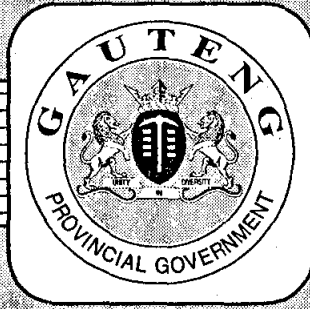


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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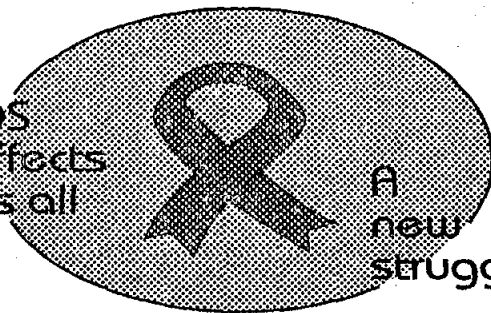
Vol. 11

PRETORIA, 6 DECEMBER 2005
DESEMBER

No. 527

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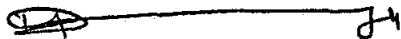
NOTICE 4861 OF 2005

DETERMINATION OF NUMBER OF COUNCILLORS IN TERMS OF SECTION 18(3) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

Under the powers vested in me by section 18(3) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and in accordance with the formula determined by the national Minister responsible for local government in Notice No. R 535, published in Government Gazette No. 26290 dated 22 April 2004, I, Qedani Dorothy Mahlangu, Member of the Executive Council responsible for local government in the Province of Gauteng, hereby determine the number of councillors for the West Rand District Municipality as set out in the Schedule hereto.

This determination shall apply to the municipal council to be elected during the next general local government elections, the date of which is still to be proclaimed, and shall become effective on such date.

Given under my hand at Johannesburg, this 3rd day of December 2005.



**Q D MAHLANGU
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: GAUTENG
PROVINCE**

SCHEDULE

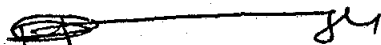
Name of Municipality	Number of Councillors
West Rand District Municipality	37

NOTICE 4862 OF 2005

**PROPOSED NOTICE IN TERMS OF SECTION 12 OF THE LOCAL
GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998:
ESTABLISHMENT OF THE WEST RAND DISTRICT
MUNICIPALITY**

I, Qedani Dorothy Mahlangu, Member of the Executive Council responsible for local government in the Province of Gauteng, hereby publish for general information a proposed notice as envisaged by section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) for the establishment of municipalities within the Province of Gauteng as reflected in the proposals for new demarcations published under Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, and Notice No. 1257 of 2005 in Government Gazette No. 28236 dated 21 November 2005, and as set out in the Schedule hereto.

Given under my hand at Johannesburg, this 3rd day of December 2005.



**Q D MAHLANGU
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: GAUTENG
PROVINCE**

SCHEDULE

PART 1

DEFINITIONS

1. In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Municipal Structures Act has the same meaning; and -

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"Demarcation Board" means the Municipal Demarcation Board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"disestablished municipality" means an existing municipality disestablished in terms of clause 37 of this Schedule;

"district municipal area" means the area indicated by Map No. 12, in provisional General Notice No. 1257 of 2005 published in Government Gazette No. 28236 dated 21 November 2005;

"district municipality" means the Category C municipality established by clause 2 of this Schedule;

"effective date" means -

- (a) the day on which the results of the first election of the councils of the new district municipality and the new local municipalities in the district municipal area are declared in terms of section 64 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000); or
- (b) if the results of the election of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

"Gauteng Types of Municipality Act" means the Gauteng Types of Municipality Act, 2000 (Act No. 3 of 2000);

"local municipality" means a Category B municipality established by clauses 10, 19 and 28 of this Schedule;

"MEC" means the Member of the Executive Council responsible for local government in the Province of Gauteng;

"Minister" means the national Minister responsible for local government;

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

"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;

"proportionally elected councillors" means councillors elected to proportionally represent parties in a municipal council;

"ward councillor" means a councillor elected to represent a ward in a municipal council.

PART 2

ESTABLISHMENT OF THE WEST RAND DISTRICT MUNICIPALITY

2. (1) For the district municipal area indicated by Map No. 12, published under provisional General Notice No. 1257 of 2005 in Government Gazette No. 28236 dated 21 November 2005, a new district municipality called the West Rand District Municipality is hereby established with effect from the effective date.
- (2) That part of the district municipal area indicated by Map No. 26, published under provisional General Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, is a district management area which is to be governed by the West Rand District Municipality in terms of section 6 of the Municipal Structures Act.

CATEGORY

3. The West Rand District Municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

4. The West Rand District Municipality is a municipality with a mayoral executive system as described in section 4(b) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

5. (1) The boundaries of the West Rand District Municipality are as indicated in Map No. 12, published under provisional General Notice No. 1257 of 2005 in Government Gazette No. 28236 dated 21 November 2005, and attached hereto as **Annexure "A"**.
- (2) The area of jurisdiction of the West Rand District Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

6. The council of the West Rand District Municipality consists of 37 councillors of whom:
 - (a) 20 must be proportionally elected councillors;
 - (b) 9 must be appointed by the local municipality mentioned in Part 3 of this Schedule;
 - (c) 4 must be appointed by the local municipality mentioned in Part 4 of this Schedule;
 - (d) 3 must be appointed by the local municipality mentioned in Part 5 of this Schedule;
 - (e) 1 must be a proportionally elected councillor to represent voters in the district management area mentioned in clause 2(2).

