



CITY OF CAPE TOWN
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RULES & ETHICS COMMITTEE
KOMITEE OOR REËLS EN ETIEK
IKOMITI ENGEMIGAQO NENDLELA EYAMKELEKILEYO YOKUZIPHATHA

1. **ITEM NUMBER:** RLE 03/10/24

2. **SUBJECT / ONDERWERP / ISIHLOKO:**

CONFIRMATION OF THE MINUTES: 12 SEPTEMBER 2024

BEKRAGTIGING VAN NOTULE: 12 SEPTEMBER 2024

ISIQINISEKISO SEMIZULU: 12 EYOMTSINTSI 2024

3. **DISCUSSION**

The attached minutes are submitted for confirmation.

Annexure 1: Minutes of Rules & Ethics Committee meeting held on Thursday,
12 September 2024

MINUTES

OF THE MEETING OF THE RULES & ETHICS COMMITTEE HELD IN COMMITTEE ROOM D, 5TH FLOOR, PODIUM ON THURSDAY, 12 SEPTEMBER 2024 AT 10:00

PRESENT DEMOCRATIC ALLIANCE (DA)

Cllr. P Swart (*Chairperson*)
Cllr. D Visagie (*Chief Whip*)
Cllr. C Cerfontein
Cllr. G Gordon
Cllr. M Raise (*attended via the Skype platform*)
Cllr. F Raymond
Cllr. H Terblanche

AFRICAN NATIONAL CONGRESS (ANC)

Ald. X Sotashe
Cllr. P Tause

ECONOMIC FREEDOM FIGHTERS (EFF)

NIL

GOOD

Cllr. J Cupido

PATRIOTIC ALLIANCE (PA)

Cllr. C Steenberg

NATIONAL COLOURED CONGRESS (CCC)

Cllr Fazloodien Abrahams (*left the meeting 11:10*)

APOLOGIES

Ald. F Purchase (*Speaker*)
Cllr. M Dambuza

ABSENT WITHOUT APOLOGY

NIL

OFFICIALS

V Ngcobozi
R Razack
N Mboniswa
J Van As
T Geoghegan
C Knott
B Gerber
K Celliers

A Salie
M Levendall

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RLE 01/09/24 OPENING OF MEETING / MOMENT'S SILENCE

The Chairperson welcomed everyone present. A moment of silence was then observed.

RLE 02/09/24 LEAVE OF ABSENCE / APOLOGIES

The following members submitted leave of absence to the Office of the Chief Whip:

- Ald. Purchase (Speaker)
- Cllr. M Dambuza

It was noted that all other members were present.

RESOLVED that the above leave of absence be **NOTED**.

ACTION: M LEVENDALL

RLE 03/09/24 CONFIRMATION OF MINUTES: 15 AUGUST 2024

RESOLVED that the minutes of the Rules & Ethics Committee meeting held on 15 August 2024 be **CONFIRMED**, subject to amending Cape Coloured Congress to the National Coloured Congress.

[Proposed by Cllr. Cerfontein and seconded by Cllr. Gordon.]

ACTION: M LEVENDALL

RLE 04/09/24 CHAIRPERSON'S ADDRESS

No Chairperson's report was submitted and no contributions were made by the members under this item.

RESOLVED that the above be **NOTED**.

ACTION: M LEVENDALL

RLE 05/09/24 PROGRESS REPORT: MATTERS RECEIVING ATTENTION

The Chairperson requested that MRA 4 be addressed first, to accommodate the officials, who need to leave at the conclusion of the discussion of MRA 4. The members agreed to the request.

It must be noted however, that the minutes were recorded in chronological order.

MRA 1: DRAFT POLICY: COUNCILLOR CAPACITY BUILDING

The Rules & Ethics Committee members noted the commencement of the public participation process in respect of the draft capacity building policy.

The Chairperson indicated that, should the members wish to make any further comments in respect of the capacity building policy, they should do so as part of the public participation process.

The item will remain on the matters receiving attention schedule until concluded.

MRA 2: DRAFT POLICY: CODE OF ETHICS FOR COUNCILLORS

It was noted that the Code of Ethics policy will be submitted to the October 2024 Council meeting for noting.

