or acting Speaker elected from members present or acting mayor/deputy mayor in the case of a municipal council;
- 1.2 "Council" means the municipal council of Makana which has adopted this by-law or to which it is otherwise applicable in terms of any law;
- 1.3 "Councillor" means a member of a council which has been established in terms of the Provincial Notice No. 79 dated 27 September 2000 in terms of the Local Government Municipal Structures Act (Act No. 117 of 1998)
- 1.4 " Act" means Local Government Municipal Structures Act , 1998 (Act 117 of 1998)
- 1.5 " Mayor " means the member elected in terms of Section 48 of the Act ;
- 1.6 " Motion" means a matter submitted by a member in terms of Section 14 ;
- 1.7 " Municipal Manager " means the person appointed in terms of Section 82 of the Act.
- 1.8 " Political Party" means a political party registered in terms of the Electoral Act, 1998:
- 1.9 " Speaker" means the member elected in terms of Section 36 of the Act;
- 1.10 " Whip" means, for the purposes of the Rules, a member of Council appointed by each political party to perform the functions referred to in Section 3.2

2. Application of Rules of Order

- 2.1 These rules of order apply to all full council meetings of the Municipal Council of Makana as established in terms of Section 12 of the Local Government Municipal Structures Act, 1998 once adopted by Municipal Council.
- 2.2 Rules specifically pertaining to standing/portfolio committees are dealt with under sections 44 and 45 of this By-law.
- 2.3 These Rules of Order are aimed to allow for free and constructive debate during Council and portfolio committee meetings. Rules are aimed to promote freedom of expression in such manner as to allow for orderly debate by as large a number of members of Council as is possible within reasonable time constraints. The rules acknowledge that political parties may want to address political issues that may not be on Council's agenda. The rules further acknowledge that the items on Council's agenda must receive preference in order to ensure the proper delivery of services, but the rules endeavour to create an opportunity for political parties and members of Council to air their views on other matters of public importance.

3. Conduct at Meetings

3.1 The Chairperson must:

- 3.1.1 maintain order during meetings
- 3.1.2 ensure compliance with the Code of Conduct at meetings
- 3.1.3 ensure that meetings are conducted in accordance with these Rules of Order
- 3.1.4 ensure that any person refusing to comply with his/her ruling leave the meeting place immediately
- 3.1.5 ensure that members conduct themselves in a dignified and orderly manner
- 3.1.6 ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager
- 3.1.7 ensure that members of the public attending any meetings of the Municipal Council conduct themselves in an orderly manner and obey any ruling by the Speaker

3.2 Each Whip or Chief Whip where a party has more than one Whip, is responsible for maintaining the discipline of his/her party's members during the Municipal Council's meetings. Failure by any such Whip to take appropriate action may be dealt with in terms of rule 3.2 above.

3.3 Any person other than a councillor who behaves in a disorderly or an unseemly manner or interrupts the proceedings at any meeting shall, if the chairperson so directs, be removed from the place where the meeting is held.

3.4 In the event of a persistent disregard of the directions of the chairperson, the chairperson shall direct such a councillor to retire from the place of meeting for the remainder of the meeting and may, if necessary cause him/her to be ejected therefrom.

3.5 Any such person or councillor who –

- 3.5.1 refuses or fails to comply with a direction of the chairperson given in terms of this by-law:
- 3.5.2 returns to the place of meeting prior to the conclusion of the meeting from which he/she was directed to retire , or
- 3.5.3 offers resistance whilst being ejected from the place of meeting; shall be guilty of an offence and be referred to the disciplinary committee.

3.6 Every councillor must be appropriately dressed at Council meetings

3.7 Every councillor when entering or leaving the Chamber, or when moving to any other part of the Chamber during debate, must acknowledge the chair in passing to or from his/her seat, and. no councillor may pass between the Chair and the councillor who is speaking, nor stand in any of the passages or gangways.

3.8 No councillor may converse aloud during debate.

3.9 No councillor may interrupt another councillor whilst speaking, except to call attention to

3.9.1 A point of order

3.9.2 A question of privilege

3.9.3 The presence of unauthorised persons in terms of statutory regulations for closed Council and portfolio committee meetings

4. Interpretation of Rules

4.1 The ruling of the Chairperson in regard to the application of these rules and any other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding on the meeting.

