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KWAZULU-NATAL PROVINSIE  
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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS****MUNICIPAL NOTICE 155 OF 2022****uMlalazi Municipality****LEVYING OF RATES 2022/2023****Notification in terms of Section 14 (2) of the Local Government: Municipal Property Rates Act No. 6 of 2004**

Notice is hereby given that the following resolutions have been taken by the uMlalazi Municipality, in terms of Sections 17 and 24 of the Municipal Finance Management Act No 56 of 2003, read with Section 14 (1) of the Local Government: Municipal Property Rates Act No. 6 of 2004:

**1. DETERMINATION OF RATES**

In terms of Section 2(3) of the Local Government: Municipal Property Rates Act the following property rates for the 2022/2023 shall be levied.

<b>Category</b>	<b>Rates Randage (from 01 July 2021) c/R</b>	<b>Ratio to Residential Tariff</b>
Residential Properties	1.1722	1:1
Commercial and Industrial	1.4652	1:1.25
Vacant Land	2.3444	1:2
Mining	2.3444	1:2
State Owned	1.4652	1:1.25
Agricultural properties	0.2930	1:0.25
Public Benefit Organisation	0.2930	1:0.25
Public Service Infrastructure	0.2930	1:0.25

It must be noted that the fourth general valuation roll, presented in terms of section 32 of the Local Government Municipal Property Rates Act No 6 of 2004, was implemented with effect from 01 July 2021, and property rates were accordingly reviewed for all categories of properties.

**2. EXEMPTIONS, REBATES AND REDUCTIONS**

- The first R15 000 of the market value of a property used for residential purposes is excluded from the rate-able value (Section 17 (h) of the MPRA). In addition to this rebate, a further R 135 000 reduction on the market value of a property will be granted in terms of the municipality's own Property Rates Policy;
- 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy;
- For pensioners, physically and mentally disabled persons, a rebate will be granted to owners of rate-able property as follows:

40 per cent rebate

- (i) A single person receiving a total income of R 8260.00 per month or less
- (ii) A married couple receiving a joint monthly income of R10 205.00 per month or less

20 per cent rebate

- (i) A single person receiving a total income of R8260.00 per month or more
- (ii) (A married couple receiving a joint monthly income of R10 205.00 per month or more

In this regard the following stipulations are relevant:

- The rate-able property concerned must be occupied only by the applicant and his/her spouse, if any, and by dependants without income;
  - The applicant must submit proof of his/her age and identity and, in the case of a physically or mentally handicapped person, proof of certification by a Medical Officer of health, also proof of the annual income from a social pension;
  - The applicant's account must be paid in full, or if not, an arrangement to the debt should be in place; and
  - The property must be categorized as residential.
- The municipality may award a 100 per cent grant in aid on the assessment rates of rate-able properties of certain classes such as churches, registered welfare organizations, institutions or organizations performing charitable work, sports grounds used for purposes of amateur sport.
  - Council at its meeting held on 29 May 2012, resolved to grant a 20% early settlement rebate to ratepayers that make a single rates payment at the end of September of each year. On the 26<sup>th</sup> of May 2021 Council meeting, the date was reviewed to 30 November as an extra relief, due to the economy downfall impacted by COVID 19 outbreak.

### **3. DATE OF OPERATION OF DETERMINATION OF RATES**

That this determination comes into operation on 01 July 2022.

### **4. FINAL DATE FOR PAYMENT OF RATES:**

- **Annual payment of rates:** The final date for the payment of annual rates is 30 November 2022. Interest shall be raised in terms of Council's Credit Control Policy and Tariff of Charges.
- **Monthly rates payments:** That rates shall be paid in 12 (twelve) equal instalments with the first instalment payable on or before the last municipal working day of August 2022. Thereafter each monthly instalment must be paid on or before the last working day of each month and provided that interest will accrue at 8.5% per annum or 0.71% per month (prime rate as at 28 February each year plus 1) in terms of Council's Credit Control Policy and Tariff of Charges if an instalment is not paid by the last working day of the month.

**R P Mnguni**  
**Municipal Manager**

Municipal Offices  
Hutchinson Street  
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Eshowe  
3815

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# UMLALAZI MUNICIPALITY Rules & Orders of Municipal Councils and Committees of The Council

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Gazetted in the Provincial Gazette  
(insert new date once Gazetted)





## **uMLALAZI MUNICIPALITY**

### **RULES & ORDERS OF MUNICIPAL COUNCILS AND COMMITTEES**

#### **OF THE COUNCIL**

##### **PREAMBLE**

WHEREAS a Municipal Council must strive within its capacity to achieve the objectives set out in section 152 of the Constitution of the Republic of South Africa (Act No. 108 of 1996) which is to provide democratic and accountable government to 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 in the affairs of local government;

AND WHEREAS Councillors are elected to represent local communities on Municipal Councils to ensure that municipalities have structured mechanisms of accountability and meet their priority needs.;

AND WHEREAS Councillors must fulfil their obligations to the community, support the achievement by the municipality of its objectives, must adhere to the Code of Conduct for Councillors, comply with the Rules of Order and By-laws of the Municipality and at all times respect the rule of law;

AND WHEREAS it is necessary for the Municipal Council to prescribe Rules of Order for its internal arrangements and to regulate the conduct of its business and proceedings;

NOW THEREFORE the Municipal Council of uMlalazi Municipality, acting in terms of Section 165 (2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with Section 31 (2) of the Local Government: Municipal Structures Act (Act No. 117 of 1998), hereby publishes the Bylaws in terms of Section 13 (a) of the Local Government: Municipal Systems Act (Act No.32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

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## CHAPTER 1: DEFINITIONS

### 1. Definitions

In these rules, any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise-

**“Authorized Official”** means: -

- a) an official of the Municipality who has been authorized by it to administer, implement and enforce the provisions of this by-law;
- b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- c) a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- d) a peace officer, contemplated in terms of section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
- e) a law enforcement officer appointed by the Municipality in terms of the relevant legislation;

**"By-Law"** means legislation passed by the council of a municipality;

**"Chairperson"** means a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

**“Whip”** shall mean the person elected as the Whip of the Council;

**“Committee”** shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act 117 of 1998;

**“Constitution”** shall mean the Constitution of the Republic of South Africa Act 108 of 1996;

**"Council"** means the council of the uMlalazi Municipality;

**"Code of Conduct"** means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act 32 of 2000;

**"Contact Details"** means a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular-phone number;

**"Calendar Day"** means a twenty-four-hour day as denoted on the calendar;

**"Councillor"** means a member of a municipal council;

**"Day"** means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

**"Deputation"** means a person or group of persons who wish to appear personally before the council or a committee of the council in order to address the council or committee of the council;

