

Matzikama, South Africa

## Conduct of Meetings of the Council By-law, 2008

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# Matzikama South Africa

## Conduct of Meetings of the Council By-law, 2008

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### Part 1 – General

#### 1. Authorisation

The Constitution authorises the council to enact by-laws which prescribe rules and orders for its internal arrangements, business and proceedings, and for the establishment, composition, procedures, powers and functions of its committees.

#### 2. Interpretation

National and provincial legislation will be given priority in the interpretation of this by-law. Any provision in this by-law that is against the law or unenforceable will not in any way invalidate the validity of the remaining provisions in this by-law to the extent that it is against the law or unenforceable.

#### 3. Definitions

In this by-law, unless inconsistent with the context—

"**mayor**" means the councillor appointed as executive mayor by the council in terms of the Structures Act or, in his or her absence, the executive deputy mayor;

"**code of conduct**" means the code of conduct for councillors as set out in the Systems Act;

"**Constitution**" means the Constitution of the Republic of South Africa, 1996 ([Act 108 of 1996](#));

"**MEC**" means the member of the Executive Council responsible for local government in the Province of the Western Cape;

"**majority of votes**" means the votes cast by the majority of council members present during a meeting;

"**motion**" means a proposal, recommendation or question on which the council must make a decision, excluding a motion as specified in paragraphs 47 and 48 of the by-law;

"**municipal manager**" means the person appointed by council as municipal manager or acting municipal manager in terms of the Structures Act;

"**supporting vote**" means the vote cast by a majority of the members of the council;

"**party**" means a party as defined in the Structures Act;

"**council**" means the municipal council of the Matzikama Municipality;

"**rules**" means the provisions of this by-law;

"**speaker**" means the councillor elected as chairperson of the council or any other councillor acting as chairperson of the council in terms of the Structures Act;

"**Systems Act**" means the Local Government: Municipal Systems Act, 2000 ([Act 32 of 2000](#));

"**Structures Act**" means the Local Government: Municipal Structures Act, 1998 ([Act 117 of 1998](#));

"meeting" means the meetings of the council and/or any of its committees.

## Part 2 – Application of the by-law

### 4. Application

- (1) This by-law is applicable to all meetings.
- (2) Except where it is clearly inappropriate, a rule applying to councillors in any proceedings also applies to a non-councillor who takes part in those proceedings with the approval of the speaker.
- (3) Except where it is clearly inappropriate, this by-law also applies to committees of the council, in which case any reference to speaker in this by-law shall be interpreted as—
  - (a) the councillor appointed as chairperson of any committee of the council or acting as chairperson of such committee; or
  - (b) the councillor appointed as executive mayor and who chairs meetings of the mayoral committee and, in his or her absence, the executive deputy mayor.

### 5. Supplementation

- (1) The speaker may make a ruling with regard to the application of this by-law and in respect of any eventuality for which this by-law does not make provision and no further discussion shall be allowed on the ruling.
- (2) Notwithstanding the provisions of paragraph 54, the speaker may also order that the council adjourn for a specific time, not exceeding one hour, should circumstances require this.
- (3) The speaker's decision will be final and binding on all councillors and the public, subject to the rights of the council in terms of sub-paragraphs 5(a) and 5(b) of this by-law.
- (4) The ruling of the speaker shall be entered in the minutes.
- (5) If the majority of the councillors present during a meeting are of the opinion that the speaker has exceeded his or her powers and/or interpreted the relevant rule incorrectly and/or has not interpreted the rules of the procedures of the council correctly, the council may:
  - (a) temporarily suspend the speaker from the position and appoint another councillor to act as speaker in terms of the Structures Act, for the appointment of a special committee consisting of councillors;
  - (b) immediately thereafter appoint a special committee to investigate the incident and to make a recommendation to the council;after which the speaker will continue to lead the meeting in order to finalise the outstanding items on the agenda.
- (6) The special committee referred to in sub-paragraph 5(b) of this by-law will meet as soon as possible to investigate the incident and make a suitable recommendation to the council.

## Part 3 – Meetings

### 6. Chairing of meetings

- (1) The speaker chairs all meetings of the council.
- (2) Should the speaker not be present at a meeting, an acting speaker for that meeting will be elected from the councillors present by a majority of votes.

