



KOUGA

local municipality

Good Governance through Service Excellence

INAUGURAL COUNCIL MEETING

AGENDA

Date	:	17 NOVEMBER 2021
Time	:	11:00
Venue	:	MENTORS COUNTRY ESTATE

KOUGA MUNICIPALITY (EC108) <u>NOTICE CONVENING A MEETING</u> NOTICE IS HEREBY GIVEN that in terms of Section 29(2) of the Local Government Municipal Structures Act, 1998, that the first meeting of the 5th Council of the Kouga Municipality will be held: <u>DATE</u> : 17 November 2021 <u>TIME</u> : 11:00 <u>VENUE</u> : Mentors Country Estate, Jeffreys Bay to consider the following agenda  <u>C DU PLESSIS</u> MUNICIPAL MANAGER	UMASIPALA I-KOUGA (EC108) <u>ISAZISO NGENTLANGANISO</u> APHA ISAZISO sikhutshiwe ukuba ngokweCandelo lama-29(2) loMthetho wamaSebe ooMasipala kuRhulumente weNgingqi, ka-1998, ukuba intlanganiso yokuqala yeBhunga lesi-5 likaMasipala waseKouga iya kubanjwa: <u>UMHLA</u>: 17 EyeNkanga 2021 <u>IXESHA</u>: 11:00 <u>INDAWO</u>: Mentors Country Estate, Jeffreys Bay ukuqwalasela le ajenda ilandelayo  <u>C DU PLESSIS</u> UMPHATHI MASIPALA	MUNISIPALITEIT KOUGA (OK108) <u>KENNISGEWING VAN VERGADERING</u> KENNIS GESKIED HIERMEE dat ingevolge Artikel 29(2) van die Wet op Munisipale Strukture, 1998, die eertse vergadering van die 5^{de} Munisipale Raad van die Kouga Munisipaliteit gehou sal word: <u>DATUM</u>: 17 November 2021 <u>TYD</u>: 11:00 <u>PLEK</u>: Mentors Country Estate, Jeffreysbaai om die volgende agenda te oorweeg  <u>C DU PLESSIS</u> MUNISIPALE BESTUURDER
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Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

A G E N D A

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME AND EXPLANATION OF PROCEEDINGS**
3. **PRAYER**
4. **NATIONAL ANTHEM**

5. **21/11/MM1 INAUGURATION – OATH AND SOLEMN AFFIRMATION BY MEMBERS OF COUNCIL**

Pages: 7- 8

6. **SIGNING OF THE ATTENDANCE REGISTER AND LEAVE OF ABSENCE**

7. **MATTERS FOR DISCUSSION**

OFFICE OF THE MUNICIPAL MANAGER

7.1 Introduction of Councillors and Officials

7.2 **21/11/MM2** Declaration of Interest of Councillors

Pages: 9 – 13

7.3 **21/11/MM3** Election of a Speaker Of Council

Pages: 14 - 16

7.4 Taking of the Chair and Statement/Communication by the Speaker

7.5 **21/11/MM4** Election of an Executive Mayor of Council

Pages: 17 - 23

7.6 **21/11/MM5** Election of a Deputy Executive Mayor

Pages: 24 - 26

7.7 Statement/Communication by the Executive Mayor

7.8 Announcement of the Mayoral Committee

7.9 **21/11/MM6** Appointment of Full Time Councillors

Pages: 27 - 28

7.10 **21/11/MM7** Election of Whip

Pages: 29 – 31

7.11 **21/11/MM8** Election and Appointment of Representatives to Sarah Baartman District Municipality

Pages: 32 - 36

7.12 **21/11/MM9** Portfolio (Sect 80) Committees

Pages: 37 – 38

- 7.13 **21/11/MM10** Code of Conduct for Councillors
Pages: 39 - 44
- 7.14 **21/11/MM11** Standing Rules and Orders for the meetings of Council and all its
Committees
Pages: 45 - 72
- 7.15 **21/11/MM12** Schedule of Meetings
Pages: 73 - 74

8. **CLOSURE**

Distribution list:

All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

MATTERS FOR DISCUSSION

OFFICE OF THE MUNICIPAL MANAGER

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM1

INAUGURATION OF COUNCILLORS: OATH AND SOLEMN AFFIRMATION

1. **PURPOSE OF THE REPORT**

For the duly elected Councillors to affirm/swear faithfulness to the Republic of South Africa and obedience to the constitution and all other laws.

2. **BACKGROUND**

The national Local Government Elections held on Monday 1st of November 2021 resulted in thirty (30) Councillors being duly elected to constitute the Municipal Council of Kouga Municipality.

Congratulations are hereby offered to all elected Councillors on behalf of the Administration.

3. **DISCUSSION**

The results of the elections were announced by the Independent Electoral Commission (IEC) and Thirty (30) new members of the Kouga Municipal Council were declared duly elected.

The relevant declaration of the IEC regarding the new Councillors will be tabled during the meeting.

The South African Local Government Association's (SALGA) relevant framework requires that elected Councillors swear or affirm faithfulness to the Republic of South Africa and obedience to the Constitution and other laws at their first Municipal Council meeting.

Accordingly, all Councillors will be required to swear or affirm (whichever is their choice) as follows:

Oath

I (full names and surname) hereby swear that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa; and I solemnly promise to perform my functions and duties as a Councillor of Kouga Local Municipality to the best of my ability.

Solemn Affirmation

I (full names and surname) hereby solemnly affirm that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic of South Africa; and I solemnly promise to perform my functions and duties as a Councillor of Kouga Local Municipality to the best of my ability.

The Municipal Manager – Charl du Plessis will be requested to administer the Oath / Solemn Affirmation to all the Councillors.

4. **RECOMMENDATION**

- 4.1 That all Councillors (in alphabetical order per surname) take either the applicable Oath or the Solemn Affirmation of faithfulness to the Republic and obedience to the Constitution and other laws as administered by the Municipal Manager.

Item Prepared by : Director: Corporate Services



Item approved by : Municipal Manager



KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM2

DECLARATION OF INTEREST OF COUNCILLORS

1. PURPOSE OF THE REPORT

To facilitate the declaration of interest of Councillors as required in terms of the Code of Conduct for Councillors.

2. BACKGROUND

In terms of Section 5 of the Code of Conduct for Councillors as set out in Schedule 7 of the Municipal Structures Amendment Act No. 23 of 2021, a Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Municipal Council at which it is possible for the Councillor to make the disclosure.

In terms of Section 7 of the Code of Conduct for Councillors, a Councillor is legally obliged to declare his/her financial interest within 60 days of being elected or appointed. See attached as Annexure A Declaration of Interest form.

"Registerable interest" means financial interest listed in item 7, and, in relation to a member, includes the financial interest of the member's spouse, dependent child or permanent companion.

Any change in the nature or detail of the financial interest of a Councillor must be declared in writing to the Municipal Manager annually by 30 June or from time to time as material change occurs.

3. DISCUSSION

Kindly find attached hereto a form on which Councillors can make the required Declaration of Interest. It is required that the duly completed Declaration be submitted to the office of the Municipal Manager before 17 February 2022

4. RECOMMENDATION

- 4.1 That the report regarding the Declaration of Interest by Councillors, be noted;

- 4.2 That all Councillors submit the duly completed Declaration of Interest form to the office of the Municipal Manager before 17 February 2022.

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



COMPLIANCE WITH CODE OF CONDUCT

DECLARATION OF INTERESTS

The Code of Conduct determines that:

" A Councillor must:

- (a) perform the function of office in good faith, honesty and (in) a transparent manner; and
- (b) at all times act in a way that the credibility and integrity of the municipality are not compromised."

(Schedule 5 of the Local Government : Municipal Systems Act 2000, Act 32 of 2000)

In pursuance of the above

A Councillor must:

1. (a) disclose to the municipal council, or any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in **any matter before the council or the committee**; and
 - (b) **withdraw from the proceedings** of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillors direct or indirect interest in the matter is trivial or irrelevant.
2. A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the **first meeting of the municipal council at which it is possible for the councillor to make the disclosure**.
3. This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

Forthwith a Councillor is required to:

1. When elected or appointed, within 60 (sixty) days declare in writing to the municipal manager the following financial interests held by that councillor:
 - (a) shares and securities in any company;
 - (b) membership of any close corporation;
 - (c) interest in any trust;
 - (d) directorships;
 - (e) partnerships;
 - (f) other financial interests in any business undertaking;
 - (g) employment and remuneration;
 - (h) interest in property;
 - (i) pension;
 - (j) subsidies, grants and sponsorships by any organization.
2. **Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.**
3. Gifts received by a councillor above a prescribed amount must also be declared in accordance with sub item 1.
4. The municipal council must determine which of the financial interests referred to in sub item 1 must be made public having regard to the need of confidentiality and the public interest for disclosure.

CODE OF CONDUCT

DECLARATION OF INTEREST - COUNCILLORS

**In compliance with the Code of Conduct, I Councillor
herewith declare as follows:**

(a) shares and securities in any company

.....

