



PROVINCE OF THE EASTERN CAPE

IPHONDO LEMPUMA KOLONI

PROVINSIE OOS-KAAP

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No. 644

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH

GENERAL NOTICE

No. 231HOUSING AND LOCAL GOVERNMENT
(EASTERN CAPE)**DESPATCH MUNICIPALITY**

REMOVAL OF RESTRICTIONS ACT, 1967: ERVEN 1757, 1758, 1759 AND 1814, DESPATCH

Under section 2 (1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) as amended, and on application by the owner of Erven 1757, 1758, 1759 and 1814, Despatch, conditions 3.B.1., 2., 3.; E. (a), (b), (c), (d); 4.B.1., 2., 3.; (a), (b), (c), (d); 5.B.1., 2., 3.; C. (a), (b), (c), (d); 6.B. (g) 1., 2., 3.; C. (a), (b), (c), (d) in Deed of Transfer T3099 of 1993 are hereby removed.

BEHUISING EN PLAASLIKE REGERING
(OOS-KAAP)**DESPATCH MUNISIPALITEIT**

WET OP OPHEFFING VAN BEPERKINGS, 1967, ERWE 1757, 1758, 1759 EN 1814, DESPATCH

Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), soos gewysig en op aansoek van die eienaar van Erwe 1757, 1758, 1759 en 1814, Despatch word voorwaardes 3.B.1., 2., 3.; E. (a), (b), (c), (d); 4.B.1., 2., 3.; (a), (b), (c), (d); 5.B.1., 2., 3.; C. (a), (b), (c), (d); 6.B. (g) 1., 2., 3.; C. (a), (b), (c), (d) in Transportakte Nr. T3099 van 1993 opgehef.

LOCAL AUTHORITY NOTICE

No. 170

NOTICE 89/2000

CLOSURE OF A PORTION OF ROAD ADJOINING ERF 793, SITUATED AT 15 BUXTON STREET, QUEENSTOWN
(S/8898/117 p10.)

Notice is hereby given in terms of Section 137 (1) of the Municipal Ordinance 20 of 1974 that the portion of road adjoining Erf 793, situated at No. 15 Buxton Street, Queenstown has been closed.

Esisaziso singafumaneka ngolwini lwesi Xhosa kwi-ofisi ka sosiba we-Dolophu; kwisakhiwo seHolo yeDolophu, kwi-Cathcart Road, kuKomani.

A. J. DE KLERK, Chief Executive Officer/Town Clerk
Town Hall, Queenstown

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

“administrative unit” means the administrative unit referred to paragraph 9 of Part 1;

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

“demarcation notice” means Provincial Notice 22 of 2000 as published in *Provincial Gazette* No 486 dated 28 February 2000, as amended;

“disestablished municipality” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

“district municipal area” means the area indicated as DC 10 on Map 2 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“inter-district transitional facilitation committee” means a committee referred to in paragraph 13 of Part 1;

“local municipality” means the Category B municipalities established in terms of Parts 3 to 11 of this Schedule;

“MEC” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

“new municipality” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally

represent the parties that contested the election in the municipality concerned;

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

“**TFC**” means the Transitional Facilitation Committee referred to in paragraph 11 of Part 1 of this Schedule;

“**ward councillor**” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Western District Council established by Section 5(1) of Provincial Proclamation No. 20/1995 dated 3 August 1995, as amended
 - (b) Aberdeen Transitional Local Council established by Provincial Proclamation No. 1/94 Provincial Notice 11 dated 30 September 1994;
 - (c) Alexandria Transitional Local Council established by Provincial Proclamation No. 2/94 Provincial Notice 11 dated 30 September 1994;
 - (d) Bathurst Transitional Local Council established by Provincial Proclamation No. 4/94 Provincial Notice 11 dated 30 September 1994;
 - (e) Boesmansriviermond Transitional Local Council established by Provincial Proclamation No. 5/94 Provincial Notice 11 dated 30 September 1994;
 - (f) Hankey Transitional Local Council established by Provincial Proclamation No. 8/94 Provincial Notice 11 dated 30 September 1994;
 - (g) Humansdorp Transitional Local Council established by Provincial Proclamation No. 9/94 Provincial Notice 11 dated 30 September 1994;
 - (h) Jansenville Transitional Local Council established by Provincial Proclamation No. 10/94 Provincial Notice 11 dated 30 September 1994;
 - (i) Jeffreys Bay Transitional Local Council established by Provincial Proclamation No. 11/94 Provincial Notice 11 dated 30 September 1994;
 - (j) Kirkwood Transitional Local Council established by Provincial Proclamation No. 12/94 Provincial Notice 11 dated 30 September 1994;
 - (k) Klipplaat Transitional Local Council established by Provincial Proclamation No. 13/94 Provincial Notice 11 dated 30 September 1994;
 - (l) Patensie Transitional Local Council established by Provincial Proclamation No. 15/94 Provincial Notice 11 dated 30 September 1994;
 - (m) Paterson Transitional Local Council established by Provincial

- Proclamation No. 16/94 Provincial Notice 11 dated 30 September 1994;
- (n) Pearston Transitional Local Council established by Provincial Proclamation No. 17/94 Provincial Notice 11 dated 30 September 1994;
 - (o) Somerset East Transitional Local Council established by Provincial Proclamation No. 18 Provincial Notice 11 dated 30 September 1994;
 - (p) Steytlerville Transitional Local Council established by Provincial Proclamation No. 19/94 Provincial Notice 11 dated 30 September 1994;
 - (q) Willowmore Transitional Local Council established by Provincial Proclamation No. 22/94 Provincial Notice 11 dated 30 September 1994;
 - (r) Grahamstown Transitional Local Council established by Provincial Proclamation No. 75/94 Provincial Notice 29 dated 30 December 1994;
 - (s) Nieu-Bethesda Transitional Local Council established by Provincial Proclamation No. 55/94 Provincial Notice 29 dated 30 December 1994;
 - (t) Riebeeck East Transitional Local Council established by Provincial Proclamation No. 74/94 Provincial Notice 29 dated 30 December 1994;
 - (u) Alicedale Transitional Local Council established by Provincial Proclamation No. 24/94 Provincial Notice 13 dated 17 October 1994;
 - (v) Cookhouse Transitional Local Council established by Provincial Proclamation No. 28/94 Provincial Notice 13 dated 17 October 1994;
 - (w) Graaff-Reinet Transitional Local Council established by Provincial Proclamation No. 30/94 Provincial Notice 13 dated 17 October 1994;
 - (x) Kenton-on-Sea Transitional Local Council established by Provincial Proclamation No. 32/94 Provincial Notice 13 dated 17 October 1994;
 - (y) Port Alfred Transitional Local Council established by Provincial Proclamation No. 35/94 Provincial Notice 13 dated 17 October 1994;
 - (z) St Francis Bay Transitional Local Council established by Provincial Proclamation No. 38/94 Provincial Notice 13 dated 17 October 1994;
 - (aa) Joubertina Transitional Local Council established by Provincial Proclamation No. 40/94 Provincial Notice 17 dated 31 October 1994;
 - (bb) Kareedouw Transitional Local Council established by Provincial Proclamation No. 41/94 Provincial Notice 17 dated 31 October 1994;
 - (cc) Aberdeen Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended;
 - (dd) Albany Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended;
 - (ee) Alexandria Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended;
 - (ff) Bathurst Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended;
 - (gg) Hankey Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended;
 - (hh) Humansdorp Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as

- amended ;
- (ii) Jansenville Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended;
 - (jj) Joubertina Transitional Representative Council established by Section 15 of Provincial Proclamation 20/1995 dated 3 August 1995, as amended;
 - (kk) Kirkwood Transitional Representative Council established by Section 15 of Provincial Proclamation 20/1995 dated 3 August 1995, as amended;
 - (ll) Pearston Transitional Representative Council established by Section 15 of Provincial Proclamation 20/1995 dated 3 August 1995, as amended ;
 - (mm) Port Elizabeth Transitional Representative Council established by Section 15 of Provincial Proclamation 20/1995 dated 3 August 1995, as amended ;
 - (nn) Somerset East Transitional Representative Council established by Section of Provincial Proclamation 20/1995 dated 3 August 1995, as amended ;
 - (oo) Steytlerville Transitional Representative Council established by Section of Provincial Proclamation 20/1995 dated 3 August 1995, as amended ;
 - (pp) Uitenhage Transitional Representative Council established by Section 15 of Provincial Proclamation 20/1995 dated 3 August 1995, as amended ;
 - (qq) Willowmore Transitional Representative Council established by Section 15 of Provincial Proclamation 20/1995 dated 3 August 1995, as amended ;
 - (rr) Boknes/Cannon Rocks Local Council established by Provincial Notice 89/94 dated 4 February 1994;
 - (ss) Oyster Bay Local Council established by Provincial Notice 87 /94 dated 4 February 1994;
 - (tt) Seafeld Local Council established by Provincial Notice 88/94 dated 4 February 1994
 - (uu) Nomathamsanqa established by section 33 of Township Establishment Act 4 of 1984 (Act No. 4 of 1984);
 - (vv) Graaff Reinet Transitional Representative Council established by Section 15 of Provincial Proclamation 20/95 dated 3 August 1995, as amended .
- (2) Until it is disestablished on the effective date, a municipality referred to in subparagraph (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

- (6) The transfers mentioned in this paragraph must be reviewed and dealt with by the TFC referred to in paragraph 11 of this Part.

Investments, cash and cash balances

7. 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 established in terms of paragraph 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;
 - (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(b) to 2(1)(vv) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
 - (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

8. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;

- (c) for the purposes of paragraph (a) "function" include a power;
- (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
- (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
- (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part.
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;

- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

- 9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the acting municipal manager or municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

- 10. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
 - (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
 - (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of that local authority.

- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to -
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

Transitional Facilitation Committee

11. (1) (a) A transitional facilitation committee (TFC) is hereby established for the district municipal area.
- (b) The establishment of the TFC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) A TFC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the TFC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
- (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the TFC;
- (b) the chairperson of the TFC decides when and where the TFC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request;
- (c) the chairperson presides at meetings of the TFC, but if the chairperson is

absent from a meeting, the members present must elect another member to preside at the meeting.

- (4) The TFC may determine its own procedures, subject to the following:
 - (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) at least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

12. (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in paragraph 11 and request the committee to refer a matter before the committee to the MEC for resolution.
- (2) The MEC for local government may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

Inter-district transitional Facilitation Committee

13. (1) (a) Where the area of disestablished municipality falls within the area of

- more than one new district municipality, an inter-district transitional facilitation committee is hereby established in respect of those new district municipalities;
- (b) the establishment of the inter-district facilitation committee takes effect no later than 60 days after the effective date;
 - (c) an inter-district transitional facilitation committee consists of one councillor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an inter-district transitional facilitation committee shall, subject to and for the purposes of sections 14 and 84 of the Act read with sections 10 and 14 of the amendment Act, be to recommend to the relevant authority –
- (a) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The inter-district transitional facilitation committee, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) the Chairperson of the inter-district transitional facilitation committee decides when and where the inter-district transitional facilitation committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the inter-district transitional facilitation committee at a time and place set out in the request;
 - (c) the Chairperson presides at meetings of the inter-district transitional facilitation committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The inter-district transitional facilitation committee may determine its own procedures, subject to the following:
- (a) A question before the inter-district transitional facilitation committee is

- decided with a supporting vote of the majority of the members present at the meeting;
- (b) at least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5) (a) Where the inter-district transitional facilitation committee has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the inter-district transitional facilitation committee within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
- (b) where the inter-district transitional facilitation committee cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the inter-district transitional facilitation committee on the matter, provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the inter-district transitional facilitation committee in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the inter-district transitional facilitation committee.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. (1) A district municipality is hereby established for the district municipal area as a whole,
- (2) That part of the district municipal area indicated on Map No. 11 published by Notice 1139/2000 in the Government Gazette, No. 20972 dated 10 March 2000, is a district management area which is to be managed by the district municipality in terms of Section 6 of the Municipal Structures Act.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated on Map No. 2 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the district municipality is Western (DC10).

COUNCILLORS

6. (1) The council of the district municipality consists of 27 councillors as determined in Provincial Notice No. 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended of which-
 - (a) 11 must be proportionally elected councillors;
 - (b) 1 must be a proportionally elected councillor to represent voters in the district management area mentioned in clause 1(2) of this Part;
 - (c) 1 must be appointed by the local municipality mentioned in Part 3;
 - (d) 1 must be appointed by the local municipality mentioned in Part 4;
 - (e) 1 must be appointed by the local municipality mentioned in Part 5;
 - (f) 3 must be appointed by the local municipality mentioned in Part 6;
 - (g) 2 must be appointed by the local municipality mentioned in Part 7;
 - (h) 2 must be appointed by the local municipality mentioned in Part 8;
 - (i) 1 must be appointed by the local municipality mentioned in Part 9;
 - (j) 3 must be appointed by the local municipality mentioned in Part 10;
 - (k) 1 must be appointed by the local municipality mentioned in Part 11.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following -
 - (i) the functions and duties to be performed by the full-time

- speaker;
- (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
- (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Port Elizabeth which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

9. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR B GXILISHE

- (2) The interim municipal manager must be assisted by MR D DE LANGE and MR G HITGE to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken into account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) – (b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –
 - (a) state the number of councillors to serve on the executive committee in accordance with section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) – (d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

10. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 101 on Map 7 in Provincial Notice 22 of 2000 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 7 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the local municipality is Camdeboo (EC101).

