



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notice

### MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT

No. 140

2015

#### STANDING RULES IN CONNECTION WITH CONVENING AND HOLDING OF, AND PROCEDURE AT, MEETINGS OF LOCAL AUTHORITY COUNCILS AND COMMITTEES ESTABLISHED BY LOCAL AUTHORITY COUNCILS: LOCAL AUTHORITIES ACT, 1992

In terms of Section 14(6)(b) of the Local Authorities Act, 1992 (Act No. 23 of 1992), I have made the standing rules set out in the Schedule.

**C. NAMOLOH**  
**MINISTER OF REGIONAL AND LOCAL**  
**GOVERNMENT, HOUSING AND RURAL**  
**DEVELOPMENT**

Windhoek, 16 March 2015

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## **Definitions**

**1.** In these regulations a word or an expression to which a meaning has been given in the Act has that meaning, and unless the context otherwise indicates -

“chairperson of council” means a chairperson of the council elected in terms of section 11 of the Act;

“chairperson of management committee” means a chairperson of the management committee elected in terms of section 25 of the Act;

“committee” means a committee of a council;

“council” means a local authority council;

“first council meeting” means the meetings referred to in section 14(1)(a) of the Act and includes any other meeting where a chairperson of council, vice-chairperson of council or members of the management committee are elected;

“meeting” means a meeting of a council or committee;

“member” means a member of a council;

“motion” means a motion referred to in regulation 12;

“ordinary council meeting” means a meeting of a council other than a first council meeting;

“proposal” means a proposal, other than a motion, proposed and seconded during a meeting of a council or a committee;

“the Act” means the Local Authorities Act, 1992 (Act 23 of 1992); and

“these rules” means the standing rules in connection with the convening and holding of, and procedure at, meetings of councils and committee contained herein.

### **Notice of meetings**

**2.** (1) The chief executive officer must cause a notice issued by him or her to be furnished to each member of a council or committee or to be delivered to his or her business or residential address at least 72 hours before the commencement of a meeting.

(2) A notice referred to in subrule (1) must state the date, time and place of the meeting and the business to be dealt with at the meeting.

(3) If a meeting is adjourned, the chief executive officer must give written notice of the continuation of the meeting as contemplated in subrule (1).

(4) If the date, time and place of the continuation of a meeting is determined at the meeting which is adjourned, the chief executive officer must give written notice to every member of a council or committee, who was absent from the meeting which was adjourned, to reach the member at least 72 hours before the commencement of the continuation of the meeting.

(5) A member of a council or committee -

(a) must provide the chief executive officer in writing with his or her business and residential address for the purpose of delivery of the notice referred to in subrule (1) or (3); and

(b) must forthwith notify the chief executive officer in writing of a change in an address referred to in paragraph (a),

and a delivery of a notice at an address referred to in paragraph (a) or (b) is considered to have reached the member at the time of delivery of the notice.

**Minuting of names**

3. The minutes of a meeting referred to in rule 7 -
  - (a) must include the names of the members of a council or committee or staff member present, absent with leave and absent without leave at the meeting; and
  - (b) is *prima facie* proof of the presence, absence with leave or absence without leave of the member of a council or committee or a staff member at the meeting.

**Quorum at commencement of and during meeting**

4. (1) The quorum of -
  - (a) a council is as set out in section 14(3) of the Act; and
  - (b) a committee is -
    - (i) half of the total membership of the committee, if the total membership of the committee is an even number; and
    - (ii) the majority of the total membership of the committee, if the total membership of the committee is an uneven number.
- (2) The business of a meeting may only be proceeded with, if a quorum is present.
- (3) If at the expiration of five minutes after the time set for the meeting a quorum is not present, the members of a council or committee present may decide by majority vote to wait another ten minutes to try and obtain a quorum.
- (4) If a decision is not taken in terms of subregulation (3) or if the decision is taken and at the expiry of ten minutes there is still no quorum, the members of a council or committee present may, by majority vote, decide to adjourn the meeting to a specified date, time and place, and in that case the provisions of regulation 2(3) and (4) apply.
- (5) If a decision is not taken under subrule (4) -
  - (a) the chairperson of council or in the absence of the chairperson, the chief executive officer; or
  - (b) the chairperson of a committee or in the absence of the chairperson, a member of the committee,

must adjourn the meeting to a specified date, time and place and in that case the provisions of regulation 2(3) and (4) apply.

