
Refer to : **M Mothekhe**
Reference No: **4/4/1**
Extension : **8543**
Date : **25 March 2022**

TO: THE SPEAKER
COUNCIL ITEM

ELECTION OF THE CHAIRPERSON OF THE RULES COMMITTEE

1. Purpose

The purpose of this report is to appeal to the Municipal Council to consider electing the chairperson of the Rules Committee

2. Deliberations

The legal framework affords the municipality substantial discretion on how to structure its committees, for an example during the Council meeting held on the 08th December 2022, the Council established five section 79 committee. The chairperson of other committees were considered and elected during that meeting, but however due to some internal political arrangements and related consultative processes, the election of the chairperson of Rules was delayed pending finalization of same matters. Critical procedural aspects impacting on the functioning of committees are highlighted below.

2.1. Urgency of electing the Chairperson of the Rules

Council as indicated above elected to have five section 79 committees, which during initial stages, concurrence was requested and obtained from the MEC of COGTA during 2006-2011 council term. The two section 79 committees are standing committees (MPAC & Public Places and Street Naming) and the other three are portfolio committees.

A report regarding election of the chairperson was tabled in two Council meetings held initially on the 08 December 2021, and secondly on the 31 January 2022 and on both accounts the matter was deferred. The reasons advanced on these two occasions was primarily to accord the Council Whip ample time for consultations.

2.2. Founding values of our Democracy

The delegations regarding coordination of members constituting committees is the responsibility of the Council Whip together with all party whips. Section 160(8) of the constitution provides that members of the Council are entitled to participate in the proceedings of committees in a manner that

allows parties and interests represented within the Council to be fairly represented, consistent with democracy.

It may thus be in keeping with fair representation and the founding values of multi-party democracy that council elect the chairperson of the Rules committee without delay and be considerate of the fair representation in the Council. And thus should advance the principle of proportional participation in committees of council.

2.3. Governance Issues

Although it may not be necessary to reflect on this aspect, it is still a point of contention that the confirmation and affirmation of full time office bearers falls within the principle of concurrence. And as is the practice and process, the Council adopts a resolution and prior to implementation seek the concurrence of the MEC of COGTA. By concurrence we mean the following, namely; refer to a regulation of certain matters affecting councillors directly, **firstly approved by the Council and prior to implementation request the union in action (concurrence) of the responsible MEC.** It may also mean *a coincidence of equal powers in law.*

MMM is regarded as the top eight (8) high capacity municipality. The City should therefore not be bogged down by internal huddles especially in matters affecting governance structures, but should focus on enhancing accountability, effective and efficient committee management system. The Speaker is bolstered by the delegation of powers policy to create enabling environment for committees to optimally perform their mandatory responsibilities (political oversight, accountability, and full participation in Council committees). The delay in electing and confirming the election of the chairperson of the Rules, defeats and renders the work of the Speaker indefensible.

3. Terms of Reference of the Rules Committee

The mandatory responsibilities and composition of the committee, including the terms of reference are enclosed as **annexure A & B** in this report.

4. Recommendation

It is hereby recommended that it be resolved

- a) that Council take note of the report;
- b) that the Council elect one member of Council to serve as the chairperson of the Rules committee on a full time basis;
- c) that the new chairperson should submit a schedule of meetings of the committee to the Speaker within a period of two weeks;
- d) that the Acting City Manager to arrange and organize an induction training of the full compliment of the committee within a period of fourteen days, from the date of this resolution.

Submitted by



MR TONYANA SELEBEDI
HOD: OFFICE OF THE SPEAKER

Approve/ Not Approved



COUNCILLOR SB LOCKMAN-NAIDOO
SPEAKER

MEMBERS OF THE RULES COMMITTEE (ANNEXURE B)

NO.	PARTY	NAME OF THE COUNCILLORS
1.	ANC	TD Tukula NP Monyakoane TKW Mokgothu DJ Nyaphuli LW Lekgetho
2.	DA	Hardie Viviers Raynie Klaasen
3.	EFF	G Lipale
4.	FF PLUS	E Snyman van DeVenter