FULL-TIME COUNCILLORS

7. Any or all of the following office-bearers may be designated by the council of the West Rand District Municipality as full-time councillors:
- (a) The Speaker;
 - (b) The Executive Mayor; and
 - (c) Members of the Mayoral Committee.

EXEMPTIONS

8. The West Rand District Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

9. The seat of the West Rand District Municipality shall be the offices of the disestablished West Rand District Municipality at the corner of 6th & Park Street South, Randfontein, or the council of the municipality may by resolution decide that the seat of the West Rand District Municipality shall be at such other place as it may determine.

PART 3

ESTABLISHMENT OF THE MOGALE CITY LOCAL MUNICIPALITY

10. For that part of the district municipal area indicated by Map No. 30, published under provisional General Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, a new local municipality called the Mogale City Local Municipality is hereby established with effect from the effective date.

CATEGORY

11. The Mogale City Local Municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

12. The Mogale City Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as described in section 3(d) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

13. (1) The boundaries of the Mogale City Local Municipality are as indicated in Map No. 30, published under provisional General Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, and attached hereto as **Annexure "B"**.
- (2) The area of jurisdiction of the Mogale City Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

14. The council of the Mogale City Local Municipality consists of 64 councillors as determined in provincial General Notice No. 1902 dated 9 June 2004 of whom:
- (a) 32 must be proportionally elected councillors; and
 - (b) 32 must be ward councillors.

FULL-TIME COUNCILLORS

15. Any or all of the following office-bearers may be designated by the council of the Mogale City Local Municipality as full-time councillors:
- (a) The Speaker;
 - (b) The Executive Mayor; and
 - (c) Members of the Mayoral Committee.

WARDS

16. The Mogale City Local Municipality consists of 32 wards with boundaries as set out in provincial General Notice No. 666 dated 28 February 2005.

EXEMPTIONS

17. The Mogale City Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

18. The seat of the Mogale City Local Municipality shall be the offices of the disestablished Mogale City Local Municipality at the corner of Market & Commissioner Streets, Krugersdorp, or the council of the municipality may by resolution decide that the seat of the Mogale City Local Municipality shall be at such other place as it may determine.

PART 4**ESTABLISHMENT OF THE RANDFONTEIN LOCAL MUNICIPALITY**

19. For that part of the district municipal area indicated by Map No. 31, published under provisional General Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, a new local municipality called the Randfontein Local Municipality is hereby established with effect from the effective date.

CATEGORY

20. The Randfontein Local Municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

21. The Randfontein Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as described in section 3(d) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

22. (1) The boundaries of the Randfontein Local Municipality are as indicated in Map No. 31, published under provisional General Notice No. 1594 of 2005 in Government Gazette

No. 27937 dated 19 August 2005, and attached hereto as **Annexure "C"**.

- (2) The area of jurisdiction of the Randfontein Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

23. The council of the Randfontein Local Municipality consists of 37 councillors as determined in provincial General Notice No. 1902 dated 9 June 2004 of whom:
- (a) 18 must be proportionally elected councillors; and
 - (b) 19 must be ward councillors.

FULL-TIME COUNCILLORS

24. Any or all of the following office-bearers may be designated by the council of the Randfontein Local Municipality as full-time councillors:
- (a) The Speaker;
 - (b) The Executive Mayor; and
 - (c) Members of the Mayoral Committee.

WARDS

25. The Randfontein Local Municipality consists of 19 wards with boundaries as set out in provincial General Notice No. 667 dated 28 February 2005.

EXEMPTIONS

26. The Randfontein Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

27. The seat of the Randfontein Local Municipality shall be the offices of the disestablished Randfontein Local Municipality at the corner of Pollock & Sutherland Streets, Randfontein, or the council of the municipality may by resolution decide that the seat of the

Randfontein Local Municipality shall be at such other place as it may determine.

PART 5

ESTABLISHMENT OF THE WESTONARIA LOCAL MUNICIPALITY

28. For that part of the district municipal area indicated by Map No. 28, published under provisional General Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, a new local municipality called the Westonaria Local Municipality is hereby established with effect from the effective date.

CATEGORY

29. The Westonaria Local Municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

30. The Westonaria Local Municipality is a municipality with a mayoral executive system combined with a ward participatory system as described in section 3(d) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

31. (1) The boundaries of the Westonaria Local Municipality are as indicated in Map No. 28, published under provisional General Notice No. 1594 of 2005 in Government Gazette No. 27937 dated 19 August 2005, and attached hereto as **Annexure "D"**.
- (2) The area of jurisdiction of the Westonaria Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

32. The council of the Westonaria Local Municipality consists of 29 councillors as determined in provincial General Notice No. 1902 dated 9 June 2004 of whom:
- (a) 14 must be proportionally elected councillors; and
 - (b) 15 must be ward councillors.

FULL-TIME COUNCILLORS

33. Any or all of the following office-bearers may be designated by the council of the Westonaria Local Municipality as full-time councillors:
- (c) The Speaker;
 - (d) The Executive Mayor; and
 - (e) Members of the Mayoral Committee.

WARDS

34. The Westonaria Local Municipality consists of 15 wards with boundaries as set out in provincial General Notice No. 668 dated 28 February 2005.

