

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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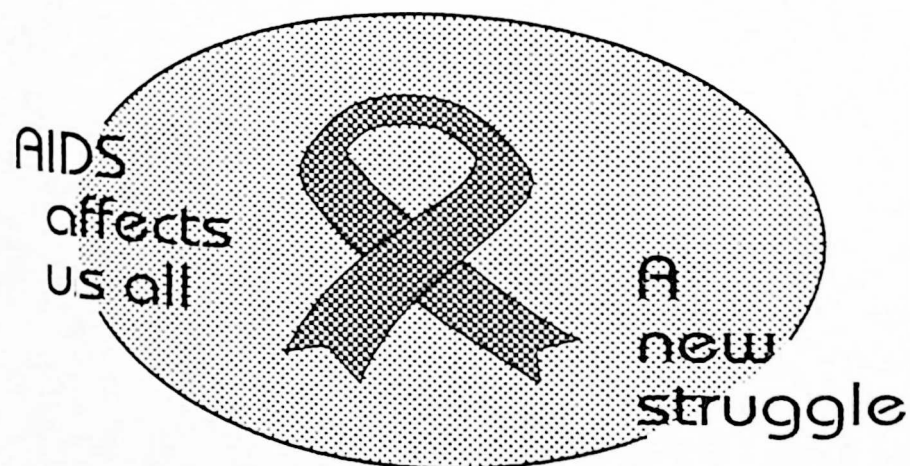
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No. 141

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DEPARTMENT OF HEALTH

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LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

ESTABLISHMENT OF SEDIBENG DISTRICT MUNICIPALITY

By powers vested in me by section 12(1) read with section 14(2) of the Local Government: Municipal Structures Act, 1998, I, Elias Khabisi Mosunkutu, Acting Member of the Executive Municipality responsible for local government in the Province of Gauteng, hereby establish the municipalities as set out in the Schedule hereto.

Given under my hand at Johannesburg on this 27th day of September Two Thousand.



E. K. MOSUNKUTU

ACTING MEC: Development Planning and Local Government
GOAUTENG 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);

"effective date" means

- (a) the day on which the result of the first election of the councils of the new district municipality and the new local municipalities in the district municipal area are declared as envisaged by section 64 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000); or
- (b) if the results of the election for 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.

"Disestablished municipality" means a municipality disestablished in terms of clause 38 of this schedule;

"District municipal area" means the area indicated by Map No. 2 in provincial General Notice No. 6869 dated 19 September 2000;

"District municipality" means the category C municipality established by part 2 of this Schedule;

"Local municipality" means a category B municipality established by part 3, 4 and 5 of this Schedule;

"New municipalities" means a new district municipality or a new local municipality, as the case may be, established by this Schedule;

"Minister" means the National Minister responsible for Local Government.

"MEC" means the Member of the Executive Council responsible for the Local Government in the Province of Gauteng;

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

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

"Proportionally elected councillors" means councillors elected to proportionally represent parties in the council of the municipality concerned; and

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

PART 2

ESTABLISHMENT OF SEDIBENG DISTRICT MUNICIPALITY

3. For the district municipal area indicated by Map No. 2 published in provincial General Notice No 6869 dated 19 September 2000, a new district municipality called **Sedibeng** District Municipality is hereby established with effect from the effective date.

CATEGORY

4. **Sedibeng** District Municipality is a category C municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

5. **Sedibeng** District Municipality is a municipality with a mayoral executive system as described in section 4(b) of the Gauteng Types of Municipality Act.

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ESTABLISHMENT OF SEDIBENG DISTRICT MUNICIPALITY

3. For the district municipal area indicated by Map No. 2 published in provincial General Notice No 6869 dated 19 September 2000, a new district municipality called **Sedibeng** District Municipality is hereby established with effect from the effective date.

CATEGORY

4. **Sedibeng** District Municipality is a category C municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

5. **Sedibeng** 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

6. (1) The boundaries of Sedibeng District Municipality are as indicated in Map No. 2, published under provincial General Notice No. 6869 dated 19 September 2000 and annexed hereto as annexure "A".
- (2) The area of jurisdiction of Sedibeng District Municipality shall be the area falling within the boundaries referred to in sub-clause (1) hereof.

NUMBER OF COUNCILLORS

7. (1) Sedibeng District Municipality consists of 43 councillors as determined in provincial General Notice No. 4588 dated 13 July 2000, of whom:
- a) 17 must be proportionally elected councillors;
 - b) 22 must be appointed by the local Municipality mentioned in Part 3 of this Schedule;
 - c) 2 must be appointed by the local Municipality mentioned in Part 4 of this Schedule; and
 - d) 2 must be appointed by the local Municipality mentioned in Part 5 of this Schedule.

FULL- TIME COUNCILLORS

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

EXEMPTIONS

9. Sedibeng District Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

10. The seat of **Sedibeng** District Municipality shall be the municipal offices at the corner of Leslie and Beaconsfield Streets, Vereeniging, or the council may by resolution decide that the seat of **Sedibeng** District Municipality shall be at such other place as it may determine.

PART 3

ESTABLISHMENT OF EMFULENI LOCAL MUNICIPALITY

11. For that part of the district municipal area indicated by Map No.3, published under provincial General Notice No. 1175 dated 2 March 2000, a new local municipality called **Emfuleni** Local Municipality is hereby established with effect from the effective date.

CATEGORY

12. **Emfuleni** Local Municipality is a category B municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

13. **Emfuleni** Local Municipality is a municipality with a mayoral executive system as described in section 3(c) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

14. (1) The boundaries of **Emfuleni** Local Municipality are as indicated in Map No. 3, published under provincial General Notice No. 1175 dated 2 March 2000 and attached hereto as annexure "B".
- (2) The area of jurisdiction of **Emfuleni** Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1) hereof.

NUMBER OF COUNCILLORS

15. (1) **Emfuleni** Local Municipality consists of 85 councillors as determined in provincial General Notice No. 2813 dated 9 May 2000, of whom:

(b) 43 must be ward councillors.

FULL-TIME COUNCILLORS

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

WARDS

17. **Emfuleni** Local Municipality consists of 43 wards with boundaries as set out in provincial General Notice No. 3688 dated 8 June 2000.

EXEMPTIONS

18. **Emfuleni** Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

19. The seat of **Emfuleni** Local Municipality shall be the municipal offices at the corner of Klasie Havenga Street and Frikkie Meyer Boulevard, Vanderbijlpark, or the council may by resolution decide that the seat of **Emfuleni** Local Municipality shall be at such other place as it may determine.

PART 4

ESTABLISHMENT OF THE MIDVAAL LOCAL MUNICIPALITY

20. For that part of the district municipal area, indicated by Map No.4, published under provincial General Notice 1175 dated 2 March 2000, a new local municipality called **Midvaal** Local Municipality is hereby established with effect from the effective date.

21. **Midvaal** Local Municipality is a category B municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

22. **Midvaal** Local Municipality is a municipality with a collective executive system as described in section 3(a) of the Gauteng Types of Municipality Act.

BOUNDARIES

23. (1) The boundaries of **Midvaal** Local Municipality are as indicated in Map No. 4, published under provincial General Notice No. 1175 date 2 March 2000 and attached hereto as annexure "C".
- (2) The area of jurisdiction of **Midvaal** Local Municipality shall be the area falling within the boundaries referred to sub-clause (1) hereof.

NUMBER OF COUNCILLORS

24. (1) **Midvaal** Local Municipality consists of 18 councillors as determined in provincial General Notice No. 2813 dated 9 May 2000 of whom:
- (a) 9 must be proportionally elected councillors; and
- (b) 9 must be ward councillors

FULL-TIME COUNCILORS

25. In term of section 18 (4) of the Municipal Structures Act, and in terms of the policy framework published by the Minister under General Notice No. 1515 dated 5 April 2000, there are no office bearers that may be designated by the council of **Midvaal** Local Municipality as a full-time councillor.

WARDS

26. **Midvaal** Local Municipality consists of 9 wards with boundaries as set

EXEMPTIONS

27. Midvaal Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

28. The seat of Midvaal Local Municipality shall be the municipal offices at the corner of Mitchell and Junius Streets, Meyerton, or the council may by resolution decide that the seat of Midvaal Local Municipality shall be at such other place as it may determine.

PART 5

ESTABLISHMENT OF THE LESEDI LOCAL MUNICIPALITY

29. For that part of the district municipal area indicated by Map No 5, published under provincial General Notice No. 1175 dated 2 March 2000, a local municipality called Lesedi Local Municipality is hereby established with effect from the effective date.

CATEGORY

30. Lesedi Local Municipality is a category B municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

31. Lesedi Local Municipality is a municipality with a collective executive system as described in section 3(a) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

32. (1) The boundaries of Lesedi Local Municipality are as indicated in Map No.5, published under provincial General Notice No. 1175 dated 2 March 2000 and attached hereto as annexure "D".
- (2) The area of jurisdiction of Lesedi Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1) hereof.

NUMBER OF COUNCILLORS

33. (1) **Lesedi** Local Municipality consists of 21 councillors as determined in provincial General Notice No. 2813 dated 9 May 2000 of whom:
- (a) 10 must be proportionally elected councillors; and
 - (b) 11 must be ward councillors.

FULL-TIME COUNCILLORS

34. In term of section 18(4) Municipal Structures Act, and in terms of the Policy Framework published by the Minister in General Notice No. 1515 dated 5 April 2000, there are no office bearers that may be designated by the council of **Lesedi** Local Municipality as a full-time councillor.

WARDS

35. **Lesedi** Local Municipality consists of 11 wards with boundaries as set out in provincial General Notice No. 3689 dated 8 June 2000.

EXEMPTION

36. **Lesedi** Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

37. The seat of **Lesedi** Local Municipality shall be the municipal offices at the corner of HF Verwoerd and Voortrekker Streets, Heidelberg, or the council may by resolution decide that the seat of **Lesedi** Local Municipality shall be at such other place as it may determine.

PART 6

DISESTABLISHMENT OF EXISTING MUNICIPALITIES

38. (1) The following existing municipalities are disestablished with effect from the effective date to the extent that those municipalities fall within the district municipal area:
- (a) Lekoa/Vaal Metropolitan Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;

- (b) Vereeniging/Kopanong Metropolitan Local Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (c) Western Vaal Metropolitan Local Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (d) Heidelberg Town Council established by Premier's Proclamation No. 45 dated 15 December 1994 as amended;
- (e) Eastern Gauteng Services Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (f) De Deur/Walkerville Transitional Rural Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (g) Devon/Impumelelo Transitional Rural Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (h) Eikenhof Transitional Rural Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (i) Randvaal Transitional Rural Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (j) Vaal Marina Transitional Rural Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (k) Blesbokspruit Transitional Representative Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (l) Suikerbosrand Transitional Representative Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended;
- (m) Western Gauteng Services Council established by Premier's Proclamation No. 5 dated 1 January 1995 as amended;

- (n) Vaal River Transitional Representative Council established by Premier's Proclamation No. 5 dated 1 January 1995 as amended;
 - (o) Vaal Oewer Transitional Rural Council established by Premier's Proclamation No. 5 dated 1 January 1995 as amended;
 - (p) Vischkuil Transitional Rural Council established by Premier's Proclamation No. 3 dated 1 January 1995 as amended.
- (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.

VACATION OF OFFICE

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

PART 7

POWERS AND FUNCTIONS

40. (1) The powers and functions of the new municipalities, in respect their area of jurisdiction shall be those set out section 83 and 84(1) and (2) in the Municipal Structures Act, read with section 156 and 229 of the Constitution as well as in any other law applicable to municipalities: Provided that the MEC may in terms of section 85 of 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 the new district municipality may, at rates determined by its Council, with the concurrence of the MEC for Finance, and the Minister of Finance, levy and claim

PART B

GENERAL

SUCCESSION

41. (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 assets, resources, liabilities, obligations, rights and all the administrative and other records of a disestablished municipalities to the extent that the whole or any portion of the area of the disestablished municipality falls within the boundaries of the district municipal area in accordance with the following rules:
- (a) Assets, resources, liabilities, obligations, rights and administrative and other records relating to 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, obligations, rights 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, and administrative records, immediately before the effective date, was located.
- (2) A new municipality to whom assets, resources, liabilities, obligations, rights 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 or records to that other new municipality.
- (3) The Chief Executive Officer or the Town Clerk of a disestablished municipality must, by not later than seven days after the effective

date, submit an inventory of all the assets and liabilities of that municipality as at that date, to the acting municipal managers concerned.

REMUNERATION OF COUNCILLORS

42. The councillors of the new municipalities shall be remunerated in accordance with the Remuneration of Public Office Bearers Act, No. 20 of 1998.

FIRST MEETING OF THE MUNICIPALITY

43. (1) As required in terms of section 29(2) of the Municipal Structures Act, the acting municipal manager shall convene a meeting of the Council within 14 days of the effective date and any other applicable law shall apply insofar as they relate to the convening of such meeting.
- (2) The order of business on the agenda of such meeting shall be determined by the acting municipal manager.
- (3) The acting municipal managers shall act as a chairperson at the meetings until the speaker is duly elected by the Council of the new municipalities.
- (4) (1) The rules of order of the meeting:
- (a) for Sedibeng District Municipality shall be those of the disestablished Lekoa/Vaal Metropolitan Council;
 - (b) for Emfuleni Local Municipality shall be those of the disestablished Western Vaal Metropolitan Local Council;
 - (c) for Midvaal Local Municipality shall be those of the disestablished Vereeniging/Kopanong Metropolitan Local Council;
 - (d) for Lesedi Local Municipality shall be those of the disestablished Heidelberg Town Council.

INVESTMENTS, CASH AND CASH BALANCES

44. 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 municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new municipality.

AGREEMENTS

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

AUTHORISED LOCAL AUTHORITY

46. (1) As from the effective date the new municipalities shall, in respect of their respective area of jurisdiction, be authorised local authorities:
- (a) under section 2 of the Town-Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), for the purpose of Chapters II, III and IV of the said Ordinance; and
 - (b) under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986 for purposes of Chapter IV of the said Ordinance.
- (2) The Sedibeng District Municipality shall, as from the effective date, be a local authority as contemplated in part 2 of the Sixth Schedule of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939)

PART 9

TRANSITIONAL ARRANGEMENTS

LEGAL MATTERS

47. (1) Any provision in any law applicable to local government and any right, duty, competency, obligation conferred, or any action taken in terms thereof, before the effective date shall, in respect of the

area of jurisdiction of the new municipalities, remain in force until amended, repealed or superseded.

- (2) (a) 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 the disestablished municipality that are in force on the effective date, shall continue in force in the area in which they were applicable until amendment or repealed or superseded by the competent municipality.
- (b) 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 the disestablished municipality must be applied (or carry out) by the new district municipality or new 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 (1) in the area of the new district municipality or the area of the new local municipality.
- (c) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice to-
 - (i) a disestablished municipality must be construed as a reference to the new municipality which has to apply or carry out the by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (2)(a); and
 - (ii) 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, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (2)(b).

48. (1) 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 stationed on the effective date.
- (2) The employment of persons transferred to a new district or a new local municipality in terms of sub-clause (1)-
- (a) must be regulated in accordance with any collective agreement, and
 - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and any other applicable legislation.
- (3) Until an agreement referred to in sub-clause (2)(a) has been concluded, employees are employed by the new district or a new local municipality on the same terms and conditions including remuneration applicable to them as employees of the disestablished municipality which previously employed them.
- (4) Any person who became an employee of the new municipality in terms of sub-clause (1) hereto shall perform such functions and duties assigned to him or her by the acting municipal manager until such time the Council of the new municipality decide otherwise.
- (5) A chief executive officer or town clerk of a disestablished municipality must, by not later than seven days after the effective date, submit a list containing the names and particulars of all

persons who on that date were in the employ of the municipality, to the acting municipal manager.

ACTING MUNICIPAL MANAGER

49. (1) Until such time that the municipal managers for the new municipalities are appointed as required by the Municipal Structures Act, an acting municipal manager shall exercise all powers, functions and duties attached to the office of the municipal manager.
- (2) The acting municipal managers shall be persons nominated for the new municipalities by the Municipal Facilitation Committee for the Southern District, established in terms of section 14(5) of the Municipal Structures Act, and shall be approved and designated as such by the MEC. Within 7 days from date of publication of this notice the facilitation Committee must submit the names of the nominated persons to the MEC, failing which the MEC will designate acting municipal managers for the new municipalities.
- (3) The acting municipal manager for each new municipality shall assume his or her duties on the effective date, and shall relinquish those duties when the municipal manager assume office, and on relinquishing such duties shall, if not appointed as the municipal manager, perform such other duties as the council may determine.
- (4) If, for any reason whatsoever, an acting municipal manager fails to assume his or her duties on the effective date, or thereafter ceases to be the acting municipal manager prior to the municipal manager assuming office, then a person designated by the MEC shall be the acting municipal manager.
- (5) The designation of an acting municipal manager referred to in sub-clause (2) and (4), is subject to ratification by the councils of the new municipalities.

BUDGET

50. Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provisions of this notice;

- (1) the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;
- (2) the 2000/2001 budget of a disestablished municipality shall, insofar as such budget pertains to an area incorporated into the new municipality, remain in force until 30 June 2001;
- (3) The budgets referred to in paragraphs (a) and (b) above shall together be deemed to constitute the budget of the new district and the new local municipality until 30 June 2001 and may be adjusted in terms of any applicable law.

VALUATION ROLL

51. Notwithstanding the provisions of any applicable law, any valuation roll and any supplementary or interim valuation roll of a disestablished which was of force and effect on the effective date, shall continue to be of force and effect in the area of the district and the local municipality until it is superseded by another valid valuation roll.

SERVICE DELIVERY

52. (1) If a service which is presently rendered in a specific area of a new municipality by a disestablished municipality, which for the major part falls within the area of another new municipality, and as a result of prevailing circumstances, cannot be rendered by the first municipality, the latter municipality shall continue to render such service.
- (2) The Chief Executive officers of the disestablished municipalities shall, within seven (7) days of the publication of this Notice, advise the MEC of the areas to which the provisions of sub-clause (1) apply.
- (3) If the provisions of sub-clause (1) are applicable, the relevant existing municipality 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 2002.

DISPUTE RESOLUTION

53. (1) Subject to 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.