## **7. Commencement of meeting**

Subject to the provisions of paragraph 16 of this by-law, the speaker must take the chair precisely at the time for which the meeting is convened and must proceed immediately with the business of the meeting.

## **8. Order of business**

- (1) The business of meetings will appear on the agenda in the following order:
  - (a) election of acting speaker, if necessary;
  - (b) applications for leave of absence;
  - (c) confirmation of minutes;
  - (d) statements and communications by the speaker;
  - (e) statements and communications by the mayor;
  - (f) interviews with deputations;
  - (g) consideration of reports;
  - (h) urgent matters submitted by the municipal manager;
  - (i) consideration of notices of motions;
  - (j) consideration of notices of questions; and
  - (k) consideration of motions of exigency.
- (2) The speaker may of own volition change the order of the business on the agenda.
- (3) A councillor who wishes to have the order of business on the agenda changed must approach the speaker with this request prior to the meeting, but any changes remain the prerogative of the speaker.

## **9. Urgent matters**

The speaker, mayor and/or municipal manager may, at any time during the meeting and without prior notice, make any statement or introduce urgent matters.

## **10. Business to be disposed of**

Except as otherwise provided in this by-law, no matter not specified in the agenda of a meeting of the council shall be dealt with at such meeting.

## **11. Meetings**

- (1) Council must meet at least quarterly.
- (2) Excluding the first meeting of the council and subject to the provisions of sub-paragraph 11(1) of this by-law, the speaker decides where and when council meets.
- (3) If a majority of the councillors requests the speaker in writing to convene a meeting, the speaker must call a meeting at a time set out in the request.
- (4) On the instruction of the speaker, the municipal manager must
  - (a) give at least 48 hours notice of each meeting to each councillor, together with the agenda set out for that meeting; and

- (b) in a manner determined by the council, inform the public of the time, date and venue of each meeting of the council,

except when time constraints make this impossible in respect of urgent meetings.

- (5) Councillors must carefully check the agenda with which they have been provided in accordance with sub-paragraph 11(4)(a) of this by-law and prepare themselves thoroughly for the scheduled meeting.
- (6) On acceptance of his/her office as councillor, a councillor must provide the municipal manager with an address within the municipal area of jurisdiction to which the agendas for meetings can be delivered.

A councillor must inform the municipal manager without delay if the aforementioned address should change.

## 12. Attendance of meetings

- (1) Every councillor attending a meeting of the council must sign his or her name in the attendance register kept for this purpose.
- (2) The names of every councillor who attended a meeting of the council or a committee thereof or who were absent from such meeting shall be recorded in the minutes or reports of such meetings.
- (3) A councillor must attend each meeting of the council and of a committee of which that councillor is a member, except when—
  - (a) leave of absence is granted in terms of paragraph 13 of this by-law; or
  - (b) the councillor is required to withdraw in terms of this by-law; or
  - (c) a councillor is suspended temporarily in terms of sub-paragraph 29(3) of this by-law.

## 13. Leave of absence

- (1) A councillor who cannot attend a meeting must submit his or her apology at the office of the municipal manager or his or her delegate at least one hour before the meeting commences. However, the speaker, on good cause, may grant leave of absence to a councillor who has been prevented by special circumstances from obtaining leave of absence from the council.
- (2) A councillor who refrains from remaining in attendance at a meeting shall be regarded as being absent without leave.
- (3) The names of all councillors to whom leave of absence from any meeting has been granted and those of all councillors who absent themselves without leave from any meeting or who fail to remain in attendance at a meeting, shall be recorded in the minutes or report(s) relating to such meeting.

## 14. Sanction for non-attendance

- (1) A councillor who is absent without leave from a meeting or who is deemed absent in terms of sub-paragraph 13(2) of this by-law is in breach of this by-law: provided that, if a councillor is temporarily suspended from meetings and/or committees in terms of paragraph 29 of this by-law, he or she is deemed absent with leave for the purposes of this paragraph.
- (2) A councillor who violates the provisions of sub-paragraph 14(1) of this by-law will be fined by an amount as determined by the council from time to time, which fine shall be recovered directly from such councillor's remuneration.

- (3) A councillor who is absent without leave from three or more consecutive meetings of the council or from three or more consecutive meetings of a committee which that councillor is required to attend, shall be removed from his or her office as councillor.
- (4) The council may appoint a special committee to investigate and make a finding on any repeated violation of sub-paragraph 14(1) of this by-law in terms of the code of conduct and to make a relevant recommendation to the council.
- (5) Proceedings for the removal of a councillor must be conducted in accordance with the uniform standing procedure of the council, which must comply with the rules of natural justice.