EXEMPTIONS

35. The Westonaria Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

36. The seat of the Westonaria Local Municipality shall be the offices of the disestablished Westonaria Local Municipality at the corner of Neptune Street & Jan Blignaut Drive, Westonaria, or the council of the municipality may by resolution decide that the seat of the Westonaria Local Municipality shall be at such other place as it may determine.

PART 6**DISESTABLISHMENT OF EXISTING MUNICIPALITIES**

37. (1) The following existing municipalities are hereby disestablished with effect from the effective date to the extent that those municipalities fall within the district municipal area:
- (a) West Rand District Municipality established by Notice No. 6769 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000;
 - (b) Mogale City Local Municipality established by Notice No. 6769 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000;
 - (c) Randfontein Local Municipality established by Notice No. 6769 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000;
 - (d) Westonaria Local Municipality established by Notice No. 6769 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000;
 - (e) Merafong City Local Municipality established by Notice No. 6769 of 2000, published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000;
- (2) Until it is disestablished on the effective date, a municipality referred to in sub-clause (1) -
- (a) continues after the establishment of the new municipalities; and
 - (b) remains competent to function as the municipality for its area of jurisdiction.

- (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.

VACATION OF OFFICE

38. A councillor of a disestablished municipality vacates office on the effective date and shall on that date deliver to the new municipality any property of a disestablished municipality which is or was in his or her possession or under his or her control.

PART 7

POWERS AND FUNCTIONS

39. (1) The powers and functions of the new municipalities in respect of their areas of jurisdiction shall be those as set out in sections 83 and 84(1) and (2) of the Municipal Structures Act, read with section 156 of the Constitution, as well as in any other law applicable to municipalities; Provided that the MEC may in terms of section 85 of the Municipal Structures Act adjust the powers and functions between a local and a district municipality.
- (2) In terms of section 84(1)(p) of the Municipal Structures Act, read with section 229 of the Constitution:
- (a) the new district municipality may, at rates determined by its council, with the concurrence of the Member of the Executive Council responsible for Finance and of the Minister of Finance, levy and claim the levies referred to in section 12(1)(a) of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
 - (b) a new local municipality may levy and recover rates on immovable property; Provided that in the case of a district management area, the new district municipality may levy and recover rates on immovable property in respect of such area.

PART 8**GENERAL****SUCCESSION**

40. (1) In terms of section 14(1) of the Municipal Structures Act, the new municipalities, as from the effective date, become the successors-in-law of the disestablished municipalities in respect of all the resources, assets, liabilities, rights, obligations, titles and all the administrative and other records of a disestablished municipality to the extent that the whole or any portion of the area of the disestablished municipality falls within the boundaries of a new municipality in accordance with the following rules:
- (a) Assets, resources, liabilities, rights, obligations and administrative and other records relating to and necessary for the performance of a specific function and power of a disestablished municipality, or the performance of a specific function and power in a specific area, are allocated to the new municipality which, in terms of section 84(1) and (2) or 85 of the Municipal Structures Act, is responsible for the performance of that specific function and power or for the performance of that specific function and power in that specific area.
 - (b) Assets, resources, liabilities, rights, obligations and administrative records other than those referred to in sub-clause (a) are allocated to the new municipality in whose area the administrative headquarters responsible for the control of such assets, liabilities, rights, obligations and administrative records, immediately before the effective date, was located.
- (2) A new municipality to whom assets, resources, liabilities, rights, obligations or records were allocated in terms of sub-clause (1) may, by agreement with another new municipality within the district municipal area, and must if the MEC so directs, transfer or cede any of those assets, resources, liabilities, rights, obligations or records to that municipality.

FIRST MEETING OF THE COUNCIL

41. (1) The municipal manager (or any person acting in that capacity) of a new municipality shall, in terms of section 29(2) of the Municipal Structures Act, convene a meeting of the council of the new municipality within 14 days of the effective date and the relevant provisions of any applicable law shall apply insofar as they relate to the convening of such a meeting.
- (2) The Rules of Order applicable to:
- (a) the disestablished West Rand District Municipality shall apply to the meeting of the new district municipality;
 - (b) the disestablished Mogale City Local Municipality shall apply to the meeting of the municipality established by clause 10 hereof; and
 - (c) the disestablished Randfontein Local Municipality shall apply to the meeting of the municipality established by clause 19 hereof.
 - (d) the disestablished Westonaria Local Municipality shall apply to the meeting of the municipality established by clause 28 hereof.
- (3) The order of business on the agenda of such meeting shall be determined by the municipal manager (or any person acting in that capacity) of the new municipality; 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.
- (4) The municipal manager (or any person acting in that capacity) shall act as the chairperson at the meeting until a speaker is duly elected by the council of the new municipality.

REMUNERATION OF COUNCILLORS

42. The councillors and office-bearers of a new municipality shall be remunerated in accordance with the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998).

INVESTMENTS, CASH AND CASH BALANCES

43. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to a new municipality; Provided that where the area of the disestablished municipality falls in more than one newly established district or local municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new municipality concerned.

AGREEMENTS

44. New municipalities may enter into an agreement with each other or with any other adjoining municipality for the purpose of facilitating the continuation of efficient and effective local government in an area.