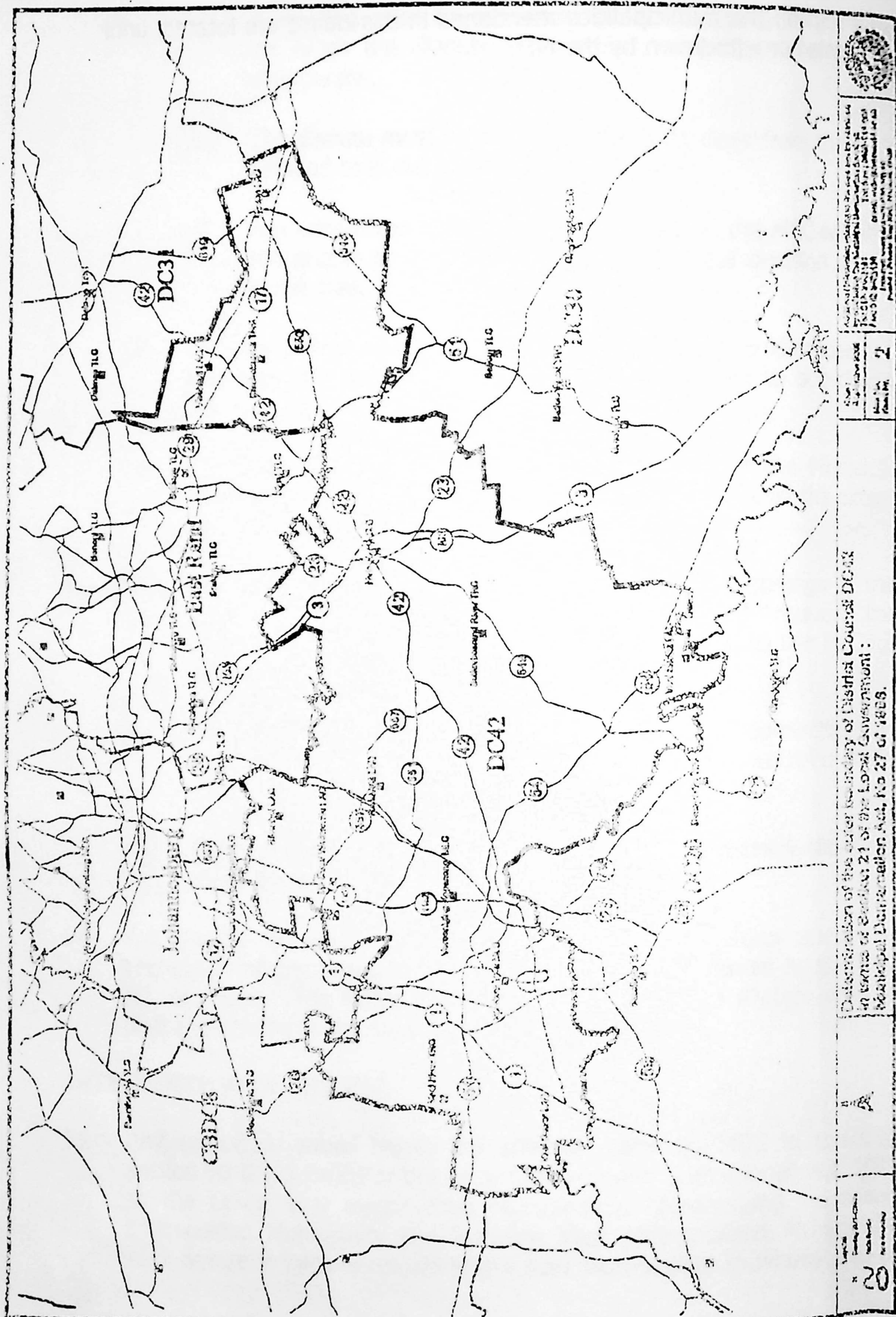
- (2) The committee consists of-
 - (a) the municipal manager of the new district municipality (or any person acting in that capacity) and one Councillor of that municipality nominated by the Council of that municipality; and
 - (b) the municipal manager of each of the new local municipalities (or any person acting in that capacity) and one councillor of each of those municipalities nominated by the Council of each of the new local municipalities concerned.
- (3)
 - (a) The committee shall elect one of its members, who shall be a councillor, as the chairperson of the committee.
 - (b) The chairperson of the committee 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 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 7 days from the date on which the dispute is declared, and submitted to the chairperson.
 - (e) The dispute must be resolved within 21 days from the date referred to in sub-clause (4)(d) above.
 - (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) The new district municipality and the new local municipalities are bound by the decisions of the committee, subject to sub-clause (7).
- (6) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act applies to members of the committee to the extent that the code can be applied.
- (7) The MEC may at any time intervene in the proceedings of the committee referred to in sub-clause (5) and request the committee to refer an unresolved matter before it to the MEC for resolution.
- (8) The MEC may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (9) The new district municipality and the new local municipalities are bound by the decisions of the MEC.
54. Any dispute between any other adjoining municipalities about the application of any provision of this notice shall be referred to the MEC for resolution. The MEC's decision relating to such a matter shall be final and binding to the municipalities concerned.

INTERVENTION OF THE MEC

55. Any instruction issued before the effective date by MEC in terms of section 10 G (2) (m)(i) of the Local Government Transitional Act, 1993 to the Lekoa Vaal metropolitan Municipality, Vereeniging Kopanong Metropolitan Municipality and Western Vaal Metropolitan Municipality shall remain in force in respect of the new municipality in whose area of

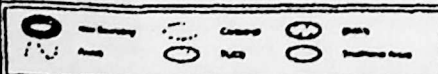
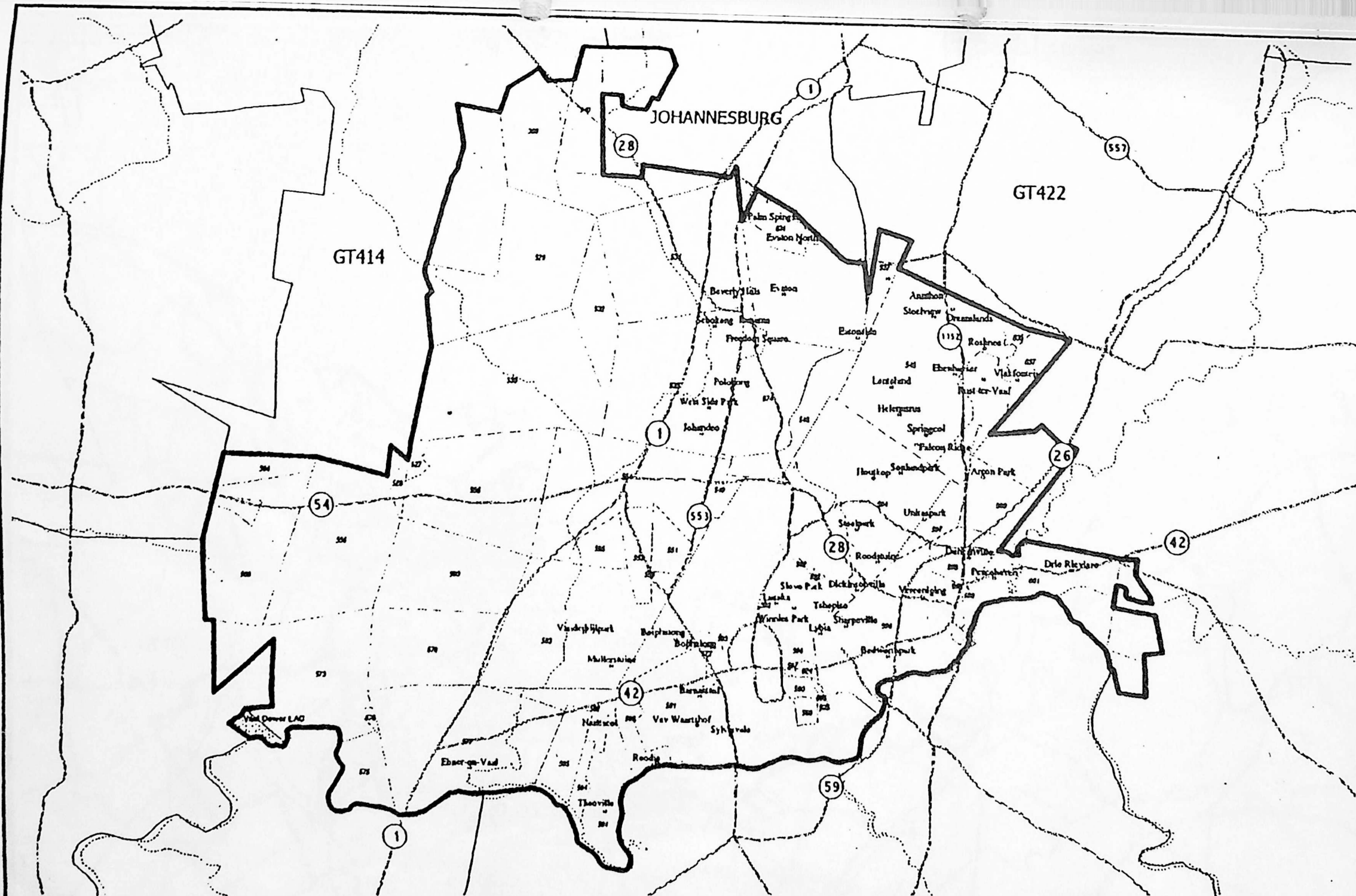
jurisdiction the municipalities mentioned in this clause are located, until repealed or withdrawn by the MEC.



Declaration of the validity of District Council DC42
in terms of Section 21 of the Local Government
Municipal Management Act, No 27 of 1988.

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Please Note: All data from this map is based on digital information supplied by the Department of Land and Surveying.

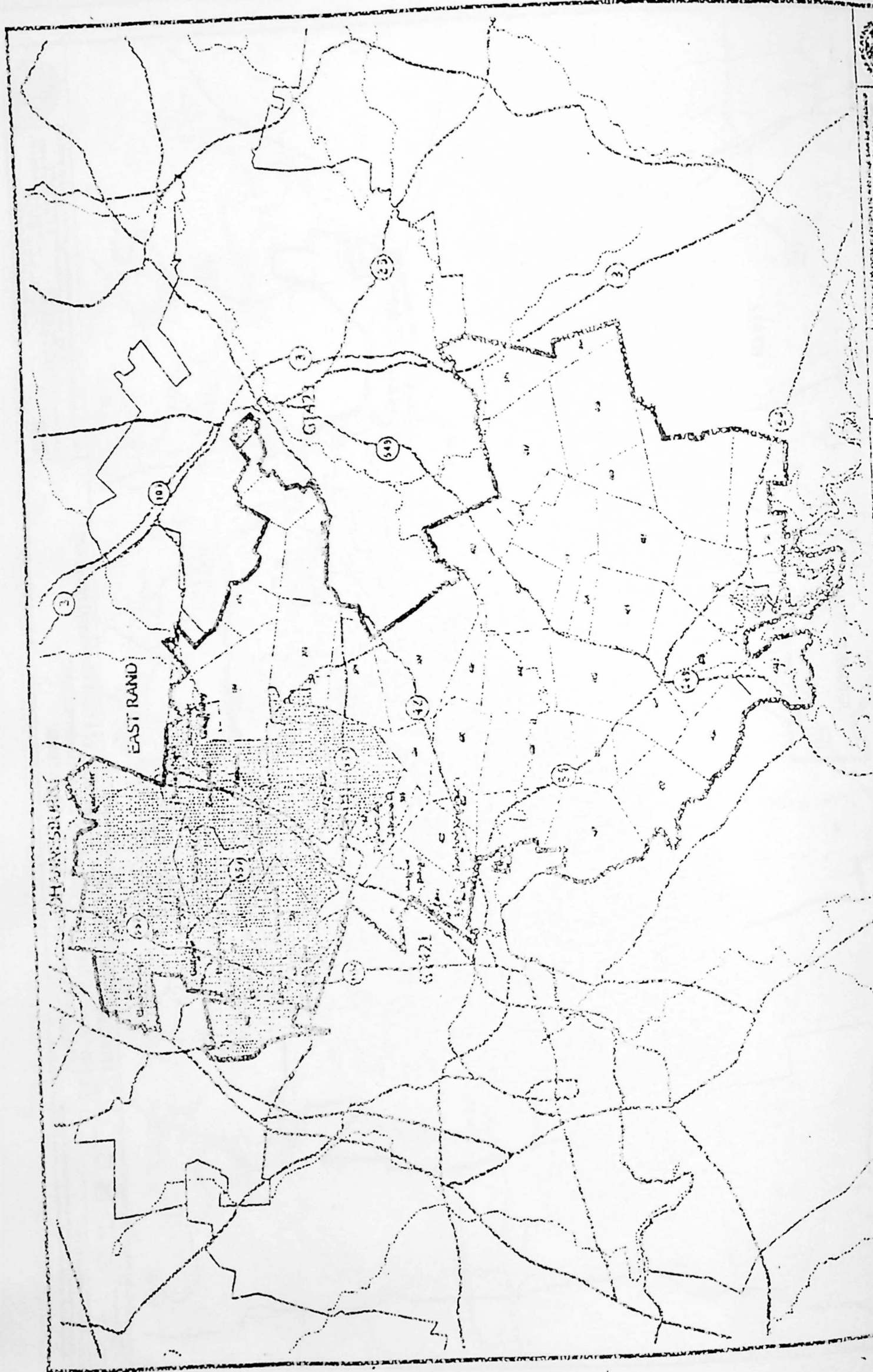
Re-determination of the outer boundary of Local Municipality GT421
in terms of Section 21(b) of the Local Government :
Municipal Demarcation Act, No 27 of 1998.

Date: February 2000

Map No. 3

Additional information relating to this map can be obtained by contacting the Municipal Demarcation Board at:
 Tel: 012-3422481
 Fax: 012-3422480
 e-mail: mdb@demarcation.co.za
 Internet: www.demarcation.org.za
 Postal: Private Bag X28, Hatfield, 0028





Department of Agriculture, Forestry and Fisheries
 Republic of South Africa
 The Minister of Agriculture, Forestry and Fisheries
 Private Mail Bag 1053
 Pretoria 0001

GI 422

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 In terms of Section 25(1) of the Land Use Management Act, No. 63 of 1995.
 Pretoria, December 1999.

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91	92	93	94	95	96	97	98	99	100

NOTICE 6766 OF 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**ESTABLISHMENT OF THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

By the powers vested in me by section 12(1), read with section 14(2) of the Local Government: Municipal Structures Act, 1998, I, Elias Khabisi Mosunkutu, Acting Member of the Executive Council responsible for local government in the Province of Gauteng, hereby establish the City of Johannesburg Metropolitan Municipality as set out in the Schedule hereto.

Given under my hand at Johannesburg on this 27th day of September Two Thousand.



EK MOSUNKUTU
Acting 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 11 of this Schedule;

"effective date" means-

- (a) the day on which the results of the first election of the council of the metropolitan municipality 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 the council can not be declared and a re-election must be held, the day in which the results of the re-election are declared;

"Gauteng Types of Municipality Act" means the Gauteng Types of Municipality Act, 2000;

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

"metropolitan area" means the area indicated by Map No. 1 in provincial General Notice No. 6569 dated 19 September 2000;

"metropolitan municipality" means the municipality established by clause 2 of this Schedule;

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

"proportionally elected councillors" means councillors elected to proportionally represent parties in the council of the metropolitan municipality;

"ward councillor" means a councillor elected to represent a ward in the council of the metropolitan municipality.

PART 2

ESTABLISHMENT OF THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

2. For the metropolitan area indicated by Map No. 1, published under provincial General Notice No. 6569 dated 19 September 2000, a new metropolitan municipality called the City of Johannesburg is hereby established with effect from the effective date.

CATEGORY

3. The City of Johannesburg is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

4. The City of Johannesburg is a municipality with a mayoral executive system combined with a ward participatory system as described in section 2(g) of the Gauteng Types of Municipality Act.

BOUNDARIES AND AREA OF JURISDICTION

5. (1) The boundaries of the City of Johannesburg are as indicated in Map No. 1, published under provincial General Notice No. 6569 dated 19 September 2000, and attached hereto as Annexure "A".
(2) The area of jurisdiction of the City of Johannesburg shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

6. The council of the City of Johannesburg consists of 217 councillors as determined in provincial General Notice No. 2813 dated 9 May 2000 of whom:
 - (a) 108 must be proportionally elected councillors; and
 - (b) 109 must be ward councillors.

FULL-TIME COUNCILLORS

7. In terms of section 18(4) of the Municipal Structures Act, the Minister for Provincial and Local Government, has, under General Notice No. 1515 dated 5 April 2000, determined that any or all of the following office-bearers may be designated by the council of the City of Johannesburg as full-time councillors:
 - (a) The Speaker;
 - (b) The Executive Mayor;
 - (c) The Executive Deputy Mayor; and
 - (d) Members of the Mayoral Committee.

WARDS

8. The City of Johannesburg consists of 109 wards with boundaries as set out in provincial General Notice No. 3691 dated 8 June 2000.

EXEMPTIONS

9. The City of Johannesburg is not exempted from any provision of the Municipal Structures Act.

SEAT

10. The seat of the City of Johannesburg shall be the Metropolitan Centre, 158 Loveday Street, Extension, Braamfontein, or the council of the municipality may by resolution decide that the seat of the City of Johannesburg shall be at such other place as it may determine.

PART 3

DISESTABLISHMENT OF EXISTING MUNICIPALITIES

11. (1) The following existing municipalities are hereby disestablished with effect from the effective date to the extent that those municipalities fall within the metropolitan area:
- (a) Greater Johannesburg Transitional Metropolitan Council established by Premier's Proclamation No. 24 dated 3 December 1994;
 - (b) Northern Johannesburg Transitional Metropolitan Local Council established by Premier's Proclamation No. 24 dated 3 December 1994;
 - (c) Eastern Johannesburg Transitional Metropolitan Local Council established by Premier's Proclamation No. 24 dated 3 December 1994;
 - (d) Southern Johannesburg Transitional Metropolitan Local Council established by Premier's Proclamation No. 24 dated 3 December 1994;
 - (e) Western Johannesburg Transitional Metropolitan Local Council established by Premier's Proclamation No. 24 dated 3 December 1994;
 - (f) Edenvale/Modderfontein Transitional Metropolitan Local Council established by Premier's Proclamation No. 2 dated 1 January 1995;
 - (g) Midrand/Rose Ridge/Tyger Park Transitional Metropolitan Local Council established by Premier's Proclamation No. 2 dated 1 January 1995;
 - (h) Khayalami Transitional Metropolitan Council established by Premier's Proclamation No. 2 dated 1 January 1995.
- (2) Until it is disestablished on the effective date, a municipality referred to in sub-clause (1)-

- (a) continues after the establishment of the City of Johannesburg; and
- (b) remains competent to function as the municipality for its area of jurisdiction.