**"Director Corporate Services"** means the person appointed Director Corporate Services in terms of Section 56 of the Local Government Municipal Systems Act 32 of 2000 and includes any person acting in that capacity;

**"Executive Committee"** means the council's executive committee established in terms of section 43 of the Structures Act 117 of 1998;

**"Explanation"** means the clarification of some material part of a Councillor's former speech which may have been misunderstood;

**"In Committee"** means part of meeting of the Municipal Council where the meeting will be closed and members of the public, and press and such Municipal Officials as determined by the Speaker, excluding the Municipal Manager, unless he/she has a pecuniary or other interest, will be excluded;

**"Integrated Development Plan"** means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act 32 of 2000;

**"Mayor"** means a Councillor elected as the Mayor of the municipality in terms of section 48 of the Structures Act 117 of 1998;

**"Meeting"** means a meeting of the council or any one of its committees;

**"Member"** shall mean a Councillor serving in the municipal council of the municipality;

**"Motion"** shall mean a matter submitted by a member in accordance with rule 20.11;

**"Municipality"** shall mean the uMlalazi Municipality;

**"Peace Officer"** means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

**"Point of Order"** means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

**"Precincts"** means the Council Chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the council or a committee of the Council are conducted;

**"Public"** includes the media and means any person residing within the Republic of South Africa;

**"Report"** shall mean any item appearing on the agenda for consideration by the council or a committee;

**"Senior Managers"** shall mean the persons appointed by the Council as the Municipal Manager and all managers directly accountable to the Municipal Manager as approved on the official organisational structure of the Municipality.

**"Service Level Agreement"** means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act 32 of 2000 in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

**"Speaker"** means the chairperson of the council elected in terms of section 36 of the Structures Act 117 of 1998 and includes any acting Speaker when he or she is elected to perform the functions of the Speaker;

**"Structures Act"** means the Local Government: Municipal Structures Act 117 of 1998

**"Sub-committee"** means any other committee, other than the Executive Committee or committees appointed by the council or the executive committee;

**"Systems Act"** means the Local Government: Municipal Systems Act 32 of 2000;

**"Table"** means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of these rules and orders;

**"Traditional Leader"** shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of Section 81 of the Structures Act 117 of 1998;

**"Virtual meetings or sittings"** means meetings or sittings conducted by any form of technology for which Councillors have been acquainted and

supplied with the prerequisite tools of trade.

## **CHAPTER 2: APPLICATION AND INTERPRETATION OF RULES AND ORDERS**

### **2. Application of rules**

- 2.1 The rules of order contained herein apply to all meetings of the municipal council and any committee of the municipal council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 2.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 2.3 The rules endeavour to create the opportunity for Councillors serving in council structures to air their view on any matter of public importance.
- 2.4 The rules of order are applicable to:
- 2.4.1 All Councillors;
  - 2.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act 117 of 1998;
  - 2.4.3 Any municipal official of the municipality; and
  - 2.4.4 Any member of the public while present in the Council Chamber and precinct.
- 2.5 The rules and orders contained herein also apply to all **virtual meetings** of the municipal council and any committee of the municipal council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.

### **3. Interpretation of these rules and orders**

- 3.1 Any interpretation of these rules and orders must be made having due regard to the supremacy of the Constitution Act 108 of 1996, national,

provincial and municipal legislation, the rule of law and the rules of natural justice.

- 3.2 The ruling of the Speaker or chairperson with regard to the interpretation of these rules and orders at a meeting of the council or committee of the council shall, subject to rules 3(5) and 3(6), be final and binding.
- 3.3 The interpretation and the ruling of the Speaker or chairperson of any of these rules and orders must be recorded in the minutes of the council or committee meeting.
- 3.4 The Municipal Manager must keep a register of the rulings and legal opinions.
- 3.5 Any Councillor may request the Municipal Manager, in writing within five days from a ruling made in terms of rule 3(2), to obtain clarity on the interpretation and ruling. The Municipal Manager must thereafter report to the council or committee of the council.
- 3.6 The council or committee of the council may, after consideration of the report in terms of rule 3.5 confirm, amend or substitute the ruling of the Speaker or chairperson subject to any rights which any third party may have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons recorded of such decisions.

### **CHAPTER 3: FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS**

#### **4. Council meetings**

- 4.1 The council must hold an ordinary meeting of the council not less than once in every three months.
- 4.2 The Speaker must convene all meetings of the council in accordance with rule 4.1 and subject to rule 6.

#### **5. Meetings of Council open to public**

- 5.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the

business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act 32 of 2000.

- 5.2 The Council will deal with matters 'In Committee' when discussing any of the following:
- 5.2.1 A trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
  - 5.2.2 Personal and private information of any Councillor or an employee of the municipality;
  - 5.2.3 The intention of the municipality to purchase or acquire land or buildings;
  - 5.2.4 The price a municipality may offer for the purchase or acquisition of land or buildings;
  - 5.2.5 Any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
  - 5.2.6 Disciplinary proceedings or proposed disciplinary proceedings against any employee;
  - 5.2.7 Consideration of the minutes of previous 'In Committee' discussions;
  - 5.2.8 Any matter that might not be disclosed in terms of legislation.
- 5.3 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in 5.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with 'In Committee'. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.
- 5.4 The Municipal Manager must give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting of the council or committee of the council and any special or urgent meeting of the council or committee of the council, except when time constraints make this impossible.

## **6. Notice to attend an ordinary council meeting**

- 6.1 The Speaker must convene meetings of the council, at least quarterly, through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.

- 6.2 Notice to attend a meeting in terms of rule 6.1 shall be given at least-
  - 6.2.1 Five (5) calendar days prior to an ordinary meeting; and
  - 6.2.2 Two (2) calendar days prior to a special meeting.

## **7. Special meetings**

- 7.1 The Speaker for the purpose of urgent council business or at the request of a majority of the Councillors of the municipality, must call a special meeting of the council;
- 7.2 A special meeting must be convened in compliance with rule 6.1 and rule 6.2.2.
- 7.3 A request for the calling of a special meeting, as contemplated in rule 7.1, shall be signed by no less than 50 percent (fifty per centum) plus one of all Councillors of the municipality; and
- 7.4 Shall be accompanied by-
  - 7.4.1 A duly signed notice of motion; and
  - 7.4.2 A written statement by the Councillor signing the notice of motion giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the council.
- 7.5 If the Speaker fails to convene a meeting in terms of this rule, the Municipal Manager must convene such meeting and conduct an election of an acting Speaker in term of Section 41 of the Structures Act 117 of 1998.

