

ANNEXURES

ORDINARY COUNCIL **MEETING** **(PART 1)**

27 FEBRUARY 2024

SWELLENDAM MUNICIPALITY



SUPPLY CHAIN MANAGEMENT MONTHLY REPORT

January 2024

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1. ABBREVIATIONS

- 1.1 "SWDM" refers to Swellendam Municipality;
- 1.2 "SCM" refers to Supply Chain Management;
- 1.3 "Manager SCM" refers to the Sectional Head of the Supply Chain Management Division;
- 1.4 "CFO" refers to Director Financial Services;
- 1.5 "MFMA" means the Municipal Finance Management Act 56 of 2003;

2. PURPOSE OF THIS POLICY

- 2.1 The SCM monthly report is prepared to inform Council on key SCM monthly activities and adhere to the reporting requirements in terms of the Legislative Framework.

3. LEGISLATIVE FRAMEWORK

- 3.1 The report was prepared to take into consideration the legislative reporting requirements:
 - 3.1.1 Municipal Finance Management Act, 2003
 - 3.1.2 Municipal Supply Chain Management Regulation, 2005
 - 3.1.3 Municipal Supply Chain Management Policy, 2022

4. PROCUREMENT STATISTICS FOR THE MONTH

- 4.1 The table below provides information on the number of SCM activities for the month:

Nr.	Process description	Qty	Value
1.	No of Bid Specification Committee meetings	4	n/a
2.	No of Bid Evaluation Committee meetings	4	n/a
3.	No of Bid Adjudication meetings	2	n/a
4.	No of orders processed/placed	368	R8 969 809
5.	No of formal quotations awarded (R30 000 to R200 000)	2	R167 279
6.	No of tenders awarded above R200 000	5	R5 101 966
7.	No of awards above R30 000 (CIDB)	2	R2 653 089
8.	No of contract price increases approved	2	n/a
9.	No of contracts amended i.t.o MFMA circular 62	-	-
10.	No of contracts amended i.t.o s.116(3) of MFMA	-	-
11.	No of Deviations	7	R188 286
12.	No of minor breaches	-	-
13.	No of stock receipts	151	R271 137
14.	No of stock issued	850	(R449 415)
15.	No of stock disposal	-	-
16.	No of stock take	1	R5 313 956
17.	No of requests received for disposal	-	-

5. AWARDS ABOVE R 100 000 REPORTED TO NATIONAL TREASURY

5.1 Sections 74(1) and 104(1)(b) of the Municipal Finance Management Act (MFMA) prescribes the following regarding general reporting obligations:

"The accounting officer of a municipality must submit to the National Treasury, the Provincial Treasury, the Department for Local Government in the Province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required."

5.2 National Treasury per MFMA Circular No 34 issued instructions to all municipalities to report effective from 1 July 2006 per the above, to disclose all awards made for contracts above the value of R100 000.

5.3 Below is a table of the key information submitted:

Contract reference	Service provider/ Supplier	Contract Description	Total value of contract	Duration of Contract	B-BBEE Status
SMQ12-23-24	Shannon Rose Trading Cc	Supply and Installation of Security Fence and Gate at Sewer Pump Station - Barrydale	R135 448,61	1 month	1
SMT16/23/24	Umzali Civils (Pty) Ltd	Upgrading of the Remainder of Railton Rising Main	R2 517 640,28	4,5 months	1
SMT18/23/24	Smit Broers Eiendomme (Edms) Bpk	Sale of Erf 702 (Tennant Street, Barrydale)	R255 208,00	n/a	0
SMT26/23/24	Cinogen Trading Cc t/a Fulcrum Technologies	Upgrade and Maintenance of Specialised Vehicle Test Station equipment for a 3-year period	R307 096,00	36 months	4
SMT27/23/24	Powercomm Solutions (Pty) Ltd	Supply and Delivery of Conventional and Pre-paid Meters to Swellendam for a 3-year period	R1 886 572,93	36 months	1

Note: Contract amounts up to R50 million the 80/20 preference points applied.
Contracts amounts above R50 million the 90/10 preference points applied.

6. SCM DEVIATIONS

6.1 Section 36(2) of the Supply Chain Management Regulation prescribes the following regarding deviation from and ratification of minor breaches of the procurement process:

"The accounting officer must record the reasons for any deviation in terms of sub-delegation (1)(a) and (b) and report them to the next meeting of the council"

6.2 The number of deviations approved during January 2024 is indicated in the table below:

Nr	SCM Regulation	Nr	Amount
1.	SCM Regulation 16(c) & 17(c) where three (3) quotations could not be obtained;	5	R66 196
2.	SCM Regulation 36(1)(a)(i) dispensing of the official procurement process in the case of an emergency;	1	R48 110
3.	SCM Regulation 36(1)(a)(ii) where goods or services are available from a sole supplier;	3	R20 613
4.	SCM Regulation 36(1)(a)(iii) applies to the acquisition of special works of art or historical objects;	-	-
5.	SCM Regulation 36(1)(a)(iv) acquisition of animals for zoos;	-	-
6.	SCM Regulation 36(1)(a)(v) in exceptional cases where it is impartial or impossible to follow the process;	3	R119 563
7.	SCM Regulation 36(1)(b) is applicable where the accounts officer can verify minor breaches;	-	-

6.3 The reasons for the deviations above are as follows:

6.3.1 Verbal and formal quotations, section 16(c) and 17(c) of the SCM regulation:

Date Requested	Supplier	Quotation Details	Amount	Approved Date	Directorate	Reasons
03-Jan-24	Sentraal-Suid Kooperasie Beperk	Materials for the Barrydale Town Managers office	R 12 584,83	19-Jan-24	Infrastructure	Three potential bidders were invited however only two quotes were received,
15-Jan-24	Dicky Swanepoel	Catering for cobra training 17-19 January 2024	R 6 140,00	16-Jan-24	MM	Three potential bidders were invited however only two quotes were received,
24-Jan-24	Arccon Electrical	Supply & Delivery of Electrical Padlocks	R 27 580,45	25-Jan-24	Infrastructure	Three potential bidders were invited however only two quotes were received,
29-Jan-24	SWD Elektries	Installation of new electrical connection at Barrydale Container Library	R 16 176,80	29-Jan-24	Community Service	Three potential bidders were invited however only one quotes was received
30-Jan-24	Autozone	Supply of toolset	R 3 713,71	30-Jan-24	Community Service	Three potential bidders were invited however only one quotes was received

6.3.2 In exceptional cases where it is impractical or impossible to follow the official procurement process, section 36

Date	Supplier	Details	Amount	Dir	Dept	Reason	Type
10-Jan-24	Workshop Electronics	Call out & labour and travelling per km for assessment of faulty roller bearings of roadworthy section (VTS)	R5 937,22	COM	TRAFFIC	Workshop Electronics is the sole manufacturer and supplier of Millitron devices, installed in the VTS systems. They are the only service provider that can assess and repair this machine	36(1)(a)(iii) - Single provider

17-Jan-24	Johan Kemp	Supply and delivery of water in Nuwedorp Malagas from 1 December 2023 to 30 April 2024	R75 000,00	INF	WATER	Tender process has been initiated, but no acceptable tenders were received, thus tender had to be re-advertised. Due to time constraints, Section 116 amendment could not be followed when the conclusion of said was reached. Furthermore, due to the fact that drinking water is a necessity, the continuation of the service is a requirement	36(1)(a)(v) - Impractical or Impossible
17-Jan-24	CSX	Service of Tattle tape-equipment at Railton, Barrydale Suurbraak and Swellendam Library	R6 440,00	COM	LIBRARY	CSX is the sole supplier of the tattle tape product for libraries CSX installed the products installed the product and there are others suppliers.	36(1)(a)(ii) - Single provider
17-Jan-24	Workshop Electronics	Call out, labour travelling per Km & replace relays and base of faulty roller bearings of roadworthy section [VTS]	R8 236,07	COM	TRAFFIC	Workshop Electronics is the sole manufacturer and supplier of Millitron devices, installed in the VTS systems. They are the only service provider that can assess and repair this machine	36(1)(a)(ii) - Single provider
18-Jan-24	Swellendam Begravnisdienste	Provision of paupal burial services for the late Geraldine Phillips and Johan Abrams	R5 060,00	COM	PARKS	Swellendam Begravnisdienste lodged a the application for the paupal burial services for the late Geraldine Phillips and Johan Abrams on behalf of Mario Howard Abramhams who is the son of the deceased. The two deceased died in a house fire in Malagas on Saturday 8 July 2023. The quotation from Swellendam Begravnisdienste for the amount of R6785,00 was received. After evaluation of the quotation Mr. Stuurman indicated that only the amount of R5060,00 for the coffins and services should be paid. It is worth mentioning that the official SCM process could not be followed since the bodies of the deceased have already been authorised to be removed by Mario Abrahams with assistance from Swellendam Begravnisdienste.	36(1)(a)(v) - Impractical or Impossible

24-Jan-24	Biddulphs International	Relocation services for Ms. W. Karsten (Barrydale Town Manager) from Kimberley to Barrydale.	R39 502,50	CORP	HR	Ms. Karsten commenced service on 01 January 2024, following an interview process that concluded at the end of November 2023. During December 2023 she needed temporary accommodation in Swellendam, she could only search for permanent residence once she arrived in Barrydale. during the 2nd week in Barrydale, she secured a residence she could occupy from 01 February 2024. It was impractical to follow the normal procedures due to the following: *No bids could be advertised during December in terms of NT circulars. *Timeframe in which to conclude the process was limited. *Ms. Karsten needed to be present during the loading relocation process of her belongings, as she travelled from a different province.	36(1)(a)(v) - Impractical or Impossible
31-Jan-24	De Kock & Cronje	Repair of Drosdy RMU	R48 110,25	INF	ELEC	An explosion occurred on 11/12/2023 at the Drosdy RMU between the hospital breaker and Swelledngrebel breaker. Part of the Swellendam town was without power and the supplier was contacted to repair it.	36(1)(a)(i) - Emergency
			188 286,04				

6.4 The below table contains details of awards made to close family members of employees who are in the services of the state, section 45 of the SCM regulation for any award above R2000.

Nr	Supplier	Family member	Relationship	Institution	Amount
1.	Agritech CC T/A Autozone	L. Baransky	Wife	Swellendam Mun	-
2.	Bazil Koopman	B. Koopman	Son	Dept of Education	-
3.	Desmond Prins	J. Francis	Daughter	Dept of Health	-
4.	Durcharme Consulting	L.Mbekeni	Wife	Dept of Rural Development and Land Reform	-
5.	Gert Coetzee	L. Coetzee	Wife	Swellendam Mun	-
6.	Hein's Auto Electrical	J. de Jager	Brother	Swellendam Mun	R11 506
7.	Hermanus Jacobus Swart	F. Swart	Brother	Swellendam Mun	-

8.	Jarsiem Carelse	W. Carelse	Son	Swellendam Mun	R9 729
9.	Jacobus Cornelius Kouter	J. Kouter	Brother	Swellendam Mun	-
10.	Jonathan Oktober	M Oktober	Wife	Swellendam Mun	R3 112
11.	Kemanzi (Pty) Ltd	J. du Toit	Wife	Dept of Education	R65 070
12.	Khoisan Cave Holdings (Pty) Ltd	G. Jansen	Son	Swellendam Mun	-
13.	LSL Enterprises	G. Lebazi	Sister	Swellendam Mun	R3 330
14.	Masakane Trading (Pty) Ltd	Q. Martin	Husband	SAPS	-
15.	Molatuseli (Pty) Ltd	A Sidloyi	Son	Swellendam Mun	-
16.	Paul Cupido	T. Cupido	Wife	Swellendam Mun	-
17.	Phillip Crafford T/A Crafford Blinds	J. Crafford	Wife	Swellendam Mun	-
18.	RD Beukes	D. Beukes	Mother	Swellendam Mun	-
19.	Swellendam Bestuurskool (Pty) Ltd	R. Blauw	Son	Dept. of Education	-
20.	AH Windvogel	R. Windvogel	Mother	Parliament	-
21.	Red Ant Security and Relocation Services	N. Lesiela	Wife	Mogale City Mun	-
Total					R95 947

6.5 The below table contains details of any incidents of an inducement, rewards, gifts and favours made to the municipality, employee or any other role player, in terms of section 47 of the SCM regulation:

Directorate	Report on Gifts
Office of the Municipal Manager	None
Financial Services	None
Corporate Services	None
Infrastructure Services	None
Community Services	None

6.6 The table below contains details of any tender other than the one recommended in the normal course of implementing the supply chain management policy was approved, section 114 of the SCM regulation:

Directorate	Tender Recommended	Tender Awarded
Office of the Municipal Manager	None	None
Financial Services	None	None
Corporate Services	None	None
Infrastructure Services	None	None
Community Services	None	None

Ron Brunings

From: Anneleen Vorster <anneleenv@swellendam.gov.za>
Sent: Monday, 05 February 2024 14:57
To: Ron Brunings
Subject: Fwd: HISTORIESE STRAAT LAMPE

Ron

Can you please draft an agenda item for this application please



Anneleen Vorster

Municipal Manager

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Fax: +27 (0)28 514 2694

E-mail: anneleenv@swellendam.gov.za

Web: <https://www.swellendam.gov.za>

Swellendam Municipality

P.O Box 20, Swellendam, 6740, Western Cape,

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From: "chairperson" <chairperson@drostdymuseum.com>
To: "Anneleen Vorster" <anneleenv@swellendam.gov.za>
Sent: Monday, February 5, 2024 2:36:17 PM
Subject: FW: HISTORIESE STRAAT LAMPE

Middag Anneleen
Ek glo dit gaan goed jou kant.

My epos van September 2023 verwys ... is daar al 'n besluit geneem oor die ou straatlampe wat ons aangebied het om by die museum te bewaar, waarskynlik in ons roostuim of parker-area, nadat dit mooi reggemaak is.

Groete
Maira

From: chairperson@drostdymuseum.com [mailto:chairperson@drostdymuseum.com]
Sent: Tuesday, September 26, 2023 10:15 PM
To: 'Anneleen Vorster'
Subject: RE: HISTORIESE STRAAT LAMPE

Baie dankie Anneleen.

Groete

Moir

From: Anneleen Vorster [mailto:anneleenv@swellendam.gov.za]

Sent: Wednesday, September 20, 2023 5:47 PM

To: chairperson

Subject: Re: HISTORIESE STRAAT LAMPE

Ons het gereeld - dit moet net deur portfolios ook gaan



Anneleen Vorster

Municipal Manager

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From: "chairperson" <chairperson@drostdymuseum.com>

To: "Anneleen Vorster" <anneleenv@swellendam.gov.za>

Sent: Tuesday, September 19, 2023 8:45:52 AM

Subject: RE: HISTORIESE STRAAT LAMPE

Baie dankie Anneleen, ek verstaan.

Groete

Moir

PS: Het julle gereeld raadsvergaderings?

From: Anneleen Vorster [mailto:anneleenv@swellendam.gov.za]

Sent: Thursday, September 14, 2023 10:13 AM

To: chairperson@drostdymuseum.com

Subject: Re: HISTORIESE STRAAT LAMPE

More Moira

Kan jul my 'n kansie gee - ons sal dit na die Raad moet neem.

Groete

**Anneleen Vorster****Municipal Manager**

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Fax: +27 (0)28 514 2694

E-mail: anneleenv@swellendam.gov.zaWeb: <https://www.swellendam.gov.za>**Swellendam Municipality**

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From: chairperson@drostdymuseum.com
To: "Anneleen Vorster" <anneleenv@swellendam.gov.za>
Cc: "manager" <manager@drostdymuseum.com>, "Tanja Kruger" <tanja.kruger@gmail.com>
Sent: Thursday, September 14, 2023 9:44:14 AM
Subject: HISTORIESE STRAAT LAMPE

Goeiemôre Anneleen
Hoe gaan dit met jou in hierdie uitdagende tye?

Ek voel ek is verwaand om jou met beuselagtighede soos straatlampies te pla terwyl jou vurk propvol meer belangrike hooi is.

Ons het al oor die lampe gepraat. Party is heel stukkend, ander is verweer, een anker PNA se geute, en ander dra die advertensieborde van Chinese winkeltjies. Die Museum sal hulle regmaak en vir hulle 'n ereplee gee en hulle bewaar.

Asseblief Annaleen, sal die Munisipaliteit oorweeg om dit aan ons te skenk?

Ek hoor graag van jou.
Sterkte en groete.
Moir

PS: Daar is ook 'n historiese brandslang voor Tekkie Town, al die stukke daarvan wat gesteel kan word is gesteel, ons het ook 'n rusplek daarvoor.

