AGENDA: COUNCIL: 25 SEPTEMBER 2024

AGENDA: COUNCIL: 27 JULY 2021

RUSTENBURG LOCAL MUNICIPALITY

RULES OF ORDER BY LAW

ITEM 201 PAGE 1061

ITEM 169 PAGE 1323

Part 4

Minutes of Meetings

Part 5

Attendance at meetings

Part 6

Adjourned meeting

Part 7

Quorum at meetings

CHAPTER 3

CONDUCT AND PROCESS DURING MEETINGS

Part 1
Questions

Part 2

Deputations

Part 3

Reports

Part 4

Motions

Part 5

Procedures and proceedings

CHAPTER 5

MAYORAL COMMITTEE MEETINGS

CHAPTER 6

PORTFOLIO COMMITTEES AND OTHER COUNCIL MEETING

CHAPTER 1
DEFINITIONS

1. Definitions

In this By-Law, unless the context otherwise indicates -

"Absent" means not present at a meeting of the Council or a Committee of the Council without valid cause or reason and absenteeism has a corresponding meaning;

"Addendum" means additional information to an existing item;

"Caucus" means an informal discussion of members of a group or party with a view to reach a resolution;

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

"Committee" means any committee of Council and the Mayoral Committee, including any committee established in terms of legislation;

"Confidentiality" means the state of keeping or being kept secret or private until after discussed in Council or committee;

"Constitution" means the Constitution of the Republic of South Africa, (Act No. 108 of 1996);

"Council" means the council of the Rustenburg Local Municipality;

"Councillor" means any elected member of council;

"Day" means Sunday to Monday, including public holidays

"Disruption" means any act of disturbance, disorderly, turmoil, interrupt and brawl;

"Division of the house" means to record individually every members or person's vote in favour, against or abstention on any proposal or matter.

"Voting" means a formal expression of choice which such expression is made in a form of a secret ballot or by a show of hands;

"Executive Mayor" means the Executive Mayor as contemplated in part 2 of Chapter 4 of the Structures Act;

"Mayoral committee" means the committee appointed by the Executive Mayor in terms of section 60 of the Municipal Structures Act.

"Mayoral executive system" means a system which allows for the exercise of executive authority through the Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by the mayoral committee;

"Meeting" means a formal meeting of the council or committee

"Member" means a member of the council or committee, duly elected, appointed or nominated as such;

"Memorandum" means a written submission in business or diplomacy by any person prepared for Council or committee;

"Motion" means a motion introduced in writing in terms of this By-Law as well as a motion in terms of other applicable legislation;

"The MFMA" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"Municipal Manager" means the head of administration and accounting officer for the municipality in terms of Section 82 of the Municipal Structure Act and Section 60 of the Municipal Finance Management Act and for purposes of this By-Law, shall include any other person nominated, delegated or acting as such;

"Manager" means a manager as contemplated in Section 56 of the Systems Act;

"Municipality", when referred to as-

(a) An entity, means a municipality as described in section 2 of the Municipal Systems Act; and

(b) A geographic area means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

"Party" means a political party represented in Council.

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

"Point of order" means 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;

"Political head" means the Executive Mayor;

"Sergeant–at-arms" means a person in the fulltime 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, the Unit Manager Law Enforcement and Security to act as Sergeant–at-arms;

"Personal explanation" means the explanation of some material part of a member's former speech which may have been misunderstood;

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

"Quorum" means The minimum number of members of Council or committee which must be present at any of its meeting to make the proceedings of the meeting valid;

"Rules" means the Rules of Order By-Law;

"Secretariat" means an official designated to perform secretarial duties pertaining to a council or committee;

"Serve" means delivery of a notice or document at the address chosen by the councillor or member for that purpose or personally;

"Speaker" means the chairperson of the council, as contemplated in part 2 of Chapter 3 of the Structures Act;

"Single Whip" means member elected as the Single Whip of Council;

"Structures Act' means the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) and herein referred to as the "Act";
"Systems Act" or "MSA" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"report" means a written report, signed by the person authorised or delegated to sign such a report, submitted for consideration by council or a committee in accordance with the provisions of the approved

delegations of the council, such report to contain a firm, clear and precise recommendation(s)

"Urgent matters" means when the decision required, if delayed, would prejudice the Council and / or its operations.

Any other word or expression not mentioned above shall have the meaning assigned to it in the Structures and Systems Acts.

2. **Application of Rules**

This Rules of Order By-Law applies to all meetings of Council and Committees.

CHAPTER 2

COUNCIL, MAYORAL, PORTFOLIO AND OTHER COMMITTEES

Part 1
Convening of meetings

3. **Speaker to convene Council meetings**

(1) The Council shall hold an ordinary meeting for the transaction of business on monthly basis and under extreme circumstances the speaker may reschedule an ordinary Council meeting but under the same conditions than for an ordinary Council
This shall take place in terms of Sections 29(1) of the Municipal Structures Act.

(2) The Speaker shall call a special meeting for any urgent matter(s), for which the Speaker may determine a date and place but if the majority of councillors request the Speaker in writing to convene a special meeting, the Speaker must convene such meeting at a time set out in the request (See Sections 29(1) of the Municipal Structures

Act)

(3) In the event where the Speaker fails and/or refuses to convene a Special meeting as requested in terms of Rule 3(2) above, when requested, the Single Whip or Municipal Manager of the municipality may convene such a meeting.

(4) In the event where the Speaker fails and/or refuses to sign the agenda, the Single Whip must sign the agenda.

(5) 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 the council where the Speaker is not present.

(6) The appointment of the Acting Speaker will be in line with Section 41 of the Structures Act. The Municipal Manager will preside over the election of such Acting Speaker in terms of section 36(3) of the same act

(7) In case of any other Council Committee, council must appoint the Chairperson in line with Section 79(2)(C) of the Municipal Structures Act 117 Of 1998

4. **Executive Mayor to convene Mayoral committee meetings**

(1) The Executive Mayor shall convene meetings of the Mayoral Committee, normally on a predetermined workday excluding during December.

(2) The Executive Mayor shall chair meetings of the Mayoral Committee and if not present, the Deputy Executive Mayor or if the Deputy Executive Mayor is also not available, any other councillor appointed by majority members of Mayoral Committee in attendance.

(3) In the absence of the Executive Mayor, The Executive Mayor will appoint an Acting Executive Mayor from within his/her Mayoral Committee in line with Section 49(3) of the Structures Act

5. Chairperson to convene Portfolio and other committee meetings

(1) The Chairperson appointed by the Executive Mayor shall convene and chair meetings of the Portfolio Committees on a monthly basis and in the absence of the Chairperson the councillors present forming a quorum may elect an acting Chairperson;

(2) The Chairperson of any other Committee shall convene and chair meetings of such a committee as and when the need arise and in the absence of the appointed Chairperson the meeting must be adjourned.

6.. **All meetings of Council open to public**

(1) The Municipal Council shall conduct its business in an open manner and every meeting of the Council shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act.

(2) The Council will deal In-Committee when discussing any of the following matters:

2.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
2.2 personal and private information of any councillor or an employee of the municipality;
2.3 the intention of the municipality to purchase or acquire land or buildings;
2.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
2.5 any report addressing legal proceedings that the municipality is

involved in or contemplating instituting or defending;

2.6 disciplinary proceedings or proposed disciplinary proceedings again against any employee;

2.7 any matter that might not be disclosed in terms of legislation;

2.8 consideration of the minutes of previous In-Committee discussions.

(3) A councillor may, when an item in the agenda is put to order, other than a matter referred to in 6(2) above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In-Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

(4) items be subject to Public participation be discussed in Committee.

Part 2

Notice of meetings

7. **Council, Mayoral and other committees**

The Municipal Manager or his/her delegate shall be responsible to compile and serve the notice of all Council, Mayoral and other Committee meetings.

8. **Notice of meeting to be served**

(1) At least seven (7) days before any ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted there and signed by the Speaker or the Single Whip as contemplated in 3(4) above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official

address / mail address. It remains the responsibility of the councillor to collect the agenda for a meeting scheduled above at an agreed distribution point.

