

Your Ref:

Our Ref:

Room 701, Bram Fischer Building

Date: 19 October 2020

Speaker  
Council item

## **REVIEW AND PROPOSED AMENDMENTS TO STANDING RULES AND ORDERS**

### **1. Purpose**

The purpose of the report is to request Council approval for the proposed amendments of the Standing Rules and Orders of Mangaung Metropolitan Municipality.

### **2. Introduction**

The Standing Rules and Orders serve as a base for the functioning of the Council and administration of the Municipality. The Standing Rules and Orders covers a variety of issues such as internal arrangements and procedures, powers and functions and helps with the smooth running of the Municipality. It is for this purpose that the rules must be regularly reviewed and updated with the intention that they should be assist the effectiveness and efficiency of the operations of the Municipality.

### **3. Deliberations**

Council is empowered by the Constitution and the Municipal Structures Act No.117 of 1998 to develop its own by-law including the adoption of the Standing Rules and Orders in order to regulate its internal affairs.

From time to time or whenever it is necessary the Council review the Standing Rules & Orders in order to ensure that the Council is enabled to run its affairs effectively and efficiently. As a result, some proposals have been advanced for the Council to consider and approve the proposals for the Council to manage its proceedings during the meetings and sittings of the Council and its Committees.

Council adopted the current Standing Rules and Orders on the 30<sup>th</sup> June 2016, and they were subsequently amended on the 14<sup>th</sup> December 2017 and the latest

amendments were on the 13<sup>th</sup> March 2020 under item 119.3. These amendments were duly and properly published in the Provincial Gazette in terms of Section 13 of the Municipal Systems Act no.32 of 2000 so that they can be applicable and enforceable. Further, the Council as a result of the Covid-19 and the subsequent declaration of the State of National Disaster by the State President, His Excellency Honourable Cyril Ramaphosa, was forced to adapt to the new normal including holding some of the Council meetings through electronic and virtually platforms which is not provided for in the adopted Standing Rules and Orders. Therefore, the Council find itself compelled and legally advisable to adopt the amendment for its electronic and virtually platform meetings.

#### **4. Proposed Amendments**

The new proposals for amendments that are advanced can be briefly put as follows:

- A new definition of the word “day” in the definition.
- The new definition of the word “hour” be inserted in the definition clause.
- The sub-section 8.3 be amended.
- The insertion of a new sub-section 50A, namely, the Determination of time and venue of meetings.

The proposed amendments are as follows:

##### **4.1 Rule 2: Definitions**

For the definition of the word “Day”, it is proposed that the words in the brackets be replaced with the words underlined in the proposed amendment.

The current definition reads as follows:

*“Day” shall mean a day [that is not] a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included.*

And the proposed amended definition in the Standing Rules and Orders to read as follows:

“Day” shall refer to any day (period of 24 hours) of the week including a public holiday, Saturday or Sunday and for the calculation of days the first day will be excluded and the last day will be included;

The second proposed amendment relates to the insertion of the word “hour” under definition section in the Standing Rules and Orders.

And the proposed new definition to read as follows:

“Hour” shall refer to any hour (period of 60 minutes) of the day, including any hour of a public holiday, Saturday or Sunday, and for the calculation of hours the first hour will be excluded and the last hour will be included;

#### **4.2 Rule 8: Urgent Matters**

The other proposed amendment relates to Rule 8(3) in relation to Urgent Matters. It is proposed that the percentage in number in the brackets be replaced with the word underlined in the proposed amendment.

The current sub-rule reads as follows:

- **Sub-rule 8.3;** *“For all urgent matters a threshold of [75%] of members present at the meeting should vote in favour of the urgent matter in order to be deliberated”.*

The proposed amended Sub-rule to read as follows:

- **Amended Sub-rule 8.3;** *“For all urgent matters a threshold of majority of members present at the meeting should vote in favour of the urgent matter in order to be deliberated”.*

#### **4.3 Decisions and voting**

Towards the end of 2019, the world experienced the Covid-19 which brought several challenges to the normal way of doing things. Subsequently and during March 2020, the State President, Honourable Cyril Ramaphosa declared the state of national disaster and many things had to change to be in line with the protocols and protection of lives. Amongst these and in relation to the Council and its Committee is the issue of meetings and as a result the Municipality had to move towards virtual and electronic means of holding meetings.

Based on the new of doing things and the virtual and electronic way of holding meetings, both Council and Committee meetings experienced a difficulty when coming to voting methods which must adapt to the new reality. As a result, the below proposals are made;

**Sub-rule 13.8;** “Voting during virtual meeting shall be done either orally by each councillor announcing their vote or electronically through off-site selection by each councillor.



#### **4.4 Insertion of Sub-rule 50.A Determination of time and venue of meetings**

In line with the motivation under 4.3 above, it is further proposed that the new sub-rule should be inserted in the rules as Rule 50.A dealing with meetings.

#### **50.A Meetings not to be held on certain days and only at certain venues**

- (1) No meeting of the council or a committee of the council or a public hearing may be held on a Sunday or a public holiday.
- (2) Meetings and hearings of the council and its committees must be held at a venue within the municipal area.
- (3) When determining the venue for a meeting or hearing the relevant speaker or chairperson must take the following factors into account:
  - a) virtual meetings or hearings as an option and alternative to contact meetings or hearings in line with the provisions of the Disaster Management Act, 57 of 2002 and its Regulations;
  - b) the availability of room at the designated venue for members of the public and the media who wishes to attend the meeting;
  - c) the accessibility of the designated venue for members of the public and the media; and
  - d) reasonable steps that can be taken to regulate public access to such venue.

#### **5. Financial implications**

Legal Services will carry the costs of publishing the amended Standing Rules and Orders in the Provincial Gazette.

#### **6. Recommendations**

It is therefore recommended that:

- 6.1** Council approves the proposed amendments to the Standing Rules and Orders as proposed under paragraph 4 above, namely;
  - 6.1.1 A new definition of the word "day" in the definition.
  - 6.1.2 The new definition of the word "hour" be inserted in the definition clause.
  - 6.1.3 The sub-section 8.3 be amended.
  - 6.1.4 The insertion of a new sub-section 50A, namely, the Determination of time and venue of meetings.
- 6.2** City Manager and Head: Corporate Services should ensure that the amendments are promulgated and published in the Provincial Gazette in terms of Section 13 of the Systems Act.

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**Me. Bonga Mncube**  
**Head: Office of the Speaker**

**Date:** 19/10/2020

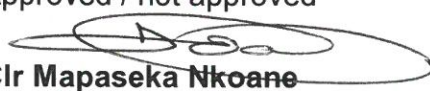
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**Adv. Tankiso Mea**  
**City Manager**

**Date:** 19/10/2020

Approved / not approved



**Clr Mapaseka Nkoane**  
**Chairperson: Rules Committee**

**Date:** 19/10/2020

Approved / not approved



**Clr Mxolisi Siyonzana**  
**Speaker**

**Date:** 20/10/2020