- (6) If during a meeting of a council or committee, the attention of the chairperson of council or committee is drawn to the number of members present, the chairperson must count the members present and if it is found that there is no quorum, the meeting may not proceed and subrule (4) and (5) apply with the necessary amendment as if no decision had been taken in terms of subrule (3).

**Sequence of business and agenda of ordinary meeting of council**

5. (1) The sequence of business of an ordinary meeting of a council is as set out in the agenda of meeting of the council and must, as far as possible, be as follows -

- (a) opening by prayer, if so desired;
- (b) adoption of the agenda of the meeting of a council;
- (c) application of leave of absence by members of a council;
- (d) confirmation of the minutes of the previous meeting of a council;
- (e) interviews with deputations or persons summoned or requested to attend the meeting of a council;
- (f) official announcements, statements and communications;
- (g) petitions;
- (h) motions of members;
- (i) answers to questions of members of which notice has been given;
- (j) report of the management committee referred to in section 26(1)(e) of the Act;
- (k) recommendations of the management committee;
- (l) reports and recommendations of committees or the chief executive officer; and
- (m) draft regulations and tariffs, if any.

(2) The sequence of business and agenda of a meeting of a committee is, with the necessary changes, substantially the same as in the case of a council.

### **Sequence of business and agenda of first council meeting**

6. The sequence of business of a first council meeting convened in terms of section 12 of the Act is as set out in the agenda of the meeting and must as far as possible be as follows -

- (a) opening prayer, if so desired;
- (b) the election of the chairperson of council and other persons elected in terms of section 12 of the Act; and
- (c) the election of the members of the management committee as contemplated in section 22 of the Act.

### **Minutes of meetings**

7. (1) The minutes of a meeting of a council are confirmed at the next ordinary meeting of the council.

(2) The minutes of every meeting of a committee are confirmed at the next ensuing meeting of the committee, unless the minutes or a portion of the minutes are, prior to the confirmation by the committee, submitted to a council for consideration and acceptance.

(3) If the minutes of a meeting of a committee or any portion of the minutes are submitted to a council as contemplated in subrule (2), the minutes or the portion of the minutes are confirmed by a quorum of the members of the committee at the meeting of the council.

(4) The minutes of a previous meeting which have not yet been approved must first be read at a meeting and must be signed by the chairperson of council or committee and the chief executive officer if they are confirmed.

(5) Despite subrule (4), the minutes of a previously meeting are considered as read, if the minutes lay for inspection by all members of a council or committee for 48 hours prior to the meeting at which they are submitted for confirmation.

(6) A motion or proposal on the minutes of a previously meeting may not be submitted, nor may any discussion regarding the minutes be entered into save in so far as the correctness of the minutes is concerned.

(7) An objection to the correctness of the minutes of a previous meeting must be submitted in writing to the chief executive officer, at least 24 hours prior to a meeting, for submission to the meeting together with the comments of the chief executive officer, except minor amendments approved by the members at a meeting.

(8) Any information furnished at a meeting concerning the powers or lack of powers of a council or the interest of a member in terms of section 19 of the Act must be entered in the minutes of that meeting.

(9) The minutes of a meeting must record the resolutions taken, but does not need to be a verbatim record of the meeting minuted.

### **Opening of council meeting**

**8.** (1) If a chairperson of council and chief executive officer enter a council chamber, the members of council must rise and remain standing until the chairperson of council and the chief executive officer have sat down or until completion of the prayer referred to in subregulation (2), if applicable.

(2) It is optional for a council to open its meeting by a reading from the scriptures, a short lesson or a prayer by a person designated from time to time by the chairperson of council.