## **8. Service of notices and agenda**

- 8.1 Notice to attend a meeting or any other official communication from the council, shall be delivered to-
  - 8.1.1 A physical address within the area of jurisdiction of the municipality; or
  - 8.1.2 An e-mail address; or
  - 8.1.3 By a short message service (SMS); Email or WhatsApp; provided that contact details shall be supplied by each Councillor to the Municipal Manager in writing within two days of a Councillor's election and, thereafter, whenever the Councillor wishes to change either address and at which address the Councillor shall accept service and or receipt of any

notice to attend a meeting and any other official communication from the council.

8.2 All documentation relevant to any council or committee meeting must be given to all Councillors at least five calendar days prior to an ordinary council or committee meeting and two calendar days prior to a special council or special committee meeting, except in circumstances when time constraints do not permit.

8.3 All Councillors must inform the Speaker of any change of his/her contact details within three days of such change.

8.4 Subject to rule 6, notice to attend a meeting must be displayed on the public notice boards of the municipality, except when time constraints make this impossible.

## **9. Non-receipt of notice**

9.1 A Councillor may request an investigation by the Speaker regarding the non-receipt of a notice to attend a council or any of its committees meeting.

9.2 Non-receipt of a notice to attend a meeting shall not affect the validity of any meeting or proceedings of council or any of its committees.

## **CHAPTER 4: QUORUM**

### **10. Quorum**

10.1 Notwithstanding that there may be vacancies, the quorum of a council or committee must be fifty percent (50 percent) plus one (1) of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.

10.1.1 Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the council or committee meeting.

### **11. Cancellation and adjournment in absence of quorum**

- 11.1 No meeting shall take place, if no quorum is present fifteen minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding fifteen minutes for a quorum, where after if no quorum is present, the meeting must be cancelled.
- 11.2 If during discussion on an item at any meeting of council or any of its committees the attention of the Speaker or chairperson is called to the number of Councillors present, he or she shall-
- 11.2.1 Count the Councillors present;
- 11.2.2 If it is found that there is no quorum, the Speaker or chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;
- 11.2.3 If a quorum becomes present after the adjournment, then the meeting must continue;
- 11.2.4 If no quorum becomes present after the adjournment, then the chairperson or Speaker must forthwith adjourn the meeting.
- 11.3 When a meeting is adjourned as a result of no quorum, the meeting shall be re-convened for such a period as the chairperson deems fit and thereafter adjourn the meeting to another date, time and/or venue.

## **CHAPTER 5: ATTENDANCE**

### **12. Attendance**

- 12.1 All Councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that Councillor is a member except when: -
- 12.1.1 Leave of absence is granted in terms of rule 13;
- 12.1.2 That Councillor is required to withdraw in terms of rule 41;
- 12.1.3 That Councillor is absent with the permission of the Speaker or chairperson.
- 12.2 Each Councillor attending any meeting of the council or a committee of the Council shall sign an attendance register provided for that purpose.

- 12.3 The attendance register shall be filed in the office of the Director Corporate Services.
- 12.4 Any Councillor who is entitled to leave of absence in terms of rule 13.4 and no longer requires such leave may attend the meeting from which leave of absence was granted and sign the attendance register.
- 12.5 Virtual Meeting**
- 12.5.1 An electronic attendance register shall be filed in the office of the Director Corporate Services;
- 13. Leave of absence**
- 13.1 Leave of absence shall not be granted in such a manner that more than the number required for a quorum will at any one time be absent.
- 13.2 If a Councillor-
- 13.2.1 Is unable to attend a meeting of which notice had been given; or
- 13.2.2 Is unable to remain in attendance at a meeting; or
- 13.2.3 Will arrive after the stipulated commencement time of a meeting, he or she shall, at least 12 hours prior to the commencement of the meeting or as soon as is reasonably possible and prior to that meeting, lodge with the Municipal Manager a written application for leave of absence on the prescribed Leave of Absence form from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- 13.3 The Municipal Manager must as soon as possible inform the Speaker or chairperson of the meeting concerned of any application for leave of absence received.
- 13.4 The Speaker or chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the Municipal Manager of such decision.
- 13.5 The Municipal Manager must as soon as be reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker or chairperson's decision.

- 13.6 A Councillor shall be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she-
- 13.6.1 Failed to attend a meeting; or
  - 13.6.2 Failed to remain in attendance at a meeting.
- 13.7 Where a Councillor fails to remain in attendance at a meeting -
- 13.7.1 Without being granted permission to do so; or
  - 13.7.2 Without obtaining permission from the Speaker or chairperson to leave prior to the close of the meeting, the time of leaving must be recorded in the minutes of the meeting and that Councillor shall be deemed to have been absent without leave at that meeting;
- 13.8 Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of rule 12.2.
- 13.9 Leave of absence for two or more consecutive council or committee meetings must be sanctioned / authorised by the council or the relevant committee.

#### **14. Non-attendance**

- 14.1 Subject to compliance with the procedure set out in rule 13 and 43, a Councillor who is absent without good cause from a meeting, of which notice has been given, shall be liable to pay a fine in terms of the penalty detailed in the schedule of fines attached as annexure A to the Standing Rules and Orders as determined by the MEC / Minister for Local Government and Traditional Affairs.
- 14.2 Where a Councillor has been absent without obtaining leave from a meeting-
- 14.2.1 The Speaker or Chairperson as the case may be, shall invite the Councillor to provide a formal written explanation setting out reasons for the Councillor's absenteeism from a meeting, it being noted the Chairperson will on a quarterly basis prepare and submit a report to the Speakers office;

- 14.2.2 The Speaker or Chairperson shall consider the explanation and decide whether or not the Councillor was absent with good cause, providing appropriate reasons for the decision;
- 14.2.3 The Councillor may appeal in writing to the Speaker's or Chairperson's decision within seven days of receipt of such decision.
- 14.2.4 The Council or appointed Committee, as the case may be, shall-
  - 14.2.4.1 Allow the Councillor an opportunity to make representations, oral or written; and
  - 14.2.4.2 Consider the Councillor's appeal, together with any comments from the Speaker or Chairperson of the meeting concerned;
  - 14.2.4.3 Make a finding as to whether the Councillor was absent with or without good cause.
- 14.3 The Municipal Manager shall keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and shall submit a written report to the Speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.

