

**AGENDA of the
Portfolio Committee: Management Services
09 November 2023
(Also the agenda for the Mayoral Committee Meeting : 15 November 2023)**

**3.
AMENDMENT BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS,
2022**

**J Wilkinson
09 November 2023**

Senior Manager : Legal Services

(028) 313 8917

1. Executive Summary

Amendment By-law on Rules of Order for Internal Arrangements, 2022

2. Service Delivery and Budget Implementation Plan - IGNITE

Management Services
Council Support Services

3. Compliance with Strategic Priority

Provision of democratic, accountable, and ethical governance

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996
Sections 12, 13 and 75 of the Local Government: Municipal Systems Act, 2000
(Act 32 of 2000) [Systems Act]
Schedule 1 to the Systems Act

6. Background/Discussion/Evaluation/Conclusion

Background

Section 160(1) of the Constitution of the Republic of South Africa, 1996 empowers a Municipal Council to make decisions concerning the exercise of all the powers and the performance of all the functions of the municipality.

In terms of section 160(6) a Municipal Council may make by-laws which prescribe rules and orders for its internal arrangements, its business, and proceedings as well as the establishment, composition, procedures, powers, and functions of its committees.

Unlike Council's existing Policy regarding Rules of Order relating to the Conduct of Meetings, the draft by-law provides for penalties for offences.

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If adopted by Council and promulgated in the Provincial Gazette, this by-law will apply to all meetings of Council, including committees.

If adopted by Council and promulgated in the Provincial Gazette, this by-law will apply to all the areas within the jurisdiction of the Municipality.

Notices of the availability of the draft by-law have been published for a period of thirty days in local newspapers and on notice boards within the area of jurisdiction of the Municipality in a manner that allows the public an opportunity to make representations regarding the draft by-law. Copies of the notices are attached hereto, marked as Annexure B.

No comments were received.

7. Financial Implications

Source of Funding eg. Capital/Operating Budget Provisions

Unique Key	: 20210629094184
Cost Account	:10120221470000
Item Description	: Corporate and Municipal Activities
Budget Provision 2023/2024	: R29 000
Spent to Date/Committed	: R29 000
Balance Available	: R29 000
Funds Required *This report)	:

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A:	Amendment By-law on Rules of Order for Internal Arrangements, 2022
Annexure B:	Formal Public Notices

RECOMMENDATION TO THE COUNCIL:

that the Draft Amended Rules of Order for Internal Arrangements, 2022 **be adopted** for the Overstrand Municipality.

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RESPONSIBLE OFFICIAL :

J WILKINSON

TARGET DATE FOR IMPLEMENTATION :

**IMMEDIATELY SUBSEQUENT
TO PUBLICATION IN THE
PROVINCIAL GAZETTE**

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3. AMENDMENT BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS, 2022

J Wilkinson **Senior Manager : Legal Services** **(028) 313 8917**
09 November 2023

THIS MATTER SERVED BEFORE THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE ON 9 NOVEMBER 2023, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE COUNCIL:

that the Draft Amended Rules of Order for Internal Arrangements, 2022 **be adopted** for the Overstrand Municipality.

RESPONSIBLE OFFICIAL :

J WILKINSON

TARGET DATE FOR IMPLEMENTATION :

**IMMEDIATELY SUBSEQUENT
TO PUBLICATION IN THE
PROVINCIAL GAZETTE**

OVERSTRAND MUNICIPALITY: AMENDMENT BY-LAW ON RULES OF ORDER FOR INTERNAL ARRANGEMENTS, 2022

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from the existing enactments;
- _____ Words underlined with solid line indicate insertions in existing enactments.

To amend the provisions in the Overstrand Municipality By-law on Rules of Order for Internal Arrangements 2018

BE IT ENACTED by the Council of the Overstrand Municipality, as follows:

Amendments in the Table of Contents of the Overstrand Municipality By-law on Rules of Order for Internal Arrangements

By inserting the following words **for vote** after Quorum in the Table of Contents under “Meetings”

Amendment of Section 1 of the Overstrand Municipality Standard By-law on Rules of Order for Internal Arrangements

Section 1 of the Overstrand Municipality By-law on Rules of Order for Internal Arrangements (hereinafter referred to as the principle By-law) is hereby amended

By omitting and inserting the following in the definitions of “Code”

By omitting the words **[Schedule 1 to the Systems Act]** and inserting the words **Schedule 7 to the Structures Act**

and

By inserting in the definition of “committee” **79A** after 79

Amendment of Section 2(3) of the Overstrand Municipality Standard By-law on Rules of Order for Internal Arrangements

By omitting item **[14(1)(b)]** and inserting **item 16(1)(b)** of the Code

Amendment of Section 8 of the Overstrand Municipality By-law on Rules of Order for Internal Arrangements

Section 8 of the By-law is hereby amended

By omitting **[item3]** and inserting **item 4** of the Code

Amendment of Section 10(2) of the Overstrand Municipality By-law on Rules of Order for Internal Arrangements

2. By omitting **[Section 4(2)]** and inserting Section **5(2)** of the Code

Amendment of Section 19(1)(d) of the Overstrand Municipality By-law on Rules of Order for Internal Arrangements

By omitting and inserting the following:

1. By omitting [Schedule 1] of the Local Government: Municipal [Systems Act, 32 of 2000] and inserting Schedule 7 to the Municipal Structures Act, 117 of 1998

Amendment of Section 25 in the Table of Contents of the Overstrand Municipality By-law on Rules of Order for Internal Arrangements

By omitting in the Table of Content [Motions] and inserting Debate

Amendment of the Table of Contents section 51 under Miscellaneous Matters by inserting and Penalties after Offences

Short title

This by-law is called the **Overstrand Municipality Amendment By-law on Rules of Order for Internal Arrangements, 2022.**

OVERSTRAND MUNICIPALITY

**DRAFT AMENDMENTS TO THE STANDARD BY-LAW RELATING TO THE
RULES OF ORDER FOR INTERNAL ARRANGEMENTS, 2013**

Notice is herewith given that the Municipality intends adopting amendments to the abovementioned by-law.