VACATION OF OFFICE

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

PART 4

POWERS AND FUNCTIONS

- 13. (1) The powers and functions of the City of Johannesburg in respect of its area of jurisdiction shall be those as set out in section 83 of the Municipal Structures Act, read with section 156 of the Constitution as well as in any other law applicable to municipalities.
- (2) The City of Johannesburg shall have the power to levy rates, taxes, fees and duties as provided for in section 229 of the Constitution.

PART 5 GENERAL

SUCCESSION

- 14. (1) In terms of section 14(1) of the Municipal Structures Act, the City of Johannesburg, as from the effective date, becomes the successor-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 a disestablished municipality falls within the boundaries of the City of Johannesburg.
- (2) The City of Johannesburg may by agreement with an adjoining municipality, or must if the MEC so directs, transfer or cede any of those assets, resources, liabilities, rights, obligations or records vested in it in terms of sub-clause (1) to that other municipality.

- (3) The chief executive officer/town clerk of a disestablished municipality must by not later than seven days after the effective date submit an inventory of all the assets and liabilities of that municipality as at that date to the acting municipal manager referred to in clause 23 of this Schedule.

FIRST MEETING OF THE COUNCIL

15. (1) The acting municipal manager of the City of Johannesburg shall, in terms of section 29(2) of the Municipal Structures Act, convene a meeting of the council of the City of Johannesburg 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 the disestablished Greater Johannesburg Transitional Metropolitan Council shall apply to such meeting.
- (3) The order of business on the agenda of such meeting shall be determined by the acting municipal manager of the City of Johannesburg.
- (4) The acting municipal manager shall act as chairperson at the meeting until a speaker is duly elected by the council of the City of Johannesburg.

REMUNERATION OF COUNCILLORS

16. If, on the effective date, remuneration for councillors and office-bearers of the City of Johannesburg has not been fixed in accordance with the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), then until such time as their remuneration has been fixed in terms of the said Act, the councillors and office-bearers shall be remunerated on the basis applicable to the councillors and office-bearers of the disestablished Greater Johannesburg Transitional Metropolitan Council.

INVESTMENTS, CASH AND CASH BALANCES

17. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to the City of Johannesburg; Provided that where the area of a disestablished municipality falls in more than one newly established

municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the City of Johannesburg.

AGREEMENT

18. The City of Johannesburg may enter into an agreement with any adjoining municipality for the purpose of facilitating the continuation of efficient and effective local government in an area.

AUTHORISED LOCAL AUTHORITY

19. As from the effective date the City of Johannesburg shall, in its area of jurisdiction, be an authorised local authority:
 - (1) under section 2 of the Town-Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), for the purposes of Chapters II, III and IV of the said Ordinance; and
 - (2) under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), for purposes of Chapter IV of the said Ordinance.

LOCAL AUTHORITY CONTEMPLATED IN PART 1 OF THE SIXTH SCHEDULE TO THE LOCAL GOVERNMENT ORDINANCE, 1939

20. The City of Johannesburg shall, as from the effective date, be a local authority as contemplated in Part 1 of the Sixth Schedule to the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

PART 6 TRANSITIONAL ARRANGEMENTS

LEGAL MATTERS

21.
 - (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 City of Johannesburg until repealed or superseded.
 - (2) All by-laws, and any action taken in terms of such by-laws, resolutions, delegations, town planning schemes, integrated

development plans or statutory notices of a disestablished municipality that are in force on the effective date, shall continue in force in the area in which they were applicable until repealed, amended or superseded.

- (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 must be applied by the City of Johannesburg to the extent to which that by-law, action, 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 City of Johannesburg.
- (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 City of Johannesburg 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 City of Johannesburg 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

22. (1) If a service which is presently rendered in a specific area of a new municipality by a disestablished municipality which for the major part falls within the area of the City of Johannesburg, and as a result of prevailing circumstances cannot be rendered by the first mentioned municipality, the City of Johannesburg shall continue to render such service.
- (2) The chief executive officer/town clerk 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) applies.

- (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 the agreement shall not extend beyond 30 June 2002.

ACTING MUNICIPAL MANAGER

23. (1) The acting municipal manager for the City of Johannesburg shall be a person nominated by the Municipal Facilitation Committee for the Greater Johannesburg Metro, established in terms of section 14(5) of the Municipal Structures Act, and approved and designated by the MEC. Within seven days of publication of this Notice, the Municipal Facilitation Committee must submit the name of the nominated person to the MEC; failing which the MEC will designate a person as acting municipal manager.
- (2) The designation of a person by the MEC as acting municipal manager in terms of sub-clause (1) must be ratified by the council of the City of Johannesburg.
- (3) Until such time that the municipal manager for the City of Johannesburg is appointed in terms of section 82 of the Municipal Structures Act, all powers, functions and duties attached to the office of the municipal manager shall be exercised by the acting municipal manager.
- (4) The acting municipal manager shall assume his or her duties on the effective date, and shall relinquish those duties when the City of Johannesburg has in terms of sub-clause (3) appointed a municipal manager, and on relinquishing such duties shall if he or she is not appointed as municipal manager, perform such other duties as the council of the City of Johannesburg may determine.
- (5) If, for any reason whatsoever the acting municipal manager fails to assume his or her duties as such on the effective date or thereafter ceases to be acting municipal manager prior to the municipal manager assuming office, a person designated by the MEC shall be the acting municipal manager and the provisions of sub-clause (2) shall apply.

HUMAN RESOURCES

24. (1) A person who on the effective date is an employee of a disestablished municipality becomes an employee of the City of Johannesburg.
- (2) The employment of persons by the City of Johannesburg in terms of sub-clause (1)-
- (a) must be regulated in accordance with any collective agreement concluded between the City of Johannesburg and trade unions representing those employees; and
 - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable legislation.
- (3) Until an agreement referred to in sub-clause (2)(a) has been concluded, employees are employed by the City of Johannesburg on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipalities which previously employed them.
- (4) The chief executive officer/town clerk 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 that municipality and submit that list to the acting municipal manager referred to in clause 23 of this Schedule.
- (5) Any employee of the City of Johannesburg transferred in terms of sub-clause (1) shall perform such functions and duties assigned to him or her by the acting municipal manager, until such time as the council of the City of Johannesburg decide otherwise.

FINANCIAL MATTERS

Budget

25. Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provisions of this Notice:

- (a) the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;
- (b) the 2000/2001 budget of a disestablished municipality shall insofar as such budget pertains to an area of the City of Johannesburg, remain in force until 30 June 2001;
- (c) the budgets referred to in sub-clauses (a) and (b) shall together be deemed to constitute the budget of the City of Johannesburg until 30 June 2001 and may be adjusted in terms of any applicable law.

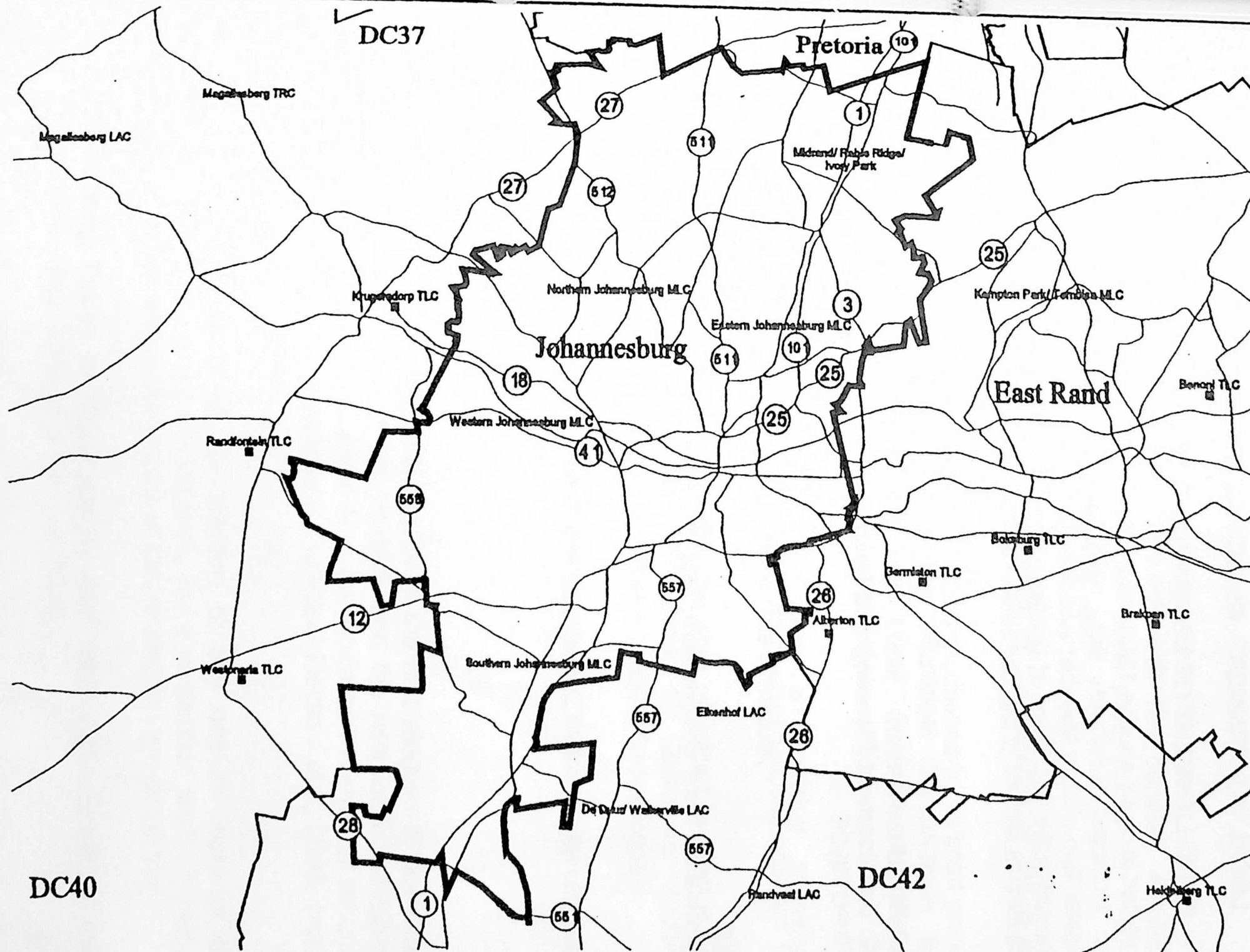
Valuation Roll

- 26. Notwithstanding the provisions of any applicable law, 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 City of Johannesburg until such time as it is superseded by another valid valuation roll.

DISPUTE RESOLUTION

- 27. (1) If a dispute arises between the City of Johannesburg and any adjoining municipality concerning the application of any provision of this Notice, the municipalities concerned must establish a dispute resolution committee.
- (2) The committee shall consists of an equal number of councillors of the relevant municipalities as well as the municipal managers (or any person acting in that capacity) of the relevant 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 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.

110. 111
- PROVINCIAL GAZETTE EXTRAORDINARY, 1 OCTOBER 2000
- (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 first meeting held by the committee or within a reasonable time;
 - (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) the municipalities concerned are bound by the decisions of the committee.
- (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 municipalities concerned are bound by the decisions of the MEC.
- (7) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act, applies to members of the committee to the extent that the Code can be applied.



Determination of outer boundary of the Metropolitan Municipality of Johannesburg in terms of Section 21 of the Local Government : Municipal Demarcation Act, No 27 of 1998.

Date :
September 2000

Map No.
Kaart Nr. 1

Additional information relating to this map can be obtained by contacting the Municipal Demarcation Board at:
Tel: 012-3422481
Fax: 012-3422480
Internet: www.demarcation.org.za
email: mdb@dataworld.co.za
Postal: Private Bag X29, Hatfield, 0028



Legend
Existing LAC/MLC
Main Roads
New Boundary



20

NOTICE 6787 OF 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**ESTABLISHMENT OF NETSWEDING DISTRICT MUNICIPALITY**

By powers vested in us by section 12(1) read with section 14(2) and section 90(2) of the Local Government: Municipal Structures Act, 1998, we, Elias Khabisi Mosunkutu and Bagodi Jonathan Tsietsi Tolo, Acting Member and Member of the Executive Councils responsible for local government in the Provinces of Gauteng and Mpumalanga respectively, hereby establish the municipalities as set out in the Schedule hereto.

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

E. K. MOSUNKUTU

Acting MEC: Development Planning and Local Government
GAUTENG PROVINCE

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

B. J. T. TOLO

MEC responsible for local government: Mpumalanga 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 Act, 1996 (Act 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 28 of this Schedule;

"district municipal area" means the area indicated by Map No. 4 in provincial General Notice No. 6396 dated 13 September 2000 and Provincial Notice 291 dated 22 September 2000 (Mpumalanga);

"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);

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

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

"Mpumalanga Further Determination of Types of Municipalities Act" means the Mpumalanga Further Determination of Types of Municipalities Act, 2000, (Act No. 4 of 2000);

"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;

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

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

PART 2

ESTABLISHMENT OF METSWEDING DISTRICT MUNICIPALITY

2. For the district municipal area indicated by Map No. 4, published under provincial General Notice No. 6396 dated 13 September 2000 and Provincial Notice 291 dated 22 September 2000 (Mpumalanga), a new district municipality called Metsweding District Municipality is hereby established with effect from the effective date.

CATEGORY

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

4. Metsweding District Municipality is a municipality with a Mayoral Executive System as described in section 4(b) of the Gauteng Types of Municipality Act and section 4(b) of the Mpumalanga Further Determination of Types of Municipalities Act.

BOUNDARIES AND AREA OF JURISDICTION

5. (1) The boundaries of Metsweding District Municipality are as indicated in Map No. 4, published under provincial General Notice No. 6396 dated 13 September 2000 and Provincial Notice 291 dated 22 September 2000 (Mpumalanga), and attached hereto as Annexure "A".
- (2) The area of jurisdiction of Metsweding District Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

6. (1) The council of Metsweding District Municipality consists of 15 councillors as determined in Provincial Notice No. 4590 dated 13 July 2000 and Provincial Notice 212 dated 21 July 2000, of whom;
- (a) 6 must be proportionally elected councillors;
 - (b) 4 must be appointed by the local municipality mentioned in Part 3 of this Schedule; and
 - (c) 5 must be appointed by the local municipality mentioned in Part 4 of this Schedule.

FULL-TIME COUNCILLORS

7. (1) Any or all of the following office bearers may be designated by the council of Metsweding District Municipality as full time councillors:
- (a) The Mayor;
 - (b) The Speaker; and

- (c) The Members of the Mayoral Committee.

EXEMPTIONS

8. Metsweding District Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

9. The seat of Metsweding District Municipality shall be the municipal offices at Muniforum 1, at the Corner of Botha and Mark Streets, Bronkhorstspuit, or the council of the municipality may by resolution decide that the seat of the municipality shall be at such other place as it may determine.

PART 3

ESTABLISHMENT OF NOKENG TSA TAEMANE LOCAL MUNICIPALITY

10. For that part of the district municipal area indicated by Map No. 10, published under provincial General Notice No 6569 dated 19 September 2000, a new local municipality called Nokeng tsa Taemane Local Municipality is hereby established with effect from the effective date.

CATEGORY

11. Nokeng tsa Taemane 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. Nokeng tsa Taemane Local Municipality is a Municipality with a Collective Executive System as described in section 3(a) of the Gauteng Types of Municipality Act and section 3(a) of the Mmoralanga Further Determination of Types of Municipalities Act.

BOUNDARIES AND AREA OF JURISDICTION

13. (1) The boundaries of Nokeng tsa Taemane Local Municipality are as indicated in Map No. 10, published under provincial General

Notice No. 6569 dated 19 September 2000, and attached hereto as Annexure "B".

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

NUMBER OF COUNCILLORS

14. (1) The council of Nokeng tsa Taemane Local Municipality consists of 12 councillors as determined in provincial General Notice No. 2813 dated 9 May 2000 of whom:
 - (a) 6 must be proportionally elected councillors; and
 - (b) 6 must be ward councillors.

FULL-TIME COUNCILLORS

15. In terms of section 18(4) of the Municipal Structures Act, and in terms of the Policy Framework published by the Minister in General Notice No. 1515 dated 5 April 2000, there are no office bearers that may be designated by the Municipality of Nokeng tsa Taemane.

WARDS

16. Nokeng tsa Taemane Local Municipality consists of 6 wards with boundaries as set out in provisional provincial General Notice No. 4896 dated 24 July 2000.

EXEMPTIONS

17. Nokeng tsa Taemane Local Municipality is not exempted from any provision of the Municipal Structures Act.

SEAT

18. The seat of Nokeng tsa Taemane Local Municipality shall be the municipal offices at Oakly Street, Rayton, or the council of the municipality may by resolution decide that the seat of the municipality shall be at such other place as it may determine

PART 4

ESTABLISHMENT OF KUNGWINI LOCAL MUNICIPALITY

19. For that part of the district municipal area indicated by Map No. 10, published under provincial General Notice No. 6569 dated 19 September 2000 and Provincial Notice 291 dated 22 September 2000 (Mpumalanga), a new local municipality called Kungwini Local Municipality is hereby established with effect from the effective date.

CATEGORY

20. Kungwini 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. Kungwini Local Municipality is a municipality with a Collective Executive System as described in section 3(a) of the Gauteng Types of Municipality Act and section 3(a) of the Mpumalanga Further Determination of Types of Municipalities Act.

