



STELLENBOSCH

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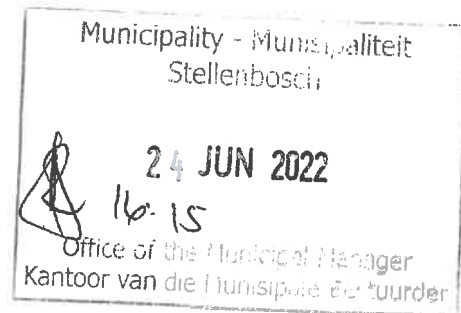
INTERNAL MEMORANDUM

DATE : 23 JUNE 2022

TO : MUNICIPAL MANAGER

FROM : MERVIN WILLIAMS

RE : **DRAFT REVISED STELLENBOSCH MUNICIPALITY RULES OF ORDER BY-LAW:
2022**



1. The Stellenbosch Municipality's Rules of Order By-law ("the draft By-law") was revised by Council and the draft was approved by Council on 26 April 2022 for public comment.
2. The draft By-law was subsequently advertised for public inputs, and I would like to provide input to the draft By-law which in my opinion should be included.
3. The Municipality recently received an opinion on whether the Municipal Council may rescind its own resolution, should the need therefor arise. Administrative decision makers may not vary or revoke final administrative decisions unless they have express or implied statutory authority to do so.
4. City of Cape Town's Rules of Order provide in Rule 23 that "the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it, provided that no such rescission or revocation of a decision may detract from any rights that may have been accrued as a result of the resolution."
5. The current Rules of Order By-law 2019 with its proposed amendments does not make provision for same.
6. I am of the view that the 2022 Rules of Order By-law should be amended to include a provision similar to Rule 23 of the City of Cape Town's Rules of Order as this would provide Council with a clear power to revoke or vary earlier decisions provided, they do not detract from existing rights:

“the Council may at any time following a recommendation by the Executive Mayor, rescind or amend any resolution passed by it, provided that no such rescission or revocation of a decision may detract from any rights that may have been accrued as a result of the resolution.”

7. In light of the aforesaid I am of the view that a clause to that effect needs to be included in the Draft Rules of Order By-law.



MC Williams

Chief Legal Advisor