(b) membership of any close corporation

.....

(c) interest in any trust

.....

(d) directorships

.....

(e) partnerships

.....

(f) other financial interests in any business undertaking

.....

(g) employment and remuneration

.....

(h) interest in property

.....

(i) pension

.....

(j) subsidies, grants and sponsorships by any organization

.....

I herewith confirm that the abovementioned information is a true reflection of my interests and undertake to report in this format any change to the abovementioned information during the year of record.

Signed on this day of 2021.

.....
COUNCILLOR

.....
CHIEF WHIP

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM3

ELECTION OF A SPEAKER OF COUNCIL

1. PURPOSE OF THE REPORT

The purpose of this report is to facilitate the election of a Speaker for the Kouga Municipal Council as contemplated in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

2. BACKGROUND

In terms of Section 36 of the Local Government: Municipal Structures Act, 1998, each Municipal Council must have a chairperson who will be called the Speaker.

36 Election of speakers

- (1) Each municipal council must have a chairperson who will be called the speaker.*
- (2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its speaker from among the councillors.*
- (3) The municipal manager of the municipality or, if the municipal manager is not available, a person designated by the MEC for local government in the province, presides over the election of a speaker.*
- (4) The procedure set out in Schedule 3 applies to the election of a speaker.*
- (5) A councillor may not hold office as speaker and mayor or executive mayor at the same time, but in a municipality of a type mentioned in section 9 (e) or (f) or 10 (c) the speaker must be called the mayor.*

At its first sitting after its election, a Municipal Council must elect its Speaker from among the Councillors, who shall be a full time Councillor, in terms of the Kouga Municipality Establishment Notice.

The Municipal Manager presides over the election of the Speaker and will advise and direct the election process from the Chair.

3. DISCUSSION

The procedure set out in Schedule 3 of the mentioned Act (Annexure A), applies to the election of a Speaker. A Councillor may not hold the office as Speaker and Executive Mayor at the same time.

A Nomination Form is supplied separately on which nominations must be submitted when called for by the Municipal Manager.

The functions of the Speaker are referred to in Section 37 of the said Act which states:

Functions of speakers. – *The speaker of a municipal council –*

- (a) *presides at meetings of the council;*
- (b) *performs the duties and exercises the powers delegated to the speaker in terms of section 59 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000);*
- (c) *must ensure that the council meets at least quarterly;*
- (d) *must maintain order during meetings;*
- (e) *must ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 to the Local Government : Municipal Systems Act, 2000 (Act No.32 of 2000); and*
- (f) *must ensure that council meetings are conducted in accordance with the rules and orders of the council."*

4. **RECOMMENDATION**

That the Municipal Council elects Cllr as the Speaker of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



ANNEXURE A

SCHEDULE 3

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (1) A nomination must be made on the form determined by the municipal manager.
(2) The form on which a nomination is made must be signed by two members of the municipal council.
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated—
(a) a vote must be taken at the meeting by secret ballot;
(b) each councillor present at the meeting may cast one vote; and
(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.
(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.
(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM4

ELECTION OF AN EXECUTIVE MAYOR OF COUNCIL

1. PURPOSE OF THE REPORT

The purpose of this report is to facilitate the election of an Executive Mayor for the Municipal Council as contemplated in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

2. BACKGROUND

In terms of Section 54 of the Local Government: Municipal Structures Act, 1998, Kouga Municipality qualifies to have an Executive Mayor. Section 55 of the said Structures Act indicates that the Municipal Council must choose to have an Executive Mayor before such political office bearer may be elected. Such has in the past been determined by Council:

55 Election of executive mayors

(1) If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an executive deputy mayor, from among its members at a meeting that must be held-
 (a) within 14 days after the council's election

The newly elected Speaker presides over the election of the Executive Mayor, and will advise and direct the election process from the Chair.

3. DISCUSSION

The procedure set out in Schedule 3 of the mentioned Act (Annexure A), also applies to the election of an Executive Mayor.

A Nomination Form is supplied separately on which nominations must be submitted when called for by the Speaker.

The original functions and powers of an Executive Mayor are numerous and diverse as legislated in the suite of Local Government specific legislation. To name only two pieces of legislation, the Local Government: Municipal Structures Act, 1998, deals extensively with the functions and powers of an Executive Mayor in Section 56, which is appears below:

56 Functions and powers of executive mayors

(1) An executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of the executive mayor's delegated powers.

(2) The executive mayor must-

- (a) identify the needs of the municipality;
- (b) review and evaluate those needs in order of priority;
- (c) recommend to the municipal council strategies, programmes and services to address priority needs through the integrated development plan, and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans; and
- (d) recommend or determine the best way, including partnership and other approaches, to deliver those strategies, programmes and services to the maximum benefit of the community.

(3) The executive mayor in performing the duties of office, must-

- (a) identify and develop criteria in terms of which progress in the implementation of the strategies, programmes and services referred to in subsection (2) (c) can be evaluated, including key performance indicators which are specific to the municipality and common to local government in general;
- (b) evaluate progress against the key performance indicators;
- (c) review the performance of the municipality in order to improve-
 - (i) the economy, efficiency and effectiveness of the municipality;
 - (ii) the efficiency of credit control and revenue and debt collection services; and
 - (iii) the implementation of the municipality's by-laws;
- (d) monitor the management of the municipality's administration in accordance with the directions of the municipal council;
- (e) oversee the provision of services to communities in the municipality in a sustainable manner;
- (f) perform such duties and exercise such powers as the council may delegate to the executive mayor in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
[Para. (f) amended by s. 16 (a) of Act 51 of 2002.]
- (g) annually report on the involvement of communities and community organisations in the affairs of the municipality; and
- (h) ensure that regard is given to public views and report on the effect of consultation on the decisions of the council.

(4) An executive mayor must perform a ceremonial role as the municipal council may determine.

(5) An executive mayor must report to the municipal council on all decisions taken by the executive mayor.

(6) The deputy executive mayor of a municipality exercises the powers and performs the duties of the executive mayor if the executive mayor is absent or not available or if the office of the executive mayor is vacant.

(7) If the executive mayor is absent or not available and the municipality does not have a deputy executive mayor, or the deputy executive mayor is also absent or not available, the council must designate a councillor to act as executive mayor.

Furthermore, a whole Chapter of the Local Government: Municipal Finance Management Act, 2003 is enacted with regard to the responsibilities of Mayors. (Executive Mayor as per definitions in the said Act.)

For information Chapter 7 of the MFMA is attached hereto as Annexure B. Apart from the original powers, the Municipal Council can also delegate extensive decision-making powers of the same to the Executive Mayor.

4. **RECOMMENDATION**

- 4.1 That the Municipal Council herewith note that Kouga Municipal Council chose to have an Executive Mayor in terms of Section 55 of the Local Government: Municipal Structures Act, 1998;
- 4.2 That the Municipal Council elects Cllr as the Executive Mayor of Kouga Municipality, having followed the procedure set out in schedule 3 of the Local Government: Municipality Structures Act, 1998.

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



ANNEXURE A

SCHEDULE 3

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (1) A nomination must be made on the form determined by the municipal manager.
(2) The form on which a nomination is made must be signed by two members of the municipal council.
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated—
(a) a vote must be taken at the meeting by secret ballot;
(b) each councillor present at the meeting may cast one vote; and
(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.
(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.
(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

ANNEXURE B

CHAPTER 7

RESPONSIBILITIES OF MAYORS

52. General responsibilities

The mayor of a municipality-

(a) must provide general political guidance over the fiscal and financial affairs of the municipality;

(b) in providing such general political guidance, may monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities;

(c) must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and

(e) must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

53. Budget processes and related matters

(1) The mayor of a municipality must-

(a) provide general political guidance over the budget process and the priorities that must guide the preparation of a budget;

(b) co-ordinate the annual revision of the integrated development plan in terms of [section 34](#) of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget; and

(c) take all reasonable steps to ensure-

(i) that the municipality approves its annual budget before the start of the budget year;

(ii) that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after the approval of the budget; and

(iii) that the annual performance agreements as required in terms of [section 57\(1\)\(b\)](#) of the Municipal Systems Act for the municipal manager and all senior managers-

(aa) comply with this Act in order to promote sound financial management;

(bb) are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan; and

(cc) are concluded in accordance with [section 57\(2\)](#) of the Municipal Systems Act.

(2) The mayor must promptly report to the municipal council and the MEC for finance in the province any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements.

(2) The mayor must ensure-

(a) that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan; and

(b) that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan. Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.

54. Budgetary control and early identification of financial problems

(1) On receipt of a statement or report submitted by the accounting officer of the municipality in terms of [section 71](#) or [72](#), the mayor must-

- (a) consider the statement or report;
- (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
- (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
- (d) issue any appropriate instructions to the accounting officer to ensure-
 - (i) that the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget;
- (e) identify any financial problems facing the municipality, including any emerging or impending financial problems; and
- (f) in the case of a [section 72](#) report, submit the report to the council by 31 January of each year.

