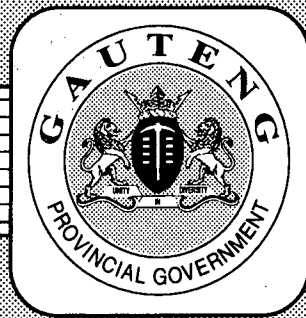


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**  
Other countries • Buitelands: **R3,25**

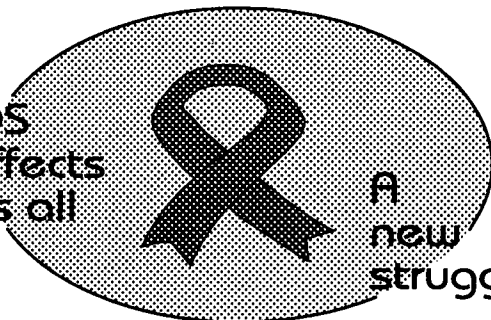
**Vol. 6**

**PRETORIA, 11 MAY  
MEI 2000**

**No. 53**

**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**

---

**CONTENTS • INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>GENERAL NOTICE</b>		
2951 Local Government: Municipal Structures Act (117/1998): Notice in terms of section 14 (5) .....	3	53

---

# GENERAL NOTICE

## NOTICE 2951 OF 2000

### DEPARTMENT OF DEVELOPMENT PLANNING AND LOCAL GOVERNMENT

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 (ACT No. 117 OF 1998)

#### NOTICE IN TERMS OF SECTION 14 (5)

I, Trevor George Fowler, Member of the Executive Council responsible for local government in the Province of Gauteng, under section 14 (5) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and after consulting existing municipalities, hereby make the transitional measures to facilitate the disestablishment of existing municipalities and the establishment of future municipalities in Gauteng as set out in the Schedule.

Given under my hand at Johannesburg on this 10th day of May, Two Thousand.

**T. G. FOWLER**

**MEC: Development Planning and Local Government**

**GAUTENG PROVINCE**

#### SCHEDULE

##### **Definitions**

1. In this notice, any expression or word to which a meaning has been assigned in the Municipal Structures Act, shall have the meaning so assigned unless the context otherwise indicates, and in addition—

**"Committee"** means a Municipal Facilitation Committee established in terms of clause 2 (1) of this notice for each future municipality;

**"existing municipality"** means a municipality that existed when the Municipal Structures Act took effect and includes every municipality which is affected by the establishment of a future municipality;

**"future municipality"** means the category A and category C municipalities in respect of which the boundaries have been determined by the Municipal Demarcation Board by General Notice No. 1175 of 2000, dated 2 March 2000;

**"interests"** mean the common goal of any group of persons who are represented on any existing municipality and include any councillor of any existing municipality not affiliated to any group or political party;

**"MEC" means—**

(a) the Member of the Executive Council of the Province of Gauteng responsible for local government or the person acting in that capacity in respect of those future municipalities which are not involved in the establishment of cross-boundary municipalities; and

(b) in the case of those future municipalities which will include cross-boundary municipalities, the MEC of the Province of Gauteng responsible for local government jointly with the MEC responsible for local government of the Province which shares jurisdiction over such cross-boundary municipalities;

**"nodal municipality"** means the existing municipality that is responsible for the co-ordination and correlation of the functions of a Committee as described in this notice;

**"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"party"** means a political party registered in terms of the Electoral Act, 1998;

**"transformation manager"** means the person appointed as such in terms of clause 8 (1).

##### **Establishment of Committees**

2. (1) For every future municipality determined by the Municipal Demarcation Board in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998, listed in column 1 of the Schedule hereto a Municipal facilitation Committee is established.

(2) The existing municipalities involved in the establishment of the specific future municipalities are listed in column 2 of the Schedule and have the additional rights and duties as set out herein.

(3) Each Committee consists of the number of persons as indicated in column 3 of the Schedule.

##### **Nodal municipality and seat of Committees**

3. The nodal municipality for the purposes of this notice is the municipality as indicated in column 4 of the Schedule and the seat of a Committee as indicated in column 5 of the Schedule.

##### **Members of Committees**

4. (1) The MEC appoints the members of a Committee after due consultation with the existing municipalities concerned.