CERTIFIED COPY FOR REGISTRATION
FOR SURVEYOR-GENERAL *Ph. Jod.*
DATE *21-05-2018*

SWELLENDAM MUNICIPALITY
CERTIFIED IN TERMS OF SECTION 20(6) AND
SECTION 22 OF THE SWELLENDAM MUNICIPALITY
BY-LAW ON MUNICIPAL LAND USE PLANNING 2016
30/7/2018
Date
Authorised Official

EXEMPT FROM PROVISIONS OF
ACT 70 OF 1970
SECTION 1(a)

Approved i.to Section 50
Of Municipal Bylaw of Act 3/2014
Ref: 15/2/3/420 & 15/2/2/110
Date: 23.03.2018

SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 21° X		SG No. 881/2018
			Constants	0,00	+3 700 000,00
A B	219,14	307.30.50	A	+52 835,13	+68 785,13
B C	29,55	16.34.40	B	+52 661,31	+68 918,58
C D	85,48	119.59.00	C	+52 669,74	+68 946,90
D E	87,75	26.23.10	D	+52 743,78	+68 904,18
E F	18,10	292.49.30	E	+52 782,78	+68 982,79
F G	22,99	28.41.20	F	+52 766,10	+68 989,81
G H	152,73	117.43.20	G	+52 777,14	+69 009,98
H A	172,09	206.39.30	H	+52 912,34	+68 938,93
43A4		⊕		+52 502,40	+68 108,65
88A4		⊕		+53 112,52	+68 018,13

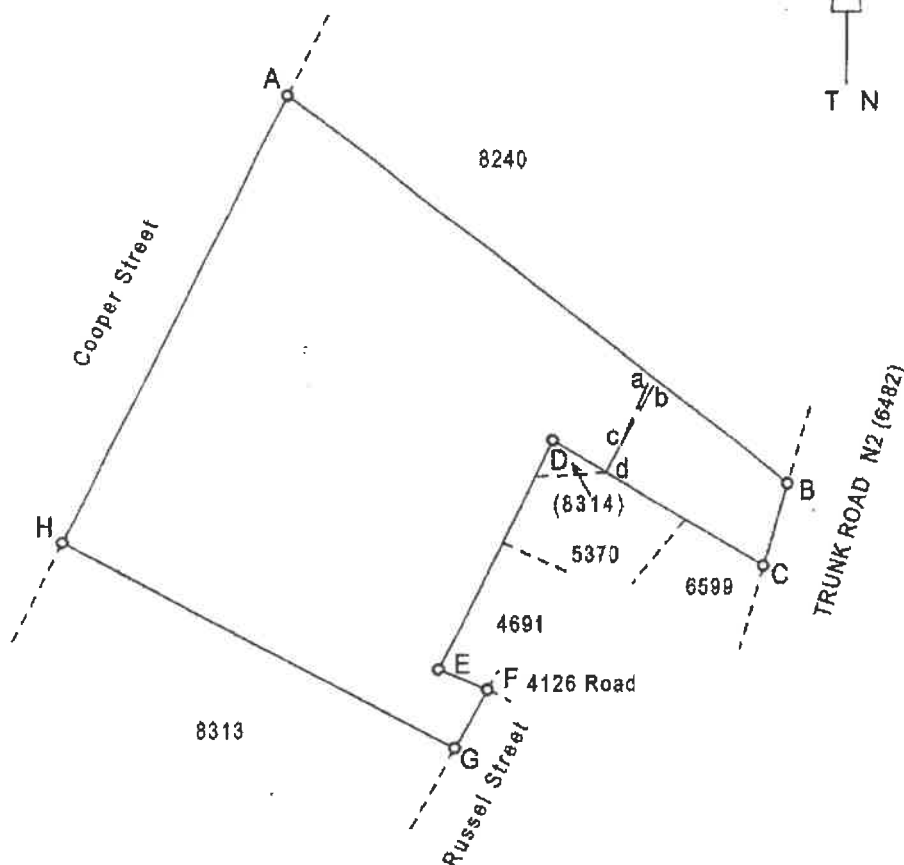
Approved

Ph. Jod.
for
SURVEYOR-GENERAL
2018.05.21

BEACON DESCRIPTIONS

B : Wooden Fence Post in Concrete

All other beacons : 12mm Iron Peg



Scale: 1/ 2500

The figure A B C D E F G H
represents 2,4893 hectares of land being

ERF 8241, portion of Erf 8238 SWELLENDAM

situate in the Swellendam Municipality
Administrative District of Swellendam
Province of Western Cape
Surveyed by me in January 2016 & April 2018

PLS 1141 F. Truter
Professional Land Surveyor

This Diagram is annexed to No.	The original diagram is S.G. No. 878/2018	File No.: S/581V.5
Dated	Transfer No.	S.R. 489/2018
Registrar of Deeds	Filed as Plan 878/2018	Comp. AJ-1BB/Y33(544)
		LPI C0730008



CONCEPTUAL - Measurements VERY Indicative

February 2024

SUBDIVISION SKETCH PLAN

SWELLENDAM: INDUSTRIAL AREA

ERF 8241
(2.5 ha)



Division
**Town Planning &
 Building Control**



North



Western Cape
Government



Overberg JDMA

Consolidated Report as at October 2023

JDMA Overberg District

Consolidated Report as at: 31 October 2023

1. INTRODUCTION

The Joint District and Metropolitan Approach (JDMA) is premised on principles of co-planning, co-budgeting and co-implementation. It provides a space where the three spheres of government and private sector can coordinate catalytic projects in a collaborative manner in order to positively impact the lives of citizens.

Since the introduction of the JDMA in 2019, the Overberg District had fully implemented and institutionalised the approach as well as the Overberg JDMA Implementation plan.

The Interface team have accordingly been established and implemented agreed upon catalytic projects in their budgeting and planning processes. Resultantly, a number of catalytic projects have been successfully completed and several others are still ongoing.

To facilitate the implementation of projects, the Overberg JDMA Interface team consisting of representatives of all spheres of government and other stakeholders have had several engagements to further sophisticate the institutionalisation of the JDMA processes in the Overberg.

2. PURPOSE OF THE REPORT

The purpose of this report is to provide the Executive Mayor of the Overberg District Municipality, the Executive Mayors of the Local Municipalities, Municipal Managers, and all other stakeholders with a progress report reflecting the status of the implementation of projects as well as challenges and risks identified in terms of the Joint District and Metro Approach (JDMA) projects in the Overberg.

3. JDMA PARTNERS

To ensure the effective implementation of the JDMA, an Interface team has been established. The Overberg JDMA Interface Team consists of representatives from

all municipalities within the District, national and provincial government departments as well as other stakeholders and are functioning effectively.

Regular meetings are taking place to ensure that projects maintain their momentum and implementation are monitored on an ongoing basis. The Team has grown significantly since inception and consists of the following members:

3.1 National Departments, Parastatals and Private Sector Partners:

Department	Name of Official
DWS	John Roberts
DALRRD (Rural Development)	Esmerelda Reid
SAPS	Brig Donovan Heilbron
National Public Works and Infrastructure	Singatha Maholwana
Department of small business development	Winston Baatjies
SALGA	Nkosinathi Mthethwa (National) Loyiso Njamela/ Armstrong Mpela
LGSETA	Aneeka Jacobs
WESGRO	Sibylle Pfeiffer
TRANSNET	Cobus Albertse
GDA	Cornelus Van Der Waal
COBRA	Igshaan Hugo

3.2 Provincial Departments:

Department	Name of Official
Agriculture	Japie Kritzinger (Head Office)
Social Development	Dianne De Bruyn (District) Charles Harris (Head Office)
Department of Infrastructure	Nicky Brown (Head Office)
Health and Wellness	Wilhelmina Kamfer
Community Safety	Fuad Davis (Head Office)
Human Settlements	Elmay Pelsaer (Head Office)
Provincial Treasury	Steven Kenyon/ Faez Salie (Head Office)
Cultural Affairs and Sport	Yvette Herbst
Economic Development	Fayruz Dharsey/ Johann Bester (Head office)
Environmental Affairs & Development Planning	Helena Jacobs (Primary) Thea Jordan (Alternate) Project specific representatives: Lance McBain-Charles, Belinda Langenhoven (Waste Management) Keshni Rughoobur & Raudhiyah Sahabodien (Development Facilitation and Spatial planning)
Education	Gerrit Coetzee (Head Office) Hillary Smith

3.3 Municipalities:

Municipality	Name of official
Overberg DM	Richard Bosman
Swellendam	Anneleen Vorster
Overstrand	Rochelle Louw
Cape Agulhas	Tracy Stone
Theewaterskloof	Wilfred Solomons-Johannes/ Verohne Arendse

The Overberg JDMA Interface team has been very responsive and takes personal interest and responsibility for the effective implementation of the overall process as well as individually assigned projects.

The successes achieved to date can be attributed to the passion and commitment of the Interface Team.

4. Project meetings held from October 2022 – October 2023:

4.1 Project specific meetings

The following table depicts the project meetings held from October 2022 up to and until the date of this report:

NO	DATE	DESCRIPTION	STAKEHOLDERS
1	26 October 2022	JDMA Interface Team Meeting	- JDMA Municipal Reps - Provincial Departmental Reps - National Departments
2	2 November 2022	Swellendam Security Matters	- Department of Community Safety - SAPS - Swellendam Municipality - DLG
3.	8 November 2022	Waste-to-Rail Site Visit)	- DLG - Municipal Mangers - DOI
4.	29 November 2022	Waste management Meeting	- Municipalities - DoTP - DLG - DEADP
5.	1 December 2022	Land for Commonage	- DLG - Municipal Mangers - DPWI
6.	13 December 2022	Cape Agulhas – Bredasdorp Safe House Reopening	- Municipality - SALGA - SAB

NO	DATE	DESCRIPTION	STAKEHOLDERS
			• DLG • SAPS • DSD • DoH • DOCS
7.	14 December 2022	Caledon Safe House Site Visit	• Municipality • DLG • DSD
8.	13 January 2023	Caledon Safehouse Discussion	• DLG • DSD • SALGA • Municipality
9.	18 January 2023	Waste Management Meeting	• Municipality • DLG • DEADP • MISA
10.	18 January 2023	Overberg Pounds Shared Services Project	• Municipal Managers • DLG
11.	194 January 2023	Caledon Safe House Discussion	• DLG • DSD • SALGA • Municipality
12.	27 January 2023	Buffelsjag Dam	• Agriculture • DLG • DEAD&P • Service Provider
13.	27 January 2023	Overberg Pounds Shared Services Project (By-Law discussion)	• Municipal Managers • DLG • Service Provider
14.	9 February 2023	Rectification Meeting	• DLG • Municipalities
15.	7 February 2023	Exploring Gas-to-Energy	• CoCT • DLG • DEA&DP
16.	9 February 2023	Overberg Pounds Shared Services Project (meeting with Service Provider)	• DLG • Municipalities • Service Provider
17.	14 February 2023	Safe House Business Plan Discussion	• Municipality • DLG • DSD
18.	14 February 2023	Exploring Gas-to-Energy	• CoCT • DLG
19.	17 February 2023	Exploring Gas-to-Energy	• CoCT • DLG • DEA&DP
20.	15 May 2023	Interface Team meeting	• JDMA Municipal Reps • Provincial Departmental Reps • National Departments
21.	8 November 2023	JDMA Coordination meeting	• JDMA Team
22.	13 November 2023	JDMA Discussion with District MM	• District MM • JDMA Team Leader
23.	15 November 2023	Meeting with Cobra for plumbing training programme	• Swellendam MM • Cobra • JDMA support team

NO	DATE	DESCRIPTION	STAKEHOLDERS
24.	16 November 2023	Meeting with GDA	- GDA rep - JDMA Team leader
25.	23 November 2023	Meeting with Cobra and DWS to discuss plumbing training	- DWS - Cobra - JDMA support team

Note: Individual project meetings have also been taking place to ensure that progress is unpacked and understood, and any risks or challenges addressed before the Interface Team meetings. All municipal representatives and affected National and Provincial representatives are invited to attend the meetings.

5. Project Status: As at 31 October 2023

5.1 Projects already started and under way

PROJECT NAME	MUNICIPALITY	DEPARTMENTS INVOLVED	TIMEFRAME PROVINCIAL FY	PROGRESS TO DATE
Waste Management: Regional Waste Site	Regional	DEA&DP	2023/24	There have been discussions with both Swellendam, and CAM in particular around moving their waste to Karwyderskraal. DEA&DP notes the long distance and costs involved in moving to Karwyderskraal. In the absence of any alternative in place timeously, the municipalities will have no other option but to use the facility. All attempts to minimise waste transported unnecessarily must however be investigated and this waste beneficated at the respective municipalities.
Network of Safehouses	Regional	DSD; SALGA; DOHW; SAPS; DOCS TPWI	2023/24	Theewaterskloof: The DSD funds earmarked for this project had to be foregone due to the delay in making the facility available for the purpose of the Safe House in TWK. DLG safehouse funding has been allocated and spent. Cape Agulhas: Fully functional, self-sustained facility. Running regular soup kitchens twice a week. Extension completed. Additional funding lobbied and secured by SALGA, who

PROJECT NAME	MUNICIPALITY	DEPARTMENTS INVOLVED	TIMEFRAME PROVINCIAL FY	PROGRESS TO DATE
				is part of the JDMA Interface Team. Furnishing and upgrades to the house was completed in December 2022. DLG safehouse funding has been allocated and spent. Overstrand: According to the Municipality, the property in Onrus is considered for another project. The property in Stanford is the primary focus for establishing a safe house due to its relative remoteness to the bigger towns and its geographic centrality in Overstrand. The property is well kept, and the house is in good order but will need to be renovated somewhat to ensure enough amenities are available to accommodate people living there. The property belongs to the Provincial Department of Public Works, and the Municipality is looking to swap properties with them. They currently have a clinic in Gansbaai that is built on municipal land. The Municipality has submitted a request to the Department of Public Works, who are the owners of the property. Swellendam: Construction of the Safehouse planned to commence in 2023. (ASLA housing development – donated house) Local municipalities to indicate their readiness/appetite to proceed.
ECD Support	Regional	DEDAT; Education; DSD	2023/24	The Presidency is offering technical support to one municipality for business process improvements for ECDs. The following are the selection criteria: Some experience processing

PROJECT NAME	MUNICIPALITY	DEPARTMENTS INVOLVED	TIMEFRAME PROVINCIAL FY	PROGRESS TO DATE
				applications for Early Learning Programmes; • Some dedicated resources to take forward the support; • Relationships with district / local government (as appropriate); • Buy-in from senior leadership to receive the BPE support; • Has an ECD policy in draft or fully in place. Local municipalities to indicate their appetite to proceed. Overstrand Municipality have expressed their interest to take up the support.
Safety Plan	Regional	DOCS SAPS	2023/24	District safety plan in place. Theewaterskloof requested assistance with Community Safety Plan.
Crematoriums	Regional	DEA&DP	2023/24-2024/25	The Overstrand Municipality completed extensive work on the possibilities and feasibility of such a facility. DEA&DP conducted a high-level assessment. A site visit was held on 8 November 2022. Following the on-site inspection, the identified site at Karwyderskraal was found not to be suitable for establishing a crematorium and ancillary, given noise & dust pollution on site, as well as a dignity aspect/perspectives emanating from the landfill and commercial composting activities immediately adjoining. The District Municipality will investigate other potentially suitable land options. Future enquiries may be directed to Thea Jordan: Tel: 021 4834093. E-mail: Thea.Jordan@westerncape.gov.za
Shared Pound	Regional	DEA&DP TPWI	2023/24	Service Provider completed the shared service model, business operations strategy

PROJECT NAME	MUNICIPALITY	DEPARTMENTS INVOLVED	TIMEFRAME PROVINCIAL FY	PROGRESS TO DATE
				and governance arrangements. Department of Agriculture & veterinary services secured to provide specialist assistance to small & developing farmers. Submission for the allocation of land to be used as commonage submitted to the National Department of Public Works – awaiting outcome. Local Municipalities already commenced with the registering of small farmers & associated processes.
Waste management	Swellendam	DEA&DP	2023/24	Swellendam municipality have applied for a height extension. According to DEA&DP it is unlikely that a height extension will be granted, as DWS will not grant a positive RoD where there is no basal liner in place. The Municipality have embarked on other alternatives, including a waste to energy tender which will be advertised soon. However, this process will take years before a successful appointment and operation can take place. A recent topographical study undertaken indicated that Swellendam have an additional year's airspace left. The Municipality is also in the process of finalising their Organic Waste Diversion Plan, and their Integrated Waste Management Plan (IWMP), which they intend to take to Council in Feb 2024.
Buffeljagsdam project Water Security	Swellendam	DLG/Agriculture DEA&DP DWS	2023/24-2024/25	The pre-feasibility study on the Buffeljagsdam project was completed and the way forward was discussed at a final site meeting on 27 January 2023. It was decided that a feasibility study on the preferred option be conducted.

PROJECT NAME	MUNICIPALITY	DEPARTMENTS INVOLVED	TIMEFRAME PROVINCIAL FY	PROGRESS TO DATE
				The Department of Agriculture is currently in the process to develop a Terms of Reference for the feasibility study, in collaboration with the Department of Water and Sanitation.
High Mast Lighting	Swellendam	DLG	TBC	Funding have been allocated by DLG for high mast lights. Because the funds were not sufficient the funds were reprioritised for Ablution facilities at Matjoks informal settlements.
Suiderstrand Road	Cape Agulhas	DOI	2023/24	The MOA for phase 2 of the project for 2023/24 has been compiled by the Municipality. The MOA is currently with the Department of Infrastructure's legal unit for vetting. It is envisaged that the MOA will be signed by DOI and the municipality by mid-June 2023. According to DOI additional information were requested from CAM on 2 November 2023. Information needed includes statutory approvals that need to be attached to the MOA. Information still pending.
Expansion of existing clinic in Eluxolweni (Gansbaai)	Overstrand	DOHW	2023/24-2024/25	Department of Health and Wellness to confirm completion status
Upgrading of Kleinmond Clinic to a day hospital with ambulance facilities	Overstrand	DOHW DOI	2023/24-2024/25	Update required from Department of Health and Wellness
Overstrand Taxi interchange upgrades	Overstrand	DOI	2023/24-2024/25	(note: part of CBD Revitalization plan) - Phase 1 works, concept design, have been completed. - Taxi Rank detail design and tender specs completed. - Budget for 2024/2025 for implementation.
Genadendal Transformation Farm 39	Theewaterskloof	DALRRD	2023/24-2024/25	A meeting was held on 28 February 2023 at TWK municipal offices. DALRRD to provide feedback.