COUNCILLORS

6. (1) The council of the local municipality consists of 5 proportionally elected councillors and 6 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 6 wards with boundaries as determined in Provincial Notice 116 of 2000 published in the Provincial Gazette No. 576 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Graaff-Reinet which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR M W C GALLOWAY

- (2) The interim municipal manager must be assisted by MR GRIMBEECK and MR LANGBOOI to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-

paragraph (1).

- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 102 on Map 8 in Provincial Notice 22 of 2000 published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000 (EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 8 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Blue Crane Route.

COUNCILLORS

6. (1) The council of the local municipality consists of 5 proportionally elected

councillors and 5 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.

- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 5 wards with boundaries as determined in Provincial Notice 117 of 2000 published in the Provincial Gazette No. 568 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Somerset East which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR G P BOTHA

- (2) The interim municipal manager must be assisted by MR C F B DU PREEZ and MR B V BUWA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 5**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 103 on Map 9 in Provincial Notice 22 of 2000 published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(e) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 9 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Ikwezi.

COUNCILLORS

6. (1) The council of the local municipality consists of 5 proportionally elected councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has no wards.

SEAT OF FIRST MEETING

10. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Jansenville which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MS S S KAMMIES

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 6**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 105 on Map 10 in Provincial Notice 22 of 2000 as published in

Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 10 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Makana.

COUNCILLORS

6. (1) The council of the local municipality consists of 12 proportionally elected councillors and 12 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 12 wards with boundaries as determined in Provincial Notice 118 of 2000 published in the Provincial Gazette No. 569 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Grahamstown which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR CRIDLAND

- (2) The interim municipal manager must be assisted by MR T VAN AARDE and MR C W MALAN to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 7**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 105 on Map 11 in Provincial Notice 22 of 2000 as published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 11 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Ndlambe.

COUNCILLORS

6. (1) The council of the local municipality consists of 8 proportionally elected councillors and 9 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 9 wards with boundaries as determined in Provincial Notice 143 of 2000 published in the Provincial Gazette No. 596 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

11. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be determined by the MECf which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR A G SCHLEMMER

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 8**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 106 on Map 12 in Provincial Notice 22 of 2000 as published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 12 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Sunday's River Valley.

COUNCILLORS

6. (1) The council of the local municipality consists of 6 proportionally elected councillors and 7 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 7 wards with boundaries as determined in Provincial Notice 144 of 2000 published in the Provincial Gazette No. 595 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Kirkwood which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR N K SINGANTO

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 9

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 107 on Map 13 in Provincial Notice 22 of 2000 as published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(e) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 13 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Bavians.

COUNCILLORS

6. (1) The council of the local municipality consists of 5 proportionally elected councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has no wards.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Willowmore which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the

rules contained in paragraph 10 of Part 2 of this Schedule

PART 10

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 108 on Map 14 in Provincial Notice 199 of 2000 as published in Provincial Gazette No. 633 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 14 published in the Provincial Gazette No. 633 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Kouga.

COUNCILLORS

6. (1) The council of the local municipality consists of 9 proportionally elected councillors and 10 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 10 wards with boundaries as determined in Provincial Notice 201 of 2000 published in the Provincial Gazette No. 634 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Humansdorp which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

- 10 (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:
- MR J Z A VUMAZONKE
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 11**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 109 on Map 15 in Provincial Notice 199 of 2000 as published in Provincial Gazette No. 633 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 15 published in the Provincial Gazette No. 633 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Kou-Kamma.

COUNCILLORS

6. (1) The council of the local municipality consists of 4 proportionally elected councillors and 4 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 10 wards with boundaries as determined in Provincial Notice 201 of 2000 published in the Provincial Gazette No. 634 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Humansdorp which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

- 10 (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:
- MR J Z A VUMAZONKE
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 11**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 109 on Map 15 in Provincial Notice 199 of 2000 as published in Provincial Gazette No. 633 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 15 published in the Provincial Gazette No. 633 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Kou-Kamma.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 4 proportionally elected councillors and 4 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
 - (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 4 wards with boundaries as determined in Provincial Notice 202 of 2000 published in the Provincial Gazette No. 635 dated 9 August 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Kareedouw which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR T MoHR
- (2) The interim municipal manager must be assisted by MS A M POTGIETER and MR J RUITERS to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS**

**PROVINCIAL NOTICE NO 80 DATED 27/9/2000 ISSUED IN TERMS OF SECTION
12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO.
117 OF 1998)**

MUNICIPAL FACILITATION COMMITTEE FOR AMATOLA

I, **GUGILE ERNEST NKWINTI**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

G.E. NKWINTI

**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE**

DATE: _____

SCHEDULE**PART 1****Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

“administrative unit” means the administrative unit referred to paragraph 9 of Part 1;

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

“demarcation notice” means Provincial Notice 22 of 2000 published in *Provincial Gazette* No. 486 dated 28 February 2000, as amended;

“disestablished municipality” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

“district municipal area” means the area indicated as DC 12 on Map 3 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“inter-district transitional facilitation committee” means a committee referred to in paragraph 13 of Part 1;

“local municipality” means the Category B municipalities established in terms of Parts 3 to 10 of this Schedule;

“MEC” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

“new municipality” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“TFC” means the Transitional Facilitation Committee referred to in paragraph 11 of Part 1 of this Schedule;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Amatola District Council established by Section 5(1) of Proclamation 20 dated 3 August 1995, as amended.
 - (b) East London Transitional Local Council established by Provincial Proclamation No. 79/94 Provincial Notice 29 dated 30 December 1994;
 - (c) Tsomo Transitional Local Council established by Provincial Proclamation No. 81/94 Provincial Notice 29 dated 30 December 1994;
 - (d) Stutterheim Transitional Local Council established by Provincial Proclamation No. 87/94 Provincial Notice 29 dated 30 December 1994;
 - (e) Willowvale Transitional Local Council established by Provincial Proclamation No. 85/94 Provincial Notice 29 dated 30 December 1994;
 - (f) Middeldrift Transitional Local Council established by Provincial Proclamation No. 77/94 Provincial Notice 29 dated 30 December 1994;
 - (g) Fort Beaufort Transitional Local Council established by Provincial Proclamation No. 69/94 Provincial Notice 29 dated 30 December 1994;
 - (h) Adelaide Transitional Local Council established by Provincial Proclamation No. 23/94 Provincial Notice 13 dated 17 October 1994;
 - (i) Bedford Transitional Local Council established by Provincial Proclamation No. 26/94 Provincial Notice 13 dated 17 October 1994;
 - (j) Alice Transitional Local Council established by Provincial Proclamation No. 66/94 Provincial Notice 29 dated 30 December 1994;
 - (k) Idutywa Transitional Local Council established by Provincial Proclamation No. 63/94 Provincial Notice 29 dated 30 December 1994;
 - (l) Kei Mouth Transitional Local Council established by Provincial Proclamation No. 62/94 Provincial Notice 29 dated 30 December 1994;
 - (m) Nqamakwe Transitional Local Council established by Provincial Proclamation No. 54/94 Provincial Notice 29 dated 30 December 1994;
 - (n) Elliotdale Transitional Local Council established by Provincial Proclamation No. 52/94 Provincial Notice 29 dated 30 December 1994;
 - (o) Seymour Transitional Local Council established by Provincial Proclamation No. 48/94 Provincial Notice 29 dated 30 December 1994;
 - (p) Kei Road Transitional Local Council established by Provincial Proclamation No. 42/94 Provincial Notice 17 dated 30 December 1994;
 - (q) Komga Transitional Local Council established by Provincial

- (r) Proclamation No. 33/94 Provincial Notice 13 dated 17 October 1994; King William's Town Transitional Local Council established by Provincial Proclamation No. 93/94 Provincial Notice 29 dated 30 December 1994;
- (s) Cathcart Transitional Local Council established by Provincial Proclamation No. 70/94 Provincial Notice 29 dated 30 December 1994;
- (t) Butterworth Transitional Local Council established by Provincial Proclamation No. @ dated @.
- (u) Peddie Transitional Local Council established by Provincial Proclamation No. 67/94 Provincial Notice 29 dated 30 December 1994;
- (v) Kentani Transitional Local Council established by Provincial Proclamation No. 82/94 Provincial Notice 29 dated 30 December 1994;
- (w) Keiskammahoek Transitional Local Council established by Provincial Proclamation No. 76/94 Provincial Notice 29 dated 30 December 1994;
- (x) Hamburg Transitional Local Council established by Provincial Proclamation No. 78/94 Provincial Notice 29 dated 30 December 1994;
- (y) Hogsback Local Council established by Provincial Proclamation No. @ dated @.
- (z) Amatola Coastal Local Council established by Provincial Proclamation No. @ dated @.
- (aa) East London/Mdantsane Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (bb) Tsomo Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (cc) Stutterheim Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (dd) Gatyana/Willowvale Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (ee) Middledrift Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (ff) Fort Beaufort Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (gg) Adelaide Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (hh) Bedford Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (ii) Victoria East Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (jj) Idutywa Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;

- (kk) Nqamakwe Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (ll) Xhora (also known as Elliotdale) Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (mm) Mpofu/Stockenstroom Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (nn) Komga Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (oo) King William's Town Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (pp) Cathcart Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (qq) Butterworth/Gcuwa Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (rr) Peddie Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (ss) Centani Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (tt) Keiskammahoek Transitional Representative Council established by Section 15 of Provincial Proclamation No. 20/95 dated 3 August 1995, as amended;
- (2) Until it is disestablished on the effective date, a municipality referred to in subparagraph (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2 to 10 of this Schedule.

- (2) The establishment of the municipalities mentioned in sub-paragraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, rights, liabilities and obligations

6.
 - (1) The assets, rights, liabilities and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) of the Act, transferred to that new municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
 - (2) For the purpose of sub-paragraph (1), "function" includes a power.
 - (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
 - (4) Assets, rights, liabilities and obligations other than those referred to in sub-paragraph (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
 - (5) A new municipality shall, pending the review referred to in sub-paragraph (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
 - (6) The transfers mentioned in this paragraph must be reviewed and dealt with by the TFC referred to in paragraph 11 of this Part.

Investments, cash and cash balances

7. 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 established in terms of paragraph 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;
 - (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(b) to 2(1)(tt) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality; the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
 - (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

8. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;
 - (c) for the purposes of paragraph (a) "function" include a power;
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new

municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;

- (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part;
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a

scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the acting municipal manager or municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

10. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
 - (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
 - (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of that local authority.
- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to –
 - (a) a disestablished municipality, must be construed as a reference to the new municipality; and

- (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

Transitional Facilitation Committee

- 11. (1) (a) A transitional facilitation committee (TFC) is hereby established for the district municipal area;
- (b) the establishment of the TFC shall take effect no later than twenty-eight (28) days after the effective date;
- (c) a TFC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the TFC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
 - (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of bylaws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such bylaws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the TFC;
- (b) the chairperson of the TFC decides when and where the TFC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request;
- (c) the chairperson presides at meetings of the TFC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The TFC may determine its own procedures, subject to the following:

- (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) at least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

- 12.
- (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in clause 11 and request the committee to refer a matter before the committee to the MEC for resolution.
 - (2) The MEC for local government may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
 - (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

Inter-district transitional Facilitation Committee

- 13.
- (1) (a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an inter-district transitional facilitation committee is hereby established in respect of those new district municipalities;
 - (b) The establishment of the inter-district facilitation committee takes effect

no later than 60 days after the effective date;

- (c) An inter-district transitional facilitation committee consists of one councillor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an inter-district transitional facilitation committee shall, subject to and for the purposes of sections 14 and 84 of the Act read with sections 10 and 14 of the amendment Act, be to recommend to the relevant authority –
- (a) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The inter-district transitional facilitation committee, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) The Chairperson of the inter-district transitional facilitation committee decides when and where the inter-district transitional facilitation committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the inter-district transitional facilitation committee at a time and place set out in the request;
- (c) the Chairperson presides at meetings of the inter-district transitional facilitation committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The inter-district transitional facilitation committee may determine its own procedures, subject to the following:
- (a) A question before the inter-district transitional facilitation committee is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) at least one half of the members must be present at a meeting before a

vote may be taken on any matter.

