

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

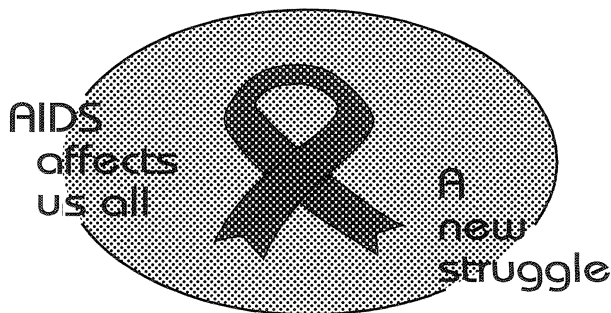
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**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

NOTICE 972 OF 2014

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

(ACT NO. 117 OF 1998)

NOTICE IN TERMS OF SECTION 14(5)

I Lentheng Helen Mekgwe, 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, the establishment of future municipalities and the incorporation of certain municipalities during such transition in Gauteng as set out in the Schedule.

Given under my hand at Johannesburg on this 14th day of March 2014


L H Mekgwe

MEC RESPONSIBLE FOR LOCAL GOVERNMENT: GAUTENG PROVINCE

SCHEDULE

Definitions

1. In this notice, an 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 -

“coordinating municipality” means the existing municipality that is responsible for the co-ordination and correlation of the functions of the Committee as described in this notice;

“Committee” means the Political Steering 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 disestablishment or establishment of a future municipality;

“future municipality” means the category A and category B municipalities in respect of which the boundaries have been determined by the Municipal Demarcation Board by General Notice Vol. 19 No.303 dated 17 October 2013;

“interests” means 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 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;

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

“provincial convenor” means a person appointed by the HOD responsible for local government in the province

“Technical Task team” means a committee appointed in terms of clause 10 of this notice

“transformation manager” means the person appointed as such in terms of clause 9.

2. Establishment of Committee

(1) For every future municipality or extended boundaries of an existing municipality as 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 Steering 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) The provisions of sub clauses (1) and (2) are applicable, to the extent possible, to facilitate the disestablishment of a municipality and its inclusion into an existing municipality.

3. Coordinating municipality and seat of Committees

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

4. Governance and support structures

- (1) The governance structure for the purposes of this notice is as indicated in Schedule 2 of this notice.
- (2) The MEC must establish the Committees contemplated in sub-clause (3) to oversee the disestablishment of existing municipalities, establishment of future municipalities and, where applicable, the inclusion of such disestablished municipality into an existing municipalities.
- (3)(a) A Political steering committee must consist of the following members:
 - (i) Executive Mayors of the affected municipalities and districts concerned;
 - (ii) MEC for Finance;
 - (iii) MEC for Economic Development;
 - (iv) MEC for Infrastructure Development;
 - (v) MEC for Local Government as the Chairperson;
 - (vi) Gauteng PEC, SALGA; and
- (3)(b) Extended Political steering committee will consist of the following members:
 - (i) All members of the Political Steering Committee;
 - (ii) Speakers of the affected municipalities;
 - (iii) Chief Whips of the affected municipalities; and
 - (iv) Other political parties.
- (3)(c) A Technical steering committee must consist of the following members:
 - (i) Transformation manager who will also be the convenor and chairperson;
 - (ii) Municipal managers of the affected municipalities;
 - (iii) Provincial Convenor;
 - (iv) Organised Local Government;
 - (v) Organised Labour;
 - (vi) Gauteng Planning Commission; and
 - (vii) Chairpersons of all the technical task teams.

(4) Appointment of additional member to the committees

The MEC may in her discretion appoint any person who is not a member of such an existing municipality to the Committee on the grounds of that person's knowledge and expertise in any field or discipline which may enhance the efficiency of the Committee.