(2) At least four (4) days before any other Committee meeting, a notice to attend the meeting, specifying the business proposed to be transacted there be signed by the Member of the Mayoral Committee, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address.

9 Public notice of meetings of municipal Council meetings

(1) The Municipal Manager must give notice to the public in terms of Section 19 of the Municipal Systems Act;

(2) The index of Council items will be made available to the public.

10. **Business limited by notice of meeting**

(1) With the exception of an urgent report of the Executive Mayor or the Municipal Manager, as agreed with the Speaker, business not specified in the notice and or the agenda of the meeting shall not be considered at that meeting.

(2) Business to be conducted at Special Council meetings shall be limited to what is specified in the Notice – addendums will be allowed.
No additional items will be allowed.

Part 3
Agendas of meetings

11. Preparation of Council agenda

The Municipal Manager or his/her delegate is responsible for the preparation of the agenda in consultation with the Executive Mayor for the approval by the Speaker that is circulated to the members.

12. Preparation of Mayoral committee agenda

The Municipal Manager or his/her delegates is responsible for the preparation of the agendas of all Mayoral Committee meetings, in consultation with the Executive Mayor.

13. Preparation of Portfolio committee agenda

The relevant Secretariat as directed by the relevant Head (Director: Corporate Support Services) in conjunction with the Chairperson of the relevant committee is responsible for the preparation of the agendas of all Portfolio Committee meetings.

14. Preparation of other committee agendas

The Municipal Manager (through the delegated Directorate of Corporate Support Services) is responsible for the preparation of the agendas of all other Committee meetings, in consultation with the Speaker, the Executive Mayor, or Chairperson, as the case may be.

15. Raising of urgent matters

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

(2) The Speaker or Chairperson of the meeting in consultation with Whips of all parties, 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 (1) above.

16. **Order of business on the Ordinary Council agenda**

The order of business of an ordinary meeting of Council shall be as follows:

(1) Opening and welcome
(2) Applications for leave of absence
(3) Official notices
(4) Proposals of condolences or congratulations by the Speaker
(5) Proposals of condolences or congratulations by other members
(6) Declarations of interest by members relating to any item
(7) Minutes of the previous meeting
(8) Report of the Executive Mayor
(9) Submission of report by Council representatives from Bojanala District Municipality
(10) Reports from Municipal Public Accounts Committee
(11) Report from the Audit Committee
(12) Report on SALGA activities
(13) Submissions by the Traditional Leader
(14) Reports by the Speaker
(15) Report by the Single Whip
(16) Report by the Municipal Manager on implementation of Council resolutions
(17) Motions or proposals deferred from previous meetings
(18) New motions or petitions

(19) Questions
(20) Adoption of minutes
(21) Closure

17. Order of business on the Special Council Agenda

The order of business of a Special Council shall be as follows:

(1) Opening and welcome
(2) Applications for leave of absence
(3) Official notices
(4) Proposals of condolences or congratulations by the Speaker
(5) Proposals of condolences or congratulations by other members
(6) Declarations of interest by members relating to any item
(7) Report of the Executive Mayor
(8) Adoption of the minutes
(9) Closure

18. **Signing of agendas / notice**

(1) The Speaker shall sign the agenda for all Council meeting before distribution thereof.

(2) The Speaker may delegate the signing of the Agenda in his/her absence

(3) The Executive Mayor (or his/her delegate in his/her absence and for this purpose) shall sign the agenda for all mayoral committee meetings before distribution thereof.

(4) The Chairperson (or any other Mayoral Committee member so delegated shall sign the agenda for all portfolio meetings before distribution thereof.

(5) The contents of any Council, Special Council, Mayoral Committee and all other committee agendas remains confidential until resolved in the relevant meeting.

(6) Caucuses of different parties are allowed to obtain Legal/professional/expertise advise on single Items in preparation for a specific meeting

19 Leave of absence for Council, Mayoral Committee and all other Committees

(1) Applications for leave of absence from any Council or Committee meeting must be submitted to the Speaker or the Chairperson in writing and signed or by e-mail by the member applying for leave.

(2) All applications for leave related to council meetings must be submitted to the Speaker by Whips of different parties before the start of the meeting.

(3) Council will grant leave at its discretion and is at liberty to reject such application for leave of absence.

(4) Council may grant leave of absence subject to reasons provided in advance.

(5) Leave will be granted if a councillor has been delegated to attend a meeting or engagement on behalf of the council and if a letter of such delegation is submitted to the Speaker.

(6) Application for leave of absence of members of the Mayoral Committee shall be submitted to the Executive Mayor who will in turn submit them to the Speaker.

(7) Any verbal application on behalf of a member must be followed up in

writing within seven (7) days. Failure to do so, leave of absence will be null & void and it shall be recorded as such;

Part 4
Minutes of meetings

20. **Responsibility for minutes**

(1) The Municipal Manager (through the delegatee) shall be responsible to keep proper minutes of all Council and Mayoral Committee meetings.

(2) The Secretariat of any other Committee or its delegatee shall be responsible to keep proper minutes of all Portfolio Committee meetings.

21. **Adoption of minutes**

Minutes of Council will be adopted immediately as a reflection of what transpired in the meeting.

22. **Discussion on minutes**

No proposal or discussion shall be allowed on the minutes except as to its accuracy.

23. **Minutes of Council-in-committee**

The minutes in relation to any item considered by the council-in-Committee and finalized in-committee shall be kept separately from the minutes of council, unless consideration of that item was finalised in open council.

24. **Copies of approved minutes.**

All approved minutes of the Council or any committee must be made available to the public upon such request at the payment of any prescribed fee.

25. **Minutes must be signed.**

(1) The approved minutes of Council meetings shall be signed by the Speaker as Chairperson of that specific meeting.

(2) The approved minutes of Mayoral Committee meetings shall be signed by the Executive Mayor as Chairperson of that specific meeting.

(3) The approved minutes of Portfolio Committee meetings shall be signed by the relevant member of the Mayoral Committee as Chairperson of that specific meeting.

26.~~28.~~ **Safe custody of signed minutes**

The approved minutes, signed by the Chairperson of the meeting, shall be kept in safe custody by the Municipal Manager and shall be *prima facie* evidence of resolutions adopted by the Council, the Mayoral Committee, or other Committee as the case may be.

27.~~29.~~ **Minutes shall be written, typed and printed**

Minutes of Council and all Committees shall be typed, written and printed in English.

Part 5
Attendance at meetings

28.~~30~~. **Dress code**

(1) All councillors and officials must dress appropriately, presentably, in a dignified manner and in formal or traditional wear.

(2) No weapon of any nature including traditional weapons are allowed in Council.

(3) Male councillors and officials' dress code:

(i) Male councillors and officials shall wear formal, traditional and religious attires and no political attire will be allowed in all council and portfolio meetings.

(ii) The Rules of Order By-Law should consider the weather conditions in Rustenburg climate environment.

(iii) They should wear long formal trousers, formal shirts and formal shoes. Ties and jackets optional

(iv) Formal, religious and traditional attire does not include jeans, shorts, flip-flops (open-toe sandals) and sneakers.

4. Female councillors and officials' dress code:

(i) Female councillors and officials shall wear formal, traditional and religious attires and no any political attire will be allowed in all council and portfolio meetings.

(ii) The Rules of Order By-Law should consider the weather conditions in Rustenburg climate environment.

(iii) They should wear formal skirts, dresses, long formal pants, formal shorts pants and formal shoes.

(iv) They should wear formal jackets or something that covers the shoulders and chest.

(v) Formal, religious and traditional attire does not include jeans and sneakers.

29. Cell phones and tablets

All cell phones and tablets that will have an effect in interfering and/or disturbing the recording system of council when in session will and shall be required to be switched off or be technically equipped to not interfere and/or disturb the recording system.

30. Attendance register of meeting

Every member attending a meeting shall sign his/her name in the attendance registers kept for this purpose by the Municipal Manager or his delegate, immediately before commencement of the meeting and if late, upon his/her arrival.

31. Member to remain in attendance

Any councillor failing to remain in attendance at such meetings, without good reason, is guilty of transgressing item *4(1) (b)* of the Code of Conduct in terms of the Municipal Systems Act as amended.

