

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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**Provincial Gazette Extraordinary
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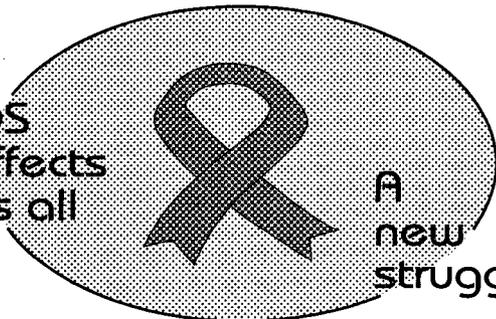
Vol. 6

**PRETORIA, 4 DECEMBER 2000
DESEMBER**

No. 195

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 8698 OF 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

**AMENDMENT OF NOTICE ESTABLISHING THE CITY OF
JOHANNESBURG METROPOLITAN MUNICIPALITY
(NOTICE NO. 6766 OF 2000)**

In terms of section 16(1) of the Local Government: Municipal Structures Act, 1998, I, Trevor George Fowler, Member of the Executive Council responsible for local government in the Province of Gauteng, hereby amend the notice establishing the City of Johannesburg Metropolitan Municipality (Notice No. 6766 of 2000) as set out in the Schedule hereto.

Given under my hand at Johannesburg, this 1st day of December 2000.



**T G FOWLER
MEC: DEVELOPMENT PLANNING AND LOCAL GOVERNMENT: GAUTENG
PROVINCE**

SCHEDULE

Notice No. 6766 of 2000, published in Provincial Gazette Extraordinary No. 141, dated 1 October 2000, is hereby amended by amending the Schedule thereto as follows:

AMENDMENT OF PART 1

1. *Amendment of clause 1*

Clause 1 is hereby amended by the insertion of the following definition after the definition of "**Municipal Structures Act**":

"**new municipality**" means a municipality established in terms of this Schedule, or where the context so indicates, any other municipality established in terms of section 12(1) of the Municipal Structures Act;"

2. *Amendment of clause 5*

The map referred to in sub-clause (1) showing the boundaries of the Metropolitan Municipality of Johannesburg, is hereby withdrawn and substituted by **Annexure "A"**.

3. *Amendment of clause 7*

Clause 7 is hereby amended by the substitution therefor of the following clause:

"7. Any or all of the following office-bearers may be designated by the City of Johannesburg as full-time councillors:

- (a) The Speaker;
- (b) The Executive Mayor; and
- (c) Members of the Mayoral Committee."

4. *Amendment of clause 8*

Clause 8 is hereby amended by the deletion of the full stop at the end thereof and the addition of the term "and provincial General Notice No. 6771 dated 30 September 2000."

5. *Amendment of clause 10*

Clause 10 is hereby amended by the deletion of the comma after the words "Loveday Street".

AMENDMENT OF PART 3*6. Amendment of clause 11*

Clause 11 is hereby amended by the addition of the following sub-clause after sub-clause (2):

- "(3). Notwithstanding the provisions of any other law, the present term of office of all existing committees and office-bearers of a municipality to be disestablished on the effective date shall extend until that date."

AMENDMENT OF PART 5*7. Amendment of clause 15*

Clause 15 is hereby amended by the deletion of the full stop after sub-clause (3) and the addition thereto of the following term:

- "; Provided that no matter shall be dealt with at the meeting before all the office-bearers as required in terms of the Municipal Structures Act have been elected."

8. Amendment of clause 16

Clause 16 is hereby amended by the substitution therefor of the following clause:

- "16. The councillors of the City of Johannesburg shall be remunerated in accordance with the Remuneration of Public Office Bearers Act, 1998."

9. Amendment of clause 18

Clause 18 is hereby amended by the substitution for the heading thereof of the heading "**AGREEMENTS**".

AMENDMENT OF PART 6*10. Amendment of clause 21*

Clause 21 is hereby amended:

- (1) by the substitution for sub-clause (2) of the following sub-clause:
- "(2) All by-laws, and any action taken in terms of such by-laws, and all resolutions, delegations, town planning schemes, integrated development plans or statutory notices of a disestablished municipality, or of a local government body incorporated into it in

terms of the Local Government Transition Act, 1993, that are in force on the effective date, shall continue in force in the area in which they were applicable until superseded, amended or repealed."; and

- (2) by the substitution for the term "disestablished municipality must be applied" in sub-clause (3) of the term "disestablished municipality, or local government body referred to in sub-clause (2), must be applied or carried out".