PROJECT NAME	MUNICIPALITY	DEPARTMENTS INVOLVED	TIMEFRAME PROVINCIAL FY	PROGRESS TO DATE
Shared services Committee Asset Management	Cape Agulhas	PT/DLG	TBC	Municipality to provide additional information on this request.
Upgrade of Informal Settlements	Cape Agulhas	DOI	TBC	To be initiated Municipality to provide background/additional information on this request.

5.2 Projects to be initiated in 2024

PROJECT NAME	MUNICIPALITY
1. Long Term Storm Water Management Struisbaai	Cape Agulhas
2. New primary School of Bredasdorp	Cape Agulhas
3. Upgrade inner roads in Elim	Cape Agulhas
4. Water demand management – smart meters	Cape Agulhas
5. Computerized maintenance management system	Cape Agulhas
6. Youth focused programmes at interim youth facility in Zwelihle	Overstrand
7. Planning of Kleinmond Main Beach development	Overstrand
8. New Public Transport Interchange	Swellendam
9. High Mast lights	Swellendam
10. Agricultural School	Swellendam
11. Infrastructure Conditional Assessment	Theewaterskloof
12. Upgrading of Rural Roads	Theewaterskloof

PROJECT NAME	MUNICIPALITY
13. CCTV Camera Expansion Programme	Theewaterskloof
14. Disaster Management Capacitation Programme	Theewaterskloof
15. Environmental Management Capacitation Programme	Theewaterskloof
16. Greater Housing Development Programme	Theewaterskloof
17. Conditional Infrastructure Assessment	Theewaterskloof
18. Establishment of Municipal Court	Theewaterskloof
19. Infrastructure Water Demand Strategy	Theewaterskloof
20. Reduction of Water Losses to ensure Revenue Collection	Theewaterskloof
21. Revenue Enhancement	Theewaterskloof
22. Fisherhaven 115 ha Development	Regional
23. Rural safety	Regional
24. Sugar bridge	Regional
25. Timbali	Regional
26. Grave sites - Karwyderskraal	Regional

DISTRIBUTION AND TASK LIST

MAYORAL COMMITTEE: WEDNESDAY, 25 OCTOBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: INCOME	Mrs. W. Bekker
ADMINISTRATOR: TOWN PLANNING AND BUILDING CONTROL	Mrs. M. Swart
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: 25 October 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Items were resolved during the **Mayoral Committee meeting** held on **Wednesday, 25 October 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. Minutes have not been approved yet and therefore are subject to change.

Item Number	Report	Implementation / Completion	For cognisance	Implementation or completion verified / Notes
9.1	The Section 71 Reports for September 2023	Director: Financial Services (E. Wasserman)	Cognisance	
Item A155.	Supply Chain Management Monthly Report – September 2023	Director: Financial Services (E. Wasserman)	Referred to Council meeting scheduled for 31 October 2023.	
Item A156.	Section 52 Objections – General Valuation Roll – 2023-2028	Director: Financial Services (E. Wasserman)	Referred to Council meeting scheduled for 31 October 2023.	
Item A157.	Report on the Expiry and Possible Renewal of the Service Level Agreement with the Lower Breede River Conservancy Trust	Office of the Municipal Manager: (A.Vorster)	Referred to Council meeting scheduled for 31 October 2023.	
Item A158.	Financial Implications of Civil Unrest: August and September 2023	Office of the Municipal Manager: (A.Vorster)	Referred to Council meeting scheduled for 31 October 2023.	
Item A161.	Supply Chain Management Quarterly Report – September 2023.	Director: Financial Services (E. Wasserman) Manager SCM (B. Beyers)	Referred to Council meeting scheduled for 31 October 2023.	

Item A162.	Monthly Report for August and September 2023 - Office of the Municipal Manager.	Office of the Municipal Manager: (A.Vorster)	<i>Referred to Council meeting scheduled for 31 October 2023.</i>
Item A163.	Community Services: Allocation of Street Names: Swellendam, Railton Housing Project	Director: Community Services (K. Stuurman) Manager: Human Settlements (J. Engel)	<i>Referred to Council meeting scheduled for 31 October 2023.</i>
Item A164.	2023/2024 1st Quarter Audit and Performance Audit Committee (APAC) for the Period Ended 30 September 2023 and The Minutes of the APAC Meeting Held on 31 August 2023 and 15 September 2023 (Special APAC Meeting).	Office of the Municipal Manager: (A.Vorster) Senior Internal Auditor (A.Pietersen)	<i>Referred to Council meeting scheduled for 31 October 2023.</i>
Item A165.	Report in terms of the SDBIP – Implementation of Council Resolutions: Municipal Manager	Office of the Municipal Manager (A.Vorster)	<i>Referred to Council meeting scheduled for 31 October 2023.</i>
Item A166.	Compilation of a Council Disciplinary Committee	Office of the Municipal Manager: (A.Vorster)	<i>Referred to Council meeting scheduled for 31 October 2023.</i>
Item A167.	Closing of Municipal Offices for December 2023	Office of the Municipal Manager: (A.Vorster) Manager: HR (P. Le Roux)	<i>Referred to Council meeting scheduled for 31 October 2023.</i>
Item B3.	Application to Lease a Portion of Municipal Street Reserve – Faure Street in Swellendam	Office of the Municipal Manager: (A.Vorster) Property Management (L. Baransky)	Resolved
Item B4.	Renewal of a Lease Agreement: Erven 165 & 166, Suurbraak – Birds of Paradise Secondary Co-Operative / Xairu Fondation NPC	Office of the Municipal Manager: (A.Vorster) Property Management (L. Baransky)	Resolved

DISTRIBUTION AND TASK LIST

COUNCIL MEETING TUESDAY, 31 OCTOBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
DIRECTOR: INFRASTRUCTURE SERVICES	Mr. B. Neale
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
MANAGER: REVENUE	Mrs. W. Bekker
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky
PERFORMANCE AND COMPLIANCE OFFICER	Mr. D. Lakey

INTERNAL MEMORANDUM

To: All relevant officials

Date: Tuesday, 31 October 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Council Resolutions were taken during the **Council Meeting** held on **Tuesday, 31 October 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. The minutes are not yet approved and therefore subject to change.

Item Number	Report	Implementation / Completion/ Cognisance	Instructions	Implementation or completion verified / Notes
Item A116.	Sanparks' Property Proposal: Bontebok Park Vis-À-Vis Swellendam Industrial Area	Office of the Municipal Manager: (A.Vorster)		<i>In process ito. LUPA requirements and sale of land.</i>
Item A117.	Public Art: Policy	Office of the Municipal Manager: (A.Vorster)		<i>Comments received to be tabled to Council in February 2024.</i>
Item A118.	Public Art Permit: Application Form	Office of the Municipal Manager: (A.Vorster)		<i>Comments received to be tabled to Council in February 2024.</i>
Item A119.	Subdivision of Municipal Industrial Land – Erf 8240 (6.0675ha)	Office of the Municipal Manager: (A. Vorster)		<i>In process ito. LUPA requirements</i>
Item A121.	Application: Purchase of Proposed Erf 4604, Industrial Area in Swellendam – Nico Trust	Office of the Municipal Manager: (A.Vorster)		<i>Informed the applicant. Valuations have been received. Advertise the alienation for public comment. In process.</i>
Item A122.	Application for the Purchase of a Portion of Rothmann Street, Swellendam	Office of the Municipal Manager: (A.Vorster)		<i>More information is needed from SANRAL.</i>

Item A123.	Purchase of a Portion of Street reserve (Portion of Erf 2217) In Van Staden Street, Swellendam – Owner: Mr Nicolaas Francois Nel	Office of the Municipal Manager: (A. Vorster)	<i>Applicant was informed, application was not approved.</i>
Item A124	Application: Purchase of a Portion of Church Street (Remainder Erf 1191) In Swellendam – Aan De Leisure Collection (Pty) Ltd	Office of the Municipal Manager: (A. Vorster)	<i>Applicant was informed of decision. Advert still needs to be placed, then put out on tender.</i>
Item A135.	Resubmission: Alienation of Vacant Municipal Erven in Barrydale – Residential Zone 1	Office of the Municipal Manager: (A. Vorster)	<i>Properties is put out on tender for alienation.</i>
Item A136.	Application: Lease of Wolfaardt Trust Building	Office of the Municipal Manager: (A. Vorster)	<i>Completed. Tender process was followed.</i>
Item A137.	Application: Alienation of a Portion of Commonage Land (Between van Eeden- and Moolman Streets), Swellendam, Adjacent to Erf 1203, Swellendam	Office of the Municipal Manager: (A. Vorster)	<i>More information is needed from the applicant. Waiting for his feedback.</i>
Item A138.	Tender No: Sm-T31/14-15 – Amendment of Agreement_ Rental for Rubbish Dumpsites Farm Rietfontein Infanta (Erf 140,141 And 201) And Farm Melkhoutrivier Portion 1 of the Farm 492	Director: Financial Services (E. Wasserman)	<i>Awarded/Amended Tender implemented.</i>
Item A155.	Supply Chain Management Monthly Report – September 2023	Director: Financial Services (E. Wasserman)	<i>Cognisance. No further action required.</i>
Item A156.	Section 52 Objections – General Valuation Roll – 2023-2028	Director: Financial Services (E. Wasserman)	<i>Cognisance.</i>
Item A157.	Report on the Expiry and Possible Renewal of The Service Level Agreement with The Lower Breede River Conservancy Trust	Office of the Municipal Manager: (A. Vorster)	<i>Cognisance.</i>
Item A158.	Financial Implications of Civil Unrest: August and September 2023	Office of the Municipal Manager: (A. Vorster)	<i>Cognisance. Letter of financial aid submitted to LG: WC</i>

Item A161.	Supply Chain Management Quarterly Report – September 2023	Director: Financial Services (E. Wasserman)	Cognisance. No further action required.
Item A162.	Monthly Report for August and September 2023 Office of the Municipal Manager	Office of the Municipal Manager: (A. Vorster)	Cognisance.
Item A164.	2023/2024 1st Quarter Audit and Performance Audit Committee (APAC) for the Period Ended 30 September 2023 and the Minutes of the APAC Meeting Held on 31 August 2023 and 15 September 2023 (Special APAC Meeting).	Office of the Municipal Manager: (A. Vorster)	Cognisance
Item A165.	Report in Terms of the SDBIP – Implementation of Council Resolutions: Municipal Manager	Office of the Municipal Manager: (A. Vorster)	Cognisance
Item A166.	Compilation of a Council Disciplinary Committee	Office of the Municipal Manager: (A. Vorster)	Item was referred back.
Item A167.	Closing of Municipal Offices for December 2023	Office of the Municipal Manager: (A. Vorster)	Notice was placed on social media platforms and circulated on internal email groups.
Item A168.	Tender No: Tender No: Smt33/17/18 – Amendment of Agreement Provision of ICT Services	Director: Financial Services (E. Wasserman)	Agreement Amendment finalised.
Item A169.	Tender No: Smt17-16-17 – Amendment of Agreement Printing, Sorting and Mailing of Municipal Accounts	Director: Financial Services (E. Wasserman)	Agreement Amendment finalised.
Item A170.	Tender No: Smt27/17/18/BWRPD – Amendment of Agreement Provision of Professional Services Swellendam Bulk Water Reticulation, Purification and Distribution	Director: Financial Services (E. Wasserman)	Agreement Amendment finalised.
Item A171.	Tender No: Smt14/15/16 – Amendment of Agreement Provision of Professional Services: Barrydale Bulk Water Infrastructure	Director: Financial Services (E. Wasserman)	Agreement Amendment finalised.

Item A172.	Service Delivery and Budget Implementation Plan (SDBIP) and Performance Quarterly Report for Period Ended 30 September 2023	Office of the Municipal Manager: (A. Vorster)	<i>Cognisance. Published.</i>
Item A173.	Swellendam Municipality: In-Principle Approval of Micro Organisational Structure.	Office of the Municipal Manager: (A. Vorster) HR Manager: (P. Le Roux)	<i>Cognisance. Referred to LLF</i>
Item A174	Request to Commence with Land Use Process: Erf 7106 Swellendam	Office of the Municipal Manager: (A. Vorster)	<i>In process, advertisement has been placed. Awaiting feedback.</i>

DISTRIBUTION AND TASK LIST

SPECIAL COUNCIL MEETING MONDAY, 13 NOVEMBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
DIRECTOR: INFRASTRUCTURE SERVICES	Mr. B. Neale
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
MANAGER: REVENUE	Mrs. W. Bekker
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky
PERFORMANCE AND COMPLIANCE OFFICER	Mr. D. Lakey

INTERNAL MEMORANDUM

To: All relevant officials

Date: Monday, 13 November 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Council Resolutions were taken during the **Special Council Meeting** held on **Monday, 13 November 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. The minutes are not yet approved and therefore subject to change.

Item Number	Report	Implementation / Completion / Cognisance	Instructions	Implementation or completion verified / Notes
Item A175.	Consideration of a Motion: Annual Financial Statements Submission	Office of the Municipal Manager: (A.Vorster)		<i>Noted and reported to National Treasury, Provincial Treasury, AG as well as COGTA.</i>
Item A176.	Community Services: Draft Emergency Housing Assistance Policy	Director Community Services: (K. Stuurman)		<i>Approved by Council & implemented continuously</i>

DISTRIBUTION AND TASK LIST

SPECIAL COUNCIL MEETING TUESDAY, 21 November 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
DIRECTOR: INFRASTRUCTURE SERVICES	Mr. B. Neale
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
MANAGER: REVENUE	Mrs. W. Bekker
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: Tuesday, 21 November 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Council Resolutions were taken during the **Special Council Meeting** held on **Tuesday, 21 November 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. The minutes are not yet approved and therefore subject to change.

Item Number	Report	Implementation / Completion/ Cognisance	Instructions	Implementa- tion or completion verified / Notes
Item A188	Community Services: Draft Emergency Housing Assistance Policy	Director Community Services: (K. Stuurman)	<i>To be implemented.</i>	

DISTRIBUTION AND TASK LIST

MAYORAL COMMITTEE: WEDNESDAY, 22 NOVEMBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: INCOME	Mrs. W. Bekker
ADMINISTRATOR: TOWN PLANNING AND BUILDING CONTROL	Mrs. M. Swart
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: 22 November 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Items were resolved during the **Mayoral Committee meeting** held on **Wednesday, 22 November 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. Minutes have not been approved yet and therefore are subject to change.

Item Number	Report	Implementation / Completion	For cognisance	Implementation or completion verified / Notes
9.1	The Section 71 Reports for October 2023	Director: Financial Services (E. Wasserman)	Cognisance.	
Item A177.	Proposed Regional Waste to Energy Facility in Swellendam	Manager: Solid Waste and Environment (J. van Niekerk)	Referred to Council meeting of 30 November 2023.	
Item A178.	Supply Chain Management Monthly Report – October 2023.	Director: Financial Services (E. Wasserman)	Referred to Council meeting of 30 November 2023.	
Item A179.	Tender No: Smt22/19/20 – Amendment of Agreement Supply, Delivery and Administrative Support Services of a Fine Collection System and Camera Equipment with the Related Operational Support.	Director: Financial Services (E. Wasserman) Manager SCM (B. Beyers)	Referred to Council meeting of 30 November 2023.	
Item A180.	Resubmission: Alienation of two Portions of Municipal Land to the Western Cape Government for The Expansion of The Railton Clinic Property (Erf 7296).	Office of the Municipal Manager: (A.Vorster)	Referred to Council meeting of 30 November 2023.	
Item A181.	Alienation of a Residential Property, Erf 4624 in Railton – Out of Hand.	Office of the Municipal Manager: (A.Vorster)	Referred to Council meeting of 30 November 2023.	