32. Minutes must reflect absence

The minutes must reflect the name of any Councillor leaving a meeting before it adjourns and the time he/she leaves such meeting.

33. **Monitoring of attendance**

(1) The Municipal Manager must regularly monitor such attendance register and inform the Speaker of the absenteeism of any Councillor without a written apology, including information on councillors leaving and returning during a meeting in order to establish whether the required quorum was present or not. The Speaker must report non-attendance of Councillors quarterly to Council.

(2) No councillor shall leave the council meeting while in process, unless when answering the call of nature, when something urgent requires him/her to do so, if the meeting has been adjourned or prior permission has been granted by the Speaker.

(3) Failure to adhere to the above, *section 73* of the Rules will apply.

34. **Attendance report**

The Municipal Manager shall prepare and submit a return for inclusion in the Municipality's Annual Report showing the attendance of each councillor at meetings of the Council and committees for that year.

35.Adjournment in the event of no quorum

If at the expiry of thirty (30) minutes after the commencement time at which a meeting is scheduled to take place, a quorum has not assembled, no meeting shall take place.

Part 6
Adjourned meeting

36. Meeting deemed adjourned

After the expiry of the thirty minutes, if no quorum was obtained by then, the Speaker or chairperson should convene a follow up meeting, notice of which shall be given in terms of Section 29(1) of the Structures Act and such meeting shall be deemed to be an adjourned meeting for the purpose of Section 38 of the Rules hereof.

37. Notice of adjourned meeting

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

38. Business not disposed of at adjourned meeting

Business not disposed of at a meeting adjourned in terms of *section 36 of the Rules* shall be dealt with at an adjourned meeting convened by the Speaker or Chairperson of the committee for this purpose: Provided that such business not dealt with and which originated from a special meeting convened at the request of members in terms of Section 29(1) of the Structures Act, may be held over until the next ordinary meeting.

39. Only items specified to be dealt with

Subject to the provisions of Section 10 of the Rules, no business shall be transacted at an adjourned meeting except such that was specified in the notice of the meeting which was adjourned.

Part 7
Quorum at Meetings

40. When majority of members are required

A majority of members must be present at a meeting before a vote is taken on any matter as prescribed by the Act. *(Section 30 (1)* of the Municipal Structures Act).

41. When supporting vote of the majority is required

If put to the vote all questions concerning matters mentioned in S160(2) of the Constitution are determined by a decision taken by a Council with a supporting vote of a majority of the Councillors, all other questions before a Council are decided by a majority of the votes cast by showing of hand. If requested the Speaker can allow a vote by ballot voting.

42. Counting of members

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

CHAPTER 3
CONDUCT DURING MEETINGS

Part 1
Questions to Council

43. **Official language**

(1) All eleven (11) official languages as stipulated in the Constitution under Chapter 1 Section 6 should be accommodated in all Council meetings, however Council proceedings will be conducted in English.

(2) An interpreter must be available at the cost of Council at all Council meetings

44. **When questions may be put**

A member may at a meeting put a question -

(1) on a matter arising out of or connected with any item of the report of the Executive Mayor, Speaker, or Municipal Manager when such item has been called or during discussion thereof;

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

(3) A question on a matter which in the opinion of the Speaker is of urgent importance, may be put at a meeting after notice thereof in triplicate had been lodged in writing with the Municipal Manager at

least ten (10) minutes before the question is put and the Municipal Manager shall forthwith furnish a copy thereof to the Speaker, the Executive Mayor and Single Whip.

45. **Entitled to written reply**

Any question put in terms of section 44 of the Rules, shall be responded to by the Municipal Manager in writing within seven (7) days. Such reply should be submitted to the Executive Mayor and the Speaker.

46. **Request for clarification**

If, after the question has been replied to, a member is of the opinion that the reply to the question is not clear, he may with the consent of the Speaker request clarification thereof, by means of an Item to Council and no additional questions shall be put without the consent of the Speaker.

Part 2

Memorandum

47. **Receipt of memorandum**

The Municipal Manager shall submit the memorandum contemplated in section 48 of the Rules to the Executive Mayor who may receive the memorandum and deal with the matter.

48. **Submission of memorandum**

A memorandum desiring an interview with the council shall submit a memorandum to the Municipal Manager in which the presentation it wishes to make is set out who shall in turn refer it to the Speaker and/or Executive Mayor for consideration as to whether such memorandum shall be heard or not.

49. **Limitation on number of memorandums**

(1) A presentation of the memorandum shall not exceed four (4) in number and at an interview contemplated in section 52 of the Rules, only one (1) person shall speak on behalf of the deputation except when a member puts a question in which case any person belonging to the memorandum, may reply to such question.

(2) The matter shall not be further considered until the memorandum has withdrawn from the meeting.

Part 3

Reports

50. **Moving of reports**

The Speaker or Chairperson shall move the recommendation contained in a report unless he/she shall have previously stated his/her disagreement with it. The Chairperson of a Committee or other member presenting a report may withdraw or amend any section with the consent of the Committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of the Council not to adopt a recommendation or a part or parts thereof.

51. **Reports of the Executive Mayor**

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

52. **Municipal Manager to address Auditor General report**

The Municipal Manager in his/her capacity as Accounting Officer and Head of Administration must on request of Council, answer questions which may arise from the discussion of the report of the Auditor-general and may, in consultation with the Executive Mayor and with the permission of the Speaker, address the Council in respect of any other matter.

53. **Debate on reports**

(1) Matters that are not delegated to the Executive Mayor will be submitted to council for consideration.

(2) Matters that are delegated to the Executive Mayor by Council will be submitted to council for noting and discussion.

54. **Progress report on Council resolutions**

In respect of resolutions or requests minuted in the minutes of previous meetings, the Municipal Manager must submit a progress report on the implementation of Council resolutions.

55. Rescinding of a Council Resolution

The Council may at any time, following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it.

Part 4

Motions

56. Motions

Subject to the provisions of any other law –

(1) every notice of a motion shall be in writing and such notice shall be signed by the member submitting it and a seconder;

(2) a motion shall be submitted to the Municipal Manager who shall acknowledge receipt thereof in writing and enter it in a book kept for that purpose which book shall be open to inspection by any member;

(3) Notice of a motion shall not be specified in the agenda for a meeting unless it is received at least ten (10) days prior to such a meeting;

(4) a motion shall lapse if both the mover and/or the seconder are not present at the meeting when such motion is being debated and/or if the seconder withdraws;

(5) No member shall have more than two notices of motion on the same agenda at the same time.

57. **Procedure in dealing with motions**

(1) A motion submitted in council shall be read, noted and deferred to the next council meeting for discussion.

(2) At the next Council meeting a member who has made a proposal may speak thereon for not more than ten (10) minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right of reply.

58. **Adjournment of debate for purposes of caucus**

(1) A request for a caucus maybe submitted in respect of a matter submitted in respect of a matter during the discussion thereof which serves before the council.

(2) A request in terms of Section 57(1) of the Rules is limited to two per meeting per party.

(3) On the resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first or elect another member or his party whip to report back.

(4) No member shall move more than one proposal for adjournment of the same debate.

(5) That the time granted for a caucus be adhered to.

59. **Voting on motion**

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

60. **When Speaker shall disallow a motion**

The Speaker shall disallow a motion or proposal -

(1) which in his/her opinion -

(a) might lead to the discussion of a matter already dealt with in the agenda or which has no bearing on the administration of or conditions in the municipality; or

(b) advances, arguments, expresses an opinion, or contains unnecessary factual, incriminating, disparaging or improper suggestions;

(2) In respect of which -

(a) Council has no jurisdiction;
(b) A decision by a judicial or quasi-judicial body is pending; or
(c) Which has not been duly seconded;

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

(4). The mover with the consent of the seconder may withdraw a motion or amendment.

61. **Determination of unopposed motions**

In dealing with motions the Speaker shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the Speaker shall call the opposed motions *ad seriatim (point by point).*

62. **Limitation of motions**

No member or party shall have more than six (6) motions per calendar year.

63. **Motions prohibited**

No member or party may move a motion in terms of this section -

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

(2) which has the same purpose as a motion which was concluded within the preceding three months.