(2) If the municipality faces any serious financial problems, the mayor must

- (a) promptly respond to and initiate any remedial or corrective steps proposed by the accounting officer to deal with such problems, which may include-
 - (i) steps to reduce spending when revenue is anticipated to be less than projected in the municipality's approved budget;
 - (ii) the tabling of an adjustments budget; or
 - (iii) steps in terms of [Chapter 13](#); and
- (b) alert the council and the MEC for local government in the province to those problems.

(3) The mayor must ensure that any revisions of the service delivery and budget implementation plan are made public promptly.

55. Report to provincial executive if conditions for provincial intervention exist

If a municipality has not approved an annual budget by the first day of the budget year or if the municipality encounters a serious financial problem referred to in [section 136](#), the mayor of the municipality-

- (a) must immediately report the matter to the MEC for local government in the province; And
- (b) may recommend to the MEC an appropriate provincial intervention in terms of [section 139](#) of the Constitution.

56. Exercise of rights and powers over municipal entities

(1) The mayor of a municipality which has sole or shared control over a municipal entity, must guide the municipality in exercising its rights and powers over the municipal entity in a way-

(a) that would reasonably ensure that the municipal entity complies with this Act and at all times remains accountable to the municipality; and

(b) that would not impede the entity from performing its operational responsibilities.

(2) In guiding the municipality in the exercise of its rights and powers over a municipal entity in accordance with subsection (1), the mayor may monitor the operational functions of the entity, but may not interfere in the performance of those functions.

57. Municipalities which do not have mayors

(1) The council of a municipality which does not have a mayor, must designate a councillor to exercise the powers and duties assigned by this Act to a mayor.

(2) A reference in this Act to the mayor of a municipality must, in the case of a municipality which does not have a mayor, be construed as a reference to a councillor designated by the council of the municipality in terms of subsection (1).

58. Municipalities with executive committees

The powers and functions assigned by this Act to a mayor must, in the case of a municipality which has an executive committee referred to in [section 43](#) of the Municipal Structures Act, be exercised by the mayor in consultation with the executive committee.

59. Delegations of mayoral powers and duties

(1) The powers and duties assigned in terms of this Act to the mayor of a municipality, may-

(a) in the case of a municipality which has an executive mayor referred to in [section 55](#) of the Municipal Structures Act, be delegated by the executive mayor in terms of [section 60\(1\)](#) of that Act to another member of the municipality's mayoral committee;

(b) in the case of a municipality which has an executive committee referred to in [section 43](#) of that Act, be delegated by the council of the municipality to another member of the executive committee; or

(c) in the case of a municipality which has designated a councillor in terms of [section 57\(1\)](#) of this Act, be delegated by the council to any other councillor.

(2) A delegation in terms of subsection (1)-

(a) must be in writing;

(b) is subject to any limitations or conditions that the executive mayor or council, as the case may be, may impose; and

(c) does not divest the mayor of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.

(3) The mayor may confirm, vary or revoke any decision taken in consequence of a delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM5

ELECTION OF A DEPUTY EXECUTIVE MAYOR

1. PURPOSE OF THE REPORT

The purpose of this item is to facilitate the election of a Deputy Executive Mayor for the Municipal Council as contemplated in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

2. BACKGROUND

In terms of Section 55(1) of the Local Government: Municipal Structures Act, 1998, the Municipal Council can only elect a Deputy Executive Mayor if the MEC (Minister) for Local Government of the Eastern Cape Provincial Government approves that Kouga Municipality may have such a political office bearer.

55 Election of executive mayors

*(1) If a municipal council chooses to have an executive mayor it must elect an executive mayor and, if the MEC for local government in the province so approves, also an **executive deputy mayor**, from among its members at a meeting that must be held-*
(a) within 14 days after the council's election;

A submission has been made the MEC for COGTA, Eastern Cape and response is awaited from his office. It must be noted that the activation of the position Deputy Executive will be implemented subject to the MEC's approval.

The Speaker presides over the election of the Deputy Executive Mayor, and will advise and direct the election process from the Chair.

3. DISCUSSION

The procedure set out in Schedule 3 of the mentioned Act (Annexure A), applies to the election of a Deputy Executive Mayor.

A Nomination Form is supplied separately on which nominations must be submitted when called for by the Speaker.

The Deputy Executive Mayor exercises the powers and performs the duties of the Executive Mayor if the same is absent or not available or if such office is vacant, in terms of Section 56(6) of the mentioned Structures Act.

Furthermore, the Deputy Executive Mayor is an ex officio member of the Mayoral Committee as stipulated in Section 60(2) of said Structures Act.

4. **RECOMMENDATION**

That the Municipal Council elects Cllr as the Deputy Executive Mayor of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



ANNEXURE A

SCHEDULE 3

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (1) A nomination must be made on the form determined by the municipal manager.
(2) The form on which a nomination is made must be signed by two members of the municipal council.
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated—
(a) a vote must be taken at the meeting by secret ballot;
(b) each councillor present at the meeting may cast one vote; and
(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.
(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.
(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM6

APPOINTMENT OF FULL TIME COUNCILLORS

1. PURPOSE OF THE REPORT

The purpose of the report is for the Municipal Council to designate full-time Councillors

2. BACKGROUND

Section 18(4) of the Local Government Municipal Structures Act reads - *A municipality has the power to designate councillors determined by the MEC for local government as full-time. An MEC's determination must be in accordance with a policy framework as may be determined by the Minister after consulting the MECs for local government.*

In instances where the MEC has determined that certain political office bearers may be full time councillors, the council must officially designate such councillors to be full time councillors. The Executive Mayor, Deputy Executive Mayor, members of the Mayoral Committee and the Speaker may be designate as full-time Councillors.

3. DISCUSSION

Due to the fact that the Deputy Executive Mayor is, in terms of Section 60(2) as quoted in a previous item of the Structures Act, an ex officio member of the Mayoral Committee, he/she can thus also be designated as a full-time Councillor.

The opinion is herewith offered that the Speaker, Executive Mayor, Deputy Executive Mayor, the Speaker and Mayoral Committee be designated as full-time Councillors in order to fulfill their respective functions and powers effectively and to provided executive leadership.

4. RECOMMENDATION

- 4.1 That the report regarding the appointment of full-time Councillors, be noted;
- 4.2 That the following political office bearers be designated as full-time Councillors in terms of Notice 2073 of 2002: Policy Framework for the designation of Full time Councillors:

- Speaker
- Executive Mayor
- Deputy Executive Mayor
- Members of the Mayoral Committee as appointed by the Executive Mayor

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM7

ELECTION OF WHIP

1. PURPOSE OF THE REPORT

The purpose of this report is to facilitate the election of a Whip for the Kouga Municipal Council as contemplated in Section 41 (A) of the Local Government: Municipal Structures Amendment Act.

2. BACKGROUND

In terms of Section 41 (A) of the Local Government: Municipal Structures Amendment Act, each Municipal Council may elect a whip for the Council;

Election of whip

41A. (1) *Each municipal council may elect a whip for the council who is also a municipal office bearer as set out in Schedule 3.*

(2) *At its first sitting after its election, or when necessary to fill a vacancy, a municipal council may elect its whip from among the councillors.*

(3) *The speaker of the municipality presides over the election of the whip.*

(4) *The procedure set out in Schedule 3 applies to the election of the whip.*

(5) *A councillor may not hold office as whip, speaker, mayor or executive mayor at the same time.*

At its first sitting after its election, a Municipal Council may elect a Whip from among the Councillors. The Speaker, Executive Mayor may not be elected as whip.

The Speaker presides over the election of the Whip and will advise and direct the election process from the Chair.

3. DISCUSSION

The procedure set out in Schedule 3 of the mentioned Local Government Structures Act (Annexure A), applies to the election of a Speaker. A Councillor may not hold the office as Speaker and Executive Mayor at the same time.

A relevant Nomination Form is supplied separately on which nominations must be submitted when called for by the Speaker.

The functions of the Whip are referred to in Section 41(B) of the said Amendment Act, which states:

Functions of whip

41B. The whip of a municipal council—

- (a) liaises with the different political parties to ensure representation in council and council committees;*
- (b) maintains sound relations between the various political parties;*
- (c) informs the whips of all parties on important matters on the council agenda;*
- (d) assists the speaker to count votes in the council meeting;*
- (e) facilitates the interaction between the executive and legislative oversight structures in the municipality; and*
- (f) resolves disputes between the speaker, mayor or executive mayor, or members of the mayoral committee.*

4. RECOMMENDATION

- 4.1 That the Municipal Council elects Cllr as the Whip of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

Item Prepared by : Director: Corporate Services



Item approved by : Municipal Manager



ANNEXURE A

SCHEDULE 3

Election of municipal office-bearers

Application

1. The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

Nominations

2. The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

Formal requirements

3. (1) A nomination must be made on the form determined by the municipal manager.
(2) The form on which a nomination is made must be signed by two members of the municipal council.
(3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.