11. Amendment of clause 22

Clause 22 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

- "(1) If a service which is rendered in an area which will form part of the area of a new municipality can, because of prevailing circumstances, not be rendered by such new municipality the successor of the municipality, which rendered the service prior to the effective date, shall, subject to sub-clauses (2) and (3), continue to render the service; Provided that if the latter successor is unable or lacks the capacity to render such service it may enter into an agreement with any other municipality for the rendering of such a service, as envisaged in clause 18 of this Schedule."

12. Amendment of clause 23

Clause 23 is hereby amended by the substitution for sub-clause (1) of the following sub-clause:

- "(1) The acting municipal manager shall be a person nominated by the Municipal Facilitation Committee for the Greater Johannesburg Metro, established in terms of section 14(5) of the Municipal Structures Act, and approved and designated by the MEC; Provided that the MEC may, if no nomination of the Municipal Facilitation Committee is accepted by him, make such an appointment in his discretion."

13. Amendment of clause 24

Clause 24 is hereby amended by the substitution therefor of the following clause:

- "24. (1) The transfer of staff to a new municipality shall be effected in accordance with an agreement entered into between all the relevant new municipalities upon completion of an audit of the functions to be performed by a new municipality and the staff and other resources necessary for the performance of such functions.

- (2) The agreement referred to in sub-clause (1) must be signed within three (3) months from the effective date.
- (3) Until such time as the agreement referred to in sub-clause (1) has been signed, a person who on the effective date is an employee of a disestablished municipality becomes an employee of the City of Johannesburg.
- (4) The employment of persons by the City of Johannesburg in terms of sub-clause (3)-
 - (a) must be regulated in accordance with any collective agreement concluded between the City of Johannesburg and trade unions representing those employees; and
 - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable legislation.
- (5) Until an agreement referred to in sub-clauses (1) and (4)(a) has been concluded, employees are employed by the City of Johannesburg on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipalities which previously employed them.
- (6) The chief executive officer/town clerk of a disestablished municipality must by not later than seven days after the effective date draw up a list containing the names and particulars of all persons who on that date were in the employ of the municipality and submit that list to the acting municipal manager referred to in clause 23 of this Schedule.
- (7) Notwithstanding any other provision in this Schedule, the transfer of staff may include the transfer of such staff in administrative units as envisaged by section 14(3)(b) of the Municipal Structures Act.
- (8) The transfer of any person who is employed by any other organ of state in the rendering of a municipal function, which will as from the effective date become a function of the City of Johannesburg, must be negotiated in accordance with the Labour Relations Act, 1995, and any other applicable legislation.
- (9) Until such time as the City of Johannesburg has adopted conditions of service for its employees, the conditions of service of the disestablished Greater Johannesburg Transitional Metropolitan Council shall apply to the appointment and employment of staff who are appointed after the effective date."

14. *Amendment of clause 26*

Clause 26 is hereby amended by the substitution therefor of the following clause:

- "26. Notwithstanding the provisions of any applicable law:
- (1) any valuation roll and any supplementary or interim valuation roll of a disestablished municipality which was of force and effect on the effective date, shall continue to be of force and effect from the effective date in the area of jurisdiction of the City of Johannesburg until such time as it is superseded by another valid valuation roll;
 - (2) the City of Johannesburg shall be entitled to compile an interim valuation roll for an area in which such roll does not exist until a single valuation roll has been compiled for the whole area of jurisdiction of the City of Johannesburg and such interim valuation roll will have no effect on the existing valuation rolls as described in sub-clause (1)."