## CHAPTER 6: ADJOURNMENT

### **15. Adjourned meetings**

Notwithstanding rule 11 a council or committee meeting may, by majority vote, be adjourned to another day or hour but no later than fourteen (14) days after the original meeting.

### **16. Continuation meeting**

- 16.1 When a meeting is adjourned, notice of the continuation meeting shall be served in terms of rule 6.
- 16.2 No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

## **CHAPTER 7: PROCEEDINGS**

### **17. Speaker and chairpersons of meetings**

17.1 At every meeting of the Council, the Speaker, or if he or she is absent, an acting Speaker, shall be the Chairperson and shall perform the duties stipulated in terms of Section 37 of the Structures Act 117 of 1998 and such Councillor when taking office must be given a copy of these Rules and Orders and the Code of Conduct.

17.2 The Speaker of Council and chairperson / chairpersons of committees: -

17.2.1 Must maintain order during meetings;

17.2.2 Must ensure compliance in the council with the Code of Conduct for Councillors;

17.2.3 Must ensure that meetings are conducted in accordance with these standing rules and orders.

17.3 If the Speaker or chairperson of the council or committee of the council is absent and not available to perform the functions of Speaker or chairperson, or during a vacancy, the council or committee under the direction of the Municipal Manager or his/her nominee must elect another Councillor to act as Speaker or chairperson as the case may be with the exception of the Executive Committee where Section 49 (2) and (3) of the Local Government Municipal Structures Act 117 of 1998 will apply.

17.4 No meeting of the council or a committee of the council may commence or continue unless a speaker or chairperson presides at a meeting.

### **17.5 Virtual meetings**

17.5.1 During video meetings Councillors must:-

a) Make use of the video function;

b) Mute the mic when not speaking;

c) Use the chat to raise a hand to engage in the dialogue; and

d) Wait for the chairperson of the meeting to be called upon to speak or unmute the mic.

### **18. Minutes**

- 18.1 The proceedings of every council meeting must be electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996 unless prevailing conditions do not permit.
- 18.2 Written minutes of the proceedings of each council and committee meeting must be accurately recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- 18.3 The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.
- 18.4 Where the Municipal Manager is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, he or she must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

**19. Order of business**

- 19.1 The order of business at every meeting of the council or its executive committee or committee of council is as follows:
- 19.1.1 Devotion;
  - 19.1.2 Notice of meeting;
  - 19.1.3 Applications for leave of absence;
  - 19.1.4 Declarations of pecuniary or other interests;
  - 19.1.5 Announcements/ Disclosures;
  - 19.1.6 Deputations;
  - 19.1.7 Confirmation of minutes of previous meeting;
  - 19.1.8 Matters Arising from the Minutes;
  - 19.1.9 Outstanding Matters;
  - 19.1.10 Reports;
  - 19.1.11 Notices of motion;
  - 19.1.12 Questions of which notice has been given; and
  - 19.1.13 General matters of an urgent nature.
- 19.2 The Speaker or chairperson may, in his/her discretion, at any stage bring forward any business that is on the agenda.

**20. Proceedings of Order of Business**

- 20.1                    **Devotion**  
The Chairperson will nominate a member present to open the meeting with devotion.
- 20.2                    **Notice of meeting**  
The notice of meeting will comply with Rule 6, 7, 8 and 9 of the Standing Rules and Orders.
- 20.3                    **Applications for leave of absence**  
Applications for leave of absence shall comply with Rule 13 of the Standing Rules and Orders.
- 20.4                    **Declarations of pecuniary or other interests**  
Declarations shall be dealt with in accordance with Rule 41.  
Section 7(1) of Schedule 01 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, where Councillors must declare in writing to the Municipal Manager the financial interest held by that Councillor.
- 20.5                    **Announcements/ Disclosures**  
The Chairperson of the Council or Committee shall afford a member of the Committee an opportunity to make any relevant announcements or disclosures as the case may be.
- 20.6                    **Deputations**
- 20.6.1                A deputation wishing to address the council or a committee of council shall submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.
- 20.6.2                A request by a deputation to address the council or a committee of the council must be approved by the Speaker or relevant chairperson limited to a maximum of 15 minutes per deputation unless otherwise extended by the Chairperson.
- 20.6.3                The Municipal Manager shall submit the memorandum to the council or a committee of the council, which may receive the deputation.

- 20.6.4 Any matter requiring consideration arising from a deputation, shall not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- 20.6.5 A member of the public, other than a deputation, who wishes to speak at a council or committee meeting, shall obtain the permission of the Speaker or chairperson to do so, prior to the commencement of the meeting.
- 20.6.6 When speaking at a council or committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or chairperson.
- 20.6.7 If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or chairperson must direct that that member remove himself or be removed by a Peace Officer from the precincts.
- 20.6.8 Any member of the public or deputation who fails or refuses to comply with the Speaker's or chairperson's directions in terms of rule 20.6.6 shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.
- 20.7 **Confirmation of minutes of previous meeting**  
The minutes of every meeting shall be confirmed at the next ordinary meeting of that council or committee and shall be signed by the Speaker or chairperson.
- 20.8 **Matters Arising from the Minutes**
- 20.8.1 Discussion shall be allowed upon items in the minutes of the previous meeting only for clarity and progress on implementation of resolution purposes, subject to these items not appearing as separate items on the agenda.
- 20.8.2 No council or committee resolution shall be amended or rescinded under matters arising other than in terms of Rule 27 and 28 of these standing rules and orders.
- 20.9 **Outstanding Matters**

- 20.9.1 Items discussed under outstanding matters should not have been discussed under Matters Arising and should not refer to an item included on the current agenda for discussion.
- 20.9.2 Refers to items that have not been resolved and still require investigation and reporting.

## 20.10

### **Reports**

- 20.10.1 Any report submitted to the council or a committee of the council must, with the exception of a report accepted by the Speaker or chairperson as a matter of urgency, be provided to Councillors in terms of rule 8.
- 20.10.2 The Speaker or chairperson must allow debate in accordance with Chapter 10 on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report shall be held, at the next meeting.