- (5) (a) Where the inter-district transitional facilitation committee has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the inter-district transitional facilitation committee within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
- (b) where the inter-district transitional facilitation committee cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the inter-district transitional facilitation committee on the matter, provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the inter-district transitional facilitation committee in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the inter-district transitional facilitation committee.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. (1) A district municipality is hereby established for the district municipal area as a whole,
- (2) That part of the district municipal area indicated on Map No. 12 published by Notice 1139/2000 in the Government Gazette, No. 20972 dated 10 March 2000, is a district management area which is to be managed by the district municipality in terms of Section 6 of the Municipal Structures Act.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated on Map No. 3 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board

NAME

5. The name of the district municipality is Amatole.

COUNCILLORS

6. (1) The council of the district municipality consists of 73 councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended of which -
- (a) 30 must be proportionally elected councillors;
 - (b) 1 must be a proportionally elected councillor to represent voters in the district management area mentioned in clause 1(2) of this Part;
 - (c) 4 must be appointed by the local municipality mentioned in Part 3;
 - (d) 6 must be appointed by the local municipality mentioned in Part 4;
 - (e) 1 must be appointed by the local municipality mentioned in Part 5;
 - (f) 4 must be appointed by the local municipality mentioned in Part 6;
 - (g) 20 must be appointed by the local municipality mentioned in Part 7;
 - (h) 2 must be appointed by the local municipality mentioned in Part 8;
 - (i) 4 must be appointed by the local municipality mentioned in Part 9;
 - (j) 1 must be appointed by the local municipality mentioned in Part 10.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following -
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration

attached to the full-time office bearers.

- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be in East London which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

9. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MS P B YAKO

- (2) The interim municipal manager must be assisted by MR K JACOBY and MR A S NAIDOO to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken into account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

RULES FOR FIRST MEETING OF MUNICIPAL COUNCIL

Definitions

1. In these rules, 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;

“interim municipal manager” means the interim municipal manager as determined in the section 12 Notice;

“interim seat” means the interim seat of a municipality as determined in the section 12 Notice; and

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

Notice convening first meeting

2. (1) The interim municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the interim seat of the municipality within 14 days after the council has been declared elected, or if it is a district council, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

3. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the interim municipal manager must read the notice convening the council.
- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

4. (1) At its first meeting after its election the council must elect its speaker from among its councillors.
- (2) The interim municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.

- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) – (b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –
- (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) – (d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

10. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 121 on Map 16 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 16 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Mbhashe.

COUNCILLORS

6. (1) The council of the local municipality consists of 23 proportionally elected councillors and 24 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (iv) the functions and duties to be performed by the full-time speaker;
 - (v) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (vi) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 24 wards with boundaries as determined in the Provincial Notice 93 of 2000 published in the Provincial Gazette No. 549 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Idutywa which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

- 10 (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR BONGCO

- (2) The interim municipal manager must be assisted by MS SITYATA and MS TOM to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 122 on Map 17 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 17 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Mnquma.

COUNCILLORS

6. (1) The council of the local municipality consists of 30 proportionally elected councillors and 31 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 31 wards with boundaries as determined in the Provincial Notice 120 of 2000 published in the Provincial Gazette No. 571 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Butterworth which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR BIKITSHE.

- (2) The interim municipal manager must be assisted by MS TASANA and MS BODLO to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 5**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 123 on Map 18 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 18 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Great Kei.

COUNCILLORS

6. (1) The council of the local municipality consists of 6 proportionally elected councillors and 6 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 6 wards with boundaries as determined in the Provincial Notice 121 of 2000 published in the Provincial Gazette No. 572 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Komga which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR D DICKS

- (2) The interim municipal manager must be assisted by MR VERMEULEN and MS HILL to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 124 on Map 19 in Provincial Notice 60 of 2000 published in the Provincial Gazette No. 516 dated 8 May 2000 and / or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 19 published in the Provincial Gazette No. 516 dated 8 May 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Amahlati.

COUNCILLORS

6. (1) The council of the local municipality consists of 19 proportionally elected councillors and 20 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;

WARDS

8. The local municipality has 20 wards with boundaries as determined in the Provincial Notice 90 of 2000 published in the Provincial Gazette No. 546 dated 12 May 2000

and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Stutterheim which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR L DU RANDT

- (2) The interim municipal manager must be assisted by MR BB CILLIERS and MS NCOKAZI to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 7

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 125 on Map 20 in Provincial Notice 22 of 2000 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 20 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Buffalo City.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 44 proportionally elected councillors and 45 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
 - (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee

WARDS

8. The local municipality has 45 wards with boundaries as determined in the Provincial Notice 97 of 2000 published in the Provincial Gazette No. 553 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be East London which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR P KING

- (2) The interim municipal manager must be assisted by MR B SHEPHERD and MS A MAGWEMTSHU to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 8**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 126 on Map 21 in Provincial Notice 22 of 2000 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 21 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Ngqushwa.

COUNCILLORS

6. (1) The council of the local municipality consists of 13 proportionally elected councillors and 14 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee

WARDS

8. The local municipality has 45 wards with boundaries as determined in the Provincial Notice 97 of 2000 published in the Provincial Gazette No. 553 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be East London which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR P KING

- (2) The interim municipal manager must be assisted by MR B SHEPHERD and MS A MAGWEMTSHU to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 8**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 126 on Map 21 in Provincial Notice 22 of 2000 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 21 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Ngqushwa.

COUNCILLORS

6. (1) The council of the local municipality consists of 13 proportionally elected councillors and 14 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 14 wards with boundaries as determined in the Provincial Notice 122 of 2000 published in the Provincial Gazette No. 573 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Peddie which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR M SOMANA

- (2) The interim municipal manager must be assisted by MS JALI and MR KANZI to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 9

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 127 on Map 22 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 22 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Nkonkobe.

COUNCILLORS

6. (1) The council of the local municipality consists of 20 proportionally elected councillors and 21 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS,

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 21 wards with boundaries as determined in the Provincial Notice 123 of 2000 published in the Provincial Gazette No. 574 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Alice which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:
- MR E N MAKANA
- (2) The interim municipal manager must be assisted by MR MNQAYI and MR BADI to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 10**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 128 on Map 23 in Provincial Notice 60 of 2000 published in the Provincial Gazette No. 516 dated 8 May 2000 and / or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 23 published in the Provincial Gazette No. 516 dated 8 May 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Nxuba.

COUNCILLORS

6. (1) The council of the local municipality consists of 4 proportionally elected councillors and 4 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 4 wards with boundaries as determined in the Provincial Notice 87 of 2000 published in the Provincial Gazette No. 543 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Adelaide which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR K R DE LANGE

- (2) The interim municipal manager must be assisted by MR MATTHEUS and MR J VAN HEERDEN to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager, municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS**

**PROVINCIAL NOTICE NO 81 DATED 27/9/2000 ISSUED IN TERMS OF SECTION
12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO.
117 OF 1998)**

MUNICIPAL FACILITATION COMMITTEE FOR STORMBERG

I, **GUGILE ERNEST NKWINTI**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

G.E. NKWINTI

**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE**

DATE: _____

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -
 - “**administrative unit**” means the administrative unit referred to paragraph 9 of Part 1;
 - “**Constitution**” means the Constitution of the Republic of South Africa;
 - “**demarcation notice**” means Provincial Notice 22 of 2000 published in Provincial Gazette No. 486 dated 28 February 2000, as amended;
 - “**disestablished municipality**” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;
 - “**district municipal area**” means the area indicated on Map 4 of the demarcation notice;
 - “**district municipality**” means the Category C municipality established in terms of Part 2 of this Schedule;
 - “**effective date**” means -
 - (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
 - (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**inter-district transitional facilitation committee**” means a committee referred to in paragraph 13 of Part 1;
 - “**local municipality**” means the Category B municipalities established in terms of Parts 3 to 10 of this Schedule;
 - “**MEC**” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;
 - “**new municipality**” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“TFC” means the Transitional Facilitation Committee referred to in paragraph 11 of Part 1 of this Schedule;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Stormberg District Council established by Section 5 (1) of Provincial Proclamation 20/95 dated 3 August 1995 as amended;
 - (b) Cradock Transitional Local Council established by Proclamation 29, Provincial Notice 13/94 dated 17 October 1994;
 - (c) Middelburg Transitional Local Council established by Proclamation 14, Provincial Notice 11/94 dated 30 September 1994;
 - (d) Hofmeyr Transitional Local Council established by Proclamation 84, Provincial Notice 29/94 dated 30 September 1994;
 - (e) Tarkastad Transitional Local Council established by Proclamation 20, Provincial Notice 11/94 dated 30 September 1994;
 - (f) Molteno Transitional Local Council established by Proclamation 44, Provincial Notice 17/94 dated 31 October 1994;
 - (g) Sterkstroom Transitional Local Council established by Proclamation 71, Provincial Notice 29/94 dated 30 December 1994;
 - (h) Queenstown Transitional Local Council established by Proclamation 36, Provincial Notice 13/94 dated 17 October 1994;
 - (i) Whittlesea Transitional Local Council established by Proclamation 49, Provincial Notice 29/94 dated 30 December 1994;
 - (j) Comfimvaba Transitional Local Council established by Proclamation 92, Provincial Notice 29/94 dated 30 December 1994;
 - (k) Tsomo Transitional Local Council established by Proclamation 81, Provincial Notice 29/94 dated 30 December 1994;
 - (l) Dordrecht Transitional Local Council established by Proclamation 7, Provincial Notice 11/94 dated 30 September 1994;
 - (m) Indwe Transitional Local Council established by Proclamation 39, Provincial Notice 17/94 dated 31 October 1994;
 - (n) Lady Frere Transitional Local Council established by Proclamation 91, Provincial Notice 29/94 dated 30 December 1994;
 - (o) Engcobo Transitional Local Council established by Proclamation 57, Provincial Notice 29/94 dated 30 December 1994;
 - (p) Cala Transitional Local Council established by Proclamation 65,

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

“administrative unit” means the administrative unit referred to paragraph 9 of Part 1;

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

“demarcation notice” means Provincial Notice 22 of 2000 published in Provincial Gazette No. 486 dated 28 February 2000, as amended;

“disestablished municipality” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

“district municipal area” means the area indicated on Map 4 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“inter-district transitional facilitation committee” means a committee referred to in paragraph 13 of Part 1;

“local municipality” means the Category B municipalities established in terms of Parts 3 to 10 of this Schedule;

“ MEC” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

“new municipality” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“TFC” means the Transitional Facilitation Committee referred to in paragraph 11 of Part 1 of this Schedule;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Stormberg District Council established by Section 5 (1) of Provincial Proclamation 20/95 dated 3 August 1995 as amended;
 - (b) Cradock Transitional Local Council established by Proclamation 29, Provincial Notice 13/94 dated 17 October 1994;
 - (c) Middelburg Transitional Local Council established by Proclamation 14, Provincial Notice 11/94 dated 30 September 1994;
 - (d) Hofmeyr Transitional Local Council established by Proclamation 84, Provincial Notice 29/94 dated 30 September 1994;
 - (e) Tarkastad Transitional Local Council established by Proclamation 20, Provincial Notice 11/94 dated 30 September 1994;
 - (f) Molteno Transitional Local Council established by Proclamation 44, Provincial Notice 17/94 dated 31 October 1994;
 - (g) Sterkstroom Transitional Local Council established by Proclamation 71, Provincial Notice 29/94 dated 30 December 1994;
 - (h) Queenstown Transitional Local Council established by Proclamation 36, Provincial Notice 13/94 dated 17 October 1994;
 - (i) Whittlesea Transitional Local Council established by Proclamation 49, Provincial Notice 29/94 dated 30 December 1994;
 - (j) Comfimvaba Transitional Local Council established by Proclamation 92, Provincial Notice 29/94 dated 30 December 1994;
 - (k) Tsomo Transitional Local Council established by Proclamation 81, Provincial Notice 29/94 dated 30 December 1994;
 - (l) Dordrecht Transitional Local Council established by Proclamation 7, Provincial Notice 11/94 dated 30 September 1994;
 - (m) Indwe Transitional Local Council established by Proclamation 39, Provincial Notice 17/94 dated 31 October 1994;
 - (n) Lady Frere Transitional Local Council established by Proclamation 91, Provincial Notice 29/94 dated 30 December 1994;
 - (o) Engcobo Transitional Local Council established by Proclamation 57, Provincial Notice 29/94 dated 30 December 1994;
 - (p) Cala Transitional Local Council established by Proclamation 65,

- Provincial Notice 29/94 dated 30 December 1994;
- (q) Elliot Transitional Local Council established by Proclamation 64, Provincial Notice 29/94 dated 30 December 1994.
 - (r) Cacadu/Glen Grey Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (s) Cofimvaba Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (t) Cradock Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (u) Hewu Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (v) Hofmeyer Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (w) Middelburg Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (x) Molteno Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (y) Ntabethemba Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (z) Queenstown Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (aa) Sterkstroom Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (bb) Tarka Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended.
- (2) Until it is disestablished on the effective date, a municipality referred to in sub-paragraph (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2 to 10 of this Schedule.
- (2) The establishment of the municipalities mentioned in sub-paragraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, rights, liabilities and obligations

6. (1) The assets, rights, liabilities and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) of the Act, transferred to that new municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
 - (2) For the purpose of sub-paragraph (1), "function" includes a power.
 - (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
 - (4) Assets, rights, liabilities and obligations other than those referred to in sub-paragraph (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
 - (5) A new municipality shall, pending the review referred to in sub-paragraph (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
 - (6) The transfers mentioned in this paragraph must be reviewed and dealt with by the TFC referred to in paragraph 11 of this Part.