Part 5

Procedures and proceedings

64. **Conduct at meetings**

The Chairperson of Council meetings and of other Council Committee meetings 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 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 to leave the meeting

(8) Ensure that the Whip of each political party represented in the municipal council as well as the Single Whip of Council maintains discipline during any meeting.

65. Interpretation of rules

(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.

(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.

(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.

66. Precedence of the Speaker or Chairperson

Whenever the Speaker or Chairperson of any meeting speaks, any member then speaking or offering to speak, is to discontinue and the members are to be silent so that the Speaker or Chairperson or in his/her absence the elected Chairperson may be heard without interruption. All members must adhere to the ruling of the Speaker or Chairperson.

67. **Indication of wish to speak**

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

68. **Members to remain seated**

A member shall remain seated when speaking and shall address the Speaker or Chairperson. In the event that there is a address of Council such address should be done standing.

69. **Points of order**

(1) If a member, who is not speaking, indicates to make a point of order or to make a proposal and such member is seen and addressed by the Speaker or Chairperson, the member then speaking shall stop speaking until the Speaker or Chairperson has made a ruling.

(2) No member may raise a point of order to interrupt an original point of order before the Speaker or Chairperson made a ruling on the original point of order.

70. **Limited time for Debate on Items**

(1) A member may speak for no longer than five (05) minutes on a motion or proposal, provided that the Speaker or Chairperson may permit a speech to be continued for a further period or periods of five (05) minutes.

(2) A member may not speak more than once on the same Item, provided that the Speaker or Chairperson may allow a member to reply or answer to previous speakers limited to three (3) minutes

71. **Relevance**

A member who speaks shall direct his/her speech strictly to the matter under discussion or to a point of order and further no discussion shall be permitted.

72. **Irrelevance, tedious repetition, unbecoming language and unbecoming behaviour**

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

73. **Withdrawal or apology**

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

74. **Disorderly conduct of councillors and the duty of the chairperson**

(1) If at any meeting of the council or committee a councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the Speaker or

chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Speaker or chairperson shall direct such councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, is he/she was standing.

(2) In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall direct such councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.

(3) The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated by the Rules of Order Committee after the conclusion of the meeting.

(4) Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request the Sargent at Arms to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The Speaker or chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any councillor/s ordered to retire or so

evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargent at Arms of the council will ensure that such councillor/s do/es not enter such an alternative venue.

75. **Obstruction by persons other than councillors**

Any person, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or Chairperson so directs, be removed from the venue where the meeting is being held. If the person refuses to leave, the Sargent-at-arms will be responsible to remove such person from the meeting. The Speaker or Chairperson may exclude such person from further admittance to the meeting venue for such period as it may be deemed fit.

76. **Declaration of pecuniary interest**

(1). Any member of a Committee who has a pecuniary interest in any matter to be considered by such committee, shall declare such interest immediately when the item in respect of which pecuniary interest exist, comes up for discussion and withdraw from the meeting until such matter is disposed

Part 6

Decisions and voting

77. **Voting**

(1) Subject to 3 below, all matters will be decided by a majority of councillors present at the meeting.

(2) Before a formal vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors shall be closed and no member or other person shall be allowed to enter or leave the chamber.

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

Council.

(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 a casting vote.

(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.

(6) In the event of there being 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.

(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 the alternates to be voted for clearly depicted thereon.

(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.

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

(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) A member may abstain from voting without leaving the chamber.

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

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

Part 7

Disciplinary action

78. **Adherence to Code of Conduct**

The Speaker as the Chairperson shall ensure that the Codes of Conduct for Councillors and Officials respectively are adhered to.

79. **Disciplinary action**

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

80. **Rules of Natural Justice**

The rules of natural justice must be complied with during the proceedings of the Rules Committee.

CHAPTER 4
COUNCIL- IN- COMMITTEE

81. **Move that Council resolve In-Committee**

The Speaker may at any time after an item on the agenda has been called or during consideration thereof, move that the council resolves itself into committee in terms of Section 20 of the Systems Act for further consideration of that item, if he/she is of such an opinion or a member has moved that the Council goes into committee;

82. **No seconder required for motion.**

No seconder is required when requesting a matter to be discussed in committee.

83. **Only member who moved motion allowed to speak.**

Notwithstanding anything to the contrary in this Rules of Order By-Law contained, only the member moving a motion in terms of section 81 of the Rules may speak on such motion for a period not exceeding five (05) minutes and shall restrict his/her speech to the reasons why the council or committee should resolve itself into committee or discuss the matter in open council or committee, as the case may be without prejudice to council: Provided that, if a motion is moved in terms of section 81 of the Rules, the member concerned may speak for a period not exceeding five (05) minutes on each item in respect of which such proposal is made.

84. **Direction to discontinue speech**

The Speaker or Chairperson may, if in his/her opinion information is disclosed or is about to be disclosed in the course of a speech which

may be prejudicial to the council or committee or any person, direct the member concerned to forthwith discontinue his/her speech.

85. **Adoption of resolution**

If Council or Committee adopts a resolution in terms of section 81 of the Rules, the further debate on the item in question, whether in or out of committee, shall for all purposes be deemed to be a continuation of the proceeding debate on that item.

86. **Determination of items be considered**

If a proposal in terms of the provision to section 81 of the Rules is carried, the Speaker or Chairperson shall determine when the items concerned shall be considered.

87. **Revert to open council**

At the conclusion of the consideration of items in committee, Council or Committee shall revert to the consideration of further items in open Council or Committee.

88. **Minuting of resolutions**

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

89. **Only members may be present**

When the Council or Committee resolves itself into committee, all members of the public and Council officials except the Municipal Manager and such other officials as the Speaker or Chairperson may require to remain, shall leave the meeting venue and shall not return

to the meeting venue for the duration of the proceedings in committee unless otherwise instructed by the Speaker/Committee.

CHAPTER 5
MAYORAL COMMITTEE MEETINGS

90. No quorum at Mayoral Committee meetings

If, after the expiry of 30 minutes after the time at which a meeting of the Mayoral Committee is due to commence there is no quorum, the meeting shall be adjourned and held on a day and at an hour determined by the Executive Mayor.

91. Participation in discussions at Mayoral Committee meetings

Any person requested or permitted by the Executive Mayor to attend a meeting of that committee may, with the permission of the Chairperson speak at such meeting but will not have any voting powers.

92. **Approval of minutes of Mayoral Committee meetings**

At any ordinary meeting of the Mayoral Committee, after consideration of applications for leave of absence, such minutes of any previous meeting of the committee as have not been confirmed shall, subject to the provisions of sections 93 and 94 of the Rules be read, approved with or without amendment and signed by the Executive Mayor on the last page thereof and every amendment and other page shall be initialled by him/her.

93. **When minutes considered read**

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

94. **Minutes may be held over**

(1) The minutes of a meeting of the Mayoral Committee may, owing to pressure of work, be held over for confirmation at any subsequent meeting.

(2) No proposal or discussion shall be allowed upon such deferred minutes

95. **Voting at meetings of Mayoral Committee**

In the spirit of true democracy, all matters of business considered by the Mayoral Committee shall be decided or resolved by general consensus.

96. **Deadlock in discussions**

If the Executive Mayor finds that there is a deadlock in the discussion of a matter before the Committee and no consensus is reached he/she himself/herself may make a decision thereon in his/her capacity as Executive Mayor

97. **Ruling of Executive Mayor on procedure and precedence**

Ruling of the Executive Mayor as to procedure at a meeting shall be final

98. **Mayor's preference to speak**

Whenever the Executive Mayor in his/her absence, the elected chairperson, speaks any member then speaking is to discontinue his/her speech and all members are silent so that the Executive Mayor may be heard without interruption.

99. **Resignation as member of Mayoral Committee**

A member of the Mayoral Committee wishing to resign, shall tender his/her resignation in writing to the Executive Mayor and thereafter such resignation may not be withdrawn.

100. **Filling of vacancy**

The filling of a vacancy after the resignation or death of a member of the Mayoral Committee rests solely within the discretion of the Executive Mayor and he/she is not compelled to fill a vacancy.