Item A182.	Donation of Fire Hydrants and Fire Truck: Swellendam Heritage Association.	Office of the Municipal Manager: (A.Vorster)	<i>Referred to Council meeting of 30 November 2023.</i>
Item A183.	Schedule of Dates for Council and Committee Meetings - Programme for 2024.	Office of the Municipal Manager: (A.Vorster)	<i>Referred to Council meeting of 30 November 2023.</i>
Item A184.	Council in Recess: Period 11 December 2023 Until 12 January 2024.	Office of the Municipal Manager: (A.Vorster)	<i>Referred to Council meeting of 30 November 2023.</i>
Item A185.	Community Services: Resubmission: Allocation of Street Names: Swellendam, Railton Housing Project	Director Community Services: (K. Stuurman)	<i>Referred to Council meeting of 30 November 2023.</i>
Item A186.	Community Services: Research on Housing and Health by Stellenbosch University	Director Community Services: (K. Stuurman)	<i>Referred to Council meeting of 30 November 2023.</i>
Item A187.	Municipal Manager Report to the Executive Mayor for Period October to November 2023	Office of the Municipal Manager: (A.Vorster)	<i>Referred to Council meeting of 30 November 2023.</i>

DISTRIBUTION AND TASK LIST

ORDINARY COUNCIL MEETING THURSDAY, 30 NOVEMBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
DIRECTOR: INFRASTRUCTURE SERVICES	Mr. B. Neale
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
MANAGER: REVENUE	Mrs. W. Bekker
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: Thursday, 30 November 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Council Resolutions were taken during the **Council Meeting** held on **Thursday, 30 November 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. The minutes are not yet approved and therefore subject to change.

Item Number	Report	Implementation / Completion/ Cognisance	Instructions	Implementation or completion verified / Notes
Item A177.	Proposed Regional Waste to Energy Facility in Swellendam	Director Community Services: (K. Stuurman) Manager Solid Waste and Environment: (J. van Niekerk)	<i>Tender in process.</i>	
Item A178.	Supply Chain Management Monthly Report – October 2023.	Director: Financial Services (E. Wasserman) Manager SCM: (B. Beyers)	<i>Cognisance. No further action required.</i>	
Item A179.	Tender No: Smt22/19/20 – Amendment of Agreement Supply, Delivery and Administrative Support Services of a Fine Collection System and Camera Equipment with the Related Operational Support.	Director: Financial Services (E. Wasserman) Manager SCM: (B. Beyers)	<i>Contract amended</i>	
Item A180.	Resubmission: Alienation of two Portions of Municipal Land to the Western Cape Government for The Expansion of The Railton Clinic Property (Erf 7296).	Office of the Municipal Manager: (A. Vorster)	<i>Informed the applicant. The alienation of the properties was advertised. Applicant sent a letter regarding the purchase price, they want to do their own valuation. In process.</i>	
Item A181.	Alienation of a Residential Property, Erf 4624 in Railton – Out of Hand.	Office of the Municipal Manager: (A. Vorster)	<i>Followed a tender process for second time, because we had more than one interested party. In process.</i>	

Item A182.	Donation of Fire Hydrants and Fire Truck: Swellendam Heritage Association.	Office of the Municipal Manager: (A. Vorster)	Letter send to Heritage Association.
Item A183.	Schedule of Dates for Council and Committee Meetings - Programme for 2024.	Office of the Municipal Manager: (A. Vorster)	Completed and updated with Speaker's approval.
Item A184.	Council in Recess: Period 11 December 2023 Until 12 January 2024.	Office of the Municipal Manager: (A. Vorster)	Recess completed. Mayor's delegation report tabled to Council in January 2024.
Item A185.	Community Services: Resubmission: Allocation of Street Names: Swellendam, Railton Housing Project	Director Community Services: (K. Stuurman)	Implemented.
Item A186.	Community Services: Research on Housing and Health by Stellenbosch University	Director Community Services: (K. Stuurman)	Cognisance. No further action required.
Item A187.	Municipal Manager Report to the Executive Mayor for Period October to November 2023	Office of the Municipal Manager: (A. Vorster)	Noted.
Item A189.	Compilation of a Council Disciplinary Committee	Office of the Municipal Manager: (A. Vorster)	Noted. Disciplinary actions referred to Disciplinary committee.
Item A190.	SSEG Policy Application and Guidelines	Acting Director Infrastructure Services: (W. Treurnicht)	Noted & implemented.
Item A191.	Composition of the Municipal Planning Tribunal	Office of the Municipal Manager: (A. Vorster)	Appointment letter sent. Promulgation in PG.
Item A192.	Adjustments Budget: Medium Term Revenue and Expenditure Framework 2023/2024 (Roll-Over Budget)	Director: Financial Services (E. Wasserman)	Approved and implemented.

DISTRIBUTION AND TASK LIST

ORDINARY IN-COMMITTEE COUNCIL MEETING THURSDAY, 30 NOVEMBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
DIRECTOR: INFRASTRUCTURE SERVICES	Mr. B. Neale
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
MANAGER: REVENUE	Mrs. W. Bekker
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: Thursday, 30 November 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Council Resolutions were taken during the **Ordinary In-Committee Council Meeting** held on **Thursday, 30 November 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. The minutes are not yet approved and therefore subject to change.

Item Number	Report	Implementation / Completion / Cognisance	Instructions	Implementation or completion verified / Notes
Item AA2.	Litigation on Service Level Agreement: Erven 842, 843, 2780 and 4563 Swellendam - Please note this Item is Confidential with pending litigation and no Information may be shared with any other party outside of this Council.	Office of the Manager: (A.Vorster)	Noted.	

DISTRIBUTION AND TASK LIST

MAYORAL COMMITTEE: THURSDAY, 07 DECEMBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: INCOME	Mrs. W. Bekker
ADMINISTRATOR: TOWN PLANNING AND BUILDING CONTROL	Mrs. M. Swart
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: 07 December 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Items were resolved during the **Mayoral Committee meeting** held on **Thursday, 07 December 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. Minutes have not been approved yet and therefore are subject to change.

Item Number	Report	Implementation / Completion	For cognisance	Implementation or completion verified / Notes
Item B5.	Amendment of Lease: Swellendam Commonage: Camp B: Koornlandsriver Pig Farmers: Change of Name	Director Community Services: (K. Stuurman)	<i>Name change effective - New agreement.</i>	

DISTRIBUTION AND TASK LIST

SPECIAL COUNCIL MEETING MONDAY, 11 DECEMBER 2023

MUNICIPAL MANAGER	Mrs. A. Vorster
DIRECTOR: FINANCIAL SERVICES	Ms. E. Wasserman
DIRECTOR: INFRASTRUCTURE SERVICES	Mr. B. Neale
DIRECTOR: COMMUNITY SERVICES	Mr. K. Stuurman
MANAGER: BUDGET, REPORTING AND EXPENSES	Mr. J. De Jager
MANAGER: REVENUE	Mrs. W. Bekker
MANAGER: SUPPLY CHAIN MANAGEMENT	Mr. B. Beyers
MANAGER: TOWN PLANNING & BUILDING CONTROL	Mr. R. Brunings
MANAGER: HUMAN RESOURCES	Mr. P.J. Le Roux
MANAGER: HUMAN SETTLEMENTS	Mr. J. Engel
ASSISTANT LEGAL-/RISK MANAGEMENT OFFICER	Mrs. L. Baransky

INTERNAL MEMORANDUM

To: All relevant officials

Date: Monday, 11 December 2023

IMPLEMENTATION OF COUNCIL RESOLUTIONS

The following Council Resolutions were taken during the **Special Council Meeting** held on **Monday, 11 December 2023** and are delegated to the following officials for completion, implementation or cognisance. You are therefore requested to give urgent attention to the delegated tasks. The minutes are not yet approved and therefore subject to change.

Item Number	Report	Implementation / Completion / Cognisance	Instructions	Implementation or completion verified / Notes
Item A193.	Supply Chain Management Monthly Report – November 2023	Director Financial Services: (E. Wassermann)	Cognisance.	No further action required.

MUNICIPAL LOGO

SWELLENDAM MUNICIPALITY

DRAFT REVIEWED WARD COMMITTEE POLICY

APPROVED BY COUNCIL:

EFFECTIVE DATE:

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1. DEFINITIONS

In this policy, unless the context indicates otherwise:

- **“Public Participation”** means an open, fair and accountable process through which individuals and groups within selected communities can exchange views and influence decision making. It is further defined as a democratic process of engaging people, deciding, planning and playing an active part in the development and operation of services that affect their lives.
- **“Council”** means the Municipal Council of **Swellendam Municipality** established by Local Government: Municipal Structures Act, No.117 of 1998 and Provincial Notice no 592 dated 22 November 2000; 2.1.2 **“Councillor”** means a member of the Municipal Council.
- **“Municipal Structures Act”** means the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.
- **“Municipal Systems Act”** means the Local Government: Municipal Systems Act, No. 32 of 2000, as amended.
- **“Ward Committee”** means a committee of a municipal ward, established in terms of Part 4 of Chapter 4 of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended.
- **“Integrated Development Plan (IDP)”** means single, inclusive and strategic plan for the development of the Municipality.
- **“Local Community”** or **“community”** in relation to the Municipality means that body of people comprising of:
 - The residents of the Municipality.
 - The rate payers of the Municipality.
 - Any civic organization and non-governmental, or private sector organization or bodies which are involved in local affairs in the Municipality.
- **“Municipal Manager”** means the person appointed in terms of Section 54A of the Local Government: Municipal Systems Act, No. 32 of 2000.
- **“Municipality”** when referred to as an organ of state means municipality as described in Section 2 of the Local Government: Municipal Systems Act, No. 32 of 2000; and when referred to as a geographic area means the municipal area determined in terms of the Local Government: Municipal Demarcation Act, No. 27 of 1998.

- **“Ward Councilor”** means a Municipal Councilor elected in terms of section 22(1)(b) of the Local Government: Municipal Structures Act, No. 117 of 1998 to represent a ward.
- **“PR Councilor”** means a proportional representative Municipal Councilor elected in terms of section 22(1)(a) of the Local Government: Municipal Structures Act, No.117 of 1998 to represent a party on the council of the Municipality.
- **“Speaker”** means the Speaker of the Council elected in terms of Section 36 of the Local Government: Municipal Structures Act, No. 117 of 1998.
- **“Sector”** means a determinable sector, subsector or interest group within the ward community.

2. PURPOSE

The Ward Committee Policy seeks to provide guidelines on the establishment and operation of Ward Committees, within the jurisdiction of the **Swellendam Municipality**.

3. LEGISLATIVE AND POLICY FRAMEWORK

3.1 The Constitution of the Republic of South Africa (Act 108 of 1996)

The Constitution (RSA, 1996, section 152 (1)) outlines the objectives of Local Government as follows:

- To provide democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment; and
- To encourage the involvement of communities and community organizations in the matters of local government.

3.2 White Paper on Local Government (1998)

The White Paper prescribes that municipalities should develop and adopt inclusive and integrated approaches which include a mix of appropriate strategies that do not only promote and strengthen community involvement but also address challenges and eliminate problems that hinder meaningful citizen participation in the government policy formulation processes. Amongst others, the White Paper seeks to achieve the following:

- Actively seeking to empower the most marginalised groups in the community and encouraging their participation;
- Empowering ward councillors as community leaders who should play an important role in building a shared vision and mobilising community resources for development;
- Enhancing local democracy through raising awareness of human rights issues and promoting constitutional values and principles;
- Responsive problem-solving and a commitment to working in open partnerships with business and community-based organisations; and
- More importantly, the White Paper further prescribes that municipalities should promote public participation at four levels:
 - As voters to ensure maximum democratic accountability of the elected political leadership for the policies they are empowered to promote;
 - As citizens who express, via different stakeholder associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible;
 - As consumers and end-users, who expect value-for-money, affordable service and courteous and responsive service; and
 - As organised partners involved in the mobilisation of resources for development via for-profit businesses, non-governmental organisations, and community-based organisations.

3.3 The Municipal Structures Act (117 of 1998)

The Act defines the structures of local government and provides for the creation of the first mechanisms of participatory governance in local government through the establishment of a ward committee system. The ward committee system entails the establishment of statutory ward level structures that facilitate the involvement of communities in the affairs of the Municipality whose activities and programs have to be reported on annually.

Part 4, section 72 -78 of the Structures Act (RSA: 1998) provides for the establishment of ward committees to enhance participatory governance in local government. It prescribes processes for ward committee establishment as follows:

- If a metro or local council decides to have ward committees, it must establish ward committee for each ward in the Municipality.
- The Municipality must establish ward committees within hundred and twenty (120) days after the election of Municipal Councils in accordance with section 22.
- If the Municipality is unable to establish its ward committees within the prescribed timeframe of hundred and twenty (120) days, the Speaker of Council must, prior to the expiry of those days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension.
- The MEC must respond to the request referred to in subsection (1) (a) within 14 days of receipt detailing the reasons for granting or refusing the extension.

A ward committee consists of:

- The Ward Councilor representing that ward in the Council, who must also be the chairperson of the committee.
- Not more than 10 other persons.
- A metro or local council must make rules regulating the procedure to elect ward committee members taking into account the need.
 - For women to be equitably represented in a ward committee;
 - For a diversity of interests in the ward to be represented;
 - The circumstances under which those members must vacate office; and
 - The frequency of meetings of ward committees.
- A metro or local council may make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively.

3.4 The Municipal Systems Act (32 of 2000)

The Municipal Systems Act provides for core principles, mechanisms and processes that are necessary to enable municipalities to facilitate and coordinate the social and economic upliftment of local communities (RSA: 2000: 3). Its primary aim is to put people first on the agenda of developmental local government encouraging municipalities to develop a culture of municipal

governance and create conditions that are conducive for the community and local stakeholders to participate in civic matters. More importantly, the Act provides that members of the public have a right to:

- Contribute to the decision-making processes of the Municipality;
- To be informed of the decisions of the Municipal Council affecting their rights, property and reasonable expectations;
- Develop the culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose encourage, and create conditions for the local community to participate in the affairs of the Municipality;
- The preparation, implementation and review of its Integrated Development Plan.
- The establishment, implementation and review of its performance management system;
- The monitoring and review of its performance, including the outcomes and impact of such performance;
- The preparation of its budget; and strategic decisions relating to the provision of municipal services; and
- Contribute to building the capacity of the local community to enable it to participate in the affairs of the Municipality.

According to Section 21 – which is more specific- the Municipality is mandated to:

- Communicate through the media to the local community in the local newspaper or newspapers in the area;
- By means of radio broadcast covering the area of the Municipality; and
- That such communication must be in the official languages determined by the Council, having regard to language preferences and usage within its area.

3.5 National Policy Framework for Public Participation (2007)

The purpose of the Policy Framework for Public Participation is to provide guidance to municipalities on the appropriate methods, mechanisms and approaches to enhancing public participation in communities. The policy also sets out basic principles underlying public participation, namely:

- Public participation is designed to promote values of good governance and human rights as well as fundamental rights of all citizens to participate in the governance system;
- Public participation is designed to narrow the social distance between the electorate and the elected institutions;
- Public participation requires recognizing the intrinsic value of all people and investing in their ability to contribute to governance processes;
- Residence can participate in a number of ways, for example, as individuals, interest groups or communities;
- Therefore, ward committees play a central role in linking elected institutions, the citizens, and other forums of communication such the izimbizo, road shows which reinforce these linkages with communities;
- Inclusivity - embracing all views and opinions in the process of community participation;
- Building community participation – capacity-building is the active empowerment of role players so that they clearly and fully understand the objective of public participation and may in turn take such actions or conduct themselves in ways that are calculated to achieve or lead to the delivery of the objectives;
- Transparency - promoting openness, sincerity and honesty among all the role players in a participation process; and
- Flexibility - the ability to make room for change for the benefit of the participatory process. Flexibility is often required in respect of timing and methodology. If built into the participatory processes upfront, this principle allows for adequate public involvement, realistic management of costs and better ability to manage the quality of the output.

4. STATUS OF WARD COMMITTEES

A Ward Committee is:

- An advisory body;
- A representative structure;
- Independent; and
- Must be impartial and perform its functions without fear, favour or prejudice.

5. OBJECTIVES OF WARD COMMITTEES

- The objective of Ward Committees is to enhance participatory democracy in local government.
- The main objectives of ward committees are summarized below:
 - Create formal unbiased communication channels and co-operative partnerships between the Municipality and the community within a ward.
 - Ensure contact between the Municipality and the community through the use and payment of services.
 - Create harmonious relationships between the residents of a ward, Ward Councilor, geographic diverse community and the Municipality.
 - Facilitate public participation in the process of the development, review and implementation management of the IDP of the Municipality.

6. FUNCTIONS AND POWERS OF WARD COMMITTEES

- Ward committees have an important role to play in bridging the gap between the Municipality, its Council, and the community.
- A Ward Committee may make recommendations on any matter affecting its ward to the Ward Councillor, or through the Ward Councillor, to the Local Council, the Executive Committee, or the Executive Mayor.
- A Ward Committee may have such duties and powers as may be delegated to it by the local Council of **Swellendam Municipality** in terms of Section 59 of the Municipality System Act.
- The following represents duties and powers that may be delegated to Ward Committees by **Swellendam Municipality**:
 - To create formal unbiased communication channels as well as co-operative partnership between the community and the Council;
 - Assist the Ward Councilor in identifying challenges and needs of residents;
 - Disseminate information in the ward concerning municipal affairs such as the Budget, Integrated Development Planning, Performance Management System (PMS), service delivery options and municipal properties;
 - Receive queries and complaints from residents concerning municipal service delivery, communicate it via the Ward Councillor to the Executive Management and provide feedback to the community on their response;

- Ensure constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and
 - Interact with other forums and organizations on matters affecting the ward.
- To serve as a mobilizing agent for community action within the ward. This may be achieved as follows:
 - I. Attending to all matters that affect and benefit the community.
 - II. Acting in the best interest of the community.
 - III. Ensure the active participation of the community in:
 - Service payment campaigns;
 - The Integrated Development Plan (IDP) process;
 - The Municipality's budgetary process;
 - Decisions about the provision of municipal services; and
 - Decisions about by-laws.
 - No executive powers may be delegated to Ward Committees.
 - A Ward Committee may express dissatisfaction in writing to the Speaker on the failure/inability of a Ward Councillor to convene ward committee meetings and provide feedback on issues raised by ward committee members emanating from their respective blocks and sectors.