5. Chairing of Meetings

5.1 The duly elected Speaker must chair all meetings of the Municipal Council.

5.2 Should the duly elected Speaker not be present at a meeting, an acting Speaker must be elected for that meeting from the members present.

5.3 The chairperson may give a ruling, or frame a rule in respect of any eventuality for which these rules do not provide: Provided that such ruling or framed Rule may not be in conflict with the relevant legislation or the constitution.

5.4 A rule framed by the chairperson remains in force until a meeting of the Rules Committee has decided thereon.

5.4.1 A Rules Committee shall be appointed at a full council meeting and shall remain in place until dissolved by same.

5.4.2 Any rule formulated by the Rules Committee shall remain in force until the next full council meeting where such rule shall be ratified.

5.4.3 If the chairperson frames a rule, the Rules Committee must decide on such a rule within 14 working days of the date on which the rule was framed.

5.5 Invitations to address council:

5.5.1 A person/s who is/are not a councillor/s may address the council on the invitation of the chairperson.

5.6 A moment of silence for prayer and meditation must be observed at the commencement of business on every sitting day.

6. Language Policy

6.1 Language for purposes of Government

6.1.1 The Council uses English, isiXhosa and Afrikaans for the purposes of government as contemplated in section 6(3) of the Constitution.

6.1.2 The Rules Committee determines, when necessary, the documents and activities for the Council for government purpose.

- 6.2 Language for internal purposes
 - 6.2.1 The Council uses English for internal purposes.
 - 6.2.2 The Rules Committee determines , when necessary, the documents and activities of the Council for internal purposes.
- 6.3 Language in the Council
 - 6.3.1 A Councillor may speak English, isiXhosa and Afrikaans in the Council.
 - 6.3.2 Should a motion/petition or any written submission be made in any language other than English, efforts should be made to make English translations of the text available to all councillors .
- 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 a meeting takes place at least Quarterly.
 - 7.2 The Municipal Manager must give at least 72 hours notice of the meetings referred to above, to enable members to prepare adequately.
 - 7.3 When the Municipal Council meets as a legislative body to consider by – laws, the Municipal Manager must give 7 working days notice of this meeting to all members of the Municipal Council.
 - 7.4 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.
 - 7.5 In the case of any urgent meeting the notice period must be at least 24 hours.
 - 7.6 The Speaker, or in his/her absence the Mayor, determines whether any meeting is urgent or not..
 - 7.7 The Speaker, or in his/her absence the Mayor, must, after receiving a written request signed by the majority of the members of the Municipal Council, call a meeting of that Council.
 - 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 at the main administrative office of the municipality, and by placing an advertisement in two newspapers circulating in the Makana Municipality in English, isiXhosa and Afrikaans. 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 for these advertisements to be placed.
 - 7.9 Every member of the Municipal Council must specify in writing, an electronic mail address and/or a physical address within the municipal area of Makana, where he/she will receive notice of meetings or any other official correspondence. Timeous delivery of a notice of a meeting or any other official correspondence to this address will constitute proper notice of meetings of the Municipal Council.

8. Commencement of Meeting of Council

- 8.1 At each meeting of the council the chair shall be taken precisely at the time for which the meeting is convened and the business of the meeting shall be proceeded with immediately.

9. Order of Business

- 9.1 The business at ordinary meetings of the council shall be disposed of in the following order;
- 9.1.1 Election of chairperson, if necessary;
- 9.1.2 Observation of one minute's silence;
- 9.1.3 Consideration of applications for leave of absence from council meetings received from councillors;
- 9.1.4 Confirmation of minutes of previous council meeting;
- 9.1.5 Statements or communications by the chairperson;
- 9.1.6 Interviews with deputations;
- 9.1.7 Statutory business;
- 9.1.8 Consideration of reports by committees, delegates, deputations or officers of the council;
- 9.1.9 Consideration of reports, communications, petitions and applications dealing with matters of urgency submitted by the Executive Mayor, Municipal Manager or Speaker.
- 9.1.10 Consideration of notices of motion and notices of questions which shall appear on the agenda in the order in which they have been received by the Municipal Manager, and consideration of motions of exigency; provided that a councillor may at any time during the proceedings move as a motion of course that any item appearing on the agenda shall have precedence and may briefly state the reasons for such motion. If such motion is seconded, it shall be put to the vote forthwith without discussion, and if carried, such item shall have precedence accordingly.