PART 9

TRANSITIONAL ARRANGEMENTS

LEGAL MATTERS

45. (1) Any provision in any law applicable to local government and any right, competence, duty or obligation conferred, and any action taken in terms thereof, before the effective date shall remain in force in respect of the new municipalities until repealed or superseded.
- (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 any applicable law, 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.

- (3) A by-law, and any action taken in terms of such by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice of a disestablished municipality or local government body referred to in sub-clause (2), must be applied or carried out by the new district or local municipality to the extent to which that by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice continues in force in terms of sub-clause (2) in the area of the new district or local municipality.
- (4) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice to -
- (a) a disestablished municipality must be construed as a reference to the new municipality which has to apply or carry out the by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (3); and
 - (b) a structure or functionary of a disestablished municipality must be construed as a reference to the corresponding structure or functionary of the new municipality which has to apply or carry out the by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (3).

SERVICE DELIVERY

46. (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 35 of this Schedule.

- (2) The municipal manager (or any person acting in that capacity) of an existing municipality must, within seven days of publication of this Notice, advise the MEC if areas exist to which the provisions of sub-clause (1) apply.
- (3) If the provisions of sub-clause (1) are applicable, the relevant existing municipalities must before the effective date enter into an agreement on the terms and conditions on which the service will be rendered; Provided that the agreement shall not extend beyond 30 June 2007.

MUNICIPAL MANAGER

47. (1) Subject to the provisions of any law:
 - (a) the municipal manager of the disestablished West Rand District Municipality shall be deemed to be the municipal manager of the newly established West Rand District Municipality;
 - (b) the municipal manager of the disestablished Mogale City Local Municipality shall be deemed to be the municipal manager of the newly established Mogale City Local Municipality;
 - (c) the municipal manager of the disestablished Randfontein Local Municipality shall be deemed to be the municipal manager of the newly established Randfontein Local Municipality; and
 - (d) the municipal manager of the disestablished Westonaria Local Municipality shall be deemed to be the municipal manager of the newly established Westonaria Local Municipality.
- (2) The provisions of sub-clause (1) shall apply *mutatis mutandis* to any person acting as municipal manager.
- (3) The municipal manager (or any person acting in that capacity) shall exercise all the powers, functions and duties attached to the office of the municipal manager.

- (4) If, for any reason whatsoever the municipal manager (or any person acting in that capacity) fails to assume or cannot continue with his or her duties on the effective date or thereafter ceases to be the municipal manager or acting municipal manager, a person designated by the MEC shall be the acting municipal manager until such time that the municipal manager (or any person acting in that capacity) is fit to resume his or her duties or the council of the new municipality has appointed a municipal manager in terms of section 82 of the Municipal Structures Act.
- (5) The designation of a person by the MEC as acting municipal manager must be ratified by the council of the new municipality.

HUMAN RESOURCES

48. (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 a new municipality in accordance with the following rules:
 - (a) Employees who are for most of their normal working day occupied with work directly related or incidental to the performance of a specific function, allocated in terms of section 84(1) and (2) or 85 of the Municipal Structures Act, to a new municipality, or the performance of a specific function in a specific area, become employees of the new municipality which as from the effective date is responsible for the performance of that specific function or for the

performance of that specific function in that specific area.

- (b) Employees not mentioned in sub-clause (a) become employees of the new local municipality in whose area they are usually stationed.
- (4) The employment of staff by the new municipality in terms of sub-clause (3) must be effected in accordance with section 14(3)(a)(i) and (ii) of the Municipal Structures Act.
 - (5) The municipal manager (or any person acting in that capacity) 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.
 - (6) 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.
 - (7) 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 new municipality, must be negotiated in accordance with the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable legislation.
 - (8) Until such time as the new municipalities have adopted conditions of service for its employees, and subject to the provisions of any applicable legislation, the conditions of service of:
 - (a) the disestablished West Rand District Municipality shall apply to the appointment and employment of staff to the newly established West Rand District Municipality who are appointed after the effective date;
 - (b) the disestablished Mogale City Local Municipality shall apply to the appointment and employment of staff to the newly established Mogale City Local

Municipality who are appointed after the effective date; and

- (c) the disestablished Randfontein Local Municipality shall apply to the appointment and employment of staff to the newly established Randfontein Local Municipality who are appointed after the effective date.

FINANCIAL MATTERS

Budget

49. Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provision of this Notice:
- (a) the 2005/2006 budget of a disestablished municipality shall remain in force until 30 June 2006;
 - (b) the 2005/2006 budget of a disestablished municipality shall insofar as such budget pertains to an area of the new municipality, remain in force until 30 June 2006;
 - (c) the budgets referred to in sub-clauses (a) and (b) above shall together be deemed to constitute the budget of the new district and the new local municipality until 30 June 2006 and may be adjusted in terms of any applicable law.

Valuation Roll

50. Notwithstanding the provisions of any applicable law:
- (a) 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 new municipality until such time as it is superseded by another valid valuation roll;
 - (b) the new municipality 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 new municipality and such interim valuation roll will have no effect on the existing valuation rolls as described in sub-clause (a).