## 15. Minutes

- (1) Minutes of the proceedings of meetings must be compiled in printed form and must be confirmed by the council at its next meeting and signed by the speaker.
- (2) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each councillor at least 48 hours before the scheduled meeting.
- (3) No motion or discussion of the minutes shall be allowed, except in connection with the correctness thereof.
- (4) A motion to improve the minutes will be allowed and if adopted, the minutes must be improved and signed.

## 16. Quorum

- (1) A majority of the members of the council must be present at a meeting of the council before a vote may be taken on any matter.
- (2) Notwithstanding the provisions of sub-paragraph 16(1) of this by-law, a meeting will only commence once a quorum is present. If there is no quorum at the time for which the meeting is scheduled, the speaker will only take the chair as soon as a quorum is present.
- (3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and, if there is not yet a quorum at the end of that period, the speaker must adjourn the meeting to another time, date and venue at his or her discretion and must record the names of those councillors present.
- (4) Whenever the speaker is not present and there is also no quorum, the start of the meeting must be delayed for no more than 30 minutes and, if there is still no quorum at the end of that period, no meeting may take place and the municipal manager must record the names of the councillors present.
- (5) Whenever there is a quorum at the start of a meeting, but a situation arises during the meeting that there is no longer a quorum, the speaker must suspend the proceedings until a quorum is again present: provided that, if there is still no quorum after 10 minutes, the speaker must adjourn the meeting.
- (6) Whenever a meeting is adjourned because there is no longer a quorum, the time of such adjournment, as well as the names of the councillors present and the names of the councillors who left the meeting without leave, must be recorded in the minutes.

## Part 4 – Decisions

### 17. Unopposed matters

Whenever the council is requested to consider a matter before it and there is no opposition from any councillor, a unanimous vote must be recorded in the minutes.



## 18. Manner of voting

- (1) The speaker must put every opposed motion to the vote by calling upon the councillors to indicate by a show of hands, unless otherwise prescribed, whether they are for such motion or against it, whereupon he or she must declare the result of such vote and record it in the minutes.
- (2) If the majority of the councillors present request the speaker that a vote should take place by secret ballot, this shall be done accordingly.
- (3) Upon the speaker's declaration of the result of a vote, a councillor may demand that his or her vote be recorded against the decision concerned and the municipal manager shall ensure that such vote is recorded in the minutes.
- (4) A councillor may abstain from voting without leaving the meeting place.

## 19. Decisions

- (1) In accordance with the Structures Act, a supporting vote of at least two thirds of the members of the council is necessary to adopt a decision to dissolve the council.
- (2) In accordance with the Constitution, the supporting vote of a majority of the councillors is needed to decide on—
  - (a) the passing of by-laws;
  - (b) the approval of the budgets;
  - (c) the imposition of rates and other taxes, levies and duties; and
  - (d) obtaining loans.
- (3) If, in terms of sub-paragraph 21 of this by-law, the council—
  - (a) wants to rescind or amend a resolution or adopt a conflicting resolution within six months after the resolution was passed, this must be done by means of a resolution passed by a supporting vote of a majority of councillors;
  - (b) wants to rescind or amend a resolution or adopt a conflicting resolution after six months have passed since the resolution was passed, this must be done by a resolution of the same description as that required by legislation for passing the initial resolution.
- (4) All questions other than those referred to in sub-paragraphs 19(1), 19(2) and 19(3) of this by-law are decided by a majority of votes.
- (5) If there is a tie of votes in all the cases referred to in sub-paragraphs 19(1), 19(2), 19(3) and 19(4) of the by-law, the speaker must cast the deciding vote, in addition to the speaker's vote as councillor.
- (6) Before the council can take a decision on the following matters, it must first request its executive committee or executive mayor, if the council has such a committee or mayor, to submit a report and recommendation on the matter to the council:
  - (a) any matter referred to in section 160(2) of the Constitution;
  - (b) the approval of an integrated development plan for the Swartland Municipality and amendments of the mentioned plan;
  - (c) the appointment and conditions of service of the municipal manager and the head of a department of Matzikama Municipality.
- (7) No by-law may be adopted by the council, unless:
  - (a) reasonable notice was given to all the councillors; and
  - (b) the proposed by-law has been published for public comment.