BOUNDARIES AND AREA OF JURISDICTION

22. (1) The boundaries of Kungwini Local Municipality are as indicated in Map No. 10, published under provincial General Notice No. 6569 dated 19 September 2000 and Provincial Notice 291 dated 22 September 2000 (Mpumalanga), and attached hereto as Annexure "C".
- (2) The area of jurisdiction of Kungwini Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

23. The council of Kungwini Local Municipality consists of 24 councillors as determined in provincial Notice No. 2815 dated 9 May 2000 and Provincial Notice 260 dated 5 September 2000 (Mpumalanga) of whom:
 - (a) 12 must be proportionally elected councillors; and

- (b) 12 must be ward councillors.

FULL-TIME COUNCILLORS

24. In terms of section 18(4) of the Municipal Structures Act, and in terms of the Policy Framework published by the Minister in General Notice No. 1515 dated 5 April 2000, there are no office bearers that may be designated by the Municipality of Kungwini.

WARDS

25. Kungwini Local Municipality consists of 12 wards with boundaries as set out in provisional provincial General Notice No. 4894 dated 24 July 2000.

SEAT

26. The seat of Kungwini Local Municipality shall be the municipal offices at Muniforum 1, at the corner of Botha and Mark Streets, Bronkhorstspuit, or the council of the municipality may by resolution decide that the seat of the municipality shall be at such other place as it may determine.

EXEMPTIONS

27. Kungwini Local Municipality is not exempted from any provision of the Municipal Structures Act.

PART 5

DISESTABLISHMENT OF EXISTING MUNICIPALITIES

28. (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) Bronkhorstspuit Transitional Local Council established by Premier's Proclamation No. 5074 dated 15 December 1994;
 - (b) Cullinan Transitional Local Council established by Premier's Proclamation No. 4 dated 1 January 1995;

- (c) Eastern Gauteng Services Council established by Premier's Proclamation No. 4 dated 1 January 1995;
 - (d) Roodeplaat Local Area Committee established by Premier's Proclamation No. 4 dated 1 January 1995;
 - (e) Elands River Transitional Representative Council established by Premier's Proclamation No. 4 dated 1 January 1995;
 - (f) Bronberg Transitional Representative Council established by Premier's Proclamation No. 4 dated 1 January 1995;
 - (g) Ekangala Local Council established by Proclamation No. 43 dated 12 July 1995;
 - (h) Highveld District Council established by Proclamation No. 28 dated 28 July 1995; and
 - (i) Pienaarsrivier Transitional Representative Council established by Premier's Proclamation No. 4 dated 1 January 1995.
- (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.

VACATION OF OFFICE

29. 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 6

POWERS AND FUNCTIONS

30. The powers and functions of the 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 sections 156 and 229 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.
31. In terms of section 84 (1)(p) of the Municipal Structures Act, read with section 229 of the Constitution, 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).

PART 7

GENERAL

SUCCESSION

32. (1) In terms of section 14(1) of the Municipal Structures Act, the new municipalities as from the effective date, become successors-in law to 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, liabilities, rights, obligations, 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 sections 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, 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, and administrative records, immediately before the effective date, was located.
- (2) A new municipality to whom assets, 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, liabilities or records to that municipality.
- (3) The chief executive officer or town clerk of a disestablished municipality must by not later than seven (7) days after the effective date submit an inventory of all the assets and liabilities as at that date, to each of the acting municipal managers.

AUTHORISED LOCAL AUTHORITY

33. (1) The new municipalities shall as from the effective date, be authorised local authorities in their respective areas of jurisdiction.
- (a) under section 2 of the Town Planning and Townships Ordinance, 1986 (Ordinance No.15 of 1986) for the purposes of Chapters II, III, and IV of the said Ordinance; and
 - (b) under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), for the purposes of Chapter IV of the said Ordinance.

LOCAL AUTHORITY CONTEMPLATED IN PART 2 OF THE SIXTH SCHEDULE TO THE LOCAL GOVERNMENT ORDINANCE, 1939

34. The new municipalities shall, as from the effective date be local authorities as contemplated in Part 2 of the Sixth Schedule of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

FIRST MEETING OF THE COUNCIL

35. (1) As required in terms of section 29(2) of the Municipal Structures Act, the acting municipal manager of the new municipality shall, within 14 days of the effective date, convene a meeting of a council of the new municipality and the relevant provisions of any applicable law shall apply insofar as it relate to the convening of such a meeting.
- (2) The order of business on the agenda of such meetings shall be determined by the acting municipal manager of the new municipality.
- (3) The acting municipal manager shall act as chairperson at the meeting until a speaker is duly elected by the council of the new municipality.
- (4) At the first meeting referred to in this clause, the rules of order shall:
- (a) For Metsweding District Municipality, be those of the disestablished Eastern Gauteng Service Council.
 - (b) For Kungwini Local Municipality, be those of the disestablished Ekangala Transitional Representative Council.
 - (c) For Nokeng tsa Taemane Local Municipality, be those of the disestablished Eastern Gauteng Services Council.

REMUNERATION OF COUNCILLORS

36. The councillors of the established municipalities shall be remunerated in accordance with the Remuneration of Public Office Bearers Act, No 20 of 1998.

INVESTMENTS, CASH AND CASH BALANCES

37. 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 municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new municipality.

AGREEMENT

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

PARTICIPATION OF TRADITIONAL LEADERS

39. The participation of traditional leaders in the proceedings of Metsweding District Council shall take place in accordance with the provisions of section 81 of the Municipal Structures Act.

PART 8

TRANSITIONAL ARRANGEMENTS

ACTING MUNICIPAL MANAGERS

40. (1) The acting municipal manager shall be a person nominated for the new municipalities by the Municipal Facilitation Committee for North Eastern District, established in terms of section 14(5) of the Municipal Structures Act, and shall be approved and designated by the MEC. Within seven (7) days of the publication of this notice, the Municipal Facilitation Committee must submit the name of the nominated person to the MEC, failing which the MEC shall designate a person as the acting municipal manager.
- (2) Until such time that the municipal managers for the new municipalities are appointed as required in terms of the Municipal Structures Act, all powers, functions and duties attached to the office of the municipal manager shall be exercised by the acting municipal manager.
- (3) The acting municipal manager shall assume his or her duties on the effective date, and shall relinquish those duties when the municipal manager assumes office and on relinquishing such duties, shall if not appointed as municipal manager, perform such other duties as the council may determine.
- (4) If, for any reason whatsoever, the acting municipal manager fails to assume his or her duties on the effective date or thereafter ceases to be the acting municipal manager prior to him or her

assuming office, a person designated by the MEC shall be the acting municipal manager.

- (5) The designation of the acting municipal manager referred to in sub-clauses (1) and (4) is subject to ratification by the council of Tshwane Metropolitan Municipality.

HUMAN RESOURCES

41. (1) 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 1(a) become employees of the new local municipality in whose area they are stationed on the effective date.
- (2) The employment of persons transferred to a new district or a new local municipality in terms of sub clause (1) -
 - (a) must be regulated in accordance with any collective agreement; and
 - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable legislation.
- (3) Until an agreement referred to in sub clause (2)(a) has been concluded, employees are employed by the new district or a new local municipality on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipality which previously employed them.

- (4) Any person who becomes an employee of a municipality referred to in sub-clause (1) shall perform such functions and duties assigned to him or her by the acting municipal manager and thereafter by the municipal manager until such time as the council of the municipality decides otherwise.
- (5) The chief executive officer or town clerk 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 that municipality; and submit that list to each of the acting municipal managers.

DISPUTE RESOLUTION

42. (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 of the new district municipality and a 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 a 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 of the committee 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) Any matter to be placed before the committee shall be submitted to the chairperson in writing under the hand of the municipal manager or any person acting in that capacity and any matter submitted shall be placed before the committee within seven (7) days from the date on which the dispute is declared.
 - (b) Only those members who are councillors may vote.
 - (c) A question before the committee is decided with a supporting vote of the majority of the councillors present at the meeting.
 - (d) 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.
 - (e) The dispute must be resolved within 21 days from the date of the meeting referred to in sub-clause 3(d).
 - (f) Any unresolved matter shall be referred to the MEC within a reasonable time from the date of the final decision of the committee for resolution.
- (5) Subject to sub-clause 7 the new district municipality and the new local municipalities are bound by the decisions of the committee.
- (6) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act applies to members of the committee to the extent that the code can be applied.
- (7) 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.
- (8) The MEC may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (9) The new district municipality and the new local municipalities are bound by the decisions of the MEC.

any provision of this notice shall be referred to the MEC for resolution. The MEC's decision relating to such a matter shall be final and binding to the municipalities concerned.

LEGAL MATTERS

44. (1) Any provision in any law applicable to Local Government and any right, duty, competency or obligation conferred, or any action taken in terms thereof, before the effective date shall in respect of the new municipalities remain in force until amended, repealed or superseded.
- (2) (a) All by-laws, and any action taken in terms of such by-laws, resolutions, delegations, statutory notices, integrated development plans or town planning schemes of a disestablished municipality that are in force on the effective date, shall continue in force in the area in which they were applicable until repealed or superseded.
- (b) A by-law, and any action taken in terms of such by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme of the disestablished district municipality must be applied by the new district municipality or local municipality to the extent to which that by-law, action taken in terms of such by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme continues in force in terms of sub-clause (1) in the area of the new district municipality or the area of the new local municipality.
- (c) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme to -
- (i) a disestablished municipality must be construed as a reference to the new municipality which has to apply or carry out the action, by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme in terms of sub clause (b); and

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 action, by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme in terms of sub-clause (b).

VALUATION ROLLS

45. Notwithstanding the provisions of any applicable law, 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 in the area of the district and local municipality, until it is superseded by another valid valuation roll.

BUDGET

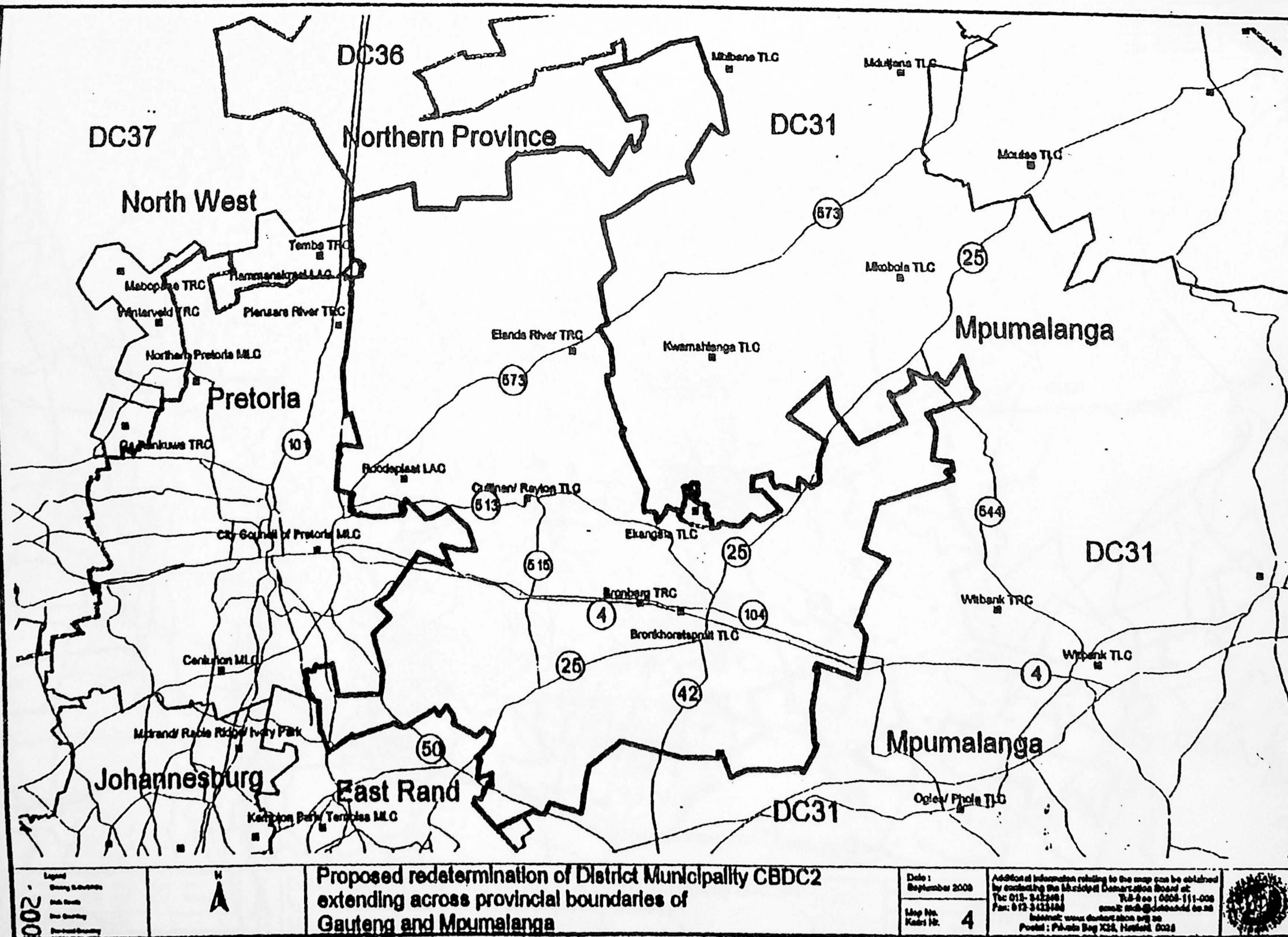
46. (1) Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provisions of this Schedule;
- (a) the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;
 - (b) the 2000/2001 budget of a disestablished municipality shall, insofar as such budget pertains to an area incorporated into the new municipality, remain in force until 30 June 2001; and
 - (c) the budgets referred to in clause (a) and (b) above shall together constitute the budget of the established municipalities until 30 June 2001 and may be adjusted in terms of any applicable law.

SERVICE DELIVERY

47. (1) If a service which is presently rendered in a specific area of a new municipality by a disestablished municipality, which for the major part falls within the area of another new municipality, and as a result of prevailing circumstances, cannot be rendered by the first

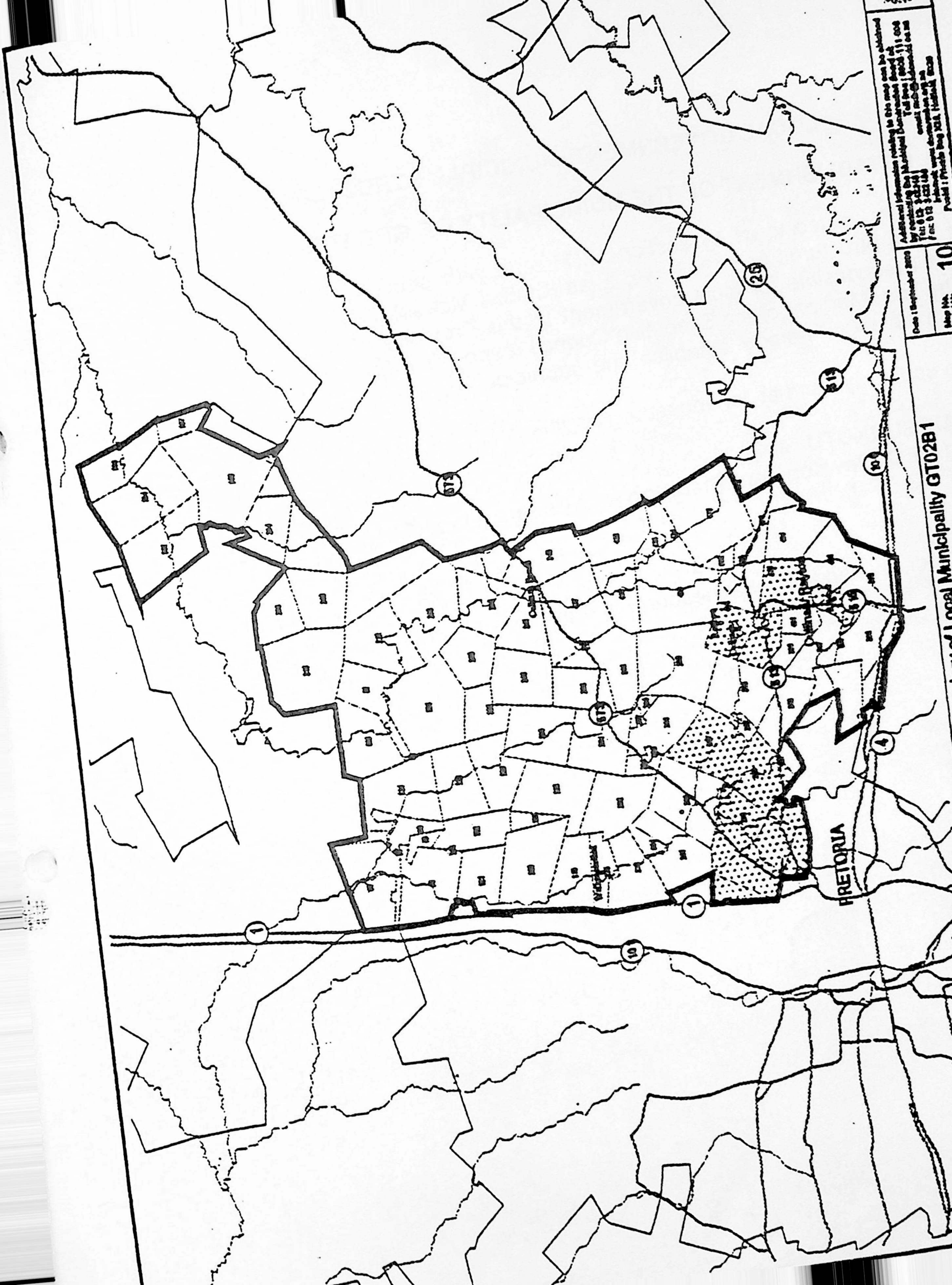
municipality, the latter municipality shall continue to render such service.

- (2) The Chief Executive Officers of the disestablished municipalities shall, within seven (7) days of the publication of this Notice, advise the MEC of the areas to which the provisions of sub-clause (1) apply.
- (3) If the provisions of sub-clause (1) are applicable, the relevant existing municipality 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 2002.





