



LIMPOPO PROVINCE
 LIMPOPO PROVINSIE
 XIFUNDZANKULU XA LIMPOPO
 PROFENSE YA LIMPOPO
 VUNDU LA LIMPOPO
 IPHROVINSI YELIMPOPO

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 Hlawuleka hinkwato • Gazethe dza Nyingo**

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CONTENTS

Gazette Page
No. No.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

113	Local Government: Municipal Structures Act (117/1998): Amendment of Provincial Gazette No. 2641: Notice in terms of section 14 (5) of the Act.....	2744	4
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 113 OF 2016

**DEPARTMENT OF
CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS**

**AMENDMENT OF PROVINCIAL GAZETTE NO: 2641 NOTICE IN TERMS OF
SECTION 14(5) OF LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT,
1998(ACT NO.117 OF 1998)**

I, Makoma Grace Makhurupetje, Member of the Limpopo Executive Council responsible for Local Government in the Province of Limpopo, under powers vested in me, hereby amend provincial gazette extraordinary Notice No: 2641 published on 20 November 2015 in terms section 14(5) of Local Government: Municipal Structures Act, 1998 (Act No.117 of 1998) and after consulting affected Municipalities in the Province. I hereby make transitional measures to facilitate the disestablishment of existing municipalities, the establishment of future municipalities and incorporation of certain municipalities during such transition in Limpopo as set out in the Schedule hereto.

Thus Given under my hand at POLOKWANE on this _____ day of _____ 2016



**MS. MAKOMA GRACE MAKHURUPETJE, MPL
MEC RESPONSIBLE FOR LOCAL GOVERNMENT: LIMPOPO PROVINCE**

SCHEDULE

Definitions

1. In this Schedule, 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 indicates otherwise-

"Affected municipalities" means the following municipalities affected by the redetermination of boundaries in terms of section 21 of local Government: municipal Demarcation Act, 1998 (Act No. 27 of 1998) and set out in Provincial Gazette dated 02 July 2015-

(a) Mutate Local Municipality (LIM342), Thulamela Local Municipality {LIM343} Makhado Local Municipality (LIM344) and Musina Local Municipality (UM341}

(b) Aganang Local Municipality (LIM 352), Blouberg Local Municipality (LIM351), Molemole Local Municipality and Polokwane Local Municipality (LIM354)

(c) Fetakgomo Local Municipality (LIM474) and Greater Tubatse Local Municipality (LIM375)

(d) Modimolle Local Municipality (LIM365) and Mookgophong Local Municipality (LIM364)

"Amalgamated Municipalities" means the combination of two or more municipalities as a result of the redetermination to form a single entity;

"Committees" means the Municipal Political Steering and Technical Change Management Steering Committees established in terms of clause 2(1) of this notice for each future municipality

"Disestablished Municipalities" means the following municipalities to be disestablished by the redetermination of boundaries in terms of section 21 of Local Government: Municipal Demarcation Act, 1998 (Act no. 27 of 1998)-

(a) Mutate Local Municipality

(b) Aganang Local Municipality

"Existing municipalities" means the municipalities into which the disestablished municipalities, or part thereof, will be incorporated in terms of the redetermination of boundaries as set out in Extraordinary Provincial Gazette published by the Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

"MEC" means the member of the Executive Committee responsible for Local Government in the Province of Limpopo or the person acting in that capacity in respect of those municipalities.

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

"New Municipality" means the area to be disestablished as determined by the Demarcation Board in terms of Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), for the establishment of new municipal area in terms of section 12 of the Municipal Structures Act;

"Provincial convener" means a person appointed by the HOD responsible for local government in the province

Object of Transitional Measures

2. (1) The object of the transitional measures set out in this Schedule is to facilitate the incorporation of the disestablished/amalgamated and or affected municipalities into existing municipalities/new municipalities.

(2) Facilitate the establishment of new municipalities.

Establishment of the Municipal Political Change Management Committee

3. (1) For every new municipality or extended boundaries of existing municipality as determined by the Municipal Demarcation Board in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), a facilitation committee called the Municipal Political Change Management Committee is hereby established,

4. Functions of the Municipal Political Change Management Committee are:-

(1)-

- (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;
- (e) To monitor implementation of the plan in terms of agreed milestones and advise on possible political pressures and make recommendations;
- (f) To keep abreast of project outputs;
- (g) To assist with information dissemination to public and business, and
- (h) Attend to any other matter related to the process

(2) The main objectives of the Committee are to-

- (a) act as a consultative and advisory forum for the MEG concerning the incorporation of the amalgamated/disestablished municipalities to the existing municipalities;
- (b) support and guide the incorporation in the restructuring process, unblocking blockages where occurring and ensuring compliance with regard to laid down time frames and legislative requirements; and
- (c) ratify recommendations made by the Municipal Technical Change Management Committee and report to the affected municipalities.