DISPUTE RESOLUTION

51. (1) Subject to the provisions of section 86 of the Municipal Structures Act, a dispute resolution committee is hereby established to resolve disputes between new municipalities in the district municipal area concerning the application of any provision of this Notice.
- (2) The committee consists of -
- (a) the municipal manager (or any person acting in that capacity) of the new district municipality and one councillor nominated by the council of that municipality; and
 - (b) the municipal manager (or any person acting in that capacity) of each of the new local municipalities and one councillor nominated by the councils of each of those municipalities.
- (3) (a) The committee shall elect one of its members, who shall be a councillor, as the chairperson of the committee.
- (b) The chairperson decides when and where the committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the committee at a time and a place set out in the request.
- (c) The chairperson presides at meetings of the committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The committee may determine its own procedures, subject to the following:
- (a) Only those members who are councillors may vote;

- (b) A question before the committee is decided with a supporting vote of the majority of the councillors present at the meeting;
 - (c) At least one half of the members who are councillors must be present at a meeting before a vote may be taken on any matter;
 - (d) A meeting must be convened within seven days from the date when the dispute was declared and submitted to the chairperson of the committee;
 - (e) The dispute must be resolved within twenty-one days from the date of the meeting referred to in sub-clause (d); and
 - (f) Any unresolved matter shall be referred to the MEC within a reasonable time from the date of the final decision of the committee.
- (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 section 86 of the Municipal Structures Act.
- (6) (a) The MEC may at any time intervene in the proceedings of the committee and request the committee to refer an unresolved matter before it to the MEC for resolution.
- (b) The MEC may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (c) The new district municipality and the new local municipalities are bound by the decisions of the MEC.
- (7) The Codes of Conduct as contained in Schedules 1 and 2 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), applies to members of the committee to the extent that the Codes can be applied.
52. Any dispute between other adjoining municipalities concerning the application of any provision of this Notice shall be referred to

the MEC for resolution and the decision by the MEC in such a matter shall be final and binding on those municipalities concerned.

REPEAL OF EXISTING SECTION 12 NOTICES

53. The section 12 Notices, which established the existing municipalities, specified in the first column in the table below is repealed to the extent indicated in the second column:

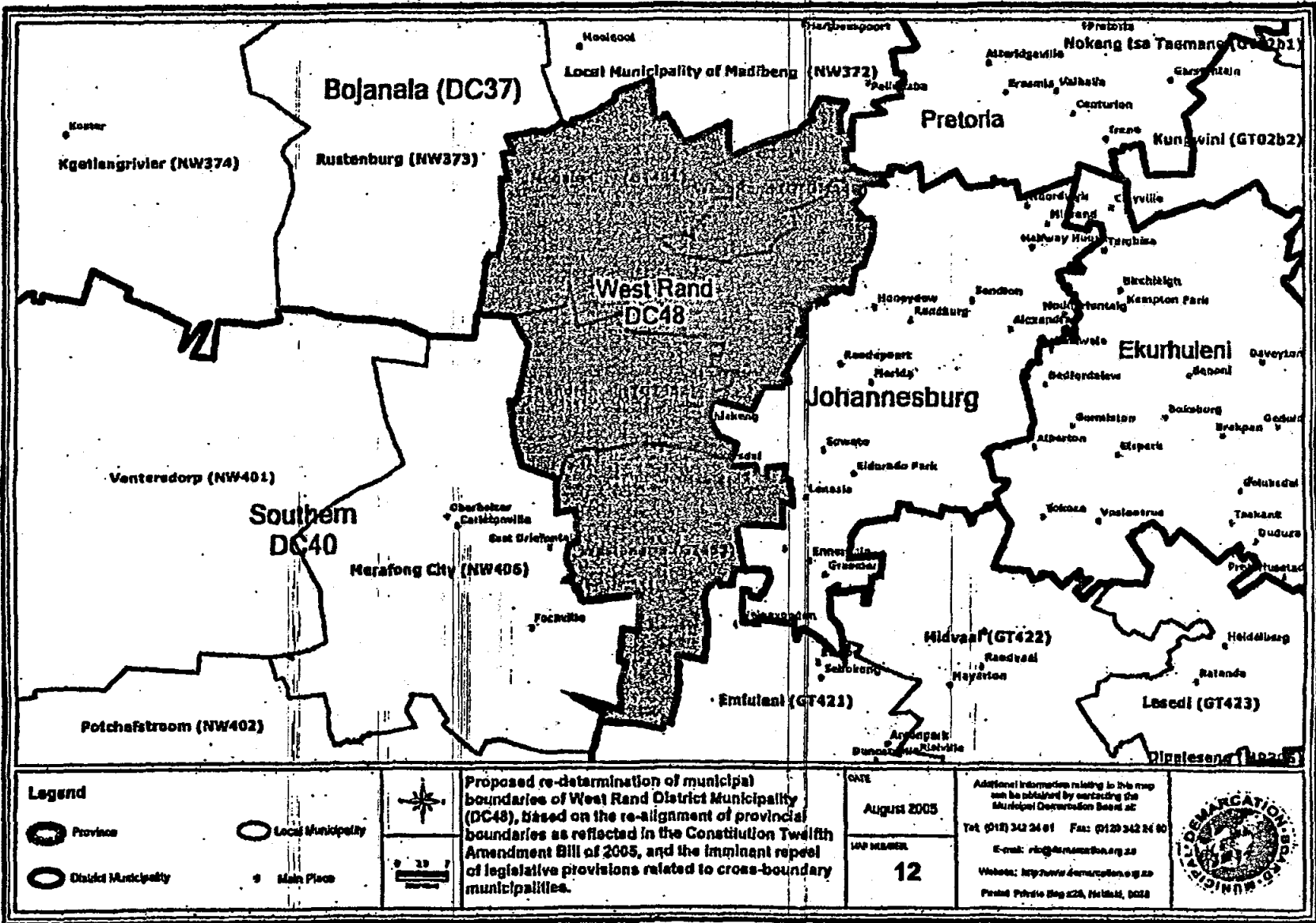
Section 12 Notice	Extent of Repeal
✓ Notice No. 6769 of 2000 published in the Gauteng Provincial Gazette Extraordinary No. 141, dated 1 October 2000	The whole
✓ Notice No. 8703 of 2000 published in the Gauteng Provincial Gazette Extraordinary No. 200, dated 4 December 2000	The whole
✓ Notice No. 3100 of 2002 published in the Gauteng Provincial Gazette Extraordinary No. 369, dated 30 October 2002	The whole
✓ Notice No. 1983 of 2003 published in the Gauteng Provincial Gazette Extraordinary No. 243, dated 24 June 2003	The whole
? Notice No. 2281 of 2003 published in the Gauteng Provincial Gazette Extraordinary No. 290, dated 18 July 2003	The whole
? Notice No. 3586 of 2005 published in the Gauteng Provincial Gazette Extraordinary No. 394, dated 16 September 2005	The whole

