



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette Extraordinary

7957

Friday, 13 July 2018

Buitengewone Provinsiale Koerant

7957

Vrydag, 13 Julie 2018

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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(*Copies are obtainable at Room M12, Provincial Legislature Building,
7 Wale Street, Cape Town 8001.)

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(*Afskrifte is verkrybaar by Kamer M12, Provinciale Wetgewer-gebou,
Waalstraat 7, Kaapstad 8001.)

Bladsy

Plaaslike Owerheid

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BERGRIVIER MUNICIPALITY

BY-LAW RELATING TO THE RULES OF ORDER FOR THE CONDUCT OF MEETINGS OF THE COUNCIL OF BERGRIVIER MUNICIPALITY

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Bergrivier Municipality, enacts as follows:—

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1. Definitions

In this by-law, the Afrikaans text prevails in the event of any conflict with the English text, and unless inconsistent with the context—

“Code” means the Code of Conduct for councillors set out in Section 54 and Schedule 1 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000);

“committee” means a committee established by council in terms of section 79 or 80 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998), or any other committee established by council for a specific purpose;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“council” means the municipal council of Bergrivier;

“councillor” means a member of the municipal council of Bergrivier municipality and includes a member of any committee established by the council;

“MEC” means the Member of the Executive council responsible for local government in the province of the Western Cape;

“meeting” means the meetings of the municipal council and any committee established by council;

“member” means a member of the municipal council and any committee established by council;

“motion” means a motion of which written notice is given by a member, but shall not include a motion as contemplated by sections 43 and 44 and order motions as set out in section 48;

“municipal manager” means the person appointed by council in terms section 54A of the Systems Act or a person delegated by the municipal manager;

“municipality” means the Bergrivier Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and

delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**notice**” means notice given of meetings which notice must be in writing including notice by electronic mail and cellular phone;

“**party**” means a party as defined in the Structures Act;

“**rules**” means the provisions of this by-law (alternatively these Rules of Order);

“**speaker**” means the member elected as chairperson of the council or any other member elected as chairperson of the council and the chairpersons of committees established by council and members acting in those capacities;

“**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

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

“**whip**” means a member of a party in the council appointed by that party as whip to assist (alternatively, together with the chief whip) with the functioning of the council in terms of this by-law.

CHAPTER 1: APPLICATION OF BY-LAW

2. Application

- (1) This by-law applies to—
 - (a) all meetings of council;
 - (b) all committees of council established in terms of sections 79 or 80 of the Structures Act and all meetings that are the result of any of the aforementioned; and
 - (c) any other committee established by council for a specific purpose unless such committee determines its own rules and procedures; and
 - (d) except where it is clearly inappropriate, a section applying to members in any proceedings, shall also apply to a non-member who takes part in those proceedings with the approval of the speaker.
- (2) Notwithstanding the provisions of sub section (1), the provisions of this section shall not apply to the Attendance Committee as contemplated in the Schedule to this by-law or any special committee established by council in terms of item 14(1)(b) of the Code.

3. Supplementation

- (1) The speaker may make a ruling with regard to the application of this by-law and in respect of any eventuality for which this by-law does not make provision and no further discussion shall be allowed on the ruling.
- (2) Notwithstanding the provisions of section 52, the speaker may order that the council adjourn for a specific time, not exceeding one hour, should circumstances require this.
- (3) The speaker’s decision will be final and binding on all councillors and the public.
- (4) The ruling of the speaker must be entered in the minutes.

CHAPTER 2: MEETINGS

4. Chairing of meetings

- (1) The speaker is the chairperson at all meetings of the council.
- (2) Should the speaker not be present at a meeting, an acting speaker for that meeting will be elected from the members present by a majority of votes.
- (3) Where the office of the speaker becomes vacant, the municipal manager must call a special council meeting for the purpose of electing a speaker, at a date and time determined by him, provided that such special meeting must take place within 14 days after the office became vacant.
- (4) If the office of the speaker becomes vacant during a meeting, an acting speaker for that meeting must be elected from the members present at the meeting.
- (5) The municipal manager, or in the absence of a municipal manager, a person designated by the MEC, presides over the election of a speaker.

5. Commencement of Meeting

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

6. Order of Business

- (1) The business of meetings will appear in the following order on the agenda—
 - (a) election of acting speaker, if necessary;
 - (b) applications for leave of absence;
 - (c) declaration of interests;
 - (d) confirmation of minutes;
 - (e) statements and communications by the speaker;
 - (f) statements and communications by the executive mayor;
 - (g) interviews with deputations;
 - (h) consideration of reports;
 - (i) urgent matters submitted by the municipal manager;
 - (j) consideration of notices of motion;
 - (k) consideration of notices of questions;
 - (l) consideration of motions of exigency;
 - (m) consideration of items and matters not finalised;
- (2) The speaker may change the order of the business appearing on the agenda.
- (3) A member who wishes to have the order of business on the agenda changed must approach the speaker with this request prior to the meeting, but any changes remain the prerogative of the speaker.
- (4) Agendas may be provided in electronic format.

7. Speaker may introduce urgent matters

The speaker, executive mayor and the municipal manager may at any time and without notice make any statement or introduce urgent matters and such matters may be discussed if the majority of the members agree thereto.

8. Business to be transacted

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

9. Meetings and agendas

- (1) The speaker or a person designated by the speaker must prepare the agenda for a meeting.
- (2) All meetings must be open to members of the public unless they are excluded in terms of section 21.
- (3) The council must meet at least quarterly and at least five (5) working days notice must be given of every ordinary council meeting.
- (4) The speaker must decide when and where the council meets, but if a majority of the members request the speaker in writing to convene a meeting, the speaker must convene a meeting at a time as set out in the request.
- (5)(a) If the speaker fails to convene a special council meeting referred to in sub section (4), the majority of members may request the municipal manager to convene such meeting and the municipal manager must convene such meeting at a time set out in the request.
 - (b) A notice by the majority of members must clearly indicate the business that will be conducted at the special council meeting. No other business, except with the agreement of a majority of members, may be conducted at the special council meeting.
- (6) The municipal manager must, at the direction of the speaker, give notice in writing to each member of every meeting decided upon in terms of subsections (4) and (5).
- (7) The speaker or in his or her absence, the executive mayor, must determine whether a meeting is urgent or not.
- (8) In the case of a urgent or special meeting at least 24 hours notice must be given of the meeting or such lesser period as the speaker may determine.
- (9) The municipal manager must give notice to the public of the day, time and venue of every meeting by publishing a notice in a local newspaper determined by him or her; provided that he or she may depart from this requirement when the time constraints make this impossible in respect of urgent meetings.
- (10) Each member of the municipal council must submit in writing an electronic mail address, a mobile telephone number for instant messaging as well as a physical address within the Bergvliet municipal area where he or she can receive notification of meetings and other official correspondence. Electronic notice of a meeting or any other official correspondence to any of the addresses or numbers provided will constitute proper notice of meetings.

- (11) Hard copies of agendas and all official correspondence may be made available at the various municipal offices provided it is practical or economical to do so in the circumstances.

10. Attendance at Meetings

- (1) Every member attending a meeting of the council or a committee of which he or she is a member must sign his or her name in the attendance register kept for such purpose.
- (2) A member must attend each meeting of the council or a committee of which he or she is a member except when—
(a) leave of absence is granted in terms of section 11 of this bylaw; or
(b) the member is required to withdraw in terms of law.

11. Leave of Absence

- (1) A member who wishes to absent himself or herself from a meeting of council or a committee must make an application to the speaker in writing at least 48 hours before the meeting. An e-mail directed to the speaker in this regard will be acceptable.
- (2) Upon receipt of the application referred to in sub section (1), the speaker must consider the application, and may approve or reject the application. The speaker must notify the member of his or her decision, and reasons in case of refusal, at least 24 hours before the meeting.
- (3) The speaker may grant leave of absence to a member who has been prevented by special circumstances from applying for leave of absence in accordance with sub section (1).
- (4) The special circumstances referred to in sub section (3) may include—
(a) illness of the member; or
(b) illness or death of close relatives of the member; or
(c) a member being on official business of council.
- (5) Sub sections (1) to (4) apply, with the necessary changes, in respect of the speaker, and in such application, a reference in those sub sections to the speaker is regarded to be a reference to the council.
- (6) A member, who without permission, refrains from remaining in attendance at a meeting shall be regarded as being absent without leave.
- (7) The names of all members to whom leave of absence from any meeting has been granted and those of all members who absent themselves without leave from any meeting or who fail to remain in attendance at a meeting, must be recorded in the minutes or report(s) relating to such meeting.

12. Sanction for non-attendance

Subject to the provisions of the Code, the speaker must act in accordance with the standing procedures as reflected in Schedule 1 to this by-law against members who do not comply with sections 10 and 11 of this by-law.

13. Minutes

- (1) Minutes of the proceedings of meetings must be recorded electronically and compiled by the municipal manager within two weeks of the meeting in printed format and be confirmed by council or the relevant committee at the next ordinary meeting and signed by the speaker.
- (2) In exceptional cases where there is uncertainty regarding a specific item in minutes, the minutes may be approved without that item, which item must then be approved at the next meeting in its existing or amended form. The electronic version of the minutes must be kept in terms of council's electronic records management policy.
- (3) For the purpose of confirmation, the minutes shall be taken as read if a copy, including an electronic copy, was sent to each member within 48 hours before the next meeting.
- (4) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (5) If a member is dissatisfied with the correctness of the minutes, he or she must—
 - (a) state the item with which he or she is dissatisfied; and
 - (b) propose a motion outlining the alternative wording to amend the minutes.

14. Quorum

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

CHAPTER 3: DECISIONS

15. Unopposed Matters

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

16. Manner of Voting

- (1) The speaker must put every opposed motion to the vote by calling upon the members to indicate by a show of hands, unless otherwise prescribed by law, whether they are for such motion or against it, whereupon the speaker must declare the result of such vote.
- (2) If the majority of the members present request the speaker that a vote should take place by secret ballot, this shall be done accordingly.
- (3) If there is an equality of votes in respect of a motion on which voting takes place in accordance with subsections (1) and (2), the speaker must exercise his casting vote, in addition to his deliberative vote, provided that the speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution of the Republic of South Africa, 1996.
- (4) Immediately after a matter has been put to the vote, or immediately after a decision reached by a showing of hands, and the result of which is announced by the speaker, any two members may demand a head count, and the speaker must request those members who support the demand to stand up in their places.
- (5) Whenever a head count is going to take place, the speaker must announce it and voting must commence immediately.
- (6) Whenever a head count is taking place the municipal manager must call the names of all the members in alphabetical order, note the vote of every attending member as “for” or “against” and note the names of the absent members.
- (7) The speaker must announce the decision of council based on the result of the head count as well as the number of members who voted for and against the decision.
- (8) All head count votes must be entered into the minutes.
- (9) Upon the speaker’s declaration of the result of a vote, a member may demand for his or her vote to be recorded against the decision concerned and the municipal manager shall ensure that such vote is recorded in the minutes.
- (10) A member may abstain from voting on any matter and such abstention must accordingly be recorded in the minutes.

17. Decisions

- (1) In accordance with the Constitution of the Republic of South Africa, 1996, a supporting vote of a majority of the members is necessary to decide on—
 - (a) the passing of by-laws;
 - (b) the approval of the budget;
 - (c) the imposition of rates and other taxes, levies and duties;
 - (d) the raising of loans

- (2) In accordance with the Structures Act, 1998 a supporting vote of at least two-thirds of the members is necessary to adopt a decision to dissolve the council.
- (3) Subject to section 42(3) all other questions are decided by a majority of votes cast.

18. Unopposed issues

- (1) When a meeting has been in progress for at least one hour, the speaker may interrupt proceedings and instruct council to immediately deal with all unopposed issues.
- (2) When all unopposed issues have been brought to a close, proceedings must be resumed at the point where it was interrupted, unless all other remaining matters have been postponed to the next meeting.
- (3) An item on the agenda is deemed an opposed matter if, immediately after the speaker gave notice to the meeting that the matter is open for discussion, a member gives notice that he or she is intending to discuss such item, provided that no item is deemed opposed merely because questions are posed in connection therewith.