### **Language**

**9.** (1) The chairperson of council or committee may allow a person to addresses a council or committee in a language other than the official language if that language is commonly used in the area of the council.

(2) The chairperson referred to in subrule (1) may only allow the use of the language other than the official language if he or she is of the opinion that the person addressing the council is not sufficiently proficient in the official language so as to properly express himself or herself.

(3) If a meeting is addressed in a language other than the official language, a member of a council, committee or staff member present at the meeting may request the chairperson referred to in subrule (1) to translate that language into the official language or to cause it to be translated and the translation must be verbal.

### **Deputations**

**10.** (1) A deputation desirous of having an interview with a council or committee must submit to the chief executive officer a written memorandum in which the representations it wishes to make are set out.

(2) The chairperson of a council or committee must decide whether the deputation is to be heard and whether the matter can be disposed of under the ordinary powers of the meeting of the council or committee.

(3) If the chairperson of a council decides that the deputation is not to be heard, he or she may refer the matter to the management committee which must then consider the request as if it is a request for an interview with the management committee.

(4) A deputation consists of not more than five members, and only one member of the deputation may address members of council or committee, except when a question of a member of the council or committee is being answered.

(5) The council or committee may -

- (a) hear the deputation and gather all relevant information and may, after the deputation has departed, deal further with the matter; or
- (b) express, after hearing the deputation, the view or opinion of the council or committee on the representations made by the deputation.

### **Petitions**

**11.** (1) A member of a council or committee may submit a petition to the chief executive officer.

(2) A petition referred to in subrule (1) -

- (a) must be properly motivated; and
- (b) may not be read to a council or committee, and no speech or comments concerning it may be heard, but must be referred to the next ordinary meeting of the management committee which must report to the council.

(3) Every petition must have the word "Petition" as a heading.

### **Motions**

**12.** (1) Subject to rule 13, a member of a council or committee may introduce a motion which must relate to a matter in connection with the administration or conditions in a local authority area.

(2) The chairperson of a council or committee may reject a motion if, in his or her opinion -

- (a) it is contrary to these rules or any law;
- (b) it deals with a matter in respect of which a council or committee has no jurisdiction;
- (c) it leads to the discussion of a matter already contained in the agenda of the meeting; or
- (d) there is no seconder for a motion in the case of an opposed motion.

(3) More than four motions by a member of a council or committee may not appear on the same agenda, which number does not include motions which stand over from a previous meeting.

**Notice of motions**

**13.** (1) A member of a council or committee must give notice under the heading "Motion" of every motion he or she wishes to introduce and the notice must contain proper motivation of the motion and be signed by the member.

(2) Every notice referred to in subrule (1), must be submitted to the chief executive officer who must -

- (a) date it with the date of receipt;
- (b) number it in sequence; and
- (c) enter it into a book kept for that purpose.

(3) The chief executive officer must, in writing, acknowledge receipt of the motion referred to in subrule (1) if a member referred to in that subrule so request.

(4) A motion may only be placed on the agenda of a meeting if it is received at least six days prior to the date of the next ensuing meeting.

**Order of motions**

**14.** Subject to rule 13(4), a chief executive officer must place every motion on the agenda of the meeting in the order in which it was received.

**Unopposed motions**

**15.** (1) The chairperson of a council or committee must read out the number of every motion coming up for discussion as well as the name of the mover of the motion in order to ascertain which motion is unopposed.

(2) Subject to rule 12(2) and 18, an unopposed motion is passed without discussion and without being seconded.

**Opposed motions**

**16.** (1) A member of a council or committee who wishes to oppose a motion appearing on the agenda must, before the commencement of a meeting, lodge with the chief executive officer a written notice signed by the member to the effect that the motion is being opposed.

(2) Subject to rule 12(2), the chairperson of a council or committee must call on the mover of each opposed motion, a seconder must be obtained and the matter must be ruled open for discussion.

(3) If the mover of the motion is not present at the meeting, a seconder must be obtained and the matter must be ruled open for discussion.