Legend	A	REVISED BOUNDARY OF LOCAL MUNICIPALITY C812 EXTENDING ACROSS PROVINCIAL BOUNDARIES OF GAUTENG AND MPUMALANGA	Date of Revision: ... Drawn by: ... No. 10	Address of the Municipality: ... Tel: 011 931 1212 Fax: 011 931 1212 Email: ... Website: ...
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Determination of the outer boundary of Local Municipality GT02B1

**In terms of Section 21(b) of the Local Government:
Municipal Demarcation Act, No 27 of 1998.**

Date: 1 September 2000
Map No. 10
Sheet No. 10

Additional information relating to this map can be obtained
by contacting the Municipal Demarcation Board at 1 000
744 013 / 012 342 144 / 012 342 145
Internet: www.demarcation.org.za
Postal: Private Bag 924, Halfway, 1600

Legend

- Outer boundary of the Municipality
- Inner boundary of the Municipality
- Other boundaries
- Water bodies
- Other features

This map was prepared from data supplied by the Department of Water and Sanitation. The Department is not responsible for any errors or omissions in the data supplied.

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998

ESTABLISHMENT OF THE MUNICIPALITY OF GREATER EAST RAND METRO

By powers vested in us by section 12(1) read with section 14(2) of the Local Government: Municipal Structures Act, 1998, we, Elias Khabisi Mosunkutu Acting Member of the Executive Council responsible for local government in the Province of Gauteng and Bagudi Jonathan Tsietsi Tolo, Member of the Executive Council responsible for local government in the Province of Mpumalanga, hereby establish the municipalities as set out in the Schedule hereto.

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

E. K. MOSUNKUTU

Acting MEC: Development Planning and Local Government
GAUTENG PROVINCE

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

B. J. T. TOLO

MEC responsible for local government: Mpumalanga 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);

"effective date" means-

- (a) the day on which the results of the first election of the council of the metropolitan municipality are declared as envisaged by section 64 of the Local Government: Municipal Electoral Act, 2000 (Act No.27 of 2000); or
- (b) if the results of the election of the council cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared.

"Disestablished municipality" means a municipality disestablished in terms of clause 11 of this Schedule;

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

"Mpumalanga Further Determination of Types of Municipalities Act" means the Mpumalanga Further Determination of Types of Municipalities Act, 2000 (Act No.4 of 2000);

"MEC " means the Member of Executive Council responsible for the local government in the province of Gauteng acting jointly with the Member of the Executive Council responsible for the local government in the Province of Mpumalanga.

"Metropolitan area" means the area indicated by Map No. 1 in Provincial General Notice No.6396 dated 13 September 2000;

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

Proportionally elected councillors" means councillors elected to proportionally represent parties in the council of the metropolitan municipality; and

Ward councillor" means a councillor elected to represent a ward in the council of the metropolitan municipality.

PART 2

1. ESTABLISHMENT

A metropolitan municipality called Greater East Rand Metro is hereby established in the metropolitan area.

The establishment of the metropolitan municipality mentioned in sub-clause (1) hereof, takes effect on the effective date.

Greater East Rand Metro is a category A municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

Greater East Rand Metro is a municipality with a Mayoral Executive combined with Ward Participatory System as described in section 2(g) of the Gauteng Types of Municipality Act and section 2(g) of the Mpumalanga Further Determination of Types of Municipalities Act.

2. BOUNDARIES AND AREA OF JURISDICTION

The boundaries of Greater East Rand Metro are as indicated in Map No. 1, published in provincial General Notice No. 6396 dated 1996.

- (2) The area of jurisdiction of Greater East Rand Metro shall be the area falling within the boundaries referred to in sub-clause (1) hereof.

NUMBER OF COUNCILLORS

6. (1) The council of Greater East Rand Metro consists of 175 councillors as determined in provincial General Notice No. 2815, dated 9 May 2000 and Notice No.260 dated 5 September 2000 (Mpumalanga) of whom :
- (a) 87 must be proportionally elected councillors; and
 - (b) 88 must be ward councillors.

FULL-TIME COUNCILLORS

7. (1) In terms of section 18(4) of the Municipal Structures Act, the Minister for Provincial and Local Government has, under General Notice No. 1515 dated 5 April 2000, determined that any or all of the following office-bearers may be designated by the council of Greater East Rand Metro as full-time councillors:
- (a) The Speaker;
 - (b) The Executive Mayor;
 - (c) The Deputy Executive Mayor; and
 - (d) Members of the Mayoral Committee.

WARDS

8. Greater East Rand Metro consists of 88 wards with boundaries as set out in provisional provincial General Notice No.4900 dated 24 July 2000.

EXEMPTION

9. Greater East Rand Metro is not exempted from any provision of the Local Government Act

SEAT

10. The seat of Greater East Rand Metro shall be the municipal offices situated at the corner of Cross and Rose Streets, Germiston. The council of the municipality may by resolution decide that the seat of Greater East Rand Metro shall be at such other place as it may determine.

Part 3

DISESTABLISHMENT OF EXISTING MUNICIPALITIES

11. (1) The following existing municipalities are hereby disestablished with effect from the effective date to the extent that those municipalities fall within the metropolitan area:
- (a) Khayalami Metropolitan Council established by Premier's Proclamation No. 2 dated 1 January 1995.
 - (b) Kempton Park/Thembisa Metropolitan Local Council established by Premier's Proclamation No. 2 dated 1 January 1995.
 - (c) Edenvale/Modderfontein Metropolitan Local Council established by Premier's Proclamation No. 2 dated 1 January 1995.
 - (d) Brakpan Town Council established by Premier's Proclamation No. 10 dated 14 September 1994.
 - (e) Greater Germiston Transitional Local Council established by Premier's Proclamation No. 23 dated 3 December 1994.
 - (f) Greater Nigel Transitional Local Council established by Premier's Proclamation No. 42 dated 12 December 1994.
 - (g) Springs City Council established by Premier's Proclamation No. 34 dated 6 December 1994.
 - (h) Greater Benoni City Council established by Premier's Proclamation No. 5062 dated 6 December 1994.
 - (i) Transitional Local Council of Boksburg established by Premier's Proclamation No. 46 dated 15 December 1994.

- DOITENGWONE PROVINSIALE KOERANT, PORT...
- (j) Alberton Town Council established by Premier's Proclamation No. 31 dated 9 December 1994.
 - (k) Eastern Gauteng Services Council established by Premier's Proclamation No. 4 dated 1 January 1995.
 - (l) Greater Johannesburg Metropolitan Council established by Premier's Proclamation No. 24 dated 3 December 1994.
 - (m) Eastern Johannesburg Metropolitan Local Council established by Premier's Proclamation No. 24 dated 3 December 1994.
 - (n) East Vaal District Council established by Premier's Proclamation No. 119 dated 28 July 1995.
 - (o) Midrand/Rabie Ridge/Ivory Park Metropolitan Local Council established by Premier's Proclamation No. 2 dated 1 January 1995.

- (2) Until disestablished on the effective date, the municipalities referred to in sub-clause (1)-
 - (a) continue after the establishment of Greater East Rand Metro; and
 - (b) remain competent to function as the municipality for its area.

VACATION OF OFFICE

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

PART 4

POWERS AND FUNCTIONS

13. (1) The powers and functions of Greater East Rand Metro, in respect of its area of jurisdiction, are as set out section 83 in the Municipal Structures Act, read with sections 156 and 229 the

Provincial Gazette Extraordinary, 1 October 2000

Constitution as well as in any other law applicable to municipalities.

- (2) As from the effective date, Greater East Rand Metro, shall, in respect of its area of jurisdiction, have the power to levy rates, taxes, fees and duties as provided for in section 229 of the Constitution.

PART 5

GENERAL

SUCCESSION

14. (1) In terms of section 14 (1) of the Municipal Structures Act, Greater East Rand Metro, as from the effective date, becomes the successor in law of a disestablished municipality in respect of all the resources, assets, liabilities, obligations, rights 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 the metropolitan area.
- (2) Greater East Rand Metro may, by agreement with an adjoining municipality, and must if the MEC so directs, transfer or cede any assets, liabilities, obligations, rights or records vested in it in terms of sub-clause (1) to that municipality.
- (3) The chief executive officer or town clerk of the disestablished municipality must submit, by not later than seven days after the effective date, an inventory of all the assets and liabilities of that municipality as at that date, to the acting municipal manager.

FIRST MEETING OF THE COUNCIL

15. (1) As required in terms of section 29(2) of the Municipal Structures Act, the acting municipal manager shall, convene a meeting of the Council within 14 days of the effective date and the relevant provisions of the Local Government Ordinance, No. 17 of 1939, or any other applicable law shall apply insofar as they relate to the convening of such meeting.
- (2) The order of business on the agenda of such meeting shall be determined by the acting municipal manager.

- (3) The acting municipal manager shall act as chairperson at the meeting until a speaker is duly elected by the council of Greater East Rand Metro.
- (4) The Rules of Order of the disestablished Eastern Gauteng Services Council shall apply to the meeting referred to in this clause.

REMUNERATION OF COUNCILLORS

16. The councillors of the established municipalities shall be remunerated in accordance with the Remuneration of Public Office Bearers Act, No. 20 of 1998.

INVESTMENTS, CASH AND CASH BALANCES

17. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to Greater East Rand Metro, provided that, where the area of the disestablished municipality falls in more than one newly established municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to Greater East Rand Metro.

AGREEMENTS

18. Greater East Rand Metro may enter into an agreement with any adjoining municipality for the purpose of facilitating the continuation of efficient and effective local government in an area.

AUTHORISED LOCAL AUTHORITY

19. Greater East Rand Metro, in respect of its area of jurisdiction, shall:
 - (a) Under section 2 of the Town-Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), as from the effective date, be an authorised local authority for the purpose of Chapters II, III and IV of the said Ordinance;
 - (b) under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), as from the effective date, be an authorised local authority for purposes of Chapter IV of the said Ordinance.

- (2) Greater East Rand Metro shall, as from the effective date, be a local authority as contemplated in part 1 of the Sixth Schedule of the Local Government Ordinance, 1939 (Ordinance No.17 of 1939), in respect of its area of jurisdiction.

PART 6

TRANSITIONAL ARRANGEMENTS

LEGAL MATTERS

20. (1) Any provision in any law applicable to local government and any right, duty, competency, obligation conferred, or any action taken in terms thereof, before the effective date shall, in respect of Greater East Rand Metro, remain in force until amended, repealed or superseded.
- (2) (a) All by-laws and actions taken in terms of such by-laws, resolutions, delegations, town-planning schemes, integrated development plan or statutory notice of a disestablished municipality that are in force on the effective date, shall continue in force in the area in which they were applicable subject to any amendment or repeal by Greater East Rand Metro.
- (b) A by-law and an action taken in terms of such by-law, resolution, delegation, town-planning scheme, integrated development plan or statutory notice of the disestablished municipality must be applied by Greater East Rand Metro to the extent to which that by-law, action, resolution, delegation, town planning scheme, integrated development plan or statutory notice continues in force in terms of sub-clause (1) in the metropolitan municipal area.
- (c) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, resolution, delegation, town Planning scheme, integrated development plans or statutory notice to-
- (i) a disestablished municipality must be construed as a reference to Greater East Rand Metro which has to apply the by-law, resolution, delegation, town planning scheme integrated development plan or statutory notice in terms of sub-clause (2) (b); and

- (ii) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary of Greater East Rand Metro which has to apply the by-law, resolution, delegation, town planning scheme, integrated development plan or statutory notice in terms of sub-clause (2) (b).

HUMAN RESOURCES

21. (1) A person who, on the effective date is an employee of a disestablished municipality referred to in clause 11 becomes an employee of Greater East Rand Metro.
- (2) The employment of persons by Greater East Rand Metro in terms of sub-clause (1)-
- (a) must be regulated in accordance with any collective agreement, and
- (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and any other applicable legislation.
- (3) Until an agreement referred to in sub-clause 2(a) has been reached, employees are employed by Greater East Rand Metro on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipality which previously employed them;
- (4) Any person who becomes an employee of a municipality referred to in sub-clause (1) shall, perform such functions and duties assigned to him or her by the acting municipal manager and thereafter by the municipal manager until such time as the council of the municipality decides otherwise.
- (5) The chief executive officer or town clerk of a disestablished municipality must submit, by not later than seven days after the effective date, a list containing the names and particulars of all persons who, on that date, were in the employ of the municipality to the Acting Municipal Manager.

ACTING MUNICIPAL MANAGER

22. (1) Until such time that the municipal manager is appointed by the Council of Greater East Rand Metro, all powers, function and duties attached to the office of the municipal manager shall be exercised and performed by a person who shall be nominated as acting municipal manager.
- (2) The acting municipal manager shall be a person nominated by the Municipal Facilitation Committee for the East Rand, established in terms of section 14(5) of the Municipal Structures Act, and approved and designated as such by the MEC until the council of Greater East Rand Metro appoint a municipal manager. Within 7 days from the date of publication of this Notice the Facilitation Committee must submit the name of the nominated person to the MEC, failing which the MEC will designate an acting municipal manager.
- (3) The acting municipal manager shall assume his or her duties on the effective date, and shall relinquish those duties when the Municipal Manager assumes office, and on relinquishing such duties shall, if not appointed as the municipal manager, perform such other duties as the council may determine.
- (4) If, for any reason whatsoever, the acting municipal manager fails to assume his or her duties on the effective date or thereafter ceases to be the acting municipal manager prior to the municipal manager assuming office, then a person designated by the MEC shall be the acting municipal manager.
- (5) The designation of an acting municipal manager referred to in sub-clause (2) and (4) is subject to ratification by the council of Greater East Rand Metro.

BUDGET

23. (1) Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provisions of this Schedule;
- (a) the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;

- (b) the 2000/2001 budget of a disestablished municipality shall, insofar as such budget pertains to an area incorporated into the Greater East Rand Metro, remain in force until 30 June 2001; and
- (c) The budgets referred to in clause (a) and (b) above shall constitute the budget of Greater East Rand Metro until 30 June 2001 and may be adjusted in terms of any applicable law.

VALUATION ROLL

24. With effect from the effective date in respect of the metropolitan area and notwithstanding the provisions of any applicable law, any valuation roll in force or arising from the introduction of interim or supplementary valuations, as the case may be, shall, subject otherwise to the provisions of such law, remain in force and effect until the introduction of a general valuation roll for Greater East Rand Metro.

SERVICE DELIVERY

25. (1) If a service which is presently rendered in a specific area of Greater East Rand Metro by a disestablished municipality which for the major part falls within the area of another municipality, and as a result of prevailing circumstances cannot be rendered by Greater East Rand Metro, the latter municipality shall continue to render such service.
- (2) The chief executive officer/town clerk 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) applies.
- (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 2002.

DISPUTE RESOLUTION

26. (1) A dispute resolution committee (hereinafter in this clause referred to as "the committee") is hereby established to resolve any disputes between Greater East Rand Metro, and any adjoining

ACTING MUNICIPAL MANAGER

22. (1) Until such time that the municipal manager is appointed by the Council of Greater East Rand Metro, all powers, function and duties attached to the office of the municipal manager shall be exercised and performed by a person who shall be nominated as acting municipal manager.
- (2) The acting municipal manager shall be a person nominated by the Municipal Facilitation Committee for the East Rand, established in terms of section 14(5) of the Municipal Structures Act, and approved and designated as such by the MEC until the council of Greater East Rand Metro appoint a municipal manager. Within 7 days from the date of publication of this Notice the Facilitation Committee must submit the name of the nominated person to the MEC, failing which the MEC will designate an acting municipal manager.
- (3) The acting municipal manager shall assume his or her duties on the effective date, and shall relinquish those duties when the Municipal Manager assumes office, and on relinquishing such duties shall, if not appointed as the municipal manager, perform such other duties as the council may determine.
- (4) If, for any reason whatsoever, the acting municipal manager fails to assume his or her duties on the effective date or thereafter ceases to be the acting municipal manager prior to the municipal manager assuming office, then a person designated by the MEC shall be the acting municipal manager.
- (5) The designation of an acting municipal manager referred to in sub-clause (2) and (4) is subject to ratification by the council of Greater East Rand Metro.

BUDGET

23. (1) Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provisions of this Schedule;
- (a) the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;

- (b) the 2000/2001 budget of a disestablished municipality insofar as such budget pertains to an area incorporated into the Greater East Rand Metro, remain in force until 30 June 2001; and
- (c) The budgets referred to in clause (a) and (b) above shall constitute the budget of Greater East Rand Metro until 30 June 2001 and may be adjusted in terms of any applicable law.

VALUATION ROLL

24. With effect from the effective date in respect of the metropolitan area and notwithstanding the provisions of any applicable law, any valuation roll in force or arising from the introduction of interim or supplementary valuations, as the case may be, shall, subject otherwise to the provisions of such law, remain in force and effect until the introduction of a general valuation roll for Greater East Rand Metro.

SERVICE DELIVERY

25. (1) If a service which is presently rendered in a specific area of Greater East Rand Metro by a disestablished municipality which for the major part falls within the area of another municipality, and as a result of prevailing circumstances cannot be rendered by Greater East Rand Metro, the latter municipality shall continue to render such service.
- (2) The chief executive officer/town clerk 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) applies.
- (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 2002.

DISPUTE RESOLUTION

26. (1) A dispute resolution committee (hereinafter in this clause referred to as "the committee") is hereby established to resolve any dispute between Greater East Rand Metro and any adjoining

municipality concerning the application of any provision of this Notice.

(2) The committee shall consist of-

- (a) councillors of Greater East Rand Metro who shall be appointed by the council of the Greater East Rand Metro;
- (b) an equal number of councillors of the adjoining municipality who shall be appointed by the council of the adjoining municipality;
- (c) the municipal manager (or any person acting in that capacity) of Greater East Rand Metro or his or her nominee;
- (d) The municipal manager (or any person acting in that capacity) of the adjoining municipality or his or her nominee.

(3) (a) The committee shall elect one of its members, who shall be a councillor, as the chairperson.

(b) The chairperson of the committee shall decide 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 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) Any matter to be placed before the committee shall be submitted to the chairperson in writing under the hand of the municipal manager or any person acting in that capacity and any matter submitted shall be placed before the committee within 7 days from the date on which the dispute is declared.