10. Statements and Communications by Chairperson

The chairperson may without notice make any statement or read any communication at any meeting.

11. Attendance at Meetings

- 11.1 Every councillor present at a meeting of the council shall sign his name in the attendance register which shall be available for that purpose.
- 11.2 The names of all councillors present at any council or committee meeting and of all councillors to whom leave of absence from any such meeting has been granted shall be recorded in the minutes of report or reports relating to such meeting.

12. Minutes

- 12.1 Minutes of the proceedings of every meeting of the Council shall be drawn up and printed or typewritten and shall be submitted for confirmation at the next ordinary meeting of the Council.
- 12.2 The minutes shall be taken as read for the purpose of confirmation if a copy thereof was sent to each councillor at least forty-eight hours previously.
- 12.3 Except as to accuracy, no motion or discussion on the minutes shall be permitted.
- 12.4 A motion of course to correct the minutes shall be permissible and, if carried, the minutes shall be corrected accordingly and signed.

13 Deputations

- 13.1 A deputation wishing to interview the council shall give the council at least three days' notice of its intention to do so and shall send a memorial to the Municipal Manager setting out briefly the representations to be made and the source of the deputation.
- 13.2 The Municipal Manager shall submit the memorial to the chairperson and if the chairperson is of the opinion that it should be brought before the council, the deputation shall be notified to attend the council meeting.
- 13.3 The chairperson may allow the deputation to wait upon the council without written notice having been given if in his/her opinion the matter to be presented is of an urgent nature.
- 13.4 A deputation shall not consist of more than ten members.
- 13.5 Except with the consent of the council or in reply to questions from councillors, only two members of a deputation shall address the council.
- 13.6 Except with the consent of the council, a member of a deputation shall not address the council for more than ten minutes.

14. Notice of Motion, Notices of Questions and Notices of Meetings

- 14.1 The chairperson shall not accept any motion except a motion of exigency or a motion of course, unless notice thereof has been given in terms of subsection 14.3.
- 14.2 The chairperson shall not allow any question to be put except one put in terms of section 14, unless notice thereof has been given in terms of subsection 14.3.
- 14.3 Every notice of intention to introduce a motion or put a question shall be in writing, signed and dated by the councillor submitting the same and specifying in full the motion or question, and shall be delivered to the Municipal Manager at least six clear days before the date of the meeting at which it is intended to be introduced or put.

15. Absence of Mover or Questioner

- 15.1 In the event of the mover or questioner not being present in his/her place at the meeting of the Council when called upon by the chairperson to introduce a motion or put a question standing in his/her name on the agenda, any other councillor may introduce such motion or put such question in his/her own name, unless the original mover or questioner has notified the Municipal Manager in writing of a substitute to introduce the motion or put the question.

16. Motions and Questions on Matters Dealt with by a Committee

- 16.1 A councillor shall not give notice of a motion in regard to any matter assigned to a committee, unless such motion has previously been submitted to such committee or unless it is in the form of a reference to such committee for consideration and report.
- 16.2 The chairperson of a committee may, if he/she is of the opinion that the matter is one of
16.3 urgency, give notice of his/her intention to introduce a motion or put a question on a matter assigned to such committee, notwithstanding the fact that such motion or question has not been considered previously by such committee.

17. Rescission of Resolution

- 17.1 If a councillor wishes to give notice of his intention to move the rescission or alteration of a resolution (or part thereof) of the council, he/she shall give such notice by delivery to the Municipal Manager of a notice of motion in writing which notice of motion shall be signed and dated by such councillor and shall state at which meeting of the council it will be introduced, and it shall be in the hands of the Municipal Manager at least six clear days before the said meeting. Such notice of motion shall further state that the mover will move that the existing resolution (or part thereof) be reviewed for the purpose of alteration or rescission, as the case may be, and that the mover will further move that the same be rescinded or altered, as the case may be, stating, in the case of an alteration, the exact alteration desired.
- 17.2 If a committee has resolved to recommend to the council that a resolution (or part thereof) of the council be rescinded or altered, notice of intention to move such rescission or alteration shall be given by the inclusion of such recommendation in a report of the committee to the council and that the Municipal Manager shall send a copy of such report to each councillor, at the address which such councillor is required to furnish to the Municipal Manager for the purpose of the delivery of official communications, to reach him/her at least twelve hours before the meeting at which the recommendation will be considered. The copies of such report thus sent to all councillors, or documents which accompany them, shall indicate, at which meeting such report will be considered.
- 17.3 Except upon the recommendation of a committee, a resolution (or part thereof) shall not be reviewed at any meeting of the council unless the permission of the majority of the councillors present at such meeting has been obtained.
- 17.4 There shall be no debate on such motion to review save that the councillor or the chairperson of the committee giving notice shall have the right briefly to state the reasons therefor.