**Motion to rescind or motion with same tenor as previous motion**

**17.** (1) A member of a council or committee may not introduce a motion -

- (a) to rescind a resolution taken within the preceding six months; or
- (b) with the same tenor as one rejected during the preceding six months,



unless, subject to rule 13, the motion has been signed by three members in addition to the proposer.

(2) A motion introduced in accordance with subrule (1), may only be carried by a majority of 75 percent of the total membership of a council or committee.

(3) After a council or committee has disposed of a motion referred to in subrule (2), a similar motion may not be introduced within six months of such disposal.

#### **Reference of motions to management committee**

**18.** (1) Prior to the passing by a council of any motion which may -

(a) result in the expenditure or revenue of a council being affected; or

(b) affect the drafting, amendment or repeal of a rule or other law,

the chairperson of the council must refer the motion to the management committee for report to the council.

(2) Subrule (1) applies with the necessary changes to a proposal before a council having the effect contemplated in subrule (1), excluding a recommendation of a management committee.

#### **Motion of no confidence in management committee**

**19.** (1) Subject to rules 13 to 16 inclusive, a member of a council may introduce a motion of no confidence in the management committee.

(2) Despite any provision to the contrary contained in these rules, a motion referred to in subrule (1) may not be placed on the agenda of the next ordinary meeting, but the chief executive officer must at that meeting read out the motion and the motivation advanced in respect of the motion.

(3) After reading out the motion and the motivation advanced under subrule (2), the motion must be placed on the agenda of the next ordinary meeting or a special meeting of a council convened for that purpose and the council must consider the motion.

(4) Every member of a management committee in respect of which a motion of no confidence has been introduced as contemplated in subrule (1) must be given an opportunity to address a council, and if a motion referred to in that subrule is carried by a council every member of the management committee must resign and a member who fails or refused to resign is considered to have resigned.

(5) A council must immediately determine a date for a meeting in order to elect members of a management committee in accordance with section 22 of the Act.

(6) A former member of a management committee is, at an election referred to in subrule (5), eligible for re-election.

#### **Questions**

**20.** (1) A member of a council or committee may put a question at a meeting relating to a matter which arises from or relates to the business of a council or committee.

(2) A member referred to in subrule (1) must submit to the chief executive officer a written and signed notice of the question, referred to in that subrule, at least 48 hours prior to the commencement of the meeting.

- (3) The chief executive officer must -
- (a) as early as possible after receipt of the notice referred to in subrule (2), submit a copy of the notice to the chairperson of a council or committee from whose business the question originates; and
  - (b) prior to the commencement of the meeting at which the question must be answered, furnish a copy of the notice referred to in subrule (2) to every other member of a council or committee and to the chairperson of a council or committee or the member presiding at the meeting.
- (4) The chairperson of a council or committee to whom a notice referred to in subrule (2) has been submitted under subrule (3)(a), must answer the question in writing.
- (5) The chairperson referred to in subrule (4) must hand the written answer to the chief executive officer at least two hours prior to the commencement of the meeting at which the question is to be answered and the chief executive officer must hand it over to the members of the council or committee together with a copy of the notice referred to in subrule (3).
- (6) The chairperson of a council or committee may decide that the answering of a question stands over to the meeting of the council or committee following on the meeting referred to in subrule (1).
- (7) Despite subrule (1), a member of a council or committee, subject to subrules (8), (9) and (10) and after written notice, may put a question which in the opinion of the chairperson of a council or committee is of urgent public interest.
- (8) A notice referred to in subrule (7) must -
- (a) be signed the member and be co-signed by the chairperson of the council or committee from whose business the question originates; and
  - (b) be handed to the chief executive officer at least 10 minutes prior to the commencement of the meeting at which the question is to be answered.
- (9) A question referred to in subrule (7) is answered verbally and not in writing.
- (10) If the member who has put a question referred to in subrule (7) so request, the chief executive officer must ensure that the answer to the question is given in writing to the member together with the minutes of the meeting at which the question is answered.
- (11) If a shorter notice than 48 hours as required under subrule (2) of putting of a question has been given to the chief executive officer or if a member has given a notice under subrule (7) and the question is not of urgent public interest as contemplated in subrule (7), the question must be disposed of in the manner contemplated in subrule (3), (4), (5) and (6) on the next ordinary meeting following the meeting prior to which the question was put.
- (12) The chairperson of a council or committee may rule that a question put under subrule (1) or (7) be disposed of in the interests of good order on the next ordinary meeting of the council.
- (13) Subject to this rule, a question referred to in this rule may be discussed after it has been answered in the manner provided for in this rule.
- (14) A chairperson of a council or committee may reject a question if he or she is of the opinion that it is out of order or is not clearly put or that this rule has not been complied with.