19. Rescission of resolutions

A member who wishes council to rescind or amend a resolution taken at a meeting, must deliver to the municipal manager a notice of motion in writing stating the following-

- (a) at which meeting the motion will be introduced;
 - (b) that the resolution be reviewed for the purpose of rescission or amendment as the case may be; and
 - (c) in the case of amendment, the exact amendment desired.
- (2) Where a committee has resolved to recommend to the council that a resolution of the council be rescinded or amended, notice of intention to move such rescission or amendment must be given by the inclusion of such recommendation in a report of the committee to the council upon which the municipal manager must provide each member with a copy thereof at least twelve hours before the meeting at which the recommendation will be considered.
 - (3) Except upon the recommendation of a committee, a resolution may not be reviewed at any meeting of the council unless supported by the majority of the members present at such meeting.
 - (4) There shall be no debate on such motion to review, save that the member or the chairman of the committee giving notice shall have the right to briefly state the reasons therefore.

CHAPTER 4: PUBLIC ACCESS

20. Admittance of Public

The speaker must take reasonable steps to regulate public access to public conduct at meetings as well as the safety of persons.

21. Non-disclosure of matters

- (1) Whenever the municipal manager at his or her discretion has provisionally placed any matter on a part of the agenda which will not be disclosed to the public before the meeting, the speaker, when such matters are to be considered, must–
 - (a) direct that the members consider whether it would be reasonable for any or all of the items on such part of the agenda to be considered without the presence of the public, with due regard to section 160(7) of the Constitution of the Republic of South Africa, 1996, which requires that the public and media may only be excluded from being present at a meeting only when it is reasonable to do so, having regard to the nature of the business being transacted; and
 - (b) where the majority of members present support such exclusion, direct that all members of the public leave the venue of the meeting in respect of those items to be dealt with in the absence of the public;
- (2) The motivation for the exclusion of the public must be recorded in the minutes of the meeting.
- (3) Any items from which the public will not be excluded must be considered directly after the procedure as set out in subsection (1).

22. Exclusion of the public and media from meetings

- (1) The public, including the media, may be excluded from any meeting–
 - (a) where so directed by the speaker in terms of section 21 of this by-law; or
 - (b) where so decided by council in terms of subsection (3).
- (2) If a motion to exclude the public is seconded, it must be put to the vote forthwith without discussion.
- (3) If, after due consideration of the reasons stated such motion is carried, the place of meeting shall be cleared of all members of the public, including the media.
- (4) Members of the public do not have access to meetings of the mayoral committee, unless otherwise directed by the executive mayor.

23. Re-admission of public and media to meetings

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

24. Invitation to non-member

The speaker may invite a person who is not a member of council to address council or to attend a meeting in order to express his or her opinion on a matter before council. A time limit of 15 minutes, or any such time as may be allowed by the meeting, will apply.

25. Deputations

- (1) A deputation that wishes to make representations to council must give six working days written notice to the municipal manager of such intention and must provide detail of the presentations that will be made and the source of the deputation.
- (2) The municipal manager must submit a report to the speaker, together with his or her comments and recommendations, and the speaker may decide whether to grant or refuse a request for such an audience, and if granted, upon which conditions.

CHAPTER 5: ORDER AT MEETINGS**26. Conduct of non-members and members of the public**

If a non-member or member of the public misbehaves, behaves in an unseemly manner, or obstructs the business of any meeting, the speaker may order that he or she should leave the meeting or be removed from the meeting.

27. Conduct of members

- (1) If a member–
 - (a) misbehaves, or
 - (b) behaves in an unseemly manner, or
 - (c) obstructs the business of a meeting, or
 - (d) challenges the ruling of the speaker on any point of order or ruling in terms of section 3(1), or
 - (e) declines to withdraw any expression when required to do so by the chairperson, or
 - (f) indulges in tedious repetition or unbecoming language, or
 - (g) commits any breach of this by-law, the speaker must direct such member to conduct himself or herself properly and, if speaking, to discontinue his or her speech.
- (2) In the event of a persistent disregard of the directions of the speaker, he or she shall direct such member to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from the meeting.
- (3) Where a member is guilty of the conduct in subsections (1) or (2), the speaker may act against such member in terms of Item 13 of the Code of Conduct for Councillors.

28. Offences

Any non-member or member of the public who–

- (a) refuses or fails to comply with a direction of the speaker given in terms of sections 26 and 27; or
- (b) returns to the place of meeting prior to the conclusion of the meeting from which he was directed to retire; or
- (c) offers resistance whilst being removed from the place of meeting; shall be guilty of an offence and liable on conviction to a fine or imprisonment or either such fine or imprisonment or to both such fine and such imprisonment.

CHAPTER 6: RULES OF DEBATE

29. Member to address speaker

A member that speaks at a meeting must address the speaker whilst standing and can address such meeting in any of the three official languages of the Province of the Western Cape, as regulated by council's communication policy.

30. Order of Priority

When a member wishes to address the council, he or she must first have the permission of the speaker and must raise his or her hand in order to obtain permission to speak.

31. Precedence of speaker

Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption.

32. Relevance

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

33. Right to speak and limitation

- (1) A member may speak or proceed to speak at a meeting after being recognised by the speaker.
- (2) A councillor who is not a member of a committee has the right to speak at that committee meeting provided that such councillor has been invited in writing by the chairperson to attend such meeting for a specific item on the agenda.
- (3) Councillors who attend and speak at a committee meeting without being invited, will not be protected by the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act No 7 of 2011).
- (4) A member may only speak once—
 - (a) to the matter before the council;
 - (b) to any motion before the council;
 - (c) to any amendments to the matter before the council;
 - (d) to a matter or an amendment proposed or to be proposed by himself or herself;
 - (e) to a point of order or a question of privilege;

unless authorised by the speaker or as provided for in terms of this by-law.
- (5) The mover of an original motion may speak to the motion and reply but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

- (6) The right of reply shall not extend to the mover of an amendment which, having been carried, has become the substantive motion.

34. Length of speeches

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

35. Re-introduction of motion or question

No motion which has been rejected by the council and no question asked in terms of the by-law and dealt with at any meeting may again be moved or asked within a period of three months of such meeting except with the consent of the speaker.

36. Notices of motion

- (1) The speaker may, subject to section 40, and excluding an urgent motion of order, not accept any motion unless notice thereof has been given in terms of subsection (2).
- (2) Every notice of intention by a member to introduce a motion must be in writing, motivated, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting on which it is intended to be introduced.
- (3) The speaker must either put the motion in the agenda or refer such motion to the committee which is dealing with the matter.

37. Notices of question

- (1) Subject to section 41, the speaker may not accept any question unless notice thereof has been given in terms of subsection (2).
- (2) Every notice of intention by a member to introduce a question must be in writing, motivated, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting on which it is intended to be introduced.
- (3) The member to whom such question is posed, may answer the question at the meeting referred to in subsection (2) or, if the member elects to answer the question in writing, he or she may do so within six work days after the meeting.

38. Absence of mover or questioner

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

39. Motions and questions on matters dealt with by a committee

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

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

40. Recommendation by committee regarded as motion

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

41. Questions

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon a member may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked except by the member asking the original question and then only in respect of matters arising out of the reply to such original question.
- (3) The speaker may not disallow any such question, provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of section 37.

42. Motion of exigency

- (1) A member may direct the attention of the council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving “that the motion to which attention has been directed be considered forthwith as a matter of exigency.”
- (2) Such motion is herein referred to as a motion of exigency.
- (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.

43. Motions of course

In addition to those provided for elsewhere in this by-law, the following shall be regarded as motions of course—

- (a) that preference is given to the consideration of any item on the agenda;
- (b) that any report referred to in the agenda be noted, adopted, acted upon or referred back; and
- (c) that any document before the council be acted upon in the manner specified in the motion.

44. Point of order

- (1) A member may interject during a meeting to raise a point of order to a breach of the rules or a statutory provision.
- (2) A point of order may be raised in relation to—
 - (a) a procedural matter; or
 - (b) the conduct of a member, a member of the public, or an employee of the municipality.
- (3) A member raising a point of order must immediately be heard, and he or she must—
 - (a) state the point of order; and
 - (b) the rule or statutory provision that is being breached.
- (4) A member who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the speaker. All other matters before the meeting must be suspended until the point of order is ruled on.
- (5) If ruled to be in order, the member must be allowed to proceed with his or her speech.
- (6) If ruled to be out of order, the member must remain silent or must retract or change any remarks so as to comply with the ruling.
- (7) The speaker's ruling on a point of order is final and not open to debate, and it must be entered in the minutes.

45. Point of explanation

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

46. Withdrawal of motion, amendment or question

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

47. Speaker's ruling on points of order and explanation

- (1) The ruling of the speaker on a point of order or an explanation shall be final and not open to discussion.

- (2) The ruling of the speaker on any point of order raised as to the interpretation of this by-law shall be entered in the minutes.

48. Order of debate

When a matter is under debate at any meeting of council, no further motion shall during such discussion be received except the following—

- (1) that the motion be amended;
- (2) that the consideration of the matter be postponed;
- (3) that the public and the media be excluded;
- (4) that the public and the media be readmitted;
- (5) that council now adjourn;
- (6) that council adjourn for a specified time;
- (7) that the debate be adjourned;
- (8) that the matter be put to the vote;
- (9) that council proceed to the next business.

49. Amendment of motion

- (1) Every amendment must be relevant to the motion on which it is moved.
- (2) An amendment must, if required by the speaker, be in writing, signed by the mover and handed to the speaker.
- (3) An amendment must be read before being moved.
- (4) An amendment may not be discussed or put to the council until it has been seconded.
- (5) If there is more than one amendment to a motion the amendment last proposed must be put to the vote first and if carried the matter shall be resolved accordingly.
- (6) If the amendment last proposed is rejected the amendment proposed immediately prior to the last amendment shall be put to the vote.
- (7) No further amendment shall be moved to a motion or amendment after the speaker has commenced to take the vote upon such motion or amendment.

50. Postponement of consideration of the matter

- (1) A member may at the conclusion of a speech move that the consideration of the matter be postponed to a fixed or undetermined date.
- (2) Such motion must be seconded but the motion need not be in writing, provided that the seconder shall not be permitted to speak.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five minutes and the seconder shall not speak except for seconding the motion.
- (4) Upon such motion being made, the mover of the matter under debate may without prejudice to his or her ultimate right to reply if the motion that the matter be postponed is not carried, be heard in reply for five minutes, after which the motion shall be put to the vote without further debate.
- (5) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed, provided that sections 6(2) and 6(3) shall not apply to such matter.

51. Adjournment of council to another date

- (1) A member who has not already participated in the debate on a matter before the meeting may at any time except during the course of a speech by another member or while a vote is being taken move “that the council do now adjourn to another date”.
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five minutes but the seconder shall not speak except for seconding the motion.
- (4) If the motion is carried the council shall forthwith adjourn; provided that the speaker may direct that the meeting proceed first to dispose of business other than opposed business.
- (5) If the motion is not carried the speaker shall not accept another such motion until the period of half an hour has elapsed.
- (6) Save as is provided in subsection (3), no discussion on such motion shall be permitted, except that a member who has first indicated his or her opposition to such motion, may speak in opposition of the motion for not more than five minutes.
- (7) No amendment to such motion may be moved except in relation to the period of adjournment.
- (8) Where a motion to adjourn a meeting has been carried and the matter has not been concluded, the member who moved the adjournment shall be entitled to speak first at the subsequent meeting.
- (9) No business may be transacted at an adjourned meeting except such business set out in the agenda for the meeting which is adjourned.

