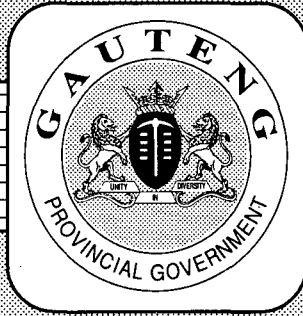


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price • Verkoopprys: **R2,50**

Other countries • Buitelands: **R3,25**

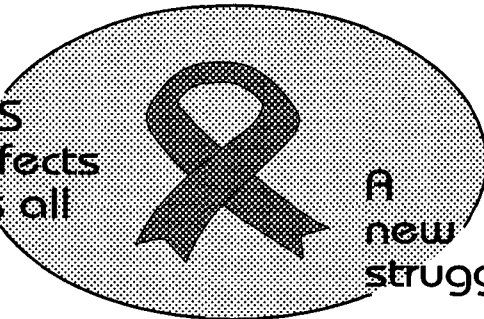
Vol. 6

PRETORIA, 4 DECEMBER 2000
DESEMBER 2000

No. 197

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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GENERAL NOTICE

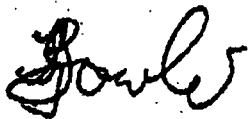
NOTICE 8700 OF 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

AMENDMENT OF NOTICE ESTABLISHING THE GREATER EAST RAND METRO (GAUTENG NOTICE NO. 6768 OF 2000 AND MPUMALANGA NOTICE NO. 309 OF 2000)

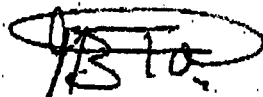
In terms of section 16(1) of the Local Government: Municipal Structures Act, 1998, we, Trevor George Fowler and Bagudi Jonathan Tsietsi Tolo, Members of the Executive Council responsible for local government in the Provinces of Gauteng and Mpumalanga respectively, hereby amend the notices establishing the Greater East Rand Metro (Gauteng Notice No. 6768 of 2000 and Mpumalanga Notice No. 309 of 2000) as set out in the Schedule hereto.

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



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

Given under my hand at Nelspruit, this First day of December 2000.



**B J T TOLO
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: MPUMALANGA PROVINCE**

SCHEDULE

Notice No. 6768 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000, and Notice No. 309 of 2000, published in the Mpumalanga Provincial Gazette Extraordinary No. 636 dated 1 October 2000, are hereby amended by amending the Schedule thereto as follows:

AMENDMENT OF PART 1

1. *Part 1 is hereby amended as follows:*

(1) by the substitution for the definition of "MEC" of the following:

"MEC" means the Member of the Executive Council responsible for local government in the Province of Gauteng, acting jointly with the Member of the Executive Council responsible for local government in the Province of Mpumalanga";

(2) by the substitution for the term "Notice No. 6396 dated 13 September 2000" of the term "Notice No. 6574 dated 22 September 2000" in the definition of "Metropolitan area"; and

(3) by the insertion of the following definition after the definition of "Municipal Structures Act":

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

AMENDMENT OF PART 2

2. *Amendment of clause 5*

(1) sub-clause (1) is hereby amended by the substitution for the term "6396 dated 13 September" of the term "6574 dated 22 September"; and

(2) the map referred to in sub-clause (1) and attached to the Schedule showing the boundaries the Metropolitan Municipality East Rand, is hereby withdrawn and substituted by annexure "A".

3. *Amendment of clause 6*

Clause 6(1) is hereby amended by the renumbering thereof to 6.

4. *Amendment of clause 7*

Clause 7(1) 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 council of Greater East Rand Metro as full-time councillors:

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

5. *Amendment of clause 8*

Clause 8 is hereby amended by the substitution for the term "4900 dated 24 July" of the term "6906 dated 2 October".

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*

Sub-clause (2) is hereby amended by the deletion of the full stop at the end thereof and the addition 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 for the term "established municipalities" of the term "Greater East Rand Metro".

9. *Amendment of clause 19*

Clause 19 is hereby amended by:

- (1) numbering the first sub-clause as (1); and
- (2) the deletion of the words "in respect of its area of jurisdiction" in sub-clause (2) and the substitution of the comma after the figure "1939" of a full stop.

AMENDMENT OF PART 6

10. *Amendment of clause 20*

Clause 20 is hereby amended:

- (1) by the substitution for sub-clause 2(a) of the following sub-clause:

"(a) 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.";
- (2) by the substitution for the term "the disestablished municipality must be applied" in sub-clause 2(b) of the term "a disestablished municipality or local government body referred to in sub-clause (a), must be applied or carried out";
- (3) by the substitution for the word "plans" in the pre-amble to sub-clause 2(c) of the word "plan"; and
- (4) by the substitution for the term "sub-clause (2)(b)" in sub-clauses 2(c)(i) and (ii) of the term "sub-clause (b)".

11. *Amendment of clause 21*

Clause 21 is hereby amended by substitution therefor of the following clause:

- "21. (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 Greater East Rand Metro.
- (4) The employment of persons by the Greater East Rand Metro in terms of sub-clause (3)-
- (a) must be regulated in accordance with any collective agreement concluded between the Greater East Rand Metro 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 Greater East Rand Metro 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.
- (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 municipal function, which will as from the effective date become function of the Greater East Rand Metro

must be negotiated in accordance with the Labour Relations Act, 1995, and any other applicable legislation.

- (9) Until such time as the Greater East Rand Metro has adopted conditions of service for its employees, the conditions of service of the disestablished Eastern Gauteng Services Council shall apply to the appointment and employment of staff who are appointed after the effective date."