Investments, cash and cash balances

7. 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 established in terms of paragraph 4(1) in accordance with the following rules:
 - (a) the investments, cash and cash balances of the disestablished district

municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;

- (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(b) to 2(1)(bb) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
- (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

- 8. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;
 - (c) for the purposes of paragraph (a) "function" include a power;
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
 - (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any

leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;

- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
- (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part.
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the acting municipal manager or municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

10. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
- (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
- (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of that local authority.
- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to –
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
- (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

Transitional Facilitation Committee

11. (1) (a) A transitional facilitation committee (TFC) is hereby established for the district municipal area.
- (b) The establishment of the TFC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) A TFC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the TFC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
 - (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the TFC.
- (b) The chairperson of the TFC decides when and where the TFC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request.
- (c) The chairperson presides at meetings of the TFC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The TFC may determine its own procedures, subject to the following:
 - (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting.

- (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5) (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
- (b) Where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

- 12. (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in paragraph 11 and request the committee to refer a matter before the committee to the MEC for resolution.
- (2) The MEC for local government may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

Inter-district transitional Facilitation Committee

- 13. (1)(a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an inter-district transitional facilitation committee is hereby established in respect of those new district municipalities;
- (b) The establishment of the inter-district facilitation committee takes effect no later than 60 days after the effective date;
- (c) An inter-district transitional facilitation committee consists of one councillor designated by each of the new municipalities within the areas of all the new

district municipalities.

- (2) The functions of an inter-district transitional facilitation committee shall, subject to and for the purposes of sections 14 and 84 of the Act read with sections 10 and 14 of the amendment Act, be to recommend to the relevant authority –
 - (a) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3)
 - (a) The inter-district transitional facilitation committee, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
 - (b) the Chairperson of the inter-district transitional facilitation committee decides when and where the inter-district transitional facilitation committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the inter-district transitional facilitation committee at a time and place set out in the request;
 - (c) the Chairperson presides at meetings of the inter-district transitional facilitation committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The inter-district transitional facilitation committee may determine its own procedures, subject to the following:
 - (a) A question before the inter-district transitional facilitation committee is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the inter-district transitional facilitation committee has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter

shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the inter-district transitional facilitation committee within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;

- (c) Where the inter-district transitional facilitation committee cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the inter-district transitional facilitation committee on the matter, provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the inter-district transitional facilitation committee in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the inter-district transitional facilitation committee.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. (1) A district municipality is hereby established for the district municipal area as a whole.
- (2) That part of the district municipal area indicated as DC 13 on Map No. 13 published by Notice 1139/2000 in the Government Gazette, No. 20972 dated 10 March 2000, is a district management area which is to be managed by the district municipality in terms of Section 6 of the Municipal Structures Act.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated on Map No. 4 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the district municipality is North East (DC13).

COUNCILLORS

6. (1) The council of the district municipality consists of 38 councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended, of which -
- (a) 16 must be proportionally elected councillors;
 - (b) 1 must be a proportionally elected councillor to represent voters in the district management area mentioned in clause 1(2) of this Part;
 - (c) 2 must be appointed by the local municipality mentioned in Part 3;
 - (d) 1 must be appointed by the local municipality mentioned in Part 4;
 - (e) 1 must be appointed by the local municipality mentioned in Part 5;
 - (f) 5 must be appointed by the local municipality mentioned in Part 6;
 - (g) 5 must be appointed by the local municipality mentioned in Part 7;
 - (h) 3 must be appointed by the local municipality mentioned in Part 8;
 - (i) 3 must be appointed by the local municipality mentioned in Part 9;
 - (j) 1 must be appointed by the local municipality mentioned in Part 10.
- (2) Full time councillors, if any,, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following -
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) The functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Queenstown which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

9. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR M MENE

- (2) The interim manager must be assisted by MR H VORSTER and MR B SIGENU to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

RULES FOR FIRST MEETING OF MUNICIPAL COUNCIL**Definitions**

1. In these rules, 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;

“interim municipal manager” means the interim municipal manager as determined in the section 12 Notice;

“interim seat” means the interim seat of a municipality as determined in the section 12 Notice; and

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

Notice convening first meeting

2. (1) The interim municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the interim seat of the municipality within 14 days after the council has been declared elected, or if it is a district council, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

3. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the interim municipal manager must read the notice convening the council.
- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

4. (1) At its first meeting after its election the council must elect its speaker from among its councillors.
- (2) The interim municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) –(b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –
 - (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) –(d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

10. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area as indicated as EC 131 on Map No. 24 in Provincial Notice 22 of 2000 published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 24 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Inxuba Yethemba.

COUNCILLORS

6. (1) The council of the local municipality consists of 8 proportionally elected councillors and 9 ward councillors as determined in the Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any,, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 9 wards with boundaries as determined in the Provincial Notice 125 of 2000 published in Provincial Gazette No. 576 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Cradock which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR D COETZEE.

- (2) The interim manager must be assisted by MR D H MEYER and MS M RAUBENHEIMER to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 132 Map No. 25 in Provincial Notice 22 of 2000 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 25 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Tsolwana.

COUNCILLORS

16. (1) The council of the local municipality consists of 5 proportionally elected councillors and 5 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (3) Full time councillors, if any,, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 5 wards with boundaries as determined in the Provincial Notice 126 of 2000 published in Provincial Gazette No. 577 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Tarkastad which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR P JANSE VAN RENSBURG

- (2) The interim manager must be assisted by MR C KEYTER and MR S DAYI to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 5**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 133 on Map No. 26 in Provincial Notice 22 of 2000 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(e) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 26 published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Inkwanca.

COUNCILLORS

6. (1) The council of the local municipality consists of 6 proportionally elected councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
(4) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has no wards.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Molteno which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR N NCUBE

- (2) The interim manager must be assisted by MR J WENTZEL and MS S MPHOKELA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 6**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 134 on Map No. 27 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation

Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 27 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Lukanji.

COUNCILLORS

6. (1) The council of the local municipality consists of 24 proportionally elected councillors and 24 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may, subject to the conditions contained in

paragraph 6(2) in this Part, designate any of the following office-bearers as full time:

- (a) Speaker
- (b) Members of the Executive Committee.

WARDS

8. The local municipality has 24 wards with boundaries as determined in the Provincial Notice 127 of 2000 published in Provincial Gazette No. 578 dated 6 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Queenstown which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR P BACELA

- (2) The interim manager must be assisted by MR T DE BRUIN and MR M NGXOBONGWANA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 7**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 135 on Map No. 28 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 28 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Intsika Yethu.

COUNCILLORS

6.
 - (1) The council of the local municipality consists of 23 proportionally elected councillors and 23 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
 - (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –

- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Members of the Executive Committee.

WARDS

8. The local municipality has 23 wards with boundaries as determined in the Provincial Notice 191 of 2000 published in Provincial Gazette No. 626 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Cofimvaba which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MS N MRWETYANA

- (2) The interim manager must be assisted by MR M NTOLOSI and MR B M N SUKWANA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-

· paragraph (1).

- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 8

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 136 on Map No. 29 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 29 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Emalahleni.

COUNCILLORS

6. (1) The council of the local municipality consists of 13 proportionally elected

councillors and 14 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.

- (5) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 14 wards with boundaries as determined in the Provincial Notice 128 of 2000 published in Provincial Gazette No 579 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Lady Frere which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR M M YAWA

- (2) The interim manager must be assisted by MR K FELITI and MR N J KWEPILE to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 9

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 139 on Map No. 30 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 30 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Engcobo.

COUNCILLORS

6. (1) The council of the local municipality consists of 14 proportionally elected councillors and 15 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (6) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 15 wards with boundaries as determined in the Provincial Notice 129 of 2000 published in Provincial Gazette No. 580 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Engcobo which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MS D N SONGO

- (2) The interim manager must be assisted by MS D N SONGO and MS NOSICELO VA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 10**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 138 on Map No. 31 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 31 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Sakhisizwe.

COUNCILLORS

6. (1) The council of the local municipality consists of 5 proportionally elected councillors and 6 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS, IF ANY,

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 6 wards with boundaries as determined in the Provincial Notice 141 of 2000 published in Provincial Gazette No. 592 dated 7 June 2000 and/or

any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Cala which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

- 10 (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of s. 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR F W BOSHOFF

- (2) The interim manager must be assisted by MR M M NKUNZI and MR S Z SOGA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

No. 82

27 September 2000

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS**

**PROVINCIAL NOTICE NO 82 DATED 27/9/2000 ISSUED IN TERMS OF SECTION
12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO.
117 OF 1998)**

MUNICIPAL FACILITATION COMMITTEE FOR DRAKENSBERG

I, **GUGILE ERNEST NKWINTI**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

G.E. NKWINTI

**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE**

DATE: _____

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -
 - “**administrative unit**” means the administrative unit referred to paragraph 9 of Part 1;
 - “**Constitution**” means the Constitution of the Republic of South Africa;
 - “**demarcation notice**” Provincial Notice 22 of 2000 as published in *Provincial Gazette* No. 486 dated 28 February 2000, as amended;
 - “**disestablished municipality**” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;
 - “**district municipal area**” means the area indicated as DC 14 on Map 5 of the demarcation notice;
 - “**district municipality**” means the Category C municipality established in terms of Part 2 of this Schedule;
 - “**effective date**” means -
 - (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
 - (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;
 - “**inter-district transitional facilitation committee**” means a committee referred to in paragraph 13 of Part 1;
 - “**local municipality**” means the Category B municipalities established in terms of Parts 3 to 6 of this Schedule;
 - “**MEC**” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;
 - “**new municipality**” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“TFC” means the Transitional Facilitation Committee referred to in paragraph 11 of Part 1 of this Schedule;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Drakensberg District Council established by Section 5(1) of Proclamation No. 20/95 dated 3 August 1995, as amended;
 - (b) Mount Fletcher Transitional Local Council established by Provincial Proclamation No. 59/94 Provincial Notice 29 dated 30 December 1994;
 - (c) Maclear Transitional Local Council established by Provincial Proclamation No. 34/94 Provincial Notice 34 dated 17 October 1994;
 - (d) Ugie Transitional Local Council established by Provincial Proclamation No. 45/94 Provincial Notice 17 dated 31 October 1994;
 - (e) Barkley East Transitional Local Council established by Provincial Proclamation No. 25/94 Provincial Notice 13 dated 17 October 1994;
 - (f) Rhodes Transitional Local Council established by Provincial Proclamation No. 83/94 Provincial Notice 29 dated 30 December 1994;
 - (g) Lady Grey Transitional Local Council TLC established by Provincial Proclamation No. 43/94 Provincial Notice 17 dated 31 October 1994;
 - (h) Sterkspruit Transitional Local Council established by Provincial Proclamation No. 50/94 Provincial Notice 29 dated 30 December 1994;
 - (i) Aliwal North Transitional Local Council established by Provincial Proclamation No. 3/94 Provincial Notice 11 dated 11 October 1995;
 - (j) Burgerdorp Transitional Local Council established by Provincial Proclamation No. 27/94 Provincial Notice 13 dated 17 October 1994;
 - (k) Steynsburg Transitional Local Council established by Provincial Proclamation No. 37/94 Provincial Notice 13 dated 17 October 1994;
 - (l) Venterstad Transitional Local Council established by Provincial Proclamation No. 21/94 Provincial Notice 11 dated 11 October 1995;
 - (m) Jamestown Transitional Local Council established by Provincial Proclamation No. 30/94 Provincial Notice 13 dated 17 October 1994;
 - (n) Mount Fletcher Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995, as amended;
 - (o) Tsolo Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995, as amended;

- (p) Qumbu Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (q) Maclear Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (r) Barkley East Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (s) Lady Grey Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (t) Herschel Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (u) Aliwal North Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (v) Albert Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (w) Venterstad Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (x) Steynsburg Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended;
 - (y) Woodhouse Transitional Representative Council established by Section 15 of Proclamation 20/95 dated 3 August 1995. as amended.
- (2) Until it is disestablished on the effective date, a municipality referred to in sub-paragraph (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2 to 6 of this Schedule.
- (2) The establishment of the municipalities mentioned in sub-paragraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and

local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, rights, liabilities and obligations

6. (1) The assets, rights, liabilities and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) of the Act, transferred to that new municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-paragraph (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
- (4) Assets, rights, liabilities and obligations other than those referred to in sub-paragraph (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-paragraph (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this paragraph must be reviewed and dealt with by the TFC referred to in paragraph 11 of this Part.