7. ELECTIONS OF WARD COMMITTEE MEMBERS

7.1 Election Criteria

To qualify for election as a ward committee member the following criteria shall apply. The prospective ward committee member:

- Must be a registered voter in the ward;
- Must reside in the ward;
- Must be active in the sector or geographic/block area they represent;
- Must have demonstrated commitment to community development and betterment;
- Must not be a member of the National Assembly, the National Council of Provinces or a Provincial Legislature;
- Must not work for the Municipality of **Swellendam Municipality** or the **Overberg District Municipality**;
- Not be a Community Development Worker (CDW);

- Must not have been declared insolvent or mentally incompetent by a court or placed under curatorship;
- Must not have been convicted of an offence and sentenced to a prison sentence of 12 months or longer, without the option of a fine. Such a disqualification ends 5 years after the sentence has been completed;
- Must not be in arrears of any municipal account for over three months unless the person is a registered Indigent Grant recipient of the Municipality. This implies that proof must be provided that a candidate is an indigent recipient, and if not, evidence must be presented that the necessary arrangements have been made to settle the debt and continue to remain in good standing for the duration of the term of office;
- No close family members of the Councillor may serve on the same ward committee; and
- The Code of Conduct for ward committee members will be applicable to all ward committee members during their term of office.

7.2 Ward Committee Models

The establishment of ward committees will be based on two models, taking into consideration sectoral and/or geographical/block representation. Prior to the establishment of ward committees, the Municipality performs the following activities:

7.2.1 Sectoral Model

- Identify the key areas in terms of performance or development, per ward (e.g. local economic development, job creation, basic services);
- Invite interest groups to state their interests and/or concerns relating to areas of performance or development;
- Identify groups with demonstratable interest to represent residents of a specific ward, on matters identified above;
- Identify clusters of interest groups (no more than 10) that qualify for election; and
- Determines the percentage, out of the total membership of 10 which will form the Ward Committee.

7.2.2 Geographical/Block Model

The Council identifies the geographic area, villages or cluster of farms, that will represent an equitable spread of the residents in the Ward.

8. PROCEDURE FOR ELECTION OF WARD COMMITTEES

- The Municipality will establish ward committees across all the fifteen (15) wards of the municipal area;
- Ward Committees will be elected within hundred and twenty (120) calendar days calculated from the date of the declaration of the results of the local government election by the Independent Electoral Commission (IEC) as prescribed in the Municipal Structures Amendment Act (2021);
- The Municipal Manager must advertise a notice for the establishment of Ward Committees in all respective wards of the Municipality in the local newspapers and utilize other appropriate means of communication to invite nominations from organizations, sectors and geographical areas to participate in the Ward Committee elections;
- Members of the public will be given at least two (two) weeks within which to nominate their preferred candidates and the nomination forms will be made available at various strategic points including libraries, community halls etc.;
- The election process will be conducted by the municipal public participation officials appointed by the Municipal Manager, with support from the Department of Local Government/District Municipality or preferably IEC; and
- No political principal/s (i.e. Ward Councillor/s, the Speaker or PR Councillors) will be permitted to oversee the election of ward committees. This includes among other chairing or facilitating the election and nomination of ward committee members prior to and during the elections processes.
- The following rules shall apply during the election of Ward Committees:
 - Upon receipt of nominations from the various wards, the Municipal Manager will determine venues and dates for the holding of Ward Committee elections;
 - Voting for members of a Ward Committee will take place by way of a ballot paper developed by the Municipality;
 - Voting for Ward Committee members will be based on the nominations received and no further nominations will be allowed after the closing date which would have been determined by the Municipal Manager;

- Only members of the public whose names appear on the voters' roll of that particular ward may be granted access into the election venue and be allowed to participate in the election of ward committees;
- Members of the public eligible to participate in the election of Ward Committees will be allowed to walk in and cast their vote after which they may decide to remain at the venue for the announcement of the election results;
- The nominees will also be permitted to observe the voting process should they so decide;
- A 'one person one vote'' principle will apply during the voting process. To this end, a person may only vote for one person irrespective of how many nominated persons appear on the ballot paper;
- In cases where no nomination was received for a particular sector or geographical/block, the Municipal Manager may grant permission for the re-opening of nomination for that particular sector or geographical/block;
- However, if only one nomination was received for a particular sector or geographical/block and there was one vacancy to be filled, there will be no need for a voting to take place and the nominated person will be deemed duly elected as a ward committee member of that ward;
- In cases where there is a tie, this will be decided by a flip of a coin. However, the "loser" in that instance will be co-opted into the ward committee if the "winner" for whatever reason/s ceases to be a ward committee member during the term. The flipping of a coin to determine the "winner" will have to be done in the presence of the nominees; and
- A report on the Ward Committee elections must be submitted to Council for endorsement by means of a Council resolution.

9. WARD COMMITTEE MEETINGS

9.1 Chairperson

- Councillor and act as facilitator to ensure participation of all members.
- Members of the ward committee must submit items to be discussed at a meeting, at least 10 working days before the date of the meeting.
- The chairperson will be responsible to prepare an agenda for ward committee meetings.

- As far as possible all ward committees within the jurisdiction of **Swellendam Municipality** should adhere to the same meeting frequencies, in line with the approved annual programme.
- An attendance register should be kept.
- Acceptable conduct during meetings shall be captured in the Code of Conduct and signed by Ward Committee members upon appointment.
- The following are relevant for ward committee meetings:
 - A majority of Ward Committee members must be present before a vote may be taken on any matter;
 - A ward committee shall endeavour to take decisions based on consensus; and
 - If consensus on a matter cannot be achieved, such matter may be determined by a supporting vote of at least the majority of the members, including the Chairperson, present (50% +1).

9.2 Frequency of meetings

- A ward committee must meet at least monthly;
- Ward committees must at the beginning of the year determine a program for monthly ward committee meetings to coincide with meetings of the municipal council;
- All ward committees in a municipality should as far as reasonably possible, adhere to the same meeting intervals; and
- Notice of ward committee meetings must be advertised on the official notice boards of the Municipality, official website, social media platforms, etc.

9.3 Quorum of ward committee meetings

A majority namely, 50% +1 of ward committee members must be present before a meeting commences and recommendation is made on any matter. In the event of vacancies, the quorum will then constitute 50% +1 of the remaining ward committee members until the vacancies are filled.

10. TERM OF OFFICE

Members of a ward committee are elected for a term determined by section 75 of the Municipal Structures Act, 117 Of 1998, i.e., the term that corresponds with the term of the municipal council. In this regard, and consistent with provisions of section 22 (5), Ward Committee members shall vacate office on the date of the declaration of the results of the next local government elections by the IEC.

11. CRITERIA FOR THE PAYMENT OF THE OUT-OF-POCKET EXPENSES

11.1 Normal Activities

Functional Area 1: Attendance of formal scheduled ward committee meetings by ward committee member.

Functional Area 2: Attendance of formal and scheduled community and Sector or Block/Geographic area report back meetings by ward committee member.

Functional Area 3: Registering of operational service delivery and other complaints by ward committee member.

Functional Area 4: Active involvement in ward-based development, monitoring and evaluation thereof by a ward committee member.

11.2 Ad-hoc Activities:

Functional Area 5: Attendance of compulsory ward committee training and capacity building programmes by ward committee member.

Functional Area 6: Attendance and/or participation by ward committee member in other official forums from other spheres of government that is approved by the Municipality.

The functional areas of ward committees are clustered according to normal and ad hoc Activities for the payment of out-of-pocket expenses as follow:

WARD PARTICIPATORY STRUCTURE FUNCTIONAL AREAS

NORMAL ACTIVITIES					ADHOC ACTIVITIES	
Amount payable per month					Amount payable when required	
1	2	3	4	Total	5	6
Attendance of formal scheduled Ward Committee Meetings by ward committee member.	Formal and scheduled of Community and Sector or Block/ Geographic area Report Back Meetings by ward committee member.	Registering of operational service delivery and other complaints by ward committee member.	Active involvement in Ward Based Development, Monitoring and Evaluation thereof by ward committee member.		Attendance of compulsory ward committee training and capacity building programmes conducted over a period of at least three consecutive days.	Attendance and/or participation by ward committee member in other official forums from other spheres of government that is approved by the local municipality.
R200 (If member resides within a 20km radius of the meeting venue)	R100.00	R100.00	R100.00	R500.00	R100.00 (If member resides within a 20km radius of the training venue)	R100.00 (If member resides within a 20km radius of the meeting venue)
R300 (If member resides outside a 20km radius of the meeting venue)				R600.00	R100.00 (If member resides outside a 20km radius of the training venue)	R100.00 (If member resides outside a 20km radius of the meeting venue)

12. FILLING OF VACANCIES

- Vacancies will be filled from the replacement list available from the previous election of ward committees (2nd highest vote) by the municipal administration in consultation with the Ward Councillor;
- In the absence of such a list, the administration will consult the relevant sector or geographical/block area with the view of opening nominations for the filling of the vacant post; and
- The filling of the vacant post will be concluded and confirmed within one (1) month after the vacancy has occurred.

13. DEVELOPMENT OF WARD COMMITTEE OPERATIONAL PLANS (WCOPs)

- The Ward Councillor will in consultation with ward committee members develop and review the Ward Committee Operational Plans (WCOPs) on an annual basis;
- The WCOPs entails a list of activities, campaigns and projects that ward committee members will implement during a particular financial year and these include scheduled ward committee meetings, capacity building and training of ward committee members, community awareness campaigns on services, community safety, involvement in ward based projects, payment of rates and services etc;
- The WCOPs should be completed annually before the end of the Municipal Financial Year (i.e. June) and signed off by the Ward Councillor;
- Once approved and signed off by the Ward Councillor, the WCOPs will be sent to the Department of Local Government for review and feedback; and
- The Ward Committee may, subject to available capacity and resources, conduct an annual satisfaction survey on the effectiveness of the ward committees in order to assist the committee in the execution of its functions and powers. The satisfaction survey should be administered by ward committee members under the supervision of the Ward Councillor and with the administrative support of the Municipality.

14. CAPACITY BUILDING AND TRAINING

- Annual capacity building should be planned for members of Ward Committees to empower members to execute their roles and responsibilities.
- Training and capacity building should be based on a needs assessment and take into consideration limited resources, and may include the following:

- Generic training (e.g. conflict management, interpersonal skills, leadership).
- Training on relevant municipal policies and procedures (e.g. indigent policy, credit and debt control policy, intergovernmental community development, principles of good governance).

15. WARD COUNCILLOR COMMUNITY REPORT-BACK MEETINGS

- Councillor Community Report-Back meetings are chaired by the Ward Councillor.
- Meetings should be convened at least quarterly as prescribed in the Code of Conduct for Councillors in Schedule 1 of the Municipal Systems Act.
- Community meetings provide a platform for Ward Councillors to report back on issues that affect the Ward and further serve to register concerns and inputs from community members, relating to service delivery, general development of the community, disaster management and any other municipal concerns the community may have.

16. ADMINISTRATIVE, LOGISTICAL AND FINANCIAL SUPPORT

- Section 16(1)(c) of the Municipal Systems Act (no 32 of 2000) directs that Municipalities provide resources and allocate funds in their annual budgets for community participation.
- The Municipalities should further provide administrative and logistical support to enable Ward Committees to perform their functions and exercise their powers effectively. Such support may include:
 - Promotion of Ward Committees in the community through the “Know Your Ward Committee” campaign;
 - Assistance with translation of information and documentation for the community in an electronic format or at key points such as libraries;
 - Availability of administrative staff to attend Ward Committee meetings and to assist the Ward Councillor and members in fulfilling their clerical and administrative functions;
 - Logistical arrangements (booking and preparation of venues, IT equipment, etc.); and
 - Facilitation of Ward Committee Elections.
- Whilst no remuneration is paid to Ward Committee members, the Municipality must budget for out-of-pocket expenses of Ward Committee members and may

provide a stipend as determined by Council's approval, to ten members of each Ward Committee, as set out in the Division of the Revenue Bill, in order to cover for such out-of-pocket expenses.

- Payment of a stipend may be withheld after three consecutive non-attendance of either a Ward Committee or Capacity Building meeting without a valid reason.
- Fuel costs incurred to attend Ward Committee, Capacity Building or IDP meetings may be claimed separately, in line with the provisions and processes of the policy regulating travel and transport. In line with the criteria for the Out-of-Pocket Expenses as indicated in paragraph 11.

17. ROLE OF THE SPEAKER

As a custodian of Ward Committees and Public Participation, the Speaker is responsible for the following:

- Must ensure the effectiveness and functionality of ward committees and the public participation processes;
- If the Municipality is unable to establish its ward committees within the prescribed timeframe of hundred and twenty (120) days, the Speaker must, prior to the expiry of those days after the elections, in writing and on good cause shown, request the MEC, responsible for local government in the province concerned, for an extension;
- The MEC must respond to the request referred to in subsection (1) (a) within 14 days of receipt detailing the reasons for granting or refusing the extension;
- Coordinate the functions of the Municipality insofar as ward committees are concerned and ensure that ward committees are fully functional;
- Oversee compliance to and implementation of this policy and that all stakeholders play their roles as prescribed herein;
- Ensure that Ward Councillors convene their scheduled ward committee and Ward Councillor Community Report Back meetings in line with this policy;
- Table a quarterly report to the Municipal Council on the functionality of ward committees within the Municipality;
- Ensure that specific issues raised by ward committee members during ward committee meetings find expression on the agenda of the Council and are escalated to the administration for resolution;
- Meet regularly with the ward committees to strengthen the interface between the Municipality and communities;

- Ensure that representations or issues raised through ward committees and Ward Councillors are channelled to the appropriate structures/departments for further attention/information;
- Ensure administrative support is provided to ward committees; and
- Ensure that annual Ward Committee Operational Plans (WCOPs) and quarterly Ward Committee Functionality Reports are signed off and submitted to the Department of Local Government.

18. ROLE OF THE WARD COUNCILLOR

- Is the chairperson of the ward committee;
- Has a duty and an obligation to convene ward committee meetings;
- Ensure that feedback is provided to ward committee members on service delivery issues/concerns raised in previous meetings;
- After consultation with the Speaker and administration, the Councillor must ensure that a schedule of ward committee meetings is approved by the Speaker including ward committee meetings, Sector or Geographical/Block area meetings and special meetings and that attendance registers are kept and forwarded to the Office of the Speaker and administration;
- Coordinate the development and compilation of Ward Committee Operational Plans (WCOPs) and ensure that the Speaker approve sign off the plans. The WCOP's should be compiled and reviewed annually;
- Handles queries and complaints in the ward and resolves disputes through referrals of unresolved disputes to the Municipality;
- Ensures that all minutes taken by the ward committee are formalized and submitted to the office of the Speaker for presentation at the Council at an interval determined by the Speaker;
- Submits a progress report to the Office of the Speaker and administration on a quarterly basis for a review of the performance of the committee indicating major achievements, challenges and areas of failure; and
- Implements any corrective measures to ensure effective and efficient performance of the Committee as suggested by the Office of the Speaker.

19. ROLE OF COMMUNITY DEVELOPMENT WORKERS (CDWs) FROM THE DEPARTMENT OF LOCAL GOVERNMENT (DLG)

- Be ex-officio members of the ward committees;

- Act as a resource and information person and complement the work of ward committee members and Ward Councillors;
- Provide monthly reports to the ward committee on any service delivery issues and support rendered to the community in the ward;
- Not serve as the secretary of the ward committee but can however administratively support the ward committee; and
- Identify and support ward-based projects.

20. TERMINATION OF MEMBERSHIP

The following may serve as sufficient motivation to terminate the membership of a ward committee member:

- Death;
- Resignation;
- Relocation from the ward;
- Election to position of Councilor;
- Failure to attend three consecutive meetings of the Ward Committee without a valid apology;
- Termination of membership from the sector or geographical/block area the ward committee member represents;
- Declared insolvent or mentally incompetent; and
- Bringing the Municipality into disrepute.

21. DISSOLUTION OF A WARD COMMITTEE

The Council may dissolve a Ward Committee based on the recommendation of the Speaker. Instances that might lead to such a recommendation include, but are not limited to:

- Failure to fulfil its objectives as set out in legislation;
- Non-adherence to this policy; and
- Failure to hold three (3) consecutive meetings without justifiable reasons.

22. EFFECTIVE DATE OF WARD COMMITTEE POLICY

This policy is known as the Ward Committee Policy of the **Swellendam Municipality** and takes effect from the date of approval by Council.

ANNEXURE A

Municipal Logo

CODE OF CONDUCT FOR
WARD COMMITTEE MEMBERS

CODE OF CONDUCT FOR WARD COMMITTEE MEMBERS

BACKGROUND

Ward committee members are elected to represent the community in a ward and report on matters affecting the ward or emanating from the ward to the Municipality, through its ward councillor. This code lists the responsibilities of members of ward committees and recommends standards of ethical conduct with which each member of a ward committee must comply.