## 20.11

### **Notices of motion**

- 20.11.1 No subject shall be brought before Council or a Committee of Council by a Councillor except by way of notice of motion.
- 20.11.2 A notice of motion must-
  - 20.11.2.1 Be in writing; and
  - 20.11.2.2 Be signed by the Councillor submitting it and by another Councillor acting as seconder; and
  - 20.11.2.3 Refer to one matter only.
- 20.11.3 A notice of motion shall be lodged with the Municipal Manager before 12h00 seven calendar days prior to the next ordinary meeting, failing which the notice will be considered at the next ensuing ordinary meeting.
- 20.11.4 The Municipal Manager must-
  - 20.11.4.1 Date and number each notice of motion;
  - 20.11.4.2 Enter each notice of motion lodged in a register, which shall be open to inspection by any Councillor and the public; and must
  - 20.11.4.3 Enter each notice of motion on the agenda in the order received.
- 20.11.5 The Speaker or chairperson shall-
  - 20.11.5.1 Read out the number of every motion and the name of the mover and seconder;

- 20.11.5.2 Ascertain which motions are unopposed and these shall be passed without debate; and
- 20.11.5.3 Call the movers of the opposed motions in the order they appear on the agenda.
- 20.11.6 A Councillor submitting a motion shall move such motion and shall have the right of reply.
- 20.11.7 A motion shall lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.
- 20.11.8 A Councillor shall be allowed not more than three notices of motion on the same agenda.
- 20.11.9 The Speaker or chairperson must not reject a motion received by him or her in terms of these rules.
- 20.11.10 The Speaker may disallow a motion which:
- a) May lead to discussions of a matter already dealt with on the agenda
  - b) Addresses a matter where the Council has no jurisdiction
  - c) Addresses a matter where a decision of judicial or quasi-judicial body is pending
  - d) Has not been seconded as required in terms of rule 20.11.2.2
  - e) If passed, would be contrary to the law
- 20.11.11 Notwithstanding the above, before any notice is placed on the agenda it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality within a period of 30 days, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* to existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Mayor and Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda.

20.12

**Questions of which notice has been given**

- 20.12.1 A Councillor may put a question requiring a written reply from any political or municipal office bearer of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the Speaker or chairperson and the Municipal Manager at least seven (7) days prior to the council or committee meeting and the Municipal Manager must ensure that the Councillor receives a written reply from that political or municipal office bearer, at the next ordinary council or committee meeting.
- 20.12.2 If after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or chairperson, request a follow up question.

## 20.13

### **General matters of an urgent nature**

- 20.13.1 General items of an urgent nature may be placed on an agenda by the Municipal Manager and any member of the council with the prior consent of the Speaker or chairperson, which consent shall not be unreasonably withheld.
- 20.13.2 Prior to adoption, Councillors must be afforded reasonable time, either before or at the meeting, to peruse and consider any report or official documents submitted to the council.

## 21.

### **Supply of information to a Councillor**

- 21.1 No Councillor shall approach or communicate with any official of the municipal administration concerning the business of the municipality other than when exercising such rights or liberties as an ordinary member of the public.
- 21.2 A Councillor may approach and communicate with the Municipal Manager or any head of department or any official of the municipal administration specifically designated by the Municipal Manager or by the head of department concerned for this purpose, in order to obtain such information as he/she may reasonably require for the proper performance of such duties as a Councillor.

**22. Interpretation**

If a majority of Councillors present so resolve, an interpreter may be used in meetings of the council and committees of the council.

**23. In-committee**

23.1 Subject to rule 5, the council or a committee of council may, at any time, resolve to proceed in-committee.

23.2 The public shall be excluded from any in-committee meetings.

23.3 The Municipal Manager or another official exempted from this rule by the Speaker or chairperson shall not be excluded from any in-committee meeting.

23.4 All proceedings in-committee must be recorded in terms of rule 18.1 and 18.2 and shall be confidential.

23.5 Unauthorized disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

**CHAPTER 8: VOTING****24. Decisions by voting**

24.1 A quorum must be present in order for a vote to be taken.

24.2 All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of Councillors determined in accordance with the municipality's establishment notice: -

24.2.1 The passing of by-laws;

24.2.2 The approval of budgets;

24.2.3 The imposition of rates and other taxes, levies and duties;

24.2.4 The raising of loans;

24.2.5 The rescission of a council resolution within 6 months of the taking thereof; and

24.2.6 Any other matter prescribed by legislation.

24.3 All other questions before the council shall be decided by a majority of the votes cast by the Councillors present.

24.4 If on any matter there is an equality of votes, the Speaker or chairperson may exercise a casting vote in addition to a deliberative vote as a Councillor, provided that a Speaker or chairperson shall not exercise a casting vote during the election of any office bearer of council and matters listed in Section 160 (2) of the Constitution Act 106 of 1996.

**25. Method of voting**

25.1 Voting shall be by a show of hands unless the law prescribes otherwise, or the council or committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.

25.2 During the taking of a vote no Councillor may leave the council chamber or committee room.

25.3 The Municipal Manager or his/her nominee, shall count the votes cast and shall record the result of voting, but the Speaker or chairperson shall announce the result.

**26. Virtual meetings**

26.1 In a Council or Committee meeting councillors shall be entitled to cast their votes either electronically or by voice. The Chairperson of the meeting shall give a ruling on the day of the meeting on the method to be utilised for casting of votes.

26.2 For the purposes of voting the Municipal Manager of the Council shall maintain a system that is capable of verifying the votes of delegates cast either electronically or by voice.

**27. Dissenting votes**

A Councillor may request that such dissenting vote be recorded as evidence of how he or she voted on the matter or motion.

**CHAPTER 9: REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS**

**28. Revocation of Council Resolutions**

- 28.1 Approval to revoke or alter a resolution of council may not be delegated to any person or committee.
- 28.2 Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.
- 28.3 Any revocation or alteration of a council resolution must be made in terms of rule 27.

**29. Revocation of Committee Resolutions**

- 29.1 Approval to revoke or alter a resolution of a committee of the council may not be delegated to any person.
- 29.2 Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a committee of the council must be given.
- 29.3 Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the members of that committee.

**CHAPTER 10: DEBATE**

**30. Opportunity to speak**

- 30.1 A Councillor may only speak when so directed by the Speaker or chairperson.
- 30.2 A Councillor may indicate a desire to speak by raising his/her hand and await the direction of the Speaker or chairperson, which direction must not be withheld.
- 30.3 A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

**31. Relevance**

Every Councillor must restrict him or herself strictly to the matter under consideration.

**32. Length of speeches**

Other than the delivery of the Mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five (5) minutes in length without the consent of the Speaker or Chairperson.