18 Recommendation of Committee

- 18.1 The adoption of a recommendation contained in a report which is submitted to the council by a committee shall be deemed to have been moved *pro forma* by the chairperson of such committee or, in his/her absence or when he/she opposes such recommendation by a member of such committee deputed by him/her to act at the time when the chairperson of the meeting intimates that such recommendation is open for discussion, and such *pro forma* motion need not be seconded, nor shall it preclude the chairperson of such committee from exercising his/her right to speak thereon.

19 Questions

- 19.1 After any motion or amendment has been moved and seconded, or at the conclusion of every speech thereon, a councillor may put any question relevant to such motion or amendment.
- 19.2 No supplementary questions shall be put except by the councillor who put the original question, and then only in respect of matters arising from the reply to such original question.
- 19.3 The chairperson shall not disallow any such question; provided that the councillor to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of section 14.

20 Motions of Exigency

- 20.1 A councillor 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 and without comment thereon moving "that the question to which attention has been directed be considered forthwith as a matter of exigency".
- 20.2 For the purposes of this by-law, such motion shall be referred to as a motion of exigency.
- 20.3 If such motion is seconded and carried by a majority of two-thirds of the councillors present at the meeting, the mover shall be permitted without notice to have the matter considered by means of a motion or question; provided that no motion of exigency shall be in order while any other question is being considered.

21 Motions of Course

- 21.1 In addition to the motions provided for elsewhere, the following shall be regarded as motions of course;
- 21.2 That the consideration of any particular item appearing on the agenda shall have precedence;
- 21.3 That any report referred to in the agenda be received, adopted, acted upon or referred back;
- 21.4 That any document before the council be acted upon in the manner specified in the motion;
- 21.5 That action be taken in regard to any matter submitted for consideration in the manner specified in the motion;

- 21.6 That the council do now resolve itself into committee;
- 21.7 That certain persons proposed for a appointment be eliminated as provided in section 43, and
- 21.8 A motion referred to in section 14.

22 Recording of Protest

- 22.1 A councillor may, when he/she is in the minority on a question which has been decided, forthwith request that his/her dissent or protest be entered in the minutes of the meeting in which the decision of the council is recorded, and such dissent or protest shall be entered accordingly.
- 22.2 Dissent or protest which casts an improper reflection on or imputes any improper motive to the council or any councillor or employee of the council shall be entered in the minutes.
- 22.3 If the majority of the councillors present at the meeting decide that the dissent or protest contains any such reflection or imputation, it shall not be entered in the minutes unless the councillor dissenting or protesting withdraws the improper expression.

23 Motion or Question Reintroduced or Part Again

- 23.1 No motion which has been rejected by the council and no question put in accordance with the provisions of section 14 and replied to at any meeting of the council shall again be moved or put within a period of three months of such meeting, except with the consent of the majority of the whole council.

24 Councillor to Address Chair

- 24.1 A councillor speaking at a meeting of the council or any person addressing the council shall rise and address the chair.

25 Length of Speeches

- 25.1 Except with the consent of the chairperson, a councillor shall not speak for more than five minutes on any subject.
- 25.2 The mover of an original motion or of any amendment may, however, speak for ten minutes on such motion or amendment, or for such extended period as the council may permit.

26 Order of Precedence

- 26.1 If two or more councillors rise at the same time to speak, the chairperson shall determine who shall have precedence.

27 Precedence of Chairperson

Whenever the chairperson rises during a debate, any councillor then speaking or offering to speak shall sit down, and all councillors shall be silent so that the chairperson can be heard without any interruption.

28 Relevance

- 28.1 A councillor who speaks shall confine his speech strictly to the motion or question under discussion or to any explanation or a point of order.