52. Adjournment of council for a specified time

- (1) A member may at any time, except during the course of a speech by another member or while a vote is being taken, request “that the council now adjourn for a specified time, up to maximum one hour and such an adjournment may have the opportunity to caucus as purpose.”
- (2) Such motion need not be in writing and no prior notice is needed.
- (3) If the motion is carried the council must forthwith adjourn for the specified time.
- (4) If the motion is not carried, the meeting proceeds as if no interruption has taken place and the speaker may not accept a similar motion until half an hour has passed.
- (5) The speaker may limit the number of such motions.

53. Adjournment of debate

- (1) A member who has not yet participated in the debate then before council, may at the conclusion of any speech move that the debate be adjourned.
- (2) Such motion must be seconded but need not be in writing.
- (3) The mover of such motion may speak to it for five minutes, but the seconder may not speak beyond formally seconding it.
- (4) Subject to subsection (3) no discussion may be permitted on such motion except in relation to the period of adjournment and that the member who first indicated his other opposition against such motion may speak in opposition thereto for five minutes.

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

54. Voting on a matter

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

55. Removal of matter from the agenda

- (1) A member who has not yet participated in the debate on the matter then before council, may during such debate at the conclusion of any speech, move that the matter be removed from the agenda.
- (2) Subject to the provisions of subsection (3), no motion put in terms of subsection (1) shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of subsection (1), speak on such motion for not more than five minutes, whereupon the said motion shall be put to the vote without any further discussion.
- (4) If such a motion is carried, the matter under discussion shall not be further pursued.

CHAPTER 7: PROCESS FOR ADOPTION OF BY-LAWS

56. Submission of draft by-law

A by-law may only be introduced by a member or the executive mayor.

57. First submission to council

- (1) A draft by-law submitted by a member or the executive mayor, must be submitted to council in the following form—
 - (a) an executive summary of the by-law;
 - (b) the need to regulate the conduct addressed by the draft by-law;
 - (c) the content of the draft by-law;
 - (d) any other by-law that must be repealed or amended if the draft is adopted;

- (e) any relevant comments or proposals; and
 - (f) a recommendation.
- (2) After consideration of the report contemplated in subsection (1) council must resolve to reject the draft or to adopt it in principle.
- (3) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six months from the date of rejection.
- (4) When a proposed by-law is adopted in principle, it must be advertised for public comment.

58. Submission by executive mayor

- (1) The executive mayor may submit a draft by-law to council on his or her own volition or after consideration of a request submitted by the municipal manager.
- (2) If the executive mayor decides to submit a draft by-law on his or her own volition, the committee must obtain the comments of the municipal manager on the contents thereof and may the committee request comment from any person.
- (3) The executive mayor must submit a report on the submission of a draft by-law to council as contemplated in section 57(1).

59. Publication

- (1) The municipal manager must, as soon as possible after a by-law has been adopted in principle, publish the draft by-law in such a way that the public will have the opportunity to make representations in connection therewith.
- (2) Publication must be in at least two of the official languages of the province.

60. Second submission to council

- (1) The municipal manager must, as soon as possible after the closing date for representations by the public, submit a report to the executive mayor together with
 - (a) a copy of the proposed by-law;
 - (b) copies of the advertisements in which the public was invited to submit representations;
 - (c) any comments received from the public; and
 - (d) any comments from the administration.
- (2) When a by-law is adopted after consideration thereof, it must be published in the *Provincial Gazette*.

61. Debating procedure

The provisions regarding debating are also applicable to the legislative process.

CHAPTER 8: MISCELLANEOUS PROVISIONS

- 62.** Anyone who speaks at a meeting may use any of the three official languages recognised by the Constitution of the Western Cape, 1997, namely Afrikaans, English and isiXhosa.

63. Privileges and immunities for councillors

The privileges and immunities of councillors of the municipality are subject to the provisions of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act 7 of 2011).

64. Municipal employees

- (1) The employees of the municipality who attend a meeting must observe the rules and decorum applicable to members.
- (2) A municipal employee must attend a meeting if requested to do so by the municipal manager or the speaker.

65. Offences and penalties

- (1) No member or member of the public may—
 - (a) improperly interfere with—
 - (i) or impede a council or committee when such council or committee is exercising its authority or performing its functions; or
 - (ii) the performance by a member of his or her functions as a member;
 - (b) threaten or obstruct a member proceeding to or going from a meeting of a council or committee;
 - (c) assault or threaten a member, or deprive a member of any benefit, on account of the conduct of the member in a council or committee;
 - (d) while a council or committee is meeting, create or take part in any disturbance within the precincts;
 - (e) fail or refuse to comply with an instruction by the person presiding at a meeting of a council or committee regarding the presence of any person at that meeting; or
 - (f) fail or refuse to comply with an instruction by a duly authorised official of the council regarding—
 - (i) the presence of persons at a particular meeting of the council or a committee; or
 - (ii) the possession of any article, including a firearm, in the precincts or any part thereof.
- (2) A person may not by fraud, intimidation, force, insult or threat of any kind, or by the offer or promise of any inducement or benefit of any kind, or by any other improper means—
 - (a) influence a member in the performance of the functions of the member;
 - (b) induce a member to be absent from a council or committee; or
 - (c) attempt to compel a member to declare himself or herself in favour of or against anything pending before or proposed or expected to be submitted to a council or committee.

- (3) A person who contravenes sub sections (2) and (3) is guilty of an offence and on conviction is liable to a fine or to imprisonment or to both the fine and the imprisonment.

66. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.

67. Short title and commencement

This by-law shall be known as the Rules of Order Regulating the Conduct of Meetings of the Council of Bergrivier Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

**SCHEDULE 1
(Section 12)**

STANDING PROCEDURE FOR NON-ATTENDANCE BY MEMBERS

Preamble

Whereas item 4(3) of the Code of Conduct for Councillors provides for proceedings to impose a fine or to remove a councillor from office for non-attendance of council or committee meetings, the municipality hereby establishes the following standing procedures—

1. Definitions

In this Schedule, unless the context indicates otherwise—

“**attendance committee**” means a committee consisting of three councillors under chairmanship of the speaker and appointed by the council solely for the purpose of dealing with non-attendance at meetings; provided that in the absence or non-availability of the speaker, the executive mayor, or deputy executive mayor, where applicable, shall act as chairperson of the committee;

“**Code of Conduct**” means the code of conduct for councillors as contained in Schedule 1 to the Municipal Systems Act 2000 (Act 32 of 2000);

“**fine**” means a fine as contemplated in Item 9 of this schedule for non-attendance of council or committee meetings;

“**non-attendance**” means failure by a member to—

- (a) attend a meeting that the member is required to attend in terms of section 10 of this by-law;
- (b) be in attendance at the commencement of a meeting; or
- (c) remain in attendance until the end of a meeting;

2. Attendance of meetings compulsory

A member must attend each meeting of the council and of a committee as contemplated in section 10 of this by-law.

3. Leave of absence

Applications for leave of absence must be dealt with in terms of section 11 of this by-law.

4. Reporting of non-attendance

The municipal manager must report each case of non-attendance to the speaker not later than the next working day after the meeting concerned.

5. Duty of the speaker

- (1) The speaker must, within two working days, after receipt of the report of non-attendance from the municipal manager, inform the member concerned in writing of the report and request the written comments of the member within seven working days of the date of notification.

- (2) Upon receipt of the comments of the member, or, if the member fails to furnish the speaker with his or her comments within the seven working days, or after such extension of time that may be permitted by the speaker, the speaker must convene a meeting of the Attendance Committee and instruct the member concerned in writing to attend such meeting.

6. Procedures at the Attendance Committee meeting

- (1) The speaker must determine the procedures for the hearing of the matter which must include the following—
- that the member concerned has the right to be present when any evidence is heard and may ask questions based on the report of the municipal manager;
 - that the members of the Attendance Committee may ask questions to the member; and
 - that the member shall have the right to adduce evidence and to call witnesses.-
- (2) If the member—
- fails or refuses to attend the meeting; or
 - is requested to leave because of his or her conduct at the meeting, the meeting may continue in his or her absence.
- (3) The Attendance Committee may call witnesses to assist in making a decision.
- (4) If the speaker is the person accused of non-attendance, then the executive mayor must chair the Attendance Committee.

7. Findings of the Attendance Committee

- (1) After considering all the evidence contemplated in item 6, the Attendance Committee must make a finding as to whether the member contravened section 10(2) of this by-law, and record its reasons for the finding.
- (2) If the finding is that the member did not contravene any of the provisions contemplated in sub section (1), the speaker must adjourn the meeting and inform him or her of the finding in writing.
- (3) If the finding is that the member has contravened section 10(2) of this by-law, the Attendance Committee must impose the relevant sanction as contemplated in item 9 and the speaker must, in writing, advise the municipal manager and the member accordingly.
- (4) The municipal manager must take the necessary steps to ensure payment of any fine imposed or to record any other sanction against the name of the member.
- (5) If the finding is that the member was absent from three or more council meetings or committee meetings of which he or she is a member, the speaker must, within seven working days, submit a report to that effect to council to be dealt with in terms of item 4(2) of the Code of Conduct.

8. Consideration of the report from the Attendance Committee

- (1) If the council agrees with the findings of the Attendance Committee contemplated in item 7(5), the MEC must, within seven working days after such resolution, be requested to remove the member from office.

- (2) If the council disagrees with the report of the Attendance Committee, it must instigate its own investigation into the matter within seven working days after such resolution.

9. Sanctions for non-attendance

- (1) The Attendance Committee may, upon finding of a contravention of section 10(2) of this by-law, impose the following sanctions–
- (a) for non-attendance, or failure to remain in attendance at a meeting, impose a fine equal to 5% of the member's monthly gross salary package, excluding allowances;
 - (b) for non-attendance, or failure to remain in attendance at two consecutive meetings, impose a fine equal to 10% of the member's monthly gross salary package, excluding allowances;
- (2) Absence from three or more executive council or committee meetings shall be dealt with in terms of Item 7(5) of this Schedule.

10. Exemptions

Members shall be exempted from the provisions of this Schedule in cases of absence as result of–

- (a) illness, provided that an acceptable medical certificate is submitted to the speaker;
- (b) death or trauma in the family, provided that a sworn statement be submitted;
- (c) official business of the council; or
- (d) approval of absence by the speaker in terms of section 11 of this by-law;

11. Appeal

A member against whom sanctions have been imposed in terms of item 9(1)(a) or (b) of this Schedule, may within 14 days of having been notified of the decision of the Attendance Committee, appeal to the council in writing against the finding as well the sanction imposed, setting out the reasons on which the appeal is based.