Investments, cash and cash balances

7. 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 established in terms of paragraph 4(1) in accordance with the following rules:
 - (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;

- (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(b) to 2(1)(y) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
- (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

- 8. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;
 - (c) for the purposes of paragraph (a) "function" include a power;
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
 - (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;

- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
- (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part.
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

99. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable

- (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(b) to 2(1)(y) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
- (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

8. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;
 - (c) for the purposes of paragraph (a) "function" include a power;
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
 - (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;

- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
- (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part.
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

99. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable

immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.

- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the acting municipal manager or municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

10. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
 - (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
 - (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of that local authority.
- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law regulation or resolution to –
 - (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

Transitional Facilitation Committee

11. (1) (a) A transitional facilitation committee (TFC) is hereby established for the district municipal area.
- (b) The establishment of the TFC shall take effect no later than twenty-

eight (28) days after the effective date.

- (c) A TFC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the TFC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
- (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the TFC;
- (b) the chairperson of the TFC decides when and where the TFC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request;
 - (c) the chairperson presides at meetings of the TFC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The TFC may determine its own procedures, subject to the following:
- (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) at least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5) (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen

- (15) days of the expiry of the aforementioned period of sixty (60) days;
- (b) where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

12. (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in clause 11 and request the committee to refer a matter before the committee to the MEC for resolution.
- (2) The MEC for local government may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

Inter-district transitional Facilitation Committee

13. (1) (a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an inter-district transitional facilitation committee is hereby established in respect of those new district municipalities;
- (b) the establishment of the inter-district facilitation committee takes effect no later than 60 days after the effective date;
- (c) an inter-district transitional facilitation committee consists of one councillor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an inter-district transitional facilitation committee shall, subject to and for the purposes of sections 14 and 84 of the Act read with sections 10 and 14 of the amendment Act, be to recommend to the relevant authority –
- (a) which of the assets, rights, liabilities and obligations that have been

transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;

- (b) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3)
- (a) The inter-district transitional facilitation committee, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
 - (b) the Chairperson of the inter-district transitional facilitation committee decides when and where the inter-district transitional facilitation committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the inter-district transitional facilitation committee at a time and place set out in the request;
 - (d) the Chairperson presides at meetings of the inter-district transitional facilitation committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The inter-district transitional facilitation committee may determine its own procedures, subject to the following:
- (a) A question before the inter-district transitional facilitation committee is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the inter-district transitional facilitation committee has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the inter-district transitional facilitation committee within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) where the inter-district transitional facilitation committee cannot, within

the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the inter-district transitional facilitation committee on the matter, provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.

- (6) Any expense incurred by the inter-district transitional facilitation committee in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the inter-district transitional facilitation committee.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. (1) A district municipality is hereby established for the district municipal area as a whole.
- (2) That part of the district municipal area indicated on Map No. 14 published by Notice 1139/2000 in the Government Gazette, No. 20972 dated 10 March 2000, is a district management area which is to be managed by the district municipality in terms of Section 6 of the Municipal Structures Act.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated on Map No. 5 published in the Provincial Gazette, No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board

NAME

5. The name of the district municipality is Ukwahlamba.

COUNCILLORS

6. (1) The council of the district municipality consists of 23 councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended, of which -
- (a) 10 must be proportionally elected councillors;
 - (b) 1 must be a proportionally elected councillor to represent voters in the district management area mentioned in clause 1(2) of this Part;
 - (c) 5 must be appointed by the local municipality mentioned in Part 3;
 - (d) 5 must be appointed by the local municipality mentioned in Part 4;
 - (e) 1 must be appointed by the local municipality mentioned in Part 5;
 - (f) 1 must be appointed by the local municipality mentioned in Part 6;
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following -
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

RULES FOR FIRST MEETING OF MUNICIPAL COUNCIL

Definitions

1. In these rules, 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;

“interim municipal manager” means the interim municipal manager as determined in the section 12 Notice;

“interim seat” means the interim seat of a municipality as determined in the section 12 Notice; and

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

Notice convening first meeting

2. (1) The interim municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the interim seat of the municipality within 14 days after the council has been declared elected, or if it is a district council, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

3. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the interim municipal manager must read the notice convening the council.
- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

4. (1) At its first meeting after its election the council must elect its speaker from among its councillors.
- (2) The interim municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) – (b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –

- (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
- (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) –(d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

9. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act,

applies to any procedural matter not provided for in these rules.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 141 on Map 32 in Provincial Notice 194 of 2000 as published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 32 published in the Provincial Gazette, No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The name of the local municipality is Elundini.

COUNCILLORS

6. (1) The council of the local municipality consists of 16 proportionally elected councillors and 16 ward councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days

of the effective date on the following –

- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;

WARDS

8. The local municipality has 16 wards with boundaries as determined in Provincial Notice 192 of 2000 published in the Provincial Gazette No. 627 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board;

SEAT OF FIRST MEETING

10. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).

- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 142 on Map 33 in Provincial Notice 22 of 2000 as published in Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000 (EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 33 published in the Provincial Gazette, No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The provisional designation of the local municipality is Senqu.

COUNCILLORS

6. (1) The council of the local municipality consists of 16 proportionally elected councillors and 16 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker.

WARDS

8. The local municipality has 16 wards with boundaries as determined in the Provincial Notice 121 of 2000 as published in Provincial Gazette No. 582 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board;

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may

designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 5

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 143 on Map 34 in Provincial Notice 60 of 2000 as published in Provincial Gazette No. 516 dated 8 May 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 34 published in the Provincial Gazette, No. 516 dated 8 May 2000 and/or any subsequent amendment by the Demarcation Board;

NAME

5. The provisional designation of the local municipality is Malethswai (EC143)

COUNCILLORS

6. (1) The council of the local municipality consists of 6 proportionally elected councillors and 6 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 6 wards with boundaries as determined in the Provincial Notice 132 of 2000 as published in Provincial Gazette No. 583 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board;

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-

paragraph (1).

- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 144 on Map 35 in Provincial Notice 60 of 2000 as published in Provincial Gazette No. 516 dated 8 May 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC))

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No 35 published in the Provincial Gazette, No. 516 dated 8 May 2000 and/or any subsequent amendment by the Demarcation Board

NAME

5. The name of the local municipality is Gariiep.

COUNCILLORS

6. (1) The council of the local municipality consists of 4 proportionally elected councillors and 4 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 4 wards with boundaries as determined in the Provincial Notice 76 of 2000 as published in Provincial Gazette No. 532 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

No. 83

27 September 2000

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS**

**PROVINCIAL NOTICE NO 83 DATED 27/9/2000 ISSUED IN TERMS OF SECTION
12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO.
117 OF 1998)**

MUNICIPAL FACILITATION COMMITTEE FOR KEI/WILD COAST

I, **GUGILE ERNEST NKWINTI**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

G.E. NKWINTI**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE****DATE:** _____

SCHEDULE**PART 1****Definitions**

11. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

“administrative unit” means the administrative unit referred to paragraph 9 of Part 1;

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

“demarcation notice” means Provincial Notice 22 of 2000 published in Provincial Gazette No. 486 dated 28 February 2000, as amended;

“disestablished municipality” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

“district municipal area” means the area indicated as DC 15 on Map 6 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“effective date” means -

(a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or

(b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“inter-district transitional facilitation committee” means a committee referred to in paragraph 12 of Part 1;

“local municipality” means the Category B municipalities established in terms of Parts 3 to 9 of this Schedule;

“MEC” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

“new municipality” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“TFC” means the Transitional Facilitation Committee referred to in paragraph 11 of Part 1 of this Schedule;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Kei District Council established by Section 5(1) of Proclamation 20/1995 dated 3 August 1995, as amended;
 - (b) Wild Coast District Council established by Section 5(1) of Proclamation 20/95 dated 3 August 1995, as amended;
 - (c) Bizana Transitional Local Council established by Provincial Proclamation 72/94 Provincial Notice 29 dated 30 December 1994;
 - (d) Flagstaff Transitional Local Council established by Provincial Proclamation 68/94 Provincial Notice 29 dated 30 December 1994;
 - (e) Libode Transitional Local Council established by Provincial Proclamation 80/94 Provincial Notice 29 dated 30 December 1994;
 - (f) Lusikisiki Transitional Local Council established by Provincial Proclamation 58/94 Provincial Notice 29 dated 30 December 1994;
 - (g) Mqanduli Transitional Local Council established by Provincial Proclamation 89/94 Provincial Notice 29 dated 30 December 1994;
 - (h) Ngqeleni Transitional Local Council established by Provincial Proclamation 51/94 Provincial Notice 29 dated 30 December 1994;
 - (i) Port St Johns Transitional Local Council established by Provincial Proclamation 88/94 Provincial Notice 29 dated 30 December 1994;
 - (j) Qumbu Transitional Local Council established by Provincial Proclamation 73/94 Provincial Notice 29 dated 30 December 1994;
 - (k) Tabankulu Transitional Local Council established by Provincial Proclamation 53/94 Provincial Notice 29 dated 30 December 1994;
 - (l) Tsolo Transitional Local Council established by Provincial Proclamation 94/94 Provincial Notice 29 dated 30 December 1994;
 - (m) Umtata Transitional Local Council established by Provincial Proclamation 2/95, Provincial Notice No. 44 dated 17 March 1995;
 - (n) Engcobo Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (o) Libode Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (p) Ngqeleni Transitional Representative Council established by

- (q) Proclamation 20/95 dated 3 August 1995, as amended; Qumbu Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (r) Tsolo Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (s) Umtata Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (t) Umzimvubu Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (u) Xhora Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (v) Bizana Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (w) Lusikisiki Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (x) Maxesibeni/ Mount Ayliff Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (y) Siphqeni/Flagstaff Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (z) Tabankulu Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
- (aa) Mqanduli Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;

(2) Until it is disestablished on the effective date, a municipality referred to in sub-paragraph (1) -

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

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2 to 9 of this Schedule.
- (2) The establishment of the municipalities mentioned in sub-paragraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, rights, liabilities and obligations

6. (1) The assets, rights, liabilities and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) of the Act, transferred to that new municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-paragraph (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
- (4) Assets, rights, liabilities and obligations other than those referred to in sub-paragraph (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-paragraph (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.
- (6) The transfers mentioned in this paragraph must be reviewed and dealt with by the TFC referred to in paragraph 11 of this Part.

Investments, cash and cash balances

7. 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 established in terms of paragraph 4(1) in accordance with the following rules:
 - (a) the investments, cash and cash balances of the disestablished district

municipalities referred to in paragraph 2(1)(a) and (b), accrue to the new district municipality: Provided that where the area of the disestablished municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;

- (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(c) to 2(1)(aa) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
- (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

88. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;
 - (c) for the purposes of paragraph (a) "function" include a power;
 - (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
 - (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
 - (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any

leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;

- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part.
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

110. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
- (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
- (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-clause (1) in the area of that local authority.
- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to –
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
- (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in

the administrative entity.

Transitional Facilitation Committee

11. (1) (a) A transitional facilitation committee (TFC) is hereby established for the district municipal area;
- (b) the establishment of the TFC shall take effect no later than twenty-eight (28) days after the effective date.
- (c) a TFC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the TFC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
 - (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the TFC;
- (b) the chairperson of the TFC decides when and where the TFC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request;
- (c) the chairperson presides at meetings of the TFC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The TFC may determine its own procedures, subject to the following:
 - (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting;

- (b) at least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

- 12.
- (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in paragraph 11 and request the committee to refer a matter before the committee to the MEC for resolution.
 - (2) The MEC for local government may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
 - (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

Inter-district transitional Facilitation Committee

- 13.
- (1) (a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an inter-district transitional facilitation committee is hereby established in respect of those new district municipalities;
 - (b) the establishment of the inter-district facilitation committee takes effect no later than 60 days after the effective date;
 - (c) an inter-district transitional facilitation committee consists of one

councillor designated by each of the new municipalities within the areas of all the new district municipalities.