- (8) If more than one quarter of the councillors objects to granting consent to a councillor to:
- (a) be a party to or beneficiary under a contract for—
    - (i) the provision of goods or services to the municipality; or
    - (ii) the performance of any work otherwise than as a councillor for the municipality;
  - (b) obtain a financial interest in any business of the municipality; or
  - (c) appear on behalf of any other person before the council or a committee for a fee or other consideration,

such consent may only be given to the councillor on the approval of the MEC.

## 20. Unopposed business

- (1) When a meeting has been in progress for not less than one hour, the speaker may interrupt the proceedings and order the council to proceed forthwith to dispose of unopposed business.
- (2) After the disposal of such business, the proceedings shall be resumed at the point at which they were interrupted, unless all other remaining business has been adjourned until the next meeting.
- (3) An item on the agenda shall be deemed to be opposed business if a councillor signifies his or her intention to discuss such item immediately after the speaker has intimated to the meeting that such item is open for discussion: provided that no item shall be deemed to be opposed by reason only of questions being asked in connection therewith.

## 21. Rescission of resolutions

- (1) If a councillor wishes to give notice of his or her intention to move the rescission or amendment of a resolution (or part thereof) of the council, he or she shall give such notice by delivery to the municipal manager of a notice of motion in writing, which notice of motion shall be signed and dated by such councillor and shall state at which meeting of the council it will be introduced, and it shall be in the hands of the municipal manager at least six working days before the said meeting. Such notice of motion shall further state that the mover will move that the existing resolution (or part thereof) be reviewed for the purpose of rescission or amendment, as the case may be, and that the mover will further move that the same be rescinded or amended, as the case may be, stating, in the case of an amendment, the exact amendment desired.
- (2) If a committee has resolved to recommend to the council that a resolution (or part thereof) of the council be rescinded or amended, notice of intention to move such rescission or amendment shall be given by the inclusion of such recommendation in a report of the committee to the council, and the municipal manager shall send a copy of such report to each councillor, at the address which such councillor is required to furnish to the municipal manager for the purpose of the delivery of official communications, to reach him at least twelve hours before the meeting at which the recommendation will be considered. The copies of such report thus sent to all councillors, or documents which accompany it, shall indicate at which meeting such report will be considered.
- (3) Except upon the recommendation of a committee, a resolution (or part thereof) shall not be reviewed at any meeting of the council unless the permission of the majority of the councillors present at such meeting has been obtained.
- (4) There shall be no debate on such motion to review, save that the councillor or the chairman of the committee giving notice shall have the right to briefly state the reasons therefor.
- (5) If the council wants to rescind or amend a resolution or adopt a conflicting resolution, such decision to rescind must be taken in accordance with sub-paragraph 19(3) of this by-law.

## Part 5 – Public access

### 22. Admittance of public

The speaker must take reasonable steps to regulate public access to and public conduct at meetings.

### 23. Non-disclosure of matters

- (1) Whenever the municipal manager, at his or her discretion, has provisionally placed any matter on a part of the agenda which will not be disclosed to the public before the meeting, the speaker, when such matters are to be considered, must—
  - (a) order that all members of the public leave the venue of the meeting; and
  - (b) order that the councillors consider whether it would be reasonable for any or all of the items on such part of the agenda to be considered without the presence of the public and the media, with due regard to the provisions of the Constitution, which requires that the public and the media may only be excluded from being present at a meeting when it is reasonable to do so, having regard to the nature of the business being considered.
- (2) The motivation for the exclusion of the public must be minuted in full.
- (3) Any items from which the public will not be excluded shall be considered directly after the procedure as set out in sub-paragraph 23(1) of this by-law.

### 24. Exclusion of the public and media from meetings

- (1) The public, including the media, may be excluded from the meeting—
  - (a) when so ordered by the speaker in terms of sub-paragraph 23(1)(a) of this by-law, or
  - (b) when it has been decided by council in terms of sub-paragraph 24(3) of this by-law.
- (2) If such motion is seconded, it shall be put to the vote forthwith and without discussion.
- (3) If such motion is carried after due consideration by council of the reasons stated, the place of meeting shall be cleared of all members of the public, including the media.