The item will remain on the matters receiving attention schedule until concluded.

MRA 3: REVIEW THE CONFERMENT OF CIVIC HONOURS POLICY

The Chairperson proposed that the members examine the attached, amended Conferment of Civic Honours Policy document and advise if they were satisfied or wished to make further amendments at the next meeting.

The item will remain on the matters receiving attention schedule until concluded.

MRA 4: REVIEW THE RULES OF ORDER FOR COUNCIL MEETINGS

The Chairperson welcomed Mr Gerber, Mr Celliers and Ms Knott to the meeting and thanked them for their attendance and for their input into the Council rules of order.

Mr Gerber then took the members through the proposed amendments to the existing rules of order document:

Page 6 Added Preamble which summarizes the purpose of the Rules;

- Page 7 Added definitions for “Behaviour”, “City Manager” and Code;
- Page 7 Removed the definition of “Officer” (VIP) as there is no such reference anywhere in the document;
- Page 8 Amended the definition for “Quorum” so that it aligns with the Structures Act;
- Page 9 & 10 Added 4.2 “Supplementation”;
Added 4.3 “Suspension” of Rules; and
Added 4.4 “Non-diminution or non-limitation of rules”;
- Page 10 Added 6.3 Special Meetings;
- Page 11 7.2 and 7.3 – Added notice of meetings to be sent electronically and in newspapers;
- Page 13 Amended 10.1.8.2 so that Mayor must report on “**All**” decisions, whether conferred by law or delegations;
- Page 16 Amended 16.2 – requiring bells to be rung before “**electronic voting**” can take place;
- Page 16 16.3.6 – Added legal requirement for the determination of the salaries and allowances of councillors;
- Page 17 Amended 16.10 – Speaker’s deliberative vote not applicable when voting takes place through a ballot.
- Page 19 19.5 – Replaced the “**City Manager**” with “**Speaker**” referring a motion to the correct political structure,
- Page 20 Added 19.8 – process for removal of Speaker, Whip, Mayor or Deputy Mayor;
- Page 24 24.1 – Added written questions to be submitted by 17:00;
- Page 27 25 – Amended removing the wording “**following a recommendation by the Mayor**” (current Rule 23);

- Page 29 30.3 – Added Member refuses to withdraw **“the Speaker must order member to leave the chamber”**;
- Page 30 31.3 added – Councillor may not approach Chair or proceed past 1st row of seating;
- Page 30 Added 31.5 – Walkout by Councillors added;
- Page 32 33.1.3 – Amended point of clarity **at the end of the speech**, not during;
- Page 32 35.2.5 - Added disposing of capital assets;
- Page 33 Added 38 – Rules of Order for Virtual Meetings.

At this point, the Chairperson afforded each member an opportunity to submit their proposed amendments to the rules of order as presented by Mr Gerber.

Cllr. Cupido made the following submissions:

- Page 12, 7.4 The Speaker (not the members) should make a decision in terms of whether a meeting should proceed or not;

After a brief discussion, the members agreed that the rule be amended to the Speaker (not members).

- Page 13, 11.3 Application for leave of absence must be signed by the member **and the party whip**;

It was noted that the party whips agreed, as a courtesy that the whips will sign off on leave application forms. It is therefore not required to be included in the rules of order.

Cllr. Cupido sought clarity in respect of rules 38.12 and 38.13. He indicated that a motion would automatically be included in the agenda, hence there would be no need to put it in the IM box. Similarly, he enquired what type of questions were being referred to in this context, since questions may not just randomly be put to the Executive Mayor.

After a brief discussion, it was agreed that item 38.12.1 be split into two parts, namely procedural motions and amendment to a motion. Additionally item 38.13 should

be split into two parts, namely procedural questions to the Speaker and supplementary questions to the Executive Mayor.

Cllr. Abrahams made the following submissions:

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| Page 8, Motions | Amend to indicate Rule 19 and not Rule 18, |
| Page 20, Numbering | Amend numbering 19.8.1.1 should be 19.8.8.1 and 19.8.1.2 should be 19.8.8.2. |

Ald. Sotashe noted that his amendments, which he had previously submitted, were not included in the document as presented by Mr Gerber.

