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IMPORTANT NOTICE

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GENERAL NOTICE

NOTICE 113 OF 2011

NOTICE IN TERMS OF SECTIONS 16 AND 17 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998 RELATING TO THE ESTABLISHMENT OF THE KAGISANO-MOLOPO LOCAL MUNICIPALITY (NW 397)

I, **Mosetlha Paul Sebegoe**, Member of the Executive Council responsible for local government in the North West Province, hereby publish amendment notice in terms of sections 16 (1)(h) and 17(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), relating to establishment of Kagisano-Molopo Local Municipality Notice 379 of 2010 Published in the Extraordinary Provincial Gazette dated 24 December 2010. I hereby substitute Municipal Demarcation Number NW 391 with Municipal Demarcation Number NW 397 as an erratum henceforth, and further amendments as set out in the Schedule attached hereto.

Given under my Hand at Mafikeng this 09th day of May 2011.

M P SEBEGOE
MEMBER OF THE EXECUTIVE COUNCIL OF THE PROVINCE OF THE NORTH
WEST RESPONSIBLE FOR LOCAL GOVERNMENT

SCHEDULE

Definitions

1. In this notice any word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), herein after referred to as the Act, shall, bear that meaning, and, unless the context otherwise indicates –

“**Constitution**” means the Constitution of the Republic of South Africa;

“**demarcation board**” means the Municipal Demarcation Board established by section 2 of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

“**disestablished municipality**” means an existing municipality disestablished in terms of section 2(2) of the parent notice;

“**existing municipality**” means the Kagisano and Molopo local municipalities;

“**district municipality**” means the Category C municipality namely Dr Ruth Segomotsi Mompati district municipality;

“**effective date**” means-

- (a) the day on which the results of the next elections of the council of the district municipality and the local municipalities in the district are declared elected in terms of section 190(1) (c) of the Constitution;
- (b) if the results 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;

“**local municipality**” means a category B municipality referred to in section 2 of the Government Notice 379 of 2010

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**North West Municipal Structures Act**” means the North West Municipal Structures Act, 2000 (Act 3 of 2000);

“**proportionally elected councillors**” means councillors elected to proportionally represent political parties in a municipal council;

“**responsible member**” means the Member of the Executive Council of the Province of the North West responsible for local government ; and

“**ward councillor**” means a councillor elected to represent a ward in a municipal council.

Establishment of local municipality

1. **Section 2.(1) of the schedule to Government Notice No. 379 of 2010 is hereby amended –**
 - (a) by the substituting of the Municipal Demarcation number NW 391 with Municipal Demarcation number NW 397 as designated by the Municipal Demarcation Board for which elections shall be held as contemplated in the Act as an erratum, further that any reference to NW 391 and its boundaries, shall be construed to mean NW 397 and its boundaries as depicted in annexure A
2. **Section 7.(1) of the schedule to Government Notice No. 379/2010 is hereby amended –**
 - (a) by substituting the words “in accordance with a determination by the responsible member” which follows immediately after the word the “shall” with the words “on the effective date so”
 - (b) by deleting the words “with effect from a date mentioned in such determination” which follows the word “area”
3. **Section 7.(2) of the schedule to Government Notice No. 379 of 2010 is hereby amended –**
 - (a) by substituting the words “in accordance with a determination by the responsible member” which follows immediately after the word “shall” with the words “on the effective date as”

Transitional provisions relating to assets, liabilities, rights, duties, obligation and records

4. **Section 7.(3) of the schedule to Government Notice No. 379 of 2010 is hereby amended by substituting the entire section as follows:**

Investments and Cash balances

 - (a) The investments cash and assets shall on the effective date onwards be expended in accordance with performance of powers and functions of the municipality contemplated in section 2(1) of the Government **Notice No. 379 of 2010**
 - (b) The Integrated Development Plan and budget of the existing municipality shall remain separate until the 30 June 2011
 - (c) All financial records, accounts and investments of the existing municipality must be reconciled on the 30 June 2011
 - (d) The financial statements for the existing municipalities must be compiled separately as at 30 June 2011 and be submitted to the Auditor General by 31 August 2011, thereafter audited Annual Financial Statements must be consolidated for the opening balances for NW 397 as at 1 July 2011.

Transitional provisions relating to personnel

5. **Section 8(1) of the schedule to Government Notice No. 379/2010 is hereby amended –**
 - (a) by substituting the words “in accordance with a determination by the responsible member” which follows immediately after the word “shall” with the words “on the effective date”
 - (b) by insertion of paragraph (i) immediately after paragraph (h) as follows:
the municipality must constitute a human resource task team consisting of representation of organized labour and the municipality to finalise the consultative process with staff of the disestablished municipality in accordance with provisions of Labour Relations Act 1995, on or before May 2013

6. Section 8(3) of the schedule to Government Notice No. 379 of 2010 is hereby amended –

- (a) by deleting the section 8(3) in its entirety

First meeting of council of municipality

7. Section 11 of the schedule to Government Notice No. 379 of 2010 is hereby amended – by inserting the following words:

- (a) Insertion of subsection 11(1) in furtherance of the provisions of section 11 of the **Government Notice No. 379 of 2010**, and for the purposes of transitional arrangements, by MEC designating a person in accordance with section 29(2) of the Local Government: Municipal Systems Act, Act 32 of 2000 to perform functions as prescribed hereunder:

- (i) To facilitate budget and Integrated Development Plan public consultation process.
 - (ii) To convene the joint sitting of council for the existing municipalities for the purpose of adoption of the budget and Integrated Development Plan for the newly established municipality
 - (iii) To receive and verify information contemplated in section 9(a) and (b) of **Government Notice No. 379 of 2010** and to submit it to both Acting Municipal Manager designated by council and the member responsible respectively
 - (iv) Must call the first meeting of council of the municipality within 14 days after the council has been declared elected
 - (v) Must preside over the election of a speaker as prescribed in schedule 3 of the Local Government: Municipal Systems Act, Act 32 of 2000
 - (vi) Must undertake or perform any other act prescribed by applicable Local Government law, Provincial and or National law until the executive committee of the municipality is dually constituted.
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