**33. Councillors to speak only once**

A Councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the Speaker or chairperson provided that the mover of the motion may speak to the motion, shall have the right of reply and the reply shall be confined to answering previous Speakers and shall not introduce any new matter into the debate.

**34. Precedence of the Speaker or chairperson**

Whenever the Speaker or chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself and the Councillor must be silent, so that the Speaker or chairperson may be heard without interruption.

**35. Points of order**

35.1 Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or chairperson.

35.2 The point of order takes precedence over everything else in the meeting and the Speaker or chairperson must grant immediate hearing to the Councillor raising the point of order and rule accordingly.

35.3 The ruling of the Speaker or chairperson on a point of order shall be final and shall not be open to discussion.

35.4 Any member will only be allowed to raise one point of order per tabled item during a Council meeting.

**36. Explanation**

The Speaker / Chairperson may allow any Councillor to ~~may~~ speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

## **CHAPTER 11: CONDUCT**

### **37. General conduct**

- 37.1 Councillors and officials must during any council or committee meeting-
- 37.1.1 Conduct the business in the highest decorum and integrity that the occasion deserves;
  - 37.1.2 At all times adhere to the principles contained in the code of conduct and these rules and orders;
  - 37.1.3 At all times adhere to the rule of law and the by-laws of the municipality;
  - 37.1.4 Be dressed appropriately formal for the dignity of the meeting;
  - 37.1.5 Not use offensive or objectionable language; and
  - 37.1.6 Not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

### **38. Misconduct**

- 38.1 The Speaker or Committee Chairperson may order a Councillor or official to withdraw and apologise for any word/s, statement/s, opinion or gesture made by that councillor.
- 38.2 If a Councillor or Councillors, official or officials behave improperly during a meeting of council or any of its committees, the Speaker or Committee Chairperson shall direct the Councillor or Councillors, official or officials to conduct himself or themselves properly and, if speaking, to stop speaking and resume his/her seat or seats.
- 38.3 In the event of persistent disregard of the directions of the Speaker or Committee Chairperson, the Speaker or Committee Chairperson shall direct such Councillor or Councillors, official or officials to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalized.
- 38.4 In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the council or committee the Speaker or Chairperson must adjourn the meeting to another day or hour but not later than fourteen (14) days after the original meeting and any such misconduct by a

Councillor or Councillors must be dealt with in terms of these standing rules and order and the Code of Conduct.

- 38.5 Any Councillor who refuses to leave a meeting of the Council or a Committee of the Council when directed to do so by the Speaker or Chairperson of a meeting in terms of these rules and orders, may be forcibly removed by an authorized official and shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.
- 38.6 Any official who refuses to leave a meeting of the council or a committee of the council when directed to do so by the Speaker or chairperson of a meeting in terms of any rule in these rules and orders, may be forcibly removed by an authorized official and shall be charged with misconduct in terms of the disciplinary regulations.

## **CHAPTER 12: COMMITTEES**

### **39. Rules Committee**

- 39.1 The municipal council may by resolution of a majority of Councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders.
- 39.2 The Rules Committee shall consist of the Speaker, the Mayor, Deputy Mayor, Whip of Council and one representative of each political party represented on the council, such representative to be nominated from time to time by each political party.

### **40. Own rules**

- 40.1 Every committee of the council shall determine its own procedures subject to any directions from council and these standing rules and orders.
- 40.2 Chapter 10 of these rules and orders may be relaxed by a chairperson of a committee to accommodate interactive and effective participation,

provided that the chairperson may, at his/her discretion, apply the provisions of any rule contained in chapter 10.

**41. The chairperson**

- 41.1 The chairperson of a committee shall-
- 40.1.1 Preside at every meeting of the committee at which he or she is present; and
  - 40.1.2 Be entitled to vote in the first instance and in the case of an equality of votes in addition to his/her deliberative vote, shall give a second or casting vote.
- 41.2 In his/her absence, the acting or deputy chairperson shall have the same powers and rights of voting as those possessed by the chairperson.

**CHAPTER 13: PECUNIARY INTEREST**

**42. Declaration of pecuniary interest**

- 42.1 A Councillor must disclose to the municipal council, or to any committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the council or committee.
- 42.2 The Councillor making a declaration must withdraw from the proceedings of the council or committee unless the council or committee decides that the Councillor's direct or indirect interest in that matter is trivial or irrelevant.
- 42.3 A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the council at which it is possible for the Councillor to make disclosure
- 42.4 The disclosure of interests in terms of rule 41(1) and benefit in terms of rule 41(3) does not apply to an interest or benefit which a Councillor, or

a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

## **CHAPTER 14: BREACH AND SANCTIONS**

### **43. Breach**

Any Councillor who fails or refuses to obey any of these rules and orders, or any resolution of Council, may be guilty of a breach of the Code of Conduct.

### **44. Sanction**

Where it is alleged that a Councillor has breached these rules, the council must, in terms of Item 14 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, investigate the alleged breach and may impose a penalty as per the schedule of fines attached as annexure A to the Standing Rules and Orders.

## **CHAPTER 15: GENERAL PROVISIONS**

### **45. Suspension of a rule or order**

45.1 In instances of urgency or where a Council considers that adherence to a Rule would be unreasonable and would prejudice the operation of a meeting of the Council, then the Council may with the approval of the majority Councillors of the Municipality and for the duration of a meeting, temporarily relax the provisions of a Rule, provided that:

45.1.1 Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;

45.1.2 No rule may be relaxed when the removal of any political office bearer is before the council.

- 45.2 The suspension or relaxation of the rule relates to an existing or new item on the agenda for the meeting of the council or committee of the council; and
- 45.3 Rule 20.11 must not be suspended;
- 45.4 The reasons for the suspension of the rule are recorded in the minutes of the meeting.

**46. Dress code**

- 46.1 Councillors and officials must during any council or committee meetings be dressed appropriately for the dignity of the meeting.
- 46.2 They must be dressed either formally (collar and tie), smart casual or, in a traditional attire.
- 46.3 The following items shall not be regarded as proper dress code for a meeting of council or any of its committees:
- 46.3.1 Canvass shoes or tekkies;
  - 46.3.2 Dark sunglasses except on medical grounds;
  - 46.3.3 Hats or caps;
  - 46.3.4 Tracksuits
  - 46.3.5 T-shirts;
  - 46.3.6 Political party attire;
  - 46.3.7 Short pants.

47. Notwithstanding the provisions of any resolution passed in accordance with Rule 45.1, no Councillor shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.