101. **Termination of appointment**

The Executive Mayor may terminate the appointment of a member of the Mayoral Committee in accordance with the provisions of the Structures Act.

102. **Prohibition on publishing or disclosing documents**

Any member who publishes or discloses or causes to be published or disclosed any document, record or the proceedings /of the Mayoral Committee or any matter the publication or disclosure of which would or might be prejudicial to the interests of the Mayoral Committee, shall be guilty of an offence.

CHAPTER 6

PORTFOLIO COMMITTEES AND OTHER COUNCIL COMMITTEES

103. **Establishment of Portfolio committees and other Council committees**

The following Portfolio and other Council Committees, as approved by the delegation of powers and/or other legislation are hereby established:

(1) <u>Section 80 committees</u>

.(i) Corporate Support Services.
(ii) Public Safety;
(iii) Integrated Development Planning, Performance Management and Legal
(iv) Local Economic Development
(v) Planning and Human Settlement;
(vi) Roads and transport
(vii) Community Development;

(viii) Technical and Infrastructure Services;
(xi) Budget and Treasury Office;
(x) Intergovernmental Relations and Special Projects.

(2) Section 79 committees

11. Rules of Order committee
12. Municipal Public Accounts Committee

104. **Chairperson of Portfolio committees**

Chairpersons of Portfolio Committees will be appointed from the Mayoral Committee.

(1) If the Chairperson is absent from any meeting of such a Committee and a quorum exists, the Councillors present may elect an acting chairperson from the members present for the purpose of such a meeting.

105. **Resignation as member of a committee of Council**

(1) A member of a Committee of Council wishing to resign from such Committee, shall tender his resignation in writing via the Whip of the party. Such tendered resignation may not be withdrawn after receipt thereof is registered by the Municipal Manager.

(2) The relevant political party must be allowed to replace the member who resigned

106. **Appointment of Committee member**

The Speaker and/or Executive Mayor respectively may appoint another member to serve on any respective committee if long leave of absence is granted to a member or for any other reason in the opinion of the Executive Mayor, Speaker with

regard to political representation on any Committee of Council, in consultation with the whip of the party which was represented by this member.

107. **Dates and time of meetings**

Each committee will meet according to the adopted central diary.

108. **Notice of meetings**

(1) Any ordinary meeting of a committee shall be convened by way of written notice signed by the Chairperson of such committee and such notice shall contain the business to be dealt with

(2) The notices for meeting shall be distributed according to the rules of order.

(3) If any Committee failed to meet due to no quorum or other reason the Chairperson of the Committee shall report the reasons for such failure to the Executive Mayor

109. **Attendance register**

(1) The Secretary shall keep an attendance register in which every member of the Committee attending a meeting of that Committee shall sign his/her name.

(2) Whenever a councilor, official or any other person is invited by a Committee, attends any meeting of such Committee, he/she shall enter his/her name in the attendance register.

(3) If any member of a Councilor Committee who, without obtaining leave of absence, is absent from three consecutive meetings of such a committee, such absence shall be reported to the

Speaker to be dealt with in compliance with the Code of Conduct for Councillors as outlined in the Municipal System Act and Regulations Schedule 1.

110. **Minutes of meetings**

(1) The proceedings of every meeting of the Committees shall be minuted by the secretary of the meeting.

(2) Minutes of every meeting shall be confirmed immediately after the meeting of the Committee and signed by the Chairperson.

111. **Quorum at meetings**

(1) Majority of Councillors, who are members of a Committee must be present at any meeting of a committee in order to constitution a quorum.

(2) If, after the expiry of thirty (30) minutes after the time at which a meeting of any Committee was due to commence, there is no quorum, the meeting shall be held on a day and at a time determined by the Director: Corporate Support Services, after consultation with the Councillors concerned.

112. **Voting at meetings**

(1) Each Councilor who is a member of a Committee will have the right to vote on any matter considered by the Committee, provided that the Chairperson shall have a casting vote.

(2) In a case where consensus cannot be reached, the Chairperson of the Committee shall allow the members of the Committee to vote by show of hands or by means of secret ballot as determined by the Chairperson,

113. **Confidentiality, Prohibition on publishing of reports or disclosing of documents**

(1) Although the contents of all reports to be considered by any committee or Council must be treated as confidential and may not be disclosed to the public or the media, Councilors are allowed, but not obliged, to obtain legal and or professional advice on specific matters in preparation for committee or Council meetings.

The Councilor who obtained advice remains responsible to inform his/her source of the confidentiality of the information to prevent it from being disclosed to the public or the media, before it served in Council.

Any member of any Committee/Council who publishes or discloses or causes to be published or disclosed any reports to be considered by any committee or by Council shall be liable to investigation by the Rules of Order Committee.

114. **Participation in discussions**

Any member of a Committee shall have the right to participate in the discussions of such Committee

115. **Ruling by Chairperson**

(1) The ruling by the Chairperson of any Committee with regard to procedure shall be final.

CHAPTER 7
MISCELLANEOUS

116. **Freedom of speech and protection of councillors**
Councillors enjoy freedom of speech during Council meetings and will be immune from litigation based on any speech, debate or discussion made during the meeting.

117. **Penalties**

Any person, who contravenes or fails to comply with any provision contained in this Rules of Order By-Law, shall be liable to investigation by the Rules of Order Committee

118. **Repealed**

The Rules of Order By-Law No. 1 of 2017, published under Local Authority Notice 154 in the North West Provincial Gazette No 7788 of 08 August 2017, is hereby repealed.

119. **Short Title and Commencement**

This By-Law shall be called the Rustenburg Local Municipality Rules of Order By-Law, No.1 of 2021 and shall commence on the date of publication in the North West Provincial Gazette.

9 OCTOBER 2020, PLATINUM WEEKLY, 50 Marais Street, Tel: 014 592 3257, Fax: 011 252 6669, E-mail: ads@platinumweekly.co.za

Rustenburg Local Municipality

RUSTENBURG LOCAL MUNICIPALITY
OFFICE OF THE MUNICIPAL MANAGER

PO BOX 16, RUSTENBURG, 0300, NORTH WEST PROVINCE, SOUTH AFRICA. TEL: 014 590 3213 | FAX: 014 590 3557 | EMAIL: IMASINGA@RUSTENBURG.GOV.ZA

"A world class city where all communities enjoy a high quality of life and diversity".

NOTICE: 52/2020

PUBLIC PARTICIPATION ON THE AMENDED MUNICIPAL BY-LAWS AND POLICIES

This communique serves to invite all the Rustenburg Local Municipality residences to participate by commenting on the following amended Municipal By-Laws and Policies as subjected by the Council

1. **RULES OF ORDER BY-LAW**
2. **WARD COMMITTEE POLICY**
3. **COMMUNICATION POLICY-DRAFT**
4. **WAYLEAVE POLICY-DRAFT**

Following the announcement by the State President, Mr Cyril Ramaphosa, on the 14th September 2020 that the Country will be placed under Alert Level 1 lockdown, and there are still regulations in place to convene Public gatherings. The Rustenburg Municipality will therefore not convene the normal public participation meetings.

Notwithstanding the above, the Municipality will be expecting the written submissions on the above stated policies and by-laws until the 23 October 2020.

Under these trying and unprecedented circumstances everyone including the Municipality needs to adapt and adopt new ways of carrying out their responsibilities. In order to assist the residences of Rustenburg to participate better in the public participation process, we encourage everyone to access the information and copies of the stated Policies and By-Laws from the Municipal website (www.rustenburg.gov.za) and copies will be available in all the RCC's: Municipal Building; Missionary Mpheni House, Montakato, Lethabong, Phatsima, Boitekong, Ikageng; Rankelenyane, Freedom Park and public libraries: Main library; Phokeng, Boitekong and Zinnia-ville.

The Closing date for all submissions to the Draft Policies and By-laws shall be on the **23 October 2020**

Submissions and enquiries to be directed to the following personnel:

Mr Sakhile Shabangu	at	014 590 3917	sshabangu@rustenburg.gov.za
Mr Vusi Nontyi	at	014 590 3730	vnontyi@rustenburg.gov.za
Speaker	at	014 590 3417	speaker@rustenburg.gov.za

Mr SV MAKONA - MUNICIPAL MANAGER

FUNKY HATS FOR HOSPICE!