1455 of 2003
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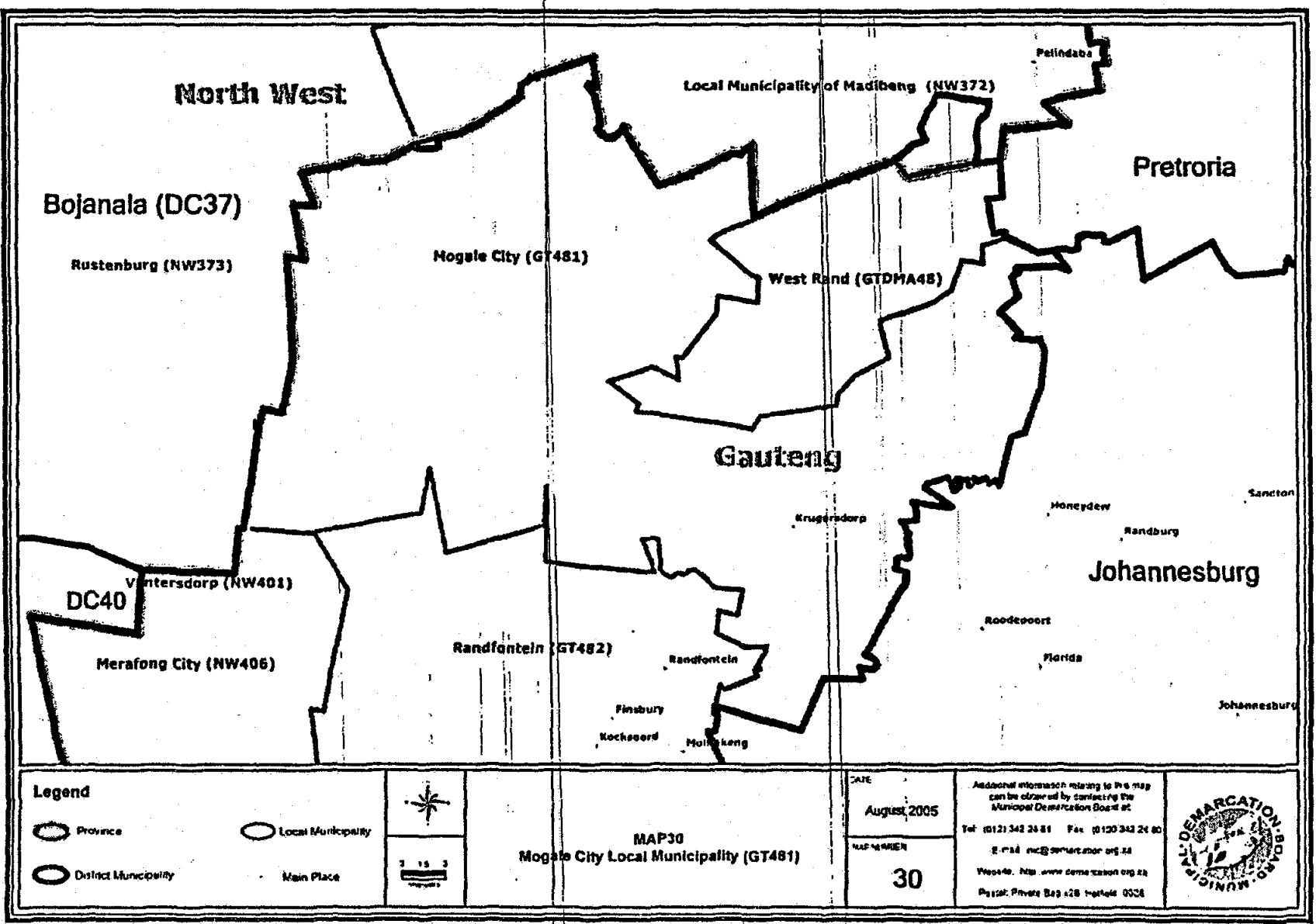
NW
Pg 5902