- (b) The dispute must be resolved within 21 days from the date referred to in sub-clause (4) (a) hereof.
 - (c) Only those members who are councillors may vote.
 - (d) An alternate member may attend meetings of the committee and participate in any debate, but may only vote if the councillor to whom he or she is the alternate is absent when the vote is taken;
 - (e) A question before the committee is decided with a supporting vote of the majority of the councillors present at the meeting.
 - (f) 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.
 - (g) Both Greater East Rand Metro and the adjoining municipality concerned shall be bound by the decisions of the committee, subject to sub-clause (6).
- (5) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act applies to members of the committee to the extent that the code can be applied.
- (6) The MEC may at any time intervene in the proceedings of the committee referred to in sub-clause (4) and request the committee to refer an unresolved matter before it to the MEC for resolution.
- (7) The MEC may reconsider a matter on which the committee has taken a decision and may confirm, vary or withdraw the decision of the committee.
- (8) Greater East Rand Metro and the adjoining municipality concerned are bound by the decisions of the MEC.

Notice.

(2) The committee shall consist of-

- (a) councillors of Greater East Rand Metro who shall be appointed by the council of the Greater East Rand Metro;
- (b) an equal number of councillors of the adjoining municipality who shall be appointed by the council of the adjoining municipality;
- (c) the municipal manager (or any person acting in that capacity) of Greater East Rand Metro or his or her nominee;
- (d) The municipal manager (or any person acting in that capacity) of the adjoining municipality or his or her nominee.

(3) (a) The committee shall elect one of its members, who shall be a councillor, as the chairperson.

(b) The chairperson of the committee shall decide 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 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) Any matter to be placed before the committee shall be submitted to the chairperson in writing under the hand of the municipal manager or any person acting in that capacity and any matter submitted shall be placed before the committee.

- (b) The dispute must be resolved within 21 days from the date referred to in sub-clause (4) (a) hereof.
- (c) Only those members who are councillors may vote.
- (d) An alternate member may attend meetings of the committee and participate in any debate, but may only vote if the councillor to whom he or she is the alternate is absent when the vote is taken;
- (e) A question before the committee is decided with a supporting vote of the majority of the councillors present at the meeting.
- (f) 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.
- (g) Both Greater East Rand Metro and the adjoining municipality concerned shall be bound by the decisions of the committee, subject to sub-clause (6).
- (5) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act applies to members of the committee to the extent that the code can be applied.
- (6) The MEC may at any time intervene in the proceedings of the committee referred to in sub-clause (4) and request the committee to refer an unresolved matter before it to the MEC for resolution.
- (7) The MEC may reconsider a matter on which the committee has taken a decision and may confirm, vary or withdraw the decision of the committee.
- (8) Greater East Rand Metro and the adjoining municipality concerned are bound by the decisions of the MEC.

(2) The committee shall consist of-

- (a) councillors of Greater East Rand Metro who shall be appointed by the council of the Greater East Rand Metro;
- (b) an equal number of councillors of the adjoining municipality who shall be appointed by the council of the adjoining municipality;
- (c) the municipal manager (or any person acting in that capacity) of Greater East Rand Metro or his or her nominee;
- (d) The municipal manager (or any person acting in that capacity) of the adjoining municipality or his or her nominee.

(3) (a) The committee shall elect one of its members, who shall be a councillor, as the chairperson.

- (b) The chairperson of the committee shall decide 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 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) Any matter to be placed before the committee shall be submitted to the chairperson in writing under the hand of the municipal manager or any person acting in that capacity and any matter submitted shall be placed before the committee within 7 days from the date on which the dispute is declared.

(c) The committee must be resolved in favour of the matter referred to in sub-clause (4) (a) hereof.

(c) Only those members who are councillors may vote.

(d) An alternate member may attend meetings of the committee and participate in any debate, but may only vote if the councillor to whom he or she is the alternate is absent when the vote is taken;

(e) A question before the committee is decided with a supporting vote of the majority of the councillors present at the meeting.

(f) 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.

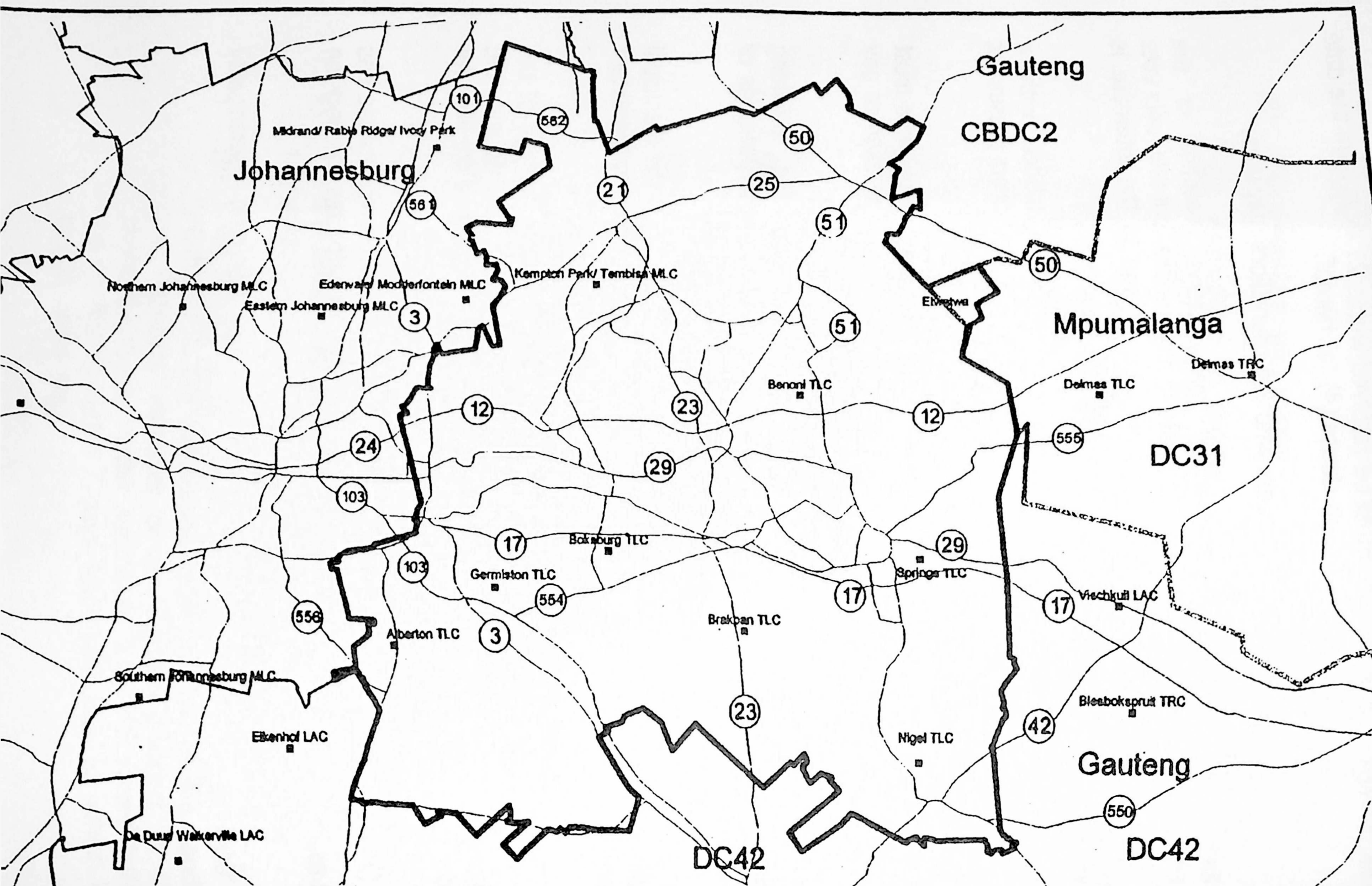
(g) Both Greater East Rand Metro and the adjoining municipality concerned shall be bound by the decisions of the committee, subject to sub-clause (6).

(5) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act applies to members of the committee to the extent that the code can be applied.

(6) The MEC may at any time intervene in the proceedings of the committee referred to in sub-clause (4) and request the committee to refer an unresolved matter before it to the MEC for resolution.

(7) The MEC may reconsider a matter on which the committee has taken a decision and may confirm, vary or withdraw the decision of the committee.

(8) Greater East Rand Metro and the adjoining municipality concerned are bound by the decisions of the MEC.



LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**ESTABLISHMENT OF THE WEST RAND DISTRICT MUNICIPALITY**

By the powers vested in us by section 12(1), read with section 14(2) and section 90(2) of the Local Government: Municipal Structures Act, 1998, we, Elias Khabisi Mosunkutu and Darkey Ephraim Africa, Acting Member and Member of the Executive Councils responsible for local government in the Provinces of Gauteng and North West respectively, hereby establish the municipalities as set out in the Schedule hereto.

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

E. K. MOSUNKUTU

Acting MEC responsible for local government: Gauteng Province

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

D. E. AFRICA

MEC responsible for local government: North West Province

PART 1

ITIONS

n 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 46 of this Schedule;

district municipal area" means the area indicated by Map No. 7 in Provincial General Notice No. 6396 dated 13 September 2000;

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

effective date" means-

- 1) 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
- 2) 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

government in the Province of Gauteng acting jointly) Minister of the Executive Council responsible for local government in the North West Province;

"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;

"North West Municipal Structures Act" means the North West Municipal Structures Act, 2000 (Act No. 3 of 2000);

"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. 7, published under provincial General Notice No. 6396 dated 13 September 2000, 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. 27, published under General Notice No. 2184 dated 6 June 2000, 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.

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.

PE

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 and section 2(1)(b)(ii) of the North West Municipal Structures Act.

BOUNDARIES AND AREA OF JURISDICTION

- (1) The boundaries of the West Rand District Municipality are as indicated in Map No. 7, published under provincial General Notice No. 6396 dated 13 September 2000, 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

The council of the West Rand District Municipality consists of 39 councillors as determined in provincial General Notice No. 4589 dated 13 July 2000 of whom:

- (a) 16 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) 6 must

FULL-TIME COUNCILLORS

7. In terms of section 18(4) of the Municipal Structures Act, the Minister has, under General Notice No. 1515 dated 5 April 2000, determined that 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 Western Gauteng Services Council 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. 7, published under provincial General Notice No. 2810 dated 8 May 2000, 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 mentioned in terms of section 4 of the

TYPE

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

BOUNDARIES AND AREA OF JURISDICTION

13. (1) The boundaries of the Mogale City Local Municipality are has, indicated in Map No. 7, published under provincial General Notice No. 2810 dated 8 May 2000, 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. 2813 dated 9 May 2000 of whom:
- (a) 32 must be proportionally elected councillors; and
- (b) 32 must be ward councillors.

FULL-TIME COUNCILLORS

15. In terms of section 18(4) of the Municipal Structures Act, the Minister has, under General Notice No. 1515 dated 5 April 2000, determined that 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 Mayor; and
- (c) Members of the Executive Committee.

WARDS

16. The Mogale City Local Municipality consists of 32 wards with boundaries as set out in provisional provincial General Notice No. 4897 dated 24 July 2000.

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 Krugersdorp Transitional Local Council at the corner of Mark & 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. 8, published under provincial General Notice No. 2810 dated 3 May 2000, 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 collective executive system combined with a ward participatory system as described in section 3(b) 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. 8, published under provincial General Notice

No. 2810 dated 8 May 2000, 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. 2813 dated 9 May 2000 of whom:
- (a) 18 must be proportionally elected councillors; and
 - (b) 19 must be ward councillors.

FULL-TIME COUNCILLORS

24. In terms of section 18(4) of the Municipal Structures Act, the Minister has, under General Notice No. 1515 dated 5 April 2000, determined that only the Speaker may be designated by the council of the Randfontein Local Municipality as a full-time councillor.

WARDS

25. The Randfontein Local Municipality consists of 19 wards with boundaries as set out in provisional provincial General Notice No. 4898 dated 24 July 2000.

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 Transitional Local Council 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. 9, published under provincial General Notice No. 6569 dated 19 September 2000, 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 collective executive system combined with a ward participatory system as described in section 3(b) 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. 9, published under provincial General Notice No. 6569 dated 19 September 2000, 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. 2813 dated 9 May 2000 of whom:
- (a) 14 must be proportionally elected councillors; and
 - (b) 15 must be ward councillors.

FULL-TIME COUNCILLORS

33. In terms of section 18(4) of the Municipal Structures Act, the Minister has, under General Notice No. 1515 dated 5 April 2000, determined that no office-bearers may be designated by the council of the Westonaria Local Municipality as full-time councillors.

WARDS

34. The Westonaria Local Municipality consists of 15 wards with boundaries as set out in provisional provincial General Notice No. 4899 dated 24 July 2000.

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 Transitional Local Council 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

ESTABLISHMENT OF THE MERAUFONG CITY LOCAL MUNICIPALITY

37. For that part of the district municipal area indicated by Map No. f, published under provincial General Notice No. 1175 dated 2 March 2000, a new local municipality called the Merafong City Local Municipality is hereby established with effect from the effective date.

CATEGORY

38. The Merafong 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

39. The Merafong City Local Municipality is a municipality with a collective executive system combined with a ward participatory system as described in section 3(b) of the Gauteng Types of Municipality Act and section 2(1)(a)(ii) of the North West Municipal Structures Act.

BOUNDARIES AND AREA OF JURISDICTION

40. (1) The boundaries of the Merafong City Local Municipality are as indicated in Map No. 1, published under provincial General Notice No. 1175 dated 2 March 2000, and attached hereto as **Annexure "E"**.
- (2) The area of jurisdiction of the Merafong City Local Municipality shall be the area falling within the boundaries referred to in sub-clause (1).

NUMBER OF COUNCILLORS

41. The council of the Merafong City Local Municipality consists of 51 councillors as determined in provincial General Notice No. 2813 dated 9 May 2000 of whom:
- (a) 25 must be proportionally elected councillors; and
 - (b) 26 must be ward councillors.

FULL-TIME COUNCILLORS

42. In terms of section 18(4) of the Municipal Structures Act, the Minister has, under General Notice No. 1515 dated 5 April 2000, determined that any or all of the following office-bearers may be designated by the council of the Merafong City Local Municipality as full-time councillors:
- (a) The Speaker;
 - (b) The Mayor; and
 - (c) Members of the Executive Committee.

MEETINGS EXTRAORDINARY, 1 OCTOBER 2000

Merafong City Local Municipality consists of 26 wards with
as set out in provisional provincial General Notice No. 4895
July 2000.

Merafong City Local Municipality is not exempted from any
of the Municipal Structures Act.

of the Merafong City Local Municipality shall be the offices of
established Carletonville Transitional Local Council at Halite
Carletonville, or the council of the municipality may by resolution
at the seat of the Merafong City Local Municipality shall be at
place as it may determine.

PART 7

DISCONTINUANCE OF EXISTING MUNICIPALITIES

The following existing municipalities are hereby disestablished
in effect from the effective date to the extent that those
municipalities fall within the district municipal area:

Carletonville Transitional Local Council established by
Proclamation No. 32 dated 6 December 1994;

Krugersdorp Transitional Local Council established by
Premier's Proclamation No. 21 dated 1 November 1994;

Westonaria Town Council established by Premier's
Proclamation No. 39 dated 9 December 1994;

Randfontein Transitional Local Council established by
Premier's Proclamation No. 20 dated 21 October 1994;

Western Gauteng Services Council established by Premier's
Proclamation No. 5 dated 1 January 1995;

- (f) Magaliesburg Transitional Rural Council established by Premier's Proclamation No. 47 dated 1 September 1995;
- (g) Magaliesberg Transitional Representative Council established by Premier's Proclamation No. 5 dated 1 January 1995;
- (h) Gatsrant Transitional Representative Council established by Premier's Proclamation No. 5 dated 1 January 1995;
- (i) Vaal River Transitional Representative Council established by Premier's Proclamation No. 5 dated 1 January 1995;
- (j) Fochville Transitional Local Council established by Proclamation No. 21 dated 31 July 1995;
- (k) Wedela Transitional Local Council established by Proclamation No. 41 dated 31 July 1995;
- (l) Southern District Council established by Proclamation No. 90 dated 26 October 1995.

(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.

VACATION OF OFFICE

47. 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 6

POWERS AND FUNCTIONS

48. (1) The powers and functions of the new municipalities in respect 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.

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 9 GENERAL

ION

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.
- (3) The chief executive officer/town clerk of a disestablished municipality must by not later than seven days after the effective date submit an inventory of all the assets and liabilities of that municipality as at that date to the acting municipal manager referred to in clause 53 of this Schedule.

FIRST MEETING OF THE COUNCIL

- 50. (1) The acting municipal manager 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 Western Gauteng Services Council, shall apply to the meeting of the new district municipality; and
 - (b) the disestablished Fochville Transitional Local Council shall apply to the meeting of a new local municipality.
- (3) The order of business on the agenda of such meeting shall be determined by the acting municipal manager of the new municipality.

- (4) The acting municipal manager shall act as the chairperson at the meeting until a speaker is duly elected by the council of the new municipality.

REMUNERATION OF COUNCILLORS

51. If, on the effective date, remuneration for councillors and office-bearers of the new municipalities has not been fixed in accordance with the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), then until such time as their remuneration has been fixed in terms of the said Act, the remuneration of the councillors and office-bearers of the new municipalities shall be equal to the highest rated disestablished municipality within the district municipal area.

INVESTMENTS, CASH AND CASH BALANCES

52. 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.

AGREEMENT

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

AUTHORISED LOCAL AUTHORITY

54. As from the effective date the new municipalities shall, in their respective areas of jurisdiction, be authorised local authorities:
 - (1) under section 2 of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) for the purposes of Chapters II, III and IV of the said Ordinance; and
 - (2) under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986) for purposes of Chapter IV of the said Ordinance.

LOCAL AUTHORITY CONTEMPLATED IN PART 2 OF THE SIXTH SCHEDULE TO THE LOCAL GOVERNMENT ORDINANCE, 1939

55. The new municipalities shall, as from the effective date, be local authorities contemplated in Part 2 of the Sixth Schedule to the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939).