**Reports of management committee to council**

**21.** (1) The report of a management committee regarding its decisions on matters delegated to it or in respect of the exercise of its powers or the performance of its functions as contemplated in section 26(1) of the Act must be placed on the agenda of every ordinary meeting of a council.

(2) The chairperson of the management committee or in his or her absence, a member of the management committee requested by the chairperson, must put the report referred to on subrule (1) to a council for information.

(3) A report referred to in subrule (1) may be discussed, but a motion or proposal may not be introduced on the report, except that cognisance of the matter may be taken.

(4) Any question or proposal in connection with a report referred to in subrule (1) must be submitted, prior to the meeting on which the report is placed on the agenda of that meeting, to the chief executive officer in writing and it may only be disposed of at the meeting subsequent to the first mentioned meeting.

**Recommendations of management committee**

**22.** (1) The recommendation of the management committee to a council must be placed on the agenda of an ordinary meeting of a council in accordance with rule 5.

(2) The chairperson of a management committee or in his or her absence, a member of the management committee requested by the chairperson must propose each recommendation of the management committee for acceptance by the council.

(3) Subject to subrule (4), a proposer referred to in subrule (2) may, with the consent of at least two-thirds of the member of the management committee present, amend a recommendation of the management committee or withdraw an item on the report of the management committee for remission to the management committee.

(4) An ordinary majority of the members of a management committee is sufficient for an amendment referred to in subrule (3) which, in the opinion of the chairperson of a council, is of a non-material nature.

(5) For the purposes of these rules a recommendation of a management committee is considered as a proposal which has been seconded.

**Reports of committees**

**23.** (1) A report of a committee to a council must be placed on the agenda of an ordinary meeting of the council in accordance with rule 5.

(2) The chairperson of a committee or in his or her absence a member of the committee requested by the chairperson must propose each recommendation of the committee for acceptance by a council.

(3) A proposer referred to in subrule (2) may, with the consent of at least two-thirds of the members of the committee present, amend a recommendation of the committee or withdraw an item on the report of the committee for remission to that committee.

(4) Rule 21(3) applies with necessary changes to a report submitted for information in terms of subrule (1).

**Proposals and motions of order that may be introduced**

**24.** Subject to any provision to the contrary contained in these rules, if a motion or proposal is under discussion during a meeting it may only be proposed that -

- (a) the motion or proposal be amended;
- (b) the matter be voted upon; or
- (c) any of the following motions of order be introduced, namely that the -
  - (i) meeting be adjourned;
  - (ii) debate be suspended;
  - (iii) debate be closed;
  - (iv) next matter on the agenda be proceeded with; or
  - (v) matter be remitted to the management committee.

**Amendments**

**25.** (1) Every amendment of a motion or proposal must relate to the motion or proposal before a council or committee in respect of which it is introduced.

(2) An amendment may not be introduced in respect of an unopposed motion.

(3) If the chairperson of a council or committee require, an amendment must be put in writing, signed by the proposer and be submitted to the chairperson and chief executive officer.

(4) Every written amendment must be read out by the chairperson referred to in subrule (3) and after the reading the proposer may speak on the amendment.