(2) Membership of a Committee shall reflect—

(a) the geographical spread of the future municipality; and

(b) the representation of political parties and interests proportionate to the combined present strength of such parties and interests on the existing municipalities within the area of the future municipality; and shall require

(c) a detailed understanding of the administrative and executive functions of a municipality such as required from the chairpersons of the existing municipal executive committees.

(3) Only members of the councils of existing municipalities shall be appointed to a Committee and sufficient provision must be made for expertise on equity issues, such as race and gender, on a Committee; Provided that the MEC may in his discretion appoint a person who is not a member of such a council to a Committee on the grounds of that person's knowledge and expertise in any field or discipline which may enhance the efficiency of a Committee.

(4) (a) Within 14 (fourteen) days from the date of publication hereof the chief Executive officer of the nodal municipality must convene a joint meeting of the councils of all the existing municipalities involved in the establishment of the specific future municipality for the purpose of obtaining nominations for appointment to all Committee;

(b) the meeting envisaged in (4) (a) above shall be chaired by the chief executive officer, who shall not have the right to vote on matters before the meeting;

(c) in addition to the nominations referred to in (4) (a) above, alternates for each nominated person must also be submitted for appointment to a Committee in the event of a vacancy occurring on such Committee; and

(d) the MEC shall appoint the members of a Committee in writing within 7 (seven) days from the date on which he received the nominations.

(5) A vacancy on a Committee occurs when a member—

(a) dies or resigns; or

(b) is removed from office by the MEC.

(6) A member of a Committee may be removed from office by written notice to the member and to the Committee concerned by the MEC for incompetence, misconduct or incapacity or any other reasonable grounds.

#### **Chairperson of a Committee**

5. (1) The MEC must appoint a chairperson and vice-chairperson from the members of the Committee.

(2) The chairperson presides at meetings of a Committee, or in his or her absence, the vice-chairperson.

(3) The chairperson and vice-chairperson shall be appointed based on their knowledge and experience in executive and administrative functions of a local government or co-ordination and leadership skills.

#### **Functions of Committees**

6. The functions of a Committee are—

(1) to advise the MEC, after allowing for public comment, on—

(a) a proposed name for the future municipality;

(b) the proposed type of the future municipality;

(c) the designation of full-time councillors as envisaged in section 18 (4) of the Municipal Structure Act; and

(d) in the case of a category C (district) municipality, also names for the category B (local) municipalities within its area of jurisdiction, the proposed types of such municipalities and the division of powers and functions between the category C and category B municipalities;

(2) to advise the MEC on the legal practical and other consequences of the disestablishment of the existing municipalities as envisaged in section 14 (2) of the Municipal Structures Act, including—

(a) the vacation of offices by the councillors of existing municipalities;

(b) the transfer of staff from the existing municipalities to the future municipality to be established in the area;

(c) the transfer of assets, liabilities and administrative and other records from the existing municipalities to the future municipality, taking into account the interests of creditors of the existing municipalities; and

(d) the continued application of any by-laws, regulations and resolutions of the existing municipalities in the future areas of jurisdiction and the extent of such application;

(3) to provide the MEC and the Demarcation Board with all relevant detail necessary for the preparation of a notice referred to in section 12 of the Municipal Structures Act;

(4) to facilitate in any other manner determined by the MEC, the disestablishment of existing municipalities and the establishment of future municipality; and

(5) at the request of the Electoral Commission, to assist that Commission in preparing for the election of the council of the future municipality.

#### **Procedures to be followed by a Committee**

7. (1) All matters before a Committee is decided by a majority vote of the members present; Provided a quorum as described in sub-clause (3) is present.

(2) In case of a division of votes, the chairperson or the person acting in his or her stead, has a deciding vote.

(3) A Committee may take no resolution of whatever nature unless at least fifty percent of the members plus one is present.

(4) A Committee may determine its own procedures; Provided that in case of a question on procedural matters, the chairperson shall make a ruling, which shall be final.

#### **Transformation manager**

8. (1) Within 21 (twenty-one) days from the date on which a Committee is established by the MEC, or such extended period as approved by the MEC, a Committee, in consultation with the MEC, must appoint a transformation manager, who may not be a member of a Committee.

(2) The remuneration and other conditions of service of the transformation manager shall be fixed by the MEC with the concurrence of the MEC responsible for finance before the date on which a Committee is established.

(3) The transformation manager is the chief executive and administrative officer of a Committee and is responsible for the implementation and execution of all the decisions of a Committee.