5. Operationalization of this notice

- (1) Within 14 (fourteen) days from the date of publication hereof the Provincial Convenor must convene a joint meeting of the Councils of all the existing municipalities involved in the disestablishment and establishment of the specific future municipality or inclusion of such disestablished municipality, for the purpose of adopting the terms of reference of, and nomination to, these committees.
- (2) The meeting envisaged in (1) above shall be chaired by the Provincial Convenor, who shall not have the right to vote on matters before the meeting.
- (3) In addition to the nominations referred to in sub-clause (1) above, alternates for each nominated person must also be submitted for appointment to the Committee in the event of a vacancy occurring on such Committee.
- (4) The MEC shall appoint the members and alternates of the Committee in writing within 7 (seven) days from the date of receipt of such nominations.
- (5) A vacancy on the Committee occurs when a member-
 - a) dies or resigns; or
 - b) is removed from office by the MEC.
- (6) A member of the 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.

6. Chairperson of Committee

- (1) The MEC must appoint a vice-chairperson from the members of the Political Steering Committee, based on their knowledge and experience in local government or co-ordination and leadership skills;
- (2) The Provincial Convenor will be the vice-Chairperson of the Technical Steering Committee;

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

7. Functions of Committees

(1) The functions of the Political Steering Committee are:

- (a) To provide overall political leadership and direction to the project process;
- (b) To ensure political buy-in of all stakeholders;
- (c) To make key strategic decisions and grant approvals;
- (d) To ensure that the implementation plan is adopted; and
- (e) To monitor implementation of the plan in terms of agreed milestones and advise on possible political pressures and make recommendations.

(2) The functions of the Extended Political Steering Committee are:

- (a) To keep abreast of project outputs; and
- (b) To assist with information dissemination to public and business.

(3) The functions of the Technical Steering Committee are:

- (a) Provide technical input into the implementation plan with clear deliverables and timeframes;
- (b) Assist with the management of risks;
- (c) Provide strategic support and advice to the Political Steering Committee in respect of critical considerations and decisions that need to be undertaken in the process;
- (d) Prepare and present technical insight where needed;
- (e) 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-
 - (i) the vacation of offices by the councillors of existing municipalities;
 - (ii) the transfer of staff from the existing municipalities to the future municipality to be established in the area
 - (iii) 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

- (iv) the continued application of any by-law, regulations and resolutions of the existing municipalities in the future areas of jurisdiction and the extent of such application;
- (4) to provide the MEC with all relevant detail necessary for the preparation of a notice referred to in section 12 or 16(1)(g) of the Municipal Structures Act, as the case may be;
- (5) to facilitate in any other manner determined by the MEC, the disestablishment of existing municipalities and the establishment of future municipality or inclusion of a disestablished municipality into an existing municipality; and
- (6) at the request of the Electoral Commission, to assist that Commission in preparing for the election of the Council of the future or existing municipality.
- (7) Notwithstanding sub-clauses (1) and (3), an existing municipality into which a disestablished municipality is to be included must continue to have and exercise the rights and responsibilities accorded as prescribed by legislation.

8. Procedure to be followed by the Committee

- (1) All matters before the Committee are decided by a majority vote of the members present; provided a quorum of fifty percent of the members plus one is present.
- (2) In case of a split of votes, the chairperson or the person acting in his or her stead, must have a casting vote, subject to applicable legislation.
- (3) The Committee may determine its own procedure; provided that in case of a question on procedural matters, the chairperson must make a ruling, which must be final.

9. Transformation manager

- (1) within 21 (twenty-one) days from the date on which the Committee is established by the MEC, or such extended period as approved by the MEC, the MEC must initiate the appointment of a transformation manager, who may not be a member of the affected municipalities.
- (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 the Committee is established.

- (3) the transformation manager is the chief executive and administrative officer of Technical Steering Committee and is responsible for the implementation and execution of all the decisions of a Committee
- (4) for the period before the appointment of the Committee, or in the absence of the transformation manager, the municipal manager of the coordinating municipality shall be responsible for the functions described in sub-clause (3).