(5) After a proposer has spoken on an amendment, under subrule (4), the amendment must be seconded, before a council or committee discusses it or votes on the amendment.

(6) An amendment lapses if there is no a seconder under subrule (5).

(7) A member may only address a council or committee once on an amendment, but a proposer of a motion or proposal to which the amendment under discussion was proposed may reply.

(8) A member who has formally seconded an amendment may immediately or later speak on the amendment.

(9) After an amendment to a motion or proposal has been introduced and seconded, further amendment may not be introduced before the first amendment is disposed of.

(10) If an amendment is carried, the original motion or proposal, as amended, is the motion or proposal before a council or committee and any further amendment may be introduced in respect of the amended motion or proposal.

**Proposal that matter be voted upon**

**26.** (1) If a proposal that a matter under discussion be voted upon is carried, the matter must be voted upon without further discussion.

(2) A proposal referred to in subrule (1) may be made at any time during the course of the debate, but not while a speech is in progress.

(3) Subject to subrule (4), a proposal referred to in subrule (1) may not be discussed.

(4) A proposer of a matter referred to in subrule (1) may, if the proposal is seconded, speak on the proposal for not more than five minutes.

(5) A proposal referred to in subrule (1) lapses if there is no seconder to the proposal.

#### **Motion of order that meeting be adjourned**

**27.** (1) If a motion of order that a meeting be adjourned is carried, the meeting must adjourn in accordance with rule 46.

(2) A member may not introduce or second more than one motion referred to in subrule (1) in respect of the same sitting of a meeting.

#### **Motion of order that debate be suspended**

**28.** (1) Subject to subrule (2), if a motion of order that a debate be suspended is carried, the discussion of the matter must resume at the next ordinary meeting and a council or a committee must proceed to the next matter on the agenda.

(2) Despite subrule (1), a special meeting may be convened for the discussion of a matter in respect of which a debate has been suspended as contemplated in subrule (1).

(3) When a suspended debate is resumed the member who proposed the suspension is entitled to speak first.

(4) A member may not introduce or second more than one motion of order referred to in subrule (1) in respect of the same debate.

#### **Motion of order that debate be closed**

**29.** (1) If a motion of order that a debate be closed is carried, the motion lapses completely.

(2) A member may not introduce or second more than one motion referred to in subrule (1) in respect of the same debate at the same meeting.

#### **Motion of order that next matter on agenda be proceeded with**

**30.** (1) If a motion of order that the next matter on the agenda be proceeded with is carried, the motion under discussion lapses and a council or committee must without further discussion proceed to the next matter on the agenda.

(2) A member may not introduce or second more than one motion referred to in subrule (1) at the same meeting.

#### **Motion of order that matter be remitted to management committee**

**31.** If a motion of order that a matter be remitted to the management committee is carried, the matter must be remitted without further discussion to the management committee and a council or committee must proceed to the next matter on the agenda.

**General provisions relating to motions of order**

**32.** (1) A motion of order may be introduced verbally.

(2) As soon as a motion of order is introduced all discussions of the matter is discontinued immediately and after a seconder for the motion of order has been obtained the proposer is entitled to speak on the motion of order for not more than five minutes.

(3) A motion of order lapses if there is no seconder to the motion.

(4) A seconder of a motion of order may not speak on the motion.

(5) After the proposer of a motion of order has spoken, the proposer of the matter under discussion when the motion of order is introduced may, for not more than five minutes, speak on the motion of order and thereafter the motion of order must be voted upon without further discussion.

(6) A motion of order may not be introduced within 30 minutes after a similar motion of order in respect of the same matter has been dealt with, unless if in the opinion of the chairperson of council or committee the circumstance justifies the introduction of such motion of order.

**Withdrawal of motions and proposals**

**33.** (1) A proposer may, with the consent of a council, withdraw a motion or proposal, including an amendment to the motion or proposal.

(2) A discussion may not be held during the discussion of consent for a withdrawal referred to in subrule (1).