SCHEDULE 2

BY LAWS REPEALED

The following By-law is hereby repealed in terms of section 66 of this By-law:

NUMBER AND YEAR OF NOTICE	TITLE OR SUBJECT	EXTENT OF REPEAL
P.N. 7134 / 2013	By-Law Relating to the Rules of Order for the Conduct of Meetings of the Council of Bergvliet Municipality	In full

BERGRIVIER MUNISIPALITEIT

VERORDENING INSAKE REËLS VIR DIE HOU VAN VERGADERINGS VAN DIE RAAD VAN BERGRIVIER MUNISIPALITEIT

Ooreenkomsdig die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Bergrivier Munisipaliteit hiermee soos volg:–

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BYLAE 2: HERROEPING VAN VERORDENING

1. Woordomskrywing

In hierdie verordening, geniet die Afrikaanse teks voorkeur in die geval van enige konflik met die Engelse weergawe, en tensy dit uit die samehang anders blyk, beteken—

“**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996;

“**kennis**” die gee van kennis van vergaderings welke kennis skriftelik moet wees en dit sluit elektroniese pos sowel as kennis per selfoon in;

“**Kode**” die Gedragskode vir Raadslede soos in artikel 54 en Bylae 1 van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000) uiteengesit;

“**komitee**” ’n komitee van die Raad ingestel ingevolge artikel 79 of 80 van die Plaaslike Regering: Munisipale Strukturewet, 1998 (Wet 117 van 1998) of enige ander komitee deur die raad aangewys vir ’n spesifieke doel;

“**lid**” ’n lid van die raad en enige komitee deur die raad aangewys;

“**LUR**” die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die provinsie die Wes-Kaap;

“**mosie**” ’n mosie waarvan kennis deur ’n lid gegee is, maar nie ook ’n mosie soos in artikels 43 en 44 asook orde mosies soos bedoel in artikel 48;

“**munisipale bestuurder**” ’n persoon deur die raad aangestel ingevolge artikel 54A van die Stelselwet, of ’n persoon deur die munisipale bestuurder afgevaardig;

“**munisipaliteit**” die munisipaliteit van Bergvryer gestig ingevolge Artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevoldmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“**party**” ’n party in die Strukturewet bedoel;

“**raad**” die munisipale raad van Bergvryer;

“**reëls**” die bepalings van hierdie verordening (alternatiewelik hierdie Ordereëls);

“**speaker**” die lid gekies tot voorsitter van die raad of enige ander lid wat as voorsitter van die raad waarneem en die voorsitters van die komitees deur die raad aangewys en lede wat in daardie hoedanighede waarneem;

“**Stelselwet**” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

“**Strukturewet**” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

“**sweep**” ’n lid van ’n party in die raad wat deur daardie party as sweep aangestel is om te help (alternatiewelik, saam met die hoofsweep) met die funksionering van die verrigtinge van die raad ingevolge hierdie verordening;

“**vergadering**” die vergaderings van die raad asook enige komitee deur die raad aangewys;

HOOFTUK 1: TOEPASSING VAN VERORDENING

2. Toepassing

- (1) Hierdie verordening is van toepassing op—
 - (a) alle vergaderings van die raad;
 - (b) enige komitee van die raad aangewys ingevolge artikels 79 of 80 van die Strukturewet en alle vergaderings wat uit die werksaamhede van enige van voorgenoemde voortspruit;
 - (c) enige ander komitee deur die raad aangewys vir 'n spesifieke doel, tensy sodanige komitee sy eie reëls en procedures bepaal; en
 - (d) tensy dit klaarblyklik onvanpas is, is 'n artikel wat in enige verrigtinge op lede van toepassing is, ook van toepassing op 'n nie-lid wat met die goedkeuring van die speaker aan daardie verrigtinge deelneem.
- (2) Nieteenstaande die bepalings van subartikel (1) is die bepalings van hierdie artikel nie van toepassing op die Bywoningskomitee soos bedoel in die Bylae tot hierdie verordening of enige spesiale komitee deur die raad aangewys ingevolge item 14(1)(b) van die Kode nie.

3. Aanvulling

- (1) Die speaker kan 'n beslissing gee met betrekking tot die toepassing van hierdie verordening en ten opsigte van enige gebeurlikheid waarvoor hierdie verordening nie voorsiening maak nie, en geen verdere bespreking word oor die beslissing toegelaat nie.
- (2) Ondanks die bepalings van paragraaf 52, mag die speaker ook gelas dat die raad vir 'n bepaalde tyd verdaag, vir hoogstens een uur lank, indien omstandighede dit sou vereis.
- (3) Die speaker se beslissing sal final en bindend op lede en die publiek wees.
- (4) Die beslissing van die speaker moet in die notule aangeteken word.

HOOFTUK 2: VERGADERINGS

4. Voorsitterskap van vergaderings

- (1) Die speaker tree tydens alle vergaderings van die raad as voorsitter op.
- (2) Indien die speaker tydens 'n vergadering nie teenwoordig is nie, word 'n waarnemende speaker vir daardie vergadering uit die teenwoordige lede gekies deur 'n meerderheid van stemme.
- (3) Wanneer die amp van speaker vakant raak, moet die munisipale bestuurder 'n spesiale raadsvergadering belê, op 'n tyd en datum deur hom bepaal, vir die verkiesing van 'n speaker, met dien verstande dat sodanige vergadering plaasvind binne 14 dae nadat die amp vakant geraak het.
- (4) Wanneer die amp van speaker tydens 'n vergadering vakant raak, moet 'n speaker verkies word uit die lede teenwoordig by die vergadering.
- (5) Die munisipale bestuurder, of in die afwesigheid van 'n munisipale bestuurder, 'n persoon aangewys deur die LUR, sit voor tydens die verkiesing van 'n speaker.

5. Aanvang van vergadering

Die speaker moet die stoel inneem presies op die tyd waarvoor die vergadering belê is en moet, behoudens die bepalings van paragraaf 14, onmiddellik met die sake van die vergadering begin.

6. Volgorde van sake

- (1) Die sake van vergaderings moet in die volgende volgorde op die sakelys verskyn—
 - (a) verkiezing van waarnemende speaker, indien nodig;
 - (b) aansoeke om verlof vir afwesigheid;
 - (c) verklaring van belang;
 - (d) goedkeuring van notule;
 - (e) verklarings en mededelings deur die speaker;
 - (f) verklarings en mededelings deur die uitvoerende burgemeester;
 - (g) onderhoude met afvaardigings;
 - (h) oorweging van verslae;
 - (i) dringende sake deur die munisipale bestuurder voorgelê;
 - (j) oorweging van kennisgewings van mosies;
 - (k) oorweging van kennisgewings van vrae;
 - (l) oorweging van dringende mosies;
 - (m) oorweging van onafgehandelde items en sake.
- (2) Die speaker kan die volgorde van die sake op die sakelys verander.
- (3) 'n Lid wat die volgorde van sake op die sakelys wil verander, moet die speaker voor die vergadering met die versoek nader, maar dit bly die prerogatief van die speaker om dit te verander.
- (4) Agendas mag in elektroniese formaat voorsien word.

7. Speaker kan dringende sake indien

Die speaker, uitvoerende burgemeester of munisipale bestuurder kan te eniger tyd en sonder kennisgewing enige tersaaklike verklaring maak of dringende sake voorlê welke sake bespreek mag word indien 'n meerderheid van die lede daar toe toestem.

8. Sake vir afhandeling

Uitgesonderd soos in hierdie reëls bepaal, mag geen aangeleentheid wat nie op die sakelys van 'n vergadering van die raad vermeld is nie, op sodanige vergadering behandel word nie.

9. Vergaderings en agendas

- (1) Die speaker of 'n persoon aangewys deur die speaker moet die agenda vir 'n vergadering voorberei.
- (2) Alle vergaderings is oop vir lede van die publiek tensy hulle uitgesluit word ingevolge artikel 21.
- (3) Die raad moet ten minste kwartaalliks vergader en kennis van ten minste vyf (5) werksdae moet van elke gewone raadsvergadering gegee word.
- (4) Die speaker besluit waar en wanneer die raad vergader, maar as 'n meerderheid van die lede die speaker skriftelik versoek om 'n vergadering te belê, moet hy of sy 'n vergadering belê op 'n tyd in die versoek vermeld.

- (5) (a) Indien die speaker in gebreke bly om 'n spesiale vergadering van die raad bedoel in sub-artikel (4) te belê, kan die meerderheid van die lede die municipale bestuurder versoek om so 'n vergadering te belê en die municipale bestuurder moet so 'n vergadering belê op die datum en tyd soos versoek.
- (b) 'n Kennisgewing deur die meerderheid van die lede moet aandui wat by die vergadering bespreek sal word. Geen ander sake nie, behalwe met die toestemming van 'n meerderheid van die lede, mag by die vergadering bespreek word nie.
- (6) Die municipale bestuurder moet volgens voorskrif van die speaker skriftelik kennis gee aan elke lid van elke vergadering wat ingevolge subartikels (4) en (5) belê word.
- (7) Die speaker of, in sy of haar afwesigheid, die uitvoerende burgemeester, bepaal of 'n vergadering dringend is, al dan nie.
- (8) In die geval van 'n dringende of spesiale vergadering, moet die kennisgewingtydperk ten minste 24 uur wees of sodanige korter tydperk soos deur die speaker bepaal.
- (9) Die municipale bestuurder moet aan die publiek kennis gee van die dag, tyd en plek van elke vergadering deur 'n kennisgewing te publiseer in 'n plaaslike koerant deur hom of haar bepaal; met dien verstande dat hy of sy van hierdie vereiste kan afwyk wanneer tydsbeperkings dit onmoontlik maak ten opsigte van dringende vergaderings.
- (10) Elke lid van die municipale raad moet skriftelik 'n elektroniese adres, 'n mobiele telefoonnummer asook 'n fisiese adres binne die municipale gebied van Bergvryver verstrek waar hy of sy kennisgewing van vergaderings en ander amptelike korrespondensie kan ontvang. Elektroniese aflewering by enige van die adresse of nummers voorsien sal as behoorlike kennisgewing van vergaderings beskou word.
- (11) Harde kopiëe van agendas of enige ander amptelike korrespondensie mag by die onderskeie municipale kantore beskikbaar gestel word mits dit prakties of ekonomies geregtig is in die omstandighede.

10. Bywonung van vergaderings

- (1) Elke lid wat 'n vergadering van die raad of komitee waarvan hy of sy lid is bywoon, moet sy of haar naam teken in die bywoningsregister wat vir dié doel gehou word.
- (2) 'n Lid moet elke vergadering van die raad of komitee waarvan hy of sy lid is bywoon, tensy:
- (a) verlof vir afwesigheid ingevolge paragraaf 11 van hierdie verordening verleen is; of
- (b) die lid hom of haar kragtens wet moet onttrek.

11. Verlof vir afwesigheid

- (1) 'n Lid wat wil wegblê van 'n vergadering van die raad of van 'n komitee, moet skriftelik by die speaker daarvoor aansoek doen minstens 48 uur voor die vergadering. 'n E-pos gerig aan die speaker in dié verband sal voldoende wees.
- (2) By ontvangs van 'n aansoek bedoel in subartikel (1) moet die speaker dit oorweeg en mag die speaker die aansoek goedkeur of weier. Die speaker moet die lid in kennis stel van sy of haar besluit, met redes in die geval van weiering, minstens 24 uur voor die vergadering.
- (3) Die speaker mag verlof tot afwesigheid toestaan aan 'n lid wat deur spesiale omstandighede verhinder is om ingevolge subartikel (1) aansoek te doen.

- (4) Die spesiale omstandighede bedoel in subartikel (3) mag insluit—
 - (a) siekte van die lid;
 - (b) siekte of dood van naasbestaandes van die lid; of
 - (c) waar die lid met amptelike besigheid van die raad is.
- (5) Subartikels (1) tot (4) is met die nodige wysigings van toepassing op die speaker en in die toepassing daarvan word verwysing na die speaker geag ’n verwysing na die raad te wees.
- (6) ’n Lid wat sonder verlof versuim om teenwoordig te bly by ’n vergadering word geag sonder verlof afwesig te wees.
- (7) Die name van alle lede aan wie verlof tot afwesigheid van enige vergadering gegee is en van alle lede wat sonder verlof tot afwesigheid afwesig is van enige vergadering of versuim om teenwoordig te bly by ’n vergadering, moet aangeteken word in die notule of verslag of verslae met betrekking tot sodanige vergadering.

12. Sanksie vir nie-bywoning

Onderworpe aan die bepalings van die Kode, moet die speaker optree ingevolge die staande prosedures soos vervat in die Bylae 1 tot hierdie verordening teen lede wat nie voldoen aan die bepalings van artikels 10 en 11 van hierdie verordening nie.