These standards are applicable to members of the ward committee when dealing with:

- Other ward committee members;
- The ward councillor of that specific ward and all other councillors of the Municipality;
- The municipal administration;
- The community represented in the ward committee; and
- Other stakeholders.

AIMS AND OBJECTIVES OF THE CODE OF CONDUCT

The aims and objectives of the code of conduct is to:

- Set out the functions of a member of the ward committee and to specify the standards of integrity and conduct to be observed by ward committee members in their role to assist the Municipality to meet its objectives and legislative mandate;
- Inform the public about the responsibilities of ward committee members in a specific ward;
- Enhance the image, credibility and accountability of the council to the community in a specific ward where such a member serves; and
- Maintain the trust, respect and co-operation between members of the ward committees and all members of the community represented in the ward.

ACCOUNTABILITY

Members of the Ward Committee are primarily accountable to the community that elect them.

FUNCTIONS OF WARD COMMITTEE MEMBERS

The function of a ward committee is to effectively support the elected ward councillor for that ward and to serve the community by among other:

- Attending meetings of the ward committee;
- Submission and tabling of reports and plans addressing the needs and priorities of the ward and to provide feedback on the functions rendered by the Municipality that impacts on the ward, in order to formulate recommendations to be submitted to the Municipality through the ward councillor;
- Facilitating feedback on matters raised with the Council through the ward councillor;
- Attend and participate in door-to-door campaigns and arrange interaction with substructures in the ward, such as street committees;
- Keep record of and attend to all complaints, queries and requests received from the community in the ward and to attend to it, through the ward councillor;
- Distribute publications as required;
- Management and updating of ward profiles as well as the database of the indigent households;
- Participation in plans and programmes of the Municipality and other spheres of government impacting on the ward development;
- Facilitating participation by the community in all affairs of the Municipality; and
- Foster a good working relationship with CDW's operating in the ward.

STANDARD OF CONDUCT FOR WARD COMMITTEE MEMBERS

A ward committee member must:

- Perform their function in good faith, transparency and honesty;
- At all times, act in the best interest of the Municipality and in such a way that the credibility and integrity of the Municipality is not compromised;
- Not disclose privileged or confidential information;
- Not interfere in the management or administration of any department within the Municipality;
- Not give or purport to give any instruction to any employee of the Municipality;
- Refrain from any rude, abusive, insolent, provocative, intimidatory or aggressive behaviour to a fellow committee member or member of the public;
- Refrain from wilful or negligent behaviour which may result in the damage of property;
- Refrain from participating either individually or with others, in any form or action which may disrupt the operations of the Municipality;

- Refrain from consuming alcohol or using intoxicating drugs whilst on duty as a ward committee member;
- Not encourage or participate in any action that may damage the reputation of the Municipality thus bringing it into disrepute; and
- Comply with the rules for Ward Committees of **Swellendam Municipality**.

SANCTIONS FOR MISCONDUCT

- If the Speaker, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct has been breached, the matter must be referred to the Municipal Manager or delegated official to:
 - Investigate the matter which may include summoning the ward committee member who is alleged to have breached the Code of Conduct; and
 - Make appropriate recommendations to the Speaker for admission to Council on whether the ward committee membership should be terminated or not.
- Any sanction that is imposed for misconduct will be intended to deter future repetition of that behaviour. The sanction imposed must be based on the nature of the offence.
- Sanctions will generally be applied by first issuing a written warning and then a final written warning, except in cases of misconduct which would constitute grounds for immediate dismissal or the immediate imposition of a final written warning.
- A written warning will remain valid and on the record for a period of six (6) months from the date of imposition.
- As a guideline, a ward committee member may be dismissed on the first occasion for, among other:
 - Intimidating, fighting and / or assault of any fellow ward committee member or member of the public;
 - Theft and malicious damage to council property;
 - Being under the influence of alcohol or intoxicating drugs whilst busy with activities of the ward committee;
 - Any act of gross negligence;
 - Wrongful disclosure of privileged information;
 - Any act of bribery or corruption; and
 - Any act which seriously damage the image and reputation of **Swellendam Municipality** thus bringing it into disrepute.
- The final decision to dismiss a ward committee member or terminate their membership should be taken by means of a council resolution.

GENERAL PRINCIPLES OF GOOD GOVERNANCE TO BE COMPLIED WITH BY WARD COMMITTEE MEMBERS

COMMUNITY INTEREST

Members should strive to serve the best interest of the community from which they are elected, by recommending municipal programmes that are community centred, driven and implemented, recognising any diversity in the ward.

INTEGRITY

Members should always act with integrity in the execution of their functions as members of the ward committee, without fear, favour or prejudice.

Members may not use their positions as ward committee members for private gain or to improperly benefit any third party.

OBJECTIVITY

Members should make decisions on merit, based on the mandate received from their ward. They may not act in any manner that will compromise the credibility, impartiality or independence of the ward committee.

ACCOUNTABILITY

Members are accountable to the ward community that they serve.

REGULAR REPORT BACK

The ward councillor and members of the ward committee are responsible for feedback to the community and the constituency of their ward.

TRANSPARENCY

Members promote transparency and should be open and honest about their actions and those of the ward councillor and should welcome community enquiries, thereby creating trust and respect between all role-players.

CONSENSUS

Ward committees should work on the basis of consensus reached in the committee, failing which, a majority decision will prevail.

LEADERSHIP

Members should provide leadership to the ward and set a good example of responsible citizenship.

BATHO PELE

Members must apply the Batho Pele principles when dealing with members of the public.

PUBLIC PARTICIPATION

The ward committee members must in all their actions deepen and strengthen public participation and local democracy.

MEETINGS

Meetings of ward committees shall be held in accordance with the framework set by the Municipality, and when requested by a majority of ward committee members.

Ward committee members shall attend all meetings, unless a written apology is submitted to the ward councillor no less than twenty-four hours prior to such a meeting.

DISSOLUTION OF A WARD COMMITTEE

- A Council may dissolve a Ward Committee if it fails to fulfil its objectives. The following may serve as an indication that a ward committee is failing to perform its functions:
 - Failure to convene three consecutive meetings; and
 - Occurrence of maladministration, fraud, corruption, or any other serious malpractice.

DISPUTES

Ward committee members must avoid conflict between themselves and between members and the ward councillor. In the event of a dispute between the members, the Ward Councillor must mediate between members.

In the event of a dispute between ward committee member/s and the ward councillor, the Speaker must mediate between the two parties.

APPEAL PROCESS

Any member who has been warned, reprimanded or dismissed in terms of this Code of Conduct may, within 14 days of having been notified of the decision of Council, appeal to Council via the Speaker in writing, setting out the reasons on which the appeal is based. The Council will then appoint an Appeals Committee to investigate and make recommendations to Council on whether the Council's decision should be upheld or not. However, the final decision rest with Council.

PLEDGE BY WARD COMMITTEE MEMBERS/ DECLARATION

All members of the ward committee must upon election sign the pledge set out below, in order to show their commitment towards the ward committee that have been elected to. This must be taken in a form of an oath by each member of a ward committee. The pledge reads as follows:

I solemnly declare:

I from ward pledge to advance and act in the best interest of Ward No community, **Swellendam Municipality**.

I confirm that I am residing within the jurisdiction of **Swellendam Municipality**, dedicated resident and registered voter of Ward No.: community.

I further declare that I have read and understand the code of conduct for ward committee members.

I have carefully studied this code of conduct unimpeded and freely, and I cannot claim ignorance of it.

I fully agree that I shall be bound by the Code of Conduct in the execution of my duties and functions as a loyal and disciplined member of a Ward Committee. I further acknowledge that my remuneration for out-of-pocket expenses (if applicable in my municipality) is subject to me fulfilling my obligations as set out above.

Signed.....at.....
his.....day of year.....

Witness 1:

Name:

Sign: Date:

Witness 2:

Name:

Sign: Date:

Municipal Council Elected Representatives:

Swellendam

Ward

Councillor:.....

Sign:Date:

**SWELLENDAM MUNICIPALITY RULES OF ORDER FOR MEETINGS OF COUNCIL
AND COMMITTEES**

APPROVED AS PER ITEM A141 ON 31 AUGUST 2022

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CHAPTER 1 INTRODUCTION

Definitions

1. In these rules, unless the context indicates otherwise—

“chief whip” means the chief whip of the majority party in the Council;

“Code” means the Code of Conduct for Councillors set out in Schedule 1 of the Structures Act;

“committee” means a committee established by the Council in terms of section 79 of the Structures Act, and includes a committee appointed in terms of section 80 of the Structures Act;

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

“Council” means the municipal council of the municipality;

“councillor” means a member of the Council, and includes a political office bearer as defined in section 1 of the Systems Act;

“hybrid meeting” means a meeting where some councillors are physically present in the meeting venue and some councillors attend the meeting virtually;

“meeting” means any meeting of the Council or a committee, as the case may be;

“member of the public” means a person who is not a councillor or a municipal employee and who attends a meeting, and includes—

- (a) the media;
- (b) a dignitary; and
- (c) a representative of a sphere of government;

“municipal employee” means an employee of the municipality;

“Municipal Manager” means the municipal manager of the municipality as defined in the Systems Act;

“municipality” means the municipality of Swellendam;

“ordinary Council meeting” means an ordinary meeting of the Council convened in accordance with rule 6;

“physical meeting” means a meeting where councillors are physically present in the same venue;

“platform” means the virtual platform where a virtual meeting is held;

“Provincial Minister” means the member of the Provincial Cabinet responsible for local government matters in the Province;

“Province” means the Province of the Western Cape;

“quorum” in relation to—

(a) the Council, means a majority of the incumbent councillors; and

(b) a committee, means a majority of the incumbent members appointed to that committee by the Council;

“rules” means these rules;

“Speaker” means the Speaker of the Council elected in terms of section 36 of the Structures Act or the Acting Speaker elected in terms of section 41 of the Structures Act;

“special Council meeting” means a special meeting of the Council convened in accordance with rule 7;

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

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

“venue” means the Council chamber or committee room where a physical meeting is held, unless otherwise determined by the Speaker or chairperson, as the case may be;

“virtual” means streamed live to the internet, using any or all of the following:

- (a) video;
- (b) text;
- (c) audio;

“virtual meeting” means a meeting where councillors are not physically present in the same venue and the meeting is conducted utilising virtual means;

“whip” means a councillor appointed by the councillor’s party to perform the duties attached to the position of a whip as contemplated in these rules; and

“working day” means any day of the week except—

- (a) a Saturday, Sunday, and public holiday; and
- (b) when the Council is in recess.

Application and interpretation

2.(1)(a) Subject to paragraph (b), these rules apply to all meetings of the Council and its committees.

(b) These rules do not apply to the following committees:

- (i) A committee established in terms of item 14(1)(b) of the Code;
- (ii) a committee contemplated in section 62(4)(c)(ii) of the Systems Act;
- (iii) a mayoral committee contemplated in section 60 of the Structures Act;
- (iv) a planning committee;
- (v) a municipal public accounts committee; and
- (vi) a committee contemplated in section 32(2) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

(2) Unless it is inconsistent with the context or clearly inappropriate, a reference in these rules to—

- (a) the Council must be construed as a reference to a committee;
- (b) the Speaker must be construed as a reference to the chairperson of a committee;
- and
- (c) a councillor must be construed as a member of a committee.

(3) Except where it is clearly inappropriate, a rule applying to a councillor in any proceedings also applies to a municipal employee and a member of the public who takes part in those proceedings.

(4) If, in terms of these rules, a notice, motion, question, or request is required or permitted to be given in writing to any councillor or person, it is sufficient if it is transmitted electronically directly to that councillor or person in such a manner and form that it can conveniently be printed by the recipient within a reasonable time.

(5) If, in terms of these rules, a document is required to be published, provided or delivered, it is sufficient if an electronic original or reproduction thereof is published, provided or delivered by electronic communication in such a manner and form that it can conveniently be printed by the recipient within a reasonable time: Provided that this sub-rule does not apply to any publication to inform the public.

(6) If, in terms of these rules, a document is required to be signed by—

(a) a single councillor or person, signing may be affected in any manner provided for in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002); or

(b) two or more councillors or persons, it is sufficient if—

(i) all of those councillors or persons sign a single original of the document, in person or as contemplated in paragraph (a); or

(ii) each of those councillors or persons signs a separate duplicate original of the document, in person or as contemplated in paragraph (a), and in such a case, the signed duplicate originals, when combined, constitute the entire document.

(7)(a) In instances of urgency, during an emergency or where the Council considers that adherence to a rule would be unreasonable and would prejudice the operation of a meeting, the Council may, with the approval of the majority of the incumbent councillors and for the duration of that meeting, temporarily suspend or relax the provisions of a rule: Provided that the suspension or relaxation of a rule—

(i) may not be in contravention of any national or provincial legislation or any by-law of the municipality; and

(ii) must relate to an item on the agenda for the meeting.

(b) The reasons for the suspension of the rule must be recorded in the minutes.

(c) This sub-rule does not apply to a motion to remove from office contemplated in rule 55.

Duty of Speaker, councillors, municipal employees and members of public

3. The Speaker, councillors, municipal employees and members of the public must familiarise themselves with these rules.

CHAPTER 2

MEETINGS

Transaction and order of business

4.(1) The Council transacts its business at ordinary Council meetings and special Council meetings, convened for that purpose in terms of these rules.

(2) The order of business in ordinary Council meetings is as follows, unless the order has been changed in terms of sub-rule (4):

- (a) Election of Acting Speaker, if necessary;
- (b) application for leave of absence;
- (c) confirmation of minutes;
- (d) statements and communications by Speaker;
- (e) statements and communications by Executive Mayor or Executive Committee, if applicable;
- (f) consideration of reports;
- (g) consideration of report on delegated powers;
- (h) urgent matters submitted by Municipal Manager;
- (i) motions;
- (j) questions;
- (k) motions of exigency; and
- (l) adjournment.

(3) The order of business of a special Council meeting is as follows, unless the order has been changed in terms of sub-rule (4):

- (a) Election of Acting Speaker, if necessary;
- (b) application for leave of absence;
- (c) consideration of matters contained in the notice convening a special Council meeting or set out in the request contemplated in rule 7; and
- (d) adjournment.

(4) The Speaker may change the order of business appearing on the agenda or the Council may resolve accordingly.

(5) A councillor who wishes to have the order of business on the agenda changed, must approach the Speaker in this regard prior to the meeting.

Agenda

5.(1)(a) The Speaker or a person designated by the Speaker must prepare the agenda for a meeting in liaison with the Executive Mayor and the Municipal Manager.

(b) The Director: Corporate Services must assist the Speaker in preparing the agenda.

© The agenda for an ordinary meeting must be provided to councillors seven days prior to the day of the meeting.

(d) The agenda for a Special Council meeting must be provided to councillors two days prior to the day of the meeting, with the understanding that this period may be shortened in case of an emergency or extra-ordinary circumstances.

(2) The Speaker may at any time during a meeting introduce an urgent matter which does not appear on the agenda, unless—

- (a) a councillor indicates the councillor's opposition to the introduction of the matter;
- (b) the procedure contemplated in rule 18 is followed; and
- (c) the Council resolves otherwise with a supporting vote of a majority of the votes cast.

(3) Except as otherwise provided in these rules or in terms of sub-rule (2), a matter not appearing on the agenda may not be transacted at a meeting.

(4) The Speaker may refuse an item, motion or question to the agenda if such item, motion or question—

- (a) falls outside the jurisdiction of the municipality;
- (b) is racist in nature or advocates hate speech;
- (c) is *sub judice*;
- (d) does not comply with procedural requirements for submission of agenda items as provided for in these rules;
- (e) lacks sufficient information;

(f) violates legislation or is contrary to the law; or
(g) is of defamatory nature,
in which event the procedure in rule 36(2) and (3) must be followed.

Meetings

6.(1) The Speaker must—

- (a) at least quarterly convene ordinary Council meetings; and
- (b) ensure that the Council meets at least quarterly in accordance with section 18(2) of the Structures Act.

(1A) The Speaker must decide whether a meeting should be a—

- (a) physical meeting;
- (b) virtual meeting; or
- (c) hybrid meeting.

(2)(a) All physical meetings must be open to members of the public, unless members of the public are excluded as contemplated in rule 23.

(b) All virtual meetings may be livestreamed on the municipality's website, unless members of the public are excluded as contemplated in rule 23.

(c) All hybrid meetings must be—

- (i) open to members of the public; and
- (ii) livestreamed on the municipality's website,

unless members of the public are excluded as contemplated in rule 23.

(3) Subject to sub-rule (1) and rule 7(3), the Speaker must decide when and where the Council must meet.

(4)(a) At least two working days before an ordinary Council meeting, the Municipal Manager must give written notice to each councillor of that meeting.

(b) If the Municipal Manager accidentally omits to give a notice contemplated in paragraph (a) to any councillor, such omission does not invalidate a meeting.

(5)(a) At least two working days before an ordinary Council meeting, the Municipal Manager must give written notice to the public in accordance with section 19 of the Systems Act.

(b) The notice contemplated in paragraph (a)—

(i) must be posted on—

(aa) the landing page of the municipality's website; and

(bb) a notice board at the municipality's head office; and

(ii) may be published in a local newspaper determined by the Municipal Manager.