**Voting**

**34.** (1) Subject to subrule (4), voting at a meeting of a council or committee is done by the show of hands and the result of the voting is announced by a chairperson of council or committee.

(2) If a member of a council or committee questions a decision by the show of hands, a chairperson referred to in subrule (1) must request all members -

- (a) in favour of the motion or proposal;
- (b) not in favour of the motion or proposal; and
- (c) who have abstain from voting,

to rise from their seats and the chairperson must record their names and the total votes obtained.

(3) The chairperson referred to in subrule (1) must announce who voted in favour of, and who voted against, the motion or proposal and who abstained from voting, and whether the motion or proposal has been carried or rejected.

(4) If a member insists, voting must take place by secret ballot.

(5) The voting under subrule (4) is checked by a chairperson of council or committee and the chief executive officer and the chairperson must announce the result of the voting.

(6) A chairperson of council or committee has, in the event of an equality of votes, a casting vote in addition to his or her deliberative vote.

**Minuting of dissenting vote**

**35.** (1) Subject to subrule (2), a member of a council or committee may request immediately that his or her vote against a motion, proposal or resolution be recorded in the minutes.

(2) A chairperson of council or committee may refuse to have a vote referred to in subrule (1) recorded if, in his or her opinion, an improper motive can be attributed to it.

**Right to speak and reply**

**36.** (1) Subject to any provision to the contrary contained in these rules and to subrule (2), a member of a council or committee may not speak more than once on a motion or proposal.

(2) Subject to any provision to the contrary contained in these rules, the proposer of a motion or proposal may reply before the motion or proposal is voted upon, but a member is only restricted to reply to previous speakers and may not introduce new matters.

(3) A council or committee may allow the proposer of a proposal referred to in rule 21(2) or 22(2) to clarify a matter before a specified recommendation is considered or during the discussion of the recommendation in reply to a specific question.

**Duration of speeches**

**37.** Subject to any provision to the contrary contained in these rules, a member of a council or committee may not speak for more than ten minutes on a motion or proposal, but the council or committee may allow a speech to proceed for a further period of not more than five minutes.

**Members to stand and address chairperson**

**38.** (1) A member of a council or committee, except a chairperson of council or committee, must stand when speaking unless if a chairperson allows the member to remain seated.

(2) A member of a council or committee must address a chairperson of council or committee when speaking.

**Discussion to be to point**

**39.** A member of the council or committee must confine himself or herself strictly to the matter, motion of order or point of order under consideration and no discussion anticipating a matter on the agenda may be allowed.

**Chairperson has precedence**

**40.** If a chairperson of a council or committee rises during a debate, a member speaking or about to speak must sit down and remain silent so that the chairperson may be heard undisturbed.

**Repetition, irrelevancy and disturbance of order**

**41.** (1) A chairperson of a council or committee must direct the attention of a meeting to irrelevancy, unnecessary repetition, unseemly language or any disturbance of the order by a member of the council or committee and if the member persists the chairperson must order him or her to stop his or her behaviour.

(2) If a member referred to in subrule (1) persists in disregarding the authority of the chairperson referred to in that subrule, the chairperson must order the member to retire from the meeting.

(3) If a member refuses to comply with an order given under subrule (2), the chairperson referred to in that subrule may instruct a law enforcement officer to remove the member from the meeting and to preclude the member from returning to the meeting.

### **Removal of person from chamber**

**42.** If-

- (a) in the opinion of a chairperson of a council or committee, a person is not properly dressed; or
- (b) a chairperson of a council or committee considers it necessary for maintaining order,

the chairperson may at any time during a meeting -

- (i) give instructions that the person be removed from a council or committee chamber; or
- (ii) in a case referred to in paragraph (b), instruct that the public gallery be cleared.

