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PROVINSIE OOS-KAAP

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Government Printing Works

Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect from **01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS



GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- ☐ Single notice, single email – with proof of payment or purchase order.
- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 74 OF 2016**PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

NOTICE IN TERMS OF SECTION 14(5) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: TRANSITIONAL MEASURES TO FACILITATE INTEGRATED DEVELOPMENT PLANNING, APPROVAL OF BUDGETS, THE PREPARATION OF FINANCIAL STATEMENTS, THE LEVYING OF RATES AND ACTING APPOINTMENTS IN MUNICIPALITIES AFFECTED BY THE RE-DETERMINATION OF BOUNDARIES IN TERMS OF SECTION 21 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998 (ACT NO. 27 OF 1998)

I, Fikile Xasa, in my capacity as the Member of the Eastern Cape Executive Council responsible for local government, under powers vested in me by section 14(5) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and after having consulted the affected municipalities in the Province, hereby provide for the transitional measures contained in the Schedule hereto.

Given under my Hand at Bisho on this 13th day of April, Two Thousand and Sixteen.



MR. F. XASA

Member of the Executive Council of the Province of Eastern Cape
responsible for Local Government

DATE: 13/4/2016

SCHEDULE

PREAMBLE

1.(1) As a result of the re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), certain municipalities will be disestablished and their former areas of jurisdiction merged under new municipalities to be established.

(2) In order to give effect to these re-determinations, and to assist these new and existing municipalities, it is necessary to provide for transitional measures relating to –

- (a) integrated development planning;
- (b) the preparation of budgets;
- (c) the preparation of financial statements;
- (d) the continued application of valuation rolls, rates policies, rates by-laws and rates tariffs; and
- (e) the appointment of acting municipal managers and other senior managers.

(3) The new municipalities will be established, and the former municipalities will be disestablished, with effect from the date of the municipal elections, 03 August 2016.

(4) Given that the municipal financial year runs from 1 July to 30 June of each year, it is necessary to provide for transitional measures as the elections will fall after the end of the municipal financial year.

DEFINITIONS

2. In this Schedule a word or expression, to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) has the same meaning, and unless the context indicates otherwise –

“affected municipalities” means the merging municipality or a new municipality when it is established, as the case may be;

“date of municipal elections” means the date set by the National Minister responsible for local government in terms of section 24(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), for the election of all municipal councils in South Africa;

“elections” means the elections of all municipal councils in the Republic of South Africa, to be held on 03 August 2016;

“MEC” means the Member of the Executive Committee responsible for local government in the Province;

“merging municipalities” means those municipalities which, following a re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), will be disestablished and their former areas of jurisdiction merged under new municipalities to be established, namely:

- (a) the Nxuba and Nkonkobe Local Municipalities;
- (b) the Gariep and Maletswai Local Municipalities;

- (c) the Inkwanca, Tsolwana and Lukhanji Local Municipalities;
- (d) the Camdeboo, Ikwezi and Baviaans Local Municipalities;

“Municipal Political Change Management Committee” means a municipal political change management committee established in terms of both Provincial Notice No. 42 of 18 September 2015 and Provincial Notice No. 158 of 6 November 2015;

“Municipal Technical Change Management Committee” means a municipal technical change management committee established in terms of both Provincial Notice No. 42 of 18 September 2015 and Provincial Notice No. 158 of 6 November 2015;

“new municipalities” means those municipalities that are to be established following a re-determination of boundaries in terms of section 21 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998), comprising the former areas of jurisdiction of the merged municipalities;

“Provincial Transformation Committee” means the Provincial Transformation Committee in terms of Provincial Notice No 42 of 18 September 2015 and Provincial Notice No. 158 of 6 November 2015

“Senior Manager” means a manager who is directly accountable to a municipal manager, as contemplated in section 56 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

INTEGRATED DEVELOPMENT PLANS

3.(1) The affected municipalities must –

- (a) each adopt an individual integrated development plan for the 2016/2017 municipal financial year for their individual areas of jurisdiction, which plans must take due cognizance of the consolidated integrated development plan or plans contemplated in paragraph (b) below; and
- (b) together with the other affected municipalities prepare a consolidated integrated development plan for the 2016/2017 municipal financial year following the legislated IDP processes for adoption of the final plan by 30 June 2016 comprising –
 - (i) in the case of a merging municipality, the areas of jurisdiction of the merging municipalities.

(2) The consolidated integrated development plans for the 2016/2017 municipal year must be prepared and presented for noting by the relevant Municipal Political Change Management Committee by 30 June 2016 and thereafter by the relevant councils.

(3) In the event of a dispute relating to the preparation or approval of the consolidated integrated development plans for the 2016/2017 municipal year, the matter must be referred to the Provincial Transformation Committee for resolution.