### 25. Readmission of public and media to meetings

- (1) During the course of a meeting from which the public and the media have been excluded, a councillor may move "that the meeting again be opened" and state the reasons for such motion.
- (2) If such motion is seconded, it shall be put to the vote forthwith and without discussion.

### 26. Invitation to non-member

The speaker may invite a person who is not a councillor to address the council or to attend a meeting to state his or her views on a matter before the council.

### 27. Deputations

- (1) An individual or a deputation seeking an interview with the council must give the municipal manager six working days' written notice of his or her request and furnish details of the proposed interview.
- (2) The municipal manager must submit a notice in terms of sub-paragraph 27(1) of this by-law, together with his or her comments and recommendations, to the speaker, who may decide to grant or refuse an interview, and under what conditions this is done.

- (3) A deputation shall consist of no more than ten members. Except with the consent of the speaker or in reply to questions from councillors, only two members of a deputation may address the council.
- (4) Except with the consent of the speaker, a member of a deputation or an individual, depending on the case, shall not address the meeting for more than ten minutes.

## **Part 6 – Order in meetings**

### **28. Conduct of non-councillors and members of the public**

If a non-councillor or member of the public misconducts himself or herself, behaves in an unseemly manner or obstructs the business of any meeting, the speaker may order his or her removal from the meeting.

### **29. Conduct of councillors**

- (1) If a councillor—
  - (a) misconducts himself or herself, or
  - (b) behaves in an unseemly manner, or
  - (c) obstructs the business of any meeting, or
  - (d) challenges the ruling of the speaker on any point of order or ruling in terms of sub-paragraph 5(1) of the by-law, or
  - (e) declines to withdraw any expression when ordered to do so by the speaker, or
  - (f) indulges in tedious repetition or unbecoming language, or
  - (g) commits any breach of this by-law,the speaker shall order such councillor to conduct himself or herself properly and, if speaking, to discontinue his or her speech.
- (2) In the event of a persistent disregard of the directions of the speaker, the speaker shall direct such councillor to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him or her to be removed from the venue.
- (3) The council may request the MEC to suspend, for a period of time, a councillor who deliberately obstructs a meeting by disregarding the rules of this by-law.

### **30. Offences**

Any councillor, non-councillor or member of the public who—

- (a) refuses or fails to comply with a direction of the speaker given in terms of paragraphs 28 and 29 of the by-law; or
- (b) returns to the place of meeting prior to the conclusion of the meeting from which he or she was directed to retire; or
- (c) offers resistance whilst he or she is being removed from the place of meeting,

shall be guilty of an offence and, if convicted, will be liable to a fine or imprisonment for a period not exceeding six months.

## Part 7 – Rules of debate

### 31. Councillor to address chair

A councillor who speaks at a meeting must address the chair and may do so in any one of the three official languages of the Province of the Western Cape.

### 32. Order of priority

When a councillor wishes to address the council, he or she must first obtain the permission of the speaker.

### 33. Precedence of speaker

Whenever the speaker addresses the meeting, all councillors must be silent so that the speaker may be heard without any interruption.

### 34. Relevance

- (1) A councillor who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or a point of order.
- (2) No discussion shall be permitted—
  - (a) which will anticipate any matter on the agenda;
  - (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

### 35. Right to speak

A councillor may only speak once—

- (a) on the matter before the council;
- (b) on any motion before the council;
- (c) on any amendments to the matter before the council;
- (d) on a matter or an amendment proposed or to be proposed by himself or herself;
- (e) on a point of order or a question of privilege,

unless authorised by the speaker or as provided for in terms of these rules.

### 36. Duration of speeches

- (1) Except with the consent of the speaker, no councillor may speak for more than five minutes on any subject (or matter).
- (2) The mover of an original motion or of any amendment may, however, speak for five minutes on such motion or amendment.

### 37. Reintroduction of motion or question

No motion which has been rejected by the council and no question asked in terms of these rules and dealt with at any meeting may again be moved or asked within a period of three months of such meeting, except with the consent of the speaker.

**38. Notices of motions**

- (1) The speaker may not accept any motion, except a motion of exigency or a motion of course, unless notice thereof has been given in terms of sub-paragraph 38(2) of this by-law.
- (2) Every notice of intention by a councillor to introduce a motion shall be in writing, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting at which it is intended to be introduced.