The public is in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) invited to submit **representations** in connection with the proposed by-law to the Municipality by submitting such **representations** on or before **21 June 2023** to the Municipal Manager (For attention Mr. Andre Olivier) at the under mentioned address or fax number.

The **proposed amendments to the by-law** will be available for perusal during office hours at the offices of the Area Managers in Gansbaai, Stanford, Hermanus and Kleinmond, in all the public libraries in the Overstrand and the Corporate Head Office of the municipality in Hermanus, as well as the official website at www.overstrand.gov.za.

Persons who cannot write can visit the Area Managers in Gansbaai, Stanford, Hermanus or Kleinmond during office hours where such persons will be assisted to transcribe their comments or representations. The designated officials for the different municipal areas are as follows:

Gansbaai, Stanford: T. Marx
Hermanus: A. Wyngaard
Kleinmond: Acting Director: J. Solomons

DGI O'NEIL
MUNICIPAL MANAGER

Overstrand Municipality
PO Box 20
HERMANUS
7200

Fax number: 028-313 8931

Notice number: 42/2023

**UMASIPALA WE-OVERSTRAND****INGUQU EZIYILWAYO ZOMTHETHO KAMASIPALA NGOKWENKUBO MPATHO
NGAPHAKATHI**

Esi sisaziso sokuba u-Masipala unenjongo zokwamkela lomthetho ungentla.

Umphakathi ngokwesahluko 12 so Rhulumente Basemakhaya: Umthetho Ngqubo koMasipala, 2000 (Umthetho 32 ka 2000) uyamenywa ukuba ungenise izimvo zabo ngokwalomthetho uphakamiswayo ku Masipala ngokuthi bangenise izimvo phambi okanye ngomhla we 21 Juni 2023 ku Mpathi ka Masipala (isolathiso ngu Mnu. Andre Olivier) kuledilesi nenombolo zefekisi ezingezantsi.

Izilungiso ezicetywayo kulo mthetho kamasipala ziya kuthi zifumaneka kwi-ofisi zabaphathi bengingqi bakamasipala e-Gansbaai, Stanford, Hermanus nase Kleinmond, nakuwo wonke amathala encwadi ase Overstrand nakuyo i-ofisi ephezulu kamasipala e-Hermanus, nakwi website www.overstrand.gov.za, kwabo bafuna ukuwufunda.

Abantu abangakwaziyo ukubhala banga ndwendwela i-ofisi zabaphathi bengingqi zikamasipala e-Gansbaai, Stanford, Hermanus nase Kleinmond apho banokufumana uncedo loku bhala izimvo zabo. Abaphathi bengingqi ngaba balandelayo;

Gansbaai, Stanford : T.Marx

Hermanus : A.Wyngaard

Kleinmond : Umlawuli obambeleyo : J.Solomons

DGI O'NEIL**UMPHATHI KAMASIPALA**

Umasipala we-Overstrand

PO Box 20

HERMANUS

7200

Inombolo ye feksi: 028-313 8931

Inombolo yesaziso: 42/2023

OVERSTRAND MUNISIPALITEIT**KONSEP WYSIGING TOT DIE VERORDENING INSAKE DIE INTERNE
GEDRAGSKODE VIR AANGELEENTHEDE, 2013**

Kennis geskied hiermee dat die Munisipaliteit voornemens is om bogemelde verordening, aan te neem.

Die gemeenskap word ingevolge artikel 12 van die Wet op Plaaslike Regering, Munisipale Stelsels, 2000 (Wet 32 van 2000) uitgenooi om vertoë met betrekking tot die beoogde verordening aan die Munisipaliteit voor te lê deur hul vertoë voor of op **21 Junie 2023** te rig aan die Munisipale Bestuurder (vir aandag Mnr. Andre Olivier) by onderstaande adres of faksnommer.

Die beoogde wysigings tot die verordening is gedurende kantoorure ter insae by die kantore van die Areabestuurders in Gansbaai, Stanford, Hermanus en Kleinmond, in alle openbare biblioteke in die Overstrand, die Korporatiewe Hoofkantoor van die munisipaliteit in Hermanus, sowel as die amptelike webtuiste by www.overstrand.gov.za.

Persone wat nie kan skryf nie kan gedurende kantoorure by die onderskeie Areabestuurders in Gansbaai, Stanford, Hermanus of Kleinmond besoek aflê waar daardie persone gehelp sal word om hul kommentaar of vertoë op skrif te stel. Die aangewese Areabestuurders is soos volg:

Gansbaai, Stanford: T. Marx

Hermanus: A. Wyngaard

Kleinmond: Acting Director: J. Solomons

DGI O'NEIL
MUNISIPALE BESTUURDER

Overstrand Munisipaliteit
Posbus 20
HERMANUS
7200

Faksnommer: 028-313 8931

Kennisgewingsnommer: 42/2023