12. Amendment of clause 22

Clause 22 is hereby amended by the substitution for sub-clause (2) of the following sub-clause:

- "(2) The acting municipal manager shall be a person nominated by the Municipal Facilitation Committee for the Greater East Rand 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 23

Clause 23(1) is hereby amended:

- (1) by the renumbering thereof to 23; and
(2) by the substitution for the term "clause (a) and (b)" in sub-clause (c) of the term "sub-clauses (a) and (b)".

14. Amendment of clause 24

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

- "24. 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 Greater East Rand Metro until such time as it is superseded by another valid valuation roll;
- (2) the Greater East Rand Metro 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 Greater East Rand Metro and such interim

valuation roll will have no effect on the existing valuation rolls as described in sub-clause (1)."

15. Amendment of clause 25

Clause 25 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."

16. Amendment of clause 26

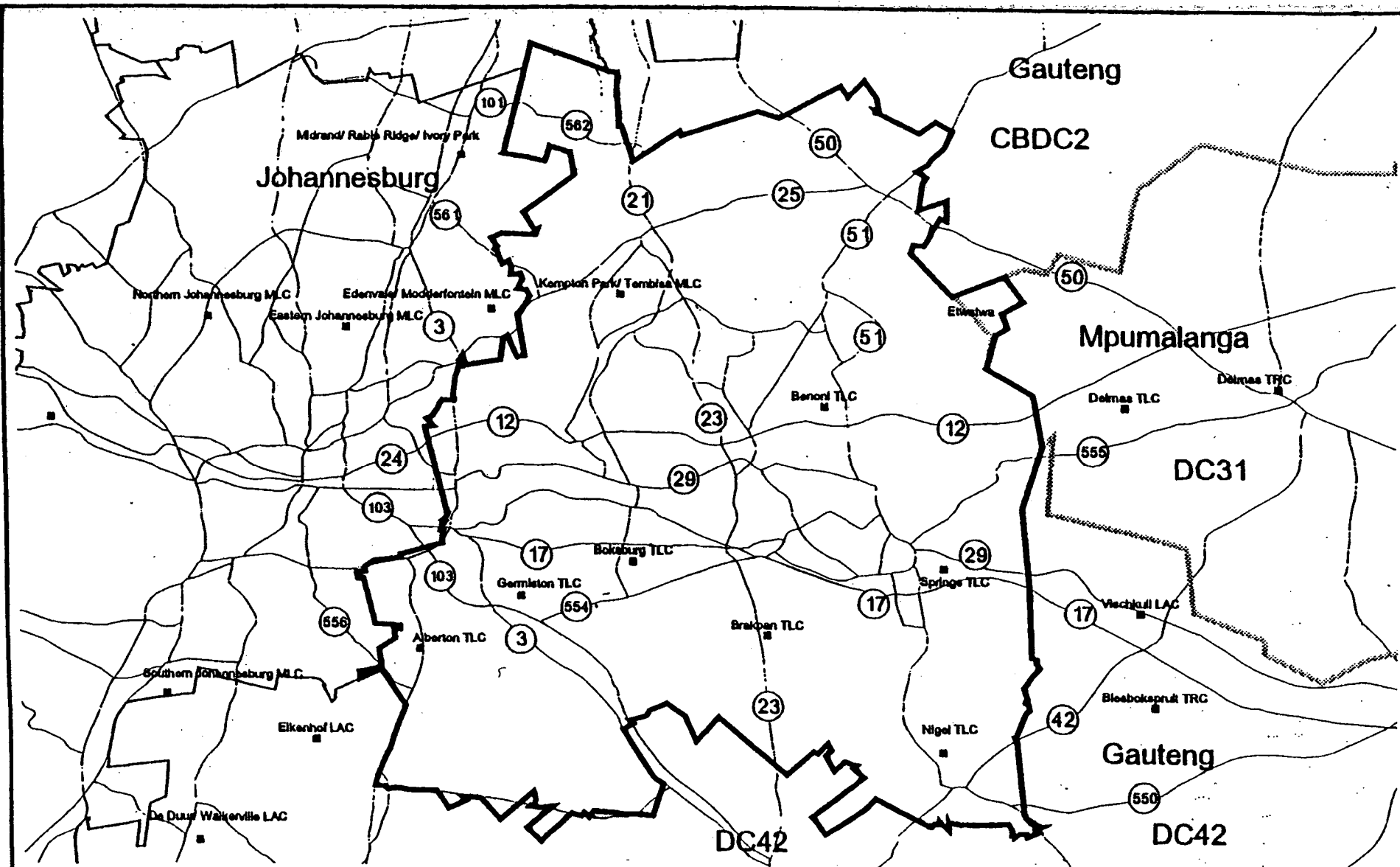
Clause 26 is hereby amended by the substitution for sub-clause 4(g) of the following sub-clause:

"(g) Subject to sub-clause 7, nothing contained in this clause shall prevent the council of any municipality to declare a dispute for solution by the MEC in terms of section 86 of the Municipal Structures Act".

17. General

Notice No. 297 of 2000, published in the Mpumalanga Provincial Gazette Extraordinary No. 631 dated 1 October 2000, is hereby repealed.

ANNEXURE 'A'



Legend
 Existing MLC/TLC
 Main Road
 Area Boundary
 Provincial Boundary



**Redetermination of Metropolitan Municipality East Rand
 extending across provincial boundaries of
 Gauteng and Mpumalanga**

Date:
 September 2000
 Map No.
 Kasi/Nr. 1

Additional information relating to the map can be obtained
 by contacting the Municipal Demarcation Board at:
 Tel: 012-3422481; Toll-free: 0800-111-008
 Fax: 012-3422480; e-mail: mdb@demarcation.org.za
 Internet: www.demarcation.org.za
 Postal: Private Bag X29, Hatfield, 0028