Announcement of names of candidates

4. At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.

Single candidate

5. If only one candidate is nominated, the person presiding must declare that candidate elected.

Election procedure

6. If more than one candidate is nominated—
(a) a vote must be taken at the meeting by secret ballot;
(b) each councillor present at the meeting may cast one vote; and
(c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

7. (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.
(2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.

Further meetings

8. (1) If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.
(2) If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM8

ELECTION AND APPOINTMENT OF REPRESENTATIVES TO SARAH BAARTMAN DISTRICT MUNICIPALITY

1. PURPOSE OF THE REPORT

To appoint four (4) Councillors to the Municipal Council of the Sarah Baartman District Municipality to directly represent Kouga Municipality in that Council

2. BACKGROUND

The election and appointment of Local representatives to the District Municipality legislated in Section 23 of the Local Government: Municipal Structures which is attached hereto as Annexure A for ease of reference.

Government Gazette No. 45216 of 23 September 2021 indicates that the Kouga Local Municipality shall have four (4) Councillors who will directly represent Kouga Municipality at the District. The relevant Notice, No. 45216 is attached hereto as Annexure B.

3. DISCUSSION

The electoral system for District Councils is enacted as Schedule 2 of the mentioned Structures Act. Item 16, Part 2, of said Schedule, prescribes the procedure to be followed to effectively elect four (4) Councillors from Kouga Municipality to the Municipal Council of Sarah Baartman District Municipality.

What is however of importance is the fact that the Independent Electoral Commission (IEC) will conduct the election during the meeting.

The Speaker should allow the designated official of the IEC to advise and direct the election process.

4. RECOMMENDATION

4.1 That the following members:

Cllr;

Cllr;

Cllr; and

Cllr;

Are duly elected, in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998 to directly represent Kouga Municipality in the Sarah Baartman District Municipality;

- 4.2 That it be noted that the designated official of the Independent Electoral Commission (IEC) will conduct the election process mentioned in above.

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



ANNEXURE A

23 Election and appointment of district councils

(1) The council of a district municipality consists of-

(a) councillors elected in accordance with Part 1 of Schedule 2 by voters registered on that municipality's segment of the national common voters roll, to proportionally represent the parties that contested the election in that district municipality;

(b) councillors appointed in accordance with Schedule 2 by the councils of the respective local municipalities within that district municipality, to directly represent those local municipalities; and

(c) if the district municipality has a district management area, councillors elected in accordance with Part 1 of Schedule 2 by voters registered on that district municipality's segment of the national common voters roll in that area, to proportionally represent the parties that contested the election in that area.

(2) The number of councillors representing local municipalities and district management areas in a district council referred to in subsection (1) (b) and (c) must be-

(a) equal to 60 per cent (fractions to be disregarded) of the number of councillors determined for the municipality in terms of section 20 before any increase in terms of section 20 (5), plus the increase; and (

b) allocated to the respective local councils and district management areas in accordance with Part 2 of Schedule 2.

(3) The number of proportionally elected councillors referred to in subsection (1) (a) is determined by subtracting the number determined in terms of subsection (2) (a) from the number of councillors determined for the municipality in terms of section 20, including any increase in terms of section 20 (5).

(4) A local council must appoint its representatives to the district council within 14 days after the result of the election of the local council has been declared.

ANNEXURE B

STAATSKOERANT, 23 SEPTEMBER 2021

No. 45216 3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

NO. 923

23 September 2021

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS**

**AMENDMENT OF THE EASTERN CAPE PROVINCIAL NOTICE NO. 243
PUBLISHED IN PROVINCIAL GAZETTE NO. 4296 DATED 27 AUGUST 2019 ON
DETERMINATION OF NUMBER OF COUNCILLORS IN TERMS OF SECTION
18(3) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998
(ACT 117 OF 1998).**

**I, Xolile Nqatha, Member of the Executive Council responsible for Cooperative
Governance and Traditional Affairs in the Eastern Cape hereby amend the determined
number of councillors for 2021 Local Government Elections in terms of Section 18 (3) of
the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended
by incorporating the number of Councillors to represent their local municipalities in
district councils and thereby amend Notice No. 243 published in the Provincial Gazette
No. 4296 dated 27 August 2019. The notice will come into force and effect on the date of
the next general Local Government Elections.**

The amendment should be in line with the attached schedule.



**XOLILE NQATHA
MEMBER OF THE EXECUTIVE COUNCIL
DEPARTMENT OF COOPERATIVE GOVERNANCE & TRADITIONAL AFFAIRS**

DATE: 15/09/2021

SCHEDULE

CATEGORY A MUNICIPALITIES	MUNICIPALITY	REGISTERED VOTERS	No. OF COUNCILLORS DETERMINED	No. OF WARDS	PROPORTIONALITY ELECTED CCLRS	NO. OF CCLRS REPRESENTING THE LOCAL MUNICIPALITY IN THE DISTRICT COUNCIL
Port Elizabeth/ Uitenhage/ Despatch	NELSON MANDELA BAY MUNICIPALITY	607 134	120	60		
East London/ King William's Town	BUFFALO CITY MUNICIPALITY	421 722	100	50		
MUNICIPALITY CODE	MUNICIPALITY	REGISTERED VOTERS	No. OF COUNCILLORS DETERMINED	No. OF WARDS	PROPORTIONALITY ELECTED CCLRS (40%)	NO. OF CCLRS REPRESENTING THE LOCAL MUNICIPALITY IN THE DISTRICT COUNCIL (60%)
DC 10	Sarah Bhebe District Municipality	244 751	30		12	18
EC 101	Dr Beyers Nkomo Local Municipality	40 794	24	12		3
EC 102	Blue Crane Local Municipality	18 122	11	6		1
EC 104	Makana Local Municipality	45 268	27	14		3
EC 105	Ndlambe Local Municipality	34 352	20	10		3
EC 106	Sundays River Valley Local Municipality	25 905	16	8		2
EC 108	Kouga Local Municipality	59 341	30	15		4
EC 109	Kruger Local Municipality	20 969	12	6		2

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM9

PORTFOLIO (SECT 80) COMMITTEES

1. PURPOSE OF THE REPORT

To inform Council of the establishment of various Portfolio Committees to ensure efficiency and effectiveness in performing the powers and functions of the municipality.

2. BACKGROUND

The powers and functions (executive authority) of a municipality are foremost enacted in Sections 156 and 229 of the Constitution of the Republic of South Africa, 1996, which is the supreme law of the Republic.

3. DISCUSSION

In order to efficiently and effectively exercise the powers and functions of the municipality, a Committee system has been established as envisaged in Section 33 of the mentioned Structures Act.

Except if otherwise indicated below, all Committees of the Municipal Council are established in terms of Section 79 of the Structures Act. Section 80 allows for the establishment of committees to assist the Executive Mayor.

80 Committees to assist executive committee or executive mayor

(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.

(2) Such committees may not in number exceed the number of members of the executive committee or mayoral committee.

(3) The executive committee or executive mayor-

(a) appoints a chairperson for each committee from the executive committee or mayoral committee;

(b) may delegate any powers and duties of the executive committee or executive mayor to the committee;

(c) is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and

(d) may vary or revoke any decision taken by a committee, subject to any vested rights.

(4) Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.

It must however be noted that the Mayoral Committee is not a Committee of the Municipal Council, but a Committee appointed by the Executive Mayor in terms of Section 60(1)(a) of the Structures Act.

The following Portfolio Committees are proposed:

1. Finance Portfolio Committee
2. Community Services Portfolio Committee
3. Corporate Services Portfolio Committee
4. Infrastructure & Engineering Portfolio Committee
5. Planning, Development & Tourism Portfolio Committee
6. Monitoring and Evaluation Portfolio Committee

4. **RECOMMENDATION**

- 4.1 That Council note the envisaged Portfolio Committee's in terms of Section 80 of the Act.
- 4.2 That respective political parties consider their members to the following envisaged portfolio committees and submit names to the next meeting of Council:
 - 4.2.1 Finance Portfolio Committee
 - 4.2.2 Community Services Portfolio Committee
 - 4.2.3 Corporate Services Portfolio Committee
 - 4.2.4 Infrastructure & Engineering Portfolio Committee
 - 4.2.5 Planning, Development & Tourism Portfolio Committee
 - 4.2.6 Monitoring and Evaluation Portfolio Committee

Item Prepared by : **Director: Corporate Services**

Item approved by : **Municipal Manager**




KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM10

CODE OF CONDUCT FOR COUNCILLORS

1. PURPOSE OF THE REPORT

The purpose of this item is to bring to the attention of all Councillors, the Code of Conduct for Councillors.

2. BACKGROUND

The Code of Conduct for Councillors is established to ensure that Councillors fulfill their obligation to their communities and support the achievement by the municipality of its objectives set out in section 19 of the Local Government: Municipal Structure Act, 2000.

19 Municipal objectives

(1) A municipal council must strive within its capacity to achieve the objectives set out in section 152 of the Constitution.