13. Notules

- (1) Notules van die verrigtinge van vergaderings moet elektronies opgeneem word, binne twee weke na ’n vergadering deur die munisipale bestuurder in gedrukte formaat beskikbaar gestel word en by die volgende vergadering deur die raad of betrokke komitee goedgekeur word en deur die speaker onderteken word.
- (2) In uitsonderlike gevalle waar onduidelikheid oor ’n spesifieke item in ’n notule bestaan, mag die notule goedgekeur word sonder daardie item, welke item by die eersvolgende vergadering in sy bestaande of gewysigde vorm aanvaar word. Die elektroniese rekord moet ingevolge die raad se beleid vir die bewaring van elektroniese rekords bewaar word.
- (3) Die notule word vir die doel van goedkeuring as gelees beskou indien ’n kopie, insluitende ’n elektroniese kopie, binne ’n redelike tydperk, maar minstens 48 uur voor die volgende vergadering aan elke lid gestuur is.
- (4) Geen mosie of bespreking oor die notule word toegelaat nie, tensy die juistheid daarvan bevraagteken word.
- (5) Indien ’n lid ontevrede is met die juistheid van die notule moet hy of sy—
 - (a) die item waaroor ontevredenheid bestaan, identifiseer; en
 - (b) ’n mosie indien waarin die alternatiewe bewoording vir die wysiging van die notule uiteengesit word.

14. Kworum

- (1) ’n Meerderheid van die lede maak ’n kworum uit.
- (2) As daar op die tyd waarvoor die vergadering belê is nie ’n kworum is nie, moet die speaker die stoel inneem sodra ’n kworum teenwoordig is.
- (3) Wanneer daar nie ’n kworum is nie, moet die aanvang van die vergadering met hoogstens 30 minute vertraag word en as daar aan die einde van daardie tydperk nog nie ’n kworum is nie, moet die speaker die vergadering verskuif na ’n ander tyd, datum en plek na sy of haar goeddunke en moet hy of sy die name van die teenwoordige lede aanteken.

- (4) Wanneer die speaker nie teenwoordig is nie en daar nie 'n kworum is nie, moet die aanvang van die vergadering met hoogstens 30 minute vertraag word, en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, mag die vergadering nie plaasvind nie en moet die municipale bestuurder die name van die teenwoordige lede aanteken.
- (5) Wanneer daar tydens die verloop van 'n vergadering nie 'n kworum is nie, moet die speaker die verrigtinge opskort totdat daar weer 'n kworum is; met dien verstande dat as daar na 10 minute nog nie 'n kworum is nie moet die speaker die vergadering verdaag.
- (6) Wanneer 'n vergadering verdaag word omdat daar nie 'n kworum is nie, moet die tyd van sodanige verdaging asook die name van die teenwoordige lede in die notule aangeteken word.
- (7) Die municipale bestuurder moet die name van afwesige lede ingevolge Item 4 van die Bylae aan die speaker rapporteer vir optrede ingevolge Item 5 daarvan.

HOOFSTUK 3: BESLUITE

15. Onbestrede aangeleenthede

Wanneer die raad versoek word om 'n aangeleentheid voor hom te oorweeg en daar geen teenkanting van enige lid oor die aangeleentheid is nie, moet 'n eenparige stemming in die notule aangeteken word.

16. Wyse van stemming

- (1) Die speaker moet 'n stemming hou oor elke mosie wat teengestaan word, deur die lede te versoek om deur die opsteek van hande, tensy anders voorgeskryf deur die wet, aan te dui of hulle vir of teen sodanige mosie is, waarna hy of sy die uitslag van sodanige stemming bekend moet maak.
- (2) Indien die meerderheid van die teenwoordige lede die speaker versoek dat 'n stemming per gesloten stembrief moet geskied, moet dit dienooreenkomsdig geskied.
- (3) As daar 'n staking van stemme is ten opsigte van 'n mosie waaroor 'n stemming gehou word in ooreenstemming met subartikels (1) en (2), moet die speaker sy of haar beslissende stem uitbring benewens sy of haar gewone stem; met dien verstande dat die speaker nie 'n beslissende stem mag uitbring ten opsigte van enige aangeleentheid vervat in artikel 160(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 nie.
- (4) Onmiddellik nadat gestem is, of onmiddellik nadat 'n besluit deur die opsteek van hande geneem is, deur die speaker bekend gemaak is, kan enige twee lede 'n hoofdelike stemming eis, en die speaker moet daarna dié lede wat sodanige eis wil steun, versoek om in hul plekke op te staan.
- (5) Wanneer 'n hoofdelike stemming gaan plaasvind, moet die speaker dit aankondig en moet daar onmiddellik tot stemming oorgegaan word.
- (6) Wanneer 'n hoofdelike stemming plaasvind, moet die municipale bestuurder die name van al die lede in alfabetiese volgorde uitroep, die stem van elke aanwesige lid as "voor" of "teen" aanteken en die name van afwesige lede aanteken.

- (7) Die speaker moet op grond van sodanige hoofdelike stemming die besluit van die raad bekend maak, asook die getal lede wat ten gunste van of teen die saak gestem het.
- (8) Alle hoofdelike stemmings moet in die notule aangeteken word.
- (9) Sodra die speaker die uitslag van 'n stemming bekend maak, mag 'n lid versoek dat sy of haar stem teen die besluit aangeteken word en die munisipale bestuurder moet toesien dat sodanige stem in die notule aangeteken word.
- (10) 'n Lid mag buite stemming bly en sodanige besluit moet in die notule aangeteken word.

17. Besluite

- (1) In ooreenstemming met die Grondwet van die Republiek van Suid-Afrika, 1996 is die ondersteunende stem van 'n meerderheid van die lede nodig om te besluitoor–
 - (a) die aanneem van verordeninge;
 - (b) die goedkeuring van die begroting;
 - (c) die oplegging van eiendomsbelasting en ander belastings, heffings en regte;
 - (d) die verkryging van lenings.
- (2) In ooreenstemming met die Strukturewet is 'n ondersteunende stem van minstens twee derdes van die lede nodig om 'n besluit te neem om die raad te ontbind.
- (3) Alle ander kwessies word deur 'n meerderheid van die stemme wat uitgebring is, beslis.

18. Onbestrede sake

- (1) Wanneer 'n vergadering minstens een uur aan die gang is, kan die speaker die verrigtinge onderbreek en gelas dat die raad onverwyld daartoe oorgaan om onbestrede sake af te handel.
- (2) Na die afhandeling van sodanige onbestrede sake moet die verrigtinge hervat word op die punt waar dit onderbreek is, tensy alle ander oorblywende sake tot die volgende vergadering verdaag is.
- (3) 'n Item op die sakelys word geag 'n bestrede saak te wees as 'n lid te kenne gee dat hy voornemens is om sodanige item te bespreek onmiddellik nadat die speaker aan die vergadering te kenne gegee het dat sodanige item oop is vir bespreking; met dien verstande dat geen item geag word bestrede te wees slegs omdat vroe in verband daarmee gestel word nie.

19. Herroeping van besluite

- (1) 'n Lid wat die raad wil versoek om 'n besluit wat tydens 'n vergadering geneem is te herroep of te wysig, moet die munisipale bestuurder skriftelik daarvan in kennis stel waarin die volgende gestel word–
 - (a) tydens watter vergadering die mosie gestel sal word;
 - (b) dat die besluit hersien moet word vir die doel van herroeping of wysiging wat ookal die geval mag wees; en
 - (c) in die geval van wysiging, die spesifieke wysiging wat verlang word.
- (2) Indien 'n komitee besluit het om by die raad aan te beveel dat 'n besluit van die raad herroep of gewysig word, moet kennis van voorneme om sodanige herroeping of wysiging voor te stel, gegee word deur sodanige aanbeveling in te sluit by 'n verslag

van die komitee aan die raad, waarna die munisipale bestuurder 'n kopie van sodanige verslag aan elke lid moet stuur minstens twaalf uur voor die vergadering waarop die aanbeveling oorweeg sal word, te bereik.

- (3) Uitgesonderd op aanbeveling van 'n komitee mag 'n besluit nie op enige vergadering van die raad op hersiening geneem word nie, tensy die toestemming van die meerderheid van die lede wat op sodanige vergadering teenwoordig is, verkry is.
- (4) Geen debat mag oor sodanige voorstel tot hersiening gevoer word nie, behalwe dat die lid of die voorsitter van die komitee wat kennis gee, die reg het om kortliks die redes daarvoor te vermeld.

HOOFSTUK 4: TOEGANG VIR PUBLIEK

20. Toelating van publiek

Die speaker moet redelike stappe doen om toegang vir die publiek en die gedrag van die publiek asook veiligheid van persone by vergaderings te reguleer.

21. Nie-openbaarmaking van aangeleenthede

- (1) Wanneer die munisipale bestuurder na sy of haar goeddunke enige aangeleenthed voorlopig op 'n deel van die sakelys geplaas het, wat nie voor die vergadering aan die publiek openbaar gemaak sal word nie, moet die speaker, wanneer sodanige aangeleenthede oorweeg gaan word–
 - (a) gelas dat lede oorweeg of dit redelik sal wees indien enige of al die items op sodanige deel van die agenda in die afwesigheid van die publiek hanteer behoort te word met behoorlike inagneming van artikel 160(7) van die Grondwet, wat vereis dat die publiek en die media slegs van 'n vergadering uitgesluit kan word as dit redelik is om dit te doen met inagneming van die aard van die sake wat oorweeg word; en
 - (b) indien die meerderheid van lede teenwoordig dit ondersteun, die publiek gelas om die vergadering te verlaat ten opsigte van die item of items wat in die afwesigheid van die publiek hanteer moet word.
- (2) Die motivering van die uitsluiting van die publiek moet volledig genotuleer word.
- (3) Enige items waarvan die publiek nie uitgesluit word nie, word oorweeg onmiddellik na die prosedure in subartikel (1) uiteengesit.

22. Uitsluiting van die publiek en media van vergaderings

- (1) Die publiek, insluitende die media, kan van enige vergadering uitgesluit word–
 - (a) waar die speaker so gelas ingevolge artikel 21 van hierdie verordening; of
 - (b) waar die raad dit ingevolge subartikel (3) besluit.
- (2) Waar 'n mosie vir die uitsluiting van die publiek gesekondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.
- (3) Indien sodanige mosie aangeneem word na oorweging deur die raad van die redes wat aangevoer is, moet alle lede van die publiek, insluitende die media, die vergaderlokaal verlaat.
- (4) Tensy die uitvoerende burgemeester anders gelas, het die publiek nie toegang tot 'n vergadering van die uitvoerende burgemeesterskomitee nie.

23. Hertoelating van publiek en media tot vergaderings

- (1) 'n Lid kan in die loop van die vergadering waarvan die publiek en die media uitgesluit is, voorstel "dat die vergadering weer oopgestel word" met vermelding van die redes vir sodanige mosie.
- (2) Indien sodanige mosie gesekondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.

24. Uitnodiging aan nie-lid

Die speaker kan 'n persoon wat nie 'n lid is nie, nooi om die raad toe te spreek of om 'n vergadering by te woon ten einde sy of haar menings oor 'n aangeleentheid voor die raad te stel. 'n Tydsbeperking van 15 minute of sodanige tyd as wat deur die vergadering toegestaan word, sal geld.

25. Afvaardigings

- (1) 'n Afvaardiging wat 'n onderhoud met die raad verlang, moet aan die munisipale bestuurder ses werksdae skriftelike kennis gee van sodanige voorneme en moet besonderhede verskaf van die vervoer wat gerig gaan word en die bron van die afvaardiging.
- (2) Die munisipale bestuurder moet 'n kennisgewing ingevolge subartikel (1) tesame met sy of haar kommentaar en aanbevelings, aan die speaker voorlê, wat kan besluit om 'n onderhoud toe te staan of te weier, en indien toegestaan, op watter voorwaardes.

HOOFSTUK 5: ORDE BY VERGADERINGS

26. Gedrag van nie-lede en lede van die publiek

Indien 'n nie-lid of 'n lid van die publiek hom of haar aan wangedrag skuldig maak, op 'n onbehoorlike wyse gedra of die sake van enige vergadering belemmer, kan die speaker gelas dat hy of sy die vergadering verlaat of uit die vergadering verwyder word.