(4) For the period before the appointment of a Committee, or in the absence of the transformation manager, the chief executive officer of the nodal municipality shall be responsible for the functions described in sub-clause (3).

(5) The provisions of sub-clauses (1) to (4) do not apply to the Committee of the future municipality of the Greater Johannesburg Metro.

**Administrative and technical support to Committees**

9. (1) (a) A Committee may establish such sub-committees from its own members as it may deem necessary for the proper performance of its functions and dissolve such sub-committees at any time; Provided that the representation on such sub-committees shall comply with the requirements as set out in clause 4(2);

(b) a Committee may make such procedural rules with regard to any sub-committee as it may deem necessary; and

(c) the duty to advise or report to the MEC on the matters as contained herein may not be delegated to any sub-committee.

(2) (a) The transformation manager must establish a Technical Support Team consisting of the chief executive officers of the existing municipalities and such other officials as he or she may deem necessary;

(b) the Technical Support Team must provide technical and administrative support to a Committee and any sub-committee which may be established in terms of clause 9(1); and

(c) the transformation manager is the chairperson of the Technical Support Team.

(3) Every existing municipality must provide such technical and administrative support to a Committee that is necessary for it to fulfill its functions and duties in terms of this notice.

**Financial arrangements**

10. (1) The chairperson of a Committee shall be remunerated by the existing municipality which he or she represents on the same basis as the chairperson of a Committee established in terms of section 60 of the Local Government (Administration and Control) Ordinance, 1960, irrespective of whether such a chairperson is the mayor, chairperson of the council, deputy mayor or member of the executive committee of such existing municipality.

(2) A member of a Committee and the vice-chairperson shall be remunerated by the existing municipality which the member or vice-chairperson represents on the same basis as a member of a committee established in terms of section 60 of the Local Government (Administration and Control) Ordinance, 1960, irrespective of whether the member is the mayor, chairperson of the council, deputy mayor or a member of the executive committee of such existing municipality.

(3) The members of Technical Support Teams shall be remunerated by the existing municipalities where he or she is employed and on the same conditions.

(4) Any member of a Committee who incurs travelling expenses, necessary for the execution and any function of a Committee, in excess of his or her normal travelling allowances may apply to the MEC through his or her municipality for extraordinary approval of such travelling expenses.

(5) (a) Existing municipalities are hereby authorized to establish a joint fund to which such municipalities may contribute on such basis as may be agreed upon by the Committee; Provided that all existing laws and regulations applicable to the management and control of finances of local governments in Gauteng shall apply to such fund; and

(b) The Provincial Government of Gauteng may, in the discretion of the MEC, contribute to the expenses incurred by a Committee to the extent and on the terms and conditions as the MEC may determine.

**Cross-boundary arrangements and effective date**

11. This notice shall take effect—

(a) in respect of those future municipalities which do not include a cross-boundary municipality, on the date of publication hereof; and

(b) in respect of those future municipalities, which include cross-boundary municipalities, on the date on which the MEC of the Province concerned publishes a similar notice.

**Term of office**

12. (1) The term of office of a Committee and the Technical Task Team shall commence on the date on which the members are appointed and shall expire on the day on which the MEC establishes the future municipality in terms of section 12 of the Municipal Structures Act.

(2) The term of office of the transformation manager shall expire on the date on which the chief executive officer of the future municipality assumes duty, or such extended date that the council of the future municipality may, with the prior approval of the MEC, determine.

**General**

13. In order to give effect to the intent and purpose of this notice, the MEC may, by written instruction to the chairperson of a Committee or an existing municipality issue directives concerning—

(a) the prioritization of functions of a Committee and set dates for reports on specific matters;

(b) procedural arrangements;

(c) short term financial arrangements; and

(d) any other matter described in this notice.