(2) A municipal council must annually review-

(a) the needs of the community;

(b) its priorities to meet those needs;

(c) its processes for involving the community;

(d) its organisational and delivery mechanisms for meeting the needs of the community; and

(e) its overall performance in achieving the objectives referred to in subsection (1).

(3) A municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers.

3. DISCUSSION

The Code is enacted as Schedule 7 of the Local Government Municipal Structures Amendment Act No. 23 of 2021, Gazette no. 44647 and is attached hereto as Annexure A .

4. RECOMMENDATION

- 4.1. That the Code of Conduct for Councillors enacted as Schedule 7 of the Local Government : Municipal Structures Amendment Act 23 of 2021, as attached as Annexure A to the report, be noted;

- 4.2 That Councillors be taken through the Code Conduct at the Councillor Induction Training;

Item Prepared by : **Director: Corporate Services**



Item approved by : **Municipal Manager**



ANNEXURE A

Schedule 7: Code of conduct for councillors

Preamble

Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfill their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19 of the Municipal Structures Act, the following Code of Conduct is established.

1. Definitions

In this Schedule 'partner' means a person who permanently lives with another person in a manner as if married.

2. General conduct of councillors

A councillor must-

- a. perform the functions of office in good faith, honestly and a transparent manner; and
- b. at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

3. Attendance at meetings

A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-

- a. leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- b. that councillor is required in terms of this Code to withdraw from the meeting.

4. Sanctions for non-attendance of meetings

1. A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for:
 - a. not attending a meeting which that councillor is required to attend in terms of item 3; or
 - b. failing to remain in attendance at such a meeting.
2. A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.
3. Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.

5. Disclosure of interests

1. A councillor must-
 - a. disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
 - b. withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.
2. A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.

3. This section does not apply to an interest or benefit which a council or, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

6. Personal gain

1. A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.
2. Except with the prior consent of the municipal council, a councillor may not-
 - a. be a party to or beneficiary under a contract for-
 - i. the provision of goods or services to the municipality; or
 - ii. the performance of any work otherwise than as a councillor for the municipality;
 - b. obtain a financial interest in any business of the municipality; or
 - c. for a fee or other consideration appear on behalf of any other person before the council or a committee.
3. If more than one quarter of the councillors object to consent being given to a councillor in terms of subitem (2), such consent may only be given to the councillor with the approval of the MEC for local government in the province.

7. Declaration of interests

1. When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor;
 - a. shares and securities in any company;
 - b. membership of any close corporation;
 - c. interest in any trust;
 - d. directorships;
 - e. partnerships;
 - f. other financial interests in any business undertaking;
 - g. employment and remuneration;
 - h. interest in property;
 - i. pension; and
 - j. subsidies, grants and sponsorships by any organisation.
2. Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.
3. Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).
4. The municipal council must determine which of the financial interests referred in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

8. Full-time councillors

A councillor who is a full-time councillor may not undertake any other paid work, except with the consent of municipal council which consent shall not unreasonably be withheld.

9. Rewards, gifts and favours

A councillor may not request, solicitor accept any reward, gift or favour for-

- a. voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;
- b. persuading the council or any committee in regard to the exercise of any power, function or duty;
- c. making a representation to the council or any committee of the council; or
- d. disclosing privileged or confidential information.

10. Unauthorised disclosure of information

1. A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.
2. For the purpose of this item 'privileged or confidential information' includes any information-
 - a. determined by the municipal council or committee to be privileged or confidential;
 - b. discussed in closed session by the council or committee;
 - c. disclosure of which would violate a person's right to privacy; or
 - d. declared to be privileged, confidential or secret in terms of law.
3. This item does not derogate from the right of any person to access to information in terms of national legislation.

11. Intervention in administration

A councillor may not, except as provided by law-

- a. interfere in the management or administration of any department of the municipal council unless mandated by council;
- b. give or purport to give any instruction to any employee of the council except when authorised to do so;
- c. obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
- d. encourage or participate in any conduct which would cause or contribute to mal-administration in the council.

12. Council property

A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.

13. Duty of chairpersons of municipal councils

1. If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must-
 - a. authorise an investigation of the facts and circumstances of the alleged breach;
 - b. give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
 - c. report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
2. A report in terms of subitem (1) (c) is open to the public.
3. The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.
4. The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

14. Breaches of Code

1. A municipal council may-
 - a. investigate and make a finding on any alleged breach of a provision of this Code; or
 - b. establish a special committee-
 - i. to investigate and make a finding on any alleged breach of this Code; and
 - ii. to make appropriate recommendations to the council.
2. If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-
 - a. issue a formal warning to the councillor;
 - b. reprimand the councillor;
 - c. request the MEC for local government in the province to suspend the councillor for a period;
 - d. fine the councillor; and
 - e. request the MEC to remove the councillor from office.
3.
 - a. Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing setting out the reasons on which the appeal is based.
 - b. A copy of the appeal must be provided to the council;
 - c. The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing;
 - d. The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.
4. The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.
5. The Commissions Act, 1947 (Act 8 of 1947). may be applied to an investigation in terms of subitem (3).
6. If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may-
 - a. suspend the councillor for a period and on conditions determined by the MEC; or
 - b. remove the councillor from office.
7. Any investigation in terms of this item must be in accordance with the rules of natural justice.

15. Application of Code to traditional leaders

1. Items 1, 2, 5, 6, 9(b) to (d), 10, 11, 12, 13 and 14(1) apply to a traditional leader who participates or has participated in the proceedings of a municipal council in terms of section 81 of the Municipal Structures Act.
2. These items must be applied to the traditional leader in the same way they apply to councillors.
3. If a municipal council or a special committee in terms of item 14 (1) finds that a traditional leader has breached a provision of this Code, the council may-
 - a. issue a formal warning to the traditional leader; or
 - b. request the MEC for local government in the province to suspend or cancel the traditional leader's right to participate in the proceedings of the council.
4. The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the right of the traditional leader to participate in the proceedings of the municipal council should be suspended or cancelled.
5. The Commissions Act, 1947, may be applied to an investigation in terms of subitem (4).
6. If the MEC is of the opinion that the traditional leader has breached a provision of this Code, and that such breach warrants a suspension or cancellation of the traditional leader's right to participate in the council's proceedings, the MEC may-
 - a. suspend that right for a period and on conditions determined by the MEC; or
 - b. cancel that right.
7. Any investigation in terms of this item must be in accordance with the rules of natural justice.
8. The suspension or cancellation of a traditional leader's right to participate in the proceedings of a council does not affect that traditional leader's right to address the council in terms of section 81 (3) of the Municipal Structures Act.

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM11

STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES

1. PURPOSE OF THE REPORT

To inform Council of the approved Rules of Order as adopted by Council on 18 September 2018.

2. BACKGROUND

Kouga Municipal Council adopted the current version of the Standing Rules of Order on 18 September 2018 and was subsequently Gazetted on 22 October 2018. Attached as Annexure A.

The rules of order apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of councillors established within the municipality. The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings. The rules endeavor to create the opportunity for councillors serving in council structures to air their view on any matter of public importance.

3. DISCUSSION

The Standing Rules are self-explanatory and it is important for Councillors to familiarise themselves therewith.

4. RECOMMENDATION

- 4.1 That the Standing Rules of Order be noted;
- 4.2 That Councillors familiarise themselves with the Standing Rules of Order.

Item Prepared by : Director: Corporate Services

Item approved by : Municipal Manager






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

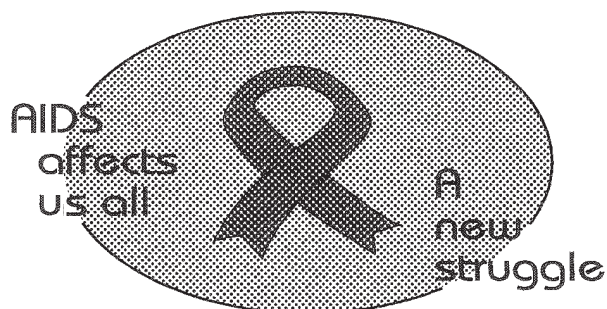
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22 OCTOBER 2018
22 OKTOBER 2018

No. 4134

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LOCAL AUTHORITY NOTICE 233 OF 2018

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 ITEM NO: 18/09/CORP1

Council of the Kouga Municipality has in terms of Rule 156(2) of the Constitution read in conjunction with Rule 11 of the Local Government: Municipal Systems Act No.32 of 2000, approved the following By-Law:

STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES

Document Control

Title of By-Law:	Standing Rules and Orders for the Meetings of Council and all its Committees
Council Meeting:	1 August 2017
Council Resolution Number:	17/07/AME&SP2
Previously Approved:	Yes
Directorate Responsible:	Corporate Services
Status of the Document:	Final
Review Date:	16 May 2018
Council Meeting:	18 September 2018
Council Resolution Number:	18/09/CORP1



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STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES

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1. Application of rules

- 1.1 The rules of order contained herein apply to all meetings of the municipal Council and any committee of the municipal Council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed to encourage free, open and constructive debate during meetings, to encourage and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for Councillors serving in Council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
 - 1.4.1 All Councillors;
 - 1.4.2 Traditional Leaders participating in Council and its committees in terms of Section 81 of the Municipal Structures Act;
 - 1.4.3 Any municipal officials of the municipality; and
 - 1.4.4 Any member of the public while present in the Council Chambers and precinct.