29 Councillor may speak once only except mover of original motion

- 29.1 A councillor shall not address the council more than once on any motion or amendment.
- 29.2 The mover of an original motion may, however, speak to the motion and reply to the debate, but in so replying he/she shall confine himself/herself strictly to replying to the questions of previous speakers and shall not introduce any new points of discussion into the debate.
- 29.3 The right of reply to a debate shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

30 Point of Order and Personal Explanation

- 30.1 A councillor may, whether or not he/she has spoken on the question under discussion, rise to a point of order, or in explanation, but such explanation shall be confined to some material part of his former speech which may have been misunderstood.
- 30.2 A councillor so rising shall be entitled to be heard forthwith.

31 Withdrawal of Motion, Amendment or Question

- 31.1 A motion or amendment may without discussion and with the permission of the seconder and the council be withdrawn by the mover.
- 31.2 A councillor shall not speak upon such motion or amendment after the mover has asked permission for its withdrawal unless such permission was refused.
- 31.3 A question may without the permission of the council be withdrawn by the councillor who intended putting it.

32 Chairperson's Ruling on Point of Order

- 32.1 The ruling of the chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 32.2 The ruling of the chairperson upon any point of order raised as to the interpretation of this by-law shall be entered in the minutes.

33 Order of Debate

- 33.1 When a motion is under discussion at any meeting of the council, no further motion shall be received except the following:
- 33.1.1 That the motion be amended;

- 33.1.2 That consideration of the question be postponed;
- 33.1.3 That the council do now adjourn;
- 33.1.4 That the debate now be adjourned;
- 33.1.5 That the question now be put, and
- 33.1.6 That the council proceed to the next business

34 That the Motion be Amended

- 34.1 Every amendment shall be relevant to the motion on which it is moved.
- 34.2 An amendment shall, if required by the chairperson be put in writing, signed by the mover and handed to the chairperson or Municipal Manager and shall be read out before being moved.
- 34.3 An amendment shall not be discussed or put to the council until it has been seconded.
- 34.4 If there are any amendments to a motion, the amendment last proposed shall be put to the vote first, and if carried, the question shall be resolved accordingly.
- 34.5 If the amendment last proposed is negative, the amendment proposed immediately prior to such amendment shall be put to the vote.
- 34.6 No further amendment shall be moved to a motion or an amendment after the chairperson has commenced to take a vote on such motion or amendment.

35 That Consideration of the Question be Postponed

- 35.1 A councillor may at the conclusion of a speech move that consideration of the question be postponed to a fixed date or *sine die*.
- 35.2 Such motion shall be seconded but need not be put in writing.
- 35.3 The mover of such motion may speak for not more than ten minutes, but the seconder shall not be permitted to speak beyond formally seconding it.
- 35.4 Upon such motion being moved, the mover of the question under discussion may, without prejudice to his/her ultimate right to reply to the debate if the motion that the question be postponed is not carried, be heard in reply for five minutes, after which the motion shall be put without further discussion.
- 35.5 If postponement to a fixed date is agreed to, the question shall be placed first on the list of points of discussion for the day on which the postponed motion shall be considered.

36 That the Council do Now Adjourn

- 36.1 A councillor who has not yet participated in a discussion on a question, may at any time, except during the course of a speech by another councillor or while a vote is being taken, move "that the council do now adjourn".

- 36.2 Such motion shall be seconded but need not be put in writing.
- 36.3 The mover may speak to the motion for five minutes, but the seconder shall not speak beyond formally seconding the motion.
- 36.4 If the motion is carried, the council shall forthwith adjourn provided that the chairperson may direct that the meeting proceed first to dispose of unopposed business.
- 36.5 If a motion that the council do now adjourn is not carried, the chairperson shall not accept another such motion until a period of half an hour has elapsed.
- 36.6 A councillor shall not on the same day during the course of any one meeting of the council move or second more than one motion to adjourn.
- 36.7 Save as provided in subsection 33.3, no discussion on a motion to adjourn shall be permitted, except that the councillor who first rises for that purpose may speak against such motion for not more than five minutes.
- 36.8 No amendment to such motion shall be moved except in relation to the period of adjournment
- 36.9 If a motion to adjourn a meeting of the council has been carried during a debate and prior to the closure thereof, then upon consideration of the subject of such debate at the adjourned meeting the councillor who moved the adjournment shall be entitled to speak first.
- 36.10 No business shall be transacted at an adjourned meeting except such as is set out on the agenda for the meeting of which it is an adjournment.
- 37 That the Debate Now be Adjourned**
- 37.1 A councillor who has not yet participated in a discussion may, at the conclusion of any speech, move that the debate be adjourned.
- 37.2 Such motion shall be seconded but need not be put in writing.
- 37.3 The mover of such motion may speak to it for five minutes, but the seconder shall not speak beyond formally seconding it.
- 37.4 Save as provided in subsection 37.3, no discussion on such motion shall be permitted except in relation to the period of adjournment, and the councillor who first rises for that purpose may speak against it for five minutes.
- 37.5 If such motion is carried, the meeting shall proceed to the next business on the agenda, and the discussion of the adjournment debate, unless otherwise resolved, shall be resumed at the next ordinary meeting.
- 37.6 On the resumption of the adjourned debate, the councillor who moved the adjournment shall be entitled to speak first.
- 37.7 If a motion that a debate be adjourned is not carried, the chairperson shall not accept another such motion until half an hour has elapsed.