Rustenburg – Hats on for Children's Palliative Care *#HatsOnICPC* is a worldwide campaign to raise awareness about the critical importance of children's palliative care and children's hospice services.

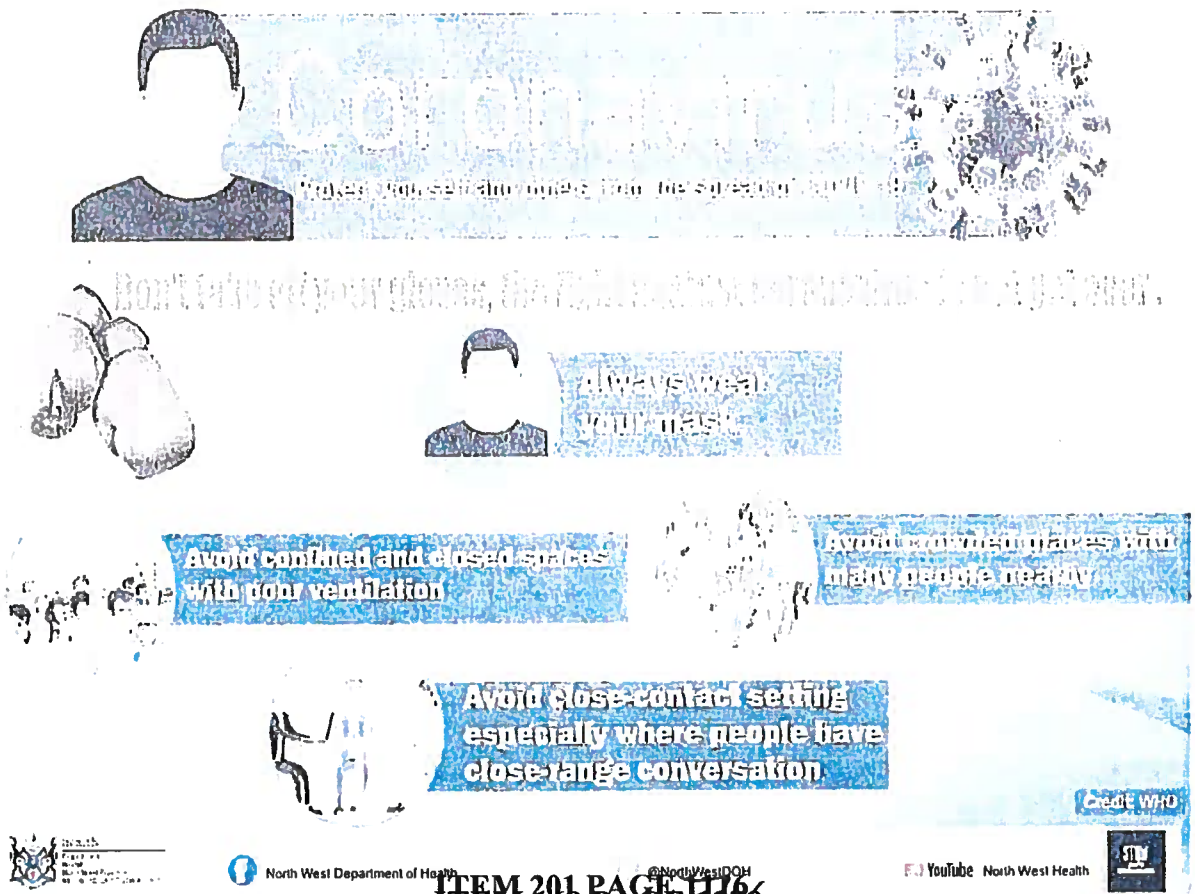
Hospice Rustenburg raised awareness about this issue on Friday 9 October by selling stickers. This day aimed to raise funds for children's palliative care, but more importantly – to raise awareness of the rights of very sick children with incurable and life-threatening illnesses to receive palliative care.

Children's Palliative Care (CPC) responds to the physical, emotional, social, and spiritual needs of a child with a life-threatening or life-limiting illness as well as providing care for the child's family. These children receive expert pain relief, assistance with symptom control, and whatever emotional, social, and spiritual support that is required to enable the affected child to enjoy the best quality of life possible. This care is provided by a compassionate team of people who all wear different, and sometimes many, hats!

Hospice Rustenburg is currently providing care for 565 patients and 43 orphan and vulnerable children.

To find out more about their planned projects and to get involved contact Hospice Rustenburg on 014 592 8925 or send an email hospiceshop2@gmail.com.

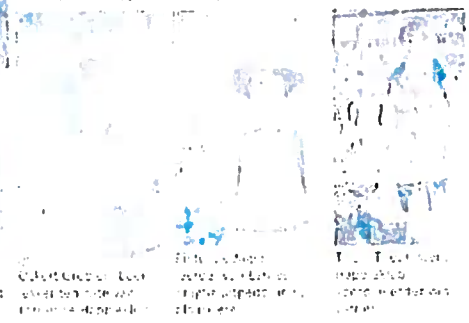
Globe Model Look models Carmen Greeff (left) and Danelle Steenkamp showed their support for *#HatsOnICPC*.



North West Department of Health @NorthWestDOH YouTube North West Health

Spar Women's Challenge

Larries Omgeeprojek



Hennie land eerste groot karp

'n Barber om oor te spog

RUSTENBURG HERALD - RUSTENBURG - The 44th Annual Orange Blossom ("The Legends") will be taking place at the Rustenburg Golf Club from Friday 23 - Sunday 25 October 2020 at 08:00.

Friday 23 October will be an IPS, Saturday 24 October will be a Better Ball and Sunday 25 October will be a Medal (18).

For more information [illegible]

Rustenburg Local Municipality

"[illegible] municipality [illegible] a high [illegible] and diversity"

NOTICE 52 /2020

PUBLIC PARTICIPATION ON THE AMENDED MUNICIPAL BY-LAWS AND POLICIES

[illegible]

1. RULES OF ORDER BY-LAW
2. WARD COMMITTEE POLICY
3. COMMUNICATION POLICY-DRAFT
4. WAYLEAVE POLICY-DRAFT

[illegible]

[illegible] the municipality will be exploring the written submissions on the [illegible] proposed policies and by-laws until the 23 October 2020.

[illegible]

[illegible]

Mr Solthile Shongwe	014 590 3917	solshongwe@rustenburg.gov.za
[illegible]	014 590 3720	[illegible]@rustenburg.gov.za
[illegible]	014 590 3917	[illegible]@rustenburg.gov.za

MR S [illegible] DLA
MUNICIPAL MANAGER

Rustenburg Local Municipality

"[illegible] municipality [illegible] a high [illegible] and diversity"

OFFICIAL NOTICE

APPLICATION FOR LEASE, FOR PORTION 1 OF ERF 2243 GEELHOUT PARK EXTENSION 6, RUSTENBURG (BESSIE MPELEGELENGWANA CARE CENTRE).

Notice in terms of section 79(1c)(b) of the Local Government Ordinance no. 17 of 1939, as well as Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and its Regulations including but not limited to the Supply Chain Management Policy of the Rustenburg Local Municipality read with the provisions of the Section 21 and Section 21A of the Local Government: Municipal Systems Act, Act 32 of 2000

It is the intention of the Rustenburg Local Municipality to enter into a lease agreement for portion 1 of Erf 2243 Geelhout Park Extension 6, Rustenburg.