27. Gedrag van lede

- (1) Indien 'n lid–
 - (a) hom of haar aan wangedrag skuldig maak;
 - (b) hom of haar op 'n onbehoorlike wyse gedra;
 - (c) die sake van enige vergadering belemmer;
 - (d) die beslissing van die speaker oor enige punt van orde of beslissing ingevolge paragraaf 3(1) uitdaag;
 - (e) weier om enige uitdrukking terug te trek wanneer die speaker daarop aandring;
 - (f) hom- of haarself langdradig herhaal of onbehoorlike taalgebruik; of
 - (g) enige bepaling van hierdie verordening oortree, moet die speaker gelas dat sodanig lid hom of haar behoorlik gedra en, indien hy of sy aan die woord is, om sy of haar redevoering te staak.
- (2) In die geval van 'n aanhoudende verontagsaming van die lasgewings van die speaker moet die speaker sodanige lid gelas om die vergaderlokaal vir die res van die vergadering te verlaat en kan hy of sy, indien nodig, sodanige lid uit die lokaal laat verwyder.

- (3) Waar 'n lid hom of haar skuldig maak aan die gedrag bedoel in subartikels (1) en (2), mag die speaker teen sodanige lid optree ingevolge Item 13 van die Gedragskode vir Raadslede.
- 28. Misdrywe**
Enige nie-lid of lid van die publiek wat:
- (1) weier of versuim om te voldoen aan 'n lasgewing van die speaker ingevolge artikels 26 en 27; of
 - (2) na die vergaderlokaal terugkeer voor die afsluiting van die vergadering waaraan hy of sy gelas is om te onttrek; of
 - (3) weerstand bied terwyl hy of sy uit die vergaderlokaal verwyder word, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of enige van sodanige boete of gevangenisstraf of beide.

HOOFSTUK 6: REËLS VIR DEBATVOERING

29. Lid spreek speaker aan

'n Lid wat op 'n vergadering praat, moet die speaker staande aanspreek en kan dit doen in enige van die drie amptelike tale van die Provincie van die Wes-Kaap, soos gereël deur die Raad se kommunikasiebeleid.

30. Orde van prioriteit

Wanneer 'n lid die raad wil toespreek, moet hy of sy eers die speaker se toestemming kry en moet sy of haar hand opsteek om toestemming te kry.

31. Voorrang van Speaker

Wanneer die speaker die vergadering toespreek, moet alle lede stilbly sodat die speaker sonder enige onderbreking aangehoor kan word.

32. Relevansie

- (1) 'n Lid wat aan die woord is, moet sy of haar toespraak streng bepaal by die onderwerp of aangeleentheid onder bespreking of by 'n verduideliking op 'n punt van orde.
- (2) Geen bespreking word toegelaat–
 - (a) wat enige aangeleentheid op die sakelys sal vooruitloop nie;
 - (b) oor enige aangeleentheid ten opsigte waarvan 'n besluit deur 'n geregtelike of kwasi-geregtelike liggaam of 'n kommissie van ondersoek hangende is nie.

33. Reg om te praat en beperkings

- (1) 'n Lid mag praat of voortgaan om te praat met toestemming van die speaker.
- (2) 'n Raadslid wat nie 'n lid van 'n komitee is nie, het die reg om te praat by so 'n komitee indien hy of sy skriftelik uitgenooi is deur die voorsitter van sodanige komitee om die vergadering by te woon om oor 'n spesifieke aangeleentheid te praat.
- (3) Lede wat 'n komiteevergadering bywoon en daartydens praat sonder uitnodiging, sal nie enige beskerming ingevolge die Wes-Kaapse Wet op Voorregte en Immuniteit van Raadslede, 2011 (Wet 7 van 2011) geniet nie.

- (4) 'n Lid mag net een keer praat–
 (a) oor die aangeleentheid voor die raad;
 (b) oor enige mosie voor die raad;
 (c) oor enige amendemente van die aangeleentheid voor die raad;
 (d) oor 'n aangeleentheid of 'n amendement wat hy of sy self voorgestel het of gaan voorstel;
 (e) oor 'n punt van orde of 'n saak van voorreg;
 tensy deur die speaker gemagtig of soos in hierdie verordening voorsiening gemaak.
- (5) Die voorsteller van 'n oorspronklike mosie kan oor die mosie praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar bepaal by die beantwoording van vorige sprekers en mag hy of sy geen nuwe aangeleentheid in die debat inbring nie.
- (6) Die reg tot repliek is nie van toepassing op die voorsteller van 'n amendement wat nadat dit goedgekeur is, die substantiewe mosie geword het nie.

34. Duur van toesprake

- (1) Behalwe met die toestemming van die speaker, mag geen lid langer as vyf minute oor enige aangeleentheid praat nie.
- (2) Die voorsteller van 'n oorspronklike mosie of van enige amendement mag egter vyf minute lank oor sodanige mosie of wysiging praat.

35. Herindiening van mosie of vraag

Geen mosie wat deur die raad verworp is en geen vraag wat ingevolge die verordening gestel en afgehandel is op enige vergadering, mag weer ingedien of gestel word binne 'n tydperk van drie maande na sodanige vergadering nie, tensy die speaker toestemming daar toe verleen het nie.

36. Kennisgewing van mosie

- (1) Die speaker mag, behoudens artikel 40 en uitgesonderd 'n dringende mosie van orde, geen mosie aanvaar nie tensy kennis daarvan ingevolge subartikel (2) gegee is.
- (2) Elke kennisgewing van voorneme deur 'n lid om 'n mosie in te dien, moet skriftelik, gemotiveer, onderteken en gedateer wees en aan die munisipale bestuurder gelewer word minstens ses werksdae voor die datum van die vergadering waarop dit ingedien gaan word.
- (3) Die speaker moet die mosie op die agenda plaas of dit verwys na die komitee wat daarmee belas is.

37. Kennisgewing van vraag

- (1) Onderworpe aan artikel 41, mag die speaker geen vraag aanvaar nie tensy kennis daarvan ingevolge subartikel (2) gegee is.
- (2) Elke kennisgewing deur 'n lid van 'n voorneme om 'n vraag te stel moet skriftelik, gemotiveer, onderteken en gedateer wees en aan die munisipale bestuurder gelewer word minstens ses werksdae voor die datum van die vergadering waarop dit gestel gaan word.
- (3) Die lid aan wie 'n vraag gerig is, kan die vraag by die vergadering antwoord soos bedoel in subartikel (2) of indien die lid so verkies, die vraag skriftelik beantwoord binne ses werksdae na die datum van die vergadering.

38. Afwesigheid van voorsteller of vraesteller

Indien die voorsteller of vraesteller nie in sy plek teenwoordig is op die vergadering van die raad wanneer hy of sy deur die speaker versoek word om 'n mosie in te dien of 'n vraag te stel wat op sy of haar naam op die sakelys verskyn nie, verval sodanige mosie of vraag tensy die oorspronklike voorsteller of vraesteller die speaker skriftelik voor die aanvang van die vergadering in kennis gestel het van 'n plaasvervanger om die mosie in te dien of die vraag te stel.

39. Mosies en vrae oor aangeleenthede deur komitee hanteer

- (1) 'n Lid mag nie kennis van 'n mosie of vraag gee met betrekking tot enige aangeleenthed wat aan 'n komitee opgedra is nie, tensy sodanige mosie of vraag voorheen aan sodanige komitee voorgelê is of tensy dit in die vorm is van 'n verwysing na sodanige komitee vir oorweging en verslagdoening.
- (2) Die voorsitter van 'n komitee kan, indien hy of sy van mening is dat die aangeleenthed dringend is, kennis gee van sy of haar voorneme om 'n mosie in te dien of 'n vraag te stel oor 'n aangeleenthed wat aan sodanige komitee opgedra is, ondanks die feit dat sodanige mosie of vraag nie vooraf deur sodanige komitee oorweeg is nie.

40. Aanbeveling van komitee as mosie beskou

- (1) Die aanvaarding van 'n aanbeveling vervat in 'n verslag wat deur 'n komitee aan die raad voorgelê is, word geag deur die voorsitter van sodanige komitee voorgestel te wees of, in sy of haar afwesigheid of wanneer hy of sy sodanige aanbeveling teenstaan, deur 'n lid van sodanige komitee deur hom of haar afgevaardig om waar te neem wanneer die speaker van die vergadering te kenne gee dat sodanige aanbeveling oop is vir bespreking, en geen sodanige mosie hoef gesekondeer te word nie, en die voorsitter van sodanige komitee mag ook nie verhinder word om sy reg om daaroor te praat, uit te oefen nie.
- (2) Die voorsitter in subartikel (1) bedoel, kan egter oor die aangeleenthed praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom of haar streng bepaal by antwoorde aan vorige sprekers en mag hy of sy geen nuwe aangeleenthede in die debat invoer nie.
- (3) Die bepalings van subartikels (1) en (2) is ook op aanbevelings van die uitvoerende burgemeester van toepassing.

41. Vrae

- (1) Nadat enige mosie of amendement voorgestel en gesekondeer is of na afhandeling van enige toespraak daaroor, kan 'n lid enige vraag stel wat tersaaklik is vir sodanige mosie of amendement.
- (2) Geen aanvullende vrae mag gestel word nie behalwe deur die lid wat die oorspronklike vraag gestel het en dan net ten opsigte van aangeleenthede voortspruitend uit die antwoord op sodanige oorspronklike vraag.
- (3) Die speaker mag geen sodanige vraag weier nie; met dien verstande dat die lid aan wie sodanige vraag gerig is, onverwyld daarop kan antwoord of kan vereis dat kennis daarvan ingevolge artikel 37 gegee word.

42. Dringende mosie

- (1) 'n Lid kan die aandag van die raad vestig op enige aangeleentheid wat nie op die sakelys verskyn nie en waarvan nie vooraf kennis gegee is nie, deur kortlik die onderwerp van die aangeleentheid te meld en sonder kommentaar daarop, voor te stel "dat die mosie waarop die aandag gevvestig is, onverwyld oorweeg word as 'n kwessie van dringendheid"
- (2) Sodanige mosie word hierin 'n dringende mosie genoem.
- (3) Indien sodanige mosie gesekondeer en aanvaar word deur 'n meerderheid van die lede teenwoordig, moet die voorsteller toegelaat word om die aangeleentheid sonder kennis deur middel van 'n mosie of vraag tot oorweging te bring.

43. Mosies van orde

- Benewens die mosies waarvoor elders in hierdie verordening voorsiening gemaak word, word die volgende as mosies van orde beskou–
- (1) dat voorrang verleen word aan die oorweging van enige bepaalde item wat op die agenda verskyn;
- (2) dat enige verslag wat in die agenda aanvaar word, aandag aan gegee word, daarvan kennis geneem word of terugverwys word; en
- (3) dat uitvoering gegee word aan enige dokument voor die raad op die wyse in die mosie vermeld.

44. Punt van orde

- (1) 'n Lid kan 'n vergadering in die rede val om 'n punt van orde te opper met betrekking tot 'n oortreding van die reëls of 'n statutêre bepaling.
- (2) 'n Punt van orde mag geopper word met betrekking tot–
- (a) 'n procedurele aangeleentheid; of
 - (b) die gedragvan 'n lid, 'n lid van die publiek, of 'n werknemer van die munisipaliteit.
- (3) 'n Lid wat 'n punt van orde opper moet onmiddellik aangehoor word en hy of sy moet–
- (a) die punt van orde stel; en
 - (b) die reël of 'n statutêre bepaling wat oortree word.
- (4) 'n Lid wat praat wanneer 'n punt van orde geopper word, moet onmiddellik ophou praat totdat die punt van orde deur die speaker gereël word. Alle ander sake wat voor die vergadering dien, word opgeskort totdat die punt van orde beslis is.
- (5) Indien beslis dat dit in orde is, moet die lid toegelaat word om voort te gaan met sy of haar toespraak.
- (6) Indien nie, moet die lid swyg of enige opmerkings verander of terugtrek om te voldoen aan die beslissing.
- (7) Die speaker se beslissing oor 'n punt van orde is finaal en nie oop vir debat nie, en dit moet in die notule aangeteken word.