(4) In the event that the elections occur –

(a) after 30 June 2016 –

- (i) the individual reviewed integrated development plans of the merging municipalities for the 2016/2017 municipal financial year will apply within the former areas of jurisdiction of the merging municipalities, notwithstanding the provisions of any other law, from 1 July 2016 until the date of the elections, 03 August 2016; and

(ii) the relevant reviewed consolidated integrated development plan for the 2016/2017 municipal financial year will apply to the relevant new municipality, notwithstanding the provisions of any other law, from the first day following the date of the elections, 03 August 2016.

BUDGETS

4.(1) The affected municipalities –

(a) each adopt an individual budget for the 2016/2017 municipal financial year for their existing area of jurisdiction, which budget must take due cognizance of the consolidated budget or budgets contemplated in paragraph (b) below; and

(b) together with the other relevant affected municipalities prepare and adopt a consolidated budget for the 2016/2017 municipal financial year comprising –

(i) a reconciliation to the individual budget for the 2016/2017 municipal year;

(ii) in the case of a merging municipality, the approved budgets of the merging municipalities.

(2) The individual and consolidated budgets for the 2016/2017 municipal year must be prepared for approval by the relevant Municipal Political Change Management Committees and thereafter by the relevant councils.

(3) In the event of a dispute relating to the preparation or approval of the individual and consolidated budgets for the 2016/2017 municipal year, the matter must be referred to the Provincial Transformation Committee for resolution.

(4) In the event that the elections occur –

(a) after 30 June 2016 –

(i) the individual budgets of the merging municipalities for the 2016/2017 municipal financial year will apply within the former areas of jurisdiction of the merging municipalities, notwithstanding the provisions of any other law, from 1 July 2016 until the last calendar day of the month following the month (August) in which the elections are held; and

(ii) the relevant consolidated budgets for the 2016/2017 municipal financial year will apply to the relevant new municipality, notwithstanding the provisions of any other law, from the first day of the month following the last calendar day of the month following the month (August) in which the elections are held.

FINANCIAL STATEMENTS

5. In the event that the elections occur –

(a) after 30 June 2016 –

(i) separate financial statements for the merging municipalities for the 2016/2017 municipal financial year must, notwithstanding the provisions of any other law, be prepared for the period commencing on 1 July 2016 to the last calendar day of the month following the month (August) in which the elections were held; and

(ii) financial statements for the new municipalities must, notwithstanding the provisions of any other law, be prepared for the period from the first calendar day of the second month following the month (August) in which the elections were held up to 30 June 2017.

VALUATION AND SUPPLEMENTARY ROLLS, RATES POLICIES AND BY-LAWS AND TARIFFS

6.(1) Section 89A and 90 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), must apply to incorporating municipalities with the necessary changes.

(2) In respect of merging municipalities, a new municipality must –

- (a) continue to apply the property rates policy, property rates by-laws and property rates tariffs that are in force in the former area or areas of jurisdiction of the relevant merging municipalities, which have been included in its area of jurisdiction;
- (b) continue to apply the valuation roll and supplementary valuation roll that are in force in the former area or areas of jurisdiction of the relevant merging municipalities, which have been included in its area of jurisdiction, together with any subsequent supplementary valuation rolls; and
- (c) levy rates against property values as shown on the valuation roll or supplementary valuation rolls, until it prepares and adopts a new general valuation roll in terms of section 30 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004).

(3) In applying valuation rolls and supplementary valuation rolls in terms of subsection (2), a new municipality may, notwithstanding section 19(1)(a) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), impose different rates based on the different valuation rolls or supplementary valuation rolls, to ensure that the rates payable on similarly situated and valued property is more or less the same.

ACTING APPOINTMENTS OF MUNICIPAL MANAGERS AND SENIOR MANAGERS

7.(1) In the event that the position of municipal manager, or one or more of the senior managers in a merging municipality becomes vacant at any time prior to date of the elections –

- (a) the merging municipality concerned may, with the prior written authority of the MEC, and subject to such terms and conditions as the MEC may deem fit, notwithstanding the provisions of any other law, appoint an acting municipal manager or acting senior manager or managers, as the case may be, for a period terminating not later than six months after the date of municipal elections, 03 August 2016; and
- (b) the MEC must, in authorizing an acting appointment, specify an acting allowance to be paid by the merging municipality to the acting municipal manager or acting senior manager.

(2) The Political Change Management Committee should nominate from the existing municipalities an Interim Municipal Manager who will be the Accounting Officer of the new municipality for a period of three months or until the new council decides and appoints a permanent Municipal Manager for the new municipality (whichever comes first).

- (i) The Interim Municipal Manager will be responsible to call the first council meeting of the new municipality.
- (ii) As the Head of Administration, the Interim Municipal Manager shall be responsible for all functions of the Municipal Manager as stipulated in Sections 55, 56, 66 (1), 67 (4) and 70 (1) in terms of Local Government: Municipal Systems Act (Act. No. 32 of 2000) as amended.
- (iii) As the Accounting Officer, the Interim Municipal Manager shall perform all duties as stipulated in Sections 60 to 66 and 68 to 72 of the Local Government: Municipal Finance Management Act (Act. 56 of 2003).

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