(6)(a) The Speaker may at any time change the date, time, venue or platform of an ordinary Council meeting which has been convened.

(b) The Municipal Manager must give reasonable notice in line with this rule of any change to the date, time, venue or platform of a meeting.

Special Council meetings

7.(1)(a) The Speaker may call a special Council meeting on a date, time and venue or platform determined by the Speaker.

(b) When the Speaker has determined the date, time and venue or platform of a special Council meeting, the Speaker must inform the Municipal Manager thereof.

(2) If the position of Speaker is vacant or the Speaker is absent, unavailable, unwilling or unable to perform the Speaker's functions—

(a) the Municipal Manager; or

(b) a person designated by the Provincial Minister if the Municipal Manager is absent, unavailable, unwilling or unable,

must convene a special Council meeting to elect a Speaker or an Acting Speaker, as the case may be, and preside over such election.

(3) The Speaker must, if a majority of the councillors requests the Speaker in writing to convene a special Council meeting for the consideration of a specified matter or matters

and if the request complies with the requirements set out in this rule and the Structures Act—

- (a) convene a special Council meeting on the date and at the time set out in the request and at a venue or using a platform determined by the Speaker; and
- (b) inform the Municipal Manager of the date, time and venue or platform and supply the Municipal Manager with a copy of the request.

(4) A request to call a special Council meeting must indicate the matter or matters, as the case may be, to be dealt with at that special Council meeting, and indicate the date and the time of the special Council meeting, which date may not be less than—

- (a) six working days from the date the request is submitted to the Speaker; or
- (b) four working days from the date the request is submitted to the Speaker if the matter is regarded as an urgent matter, in which event the reasons for urgency must be stated in the request.

(5) For the purposes of sub-rule (3), a majority of councillors must be construed as reflected in the municipality's establishment notice, notwithstanding any declared vacancies.

(6)(a) If the Speaker, for whatever reason, fails to convene a special Council meeting in terms of sub-rule (3) within one working day of receipt of the request, the Municipal Manager must convene the special Council meeting on the date and at the time set out in the request and at a venue or using a platform determined by the Municipal Manager.

(b) If the Municipal Manager, for whatever reason, fails to convene a special Council meeting in terms of paragraph (a) within one working day of the failure by the Speaker, a person designated by the Provincial Minister must convene the special Council meeting on the date and at the time set out in the request and at a venue or using a platform determined by such person.

(7)(a) If the Speaker is absent, unavailable, unwilling or unable to chair the special Council meeting, the Municipal Manager or a person designated by the Provincial Minister if the

Municipal Manager is absent, unavailable, unwilling or unable, must preside at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.

(b) The Acting Speaker may only preside over the special Council meeting concerned.

(8) Only the matter or matters specified in the notice convening a special Council meeting or set out in the request contemplated to in sub-rule (3), may be dealt with at a special Council meeting.

(9) Rule 55 applies to a special Council meeting to vote on a motion to remove from office.

(10)(a) The Municipal Manager must give notice of a special Council meeting at least two working days prior to the meeting, in the manner contemplated in rule 6(4) and (5).

(b) If the Speaker determines that the special Council meeting is an urgent meeting, the Municipal Manager must, at least one working day before the meeting, give written notice as contemplated in rule 6(4) and (5).

(c) If the Municipal Manager accidentally omits to give notice to any councillor, such omission does not invalidate a meeting.

(11)(a) The Speaker may, on reasonable grounds, determine that a special Council meeting is an emergency meeting, in which event the time periods specified in this rule do not need to be complied with.

(b) The Municipal Manager must take all reasonable steps to notify each councillor and the public of a special Council meeting that is an emergency meeting.

Functions of Speaker regarding meetings

8.(1) Subject to rule 14(2), the Speaker must take the chair at the time the meeting has been scheduled for.

(2) In addition to the functions contemplated in section 37 of the Structures Act and any other law, the Speaker—

(a) must give a ruling in respect of—

- (i) a point of order raised by a councillor; and
 - (ii) a question in relation to the priority of business; and
- (b) may give a ruling in respect of any procedural eventuality for which these rules do not provide.

(3) The rulings contemplated in sub-rule (2) must be recorded in the minutes and may not be debated.

Attendance by councillor

9.(1) Subject to item 3 of the Code and rule 11, a councillor must—

- (a) attend each meeting;
- (b) sign the councillor's name in the attendance register if the councillor is physically attending the meeting, or verbally identify the councillor when directed to do so by the Speaker if the councillor is virtually attending the meeting; and
- (c) remain in attendance, unless the councillor is required in terms of the Code, sub-rule (2), rule 10, 25(4) or 33(7), or any other law to withdraw from the meeting.

(1A) A councillor who attends—

- (a) a virtual meeting; or
- (b) a hybrid meeting virtually,

is deemed present for establishing a quorum, taking a decision, voting on a matter, and for any other purposes.

(2)(a) A councillor must disclose an interest in any matter before Council as contemplated in item 5 of the Code and withdraw from proceedings when that matter is considered, unless the Council decides that the councillor's interest is trivial or irrelevant.

(b) If a councillor withdraws from proceedings as contemplated in paragraph (a), the Speaker must ensure that virtual access by the councillor to the meeting must be denied for the duration of the consideration of that matter.

Order for councillor to withdraw from meeting

10. If the Speaker is of the opinion that a—

- (a) councillor is deliberately contravening a provision of these rules;
- (b) councillor is in contempt of or is disregarding the authority of the Speaker; or
- (c) councillor's conduct is grossly disorderly,

the Speaker may—

- (i) order the councillor to withdraw immediately from the chamber or committee room for the remainder of the day's meeting if the councillor is physically attending the meeting; or
- (ii) deny the councillor virtual access for the remainder of the meeting if the councillor is attending the meeting virtually.

Procedure for leave of absence

11.(1) A councillor must, before being absent from the whole or part of a meeting—

- (a) apply for permission from the Speaker; and
- (b) provide the Speaker with reasonable and *bona fide* reasons and show good cause for granting the application,

at least one working day before the meeting.

(2) Upon receipt of the application contemplated in sub-rule (1), the Speaker must—

- (a) consider the application, taking into account the impact it may have on the meeting;
- (b) approve or reject the application; and
- (c) notify the councillor of the Speaker's decision as soon as possible before the meeting.

(3) If the Speaker rejects the application contemplated in sub-rule (1), the Speaker must provide a reason therefor.

(4) The Speaker, on good cause shown, may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in

accordance with sub-rule (1), which may include, amongst others, illness of the councillor, or illness or death of a member of the councillor's family.

(5) The names of all councillors—

(a) present at a meeting;

(b) absent from a meeting or a part of a meeting; and

(c) to whom leave of absence from the meeting has been granted,

must be recorded in the minutes.

(6) Leave is deemed to have been granted if a councillor—

(a) has been delegated to attend a meeting or engagement on behalf of the Council;

or

(b) withdraws from proceedings as contemplated in rule 9(2).

(7) Sub-rules (1) to (6) also apply with the necessary changes to leave of absence of the Speaker: Provided that a reference in this rule to the Speaker is regarded to be a reference to the Council.

Sanctions for non-attendance

12.(1) Except for the instances contemplated in rules 11(4) and 11(6), a councillor may not without leave—

(a) be absent from a meeting;

(b) fail to be in attendance at the commencement of a meeting; or

(c) fail to remain in attendance until the end of a meeting.

(2) An investigation into an alleged contravention of sub-rule (1) must be conducted in accordance with the uniform standing procedure relating to councillor discipline adopted by the Council.

(3) If the Council finds that a councillor has breached these rules as contemplated in sub-rule (1), the Council must fine the councillor a maximum of—

- (a) 10 per cent of the councillor's gross monthly salary for the first breach; and
- (b) 25 per cent of the councillor's gross monthly salary for every subsequent breach.

(4) If a councillor is absent from three or more meetings without permission, the Council must request the Provincial Minister to remove the councillor from office.

Recording of virtual meetings and hybrid meetings

12A. The Municipal Manager must ensure that every virtual meeting and every hybrid meeting is digitally recorded and that the recording is stored for a period of not less than three years from the date of the meeting.

Minutes

13.(1) The Municipal Manager must—

- (a) compile the minutes of the proceedings of a meeting in writing within two weeks of the meeting; and
- (b) provide each councillor with a copy of the minutes within a reasonable period.

(2) The minutes of a meeting must be considered by the Council at its next meeting and, if confirmed, must be signed by the Speaker.

(3) The minutes are taken as read, for the purpose of sub-rule (2), if they were provided to each councillor within a reasonable period before the meeting considering them.

(4) No motion or discussion is allowed on the confirmation of the minutes, except in connection with the correctness thereof.

(5) If a councillor is dissatisfied with the correctness of the minutes, the councillor must—

- (a) state the item with which the councillor is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(6) The minutes of a meeting must set out the date, time and place of the meeting and the decisions or other action taken at the meeting.

(7) The Municipal Manager must keep a record of the signed minutes.

Quorum

14.(1) A meeting may not commence until a quorum is present.

(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) If there is no quorum, the start of the meeting must be delayed for not longer than 30 minutes and if at the end of that period, there is still no quorum, the Speaker must—

(a) adjourn the meeting to another time, date and venue or platform at the Speaker's discretion; and

(b) record the time of such adjournment and the names of those councillors present.

(4) If the Speaker is not present and there is no quorum, the start of the meeting must be delayed for not more than 30 minutes and if there is still no quorum at the end of that period, the meeting may not take place and the Municipal Manager must record the time of such adjournment and the names of the councillors present.

(5) If 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 or such longer time as the Speaker may allow, there is still no quorum, the Speaker must—

(a) adjourn the meeting to another time, date and venue or platform at the Speaker's discretion; and

(b) record the time of such adjournment and the names of those councillors present.

(6) No technical failure on the part of a councillor or group of councillors during a virtual meeting or a hybrid meeting that leads to a break in the virtual connection for a total period

of not more than five minutes invalidates any action taken by a majority of the councillors attending the meeting.

Adjournment of proceedings

15.(1) The Speaker may only adjourn a meeting—

- (a) after the Council has transacted all of its business on the agenda;
- (b) in the absence of a quorum as contemplated in rule 14;
- (c) upon a successful motion to adjourn as contemplated in rule 43 or 44;
- (d) when a meeting has fallen into disarray and has become unruly;
- (e) in the event of a resignation as contemplated in rule 55(11); or
- (f) in the event of *vis major*.

(2) When the Speaker adjourns a meeting, the members may leave the venue or platform.

Continuation of meeting if Speaker unlawfully adjourns meeting

16.(1) If the Speaker has adjourned a meeting in circumstances other than those contemplated in rule 15, such adjournment is improper and the remaining councillors may proceed with the remainder of the agenda: Provided that a quorum is still present.

(2) The remaining councillors must elect an Acting Speaker to preside over the proceedings to conclude the agenda.

(3) The Municipal Manager or, if the Municipal Manager is absent, unavailable, unwilling or unable, a person designated by the Provincial Minister, presides at the election of an Acting Speaker in accordance with section 36(3) of the Structures Act.

(4) The Acting Speaker may only preside over the remainder of the meeting that was improperly adjourned by the Speaker.

CHAPTER 3 DECISIONS

Unopposed matters

17. If the Council is called upon to consider a matter before it, the Speaker must ask the Council if there is any opposition to the matter from any councillor, and if there is none, a unanimous vote must be recorded in the minutes of the meeting.

Opposed matters

18. If the Council is called upon to consider a matter before it, the Speaker must ask the Council if there is any opposition to the matter from any councillor, and if there is opposition—

- (a) the Speaker must put the matter to the vote as contemplated in these rules;
- (b) the Speaker must announce the result of the vote; and
- (c) upon the announcement of the result of the vote, a councillor may demand that the councillor's dissenting vote, abstention or supporting vote be recorded in the minutes of the meeting.

Decisions by voting

19.(1) As contemplated in section 160(3)(a) of the Constitution and section 30(1) of the Structures Act, a quorum must be present before a vote may be taken on any matter.

(2) A supporting vote of a majority of incumbent councillors is necessary to decide on any matter prescribed by legislation, or, in accordance with section 160(3)(b) of the Constitution and section 30(2) of the Structures Act, on the—

- (a) passing of a by-law;
- (b) approval of the budget;
- (c) imposition of rates and other taxes, levies and duties; and
- (d) raising of loans.

(3) A supporting vote of at least two-thirds of incumbent councillors is necessary to adopt a decision to dissolve the Council, in accordance with section 34 of the Structures Act.

(4) All other questions before the Council are decided by a majority of the votes cast, as contemplated in section 160(3)(c) of the Constitution.

(5) If on any question other than a matter contemplated in section 160(2) of the Constitution, there is an equality of votes, the Speaker must exercise a casting vote in addition to the Speaker's vote as a councillor as contemplated in section 30(4) of the Structures Act.

(6) The Executive Mayor must submit a report and recommendations before the Council takes a decision on the following matters:

- (a) Any matter contemplated in sub-rule (2)(c);
- (b) the approval of an integrated development plan or any amendment thereof; and
- (c) the appointment and conditions of service of a Municipal Manager and a Senior Manager directly reporting to a Municipal Manager.

(7) As contemplated in item 2A of the Code, a councillor may not vote in favour of, or agree to, a resolution which is before the Council and conflicts with any legislation applicable to local government.

Method of voting

20.(1) Voting must take place in the manner contemplated in rule 21(2) or (3), unless—

- (a)(i) the law prescribes otherwise; or
- (ii) the Speaker determines that voting must take place by a secret ballot, in which case voting must take place in the manner contemplated in rule 21(4); or
- (b) the Speaker determines that—
 - (i) a virtual meeting must take place, in which case voting must take place in the manner contemplated in rule 21(5); or
 - (ii) a hybrid meeting must take place, in which case voting must take place in the manner contemplated in rule 21(6).

(2) When the Speaker exercises the power to determine the appropriate voting procedure or method, the following factors must be taken into account:

- (a) The subject and content of the matter to be voted on;
- (b) the prevailing circumstances relating to the matter to be voted on;
- (c) the weight to be afforded to the advancement of the principles of transparency, accountability, and good governance, and enabling councillors to vote according to their conscience and in the furtherance of the best interest of the people;
- (d) which voting procedure or method would ensure that councillors exercise their powers, perform their functions, and carry out their duties most effectively;
- (e) the imperative of the Speaker's impartiality;
- (f) the possible consequences of the resolution on the municipality, members of the public, and councillors;
- (g) the possibility of corruption if voting takes place by way of a secret ballot; and
- (h) any other relevant factors.

(3) A councillor may not leave the venue or platform during the taking of a vote.

Casting of votes

21.(1) Unless any law provides otherwise, voting takes place in accordance with an electronic, manual or virtual voting system.

(2) At a meeting held in a chamber or committee room where an electronic voting system is in operation, questions are decided by the utilisation of such system, unless the Speaker directs otherwise and—

- (a) councillors may vote only from the seats allocated to them individually in the chamber or committee room;
- (b) councillors must vote by pressing the "Yes", "No" or "Abstain" button on the electronic consoles at their seats when directed by the Speaker to cast their votes;
- (c) a councillor who is unable to cast a vote, must draw this to the attention of the Speaker and may in person or through a whip of the councillor's party inform the Speaker of the councillor's vote;

- (d) after all councillors have cast their votes, the Speaker must immediately announce the result of the division; and
- (e) the names and votes of the councillors must be recorded in the minutes of the meeting.

(3) Where no electronic voting system is in operation, and unless it is a virtual meeting, a manual voting system must be used in accordance with a procedure predetermined by the Speaker and—

- (a) the Municipal Manager or the Municipal Manager's nominee must count the votes cast in the presence of a representative of each party represented on the Council or the committee, as the case may be, and present at such meeting and must record the result of voting;
- (b) after councillors' votes have been counted, the Speaker must immediately announce the result of the division; and
- (c) the names and votes of the councillors must be recorded in the minutes of the meeting.

(4) A secret ballot may be held in a physical meeting, in which case—

- (a) the Municipal Manager must hand to each councillor a ballot paper having the alternates to be voted for clearly depicted thereon;
- (b) the Municipal Manager must collect all the ballot papers and count them in the presence of a representative of each party represented on the Council, or the committee, as the case may be, and present at such meeting; and
- (c) the Speaker must immediately announce the result of the division.

(5) Where a virtual meeting is held—

- (a) only councillors who are in attendance when the vote is called are permitted to vote;
- (b) if a councillor is in attendance but experiences a technical failure that leads to a break in the virtual connection, the Speaker must give the councillor one other

opportunity to vote after a period of five minutes have lapsed since first calling such councillor to vote;

(c) councillors may vote in the order indicated by the Speaker;

(d) councillors must switch on their video function, clearly identify themselves and record their votes by stating “Yes”, “No” or “Abstain” when directed by the Speaker to cast their votes;

(e) a councillor who is unable to cast the councillor’s vote, must draw this to the attention of the Speaker and may in person or through a whip of the councillor’s party inform the Speaker of the councillor’s vote;

(f) after all councillors have cast their votes, the Speaker must immediately announce the result of the division;

(g) the names and votes of the councillors must be recorded in the minutes of the meeting;

(h) councillors must ensure that their votes are correctly recorded;

(i) the Municipal Manager must maintain a system that is capable of verifying the votes cast.