45. Punt van verduideliking

Die speaker kan 'n lid toelaat om 'n punt van verduideliking te opper, met dien verstande dat sodanige verduideliking beperk moet word tot 'n wesenlike deel van die debat wat moontlik verkeerd verstaan is.

46. Terugtrekking van mosie, amendement of vraag

- (1) 'n Mosie of amendement kan sonder bespreking en met die toestemming van die sekondant deur die voorsteller teruggetrek word.
- (2) 'n Lid mag nie oor sodanige mosie of amendement praat nadat die raad tot die terugtrekking van sodanige mosie ingestem het nie.
- (3) 'n Vraag kan teruggetrek word deur die lid wat dit wou gestel het.

47. Speaker se beslissing oor 'n mosie of punt van orde en verduideliking

- (1) Die beslissing van die speaker oor 'n mosie of punt van orde of verduideliking is finaal en nie oop vir bespreking nie.
- (2) Die beslissing van die speaker oor 'n mosie of punt van orde wat oor die vertolking van hierdie reëls geopper is, moet in die notule aangeteken word.

48. Volgorde van debat

Wanneer 'n mosie onder bespreking is op enige vergadering van die raad, mag geen verdere mosie ontvang word nie, behalwe die volgende:

- (1) dat die mosie gewysig word;
- (2) dat die oorweging van die aangeleentheid uitgestel word;
- (3) dat die publiek en die media uitgesluit word;
- (4) dat die publiek en die media weer toegelaat word;
- (5) dat die raad nou verdaag;
- (6) dat die raad vir 'n bepaalde tyd verdaag;
- (7) dat die debat verdaag word;
- (8) dat die aangeleentheid tot stemming gebring word;
- (9) dat die raad na die volgende saak oorgaan.

49. Wysiging van mosie

- (1) Elke amendement moet tersaaklik wees vir die mosie waarop dit voorgestel word.
- (2) 'n Amendement moet, indien die speaker dit verlang, skriftelik en deur die voorsteller onderteken wees en aan die speaker oorhandig word.
- (3) 'n Amendement moet gelees word voordat dit voorgestel word.
- (4) 'n Amendement mag nie bespreek of aan die raad gestel word voordat dit gesekondeer is nie.
- (5) As daar meer as een amendement op 'n mosie is, word die amendement wat laaste ingedien is, eerste tot stemming gebring, en as dit aangeneem word, word die aangeleentheid dienooreenkomsdig afgehandel.
- (6) Indien die amendement wat laaste ingedien is verwerp word, word die amendement wat onmiddellik voor die laaste amendement ingedien is, tot stemming gebring.
- (7) Geen verdere amendement op 'n mosie of amendement mag ingedien word nadat die speaker begin het om sodanige mosie of amendement tot stemming te bring nie.

50. Uitstel van oorweging van die aangeleentheid

- (1) 'n Lid kan aan die einde van 'n toespraak voorstel dat die oorweging van die aangeleentheid uitgestel word tot 'n bepaalde of onbepaalde datum.
- (2) Sodanige mosie moet gesekondeer word, maar die mosie hoef nie skriftelik te wees nie; met dien verstande dat die sekondant nie toegelaat mag word om te praat nie.

- (3) Die voorsteller moet toegelaat word om vir 'n tydperk van hoogstens vyf minute oor die mosie te praat, en die sekondant mag nie praat nie, behalwe om die mosie te sekondeer.
- (4) Wanneer so 'n mosie voorgestel word, kan die voorsteller van die aangeleentheid onder bespreking, sonder benadeling van sy of haar uiteindelike reg op repliek indien die mosie dat die aangeleentheid uitgestel word, nie aanvaar word nie, vyf minute lank repliek lewer, waarna die mosie sonder verdere bespreking tot stemming gebring word.
- (5) Indien die mosie aanvaar word, moet die aangeleentheid eerste geplaas word op die sakelys van aangeleenthede wat oorweeg moet word op die vergadering waartoe dit uitgestel is; met dien verstande dat artikels 6(2) en 6(3) nie op sodanige aangeleentheid van toepassing sal wees nie.

51. Verdaging van die raad tot 'n ander datum

- (1) 'n Lid wat nog nie aan die bespreking oor die aangeleentheid wat dan voor die vergadering is, deelgeneem het nie, kan te eniger tyd, behalwe in die loop van 'n toespraak deur 'n ander lid of terwyl gestem word, voorstel "dat die raad nou tot 'n ander datum verdaag."
- (2) Sodanige mosie moet gesekondeer word, maar hoef nie skriftelik te wees nie.
- (3) Die voorsteller moet toegelaat word om vir 'n tydperk van hoogstens vyf minute oor die mosie te praat, maar die sekondant mag nie praat nie behalwe om die mosie te sekondeer.
- (4) Indien die mosie aanvaar word, moet die raad onverwyld verdaag; met dien verstande dat die speaker kan gelas dat die vergadering voortgaan om eers onbestredre sake af te handel.
- (5) Indien die mosie nie aanvaar word nie, mag die speaker nie nog so 'n mosie aanvaar nie totdat 'n halfuur verstryk het.
- (6) Behalwe soos in subartikel (3) bepaal, mag geen bespreking oor sodanige mosie toegelaat word nie, behalwe dat 'n lid wat dit eerste aangedui het, hoogstens vyf minute lank teen die mosie kan praat.
- (7) Geen amendement op sodanige mosie mag voorgestel word nie, tensy dit betrekking het op die tydperk van verdaging.
- (8) Indien 'n mosie om 'n vergadering te verdaag, aanvaar is gedurende 'n debat en voor die afhandeling daarvan, sal die lid wat die verdaging voorgestel het, geregtig wees om eerste te praat by die daaropvolgende vergadering.
- (9) Geen sake mag op 'n hervatting van 'n verdaagde vergadering afgehandel word nie, uitgesonderd die sake wat op die sakelys van die vergadering waarvan dit 'n verdaging is, verskyn.

52. Verdaging van die raad vir 'n bepaalde tyd

- (1) 'n Lid kan te eniger tyd, behalwe in die loop van 'n toespraak deur 'n ander lid of terwyl gestem word, versoek "dat die raad nou vir 'n bepaalde tyd, tot maksimum een uur, verdaag" en sodanige verdaging kan ook die geleentheid om te koukus ten doel hê.

- (2) Sodanige mosie hoef nie skriftelik te wees nie en geen vooraf kennis hoef daarvan gegee te word nie.
- (3) Indien die mosie aanvaar word, moet die raad onverwyld vir die bepaalde tyd verdaag.
- (4) Indien die mosie nie aanvaar word nie, gaan die vergadering voort asof geen onderbreking plaasgevind het nie en die speaker mag vir die volgende halfuur geen soortgelyke mosie toelaat nie.
- (5) Die speaker kan die aantal sodanige mosies beperk.

53. Verdaging van die debat

- (1) 'n Lid wat nog nie aan 'n debat deelgeneem het nie, kan aan die einde van enige toespraak voorstel dat die debat verdaag word.
- (2) Sodanige mosie moet gesekondeer word, maar hoef nie skriftelik te wees nie.
- (3) Die voorsteller van sodanige mosie kan vyf minute lank daaroor praat, maar die sekondant mag nie praat nie behalwe om dit formeel te sekondeer.
- (4) Behalwe soos in subartikel (3) bepaal, mag geen bespreking oor sodanige mosie toegelaat word nie, behalwe in verband met die tydperk van verdaging en dat die lid wat eerste sy teenkanting teen so 'n mosie uitspreek, vyf minute lank daarteen mag praat.
- (5) Indien sodanige mosie aanvaar word, gaan die vergadering oor na die volgende saak op die sakelys, en die bespreking van die verdaagde debat word op die volgende vergadering hervat, tensy anders besluit word.
- (6) Met die hervatting van die verdaagde debat is die lid wat die verdaging voorgestel het, geregtig om eerste te praat.
- (7) Indien die mosie nie aanvaar word nie, mag die speaker nie nog so 'n mosie aanvaar nie totdat 'n halfuur verstryk het.
- (8) 'n Lid mag nie meer as een mosie vir die verdaging van die debat in die loop van daardie debat voorstel of sekondeer nie.

54. Stemming oor aangeleentheid

- (1) 'n Lid wat nog nie aan die debat oor 'n aangeleentheid deelgeneem het nie, kan in die loop van sodanige debat, aan die einde van enige toespraak, voorstel dat die aangeleentheid nou tot stemming gebring word.
- (2) Behoudens die bepalings van sub-paragraaf (3) is geen mosie wat ingevolge sub-paragraaf (1) voorgestel is, oop vir bespreking nie.
- (3) Die voorsteller van 'n aangeleentheid onder bespreking kan, wanneer 'n mosie ingevolge subparagraaf (1) voorgestel is, hoogstens vyf minute lank oor sodanige mosie praat, waarna genoemde mosie sonder enige verdere bespreking tot stemming gebring word.

55. Verwydering van die aangeleentheid van die sakelys

- (1) 'n Lid wat nog nie aan die debat oor 'n aangeleentheid deelgeneem het nie, kan in die loop van sodanige debat, aan die einde van enige toespraak, voorstel dat die aangeleentheid van die sakelys verwijder word.

- (2) Behoudens die bepalings van subartikel (3) is geen mosie wat ingevolge subartikel (1) voorgestel is, oop vir bespreking nie.
- (3) Die voorsteller van 'n aangeleentheid onder bespreking kan, wanneer 'n mosie ingevolge subartikel (1) voorgestel is, hoogstens vyf minute lank oor sodanige mosie praat, waarna genoemde mosie sonder enige verdere bespreking tot stemming gebring word.
- (4) Indien sodanige mosie aanvaar word, word die aangeleentheid onder bespreking nie verder bespreek nie.

HOOFSTUK 7: PROSES VIR DIE AANNAME VAN VERORDENINGE

56. Indiening van konsepverordening

'n Verordening kan net deur 'n lid of die uitvoerende burgemeester ingedien word.

57. Eerste indiening by raad

- (1) 'n Konsepverordening wat deur 'n lid of uitvoerende burgemeester ingedien word, moet in die volgende vorm aan die raad voorgelê word:
 - (a) 'n bestuursopsomming van die konsepverordening;
 - (b) die behoefte om die gedrag wat in die konsepverordening bedoel word, te reguleer;
 - (c) die inhoud van die voorgestelde verordening;
 - (d) ander verordeninge wat herroep of geamendeer moet word as die konsepverordening aangeneem word;
 - (e) enige tersaaklike kommentaar of voorstelle; en
 - (f) 'n aanbeveling.
- (2) Na oorweging van die verslag in subartikel (1) bedoel, moet die raad besluit om die voorgestelde verordening te verwerp of voorlopig aan te neem.
- (3) Wanneer 'n voorgestelde verordening deur die raad verwerp is, mag geen verordening met dieselfde inhoud binne 'n tydperk van ses maande na die datum van verwerpking ingedien word nie.
- (4) Wanneer 'n voorgestelde verordening voorlopig aangeneem is, moet dit geadverteer word vir kommentaar deur die publiek.

58. Indiening deur uitvoerende burgemeester

- (1) Die uitvoerende burgemeester kan uit eie beweging of na oorweging van 'n versoek van die municipale bestuurder 'n konsepverordening indien.
- (2) Indien die uitvoerende burgemeester uit eie beweging besluit om 'n konsepverordening in te dien, moet die komitee die kommentaar van die municipale bestuurder oor die inhoud daarvan verkry en kan die komitee die kommentaar van enige persoon daaroor vra.
- (3) Die uitvoerende burgemeester moet 'n verslag oor die indiening van 'n konsepverordening aan die raad voorlê in die vorm in artikel 57(1) bedoel.

59. Publikasie

- (1) Die munisipale bestuurder moet so gou moontlik nadat die raad 'n verordening voorlopig aangeneem het, die konsepverordening vir kommentaar deur die publiek publiseer op so 'n wyse dat die publiek die geleentheid sal hê om vertoë in verband daarmee te rig.
- (2) Die publikasie moet in minstens twee van die amptelike tale van die provinsie geskied.