10 Administrative and technical support to Committees

- (1)
 - (a) the 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-committee shall comply with the requirements as set out in clause 4
 - (b) the Committee may make such procedural rules with regard to any sub-committee as it may deem necessary; and
 - (c) the duty to advice 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 municipal managers 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 the Committee and any sub-committee which may be established in terms of clause 10(1); and
 - (c) the transformation manager is the chairperson of the Technical Steering Committee and the Support Team.
- (3) Every existing municipality must provide such technical and administrative support to a Committee that is necessary for it to fulfil its functions and duties in terms of this notice.
- (4) The secretariat for both steering committees will come from the coordinating municipalities.

11. Financial Arrangements

- (1) Apart from the transformation manager there will be no additional remuneration for committee members.

- (2) any member of the Committee who incurs travelling expenses will claim that from their municipalities or the department where employed;
- (3) 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.

12. Term of Office

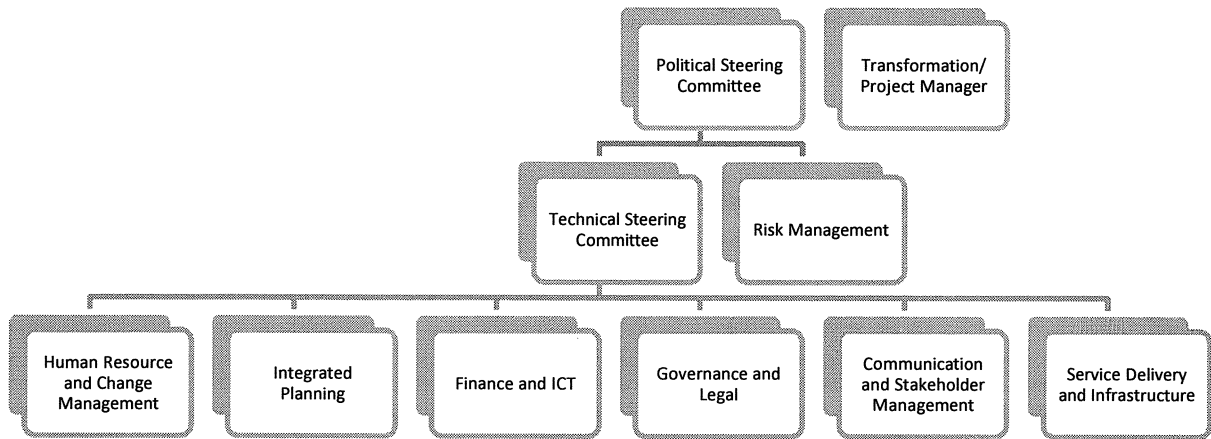
- (1) the term of office of the Committees and the Technical Task Team shall commence on the date on which the members are appointed and shall expire on the day on which the MEC establishes the future municipality in terms of section 12 of the Municipal Structures Act.
- (2) the term of office of the transformation manager shall expire on the date on which the municipal manager 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.
- (3) Notwithstanding sub clause 12(2) the term of office of the transformation manager may not extend beyond 12 months after the local government election.

13. General

- (1) In order to give effect to the intent and purpose of this notice, the MEC may, 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
- (2) Nothing in this notice must be interpreted as affecting the rights, roles, functions and obligations of the Council, Mayor, Speaker, Municipal manager and any structure of an existing municipality determined to include a disestablished municipality.
- (3) The provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and any other legislation in terms which the rights, roles, functions and obligations of the Council, Mayor, Speaker, Municipal manager and any structure of an existing municipality, find authority.

SCHEDULE 1

COLUMN 1 NAME OF COMMITTEE	COLUMN 2 EXISTING MUNICIPALITIES	COLUMN 3 COORDINATING MUNICIPALITY	COLUMN 4 SEAT
Ekurhuleni Metro	Lesedi Local Municipality	Ekurhuleni Metropolitan Municipality	Germiston
Vaal Metro	1. Sedibeng District Municipality 2. Midvaal Local Municipality 3. Emfuleni Local Municipality	Sedibeng District Municipality	Vereeniging
Randfontein/Westonaria Local Committee	1. Randfontein Local Municipality 2. Westonaria Local Municipality	West Rand District Municipality	Randfontein



Schedule 2: Governance structure

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.