- (2) The functions of an inter-district transitional facilitation committee shall, subject to and for the purposes of sections 14 and 84 of the Act read with sections 10 and 14 of the amendment Act, be to recommend to the relevant authority –
 - (a) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
 - (b) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality;
 - (c) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3)
 - (a) The inter-district transitional facilitation committee, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
 - (b) the Chairperson of the inter-district transitional facilitation committee decides when and where the inter-district transitional facilitation committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the inter-district transitional facilitation committee at a time and place set out in the request;
 - (c) the Chairperson presides at meetings of the inter-district transitional facilitation committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The inter-district transitional facilitation committee may determine its own procedures, subject to the following:
 - (a) A question before the inter-district transitional facilitation committee is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) at least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
 - (a) Where the inter-district transitional facilitation committee has before it

any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the inter-district transitional facilitation committee within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;

- (b) where the inter-district transitional facilitation committee cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the inter-district transitional facilitation committee on the matter, provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the inter-district transitional facilitation committee in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the inter-district transitional facilitation committee.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. (1) A district municipality is hereby established for the district municipal area as a whole.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated as DC 15 on Map No. 6 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

- 5 The name of the district municipality is O.R. Tambo.

COUNCILLORS

6. (1) The council of the district municipality consists of 53 councillors as determined in Provincial Notice 36 of 2000 published in the Provincial Gazette No. 510 dated 17 April 2000, as amended, of which -
- (a) 22 must be proportionally elected councillors;
 - (b) 4 must be appointed by the local municipality mentioned in Part 3;
 - (c) 2 must be appointed by the local municipality mentioned in Part 4;
 - (d) 5 must be appointed by the local municipality mentioned in Part 5;
 - (e) 2 must be appointed by the local municipality mentioned in Part 6;
 - (f) 5 must be appointed by the local municipality mentioned in Part 7;
 - (g) 4 must be appointed by the local municipality mentioned in Part 8;
 - (h) 9 must be appointed by the local municipality mentioned in Part 9;
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in

paragraph 6(2) in this Part, designate any of the following office-bearers as full time:

- (a) Speaker
- (b) Executive Mayor
- (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Umtata which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

9.
 - (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
 - (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
 - (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

RULES FOR FIRST MEETING OF MUNICIPAL COUNCIL

Definitions

1. In these rules, 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;

“interim municipal manager” means the interim municipal manager as determined

in the section 12 Notice;

“interim seat” means the interim seat of a municipality as determined in the section 12 Notice; and

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

Notice convening first meeting

2. (1) The interim municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the interim seat of the municipality within 14 days after the council has been declared elected, or if it is a district council, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

3. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the interim municipal manager must read the notice convening the council.
- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

4. (1) At its first meeting after its election the council must elect its speaker from among its councillors.
- (2) The interim municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type

mentioned in sections 8(a) – (d), 9(a) –(b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.

- (2) The motion, which may be moved without notice must –
 - (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) –(d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

10. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 151 on Map 36 in Provincial Notice 194 of 2000 as published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 36 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Mbizana.

COUNCILLORS

6. (1) The council of the local municipality consists of 21 proportionally elected councillors and 21 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
(2) Full time councillors, if any, are designated in accordance with the policy

framework contemplated in section 18(4) of the Act, subject to the following conditions:

- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
 - (a) Speaker;
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 21 wards with boundaries as determined in Provincial Notice 134 of 2000 as published in the Provincial Gazette No 585 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 152 on Map 37 in Provincial Notice 194 of 2000 as published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 36 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Ntabankulu.

COUNCILLORS

6. (1) The council of the local municipality consists of 11 proportionally elected councillors and 11 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 11 wards with boundaries as determined in Provincial Notice 135 of 2000 published in the Provincial Gazette No. 586 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 5**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 153 on Map 38 in Provincial Notice 194 of 2000 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 38 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Ingquza.

COUNCILLORS

6. (1) The council of the local municipality consists of 25 proportionally elected councillors and 25 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.

- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 25 wards with boundaries as determined in Provincial Notice 136 of 2000 published in the Provincial Gazette No. 587 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 6

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 154 on Map 39 in Provincial Notice 194 of 2000 as published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(f) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 39 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the local municipality is Port St. Johns (EC154).

COUNCILLORS

6. (1) The council of the local municipality consists of 12 proportionally elected councillors and 13 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (3) Full time councillors, if any, will be designated in accordance with a policy framework contemplated in section 18(4) of the Act.

FULL TIME COUNCILLORS

7. The council of the local municipality may not designate any office-bearers as full time.

WARDS

8. The local municipality has 13 wards with boundaries as determined in Provincial Notice 137 of 2000 published in the Provincial Gazette No. 588 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting

municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 7

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 155 on Map 40 in Provincial Notice 194 of 2000 published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 40 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Nyandeni.

COUNCILLORS

6. (1) The council of the local municipality consists of 22 proportionally elected councillors and 23 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.

- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee

WARDS

8. The local municipality has 23 wards with boundaries as determined in Provincial Notice 138 of 2000 published in the Provincial Gazette No.589 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints

an acting municipal manager or municipal manager.

- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 8

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 156 on Map 41 in Provincial Notice 194 of 2000 published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 41 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the local municipality is Mhlontlo.

COUNCILLORS

6. (1) The council of the local municipality consists of 16 proportionally elected councillors and 17 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;

WARDS

8. The local municipality has 17 wards with boundaries as determined in Provincial Notice 139 of 2000 published in the Provincial Gazette No. 590 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to

be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 9

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 157 on Map 42 in Provincial Notice 194 of 2000 published in Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(d) of the Determination of

Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 42 published in the Provincial Gazette No. 628 dated 7 August 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name or provisional designation of the local municipality is King Sabata Dalindyebo.

COUNCILLORS

6. (1) The council of the local municipality consists of 32 proportionally elected councillors and 32 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;

- (b) Executive Mayor
- (c) Members of the Mayoral Committee.

WARDS

8. The local municipality has 32 wards with boundaries as determined in Provincial Notice 140 of 2000 published in the Provincial Gazette No. 591 dated 7 June 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be as determined by the MEC which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the MEC may designate a person in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager.
- (2) The interim municipal manager must be assisted by two persons designated by the MEC to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other officials.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

No. 84

27 September 2000

PROVINCE OF THE EASTERN CAPE

**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS**

**PROVINCIAL NOTICE NO 84 DATED 27/9/2000 ISSUED IN TERMS OF SECTION
12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO.
117 OF 1998)**

MUNICIPAL FACILITATION COMMITTEE FOR EG KEI

I, **GUGILE ERNEST NKWINTI**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

G.E. NKWINTI

**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE**

DATE: _____

SCHEDULE**PART 1****Definitions**

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

“administrative unit” means the administrative unit referred to paragraph 9 of Part 1;

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

“demarcation notice” means Provincial Notice 101 of 2000 published in *Provincial Gazette* No. 558 dated 19 May 2000, as amended;

“disestablished municipality” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

“district municipal area” means the area indicated as DC 44 on Map 1 of the demarcation notice;

“district municipality” means the Category C municipality established in terms of Part 2 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“inter-district transitional facilitation committee” means a committee referred to in paragraph 12 of Part 1;

“local municipality” means the Category B municipalities established in terms of Part 3 and 4 of this Schedule;

“MEC” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

“new municipality” means a district municipality or a local municipality, as the case may be, established in terms of paragraph 4 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“TFC” means the Transitional Facilitation Committee referred to in paragraph 13 of Part 1 of this Schedule;

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Wild Coast District Council established by Section 5(1) of Proclamation 20/95 dated 3 August 1995, as amended;
 - (b) Mount Ayliff Transitional Local Council established by Proclamation 56/94 Provincial Notice 29 dated 30 December 1994;
 - (c) Umzimkulu Transitional Local Council established by Proclamation 86/94 Provincial Notice 29 dated 30 December 1994;
 - (d) Mount Frere Transitional Local Council established by Proclamation 90/94 Provincial Notice 29 dated 30 December 1994;
 - (e) Kwabhaca/ Mount Frere Transitional Representative Council established by Proclamation 20/1995 dated 3 August 1995, as amended;
 - (f) Maluti Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (g) Mount Fletcher Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended;
 - (h) Umzimkhulu Transitional Representative Council established by Proclamation 20/95 dated 3 August 1995, as amended.
- (2) Until it is disestablished on the effective date, a municipality referred to in subparagraph (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2 to 4 of this Schedule.
- (2) The establishment of the municipalities mentioned in sub-paragraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. A district municipality and the local municipalities within the area of the district municipality, supersede the existing municipality or municipalities to the extent that the existing municipality or municipalities fall within that area, and the district and local municipalities in the area become the successors in law of the existing municipality or municipalities depending on the specific assets, liabilities, rights and obligations are allocated to the district and local municipalities respectively in terms of this Schedule.

Transfer of assets, rights, liabilities and obligations

6. (1) The assets, rights, liabilities and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) of the Act, transferred to that new municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-paragraph (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the municipality to which the respective assets, rights, liabilities and obligations are transferred in terms of the said sub-paragraph.
- (4) Assets, rights, liabilities and obligations other than those referred to in sub-paragraph (1) are hereby transferred as from the effective date to the new local municipality in whose area the administrative unit responsible for administrative control of such assets, rights, liabilities and obligations, immediately before the effective date, is located.
- (5) A new municipality shall, pending the review referred to in sub-paragraph (6), in exercising its powers, performing its functions and discharging its duties, make use of the assets and rights that were associated with such activities immediately before the effective date.

- (6) The transfers mentioned in this paragraph must be reviewed and dealt with by the TFC referred to in paragraph 11 of this Part.

Investments, cash and cash balances

7. 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 established in terms of paragraph 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished district municipality referred to in paragraph 2(1)(a), accrue to the new district municipality: Provided that where the area of the disestablished municipality falls in more than one newly established district municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new district municipalities concerned;
 - (b) the investments, cash and cash balances of a disestablished municipality referred to in paragraph 2(1)(b) to 2(1)(h) accrue to the new local municipality in whose area the disestablished municipality falls: Provided that where the area of the disestablished local municipality falls in more than one newly established local municipality the portion of such investments, cash and cash balances as determined by the MEC, will accrue to the new local municipality concerned;
 - (c) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the new municipality which has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

8. (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 of the 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 paragraph (a) become employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employee immediately before the effective date, is located;

- (c) for the purposes of paragraph (a) "function" include a power;
- (d) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
- (e) an employee referred to in (a) or (b) above is transferred to the new municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
- (f) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (g) where an employee transferred in terms of paragraph (a) or (b) was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
 - (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
 - (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) a transfer in terms of paragraph (a) and (b), must be reviewed and dealt with by the appropriate TFC referred to in paragraph 11 of this Part.
- (i) a new municipality shall, pending the review referred to in sub-paragraph (h) above, in exercising its powers, performing its functions and discharging its duties, make use of the staff that were associated with such activities immediately before the effective date;
- (j) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;

- (k) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
- (l) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

- 9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality or pursuant to the rationalisation process contemplated in paragraph 11 of this Part.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

- 10. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
 - (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
 - (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of that local authority.

- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to -
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
 - (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

Transitional Facilitation Committee

11. (1) (a) A transitional facilitation committee (TFC) is hereby established for the district municipal area;
- (b) the establishment of the TFC shall take effect no later than twenty-eight (28) days after the effective date;
- (c) a TFC consist of one councillor designated by each of the new municipalities within the district municipal area.
- (2) The functions of the TFC shall, subject to and for the purposes of sections 14 and 84 of the Act, be to recommend to the relevant authority:
- (a) on the temporary adjustment of the division of the functions and powers between district and local municipalities;
 - (b) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to another municipality;
 - (c) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality; -
 - (d) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The councillor designated by the new district municipality is the chairperson of the TFC.
- (b) The chairperson of the TFC decides when and where the TFC meets, but a majority of the members may request the chairperson in writing to convene a meeting of the TFC at a time and place set out in the request.

- (c) The chairperson presides at meetings of the TFC, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The TFC may determine its own procedures, subject to the following:
- (a) A question before the TFC is decided with a supporting vote of the majority of the members present at the meeting.
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5) (a) Where the TFC has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the TFC within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days.
- (b) Where the TFC cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the TFC on the matter.
- (6) Any expense incurred by the TFC in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the TFC.

Intervention powers of the MEC

12. (1) The MEC for local government may at any time intervene in the proceedings of the TFC referred to in clause 11 and request the committee to refer a matter before the committee to the MEC for resolution.
- (2) The MEC for local government may reconsider a matter on which the committee has taken a decision and confirm, vary or withdraw the decision of the committee.
- (3) The district municipality and the local municipalities, including affected employees, are bound by the decisions of the MEC.