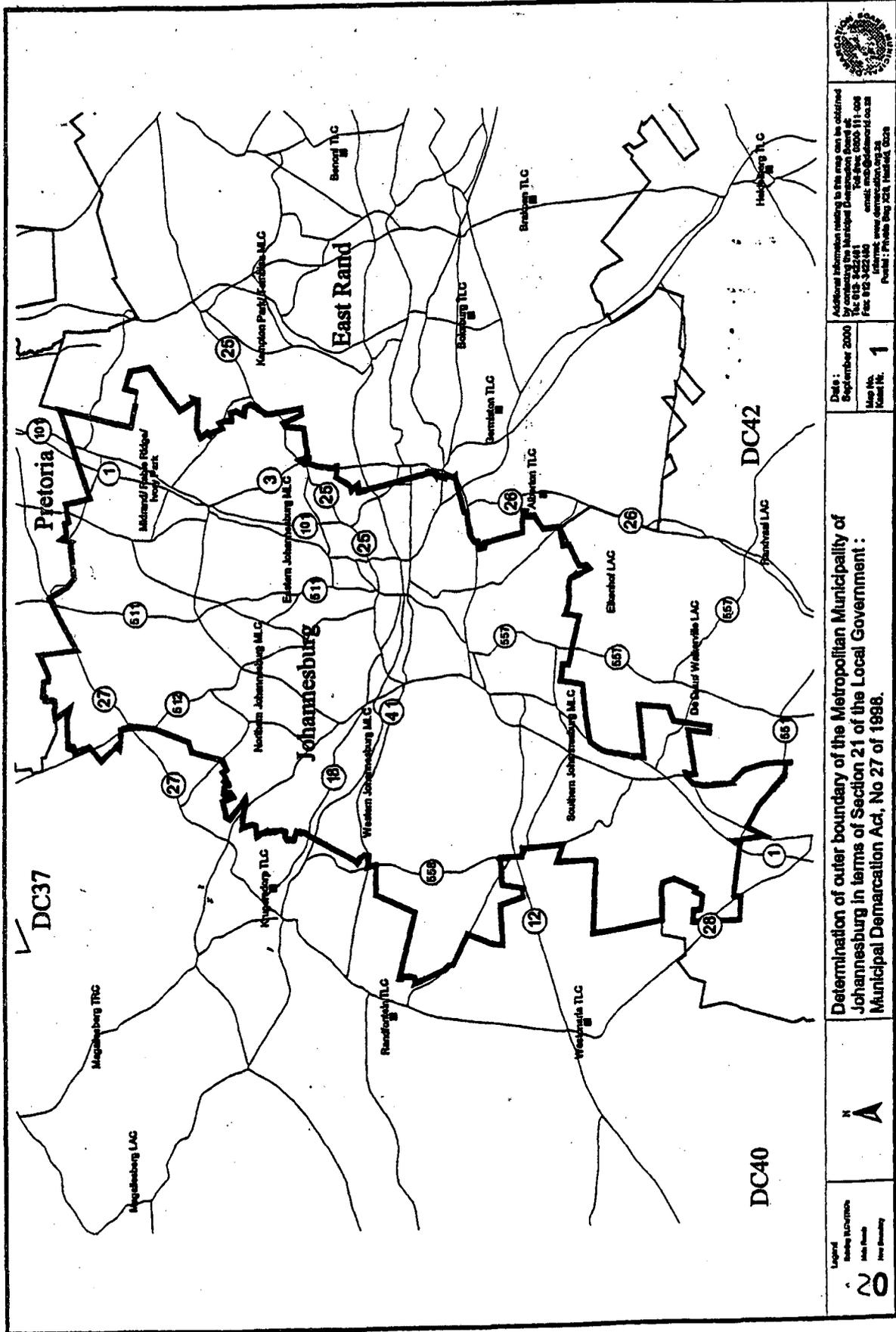
15. *Amendment of clause 27*

Clause 27 is hereby amended:

- (1) by the substitution for the word "consists" in sub-clause (2) of the word "consist";
- (2) by the substitution for sub-clause (5) of the following sub-clause:

"(5) Subject to sub-clause (6), nothing contained in this clause shall prevent the council of any municipality to declare a dispute for resolution by the MEC in terms of the Municipal Structures Act."; and
- (3) by the substitution for the semi-colons at the end of sub-clauses 6(a) and (b) of full stops.

ANNEXURE "A"



Additional information relating to this map can be obtained from the Municipal Demarcation Board, Room 11, 408, Fax 812 332180, e-mail: mdb@demarcation.co.za, Internet: www.demarcation.org.za, Postal: Private Bag 253, Hatfield, 0028

Date: September 2000
Map No. 1

Determination of outer boundary of the Metropolitan Municipality of Johannesburg in terms of Section 21 of the Local Government: Municipal Demarcation Act, No 27 of 1998.

Legend

- Existing boundaries
- New boundaries
- Outer boundary

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