PART 10 TRANSITIONAL ARRANGEMENTS

LEGAL MATTERS

56. (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, resolutions, delegations, town planning schemes, integrated development plans or statutory notices of a disestablished municipality that are in force on the effective date, shall continue in force in the area in which they were applicable until repealed, amended or superseded.
- (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 must be applied by the new district or local municipality to the extent to which that by-law, action, 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, 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

- 57. (1) If a service which is presently rendered in a specific area of a new municipality by a disestablished municipality which for the major part falls within the area of another new municipality, and as a result of prevailing circumstances cannot be rendered by the first mentioned municipality, the latter municipality shall continue to render such service.
- (2) The chief executive officer/town clerk 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 2002.

ACTING MUNICIPAL MANAGER

- 58. (1) The acting municipal manager shall be a person nominated by the Municipal Facilitation Committee for the West Rand District Municipal Area (CBDC 8), established in terms of section 14(5) of the Municipal Structures Act, and approved and designated by the MEC. Within seven days of publication of this Notice, the Municipal Facilitation Committee must submit the name of the nominated person to the MEC; failing which the MEC will designate a person as acting municipal manager for the new district municipality and the respective new local municipalities.
- (2) The designation of a person by the MEC as acting municipal manager in terms of sub-clause (1) must be ratified by the council of the new municipality.

- (3) Until such time that the municipal manager for the new municipality is appointed in terms of section 82 of the Municipal Structures Act, all powers, functions and duties attached to the office of the municipal manager shall be exercised by the acting municipal manager.
- (4) The acting municipal manager shall assume his or her duties on the effective date, and shall relinquish those duties when the new municipality has in terms of sub-clause (3) appointed a municipal manager, and on relinquishing such duties shall, if not appointed as the municipal manager, perform such other duties as the council may determine.
- (5) If, for any reason whatsoever the acting municipal manager fails to assume his or her duties on the effective date or thereafter ceases to be acting municipal manager prior to the municipal manager assuming office, a person designated by the MEC shall be the acting municipal manager and the provisions of sub-clause (2) shall apply.

HUMAN RESOURCES

59. (1) 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 64(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 stationed on the effective date.
- (2) The employment of persons transferred to a new district or a new local municipality in terms of sub-clause (1)-

- (a) must be regulated in accordance with any collective agreement concluded between the new district or new local municipality and trade unions representing those employees; and
- (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable legislation.

Until an agreement referred to in sub-clause (2)(a) has been concluded, employees are employed by the new district or a new local municipality on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipalities which previously employed them.

The chief executive officer/town clerk 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 and submit that list to the acting municipal manager referred to in clause 58 of this Schedule.

Any employee of a new municipality transferred in terms of sub-clause (1) shall perform such functions and duties assigned to him or her by the acting municipal manager, until such time as the council of the new municipality decide otherwise.

FINAL MATTERS

withstanding the provisions of any applicable law to the contrary notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provision of this Act:

the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;

the 2000/2001 budget of a disestablished municipality shall insofar as such budget pertains to an area of the new municipality, remain in force until 30 June 2001;

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 2001 and may be adjusted in terms of any applicable law.

Valuation Roll

61. Notwithstanding the provisions of any applicable law, 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 new district and local municipal area until such time as it is superseded by another valid valuation roll.

DISPUTE RESOLUTION

62. (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.

- (a) must be regulated in accordance with any collective agreement concluded between the new district or new local municipality and trade unions representing those employees; and
- (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable legislation.

Until an agreement referred to in sub-clause (2)(a) has been concluded, employees are employed by the new district or a new local municipality on the same terms and conditions, including remuneration, applicable to them as employees of the disestablished municipalities which previously employed them.

The chief executive officer/town clerk 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 and submit that list to the acting municipal manager referred to in clause 58 of this Schedule.

Any employee of a new municipality transferred in terms of sub-clause (1) shall perform such functions and duties assigned to him or her by the acting municipal manager, until such time as the council of the new municipality decide otherwise.

IAL MATTERS

withstanding the provisions of any applicable law to the contrary notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provision of this ce:

the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;

the 2000/2001 budget of a disestablished municipality shall insofar as such budget pertains to an area of the new municipality, remain in force until 30 June 2001;

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 2001 and may be adjusted in terms of any applicable law.

Valuation Roll

61. Notwithstanding the provisions of any applicable law, 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 new district and local municipal area until such time as it is superseded by another valid valuation roll.

DISPUTE RESOLUTION

62. (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 first meeting held by the committee or within a reasonable time;
 - (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) the new district municipality and the new local municipalities are bound by the decisions of the committee.
- (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 Code of Conduct contained in Schedule 5 of the Municipal Structures Act, applies to members of the committee to the extent that the Code can be applied.

63. 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.

NOTICE 6770 OF 2000

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**ESTABLISHMENT OF TSHWANE METROPOLITAN MUNICIPALITY**

By the powers vested in us by section 12(1), read with section 14(2) and section 90(2) of the Local Government: Municipal Structures Act, 1998, we, Elias Khabisi Mosunkutu and Darkey Ephraim Africa, Acting Member and Member of the Executive Councils responsible for local government in the Provinces of Gauteng and North West respectively, hereby establish the municipalities as set out in the Schedule hereto.

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

E. K. MOSUNKUTU

Acting MEC responsible for local government: Gauteng Province

Given under my hand at Johannesburg on this 27th day of September Two Thousand.

D. E. AFRICA

MEC responsible for local government: North West 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 Act, 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 11 of this Schedule;

"effective date" means -

- (a) the day on which the results of the first election of the council of the metropolitan municipality are declared in terms of section 64 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000);
- (b) If the results of the election of the council 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);

"MEC" means the Member of the Executive Council responsible for local government in the Province of Gauteng acting jointly with the MEC responsible for local government in the North-West Province;

"metropolitan area" means the area indicated by Map No. 2 in provincial General Notice No. 6396 dated 13 September 2000;

"metropolitan municipality" means the municipality established by clause 2 of this Schedule;

"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);

"North-West Municipal Structures Act" means the North-West Municipal Structures Act, 2000 (Act No. 3 of 2000)

"proportionally elected councillors" means councillors elected to proportionally represent parties in the council of the metropolitan municipality;

"ward councillor" means a councillor elected to represent a ward in the council of the metropolitan municipality.

PART 2

ESTABLISHMENT OF TSHWANE METROPOLITAN MUNICIPALITY

2. For the metropolitan area indicated in Map No. 2, published under provincial General Notice No. 6396 dated 13 September 2000, a new metropolitan municipality called Tshwane Metropolitan Municipality is hereby established with effect from the effective date.

CATEGORY

3. Tshwane Metropolitan Municipality is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Municipal Structures Act.

TYPE

4. Tshwane Metropolitan Municipality is a municipality with a Mayoral Executive System combined with a Ward Participatory System as described in section 2(g) of the Gauteng Types of Municipality Act, and section 2(1)(c)(vii) of the North-West Municipal Structures Act.

BOUNDARIES AND AREA OF JURISDICTION

5. (1) The boundaries of Tshwane Metropolitan Municipality are as indicated in Map No. 2, published under provincial General Notice No. 6396 dated 13 September 2000, and attached hereto as Annexure "A".
- (2) The area of jurisdiction of Tshwane Metropolitan Municipality shall be the area falling within the boundaries referred to in sub-clause (1) hereof.

NUMBER OF COUNCILLORS

6. The Tshwane Metropolitan Council consists of 152 councillors as determined in Provincial Notice No. 2813 dated 09 May 2000, of whom;
- (a) 76 must be proportionally elected councillors; and
- (b) 76 must be ward councillors.

FULL TIME COUNCILLORS

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

WARDS

8. Tshwane Metropolitan Municipality consists of 76 wards with boundaries as set out in provisional provincial General Notice No. 4901 dated 24 July 2000.

EXEMPTIONS

9. Tshwane Metropolitan Municipality is not exempted from any provision of the Municipal Structures Act.

seat of Tshwane Metropolitan Municipality shall be the offices of the disestablished Greater Pretoria Metropolitan Council, or the council of the municipality may by resolution decide that the seat of Tshwane Metropolitan Municipality shall be at such other place as it may determine.

PART 3

DIS-ESTABLISHMENT OF EXISTING MUNICIPALITIES

The following municipalities are hereby disestablished with effect from the effective date to the extent that those municipalities fall within the metropolitan area:

- (a) Greater Pretoria Metropolitan Council established by Premier's Proclamation No. 38 dated 08 December 1994;
- (b) City Council of Pretoria established by Premier's Proclamation No. 38 dated 08 December 1994;
- (c) Town Council of Centurion established by Premier's Proclamation No. 38 dated 08 December 1994;
- (d) Northern Pretoria Metropolitan Substructure established by Premier's Proclamation No. 38 dated 08 December 1994;
- (e) Hammanskraal Local Area Committee established by Premier's Proclamation No. 4 dated 1 January 1995;
- (f) Eastern Gauteng Services Council established by Premier's Proclamation No. 4 dated 1 January 1995;
- (g) Pienaarsrivier Transitional Representative Council established by Premier's Proclamation No. 4 dated 01 January 1995;
- (h) Crocodile River Transitional Council established by Premier's Proclamation No. 5 dated 01 January 1995;
- (i) Western Gauteng Services Council established by Premier's Proclamation No. 5 dated 01 January 1995;

- (j) Winterveid Transitional Representative Council established by Proclamation No. 83 dated 12 September 1995;
 - (k) Themba Transitional Representative Council established by Proclamation No. 85 dated 12 September 1995;
 - (l) Mabopane Transitional Representative Council established by Proclamation No. 76 dated 12 September 1995;
 - (m) Ga-Rankuwa Transitional Representative Council established by Proclamation No. 74 dated 12 September 1995; and
 - (n) Eastern District Council established by Proclamation No. 90 dated 26 October 1995.
- (2) Until disestablished on the effective date, a municipality referred to in sub-clause (1):
- (a) continues after the establishment of Tshwane Metropolitan Municipality; and
 - (b) remains competent to function as the municipality for its area.

VACATION OF OFFICE

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

PART 4

POWERS AND FUNCTIONS

13. The powers and functions of Tshwane Metropolitan Municipality shall be those as set out in section 83 of the Municipal Structures Act, read with sections 156 and 229 of the Constitution, as well as in any other law applicable to municipalities.
14. Tshwane Metropolitan Municipality shall have the power to levy rates, taxes, duties and fees as provided for in section 229 of the Constitution.

PART 5 GENERAL

SUCCESSION

15. (1) In terms of section 14(1) of the Municipal Structures Act, Tshwane Metropolitan Municipality, as from the effective date, becomes the successor-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 area of Tshwane Metropolitan Municipality.
- (2) Tshwane Metropolitan Municipality may by agreement with an adjoining municipality and must if the MEC so directs, transfer or cede any of those assets, liabilities, rights, obligations or records vested in it in terms of sub-clause (1) to that other municipality.
- (3) The chief executive officer or town clerk of a disestablished municipality must by not later than seven days after the effective date, submit an inventory of all the assets and liabilities as at that date to the acting municipal manager.

FIRST MEETING OF THE COUNCIL

16. (1) As required in terms of section 29(2) of the Municipal Structures Act, the acting municipal manager of Tshwane Metropolitan Municipality shall, within fourteen (14) days from the effective date, convene a meeting of the council and the relevant provisions of any applicable law shall apply insofar as they relate to the convening of such a meeting.
- (2) The order of business on the agenda of such meeting shall be determined by the acting municipal manager.
- (3) The acting municipal manager shall act as chairperson at the meeting until the speaker is duly elected by the council of Tshwane Metropolitan Municipality.

- (4) At the first meeting referred to in this clause, the rules of order shall be those of the disestablished Greater Pretoria Metropolitan Council.

REMUNERATION OF COUNCILLORS

17. The councillors of Tshwane Metropolitan Municipality shall be remunerated in accordance with the Remuneration of Public Bearers Act, 1998 (Act No. 20 of 1998).

INVESTMENTS, CASH AND CASH BALANCES

18. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to Tshwane Metropolitan Municipality: Provided that where the area of the disestablished municipality falls in more than one newly established municipal area, the portion of such investments, cash and cash balances as determined by the MEC, will accrue to Tshwane Metropolitan Municipality.

AGREEMENT

19. Tshwane Metropolitan Municipality may enter into an agreement with any adjoining municipality for the purpose of facilitating the continuation of efficient and effective local government in the area.

AUTHORISED LOCAL AUTHORITY

20. (1) As from the effective date, Tshwane Metropolitan Municipality shall in its area of jurisdiction be an authorised local authority:
- (a) under section 2 of the Town-Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) for the purposes of Chapters II, III and IV of the said Ordinance; and
 - (b) under section 3 of the Division of Land Ordinance, 1986 (Ordinance No. 20 of 1986), for purposes of Chapter IV of the said Ordinance.

AUTHORITY CONTEMPLATED IN PART 1 OF THE SIXTH SCHEDULE TO THE LOCAL GOVERNMENT ORDINANCE, 1939

Tshwane Metropolitan Municipality shall, as from the effective date be a local authority as contemplated in Part 1 of the Sixth Schedule of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939)

PARTICIPATION OF TRADITIONAL LEADERS

The participation of traditional leaders in the proceedings of the council of the metropolitan municipality shall take place in accordance with the provisions of section 81 of the Municipal Structures Act.

PART 6

TRANSITIONAL ARRANGEMENTS

MATTERS

- 1) Any provision in any law applicable to local government and any right, duty, competency or obligation conferred and any action taken in terms thereof before the effective date shall in respect of Tshwane Metropolitan Municipality remain in force until amended, repealed or superseded.
- 2) (a) All by-laws, and any action taken in terms of such by-laws, resolutions, delegations, statutory notices, integrated development plans or town planning schemes of a disestablished municipality that are in force on the effective date, shall continue in force in the area in which they were applicable until repealed or superseded.
- (b) A by-law, and any action taken in terms of such by-law resolution, delegation, statutory notice, integrated development plan or town planning scheme of a disestablished municipality must be applied by Tshwane Metropolitan Municipality to the extent to which that by-law, action taken in terms of such by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme continues in force in terms of sub-clause (a) in the area of Tshwane Metropolitan Municipality.

- (3) Unless inconsistent with the context or clearly inappropriate, a reference in any such by-law, action, resolution, delegation, statutory notice, integrated development plan or town planning scheme to -
- (a) a disestablished municipality must be construed as a reference to Tshwane Metropolitan Municipality which has to carry out the action, by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme in terms of sub-clause (2)(b); and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary of Tshwane Metropolitan Municipality which has to apply or carry out the action, by-law, resolution, delegation, statutory notice, integrated development plan or town planning scheme in terms of sub-clause (2)(b).

SERVICE DELIVERY

24. (1) If a service which is presently rendered in a specific area of Tshwane Metropolitan Municipality by a disestablished municipality, which for the major part falls within the area of another municipality, and because of prevailing circumstances cannot be rendered by the first mentioned municipality, the latter municipality shall continue to render such service.
- (2) The chief executive officers of the existing municipalities shall, within seven (7) days of the publication of this Notice, advise the MEC of the areas 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 2002.

ACTING MUNICIPAL MANAGER

25. (1) Until such time that the municipal manager for the new municipality is appointed as required in terms of the Municipal Structures Act, all powers, functions and duties attached to the

office of the municipal manager shall be exercised by the acting municipal manager.

- (2) The acting municipal manager shall be a person nominated for Tshwane Metropolitan Municipality by the Municipal Facilitation Committee for the Greater Pretoria Metropolitan Council, established in terms of section 14(5) of the Municipal Structures Act, and shall be approved and designated by the MEC. Within seven (7) days of the publication of this Notice, the Municipal Facilitation Committee, must submit the name of the nominated person to the MEC, failing which the MEC shall designate a person as the acting municipal manager.
- (3) The acting municipal manager shall assume his or her duties on the effective date, and shall relinquish those duties when the municipal manager assumes office and on relinquishing such duties shall, if he or she is not appointed as municipal manager, assume such other duties as the council of Tshwane Metropolitan Municipality may determine.
- (4) If, for any reason whatsoever, the acting municipal manager fails to assume his or her duties on the effective date or thereafter ceases to be the acting municipal manager before the municipal manager assumes office, the MEC shall designate a person as acting municipal manager.
- (5) The designation of the acting municipal manager referred to in sub-clauses (2) and (4) shall be subject to ratification by the council of Tshwane Metropolitan Municipality.

DISPUTE RESOLUTION

26. (1) If a dispute arises between the Tshwane Metropolitan Municipality and any adjoining municipality concerning the application of any provision of this Notice, the municipalities concerned must establish a dispute resolution committee.
- (2) The committee shall consist of an equal number of councillors of the relevant municipalities as well as the municipal managers or any person acting in that capacity of the said 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 of the committee 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) Any matter to be placed before the committee shall be submitted to the chairperson in writing under the hand of the municipal manager or any person acting in that capacity and any matter submitted shall be placed before the committee within seven (7) days from the date on which the dispute is declared.
 - (b) Only those members who are councillors may vote.
 - (c) A question before the committee is decided with a supporting vote of the majority of the councillors present at the meeting.
 - (d) 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.
 - (e) The dispute must be resolved within 21 days from the date of the meeting held by the committee or within a reasonable time.
 - (f) Any unresolved matter shall be referred to the MEC within a reasonable time from the date of the final decision of the committee for resolution.
- (5) Subject to sub-clauses (7), (8) and (9) the municipalities referred to in sub-clause (1) are bound by the decisions of the committee.
- (6) The Code of Conduct contained in Schedule 5 of the Municipal Structures Act applies to members of the committee to the extent that the code can be applied.

- (7) 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.
- (8) The MEC may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (9) the decision of the MEC shall be binding on the disputing municipalities.