Inter-district transitional Facilitation Committee

13. (1) (a) Where the area of disestablished municipality falls within the area of more than one new district municipality, an inter-district transitional facilitation committee is hereby established in respect of those new district municipalities;
- (b) the establishment of the inter-district facilitation committee takes effect no later than 60 days after the effective date;
- (c) an inter-district transitional facilitation committee consists of one councillor designated by each of the new municipalities within the areas of all the new district municipalities.
- (2) The functions of an inter-district transitional facilitation committee shall, subject to and for the purposes of sections 14 and 84 of the Act read with sections 10 and 14 of the amendment Act, be to recommend to the relevant authority –
- (a) which of the assets, rights, liabilities and obligations that have been transferred from a disestablished municipality should remain vested in the transferee and which should be transferred from the transferee to a new municipality;
- (b) subject to paragraph 8(e) of this Part, the implementation of a process of reorganising the employees transferred to each new municipality;
- (c) a process of reviewing the continued application of by-laws, regulations and resolutions of the disestablished municipalities and to make recommendations to the respective new municipalities for the rationalisation, as contemplated in section 15 of the Act, of such by-laws, regulations and resolutions.
- (3) (a) The inter-district transitional facilitation committee, at its first meeting and thereafter whenever necessary elects a chairperson from amongst its members;
- (b) the Chairperson of the inter-district transitional facilitation committee decides when and where the inter-district transitional facilitation committee meets, but a majority of the members may request the chairperson in writing to convene a meeting of the inter-district transitional facilitation committee at a time and place set out in the request;
- (c) the Chairperson presides at meetings of the inter-district transitional facilitation committee, but if the chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (4) The inter-district transitional facilitation committee may determine its own

procedures, subject to the following:

- (a) A question before the inter-district transitional facilitation committee is decided with a supporting vote of the majority of the members present at the meeting;
 - (b) At least one half of the members must be present at a meeting before a vote may be taken on any matter.
- (5)
- (a) Where the inter-district transitional facilitation committee has before it any matter within its functions and cannot within sixty (60) days of such matter being brought before it reach a decision thereon, the matter shall be referred to independent mediation and the mediation process shall be completed within thirty (30) days of such referral. The rules governing such mediation and the list of approved mediators shall be as agreed upon by the inter-district transitional facilitation committee within fifteen (15) days of the expiry of the aforementioned period of sixty (60) days;
 - (b) where the inter-district transitional facilitation committee cannot, within the said period of fifteen (15) days reach agreement as contemplated in (a) above, or where the mediation process does not resolve the matter within the aforementioned period of thirty (30) days, the matter must be submitted to the MEC for local government who may, in his discretion, decide the matter, or may submit it to arbitration by an arbitrator appointed by the MEC, whose decision shall be final and shall be deemed to constitute a recommendation of the inter-district transitional facilitation committee on the matter, provided that where one or more of the new municipalities are cross-boundary municipalities the MECs for local government of the provinces concerned must act jointly.
- (6) Any expense incurred by the inter-district transitional facilitation committee in the discharge of its functions or in respect of the costs of mediation in terms of sub-paragraph (5) shall be borne, in equal proportions by the municipalities who are members of the inter-district transitional facilitation committee.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. (1) A district municipality is hereby established for the district municipal area as a whole,
- (2) That part of the district municipal area indicated on a Map to be published by Notice in the Government Gazette is a district management area which is to be managed by the district municipality in terms of Section 6 of the Municipal Structures Act.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The district municipality is of a type described in section 4(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundaries of the district municipality are as indicated on Map No. 1 published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the district municipality is DC 44.

COUNCILLORS

6. (1) The council of the district municipality consists of 27 councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended, of which -
 - (a) 11 must be proportionally elected councillors;
 - (b) 4 must be appointed by the local municipality mentioned in Part 3;
 - (c) 11 must be appointed by the local municipality mentioned in Part 4.;
 - (d) 1 must be a proportionally elected councillor to represent votes in the district management area mentioned in clause 1(2) of this part.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following -
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;

- (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Mount Ayliff which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

9. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR G G MPUNZA

- (2) The interim municipal manager must be assisted by MR M MDLUDLU, MS N MBETE AND MR M MBAMBISA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in sub-paragraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

RULES FOR FIRST MEETING OF MUNICIPAL COUNCIL

Definitions

1. In these rules, 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;

“interim municipal manager” means the interim municipal manager as determined in the section 12 Notice;

“interim seat” means the interim seat of a municipality as determined in the section 12 Notice; and

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

Notice convening first meeting

2. (1) The interim municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the interim seat of the municipality within 14 days after the council has been declared elected, or if it is a district council, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

3. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the interim municipal manager must read the notice convening the council.
- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

4. (1) At its first meeting after its election the council must elect its speaker from among its councillors.
- (2) The interim municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.

- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) – (b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –
 - (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) – (d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.

- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

10. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3

ESTABLISHMENT OF LOCAL MUNICIPALITY

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 05b1 on Map 2 in the Provincial Notice 101 of 2000 as published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundary of the local municipality is as indicated on Map No 2 published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the local municipality is Umzimkuku (EC05b1).

COUNCILLORS

6. (1) The council of the local municipality consists of 16 proportionally elected councillors and 17 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker.

WARDS

8. The local municipality has 17 wards with boundaries as determined in the Provincial Notice 72 of 2000 published in the Provincial Gazette No. 528 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Umzimkulu which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR T S B VUKAPHI

- (2) The interim municipal manager must be assisted by MS N SIBUTHA and MS A MKHIZA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 05b2 on Map 3 in the Provincial Notice 101 of 2000 as published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000 (EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 3 published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the local municipality is Umzimvubu (EC05b2).

COUNCILLORS

6. (1) The council of the local municipality consists of 31 proportionally elected councillors and 32 ward councillors as determined in Provincial Notice No. 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee.

WARDS

8. The local municipality has 32 wards with boundaries as determined in the Provincial

Notice 77 of 2000 published in the Provincial Gazette No. 533 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Mount Ayliff which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR Z SIKHUNDLA

- (2) The interim municipal manager must be assisted by MR L MABONA and MR M MZOTSHO to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

No. 85

27 September 2000

PROVINCE OF THE EASTERN CAPE**DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND
TRADITIONAL AFFAIRS**

**PROVINCIAL NOTICE NO 85 DATED 27/9/2000 ISSUED IN TERMS OF SECTION
12 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, (ACT NO.
117 OF 1998)**

MUNICIPAL FACILITATION COMMITTEE FOR PEDU

I, **GUGILE ERNEST NKWINTI**, Member of the Executive Council of the Province of Eastern Cape responsible for local government, acting in terms of sections 12 and 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), hereby disestablish the existing municipalities referred to in the Schedule hereto and establish the new municipalities as set out in the Schedule hereto.

G.E. NKWINTI**MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL
GOVERNMENT - PROVINCE OF THE EASTERN CAPE****DATE:** _____

SCHEDULE

PART 1

Definitions

1. In this Schedule, unless the context otherwise indicates or unless redefined herein, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, or Chapter 2 of the Local Government: Municipal Structures Amendment Act, 2000 has the same meaning and -

“administrative unit” means the administrative unit referred to paragraph 9 of Part 1;

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

“demarcation notice” means Provincial Notice 22 of 2000 published in *Provincial Gazette* No. 486 dated 28 February 2000, as amended;

“disestablished municipality” means an existing municipality disestablished in terms of paragraph 2 of Part 1 of this Schedule;

“effective date” means -

- (a) the day on which the results of the first election of the councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution; or
- (b) if the results of any one or more of these councils cannot be declared, and a re-election must be held, the day on which the results of the re-election are declared;

“MEC” means the Member of the Executive Council responsible for local government affairs in the Province of the Eastern Cape;

“metropolitan municipal area” means the area indicated by Map No 1 of the demarcation notice;

“metropolitan municipality” means the Category A municipality established in terms of Part 2 of this Schedule;

“proportionally elected councillors” means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

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

“ward councillor” means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

2. (1) The following municipalities are disestablished with effect from the effective date to the extent that these municipalities fall within the district municipal area or the area of a local municipality, as the case may be:
- (a) Port Elizabeth Transitional Local Council established by Provincial Proclamation of the Province of the Cape of Good Hope, No 40 dated 6 May 1994.
 - (b) Despatch Transitional Local Council established by Provincial proclamation of the province of the East Cape Government, Gazette No. 6 of 30 September 1994.
 - (c) Uitenhage Transitional Local Council established by Provincial Proclamation, of the East Cape Government, Gazette No 23 of the 18 November 1994.
 - (d) Seaview Transitional Local Council, established by the Provincial Notice 816, of 24 December 1993.
 - (e) Blue Horizon Bay Transitional Local Council, established by the Provincial Notice 21, of 6 May 1994.
 - (f) Portions of the Port Elizabeth Transitional Rural Council established by Section 15 of Proclamation 20 as amended by Proclamation 48 of 1995, of 3 August 1995.
 - (g) Portions of the Uitenhage Transitional Rural Council established by Section 15 of Proclamation 20 as amended by Proclamation 48 of 1995.
 - (h) Portions of the Western District Council, established Section 5(1) of Proclamation 20, of the 3 August 1995..
- (2) Until it is disestablished on the effective date, a municipality referred to in subparagraph (1) -
- (a) continues after the establishment of the superseding municipalities; and
 - (b) remains competent to function as the municipality for its area.

Vacation of Office

3. The councillors of the municipalities referred to in paragraph 2(1) vacate office on the effective date.

Establishment of municipalities

4. (1) A municipality is hereby established for the metropolitan municipal area as set out in Part 2 of this Schedule.
- (2) The establishment of the municipality mentioned in sub-paragraph (1) takes effect in terms of section 12(2)(b) of the Act at the commencement of the first election of the councils of those municipalities.

Legal succession

5. The metropolitan municipality supersede the existing municipalities to the extent that the existing municipalities fall within that area, and the metropolitan municipality becomes the successor in law of the existing municipalities.

Transfer of assets, rights, liabilities and obligations

6. (1) The assets, rights, liabilities and obligations of a disestablished municipality, are hereby, subject to sections 16(1) of the Act, transferred to the metropolitan municipality which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) For the purpose of sub-paragraph (1), "function" includes a power.
- (3) Administrative and other records relating to the assets, rights, liabilities and obligations referred to in sub-paragraph (1) vest, as from the effective date, in the metropolitan municipality.
- (4) Assets, rights, liabilities and obligations other than those referred to in sub-paragraph (1) are hereby transferred as from the effective date to the metropolitan municipality.
- (5) If disestablished municipality only partially falls within the metropolitan area, the following rules apply:
 - (a) All the assets and liabilities and all the administrative and other records of a disestablished municipality are vested in the metropolitan municipality if the disestablished municipality's main administrative office is situated within the metropolitan area, except those assets used, liabilities incurred and records kept wholly or principally in connection with an area which falls outside the metropolitan area. Delictual liabilities shall accrue to the municipality within the geographic area of which the event giving rise to the claim occurred,
 - (b) Only those assets used, liabilities incurred and records kept in connection with an area which falls within the metropolitan area are vested in the metropolitan municipality if the disestablished municipality's main administrative office is situated outside the metropolitan area.

- (c) The metropolitan municipality may by agreement with an adjoining municipality or must, if the MEC so requests, transfer or cede any assets, liabilities or records transferred to it in terms of this paragraph to that other municipality.

Investments, cash and cash balances

7. As from the effective date all investments and all cash and cash balances in a bank account of a disestablished municipality accrue to the metropolitan municipality established in terms of paragraph 4(1) in accordance with the following rules:
- (a) the investments, cash and cash balances of the disestablished municipality referred to in paragraph 2(1)(a), accrue to the metropolitan municipality: Provided that where the area of the disestablished municipality falls in more than one newly established municipal area, the portions of such investments, cash and cash balances as determined by the MEC, will accrue to the new municipalities concerned;
- (b) notwithstanding the foregoing, all cash and cash balances constituting funded reserves underpinning obligations or liabilities of a disestablished municipality shall accrue to the metropolitan municipality if it has assumed that liability, or in proportion to the extent to which such liability has been assumed.

Transfer of staff

8. (1) A person who on the effective date is an employee of a disestablished municipality becomes an employee of the metropolitan municipality in accordance with the following rules:
- (a) the employment of employees by a new municipality is subject to any collective agreement and the Labour Relations Act, 1995 (Act No. 66 of 1995);
- (b) an employee referred to is transferred to the metropolitan municipality on terms and conditions no less favourable than those under which such employee served immediately before the effective date;
- (c) service by a person so transferred is deemed to be in the service; as an employee of the new municipality to which the person is transferred and any leave, pension and other benefits that may have accrued to that person by virtue of service with a disestablished municipality shall be deemed to have accrued in favour of such a person by virtue of service with the new municipality to which she or he is transferred;
- (d) where an employee was a member of a medical aid scheme, pension or provident fund immediately before the effective date –
- (i) that employee continues as such a member unless continued membership is contrary to the rules of the scheme or fund in

- question or unless the new municipality to which the employee is transferred and the employee, after consultation with the fund or scheme, agree otherwise;
- (ii) the new municipality must deduct the necessary employee's contributions to the scheme or fund from the remuneration of the employee and pay it over to the scheme or fund in question together with the employer's contribution.
- (e) the council of the employer municipality must appoint a person who became an employee of the municipality concerned in terms of sub-paragraph (1), in a post on the establishment of the municipality, provided that such a person remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately prior to becoming such an employee, but subject further to any amendments concluded locally or in the applicable bargaining council. All funded vacancies existing on the staff establishments of disestablished municipalities shall become vacancies within the staff establishment of the municipality responsible for the function to which such vacancy relates, *mutatis mutandis* in accordance with the rules contained herein;
 - (f) a municipality to which an employee is transferred in terms of the rules contained in sub-paragraph (1) may, by agreement with another municipality within the province transfer the employee, with that employee's consent to that other municipality;
 - (g) nothing contained herein shall preclude a Municipality from implementing a scheme to reorganise its staff subject to the provisions of the Labour Relations Act.