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2. Definitions

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder:

"Alternate member"	shall mean a member of Council appointed by Council to represent a member of a committee of Council, in the event that the such member of the committee is absent as contemplated in Rule 22;
"Committee"	shall mean any committee established in the municipality, including committees established in terms of Section 79 and 80 of the Structures Act;
"Constitution"	shall mean the Constitution of the Republic of South Africa, 1996;
"Council"	shall mean the municipal Council for the Kouga Municipality;
"Councillor"	shall mean a member of the municipal Council;
"Day"	shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
"Executive Mayor"	shall mean the Executive Mayor of the municipality as elected in terms of Section 55 of the Structures Act;
"In Committee"	shall mean the part of the meeting of the municipal Council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;
"Mayoral Committee"	means the committee appointed by the Executive Mayor in terms of Section 60 of the Structures Act;
"Member"	shall mean a Councillor serving in the municipal Council of the municipality;
"Motion"	shall mean a matter submitted by a member in accordance with Rule 29 below;



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"Municipality"	shall mean the Kouga Municipality;
"Notice"	shall mean a notification, in writing, sent to members of Council or its committees, informing them of a time, date and location of a Council meeting or of its committees;
"Point of clarity"	shall mean the explanation of some material part of a member's speech which has not been understood or which contains incorrect assertions during the cause of the debate, but not once the debate is closed;
"Point of order"	shall mean a point raised by a Councillor during Council meeting and shall only relate to a matter of procedure and provided for in the rules of order;
"Privilege"	shall mean the right of freedom of speech for Councillors in Council and committee meetings, subject to the rules of order, of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to Council or Committee;
"Procedural motion"	shall mean a matter raised by a member at a meeting in terms of Rule 29;
"Report"	shall mean any item appearing on the agenda for consideration by Council or a committee;
"Sargent-at-arms"	shall mean a person in the full-time employment of the municipality entrusted to assist the Speaker to maintain order during Council meetings and assisted by such staff members as the Speaker may direct;
"Senior managers"	shall mean the persons appointed by Council as the Municipal Manager and all managers directly accountable to the Municipal Manager as approved on the official organisational structure of the municipality
"Speaker"	shall mean the person as elected in terms of Section 36 of the Structures Act;
"Structures Act"	shall mean the Local Government: Municipal Structures Act, No. 117 of 1998;
"Sub-committee"	means any other committee, other than the Mayoral Committee or Committees appointed by Council or the Mayoral committee;
"Systems Act"	shall mean the Local Government: Municipal Systems Act, 2000;



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"Traditional Leader"	shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal Council in terms of Rule 81 of the Structures Act;
"Whip"	shall mean a member of the municipal Council appointed by each political party represented in Council;
"Whip of Council"	shall mean the person elected as the Whip of Council.
"Quorum"	shall mean 50% of the Council or committee members plus 1.

3. Meeting of Council open to public

- 3.1. The Municipal Council shall conduct its business in an open manner and every meeting of Council and all committees, including the Mayoral Committee shall be open to the public; provided that this rule 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.
- 3.2 The Mayoral Committee, as contemplated in Section 60 of the Local Government: Municipal Structures Act (as amended) may, subject to sub-section (1)(a), close any or all of its meetings to the public, including the media.
- 3.3 Council may deal "In Committee" when discussing any of the following matters:
 - 3.3.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
 - 3.3.2 personal and private information of any Councillor or an employee of the municipality;
 - 3.3.3 the intention of the municipality to purchase or acquire land or buildings;
 - 3.3.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
 - 3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
 - 3.3.6 disciplinary proceedings or proposed disciplinary proceedings against any employee;
 - 3.3.7 any matter that may not be disclosed in terms of legislation;
 - 3.3.8 consideration of the minutes of previous "In Committee" discussions.
 - 3.3.9 After confidential matters served before Council it is open to public domain, except when a Council decides not to open certain matters to the public.



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- 3.4 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in Rule 3.2 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. Council meetings

- 4.1 Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

5. Special Council meetings

- 5.1 The Speaker may at any time of own accord and shall, upon request in writing by a majority of Councillors of the municipality, call a special meeting of Council, provided that no such special meeting shall take place unless all Councillors were given at least 48 hours' notice prior to the date and time set for the meeting. The Agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.
- 5.2 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with Rule 5.1 above, the Municipal Manager of the municipality may call the meeting, accordingly.

6. Service of notices

- 6.1 At least 7 days , but no less than 5 days, before any ordinary meeting of Council and at least forty-eight hours before any special meeting of Council, a notice to attend the meeting, specifying the business proposed to be transacted there and signed by the Speaker or the Municipal Manager as contemplated in Rule 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by Council from time to time or sent by electronic mail to an address provided by the Councillor as his/her official address or an email address assigned by the municipality to Councillors, as his/her official email address.
- 6.2 The Agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.
- 6.3 The Municipal Manager, or in his /her absence, a person designated by the Speaker, must give notice to the public of every meeting at least 7 days before such meeting, except in the event of a special and urgent meeting of Council, or a continuation of an adjourned meeting under circumstances stipulated in Rule 36.



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7. Non-service of notices

- 7.1 An omission to serve, on any Councillor, a notice of meeting does not invalidate the proceedings of that meeting.

8. Urgent matters

- 8.1 No business shall be transacted at a meeting of Council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant Chairperson considers urgent and the said Chairperson has ruled the matter to be urgent.
- 8.2 The Municipal Manager may raise matters which in his or her discretion is urgent, for decision by Council. A matter will be deemed urgent when the decision required, if delayed, would prejudice Council and / or its operations.
- 8.3 The Speaker or Chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof, provided that the Speaker may rule that the matter is not urgent as defined in Rule 8.2 above.

9. Conduct at meetings

- 9.1 The Speaker or the Chairperson of the meeting in the event of a meeting other than a Council meeting shall:
- 9.1.1 Maintain order during meetings.
 - 9.1.2 Ensure compliance with the Code of Conduct for Councillors during meetings.
 - 9.1.3 Ensure that meetings are conducted in accordance with the rules.
 - 9.1.4 Ensure that members conduct themselves in a dignified and orderly manner during meetings.
 - 9.1.5 Ensure that members of the public attending meetings are seated in areas designated for that purpose.
 - 9.1.6 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.
 - 9.1.7 Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson leaves the meeting.
 - 9.1.8 Ensure that the Whip of each political party represented in the municipal Council as well as the Whip of Council maintains discipline during any meeting.



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10. Interpretation of rules

- 10.1 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.
- 10.2 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.
- 10.3 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.

11. Quorum and acts of Council

- 11.1 A majority of Councillors must be present at a meeting of Council before any matter may be considered and / or voted on.
- 11.2 Should the meeting not be quorate, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or Chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

12. Alternates for Portfolio Committee and Sub-Committee members

- 12.1 When committees of Council are established, alternates must be nominated and appointed. The duties of such alternates shall only commence, and their presence as a committee member only recognised once a formal application for leave of absence has been approved by the Speaker, in respect of the committee member to be represented by the alternate member.

13. Decisions and Voting

- 13.1 Subject to 13.3 below, all matters will be decided by a majority of Councillors present at the meeting.
- 13.2 Before a formal vote is taken on any matter before Council, the Speaker shall cause the bell 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.
- 13.3 Any matter referred to in rule 160(2) of the Constitution shall be decided on by a majority of Councillors in the municipal Council.



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- 13.4 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 rule 160(2) of the Constitution, there will be no provision for a casting vote.
- 13.5 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.
- 13.6 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.
- 13.7 The Municipal Manager or an official designated by him or her 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, substantially in accordance with the following:



Date:.....

Proposal or motion to be voted for Councillor's vote (X):

1. For

☐

2. Against

☐



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- 13.8 The Municipal Manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on Council or committee and present at such meeting.
- 13.9 The Speaker or Chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 13.10 The number of members voting, and the general result of the vote will be recorded, and the outcome of the voting will be announced by the Speaker.
- 13.11 A member may abstain from voting without leaving the chamber.
- 13.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

14. When Councillors may not attend or participate in meetings

- 14.1 When Councillors may not attend or participate in the proceedings of Council, mayoral committee, portfolio committee or subcommittee

A Councillor shall-
 - 14.2 Disclose to Council, or to any committee of which that Councillor is a member, any direct personal or private business interest that Councillor, or the spouse, partner or business associate of that Councillor may have in any matter before Council or the committee;
 - 14.3 Withdraw from the proceedings of Council or committee meeting when the matter is being considered by Council or committee, unless Council or the committee decides by resolution, that Councillor's direct or indirect interest in the matter is trivial or irrelevant. A Councillor who has so disclosed his/her interest may, with the approval of majority of the members of Council or its committee, address Council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or Chairperson on the time to be allowed for such an address.
 - 14.4 A Councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which Councillor is aware at the first meeting of Council or committee of Council at which it is possible for Councillor to make a disclosure.
 - 14.5 This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.