60. Tweede indiening by raad

- (1) Die munisipale bestuurder moet so gou moontlik na die sluitingsdatum vir vertoë deur die publiek 'n verslag aan die uitvoerende burgemeester voorlê, met—
 - (a) 'n eksemplaar van die voorgestelde verordening;
 - (b) eksemplare van die advertensies waarin die publiek genooi is om vertoë te rig;
 - (c) enige kommentaar wat van die publiek ontvang is, en
 - (d) enige kommentaar van die administrasie.
- (2) Wanneer 'n verordening na oorweging aangeneem is, moet dit in die *Provinsiale Koerant* gepubliseer word.

61. Debatsprosedure

Die bepalings rakende debatvoering is ook op die wetgewende proses van toepassing.

HOOFSTUK 8: DIVERSE BEPALINGS**62. Amptelike tale**

Enigiemand wat by 'n vergadering praat, kan dit doen in enige van die drie amptelike tale wat deur die Grondwet van die Wes-Kaap, 1997, erken word, naamlik, Engels, Afrikaans en isiXhosa.

63. Voorregte en immuniteit vir raadslede

Die voorregte en immuniteit vir raadslede van die munisipaliteit is onderhewig aan die bepalings van die Wes-Kaapse Wet op Voorregte en Immuniteit vir Raadslede, 2011, (Wet 7 van 2011).

64. Munisipale werknemers

- (1) Werknemers van die munisipaliteit wat vergaderings bywoon, moet die reëls en betaamlikheid wat op lede van toepassing is, eerbiedig.
- (2) 'n Werknemer moet 'n vergadering bywoon indien daar toe versoek deur die munisipale bestuurder.

65. Misdrywe en straf

- (1) Geen lid of lid van die publiek mag—
 - (a) op onbehoorlike wyse inmeng met—
 - (i) of die raad of 'n komitee belemmer in die uitvoering van sy werkzaamhede nie; of
 - (ii) die verrigting deur 'n lid van sy of haar funksies as 'n lid nie;

- (b) 'n lid dreig of belemmer om te gaan na 'n vergadering van die raad of komitee of om dit te verlaat nie;
 - (c) 'n lid aanrand of dreig of 'n lid van enige voordeel ontneem, vanwee die gedrag van die lid in die raad of komitee nie;
 - (d) terwyl 'n raad of komitee vergader, 'n steurnis veroorsaak of daaraan deelneem binne die onmiddellike nabijheid van die verrigtinge nie;
 - (e) versuim of weier om te voldoen aan 'n opdrag deur die persoon wat voorsit by 'n vergadering van die raad of komitee met betrekking tot die teenwoordigheid van enige persoon op daardie vergadering;
 - (f) versuim of weier om te voldoen aan 'n opdrag deur 'n behoorlik gemagtigde amptenaar van die raad ten opsigte van—
 - (i) die teenwoordigheid van persone op 'n bepaalde vergadering van die raad of 'n komitee; of
 - (ii) die besit van 'n artikel, met inbegrip van 'n vuurwapen, in die omgewing van die vergadering of enige deel daarvan.
- (2) 'n Persoon mag nie deur bedrog, intimidasie, geweld, belediging of afdreiging van enige aard, of deur die aanbod of belofte van enige aansporing of voordeel van enige aard, of deur enige ander onbehoorlike wyse—
- (a) 'n lid beïnvloed in die uitvoering van sy of haar funksies nie;
 - (b) 'n lid oorreed om weg te bly van 'n vergadering nie; of
 - (c) poog om 'n lid te verplig om homself of haarself ten gunste van of teen enigiets hangende voor of voorgestel of wat na verwagting aan 'n raad of komitee voorgelê gaan word nie.
- (3) 'n Persoon wat sub-artikels (2) en (3) oortree, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf, of met beide die boete en Gevangenisstraf.

66. Herroeping van verordeninge

Die bepalings van enige verordeninge wat voorheen deur die munisipaliteit of deur enigeen van die afgeskafte munisipaliteite wat nou in die munisipaliteit geïnkorporeer is, aangekondig is, word hiermee herroep insoverre hulle betrekking het op sake waarvoor in hierdie verordening voorsiening gemaak word.

67. Kort titel en inwerktering

Hierdie verordening staan bekend as die Verordening insake Reëls vir die Hou van Vergaderings van die Raad van Bergvlier Munisipaliteit en tree in werking op die datum van publikasie in die Provinciale Koerant.

BYLAE 1
(Artikel 12)
STAANDE PROSEDURE VIR NIE-BYWONING DEUR LEDE

Aanhef

Nademaal item 4(3) van die Gedragskode vir Raadslede voorsiening maak vir prosedures vir die oplê van boetes of die verwydering van 'n lid uit sy amp vir nie-bywoning van raads- of komiteevergaderings, aanvaar die munisipaliteit hiermee die staande prosedure soos hieronder uiteengesit—

1. Woordomskrywings

In hierdie bylae, tensy die inhoud anders aandui, beteken—

“bywoningskomitee” 'n komitee bestaande uit drie raadslede onder voorsitterskap van die speaker en deur die raad aangewys uitsluitlik vir die doel om nie-bywoning van vergaderings te hanteer; met dien verstande dat in die afwesigheid of nie-beskikbaarheid van die speaker, die uitvoerende burgemeester of adjunk uitvoerende burgemeester, waar toepaslik, as voorsitter van die komitee sal optree;

“Gedragskode” die gedragskode vir raadslede soos vervat in Bylae 1 van die Munisipale Stelselwet, 2000 (Wet 32 van 2000).

“boete” 'n boete soos bedoel in Item 9 van hierdie Bylae vir nie-bywoning van raads- of komiteevergaderings;

“nie-bywoning” versuim deur 'n lid om—

- (a) 'n vergadering wat ingevolge artikel 10 van hierdie verordening bygewoon moet word, by te woon;
- (b) aanwesig te wees by die aanvang van 'n vergadering; of
- (c) aanwesig te bly tot die einde van 'n vergadering;

2. Bywoning van vergaderings verpligtend

'n Lid moet elke vergadering van die raad of van 'n komitee bywoon soos bedoel in artikel 10 van hierdie verordening.

3. Verlof tot afwesigheid

Aansoeke om verlof moet ingevolge artikel 11 van hierdie verordening hanteer word.

4. Rapportering van nie-bywoning

Die munisipale bestuurder moet elke geval van nie-bywoning aan die speaker rapporteer nie later nie as die volgende werksdag na die betrokke vergadering.

5. Plig van die speaker

- (1) Die speaker moet binne twee werksdae na ontvangs van die verslag oor nie-bywoning van die munisipale bestuurder die betrokke lid skriftelik inlig daaroor en die lid versoek om skriftelik daarop te antwoord binne sewe werksdae na ontvangs van die skrywe.
- (2) By ontvangs van die lid se kommentaar, of indien die lid versuum om die speaker te voorsien van sy of haar kommentaar binne sewe werksdae of by verstryking van 'n verlengde tydperk deur die speaker toegestaan, moet die speaker 'n vergadering van die Bywoningskomitee belê en die betrokke lid skriftelik aansê om dit by te woon.

6. Prosedures by vergadering van die Bywoningskomitee

- (1) Die speaker moet die prosedures bepaal vir die aanhoor van die saak wat die volgende moet insluit:
 - (a) dat die betrokke lid die reg het om teenwoordig te wees wanneer enige getuienis aangehoor word en vrae mag stel gebaseer op die verslag van die munisipale bestuurder;
 - (b) dat die lede van die Bywoningskomitee vrae aan die lid mag stel; en
 - (c) dat die lid die reg het om getuienis aan te bied en getuies te roep.
- (2) Indien die lid–
 - (a) weier of versuim om die vergadering by te woon; of
 - (b) versoek word om die vergadering te verlaat as gevolg van sy gedrag by die vergadering; mag die vergadering in sy afwesigheid voortgesit word.
- (3) Die Bywoningskomitee mag getuies roep ten einde 'n beslissing te kan maak.
- (4) Indien die speaker van nie-bywoning beskuldig word, moet die uitvoerende burgemeester as voorsitter van die bywoningskomitee optree.

7. Bevinding van die Bywoningskomitee

- (1) Na aanhoor van die getuienis soos bedoel in item 6, moet die Bywoningskomitee 'n bevinding maak oor of die betrokke lid artikel 10(2) van hierdie verordening oortree het en die redes vir die bevinding notuleer.
- (2) Indien die Bywoningskomitee bevind dat die lid nie enige van die bepalings in subartikel (1) oortree het nie, moet die speaker die vergadering verdaag en die lid skriftelik van die bevinding verwittig.
- (3) Indien die bevinding is dat die lid wel 'n oortreding van artikel 10(2) begaan het, moet die Bywoningskomitee die betrokke straf soos bedoel in item 9 oplê en die speaker moet die munisipale bestuurder asook die lid skriftelik daarvan verwittig.
- (4) Die munisipale bestuurder moet die nodige stappe neem om te verseker dat die boete betaal word of dat enige ander straf teen die naam van die lid aangeteken word.
- (5) Indien die bevinding is dat die lid afwesig was van drie of meer agtereenvolgende raadsvergaderings of komiteevergaderings waarvan hy of sy lid is, moet die speaker die aangeleentheid binne sewe werksdae aan die raad rapporteer vir optrede ingevolge item 4(2) van die Gedragskode.

8. Oorweging van die verslag van die Bywoningskomitee

- (1) Indien die raad saamstem met die bevinding van die Bywoningskomitee soos bedoel in item 7(5), moet die LUR binne sewe werksdae vanaf die besluit versoek word om die lid uit sy amp te verwyder.
- (2) Indien die raad verskil van die bevinding van die Bywoningskomitee moet die raad binne sewe dae na sodanige besluit sy eie ondersoek instel na die beweerde nie-bywoning.

9. Straf vir nie-bywoning

- (1) Die Bywoningskomitee mag, in die geval van 'n bevinding van 'n oortreding van artikel 10(2) van hierdie verordening die volgende strawwe oplê–
 - (a) vir nie-bywoning of versuim om aanwesig te bly by'n vergadering, die oplegging van 'n boete gelyk aan 5% van die lid se maandelikse brutosalarispakket, uitgesluit toelaes;

- (b) vir nie-bywoning of versuim om aanwesig te bly by twee agtereenvolgende vergaderings, die oplegging van 'n boete gelyk aan 10% van die lid se maandelikse bruto salarispakket, uitgesluit toelaes;
- (2) Nie-bywoning van drie of meer agtereenvolgende raads- of komiteevergaderings moet ingevolge Item 7(5) van hierdie Bylae hanteer word.

10. Vrystellings

Lede sal vrygestel wees van die bepalings van hierdie Bylae in gevalle van afwesigheid vir die volgende redes—

- (a) siekte, met dien verstande dat 'n aanvaarbare mediese sertifikaat aan die speaker voorgelê word;
- (b) dood of trauma in die familie, met dien verstande dat 'n beëdigde verklaring aan die speaker voorgelê word;
- (c) amptelike besigheid van die raad; of
- (d) goedkeuring vir afwesigheid deur die speaker ingevolge artikel 11 van hierdie verordening.

11. Appél

'n Lid aan wie 'n straf ingevolge item 9(1)(a) of (b) van hierdie Bylae opgelê is, mag binne 14 dae na kennisgewing van die besluit van die Bywoningskomitee skriftelik by die raad appél aanteken teen die bevinding sowel as die straf opgelê met uiteensetting van die redes vir die appél.

BYLAE 2

HERROEPING VAN VERORDENINGE

Die volgende verordening word hiermee in terme van artikel 66 van hierdie verordening herroep:

NOMMER EN JAAR VAN PUBLISERING	TITEL OF ONDERWERP	OMVANG VAN HERROEPING
P.K. 7134 / 2013	Verordening insake Reëls vir die Hou van Vergaderings van die Raad van Bergvryer Munisipaliteit	Ten volle