Administrative units

9. (1) All the staff that have been transferred to a new municipality in terms of paragraph 8 of this Part forms an administrative unit that functions as such in terms of the administrative, accounting, human resource management and other like structures, systems, rules and regulations which were applicable immediately prior to the establishment of the said new municipality until changed by the new municipality.
- (2) The head of an administrative unit shall act under the direction of and be responsible and accountable to the municipal manager or acting municipal manager (as the case may be) of the new municipality with regard to all aspects of the continued operation of the said administrative entity.
- (3) For the purposes of section 16 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the head of an administrative unit shall be deemed to be the Chief Executive Officer in respect of the activities of the administrative unit.

Continued application of by-laws and resolutions

10. (1) All by-laws, regulations and resolutions that apply in the area of a disestablished municipality immediately before the effective date, continue to apply in such area from the effective date subject to any amendment or repeal by the council of the new municipality.
- (2) A by-law or resolution of –
- (a) any district municipality disestablished by this notice, must be applied by the district municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of the district municipality; and
- (b) any other disestablished municipality must be applied by a local municipality to the extent to which that by-law or resolution continues in force in terms of sub-paragraph (1) in the area of that local authority.
- (3) Unless inconsistent with the context or clearly inappropriate, reference in any such by-law, regulation or resolution to –
- (a) a disestablished municipality, must be construed as a reference to the new municipality; and
- (b) a structure or functionary of a disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

Dispute Resolution

11. (1) In the event of a dispute arising between the metropolitan municipality and any adjoining district municipality regarding the application of clauses 6,7 and 8, the MEC upon written request by any party to the dispute convene a dispute resolution committee.
- (2) The Committee shall consist of –
- (a) The municipal manager and a councillor of the metropolitan municipality.
- (b) The municipal manager and a councilor of the district municipality.
- (c) A person appointed by the MEC who shall be chairperson.
- (3) (a) The chairperson of the committee decides when and where the committee meets, but a majority of the members may require the chairperson

in writing to convene a meeting of the committee at the time and place set out in the requisition.

(b) 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.

(3) The committee shall determine its own procedure provided:

(a) Only councilors and the chairperson shall have a vote.

(b) A question before the committee is decided with a majority vote.

(c) In the event of an equality of votes the chairperson must exercise a casting vote in addition to a vote as a member.

(4) All parties shall be bound to the decision of the committee.

Duties of Chief Executive Officers of Existing Municipalities

12. (1) The person who was the chief executive officer of a disestablished municipality must-

(a) by not later than two days after the effective date draw up -

(i) a list containing the names and particulars of all persons who on that date were in the employ of the municipality; and

(ii) an inventory of all the assets and liabilities of the municipality as at that date; and

(b) submit that list and inventory to the acting municipal manager referred to in Clause 15 within one day after that person's appointment as acting municipal manager.

(2) Nothing in sub-clause (1) shall imply that disestablished municipalities falling fully within the new metropolitan municipal area are required to finalise accounts and produce financial statements on the effective date.

(3) Notwithstanding the foregoing, the list and inventory referred to in Clause 14(1)(a)(i) and (ii) above in respect of a disestablished municipality that partly falls within the metropolitan area shall be compiled by the chief executive officer of that partially disestablished municipality and presented by him to the Pedu Facilitation Committee for its consideration and acceptance by no later than 14 days prior to the effective date.

Insurance of Assets and Liabilities

15. The acting municipal manager referred to in clause 15 above must ensure that adequate insurance of all assets and liabilities of the metropolitan municipality is in place. For this purpose -

(a) the risks covered by the disestablished municipalities will continue to be covered at the levels existing as at the effective date and be extended to include any assets and liabilities as may become the responsibility of the metropolitan

municipality on the effective date.

- (b) All existing insurance policies will remain in force at the date of the establishment of the metropolitan municipality.
- (c) The insured referred to in all such policies and arrangements shall include the metropolitan municipality and all disestablished municipalities and such other parties or beneficiaries as are covered in terms of the existing policies or the arrangements of their respective rights and interests and/or others for whom there exists a requirement to arrange insurance, as advised to insurers from time to time.

PART 2

ESTABLISHMENT OF DISTRICT MUNICIPALITY

1. A metropolitan municipality is hereby established for the metropolitan municipal area.

CATEGORY

2. The district municipality is a Category C municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The metropolitan municipality is of a type described in section 2(g) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000 (EC)).

BOUNDARIES

4. The boundaries of the metropolitan municipality are as indicated on Map No. 1 published in Provincial Notice No 22 of 2000, published in the Provincial Gazette No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the metropolitan municipality is Nelson Mandela.

COUNCILLORS

6. (1) The council of the metropolitan municipality consists of 54 proportionally

elected councillors and 54 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.

- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the district municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker
 - (b) Executive Mayor
 - (c) Members of the Mayoral Committee.

SEAT OF FIRST MEETING

8. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be port Elizabeth which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

9. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR J G RICHARDS

- (2) The interim municipal manager must be assisted by MR P VAN ROOY and MS T MALI to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

10. The standing rules and orders for the first meeting of the new municipality shall be as follows:

RULES FOR FIRST MEETING OF MUNICIPAL COUNCIL

Definitions

1. In these rules, 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;

“**interim municipal manager**” means the interim municipal manager as determined in the section 12 Notice;

“**interim seat**” means the interim seat of a municipality as determined in the section 12 Notice; and

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

Notice convening first meeting

2. (1) The interim municipal manager must, within 3 days after the council has been declared elected, inform the elected councillors in writing of the venue, date, and time of the first meeting of the council.
- (2) The first meeting of the council must take place at the interim seat of the municipality within 14 days after the council has been declared elected, or if it is a district council, after all the members to be appointed by local councils, have been appointed.

Convening notice read and oath or affirmation

3. (1) At the commencement of proceedings of the council at the first meeting after it has been convened in terms of section 29 of the Municipal Structures Act, the interim municipal manager must read the notice convening the council.

- (2) After the notice convening the council has been read, the councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.

Election of Speaker

4. (1) At its first meeting after its election the council must elect its speaker from among its councillors.
- (2) The interim municipal manager presides over the election of the speaker.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the speaker.
- (4) The Speaker of a council of a municipality of the type mentioned in sections 9(e) or (f) or 10(c) of the Municipal Structures Act must be called the mayor.
- (5) The elected speaker presides over the remainder of the first meeting of the council and may express a sense of honour conferred upon him or her.

Establishment of Executive Committee

5. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(a) – (d), 9(a) –(b) and 10(a) which chooses to establish an executive committee, must establish an executive committee by way of motion.
- (2) The motion, which may be moved without notice must –
 - (a) state the number of councillors to serve on the executive committee in accordance with of section 43(1) of the Municipal Structures Act;
 - (b) state the number of councillors of each party and interest represented in the council to proportionally represent such party or interest in accordance with section 43(2) of the Municipal Structures Act.

Election of Executive Committee

6. (1) At its first meeting after its election, the council which has established an executive committee in terms of Rule 4, must elect the members of its executive committee from among its members.
- (2) When the executive committee is elected, the council elect a member of the executive committee as its mayor.
- (3) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive committee and the mayor.

Choice to have an executive mayor

7. (1) At its first meeting after its election, the council of a municipality of the type mentioned in sections 8(e) – (g), 9(c) – (d) and 10(b) which chooses to have an executive mayor, must adopt a motion to that effect.
- (2) The motion may be moved without notice.

Election of Executive Mayor

8. (1) At its first meeting after its election, the council which has chosen to have an executive mayor in terms of Rule 6, must elect an executive mayor.
- (2) The procedure set out in Schedule 3 of the Municipal Structures Act applies to the election of the executive mayor.

Quorums and decisions

9. The quorums and determinations required by section 30 of the Municipal Structures Act apply to the first meeting of the council.

Procedure for matters not dealt with in these Rules.

10. The Standard by-law relating to the procedure and maintenance of order at meetings, published as Provincial Notice 411/1988 and published in the *Provincial Gazette* No 4532 of 20 May 1988, subject to the provisions of the Municipal Structures Act, applies to any procedural matter not provided for in these rules.

PART 3**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 05b1 on Map 2 in the Provincial Notice 101 of 2000 as published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 3(b) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000(EC)).

BOUNDARIES

4. The boundary of the local municipality is as indicated on Map No 2 published in the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The provisional designation of the local municipality is Umzimkuku (EC05b1).

COUNCILLORS

6. (1) The council of the local municipality consists of 16 proportionally elected councillors and 17 ward councillors as determined in Provincial Notice 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
- (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
- (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
- (b) That the final designation of full-time councillors be made by the MEC within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker.

WARDS

8. The local municipality has 17 wards with boundaries as determined in the Provincial Notice 72 of 2000 published in the Provincial Gazette No. 528 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Umzimkulu which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR T S B VUKAPHI

- (2) The interim municipal manager must be assisted by MS N SIBUTHA and MS A MKHIZA to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule

PART 4**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. A local municipality is hereby established for that part of the district municipal area indicated as EC 05b2 on Map 3 in the Provincial Notice 101 of 2000 as published in

the Provincial Gazette No. 558 dated 19 May 2000 and/or any subsequent amendment by the Demarcation Board.

CATEGORY

2. The metropolitan municipality is a Category A municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The local municipality is of a type described in section 2(g) of the Determination of Types of Municipality Act, 2000 (Act 5 of 2000 (EC)).

BOUNDARIES

4. The boundaries of the local municipality are as indicated on Map No. 1 published in Provincial Notice 22 of 2000 published in *Provincial Gazette* No. 486 dated 28 February 2000 and/or any subsequent amendment by the Demarcation Board.

NAME

5. The name of the metropolitan municipality is Nelson Mandela.

COUNCILLORS

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6. (1) The council of the metropolitan municipality consists of 31 proportionally elected councillors and 32 ward councillors as determined in Provincial Notice No. 36 of 2000 published in Provincial Gazette No. 510 dated 17 April 2000, as amended.
- (2) Full time councillors, if any, are designated in accordance with the policy framework contemplated in section 18(4) of the Act, subject to the following conditions:
 - (a) That the municipality submit to the MEC a motivation within 30 days of the effective date on the following –
 - (i) the functions and duties to be performed by the full-time speaker;
 - (ii) the functions and duties to be performed by full-time office bearers if the number of full-time office bearers exceeds the total of six;
 - (iii) the municipality's financial capacity to pay the remuneration attached to the full-time office bearers.
 - (b) That the final designation of full-time councillors be made by the MEC

within 30 days after receipt of the above-mentioned motivation by way of notice in the Provincial Gazette.

FULL TIME COUNCILLORS

7. The council of the local municipality may, subject to the conditions contained in paragraph 6(2) in this Part, designate any of the following office-bearers as full time:
- (a) Speaker;
 - (b) Members of the Executive Committee.

WARDS

8. The local municipality has 32 wards with boundaries as determined in the Provincial Notice 77 of 2000 published in the Provincial Gazette No. 533 dated 12 May 2000 and/or any subsequent amendment by the Demarcation Board.

SEAT OF FIRST MEETING

9. The seat of the new municipality for the purposes of the first meeting of its council after the effective date shall be Mount Ayliff which shall be deemed to be the seat of the municipality until otherwise determined in terms of the Act.

INTERIM MUNICIPAL MANAGER

10. (1) Pending the appointment by the municipal council of an acting municipal manager or municipal manager in terms of section 82 of the Act, the following person is designated in terms of section 29(2) of the Act to call the first meeting of the council of the new municipality and such person shall be deemed to be the acting municipal manager from the effective date until the council appoints an acting municipal manager or municipal manager:

MR Z SIKHUNDLA

- (2) The interim municipal manager must be assisted by MR L MABONA and MR M MZOTSHO to act as an interim management team until the appointment of the acting municipal manager or municipal manager as contemplated in subparagraph (1).
- (3) The designations of an interim management team is an interim measure and may not be taken in account by a municipality when appointing an acting municipal manager or municipal manager or other official.

STANDING RULES FOR FIRST MEETING

11. The standing rules and orders for the first meeting of the new municipality shall be the rules contained in paragraph 10 of Part 2 of this Schedule