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15. Walkout

- 15.1 If a Councillor or group of Councillors leave any meeting in protest, and the remainder of Councillors constitute a quorum the business of the meeting shall be proceeded with.

16. Count out

- 16.1 If during any sitting of Council or any committee, the attention of the Speaker or Chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with Rule 11.2 above.

17. Adjourned meetings

- 17.1 Council or a committee may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is an adjournment, and any urgent additional business accepted by the Speaker or Chairperson of the meeting prior to the adjournment of the meeting.

18. Notice of adjourned meeting

- 18.1 When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of Council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 36 below.
- 18.2 A notice setting out the particulars of the continuation of an adjourned meeting must be published in a newspaper in the manner determined by Council, and a notice must be placed on the municipal notice boards, except under the circumstances contemplated in 36 below.

19. Chairperson of Meetings

- 19.1 At every meeting of Council the Speaker, or if he/she is not present, an Acting Speaker shall be the Chairperson. An acting Speaker may be elected by the majority of Councillors present at any meeting of Council where the Speaker is not present.
- 19.2 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 a majority members of the Mayoral Committee in attendance.
- 19.3 The Chairperson appointed by the Executive Mayor shall Chair meetings of the portfolio committees. The portfolio Chairperson may request a member of its portfolio committee to take the Chair of such a portfolio meeting, in the absence of the portfolio Chairperson, in respect a portion of the meeting or in its totality.



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- 19.4 The person so nominated by Council, Mayoral Committee or committee for that meeting shall Chair meetings of committees and subcommittees; provided that where no such person was nominated, the members present may elect their own Chairperson.

20. Agenda

- 20.1 Subject to Rule 20.2 and Rule 20.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.
- 20.2 The Speaker or Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.
- 20.3 The Speaker or Chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

21. Business at Council Meetings

- 21.1 The order of business at every ordinary meeting of Council, the Mayoral Committee or a committee is as follows:

COUNCIL
- Opening: Moment of reflection ☐ Notice of the meeting ☐ Applications for leave of absence ☐ Acceptance of the agenda ☐ Declaration of interest ☐ Announcements ☐ Presentations ☐ Confirmation of minutes from previous meeting ☐ Outstanding matters ☐ Submission of reports from Council representatives from District/Local municipality ☐ Reports of the Executive Mayor, under the rules: recommendations to Council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee ☐ Reports from MPAC ☐ Report from the Audit Committee ☐ Reports on ward committees / consolidated report on ward committees ☐ Report on SALGA activities ☐ Monthly Activities ☐ Reports for noting ☐ Reports for consideration ☐ Reports - In-Committee; ☐ Notice of Motion ☐ Questions ☐ Urgent reports - allowed only with the consensus of the Chairperson; and ☐ Confirm the signing of the attendance register



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MAYORAL COMMITTEE

- Opening: Moment of reflection
- ☐ Notice of the meeting
 - ☐ Applications for leave of absence
 - ☐ Acceptance of the agenda
 - ☐ Declaration of interest
 - ☐ **Announcements**
 - ☐ Presentations
 - ☐ Confirmation of minutes from previous meeting
 - ☐ Outstanding matters
 - ☐ Reports from Portfolio Committees
 - ☐ Reports from Audit Committees
 - ☐ Reports for noting
 - ☐ Reports for consideration
 - ☐ In-Committee reports
 - ☐ Notice of Motion, and
 - ☐ Urgent reports allowed only with the consensus of the Chairperson

COMMITTEES OF COUNCIL

- Opening: Moment of reflection
- ☐ Notice of the meeting
 - ☐ Applications for leave of absence
 - ☐ Acceptance of the agenda
 - ☐ Declaration of interest
 - ☐ **Announcements**
 - ☐ Presentations
 - ☐ Confirmation of minutes from previous meeting
 - ☐ Outstanding matters
 - ☐ Reports for noting
 - ☐ Reports for consideration
 - ☐ In-Committee reports
 - ☐ Notice of Motion, and
 - ☐ Urgent reports allowed only with the consensus of the Chairperson



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22. Leave of absence

- 22.1 Applications for leave of absence from any Council or Committee meeting must be submitted to the Speaker in writing and signed by the member applying for leave, and thereafter the member should notify the Chairperson.
- 22.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting, except where it is not reasonably possible due to unforeseen circumstances, and in which instance such an application for leave must be lodged with the Speaker within 10 days from the date on which the meeting, from which the member was absent, took place.
- 22.3 The Speaker shall grant leave at his or her sole discretion, and the Speaker is at liberty to reject such an application for leave of absence.
- 22.4 Leave will be deemed to have been granted if a Councillor has been delegated to attend a meeting or engagement on behalf of Council.
- 22.5 The onus rests solely on the individual members to sign the attendance register circulated at Council and Council committees' meetings.

23. Minutes to be kept and confirmation thereof

- 23.1 Minutes of the proceedings of every meeting of Council and its committees, shall be electronically or otherwise recorded and be kept for that purpose by the Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of same, and the minutes of every meeting shall be confirmed at a subsequent ordinary meeting.
- 23.2 Minutes of the proceedings of every meeting of Council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the Chairperson. Minutes shall be bound and kept secure.
- 23.3 The Municipal Manager must ensure that the minutes reflect the names of the members who attended the meeting, those who were absent and those who had been granted leave of absence.
- 23.4 The minutes of the proceedings of every meeting of Council or its committees shall be distributed to all members within 10 days after the meeting was held.

24. No discussion on minutes under confirmation of minutes

- 24.1 No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy. Clarification and corrections will be allowed but no debates.



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25. Petitions to be written, typed or printed

- 25.1 Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he/she deems it necessary, bring the matter before the Mayoral Committee.

26. Deputations to submit memorandum

- 26.1 Deputations wishing to be received by the Mayoral Committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the Municipal Manager shall bring the memorandum before the Mayoral Committee, which it may authorise, if it sees fit to receive the deputation, and to report to Council forthwith.

27. Reception of deputations

- 27.1 A deputation wishing to address the Mayoral Committee shall not exceed five in number, but only one member thereof shall be at liberty to address the committee (except in reply to questions from members of the committee) and only for a period not exceeding ten minutes. The committee shall not further consider the matter until the deputation shall have withdrawn itself from the meeting.

28. Moving a report

- 28.1 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 rule 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 Council not to adopt a recommendation or a part or parts thereof.

29. Motions

- 29.1 No matter shall be brought before Council or a committee by any member of Council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it, provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by official electronic mail address.
- 29.2 Any notice of motion shall be submitted to the Speaker or Chairperson before 12:00, ten days prior to the meeting of Council or committee.
- 29.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.



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- 29.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 29.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by Council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.
- 29.6 When dealing with motions, the motion shall be read out together with the number thereof and the name of the mover.
- 29.7 The Speaker or Chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 29.8 All notices of motion shall be dated and numbered as received by the Municipal Manager and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 29.9 No member shall have more than two notices of motion on the same agenda at the same time.
- 29.10 Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Executive Mayor and Whip of Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.
- 29.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before Council passes a resolution in this regard.
- 29.12 The Speaker may disallow a motion which:
- 29.12.1 May lead to discussions of a matter already dealt with on the agenda
 - 29.12.2 Addresses a matter where Council has no jurisdiction
 - 29.12.3 Addresses a matter where a decision of a judicial or quasi-judicial body is pending
 - 29.12.4 Has not been seconded
 - 29.12.5 If passed, would be contrary to the law.
- 29.13 The mover with the consent of the seconder may withdraw a motion or amendment.



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29.14 The Speaker or Chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject such amendment.

29.15 Except upon the recommendation of the committee to which Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of Council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each Councillor.

29.16 Sub-rules 29.1 and 29.2 shall not apply to a motion of exigency.

30. Motion of exigency

30.1 A member may direct the attention of Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving 'that the motion to which attention has been directed be considered forthwith as a matter of exigency'.

30.2 Such motion is herein referred to as a motion of exigency.

30.3 If such motion is seconded and carried by a majority of the members present, the mover shall be permitted, without notice, to bring the matter under consideration by way of motion or question.

31. Precedence of the Speaker

31.1 During the sitting of Council or a committee, members, except lady members and members in traditional, cultural or religious headdress shall have their heads uncovered.

31.2 When speaking, Councillors shall stand, but at all times, address their speech to the Speaker or Chairperson.

31.3 Whenever the Speaker or Chairperson speaks, any member then speaking or offering to speak must be silent and seated, in order for the Speaker to be audible and speak without interruption.

31.4 That all Councillors stand when the Executive Mayor and the Speaker enter Council Chambers unless he/she is unable to do so due to medical reasons or a form of disability.

31.5 A Councillor wishing to be recognised by the Speaker or Chairperson must raise his/her hand, wait for acknowledgment from the Speaker or Chairperson, and stand to his/her feet once given the opportunity to speak.