HUMAN RESOURCES

- 26. (1) A person who is an employee of a disestablished municipality on the effective date becomes an employee of Tshwane Metropolitan Municipality.
- (2) The employment of persons by Tshwane Metropolitan Municipality in terms of sub-clause (1)-
 - (a) must be regulated in accordance with any collective agreement concluded between Tshwane Metropolitan Municipality and trade unions representing those employees; and
 - (b) is subject to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable legislation.
- (3) Until an agreement referred to in sub-clause (2)(a) has been concluded, employees are employed by Tshwane Metropolitan Municipality on the same terms and conditions applicable to them as employees of the disestablished municipalities which previously employed them.
- (4) Any employee of Tshwane Metropolitan Municipality transferred in terms of sub-clause (1) shall perform such functions and duties assigned to him or her by the acting municipal manager, until such time as the council of Tshwane Metropolitan Municipality decides otherwise.
- (5) The chief executive officer or town clerk of a disestablished municipality must, by not later than seven days (7) after the effective date, draw up a list containing the names and particulars

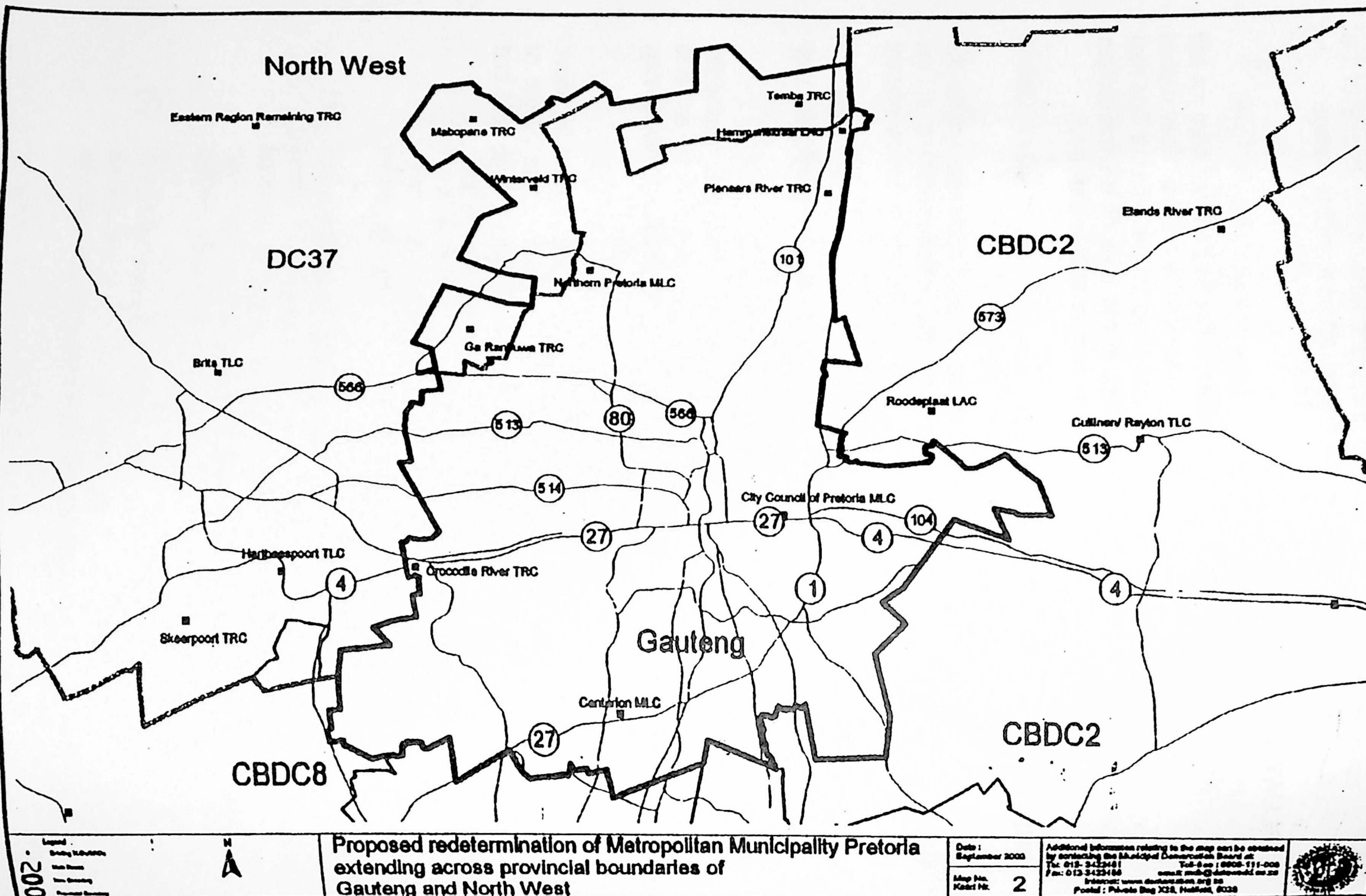
of all persons who on that date were in the employ of that municipality and submit it to the acting municipal manager.

VALUATION ROLLS

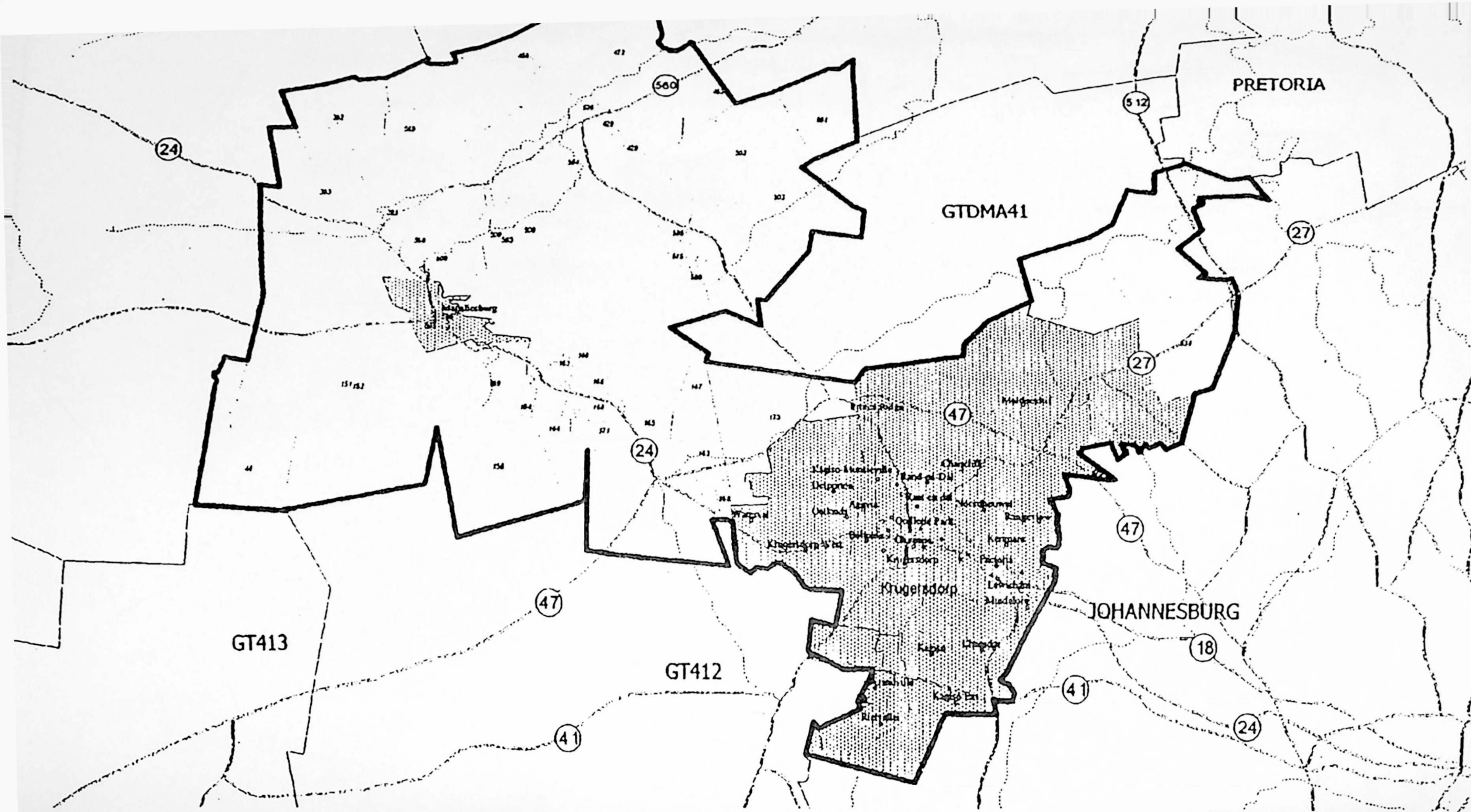
27. Notwithstanding the provisions of any other law, any valuation roll and any supplementary or interim valuation roll of a disestablished municipality, which was of force and effect on the effective date shall continue to be of force and effect in the area of the metropolitan municipality until it is superseded by another valid valuation roll.

BUDGET

28. (1) Notwithstanding the provisions of any applicable law to the contrary and notwithstanding the disestablishment of the municipalities concerned, but subject otherwise to any relevant provisions of this Notice;
- (a) the 2000/2001 budget of a disestablished municipality shall remain in force until 30 June 2001;
 - (b) the 2000/2001 budget of a disestablished municipality shall, insofar as such budget pertains to an area incorporated into Tshwane Metropolitan Municipality, remain in force until 30 June 2001; and
 - (c) the budgets referred to in sub-clauses (a) and (b) above shall together be deemed to constitute the budget of Tshwane Metropolitan Municipality until 30 June 2001 and may be adjusted in terms of any applicable law.







These names obtained from Statistics South Africa
 District boundaries are based on digital information supplied by the Boundary Commission Office.



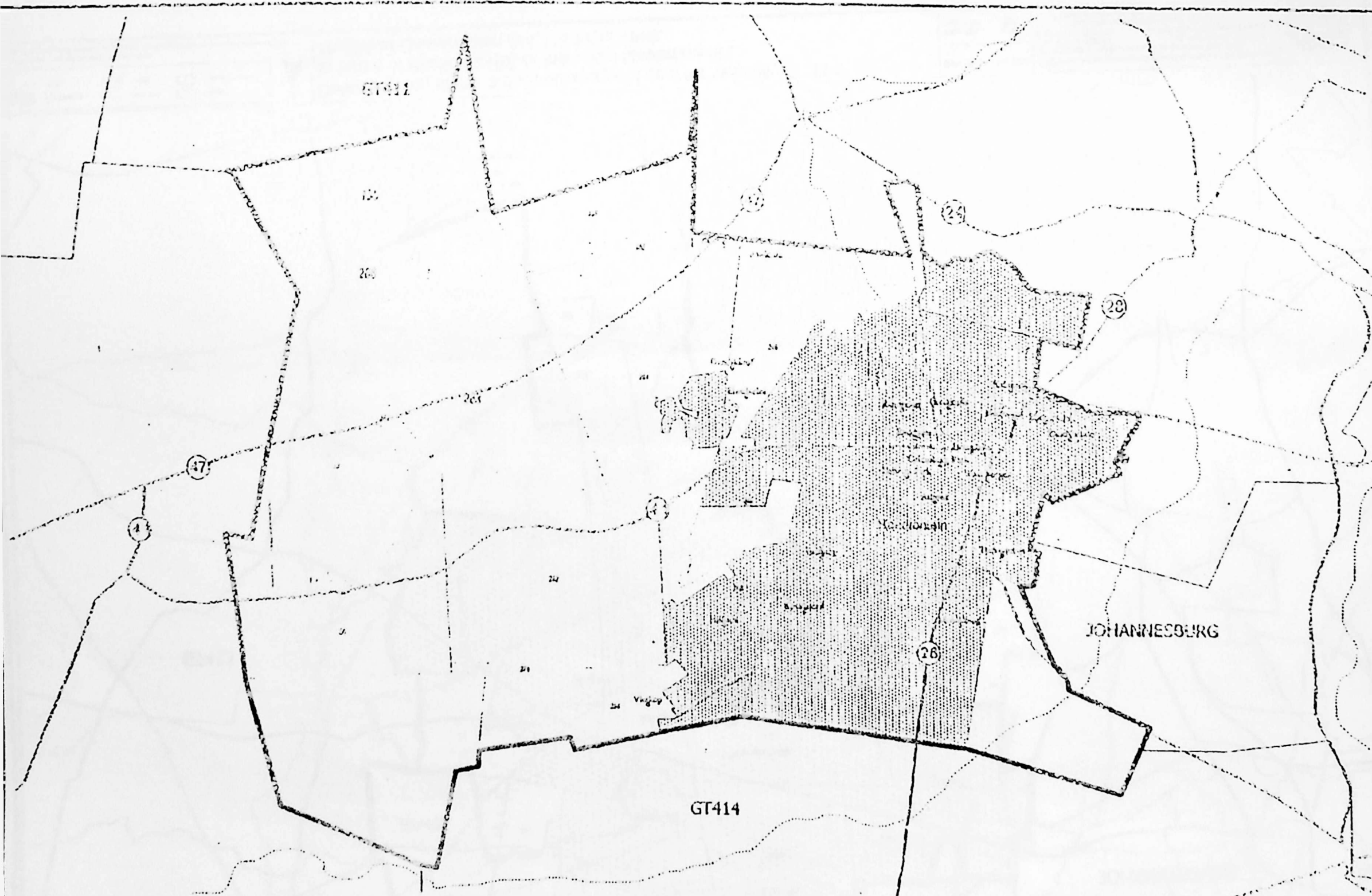
Re-determination of the outer boundary of Local Municipality GT411
 in terms of Section 21(b) of the Local Government :
 Municipal Demarcation Act, No 27 of 1998.

Date : May 2000

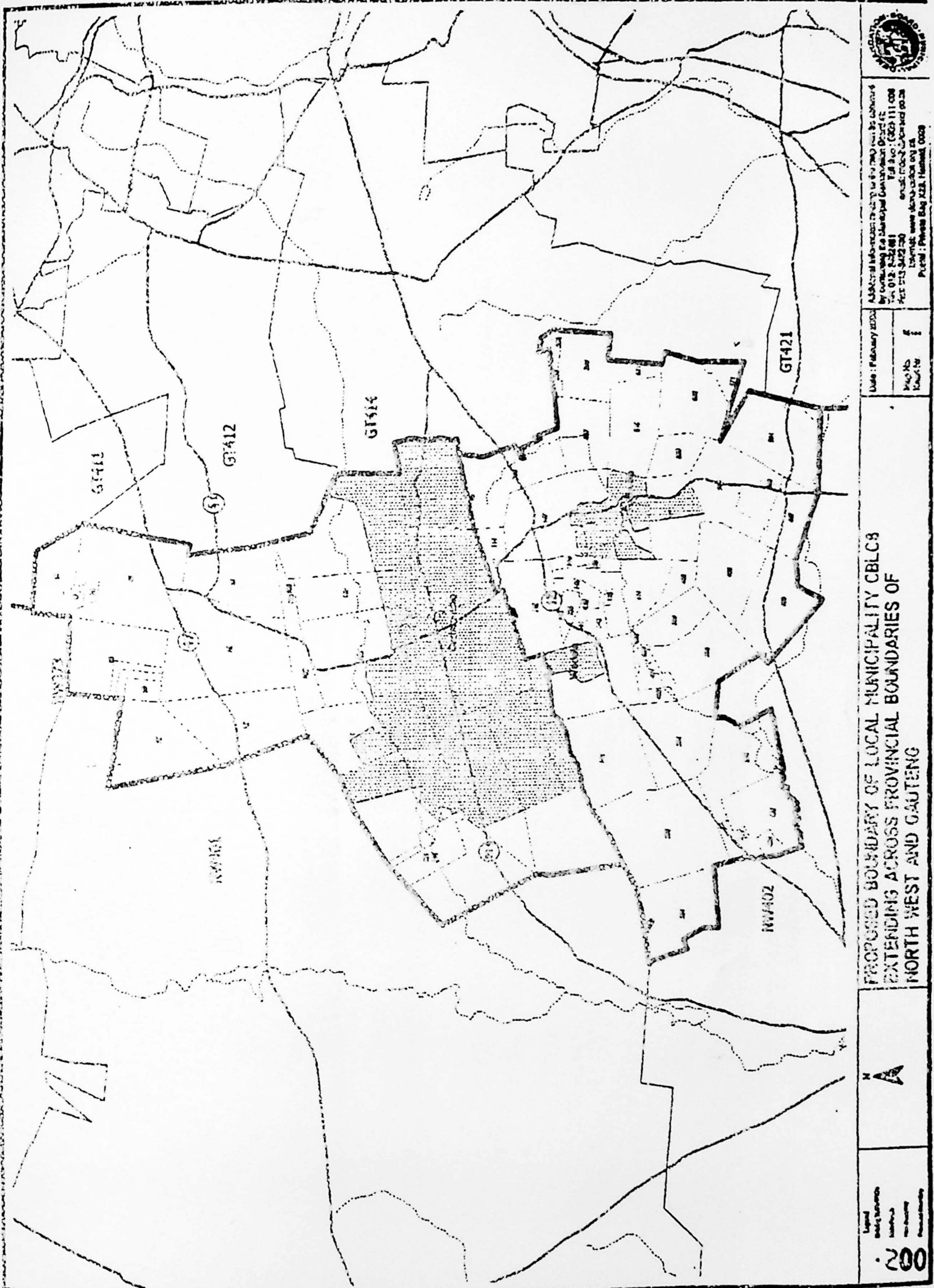
Map No.
Karl Nr. 7

Additional information relating to this map can be obtained
 by contacting the Municipal Demarcation Board at
 Tel: 012-3422481 Toll free : 0800-111-006
 Fax: 012-3422480 email: mdb@dataworld.co.za
 Internet: www.demarcation.org.za
 Postal : Private Bag X28, Hatfield, 0028





<p> </p>	<p> Re-determination of the outer boundary of Local Municipality GT412 in terms of Section 21(b) of the Local Government : Municipal Demarcation Act, No 27 of 1998. </p>	<p> Date: May 2000 Map No. 8 Next No. </p>	<p> Additional information relating to this map can be obtained by contacting the Municipal Demarcation Board at: Tel: 012-3422451 Fax: 012-3421480 Toll free: 0800-111-006 e-mail: mailing@demworld.co.za Internet: www.demarcation.org.za Postal: Private Bag X28, Hatfield, 0028 </p>	
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Additional information to be supplied to the map user by the user
 by consulting the Municipal Government District 6
 Tel: 012 342 2881 Fax: 012 342 2881
 E-mail: m6@capetown.gov.za
 Internet: www.capetown.gov.za
 Printed: Please Bag 228, Harmond, 0009

Date: February 2000
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PROPOSED BOUNDARY OF LOCAL MUNICIPALITY CBLC8
 EXTENDING ACROSS PROVINCIAL BOUNDARIES OF
 NORTH WEST AND GAUTENG

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