[illegible] Council meeting held on [illegible] September/October 2020 at [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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NORTH WEST
NOORDWES

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 154 OF 2017

RUSTENBURG LOCAL MUNICIPALITY

RULES OF ORDER BY-LAW

CHAPTER 1

INTERPRETATION

CHAPTER 2

COUNCIL, MAYORAL, PORTFOLIO AND OTHER COMMITTEES

Part 1
Calling of Meetings

Part 2
Notice of Meetings

Part 3
Agendas

Part 4

Minutes of Meetings

Part 5

Attendance at meetings

Part 6

Adjourned meeting

Part 7

Quorum at meetings

CHAPTER 3

CONDUCT AND PROCESS DURING MEETINGS

Part 1

Questions

Part 2

Deputations

Part 3

Reports

Part 4

Motions and Petitions

Part 5

Procedures and Proceedings

Part 6

Decisions and Voting

Part 7

Disciplinary Action

CHAPTER 4

COUNCIL-IN-COMMITTEE

CHAPTER 5

MAYORAL COMMITTEE MEETINGS

CHAPTER 6

PORTFOLIO COMMITTEES

CHAPTER 7
WARD COMMITTEES

Part 1

Part 2

Part 3

CHAPTER 8
MISCELLANEOUS

CHAPTER 1
DEFINITIONS

1. Definitions

In this by-law, unless the context otherwise indicates -

"Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Absent" means not present at a meeting of the Council or a Committee of the Council without valid cause or reason and absenteeism has a corresponding meaning;

"Caucus" means an informal discussion of members of a group or party with a view to reach a resolution;

"Constitution" means the Constitution of the Republic of South Africa (Act No. 108 of 1996);

"Committee" means any committee of Council and the Mayoral Committee, including any committee established in terms of legislation;

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

"Council" means the council of the Rustenburg Local Municipality;

"Day" means Monday to Friday, including a Saturday, Sunday and a public holiday;

"Division of votes" means to record individually every member or person's vote for or against any proposal and/or the withdrawal from the meeting by a member or person during the thirty seconds allowed;

"Executive Mayor" means the Executive Mayor as contemplated in part 2 of Chapter 4 of the Structures Act;

"Mayoral committee" means the committee appointed by the Executive Mayor in terms of section 60 of the Municipal Structures Act.

"Mayoral executive system" means a system which allows for the exercise of executive authority through the Executive Mayor in whom the executive leadership of the municipality is vested and who is assisted by the mayoral committee;

"Meeting" means a formal meeting of the council, a committee and Mayoral Committee;

"Member" means a member of the council, committee and Mayoral Committee, duly elected, appointed or nominated as such;

"Motion" means a motion introduced in writing in terms of this by-law as well as a motion in terms of other applicable legislation;

"Municipal Finance Management Act" or "MFMA" means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

"Municipal Manager" means the head of administration and accounting officer for the municipality in terms of Section 82 of the Municipal Structure Act and Section 60 of the Municipal Finance Management Act and for purposes of this by-law, shall include any other person nominated, delegated or acting as such;

"Manager" means a manager as contemplated in Section 56 of the Systems Act;

"Municipality", when referred to as-

(a) An entity, means a municipality as described in section 2 of the Municipal Systems Act; and

(b) A geographic area means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

"Party" means a political party represented in Council.

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

"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;

"Political head" means the Executive Mayor;

"Sergeant–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 the Manager: Law Enforcement and Security to act as Sergeant-at-arms;

"Personal explanation" means the explanation of some material part of a member's former speech which may have been misunderstood;

"Proposal" means any proposal with the exception of a motion, moved and seconded during a meeting:

"Quorum" means majority of councillors;

"Rules" means the Rules of Order by-law;
"Secretariat" means an official designated to perform secretarial duties pertaining to a council or committee;

"Serve" means delivery of a notice or document at the address chosen by the councillor or member for that purpose or personally;

"Speaker" means the chairperson of the council, as contemplated in part 2 of Chapter 3 of the Structures Act;

"Single Whip" means member elected as the Single Whip of Council

"Structures Act' means the Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) and herein referred to as the "Act";

"Systems Act" or "MSA" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

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

Any other word or expression not mentioned above shall have the meaning assigned to it in the Structures and Systems Acts.

2. **Application of Rules**

This By-Law applies to all meetings of Council or any Committee.
The Executive Mayor may direct that these Rules apply *mutatis mutandis* to any other committee of Council, including Mayoral Committee/Portfolio/MPAC meetings and Ward Committees meetings.

CHAPTER 2

COUNCIL, MAYORAL, PORTFOLIO AND OTHER COMMITTEES

Part 1
Calling of meetings

3. **Speaker to convene Council meetings**

(1) The Council shall hold an ordinary meeting for the transaction of business on a bi-monthly basis (two months). This shall take place in terms of Sections 18(2) & 29(1) of the Municipal Structures Act.

(2) The Speaker shall call a special meeting for any urgent matter(s), for which the Speaker may determine a date and place but if the majority of councillors request the Speaker in writing to convene a special meeting, the Speaker must convene such meeting at a time set out in the request (See Sections 18(2) & 29(1) of the Municipal Structures Act)

(3) In the event where the Speaker fails and/or refuses to call a special meeting when requested, the Municipal Manager of the municipality may call the meeting.

(4) In the event where the Speaker fails and/or refuses to sign the agenda, the Single Whip must sign the agenda.

4. **Executive Mayor to convene Mayoral committee meetings**

The Executive Mayor shall convene meetings of the Mayoral Committee, normally on a predetermined workday excluding during December.

5. **Chairperson to convene Portfolio and other committee meetings**

(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 the council where the Speaker is not present.

(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 majority members of the Executive Committee / Mayoral Committee in attendance.

(3) The Chairperson appointed by the Executive Committee / Executive Mayor shall chair meetings of the Portfolio Committees.

(4) The person so nominated by the Council, Executive Committee / Mayoral Committee or any other 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.

6. **Ward Councillor to call ward meetings**

(1) The Ward Councillor of each Ward shall call all meetings including ward committee meetings, public meetings and any other meetings as requested and shall be assisted therein by the Office of the Speaker.

(2) If the Ward Councillor fails to call the meetings then the matter should be referred to the Rules of Order Committee

7. **All meetings of Council open to public**

(1) The Municipal Council shall conduct its business in an open manner and every meeting of the Council and its Committees shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of Section 20 (1) (a) and (b) of the Systems Act.

(2) The Council and its Committees will deal In-Committee when discussing any of the following matters:

2.1. a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
2.2. personal and private information of any councillor or an employee of the municipality;
2.3. the intention of the municipality to purchase or acquire land or buildings;
2.4. the price a municipality may offer for the purchase or acquisition of land or buildings;
2.5. any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
2.6. disciplinary proceedings or proposed disciplinary

proceedings again against any employee;

2.7. any matter that might not be disclosed in terms of legislation;

2.8. consideration of the minutes of previous In-Committee discussions.

(3) A councillor may, when an item in the agenda is put to order, other than a matter referred to in 7.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In-Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

Part 2

Notice of meetings

8. **Council, Mayoral and other committees**

The Municipal Manager or his/her delegate shall be responsible to compile and serve the notice of all Council, Mayoral and Portfolio Committee meetings.

9. **Ward committees**

The Ward Councillor, with the assistance provided by the Office of the Speaker, shall be responsible to compile and serve the notices of all Ward Committee meetings.

10. **Notice of meeting to be served**

(1) At least seven (7) days before any ordinary meeting of the council and at least forty eight hours before any special meeting of the council, a notice to attend the meeting, specifying the business proposed to be transacted there and signed by the

Speaker or the Single Whip as contemplated in 3.3 above, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address.

(2) At least four (4) days before any Portfolio Committee meeting, a notice to attend the meeting, specifying the business proposed to be transacted there be signed by the Member of the Mayoral Committee, shall be left or delivered to an accessible distribution point within the municipality as determined by the council from time to time / sent by electronic mail to an address provided by the councillor as his/her official address / mail address.

11. Business limited by notice of meeting

(1) With the exception of an urgent report of the Executive Mayor or the Municipal Manager, as agreed with the Speaker, business not specified in the notice and or the agenda of the meeting shall not be considered at that meeting.

(2) Business to be conducted at Special Council meetings shall be limited to what is specified in the Notice – no addendums will be allowed.

Part 3

Agendas of meetings

12. Preparation of Council agenda

The Municipal Manager or his/her delegate is responsible for the preparation of the agenda in consultation with the Executive Mayor for the approval by the Speaker that is circulated to the members.

13. **Preparation of Mayoral committee agenda**

The Municipal Manager or his/her delegates is responsible for the preparation of the agendas of all Mayoral Committee meetings, in consultation with the Executive Mayor.