**48. Adoption as by-laws**

These rules and orders must be adopted as a by-law of the municipality.

**49. Repeal of existing by-laws**

The council's existing by-laws in respect of rules and orders are hereby repealed.

**50.****Short title and commencement**

These standing rules and orders shall be called the uMlalazi Municipal Standing Rules and Orders, and shall come into operation on date of promulgation in the Provincial Gazette.

**ANNEXURE A****SCHEDULE OF FINES**

This Schedule shall serve as a guideline to Council on the determination of sanctions in terms of the Code. The sanctions included in this Schedule shall be read in conjunction with relevant by-laws and adopted policies.

<b>OBLIGATION</b>	<b>ITEM OF THE CODE</b>	<b>PENALTY</b>
<p>A councillor must-</p> <p>a) perform the functions of office in good faith, honestly and a transparent manner; and</p> <p>b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.</p>	<p>Item 2 of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 1 month salary, which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>
<p>A Councillor may not vote in favor of or agree to a resolution which is before the council or a committee of the council which conflicts with any legislation applicable to local government.</p>	<p>Item 2A of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 2-months salary, which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p> <p>Where the consequences of the unlawful votes have detrimental financial implications, Council or other authorities may also institute civil recovery proceedings.</p>
<p>A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or that councillor is required in terms of the Code to withdraw from the meeting.</p>	<p>Item 3 of the Code</p>	<p>A Councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance. This must also apply where leave of absence is declined and the Councillor nonetheless remains absent at such a meeting.</p> <p>A Councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Council or the committee is liable for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance</p> <p>A Councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee,</p>

		which that Councillor is required to attend in terms of item 3, must be removed from office as a Councillor. The Process outlined in Chapter 3 must be followed when removing a Councillor in terms of this Item.
<p>A Councillor must-</p> <p>a) disclose to the municipal council, or to any committee of which that Councillor is a member, any direct or indirect personal or private business interest which that Councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and</p> <p>b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.</p> <p>A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the municipal council at which it is possible for the Councillor to make the disclosure.</p>	Item 5 of the Code	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor 1 month's salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>
<p>1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.</p> <p>2) Except with the prior consent of the municipal council, a councillor may not:-</p> <p>a) Be a party to or beneficiary under a contract for;</p> <p>i) the provision of goods or services to the municipality, or</p> <p>ii) the performance of any work otherwise than as a councillor for the municipality.</p> <p>b) Obtain a financial interest in any business of the municipality; or</p> <p>c) For a free or other consideration appear on behalf of any other person before the council or a committee.</p>	Item 6 of the Code	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may</p> <p>(a) fine the Councillor 1 month salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that Councillor;</p> <p>a) shares and securities in any company;</p> <p>b) membership of any close corporation;</p> <p>c) interest in any trust;</p> <p>d) directorships;</p> <p>e) partnerships;</p> <p>f) other financial interests in any</p> <p>g) interest in property; pension; and</p> <p>h) subsidies, grants and sponsorships by any</p>		<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor 3 weeks salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>

<p>organisation</p> <p>Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually</p> <p>Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).</p>		<p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>A councillor who is a full-time councillor may not undertake any other paid work, except with the consent of municipal council which consent must not unreasonably be withheld.</p>	<p>Item 8 of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 2 weeks salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>
<p>A councillor may not request, solicit or accept any reward, gift or favour for-</p> <p>a) voting or not voting in a particular manner on any matter before the municipal council or before a committee of which that councillor is a member;</p> <p>b) persuading the council or any committee in regard to the exercise of any power, function or duty;</p> <p>c) making a representation to the council or any committee of the council; or</p> <p>d) disclosing privileged or confidential information</p>	<p>Item 9 of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>
<p>A Councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorized person.</p>	<p>Item 10 of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; or</p> <p>(e) request the MEC to remove the Councillor from office.</p>

<p>A councillor may not, except as provided by law-</p> <ul style="list-style-type: none"> <li>a) interfere in the management or administration of any department of the municipal council unless mandated by council;</li> <li>b) give or purport to give any instruction to any employee of the council except when authorised to do so;</li> <li>c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or</li> <li>d) encourage or participate in any conduct which would cause or contribute to mal-administration in the council.</li> </ul>	<p>Item 11 of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 3 months' salary which must be deducted from that councillor's allowance;</li> <li>issue a formal warning;</li> <li>(b) reprimand the Councillor;</li> <li>(c) request the MEC to suspend the Councillor for a certain period; or</li> <li>(d) request the MEC to remove the Councillor from office.</li> </ul>
<p>A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.</p>	<p>Item 12 of the Code</p>	<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance;</li> <li>(b) issue a formal warning;</li> <li>(c) reprimand the Councillor;</li> <li>(d) request the MEC to suspend the Councillor for a certain period; and</li> <li>(e) request the MEC to remove the Councillor from office.</li> </ul> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>Assaulting any person on municipal premises or on municipal business.</p>		<p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 4 months' salary;</li> <li>(b) request the MEC to suspend the Councillor for a certain period; and</li> <li>(c) request the MEC to remove the Councillor from office.</li> </ul> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>Stealing any property from municipal premises.</p>		<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 4 months' salary;</li> <li>(b) request the MEC to suspend the Councillor for a certain period; and</li> <li>(c) request the MEC to remove the Councillor from office.</li> </ul> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
<p>Malicious injury to municipal property.</p>		<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> <li>(a) fine the Councillor a minimum of 4 months' salary;</li> <li>(b) request the MEC to suspend the Councillor for a certain period; and</li> </ul>

		<p>(c) request the MEC to remove the Councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.		<p>The Council may-</p> <p>(a) fine the Councillor a minimum of 1 months' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; and</p> <p>(e) request the MEC to remove the Councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Failing to fall silent when the Presiding Officer speaks or rises during a meeting.		<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 2 weeks' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; and</p> <p>(e) request the MEC to remove the Councillor from office.</p>
Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee		<p>This shall depend on the severity of the action/s of the Councillor.</p> <p>The Council may-</p> <p>(a) fine the Councillor a minimum of 2 weeks' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; and</p> <p>(e) request the MEC to remove the Councillor from office.</p>
Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.		<p>The Council may-</p> <p>(a) fine the Councillor a minimum of 2 weeks' salary;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the Councillor;</p> <p>(d) request the MEC to suspend the Councillor for a certain period; and</p> <p>(e) request the MEC to remove the Councillor from office.</p>

## MUNICIPAL NOTICE 156 OF 2022

**DANNHAUSER LOCAL MUNICIPALITY ( KZ - 254 )**

8 Church Street  
Private bag X1011  
Dannhauser  
3080



Telephone : (034) 621 2666  
Facsimile : (034) 621 3114  
municipalmanager@dannhauser.gov.za

**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO. 6 of 2004).**

Notice No. 31/05/2022

Date: 01/06/2022

**MUNICIPAL NOTICE NO: of 31/05/2022**

**DANNHAUSER MUNICIPALITY**

**RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2022 TO 30 JUNE 2023**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the meeting of 31 May 2022, the Council resolved by way of council resolution number 12.1, to levy the rates on property reflected in the schedule below with effect from 01 July 2022.