37.8 A councillor shall not during the course of any one debate move or second more than one motion to adjourn the debate.

38 That the Question Now be Put

38.1 A councillor may at the conclusion of a speech move, without discussion, that the question now be put, and the motion, if seconded, shall be put forthwith. If the motion is carried, the motion or amendment under discussion shall be put forthwith.

38.2 A second motion that the question now be put shall not be moved within fifteen minutes.

39 That the Council Proceed to the Next Business

39.1 A councillor may at the conclusion of a speech on any question move, without discussion, that the council proceed to the next business, and the motion, if seconded, shall be put forthwith.

39.2 When a motion is carried that the council proceed to the next business, the question under discussion shall be deemed to have lapsed.

39.3 During a debate on the same question, a second motion that the council proceed to the next business shall not be moved within fifteen minutes of such first motion.

40 Application of this by-law in the case of special meetings and meeting of the council in committee

40.1 This by-law (excluding the provision that a councillor may only speak once) shall, in so far as the conduct of meetings is concerned, apply to special council meetings and meetings of the council in committee.

41 Committee of the Whole Council

41.1 A councillor may at any time (after the confirmation of the minutes) during the meeting of the council move "that the council do now resolve itself into committee" and may briefly state the reasons for such motion. If such motion is seconded, it shall be put to the vote forthwith without discussion.

41.2 If such motion is carried, the place of meeting shall be cleared of all members of the public.

41.3 Whenever the council resolves itself into committee, the chairperson of the meeting at which the council resolves itself into committee shall act as chairperson of the committee.

41.4 A councillor may during the course of the discussion in committee move "that the council do now resume" and may briefly state the reasons for such motion. If such motion is seconded, it shall be put to the vote forthwith without discussion.

41.5 If the council resumes without the question in committee having been disposed of, the debate shall resume at the point at which the council resolved itself into committee.

42 Unopposed Business

- 42.1 When a meeting of the council has been in progress for not less than two hours, the chairperson may interrupt the proceedings and direct that the council proceed forthwith to dispose of unopposed business.
- 42.2 After the disposal of such business, the proceedings shall resume at the point at which they were interrupted, unless all other remaining business has been adjourned until a future meeting.
- 42.3 For the purpose of this by-law, an item on the agenda shall be deemed to be opposed business if a councillor signifies his intention to discuss such item immediately after the chairperson 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 questions being put in connection therewith.

43 Quorum

- 43.1 The Quorum at meetings shall be 50% + 1
- 43.2 Whenever during a meeting of the council there is no quorum, the meeting shall be suspended for no more than 30 minutes, and if at the end of that period there is still no quorum, the Chairperson may further suspend the meeting for a period he/she deems fit, or adjourn the meeting to another time, date and venue at his/her discretion. The names of the councillors present shall be entered in the minutes and the chairperson shall declare the meeting to be closed.

44 Voting by Show of Hands

- 44.1 Except as otherwise provided in any law or resolved by the council, the decision of the council on any question before it shall be determined by a show of hands.