14. **Preparation of Portfolio committee agenda**

The relevant Secretariat as directed by the relevant Head (Director: Corporate Support Services) in conjunction with the Chairperson of the committee is responsible for the preparation of the agendas of all Portfolio Committee meetings.

15. **Preparation of other committee agendas**

The Municipal Manager (through the delegated Directorate of Corporate Support Services) is responsible for the preparation of the agendas of all other Committee meetings, in consultation with the Speaker, the Executive Mayor, or Chairperson, as the case may be.

16. **Raising of urgent matters**

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

(2) The Speaker or Chairperson of the meeting in consultation with Whips of all parties, 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 1 above.

17. **Order of business on the Council agenda**

The order of business of an ordinary meeting of Council shall be as follows:

(1) Opening and welcome
(2) Applications for leave of absence
(3) Official notices
(4) Proposals of condolences or congratulations by the Speaker
(5) Proposals of condolences or congratulations by other members
(6) Declarations of interest by members relating to any item
(7) Minutes of the previous meeting
(8) Report of the Executive Mayor
(9) Submission of report by Council representatives from Bojanala District Municipality
(10) Reports from Municipal Public Accounts Committee
(11) Report from the Audit Committee
(12) Report on SALGA activities
(13) Submissions by the Traditional Leader
(14) Reports by the Speaker
(15) Report by the Single Whip
(16) Report by the Municipal Manager on implementation of Council resolutions
(17) Motions or proposals deferred from previous meetings
(18) New motions or petitions
(19) Questions
(20) Adoption of minutes
(21) Closure

18. **Bringing forward items on the agenda**

After the matters referred to in Section 17 of the Rules have been considered, the council may at its discretion bring forward any business which is on the agenda.

(4) Council may grant leave of absence subject to reasons provided in advance.

(5) Leave will be deemed to have been granted if a councillor has been delegated to attend a meeting or engagement on behalf of the council.

(6) Application for leave of absence of members of the Mayoral Committee shall be submitted to the Executive Mayor who will in turn submit them to the Speaker.

(7) Any verbal application on behalf of a member must be followed up in writing within seven (7) days.

Part 4

Minutes of meetings

22. **Responsibility for minutes**

(1) The Municipal Manager (through the delegatee) shall be responsible to keep proper minutes of all Council and Mayoral Committee meetings.

(2) The Secretariat of any other Committee or its delegatee shall be responsible to keep proper minutes of all Portfolio Committee meetings.

(3) The Municipal Manager or his delegate shall be responsible to assist the Ward Councillors to keep proper minutes of all Ward Committee meetings.

23. **Adoption of minutes**

Minutes of Council will be adopted immediately as a reflection of what transpired in the meeting.

24. **Discussion on minutes**

No proposal or discussion shall be allowed on the minutes except as to its accuracy.

25. **Minutes of Council-in-committee**

The minutes in relation to any item considered by the council-in-committee, shall be kept separately from other minutes of the council unless consideration of that item was finalised in open council, and such minutes shall be approved by the council in committee.

26. **Copies of approved minutes.**

All approved minutes of the Council or any committee must be made available to the public upon such request at the payment of any prescribed fee.

27. **Minutes must be signed.**

(1) The approved minutes of Council meetings shall be signed by the Speaker as Chairperson of that specific meeting.

(2) The approved minutes of Mayoral Committee meetings shall be signed by the Executive Mayor as Chairperson of that specific meeting.

(3) The approved minutes of Portfolio Committee meetings shall be signed by the relevant member of the Mayoral Committee as Chairperson of that specific meeting.

28. **Safe custody of signed of minutes**

The approved minutes, signed by the Chairperson of the meeting, shall be kept in safe custody by the Municipal Manager and shall be *prima*

facie evidence of resolutions adopted by the Council, the Mayoral Committee, or other Committee as the case may be.

29. **Minutes shall be written, typed and printed**

Minutes of Council and all Committees shall be typed, written and printed in English.

Part 5

Attendance at meetings

30. **Dress code**

All councillors and officials must dress appropriately, presentably, in a dignified manner and in formal or traditional wear.

Male councillors and officials' dress code:

Male councillors and officials shall wear formal, traditional and religious attires and no political attire will be allowed in all council and portfolio meetings.

The Rules of Order by-law should consider the weather conditions in Rustenburg climate environment.

They should wear long formal trousers, shirt, tie (optional), jacket and formal shoes.

Formal, religious and traditional attire does not include jeans, shorts, flip-flops (open-toe sandals) and sneakers.

Female councillors and officials' dress code:

Female councillors and officials shall wear formal, traditional and religious attires and no any political attire will be allowed in all council and portfolio meetings.

The Rules of Order by-law should consider the weather conditions in Rustenburg climate environment.

They should wear formal skirts, dresses, long formal pants, formal shorts pants and formal shoes.

They should wear formal jackets or something that covers the shoulders and chest.

Formal, religious and traditional attire does not include jeans and sneakers.

31. **Cell phones and tablets**

All cell phones and tablets that will have an effect in interfering and/or disturbing the recording system of council when in session will and shall be required to be switched off or be technically equipped to not interfere and/or disturb the recording system.

32. **Attendance register of meeting**

Every member attending a meeting shall sign his/her name in the attendance registers kept for this purpose by the Municipal Manager or his delegate, immediately before commencement of the meeting and if late, upon his/her arrival.

33. **Member to remain in attendance**

Any councillor failing to remain in attendance at such meetings, without good reason, is guilty of transgressing item 4(1) (b) of the Code of Conduct in terms of the Municipal Systems Act as amended.

34. **Minutes must reflect absence**

The minutes must reflect the name of any Councillor leaving a meeting before it adjourns and the time he/she leaves such meeting.

35. **Monitoring of attendance**

(1) The Municipal Manager must regularly monitor such attendance register and inform the Speaker of the absenteeism of any Councillor without a written apology, including information on councillors leaving and returning during a meeting in order to establish whether the required quorum was present or not. The Speaker must report non-attendance of Councillors quarterly to Council.

(2) No councillor shall leave the council meeting while in process, unless when answering the call of nature, when something urgent requires him/her to do so, if the meeting has been adjourned or prior permission has been granted by the Speaker.

(3) Failure to adhere to the above, Section 73 of the Rules will apply.

36. **Attendance report**

The Municipal Manager shall prepare and submit a return for inclusion in the Municipality's Annual Report showing the attendance of each councillor at meetings of the Council and committees for that year.

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

If at the expiry of thirty (30) minutes after the commencement time at which a meeting is scheduled to take place, a quorum has not assembled, no meeting shall take place unless it is resolved with the majority consent of the members present to allow further time not exceeding fifteen minutes in order to enable a quorum to assemble.

Part 6

Adjourned meeting

38. **Meeting deemed adjourned**

The members present shall after the expiry of the forty-five minutes, if no quorum was obtained by then, request the Speaker or chairperson to convene a meeting, notice of which shall be given in terms of Section 29(1) of the Structures Act and such meeting shall be deemed to be an adjourned meeting for the purpose of Section 37 of the Rules hereof.

39. **Notice of adjourned meeting**

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

40. **Business not disposed of at adjourned meeting**

Business not disposed of at a meeting adjourned in terms of Section 39 of the Rules shall be dealt with at an adjourned meeting convened by the Speaker or Chairperson of the committee for this purpose: Provided that such business not dealt with and which originated from a special meeting convened at the request of members in terms of Section 29(1) of the Structures Act, may be held over until the next ordinary meeting.

41. Only items specified to be dealt with

Subject to the provisions of Section 11 of the Rules, no business shall be transacted at an adjourned meeting except such that was specified in the notice of the meeting which was adjourned.

Part 7

Quorum at Meetings

42. When majority of members are required

A majority of members must be present at a meeting before a vote is taken on any matter as prescribed by the Act. (Section 30 (1) of the Municipal Structures Act).

43. When supporting vote of the majority is required

If put to the vote all questions concerning matters mentioned in S160(2) of the Constitution are determined by a decision taken by a Council with a supporting vote of a majority of the Councillors, all other questions before a Council are decided by a majority of the votes cast by showing of hand. If requested the Speaker can allow a vote by ballot voting.

44. Counting of members

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