60

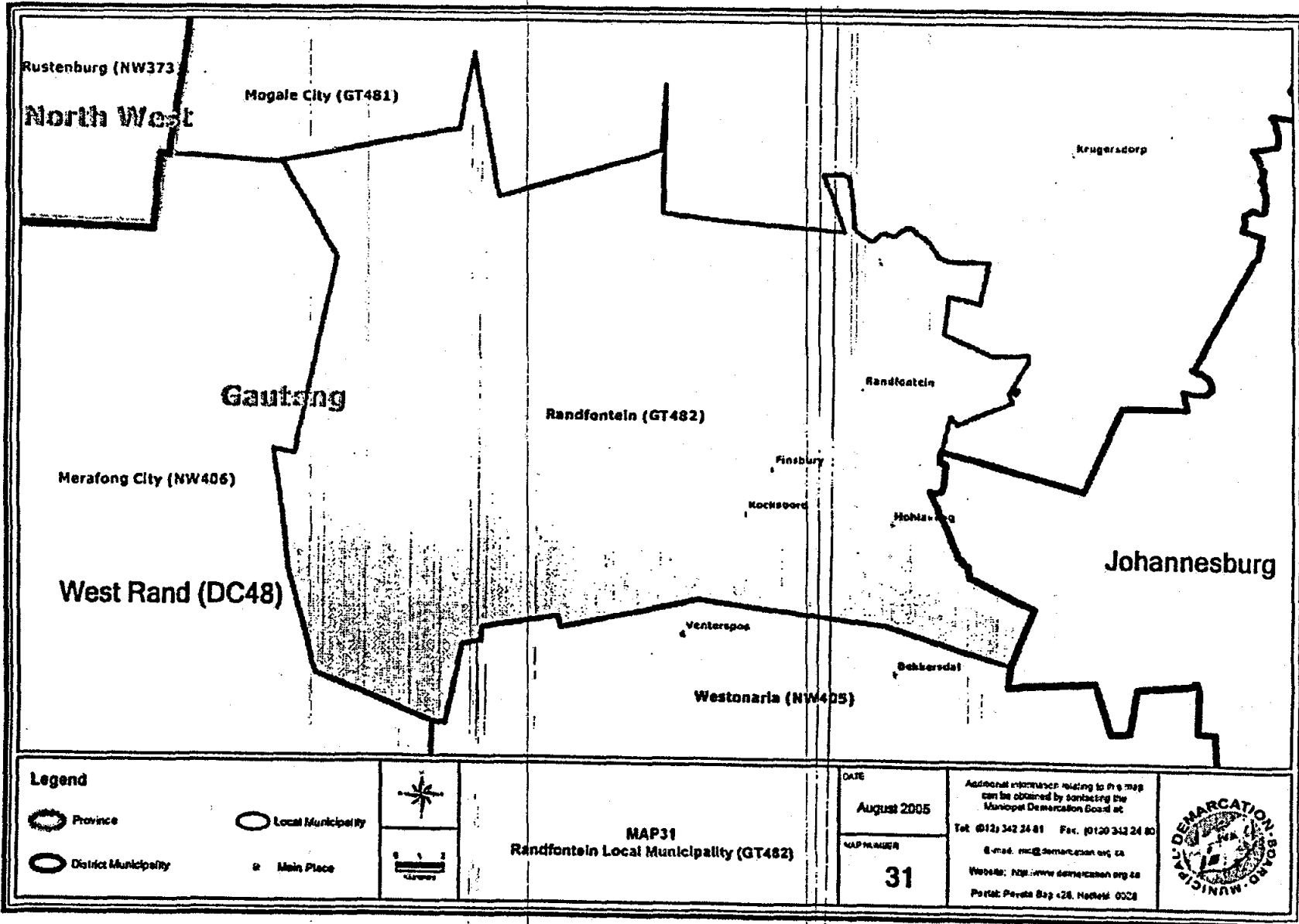
ANNEXURE "A"