## SCHEDULE

COLUMN 1 NAME OF COMMITTEE	COLUMN 2 EXISTING MUNICIPALITIES	COLUMN 3 NUMBER OF MEMBERS	COLUMN 4 NODAL MUNICIPALITY	COLUMN 5 SEAT
Greater Pretoria Metro	(1) Pretoria City Council (2) Centurion City Council (3) Northern Pretoria Metropolitan Local Council (4) Greater Pretoria Metropolitan Council (5) Hammanskraal Local Area Committee (6) Pienaarsriver Transitional Representative Council (7) Winterveld Transitional Representative Council (North West Province) (8) Themba Transitional Representative Council (North West Province) (9) Mabopane Transitional Representative Council (North West Province) (10) Ga-Rankuwa Transitional Representative Council (North West Province) (11) Crocodile River Transtional Representative Council (North West Province) (12) Majaneng/Amandebele- A-Lebelo Traditional Authority (North West Province) (13) Eastern District Council (North West Province) (14) Nuwe Eersterust Local Area Committee (North West Province) (15) Stinkwater Local Area Committee (North West Province) (16) Morokolong Local Area Committee (North West Province)	20	Greater Pretoria Metropolitan Council	Offices of Greater Pretoria Metropolitan Council
Greater East Rand Metro	(1) Khayalami Metropolitan Council (2) Kempton Park/Tembisa Metropolitan Local Council (3) Edenvale/Modderfontein Metropolitan Local Council (4) Brakpan Town Council (5) Greater Germiston Transitional Local Council (6) Greater Nigel Transitional Local Council (7) Springs City Council (8) Greater Benoni City Council (9) Boksburg Transitional Local Council (10) Alberton Town Council (11) Eastern Gauteng Services Council (12) Greater Johannesburg Metropolitan Council (13) Eastern Johannesburg Metropolitan Local Council (14) East Vaal District Council (Mpumalanga)	20	Eastern Gauteng Services Council	Offices of Greater Germiston Transitional Local Council

COLUMN 1 NAME OF COMMITTEE	COLUMN 2 EXISTING MUNICIPALITIES	COLUMN 3 NUMBER OF MEMBERS	COLUMN 4 NODAL MUNICIPALITY	COLUMN 5 SEAT
Greater Johannesburg Metro	(1) Greater Johannesburg Metropolitan Council (2) Northern Johannesburg Metropolitan Local Council (3) Eastern Johannesburg Metropolitan Local Council (4) Southern Johannesburg Metropolitan Local Council (5) Western Johannesburg Metropolitan Local Council (6) Khayalami Metropolitan Council (7) Edenvale/Modderfontein Metropolitan Local Council (8) Midrand Metropolitan Local Council	20	Greater Johannesburg Metropolitan Council	Offices of Greater Johannesburg Metropolitan Council
(CBDC 2) North Eastern District Council	(1) Bronkhorstspuit Transitional Local Council (2) Cullinan Transitional Local Council (3) Eastern Gauteng Services Council (4) Rooddeplaat Local Area Committee (5) Elands River Transitional Representative Council (6) Bronberg Transitional Representative Council (7) Ekangala Transitional Local Council (Mpumalanga) (8) Highveld District Council (Mpumalanga)	15	Eastern Gauteng Services Council (Bronkhorstspuit)	Offices of Bronkhorstspuit Transitional Local Council
(DC 42) Southern District Council	(1) Lekoa/Vaal Metropolitan Council (2) Vereeniging/Kopanong Metropolitan Local Council (3) Western Vaal Metropolitan Local Council (4) Heidelberg Town Council (5) Eastern Gauteng Services Council (6) De Deur/Walkerville Local Area Committee (7) Devon/Impumelelo Local Area Committee (8) Eikenhof Local Area Committee (9) Randvaal Local Area Committee (10) Vaal Marina Local Area Committee (11) Blesbokspruit Transitional Representative Council (12) Suikerbosrand Transitional Representative Council (13) Western Gauteng Services Council (14) Vaal River Transitional Representative Council (15) Vaal Oewer Local Area Committee (16) Vischkuil Local Area Committee	20	Lekoa/Vaal Metropolitan Council	Offices of Vereeniging/ Kopanong Metropolitan Local Council

COLUMN 1 NAME OF COMMITTEE	COLUMN 2 EXISTING MUNICIPALITIES	COLUMN 3 NUMBER OF MEMBERS	COLUMN 4 NODAL MUNICIPALITY	COLUMN 5 SEAT
(CBDC 8) Western District Council	(1) Carletonville Transitional Local Council (2) Krugersdorp Transitional Local Council (3) Westonaria Town Council (4) Randfontein Transitional Local Council (5) Western Gauteng Services Council (6) Magaliesberg Local Area Committee (7) Magaliesberg Transitional Representative Council (8) Gatsrand Transitional Representative Council (9) Fochville Transitional Local Council (North West Province) (10) Wedela Transitional Local Council (North West Province) (11) Southern District Council (North West Province)	20	Western Gauteng Services Council	Offices of Western Gauteng Services Council (Randfontein)