**39. Notices of questions**

- (1) Subject to paragraph 43 of the by-law, the speaker may not accept any question unless notice thereof has been given in terms of sub-paragraph 39(2) of this by-law.
- (2) Every notice of intention by a councillor to introduce a question shall be in writing, signed and dated and delivered to the municipal manager at least six working days before the date of the meeting on which it is intended to be introduced.

**40. Absence of mover or questioner**

In the event of the mover or questioner not being present in his place at the meeting of the council when called upon by the speaker to move a motion or ask a question standing in his name on the agenda, such motion or question shall lapse, unless the original mover or questioner has notified the speaker in writing of a substitute to move the motion or ask the question.

**41. Motions and questions on matters dealt with by committee**

- (1) A councillor may not give notice of a motion or question in respect of any matter assigned to a committee, unless such motion or question has previously been submitted to such committee or unless it is in the form of a reference to such committee for consideration and report.
- (2) The chairperson of a committee may, if he or she is of opinion that the matter is one of exigency, give notice of his or her intention to introduce a motion or ask a question on a matter assigned to such committee, notwithstanding the fact that such motion or question has not received the prior consideration of such committee.

**42. Recommendation of committee regarded as motion**

- (1) The adoption of a recommendation contained in a report submitted by a committee to the council shall be deemed to have been moved by the chairman of such committee or, in his or her absence or when he or she opposes such recommendation, by a councillor of such committee deputed by him or her to act at the time when the speaker of the meeting intimates that such recommendation is open for discussion, and no such motion need be seconded, nor shall the chairperson of such committee thereby be precluded from exercising his or her right to speak thereon.
- (2) The chairperson referred to in sub-paragraph 42(1) of this by-law may, however, speak on the matter and reply, but in replying he or she shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

**43. Questions**

- (1) After any motion or amendment has been moved and seconded or at the conclusion of any speech thereon, a councillor may ask any question relevant to such motion or amendment.
- (2) No supplementary questions may be asked, except by the councillor asking the original question, and then only in respect of matters arising out of the reply to such original question.

- (3) The speaker may not disallow any such question: provided that the councillor to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of sub-paragraph 39.

#### **44. Motion of exigency**

- (1) A councillor may direct the attention of the council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and, without comment thereon, moving "that the motion to which attention has been directed be considered forthwith as a matter of exigency".
- (2) Such motion is herein referred to as a motion of exigency.
- (3) If such motion is seconded and carried by a majority of the councillors present, the mover shall be permitted without notice to bring the matter under consideration by way of a motion or question.

#### **45. Motions of course**

In addition to those provided for elsewhere in these rules, the following shall be regarded as motions of course:

- (i) that precedence be given to the consideration of any particular item appearing on the agenda;
- (ii) that any report referred to in the agenda be noted, or that it is adopted or referred back or that the report is acted upon;
- (iii) that any document before the council be acted upon in the manner specified in the motion;
- (iv) that action be taken in respect of any item submitted for consideration in the manner specified in the motion.

#### **46. Point of order**

A councillor may raise a point of order to call attention to a departure from these rules by stating the particular rule such councillor relies on, whereupon such councillor shall immediately be heard.

#### **47. Point of explanation**

The speaker may allow a councillor to raise a point of explanation: provided that such explanation shall be confined to some material part of the debate which may have been misunderstood.

#### **48. Withdrawal of motion, amendment or question**

- (1) A motion or amendment may, without debate and with the permission of the seconder and the council, be withdrawn by the mover.
- (2) A councillor may not speak on such motion or amendment after the council has agreed to the withdrawal of such motion.
- (3) A question may be withdrawn by the councillor intending to put it.

#### **49. Speaker's ruling on points of order and explanation**

- (1) The ruling of the speaker on a point of order or an explanation shall be final and will not be open to discussion.
- (2) The ruling of the speaker on any point of order raised as to the interpretation of these rules must be entered in the minutes.

## **50. Order of debate**

When a motion is under debate at any meeting of the council, no further motion may be received, except the following:

- (1) that the motion be amended;
- (2) that the consideration of the matter be postponed;
- (3) that the public and the media be excluded;
- (4) that the public and the media be readmitted;
- (5) that the council now adjourns;
- (6) that the council adjourn for a specified time;
- (7) that the debate be adjourned;
- (8) that the matter be put to the vote;
- (9) that the council proceed to the next business.