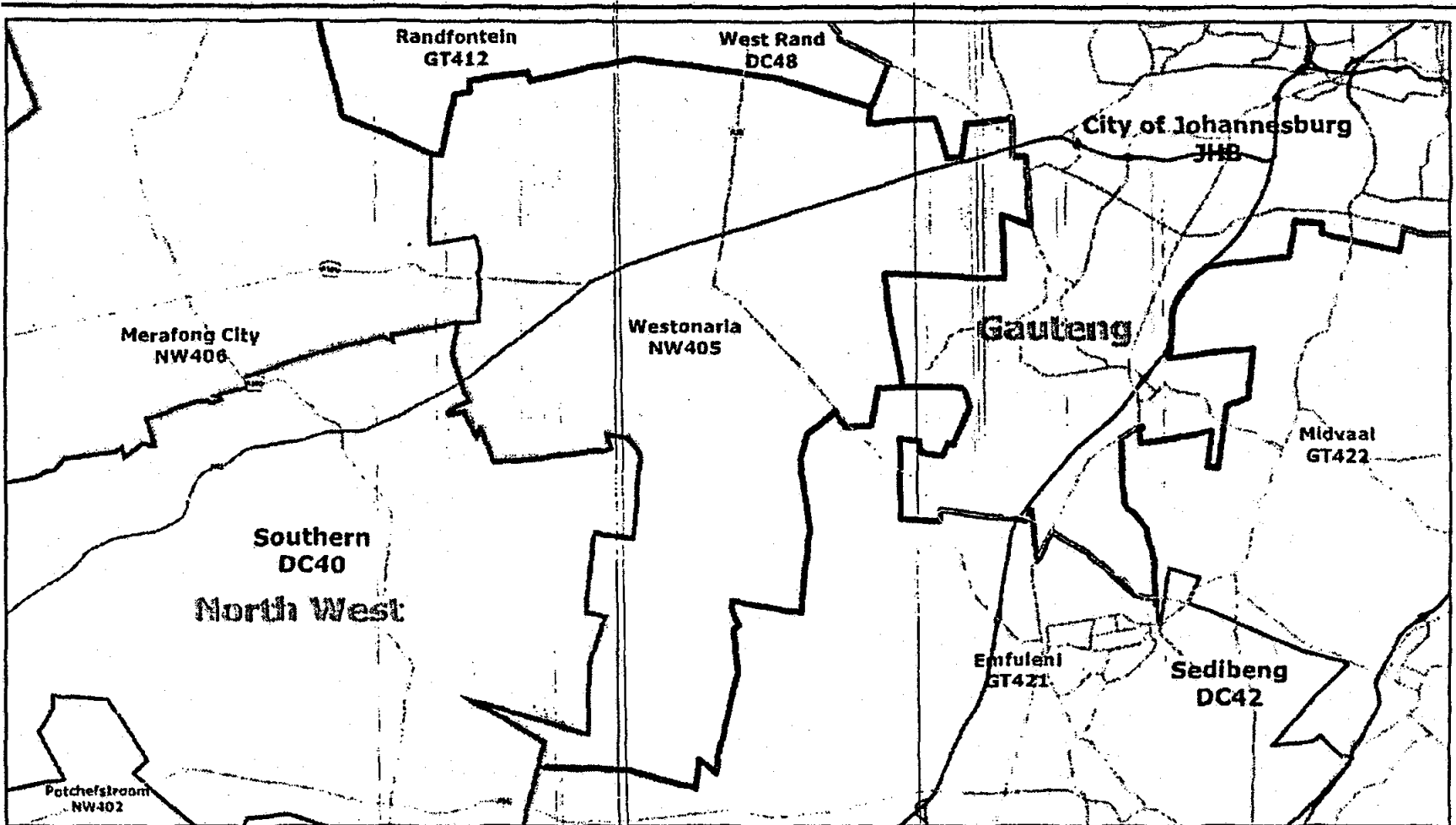


ANNEXURE "B"



ANNEXURE "C"





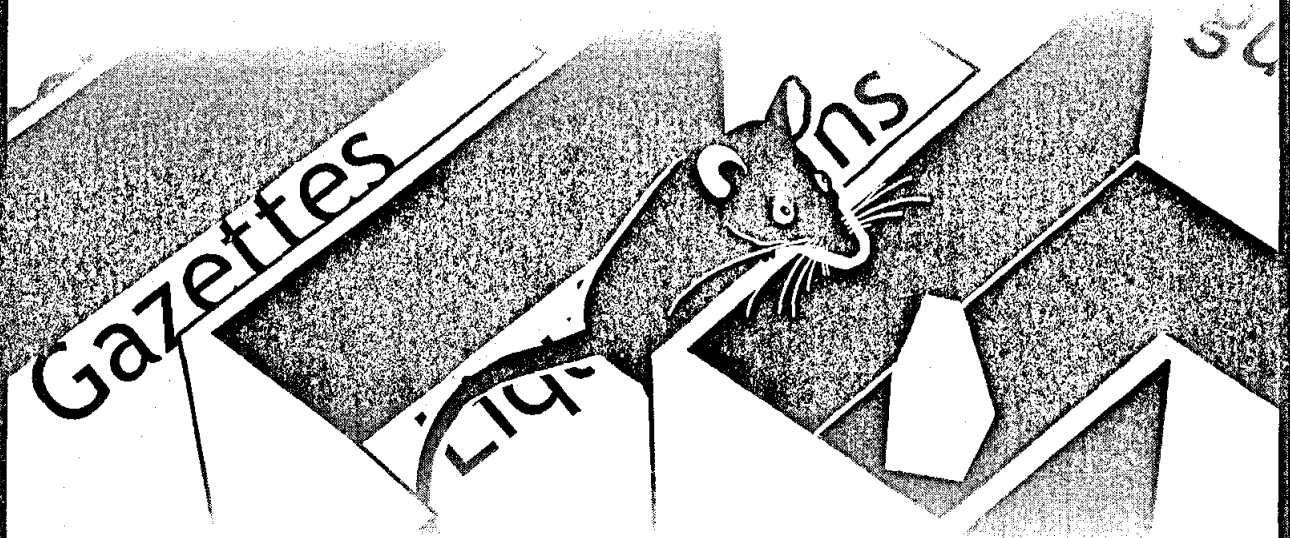
Legend Province District Municipality Local Municipality Main Place National Road Mainroad	 	MAP 28 Westernaria Local Municipality (NW405)		DATE August 2005	Additional information relating to this map can be obtained by contacting the Municipal Demarcation Board at: Tel: (012) 342 24 81 Fax: (0120) 342 24 80 E-mail: mc@demarcation.org.za Website: http://www.demarcation.org.za Postal: Private Bag 428 Halfeld 0028	
		MAP NO. UNDER 28				

ANNEXURE "D"



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