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32. Relevance

- 32.1 A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

33. Councillor to speak once only

- 33.1 Except for otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Executive Mayor or a member may reply in conclusion of a debate but shall confine him / her to answering to previous speakers and shall not introduce any new matter into the debate.

34. Debate management

- 34.1 Time allocated to each political party or interest group will be determined by the Speaker.
- 34.2 At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which items on the agenda are to be debated.
- 34.3 At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which members will speak on which item included in the agenda.
- 34.4 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in Rule 34.1 above.
- 34.5 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.
- 34.6 At the discretion of the Speaker, he/she may allow 3 minutes of response to the Executive Mayor, relevant Mayoral Committee Member, or the mover of the motion, to conclude the debate on an item debated in terms of this Rule 34.

35. Length of address

- 35.1 No speaker, recognized by the Speaker or Chairperson, shall exceed **three (3)** minutes in length without the consent of the Speaker other than the Executive Mayor, Speaker or Chairperson. This period shall exclude consecutive translation time required.
- 35.2 The Speaker or the Chairperson shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.



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- 35.3 The time limits shall be at the sole discretion of the Speaker or Chairperson guided by the principles of fairness, democracy, efficiency and good governance.

36. Disorderly conduct of Councillors and the duty of the Chairperson

- 36.1 If at any meeting of 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 Chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Chairperson shall direct such Councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she was standing.
- 36.2 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.
- 36.3 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 after the conclusion of the meeting.
- 36.4 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, Councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The 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 does not enter such an alternative venue.



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37. Obstruction by persons other than Councillors

- 37.1 Any person, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of Council or any committee at any meeting shall, if the Speaker or Chairperson so directs, be removed from the chamber or 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 Chairperson may exclude such person from further admittance to Council chamber or the meeting venue for such period as it may be deemed fit.

38. Points of order and personal explanation and points of clarity

- 38.1 Any member, regardless of whether he/she addressed Council on the matter under debate or not, may:
- 38.1.1 raise a point of order, or
 - 38.1.2 raise a point of personal explanation at the end of the debate
- 38.2 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- 38.3 Any member contemplated in Rule 38.1 shall be entitled to be heard and Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker or Chairperson.
- 38.4 The ruling of the Speaker or Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 38.5 Any member will only be allowed to raise one point of order and one point of personal explanation during Council meeting. Only one point of order on the same matter will be allowed.
- 38.6 Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of Rule 36 above.
- 38.7 Any point of clarity shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of clarity shall not be permitted to address the Speaker for longer than 1 minute on such point of clarity.
- 38.8 Any member, whether he/she addressed Council on the matter under debate or not, may raise his/her hand on a point of clarity at the end of the debate.



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- 38.9 A member contemplated in Rule 38.8 shall be entitled to be heard forthwith, and the member speaking at the same time shall remain silent and be seated, until a ruling has been made by the Speaker.
- 38.10 The ruling by the Speaker on the admissibility of a point of clarity shall be final and shall not be open for discussion.

39. Questions

- 39.1 Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or Chairperson and the Municipal Manager at least 10 (ten) days prior to Council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.
- 39.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or Chairperson, request a follow up question.
- 39.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

40. Terms of reference of sub-committees

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

41. Council may increase or restrict powers

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

42. Minutes of the Mayoral Committee, Committees and Sub-committees

- 42.1 Every committee, including the Mayoral Committee, except when specifically exempted from this provision by a resolution of Council or the Mayoral Committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director: Corporate



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Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty-four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then, at the sole discretion of the Chairperson.

43. Inspection of minute books by Councillors

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

44. Non-attendance of members of committees

- 44.1 Should any member of a committee fail to attend three consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in Rule 22 above, he/she shall be required to submit a motivation for such absence and if the Speaker is not satisfied with such explanation, it shall be reported to the municipal Council that Councillor is deemed to have forfeited his/her seat on such committee, and such forfeiture shall be reported to Council or the executive / mayoral committee to the end that the vacancy may be filled by the executive / mayoral committee, and the formal disciplinary procedures for Councillors be implemented by the office of the Speaker.

45. Members of Council attending committee meetings of which they are not members

- 45.1 Members of the municipal Council may attend the meeting of any committee that they are not a member of but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.
- 45.2 The provisions of Rule 45.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive can be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.
- 45.3 The rules with regard to agendas as set out in Rule 20 will also be applicable to requests to attend MPAC and address it.
- 45.4 Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his /her behalf.



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46. Information to be obtained from Municipal Manager or the head of Department concerned

- 46.1 Subject to the provisions of Rule 39 above, members of Council who desire to obtain from any official of Council information with regard to the administrative work of Council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

47. Information to the press or other sources of media: In-committee discussions

- 47.1 The Executive Mayor, or in his/her absence the Deputy Executive Mayor, the Speaker or the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.
- 47.2 In view of the Municipal Manager, the Speaker or the Executive Mayor being the authorised channel through which the media may receive information and reports, members of Council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by Council or any committee: Provided that this clause shall not be construed as abrogating a Councillors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of Council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Executive Mayor, Speaker or Municipal Manager.
- 47.3 Chairpersons of committees must liaise with the Executive Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

48. Legal defense and indemnification of Councillors and officers of Council

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

49. Speaker may refer matters for legal advice

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



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50. Activities prohibited within Council Chambers or a meeting venue and the use of Council Chamber by other persons or institutions

- 50.1 The decorum of Council Chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.
- 50.2 No cellphones will be allowed in the meetings of Council or its committees unless such cellphone is kept on the silent mode during the course of the meeting so as to cause no disturbance during the course of the meeting.
- 50.3 No one shall be allowed to answer his/her cellphone during the course of a meeting of Council or its committees.
- 50.4 No food or drinks shall be allowed in Council Chamber or venue where a Council or its committee's meeting is held, excluding water provided at the meeting.
- 50.5 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Senior Administrative Officer: Committees prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.
- 50.6 The use of Council Chambers by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of Council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director: Corporate Services in making the venue available in writing.

51. Ward Committees

- 51.1 Council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees.

52. Sanctions and offences

- 52.1 Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

53. Dress code

- 53.1 Council may by resolution prescribe a dress code for Councillors and traditional leaders attending meetings.



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- 53.2 Notwithstanding the provisions of any resolution passed in accordance with Rule 53.1, no Councillor or member of the public shall be allowed to wear any clothing or accessory containing party political regalia to any meeting of Council or its committees.

54. Invitation to address Council

- 54.1 The Speaker may, in his/her discretion, invite any person or persons to address any meeting of Council.

55. Language Usage

- 55.1 The use of vulgar language shall not be allowed inside Council chamber or at a meeting of Council or its committee.



 H HENDRICKS
 EXECUTIVE MAYOR

18 September 2018

 DATE



 H BORNMAN
 SPEAKER

18 September 2018

 DATE

KOUGA MUNICIPALITY (EC108)
INAUGURAL COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER

DATE: 17 NOVEMBER 2021

ITEM NO: 21/11/MM12

SCHEDULE OF MEETINGS

1. **PURPOSE OF THE REPORT**

To submit a schedule of meetings for December 2021 to June 2022 for noting.

2. **BACKGROUND**

In terms of Section 19 of the Municipal Systems Act 32 of 2000 the Municipal Manager must give notice to the public, in a manner determined by the Municipal Council of the time, date and venue of every of Ordinary, Special or Urgent meetings of the Municipal Council.

3. **DISCUSSION**

The Annual Calendar of meetings for Council and Committees of Council was approved by the previous Council on 30 June 2021 (Attached as Annexure A).

4. **RECOMMENDATION**

4.1 That the schedule of meetings for December 2021 to June 2022 be noted.

4.2 That should the newly elected Executive Mayor and/or Speaker, wish to reconsider the approved dates, an item be submitted to Council for review.

Item Prepared by : Director: Corporate Services



Item approved by : Municipal Manager



ANNEXURE A**EXTRACT OF ORDINARY COUNCIL MEETING HELD ON 30 JUNE 2021**

21/06/CORP8

**KOUGA MUNICIPALITY – CALENDAR OF MEETINGS: 1 JULY 2021 TO
30 JUNE 2022**

Resolved (30 June 2021)

PF (Portfolio) **OCM (Ordinary Council)** **MPAC** **MC (Mayoral Committee)**
KAC (KOUGA AUDIT)

Date	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022
1								PF				
2					PF			PF				
3		PF			PF			PF				
4		PF			PF							
5		PF								PF		
6										PF		
7										PF		PF
8									MPAC			PF
9						MPAC			MPAC			PF
10						OCM			MPAC			
11												
12												
13												
14												
15												MPAC
16			MPAC					MC				
17								MPAC	MPAC			
18					MC							
19		MC									MPAC	
20							MPAC					
21				MPAC						MPAC		
22										MC		MC
23					MPAC							
24					KAC			KAC				
25		KAC										
26		MPAC										
27											KAC	
28	MPAC											
29												
30	OCM		OCM									
31									OCM		OCM	