Ms Knott clarified that the idea was to first present the current document with the proposed amendments and allow the members to work through it. Thereafter the current document would be amended and resubmitted in order for the members to incorporate their proposed amendments.

In light of the above, Ald. Sotashe indicated that he would reserve his comments for the next round of deliberations.

Cllr. Visagie made the following submissions:

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| Page 12; 8.1 & 8.2 | the word “may” should be replaced with “must” |
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After a brief discussion, it was agreed that the word “may” will remain.

Cllr. Raymond made the following submissions:

- | | |
|--------------------------------|---|
| Page 6, Preamble | proposal to include the “oath of office” as part of the preamble. |
| Page 6, 2 nd bullet | proposal to amend the sentence to read as follows “... to engage in meaningful discussions and make sound decisions;” |
| Page 6, 7 th bullet | proposal to swap “rule of law” and “constitutional values” |

It was agreed that the PREAMBLE section will be further discussed during the next round of deliberations.

Cllr. Gordon made the following submissions:

That the word “he” be replaced with “he/she” throughout the document.

Cllr. Terblanche made the following submissions:

That “days” should be clarified in terms of working or calendar day throughout the document.

It was agreed that the DEFINITIONS section include a definition for “days” which is defined as follows:

“Day/s” means calendar day/s except if otherwise stated.

Ms Rehana Razack

In respect of rule 7.3, “notice of meetings”, Ms Razack commented that Council took a decision to dispense with advertising in newspapers. Notice of meetings are advertised via the City’s social media platforms only. (Ms Razack undertook to send the resolution to the legal team). Additionally, she indicated that in terms of the requirement for publishing a special meeting within 24 hours in the newspaper is not practical.

It was agreed that the amendment, relating to advertising notice of meetings via the City’s social media platforms, be incorporated in the rules of order, upon receipt of the resolution from Ms Razack.

At the conclusion of the contributions made to the Council rules of order, the Chairperson requested the legal team to make the amendments, as discussed, and send it to the secretariat who in turn will circulate it to the members. Additionally, the Chairperson indicated that the members would be given a second opportunity, at the next meeting, to give input to the rules of order. The proposed amendments, previously submitted by the members and MRAs 5 and 7 will form part of the second round of discussions.

The item will remain on the matters receiving attention schedule until concluded.

MRA 5: MOTION RECEIVED FROM COUNCILLOR J CUPIDO

Cllr. Cupido’s Motion (that deals with the section about “Questions” in the Council rules of order) will be considered during the second round of discussions

pertaining to MRA 4 (Review the Rules of Order for Council Meetings).

The item will remain on the matters receiving attention schedule until concluded.

MRA 6: DRAFT RULES OF ORDER FOR WARD COMMITTEES

It was noted that no feedback was received from the Subcouncil Chairpersons and Managers (via the FOCOS meeting) in respect of any problems they may be experiencing with their respective Ward Committees.

The item will remain on the matters receiving attention schedule until concluded.

MRA 7: STANDARD OPERATING PROCEDURE AND OPERATIONAL PLAN FOR COUNCIL

The Standard Operating Procedure and Operational Plan for Council will be considered during the second round of discussions pertaining to MRA 4 (Review the Rules of Order for Council Meetings).

The item will remain on the matters receiving attention schedule until concluded.

RESOLVED that:

- a) All actions indicated in the preamble for MRAs 1 to 7 be executed, where applicable;
- b) The schedule of the matters receiving attention, be noted.

ACTION: M LEVENDALL / T GEOGHEGAN / B GERBER / K CELLIERS / C KNOTT

RLE 06/09/24

RULES & ETHICS COMMITTEE WORK PROGRAMME FOR 2024

It was noted that the Rules & Ethics Committee were on track with its annual work programme.

RESOLVED that the Rules & Ethics Committee Work Programme for 2024 be **NOTED**.

ACTION: M LEVENDALL

~~~The meeting concluded at 12:00~~~

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CLLR. P SWART: (CHAIRPERSON)

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DATE