## **51. That the motion be amended**

- (1) Every amendment shall be relevant to the motion on which it is moved.
- (2) An amendment shall, if required by the speaker, be in writing, signed by the mover and handed to the speaker.
- (3) An amendment shall be read before being moved.
- (4) An amendment shall not be discussed or put to the council until it has been seconded.
- (5) If there is more than one amendment to a motion, the amendment proposed last shall be put to the vote first and, if carried, the matter shall be resolved accordingly.
- (6) If the amendment proposed last is rejected, the amendment proposed immediately prior to the last amendment shall be put to the vote.
- (7) No further amendment shall be moved to a motion or amendment after the speaker has commenced to take the vote upon such motion or amendment.

## **52. That consideration of the matter be postponed**

- (1) A councillor may, at the conclusion of a speech, move that the consideration of the matter be postponed to a fixed or undetermined date.
- (2) Such motion must be seconded, but this need not be in writing: provided that the seconder shall not be permitted to speak. The mover shall be permitted to speak to the motion for a period not exceeding five minutes and the seconder shall not speak, except for seconding the motion.
- (3) Upon such motion being made, the mover of the matter under debate may (without prejudice to his or her ultimate right of reply if the motion that the matter be postponed is not carried) be heard in reply for five minutes, after which the motion shall be put to the vote without further debate.
- (4) If the motion is carried, the matter shall be placed first on the agenda of matters to be considered at the meeting to which it has been postponed: provided that sub-paragraphs 8(2) and 8(3) of this by-law do not apply to such matter.



**53. That the council do now adjourn to another date**

- (1) A councillor may, at any time except during the course of a speech by another councillor or while a vote is being taken, move "that the council do now adjourn to another date".
- (2) Such motion must be seconded, but this need not be in writing.
- (3) The mover shall be permitted to speak to the motion for a period not exceeding five minutes, but the seconder shall not speak, except for seconding the motion.
- (4) If the motion is carried, the council shall adjourn forthwith: provided that the speaker may direct that the meeting continue to first dispose of business other than opposed business.
- (5) If the motion is not carried, the speaker shall not accept another such motion until a period of half an hour has elapsed.
- (6) Save as is provided in sub-paragraph 31(3), no discussion on such motion shall be permitted, except that a councillor who has first indicated as such may speak against the motion for not longer than five minutes.
- (7) No amendment to such motion may be moved, except with regard to the period of adjournment.
- (8) If a motion to adjourn a meeting has been carried during a debate and prior to the conclusion thereof, then the councillor who moved the adjournment shall be entitled to speak first upon consideration of the matter forming the subject of such debate at the adjourned meeting.
- (9) No business shall be transacted at an adjourned meeting except such as is set out in the agenda for the meeting of which it is an adjournment.

**54. That the council adjourn for a specified time**

- (1) A councillor may at any time, except during the course of a speech by another councillor or while a vote is being taken, move "that the council now adjourn for a specified time, up to one hour".
- (2) Such motion need not be in writing.
- (3) If the motion is carried, the council shall forthwith adjourn for the specified time.
- (4) The speaker may limit the number of such motions.

**55. That the debate be adjourned**

- (1) A councillor may, at the conclusion of any speech, move that the debate be adjourned.
- (2) Such motion must be seconded, but this need not be in writing.
- (3) The mover of such motion may speak to it for five minutes, but the seconder may not speak beyond formally seconding it.
- (4) Save as is provided in subsection (3), no discussion may be permitted on such motion except with reference to the period of adjournment and that the councillor who first rises in his or her place for that purpose may speak in opposition thereto for five minutes.
- (5) If such motion is carried, the meeting proceeds to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, is resumed at the next meeting.
- (6) On the resumption of the adjourned debate, the councillor who moved the adjournment is entitled to speak first.
- (7) If the motion is not carried, the speaker shall not accept another such motion until half an hour has elapsed.

- (8) A councillor may not move or second more than one motion for the adjournment of the debate during the course of that debate.

**56. That the matter be put to the vote**

- (1) A councillor may, at the conclusion of any speech during a debate, move that the matter be now put to the vote.
- (2) Subject to the provisions of sub-paragraph 56(3) of this by-law, no motion put in terms of sub-paragraph 56(1) of this by-law shall be open to discussion.
- (3) The mover of a matter under discussion may, when a motion has been put in terms of sub-paragraph 56(1) of this by-law, speak on such motion for not more than five minutes, whereupon the said motion shall be put to the vote without any further discussion.