(3) To achieve these objectives listed in sub clause (2), it will receive technical reports from a Municipal Technical Change Management Committee established for this purpose in terms of this Schedule.

Establishment of the Municipal Technical Change Management Committee

5. (1) For every new municipality or extended boundaries of existing municipality as determined by the Municipal Demarcation Board in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), a facilitation committee called the Municipal Political Change Management Committee is hereby established.

6. Function of the Municipal Technical Change Management Committee

(1) The function of the Municipal Technical Change Management Committee are to recommend to the Municipal Political Change Management Committee measures regarding -

- (a) the transfer of staff from the disestablished municipalities to the existing and or new municipalities as well as the filling of vacancies during the transitional period;
- (b) the drafting of a new organogram for the existing and or new municipalities
- (c) the transfer of the assets, rights, liabilities and obligations of the disestablished municipalities to the existing and or new municipalities;
- (d) the transfer of administrative and other records relating to the assets, rights, liabilities and obligations of the disestablished municipalities to the existing and or new municipalities;
- (e) the rationalisation of by-laws and policies of the disestablished municipalities for implementation by the existing municipalities, and the continued application of the by-laws, regulations and resolutions of the disestablished municipalities on, or in, the existing and or new municipalities and the extent of such application;
- (f) The rates policies and bylaws, valuation rolls and supplementary valuation rolls of the affected municipalities can continue to co-exist until the newly established municipality prepares a new rates policy and by-law, and a new valuation roll for the new municipal area as a whole.
- (g) the alignment of the Integrated Development Plans of the affected municipalities for adoption by the existing and or new municipalities;
- (h) the integration of the budgets of the disestablished municipalities for adoption by the existing and or new municipalities, where applicable;
- (i) the acquisition and disposal of assets with a value exceeding R500 000.00 (five hundred thousand rand);
- (j) the negotiation and approval of long term loans and the utilisation of reserves;
- (k) designation of full-time councillors; and
- (l) the facilitation, in any other manner, of the disestablishment of the affected municipalities
- (m) the location of the head office;
- (n) the transfer of the assets, rights, liabilities and obligations of the affected municipalities to the existing and or new municipality;
- (o) the type of municipality;
- (p) Municipal powers and functions of the new municipality; and
- (q) the proposed process to be followed to determine a name for the new municipality
- (r) attend to any other matter related to the process

7. Composition of Change Management Committee

(1) The Municipal Political Change Management Committee shall consist of-

- (a) The District Mayor;
- (b) Mayors of existing municipalities; and of the New Municipality in Vhembe District Municipality
- (c) Speaker of the district and all Speakers of existing municipalities; Speaker of the New Municipality in Vhembe District Municipality
- (d) two Members of the Executive Committee/ Mayoral Committee in the case of a municipality with a collective executive system/ executive mayoral or, in the case of a municipality with a plenary executive system, two councillors as designated by the Council; Two members of Executive committee from the New Municipality
- (e) 8 ordinary Councillors from the new Municipality; and 4 ordinary councillors from Makhado and 4 ordinary councillors from Thulamela Local Municipality in the case of Vhembe District Municipality
- (f) a maximum number of three Traditional Leaders from the existing municipalities, as determined by the Local House of Traditional Authorities ; and
- (g) Representatives of SALGA in Limpopo Province

(2) The Municipal Technical Change Management Committee shall consist of-

- (a) The district municipal manager;
- (b) The municipal managers of the existing municipalities; and the Acting/Municipal Manager of the new Municipality in the case Vhembe District Municipality)
- (c) The heads of departments of the existing municipalities;
- (d) Union representatives from SAMWU Three (3) and IMATU One (1);
- (e) The departmental transformation manager;
- (f) Representatives of SALGA in Limpopo Province, and
- (g) Representatives from Treasury.

(3) 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.

Conduct of Members

8. (1) A member of a Committee must perform the functions of office in line with the Code of Conduct of Councillors and Code of Code Conduct for officials, as well as all legislation applicable.

(2) A member of a Committee may not-

(a) use the position or privileges of a member for private gain or to improperly benefit another person; or

(b) act in any other way that compromises the credibility, impartiality or integrity of the Committee.

Meetings of Committees

9.(1) The chairperson of the Committee decides where and when the Committees meets, but a majority of the members may request the chairperson, in writing, to convene a meeting of the Committee at a place and time set out in the request.

(2) The chairperson presides at the meeting of the Committees, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.

Sub -Committees

10. The Committees may establish subcommittees to assist the Committees in the performance of their functions or the exercise of any of their powers.

Administrative and technical support to Committees

11.(1) Every affected 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.

(2) The secretariat for both committees will come from the District Municipalities.

12. Term of Office

(1) the term of office of the Committees and the Technical Task Team shall be (2) two years from 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

13. Report to the MEC

(1) The Provincial Convener shall in line with clause 12 of this notice submit to the MEC responsible for local government in Limpopo Province a detailed report on the process of redetermination of municipal outer boundaries.

14. 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.

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