### **Suspension of right to attend meetings**

**43.** (1) Subject to subrule (3) and (4), a council or committee may suspend the right of a member of a council or committee to attend a meeting of a council or committee, if the member -

- (a) fails or refuses to comply with an order referred to in rule 41(2);
- (b) wilfully obstructs the business of a meeting of the council or committee;
- (c) fails or refuses to comply with an order given under rule 42; or
- (d) publishes or discloses -
  - (i) a document of a council or committee;
  - (ii) the proceedings of a council, committee or a committee relating to land or other property which a council is acquiring or expropriating;
  - (iii) legal or arbitration proceedings in which a council is part of, or
  - (iv) any other matter in which the publication or disclosure may prejudice the interest of the council or committee.

(2) Despite any provision to the contrary contained in these rules, a proposal to suspend a member as contemplated in subrule (1) may be moved at any stage during a meeting.

(3) A proposal to suspend a member as contemplated in subrule (1) may not be decided upon before the member proposed to be suspended is afforded an opportunity to state his or her case to a council or committee.



(4) A member referred to in subrule (1) may be suspended under that subrule for a period not exceeding one month.

### **Suspension of rules**

**44.** (1) Despite any provision to the contrary contained in these rules, but subject to subrule (2), a member of a council or committee may propose during a meeting propose that these rules be suspended for a purpose which such member must state.

(2) A council or committee may, by majority vote of members, suspend one or more provisions of these rules for the purpose of discussing a specific matter, except rules 4, 7, 13(1), 15, 24, 34, 39,40 and 46.

(3) A proposal referred to in subrule (1) may only be made in regard to a specific matter, but lapses if it is not adopted by a majority vote of members of a council or committee.

(4) A chairperson of a committee may, at a meeting of the committee, apply any provision of these rules which is not applicable to the committee if he or she is of the opinion that it is necessary or expedient for the proper dispatch of the business of the committee.

### **Interpretation of rules**

**45.** (1) A member of a council or committee may request that a ruling of a chairperson of the council or committee on the interpretation of these rules be recorded in the minutes of the meeting.

(2) A chief executive officer must keep a list of rulings referred to in subrule (1).

(3) A chairperson referred to in subrule (1) must sign the entry in a list referred to in subrule (2) of each ruling he or she has given.

(4) A member of a council or committee who made a request under subrule (1) may verbally require during the meeting or in writing within five days after the meeting that the chief executive officer submit the matter to the management committee.

(5) A management committee referred to in subrule (4) must consider the matter and report to a council.

(6) A council may, on the recommendation of the management committee, order that the ruling of the chairperson of the council or committee be withdrawn or amended.

### **Adjournment of meetings**

**46.** (1) A chairperson of a council or committee may adjourn a meeting to a specified day, time and place if it appears to him or her that further continuation of the meeting is undesirable on account of irrelevancies or disturbance of the peace.

(2) If a meeting is adjourned by the chairperson of a council or committee under subrule (1), the members of the council or committee must rise and remain standing until the chairperson and the chief executive officer have left the chamber.

### **Committee of whole council**

**47.** A council may, at any time before or during a meeting, go into committee of the whole council for the purpose of considering a matter referred to in section 14(2)(a) of the Act.

**Time of committee meetings**

**48.** (1) A committee may itself determine the date, time and venue of its meetings.

(2) A meeting of a committee may only be held with the consent of a council during a meeting of the council.

**Resignation as member of committee**

**49.** (1) A member of a committee who wishes to resign as member of the committee must submit a written resignation to the chief executive officer.

(2) A resignation referred to in subrule (1) may not be withdrawn.

**Filling of vacancy in committee**

**50.** (1) A chairperson of a committee must report a vacancy which has occurred in the committee to a council and the council may fill the vacancy.

(2) A report referred to in subrule (1) is submitted before the next ordinary meeting a council after the committee meeting at which the vacancy referred to in that subrule is reported.

**Filling of vacancy in committee during absence of member**

**51.** If leave is granted to a member of a committee to be absent from a meeting of the committee and such absence may result in the lack of a quorum at the meeting, a council may designate another member to serve on the committee in the place of the absent member during his or her absence.

**Official communications**

**52.** An official communication on behalf of a council or committee may only be made by the chief executive officer or by a member of the council or a staff member designated for that purpose by the council.

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