<b>CATEGORY OF PROPERTIES</b>	<b>Rate Ratio</b>	<b>Cent in the rand rate determined for the relevant property category</b>
Agricultural properties		0.0040c/R
Business and commercial properties		0.0556c/R
Industrial properties		0.0559c/R
Mining properties		0.0556c/R
Municipal Properties		NIL
Public service infrastructure properties		0.0040c/R
Public benefit organisation properties		NIL
Residential Properties		0.0159c/R
Public Services Purpose Properties		0.0631c/R
Vacant Property		0.0631
Worship Residential Properties		NIL

**EXEMPTIONS, REDUCTIONS AND REBATES**

**Residential Properties:** for all residential properties the municipality will not levy the first R50 000.00. The R50 000.00 is inclusive of the R15000.00 statutory impermissible rate as per section 17(1)(h) of the Municipality Property Rates Act.

Agricultural properties 50% Reduction  
Business Properties 10% Reduction  
Industrial Properties 10% Reduction  
Mining Properties 10% Reduction  
Public Services Infrastructure 30% Reduction  
Residential Properties 20% Reduction  
State Owned Properties 10% Reduction

**REBATES IN RESPECT OF A CATEGORY OF OWNERS OF PROPERTY ARE AS FOLLOWS:**

Indigent owners : 100% rebate  
Child Headed household : 100% rebate  
Owners who are dependent on Pension or Social Grants for livelihood : 100% rebate

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.dannhauser.gov.za](http://www.dannhauser.gov.za)) and to all Dannhauser municipality public libraries.

NAME: Mrs Danisile Mohapi

DESIGNATION: ACTING MUNICIPAL MANAGER

Dannhauser Municipality

Private Bag x 1011

Dannhauser

3080

Tel: 034 621 2666

16-23

## MUNICIPAL NOTICE 157 OF 2022



## CITY OF uMHLATHUZE

**NOTICE IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT MUNICIPAL PROPERTY RATES ACT NO. 6 OF 2004**

Notice is hereby given in terms of Section 14 of the Local Government Municipal Property Rates Act No. 6 of 2004 that the uMhlathuze Local Municipality by a resolution no 15439 passed by the Council with a supporting vote of a majority of its members on 25 May 2022 a resolution levying rates as follows:

1. In terms of Section 2(3) of the Local Government: Municipal Property Rates Act the following property rates for the 2022/23 financial year was approved:

2. Category	Approved tariff (from 1 July 2022) c	Ratio to Residential Tariff
Residential Properties	0,0104	1 : 1
Business / Commercial	0,0218	1 : 2,1
Industrial Properties	0,0228	1 : 2,2
Agricultural Properties	0,0026	1 : 0,25
Public Service Purposes (State Owned)	0,0120	1:1,15
Public Service Infrastructure - Private	0,0026	1:0,25
Public Benefit Organisations	0,0026	1:0,25
Mining Properties	0,0239	1:2,3
Vacant Land	0,0218	1:2,1
Municipal Properties	0,0104	1 : 1

2. On application by the relevant ratepayers the following rebates are applied subject to the provisions contained in the Rates Policy:

- Agricultural properties - 5%
- Non Profit Organisations - 20%

3. The Amended Rates Policy (DMS 1527375) was approved;

4. In addition to the statutory R15 000 reduction in the valuation on residential properties a further reduction of R145 000 of the valuation on all developed residential properties valued at R 480 000 and below be made;

5. In addition to the reductions in recommendation (4) above and subject to the criteria set out in the Property Rates Policy an additional R250 000 reduction in the value of the primary residential property belonging to a pensioner or a social grantee be made;

6. In accordance with the implementation of the universal approach of the indigent policy improved residential property valued at R160 000 or less will be exempted from refuse and sewer charges. The following sliding scale will be applied for charges on improved residential properties higher than R160 000 on the following basis:

- a) Properties valued between R160 001 and R200 000 will receive a rebate of 25% in respect of the sewer and refuse charges.
- b) Properties valued at R200 001 and higher will pay the normal tariff.

7. The property rates and tariff adjustments as set out above be dealt with in terms of Section 14 of the Local Government: Property Rates Act and Section 24 of the Municipal Finance Management Act 2003;

**A detailed copy of the resolution of levying rates on property is open for inspection on the public notice board at the office of the Deputy Municipal Manager: Corporate Services, 1<sup>st</sup> Floor, Municipal Offices: Corner of Lira Link & Mark Strasse, Richards Bay, all municipal satellite offices, libraries and on the website; - [www.umhlathuze.gov.za](http://www.umhlathuze.gov.za) for 30 days after the date of this notice.**

### **3. TARIFFS**

#### **NOTIFICATION IN TERMS OF SECTION 75A OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)**

Notice is hereby given that a resolution has been taken by the uMhlathuze Municipality ("the Council") in terms of Section 75A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). The general purport of the resolution is to amend the existing tariff of charges of the uMhlathuze City in respect of the 2022/2023 financial year as per schedule displayed at all Council's offices.

#### **AND TAKE FURTHER NOTICE**

The said resolution is to come into operation on 1 July 2022. A copy of the resolution no 15439 to amend the existing tariff of charges is open for inspection on the public notice board at the office of the Deputy Municipal Manager: Corporate Services, 1<sup>st</sup> Floor, Municipal Offices: Corner of Lira Link & Mark Strasse, Richards Bay, all municipal satellite offices, libraries and on the website; - [www.umhlathuze.gov.za](http://www.umhlathuze.gov.za) for 30 days after the date of this notice.

**Any objections should be addressed to:**

**The Municipal Manager  
uMhlathuze Municipality  
Civic Centre  
Private Bag X1004  
RICHARDS BAY  
3900  
DMS1533091  
MN11/2022**

**MR N ZULU  
ACTING MUNICIPAL MANAGER**



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