45 Voting by Division

- 45.1 Immediately after a question has been put to a meeting of the council for the purpose of being voted upon, put to the vote, or immediately after the decision upon a show of hands has been declared by the chairperson, any two councillors may demand a division, and the chairperson shall thereupon request those councillors who desire to support such demand to rise in their places.
- 45.2 Upon a division being about to be taken, no councillor shall enter or leave the place of meeting.
- 45.3 Whenever a division is taken, the names of all councillors, shall be recorded as "for" or "against" as well as the names of absentee councillors.

- 45.4 The chairperson shall from such record declare the decision of the council and the number of councillors who voted for or against the question.
- 45.5 All divisions shall be entered in the minutes.
- 46 Procedure in Conducting a Ballot**
- 46.1 Where a question, other than the appointment or election of a person or persons, is to be decided by ballot, a ballot paper containing the question to be decided shall be handed to each councillor who shall signify his/her vote by means of a cross in the appropriate column according to whether he/she is in favour of or against the proposal.
- 46.2 Where the appointment or election of one or more persons from among a number of persons proposed is to be decided each councillor shall be handed a ballot paper and he/she shall signify his/her vote or votes, as the case may be –
- 46.2.1 in the case where the names of the persons proposed appear on such ballot paper, by means of a cross opposite the name of names of the person or persons whom he/she favours according to the number of vacancies to be filled, or
- 46.2.2 in the case where the names of the persons proposed do not appear on such ballot paper, by writing the name of names of the persons whom he/she favours on the ballot paper according to the number of vacancies to be filled.
- 46.3 After the ballot papers have been marked as provided in subsection (46.1) or (46.2), they shall be folded and placed in a ballot box provided by the municipal manager.
- 46.4 The municipal manager and two councillors appointed by the chairperson for this purpose shall act as tellers under direction of the chairperson and shall count the votes cast and report to the chairperson the result thereof by means of a written and signed statement, and the chairperson shall thereafter announce such result.
- 46.5 Where any ballot is taken in terms of subsection (46.1), the chairperson shall declare the majority vote to be the decision of the council on the question in respect of which such ballot has been taken; provided that in the case of an equality of votes, the question in respect of which the ballot has been taken shall be determined by lot in the prescribed manner.
- 46.6 Where a ballot is taken in terms of subsection (46.2) and more than one vacancy is to be filled from among a number of persons proposed, the chairperson shall declare those persons appointed or elected to the vacancies, as the case may be, who have received the greatest number of votes; provided that –
- 46.6.1 if all the persons in respect of whom the ballot has been taken have received an equal number of votes, the question shall be determined by lot in the prescribed manner, or
- 46.6.2 if, owing to an equality of votes, all the vacancies have not been filled, the process of balloting shall continue in respect of those persons who remain unappointed or unelected, and if, after any balloting, as aforesaid, only one vacancy still requires to be filled, such vacancy shall be filled in accordance with the provisions of subsection 46.5.

- 46.7 Where a ballot is taken in terms of subsection 46.2 for the filling of one vacancy only and –
- 46.7.1 If there are only two persons to fill the vacancy, the person who receives the votes of the majority of the councillors present shall be declared by the chairperson to have been duly appointed or elected, as the case may be; provided that in the case of an equality of votes, the question shall be determined by lot in the prescribed manner, or
- 46.7.2 If there are more than two persons to fill such vacancy, the person who receives the votes of the majority of the councillors present shall be declared by the chairperson to have been duly appointed or elected, as the case may be; provided that –
- 46.7.2.1 if no person receives the votes of the majority of the councillors present, the person who has received the smallest number of votes shall be eliminated and a fresh ballot shall be taken in respect of the remaining persons.
- 46.7.2.2 unless the council has in terms of paragraph 43.7.2.1 of this proviso determined by resolution to eliminate all but one person, the process of elimination as provided therein shall be repeated as often as is necessary until only two persons remain to fill the vacancy, and in such event the vacancy shall be filled in accordance with the provisions of subsection 46.7.1
- 46.7.2.3 if, as a result of a ballot taken in respect of those persons who have not been eliminated in accordance with paragraphs 43.7.2.1 and 43.7.2.2 of this proviso, two or more receiving the smallest number of votes in such ballot have received an equal number of votes, a separate ballot shall be taken in respect of such persons, and the person or persons, as the council may decide, receiving the smallest number of votes in such separate ballot shall be eliminated and thereafter the process of balloting as herein before provided shall if necessary, be proceeded with, or
- 46.7.2.4 notwithstanding the provisions of paragraphs 43.7.2.1, 43.7.2.2 and 43.7.2.3 in this proviso, if all the persons in respect of whom any ballot is taken in terms of subsection 43.6 have received an equal number of votes in such ballot, the question shall be determined by lot in the prescribed manner.
- 46.7.2.5 If any ballot paper contains votes in favour of a larger number of persons than the number of vacancies to be filled, such ballot paper shall be rejected, and the votes appearing thereon shall not be counted.
- 46.7.2.6 A councillor may register one vote only in favour of a person, and if any ballot paper contains more than one vote in favour of any person, only one of such votes shall be counted.
- 46.7.2.7 All ballot papers issued to councillors shall be of equal size and of the same colour, and any ballot paper placed in the ballot box, not being a ballot paper handed to a councillor as hereinbefore provided, shall be rejected, and the votes appearing thereon shall not be counted.