(6) Where a hybrid meeting is held—

(a) the Speaker must direct which voting system must be utilised by the councillors who are physically attending the meeting; and

(b) the councillors who are virtually attending the meeting must vote in the manner contemplated in sub-rule (5).

CHAPTER 4

ATTENDANCE AT AND PARTICIPATION IN MEETINGS

Attendance of and address by municipal employee or member of public

22.(1) The Speaker must—

(a) take reasonable steps to regulate public access to, and public conduct at, meetings as contemplated in section 20(4)(b) of the Systems Act; and

(b) ensure that meetings are accessible to persons with disabilities.

(2) The Council must conduct its business in an open manner and may close its meetings as contemplated in rule 23 only when it is reasonable to do so, having regard to the nature of the business being transacted as contemplated in section 160(7) of the Constitution.

(3) A municipal employee or member of the public who was not invited by the Speaker to address the Council, but wishes to do so, must apply in writing to the Speaker at least one working day before the meeting, stating the matter on which the municipal employee or member of the public wishes to speak.

(4)(a) The Speaker may allocate reasonable time to any municipal employee or member of the public to address the Council upon granting an application contemplated in sub-rule (3).

(b) If the meeting is a virtual meeting, the Speaker must ensure that the municipal employee or member of the public is granted access to the meeting using virtual means.

(c) If the meeting is a hybrid meeting, the Speaker must ensure that the municipal employee or member of the public is granted physical access to the meeting or access using virtual means.

(d) If the member of the public contemplated in paragraph (b) or (c) does not have the means to virtually attend the meeting—

(i) the member of the public must inform the Speaker and the Municipal Manager;
and

(ii) the Municipal Manager must ensure that the member of the public is given access at the municipal premises, using virtual means, to the meeting.

Arrangements relating to attendance

22A. A councillor, municipal employee or member of the public who virtually attends a meeting, must—

(a) switch on the video function, unless otherwise directed by the Speaker;

(b) mute the microphone when not speaking;

(c) use the chat function to ask recognition from the Speaker to speak; and

(d) wait for the Speaker to be called upon to speak or unmute the microphone.

Exclusion of members of public from meeting

23.(1) Subject to section 20(1) of the Systems Act and sub-rules (2) and (3), members of the public may be excluded from a meeting—

- (a) if so directed by the Speaker;
- (b) if so decided by Council upon a motion from any councillor to that effect; or
- (c) where matters are marked confidential.

(2) Members of the public may not be excluded when considering or voting on a matter contemplated in section 20(2) of the Systems Act.

(3) Members of the public may be excluded when the Council, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it reasonable and justifiable to do so, having regard to the principles of an open and democratic society.

(4) If a motion to exclude members of the public from the meeting as contemplated in sub-rule (1)(b) is seconded, the motion must be put to the vote, after a discussion of the reasons, but without discussion of the matter.

(5) If members of the public are excluded from—

- (a) a physical meeting, the venue must be cleared of all members of the public;
- (b) a virtual meeting, virtual access by the public must be denied; or
- (c) a hybrid meeting, the venue must be cleared of all members of the public and virtual access by the public must be denied.

(6) The motivation for the exclusion of members of the public must be recorded in the minutes of the meeting.

Re-admission of members of public

24.(1) A councillor may during the course of a meeting from which members of the public were excluded, move a motion “that the meeting again be opened” and state the reasons for the motion.

(2) If the motion is seconded, it must be put to the vote forthwith without debate.

(3) If the motion is carried, the Speaker must ensure that members of the public are permitted—

- (a) physical access to a physical meeting;
- (b) virtual access to a virtual meeting; or
- (c) physical and virtual access to a hybrid meeting.

CHAPTER 5

CONDUCT IN MEETINGS

Conduct of councillors, municipal employees and members of public

25.(1) Councillors, municipal employees and members of the public must preserve order at meetings, and may not—

- (a) behave in an unseemly manner;
- (b) obstruct the business of a meeting;
- (c) commit any breach of the rules;
- (d) indulge in an irrelevant argument or the tedious repetition of arguments; or
- (e) use offensive or unbecoming language or remarks which are of a defamatory nature.

(2) Councillors may not challenge a ruling of the Speaker as contemplated in rule 8(2).

(3) If a councillor, municipal employee or member of the public breaches sub-rule (1), the Speaker must direct such councillor, municipal employee or member of the public to refrain from the breach.

(4) If a councillor, municipal employee or member of the public disregards the direction of the Speaker contemplated in sub-rule (3), the Speaker may—

(a) direct the councillor, municipal employee or member of the public if speaking, to discontinue the councillor, municipal employee or member of the public's speech;

(b) direct the councillor, municipal employee or member of the public to withdraw from the chamber or committee room for the remainder of the meeting if the councillor, municipal employee or member of the public is physically attending the meeting; or

(c) mute the microphone of the councillor, municipal employee or member of the public for the remainder of the meeting if the councillor, municipal employee or member of the public is virtually attending the meeting.

(5) If the Speaker fails to act under sub-rule (3) or (4), any councillor may move a motion to require the Speaker to do so.

(6) The motion contemplated in sub-rule (5) must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.

CHAPTER 6

DEBATE AND MOTIONS

Address to Speaker

26.(1) A councillor, or a municipal employee or member of the public contemplated in rule 22(4)(a) who is recognised to speak at a meeting, must address the Speaker.

(2) A member of the public who is recognised by the Speaker must state the member of the public's name, and if the member of the public is representing an organisation or group, identify such organisation or group.

Right to speak and limitation

27.(1) As contemplated in section 160(8)(a) and (b) of the Constitution, a councillor is entitled to participate in Council proceedings in a manner that—

- (a) allows the parties and interests reflected within the Council to be fairly represented; and
- (b) is consistent with democracy.

(2) A councillor has freedom of speech in any meeting of the Council and in any committee of which the councillor is a member in accordance with section 28 of the Structures Act and section 2 of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act 7 of 2011): Provided that the councillor must—

- (a) confine the councillor's speech to municipal matters;
- (b) avoid personal attacks on other councillors; and
- (c) refrain from defaming another councillor, a person or an institution.

(3) The right to freedom of speech of a councillor contemplated in sub-rule (2)—

- (a) includes participation in the deliberations and voting on any resolution, decision, report, paper or minutes adopted or approved by the Council or any of its committees; and
- (b) is subject to these rules.

(4) A councillor who is not a member of a committee has the right to speak at a meeting of that committee: Provided that such councillor has been permitted by the chairperson to speak to a specific item on the agenda.

(5) A councillor may speak or proceed to speak at a meeting after being recognised by the Speaker.

(6) A councillor may speak only once to—

- (a) a matter before the Council;
- (b) any motion before the Council;
- (c) any amendments to a motion before the Council; or
- (d) a point of order or a question,

unless authorised by the Speaker or as provided for in these rules.

(7) A councillor may not be interrupted while speaking, unless called to order by the Speaker or a point of order is raised by any other councillor.

(8) The Speaker may not recognise a councillor to speak on a matter once that matter has been voted on.

(9) The Speaker may not allow a debate on a matter—

(a) which may anticipate any matter on the agenda; or

(b) in respect of which a decision by a judicial or administrative body or a commission of inquiry is pending.

Participation by Speaker in debate

28.(1) If the Speaker wishes to take part in a debate, the Speaker may do so from the floor and must—

(a) request the meeting to elect an Acting Speaker in the manner contemplated in rule 16(3) for the duration of the debate in which the Speaker wishes to take part; and ,

(b) in the event of a physical meeting, or a hybrid meeting where the Speaker is physically attending the meeting, vacate the chair and take up a seat amongst the other councillors.

(2) The Speaker does not have to vacate the chair if the Speaker is reporting on matters relating to the Council and its administration.

Tabling of documents

29.(1) Where any law requires any document or report to be tabled in the Council by a councillor or municipal employee, tabling is deemed to be effected— –

(a) in the case of a physical meeting, or a hybrid meeting where the Speaker and the councillor or municipal employee concerned are physically attending the meeting, by presenting it to the Speaker at such meeting; or

(b) in the case of a virtual meeting, or a hybrid meeting where—

(i) either the Speaker or the councillor or municipal employee concerned is not physically attending the meeting; or

(ii) both the Speaker and the councillor or municipal employee concerned are not physically attending the meeting,

upon an announcement by the Speaker that the document or report had been presented in person to the Speaker prior to the commencement of the meeting.

(2) All documents and reports tabled in the Council must be recorded in the minutes.

(3) The Speaker must ensure that all documents and reports tabled in the Council are included in the agenda of a subsequent meeting for consideration or resolution, or both.

Questions

30.(1) A councillor may submit a question on any matter relevant to a political office bearer or municipal employee concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers and carrying out of its duties, by giving 10 working days' notice in writing to the Speaker.

(2) A question must be in writing, dated and signed by the councillor and the date of receipt must be endorsed on it.

(3) The Speaker may—

(a) refer the question back to the councillor with a reason why it cannot appear on the agenda, which reason may include, amongst others, that the Speaker is of the opinion that the question is out of order, not clearly put, irrelevant or not submitted in accordance with these rules; or

(b) accept the question and refer it to the appropriate political office bearer or municipal employee to answer.

(4) The Municipal Manager must ensure that a response is given at the next meeting: Provided that if an answer cannot be put before the meeting, it must be considered at the subsequent meeting.

(5) If a question served before the Council, a similar question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

(6) A debate will not be allowed on a question, except a question of clarity from the councillor who posed the question.

(7) A question and the response thereto must be –published on the municipality’s website for public notification.

Debate management¹

31.(1) The whips of the parties in the Council must, at least two working days before a meeting, provide the Speaker with a list showing—

(a) which items on the agenda for that meeting are to be debated; and

(b) the total time to be allocated to the debate of each item: Provided that the maximum time allocated to each individual councillor for debate on each item on the agenda will be 10 minutes, unless ruled otherwise by the Speaker or resolved otherwise by the Council.

(2) Based on the list contemplated in sub-rule (1), each party must, at least one working day before a Council meeting, deliver to the Speaker a list of the councillors who will speak on an item, and the time allocated to each such councillor: Provided that the total time allocated to all councillors of a party may not exceed the time allocated to that item in terms of sub-rule (1)(b).

¹ The rule is included as a suggested way of determining a list of speakers on contentious or opposed matters. While this may be more appropriate for larger councils, it could be adapted for use in smaller sized councils.

(3) On receipt of the list contemplated in sub-rule (2), the Speaker must, if the Speaker wishes to deviate from the provisions of that list, inform the whips of the relevant parties accordingly within a reasonable time before the Council meeting.

(4) Any matter before the Council that is not listed in accordance with sub-rule (1) must be put to the meeting for adoption without debate, before the matters listed as contemplated in sub-rule (1) are considered.

(5) The Speaker may allow a five-minute period to the mover of a motion to respond and to conclude the debate on an item.

(6)(a) Notwithstanding sub-rules (1) to (5), the Speaker may not, when exercising any discretion in terms of these rules, prejudice any party in respect of the time allocated to a party.²

(b) The ruling of the Speaker after exercising the Speaker's discretion is final.

(7) In the event of an urgent meeting as contemplated in rule 7(10)(b), the whips of the parties in the Council must provide the lists contemplated in sub-rules (1) and (2) within a reasonable time period.

Content of debate

32. A councillor who speaks, must direct the councillor's speech to the matter before the Council.

Point of order

33.(1) A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the rules, the Code or a statutory provision.

(2) A point of order may be raised in relation to—

² This may apply to municipalities where a councillor is speaking according to the time allocated for the councillor's party in that council.

- (a) a procedural matter; or
- (b) the conduct of a councillor, municipal employee, or member of the public.

(3) A councillor raising a point of order must immediately be heard, and the councillor must state the—

- (a) point of order; and
- (b) rule, item in the Code or statutory provision that is being breached.

(4)(a) A councillor 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.

(b) All other matters before the Council must be suspended until the point of order is ruled on.

(5) If ruled to be—

- (a) in order, the councillor must be allowed to proceed with the councillor's speech; or
- (b) out of order, the councillor must remain silent or must retract or change any remarks so as to comply with the ruling.

(6) The Speaker's ruling on a point of order—

- (a) is final and not open to debate; and
- (b) must be recorded in the minutes.

(7)(a) If a councillor persists in irrelevant, frivolous or unsubstantiated points of order, the Speaker may—

- (i) rule that the councillor must withdraw immediately from the chamber or committee room for the remainder of the day's meeting if the councillor is physically attending the meeting; or
- (ii) mute the microphone of the councillor if the councillor is virtually attending the meeting.

(b) If the Speaker fails to act under paragraph (a), any councillor may move a motion to require the Speaker to do so.

Explanation

34.(1) The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of the speech may have been misunderstood.

(2) The councillor giving the explanation may not introduce any new matter, and no debate on the explanation may be allowed.

Motion

35. A councillor may move a motion only when it is put by the Speaker and if seconded by another councillor, unless provided otherwise in these rules.

Notice of motion

36.(1) Unless provided otherwise in these rules, a notice of motion must be—

(a) in writing, dated, motivated and signed by the relevant councillor; and

(b) delivered to the Speaker at least two working days before the date of the meeting at which it is to be moved.

(2) Subject to rule 5(4), the Speaker may refuse an item, motion or question, in which event the Speaker must refer the item, motion or question—

(a) back to the councillor concerned, with the reason why it cannot be placed on the agenda;

(b) to the committee that is mandated by the Council to deal with the matter; or

(c) to the Executive Mayor, if by law such motion or question must first be considered by the Executive Mayor.

(3) If an item, motion or question was put before, and refused by, the Council, a similar item, motion or question may not be put before the Council until a period of three months has lapsed, unless the Council directs otherwise.

- (4) Sub-rule (1) does not apply to the following motions:
- (a) A motion of exigency contemplated in rule 38; and
 - (b) a motion of course contemplated in rule 39.

Question for debate

37.(1) During a debate and—

- (a) after a motion has been moved and seconded; or
- (b) at the conclusion of any speech on a motion,

any councillor may ask any question relevant to the motion to another councillor.

(2) Only the councillor who asked the question may ask a supplementary question, and then only in respect of matters arising out of the reply to that question.

(3) The councillor to whom the question is directed may—

- (a) reply thereto forthwith; or
- (b) require that notice be given of the question, in which event the Speaker must ensure that the reply is placed on the agenda of the next meeting.

Motion of exigency

38.(1) A councillor may direct the attention of the Council to any matter which does not appear on the agenda and of which no notice has been given, by stating briefly the subject of the matter and, without comment thereon, moving a motion “that the motion to which attention has been directed be considered forthwith as a matter of exigency”.

(2) If the motion in sub-rule (1) is seconded and carried, the councillor who moved the motion may be permitted without notice to have the matter considered.

(3) This rule does not apply to a motion to remove from office as contemplated in rule 55.

Motion of course

39.(1) The following are regarded as motions of course:

- (a) That precedence be given to the consideration of any particular matter appearing on the agenda;
- (b) that any report referred to in the agenda be noted, adopted, acted upon or referred back;
- (c) that any document before the Council be acted upon in the manner specified in the motion;
- (d) that action be taken with regard to any matter submitted for consideration in the manner specified in the motion;
- (e) that the Speaker must direct that a councillor, municipal employee or a member of the public withdraw from the meeting; and
- (f) any motion contemplated in rule 40.

(2) If a motion of course is seconded, it must be put to the vote forthwith without debate.

Precedence of debate

40. When a motion is under debate, no further motion may be received, except that—

- (a) the motion be amended;
- (b) the consideration of the matter be postponed to a fixed or undetermined date;
- (c) members of the public be excluded as contemplated in rule 23;
- (d) members of the public be re-admitted as contemplated in rule 24;
- (e) the meeting be adjourned to another date;
- (f) the meeting be adjourned for a specified time;
- (g) the debate on the matter be adjourned for a specified time;
- (h) the motion be put to the vote;
- (i) the motion be removed from the agenda;
- (j) the motion be referred to a committee; or
- (k) the motion be withdrawn.

Amendment motion

41.(1) A councillor may move an amendment motion by stating—

- (a) “that the motion be amended”; and
 - (b) how the original motion should be amended.
- (2) Subject to sub-rule (6), the motion contemplated in sub-rule (1)—
 - (a) need not be in writing; and
 - (b) must be seconded.
- (3) The amendment must be relevant to the original motion on which it is moved, and must be moved while the original motion is under consideration.
- (4)(a) The amendment may not amend, in a material way, the principle embodied in the original motion, but may vary its terms in one or more particulars.
- (b) The Speaker must decide whether or not the amendment complies with paragraph (a), and must rule accordingly.
- (5) The amendment must be considered before considering the original motion.
- (6) If the Speaker so requires, a proposed amendment must be in writing, signed by the councillor who moved it, and—
 - (a) handed to the Speaker; or
 - (b) delivered to the Speaker by electronic communication.
- (7)(a) If there is more than one amendment to the original motion, the last proposed amendment must be put to the vote first, and if carried, the matter must be resolved accordingly.
- (b) If the last proposed amendment is rejected, the amendment proposed immediately before the last amendment must be put to the vote.
- (c) When all amendments have been disposed of, the original motion must be put to the vote.