47 Portfolio Committees

- 47.1 The members of a portfolio committee shall hold office until their successors have been appointed or until such committee is dissolved, except as hereinafter provided.
- 47.2 The Council may at any time withdraw, extend or modify any reference to a portfolio committee but any proposal to do so shall first be referred to that committee for consideration and report.
- 47.3 A portfolio committee may at any meeting grant leave of absence to any member; provided that leave of absence shall not be granted in respect of a period prior to such meeting, and
- 47.4 A member who without leave of absence fails to attend two consecutive meetings of such portfolio committee shall cease to be a member thereof.
- 47.5 A member of a portfolio committee may resign from such committee by notice in writing, signed by him/her and submitted to the municipal manager, and such resignation shall take effect upon the approval/acceptance thereof by the Executive Mayor.
- 47.6 The municipal manager shall, at the first ordinary meeting of the council after a vacancy has arisen in a portfolio committee, give notice of such vacancy and it shall, unless otherwise decided, be filled by the council.
- 47.7 During the absence on leave, granted by the council of any councillor, any other councillor may be appointed to act in his/her place on any portfolio committee of which he/she is a member.
- 47.8 Except in the case of an emergency, members of a portfolio committee shall be given notice of every meeting of such committee by the municipal manager who shall send an agenda to each councillor so that the same may in the ordinary course of events be delivered at his/her address at least twenty-four hours before the hour of the meeting.
- 47.9 Failure to give notice of a portfolio committee meeting shall not affect the validity of such meeting.
- 47.10 A councillor may attend any portfolio committee meeting, and the chairperson may with the consent of such committee permit such councillor to address such committee.
- 47.11 The chairperson of a portfolio committee shall have a casting vote in addition to his deliberative vote.
- 47.12 The majority vote of the members of a portfolio committee present and voting by show of hands shall constitute a decision of the portfolio committee provided that any two members present and voting may require the names of the persons voting and the votes cast to be minuted.

- 47.13 Every portfolio committee shall submit a report or reports of its proceedings to the Executive Mayor for consideration or noting, as the case may be.
- 47.14 The reports of a portfolio committee shall be drawn up in consecutively numbered sections and shall contain the recommendations or decisions, as the case may be of the portfolio committee on the matters reported on.
- 48 Maintenance of Order at Council and Committee Meetings**
- 48.1 Any person other than a councillor who behaves in a disorderly or an unseemly manner or interrupts the proceedings at any meeting shall if the chairperson so directs, be removed from the place where the meeting is held.
- 48.2 If a councillor behaves in a disorderly or an unseemly manner, or obstructs the business of any meeting of the council or any committee thereof, or challenges the ruling of the chairperson on any point of order, or declines to withdraw any expression when required to do so by the chairperson or indulges in tedious repetitions or unbecoming language, or contravenes any provision of this by-law, the chairperson shall direct such councillor to behave properly, and, if speaking, to discontinue his/her speech and resume his/her seat.
- 48.3 In the event of a persistent disregard of the directions of the chairperson the chairperson shall direct such councillor to retire from the place of meeting for the remainder of the meeting and may, if necessary cause him/her to be ejected therefrom.
- 48.4 Any such person or councillor who –
- 48.4.1 refuses or fails to comply with a direction of the chairperson given in terms of this by-law.
- 48.4.2 returns to the place of meeting prior to the conclusion of the meeting from which he/she was directed to retire, or
- 48.4.3 offers resistance whilst being ejected from the place of meeting shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rands .
-