

***THE PROVINCE OF
GAUTENG***



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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 424 OF 2020**GAUTENG PROVINCE****THE PREMIER****CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996
(ACT NO. 108 OF 1996)****APPOINTMENT OF ADMINISTRATOR IN TERMS OF SECTION 139(1)(c) OF THE
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT NO. 108 OF 1996:
CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

WHEREAS section 139(1)(c) of the Constitution of the Republic of South Africa, Act No. 108 of 1996 ("the Constitution"), dictates that when a municipality cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including dissolving the Municipal Council and appointing an administrator until a newly elected Municipal Council has been declared elected, if exceptional circumstances warrant such a step.

AND WHEREAS the City of Tshwane Metropolitan Municipality experienced a myriad of challenges and its Municipal Council failed to fulfil its executive obligations in terms of the Constitution and legislation.

AND WHEREAS the Gauteng Executive Council ("the EXCO") had no option but to intervene, and on 04 March 2020 the EXCO resolved to dissolve the Municipal Council of the City of Tshwane Metropolitan Municipality in terms of section 139(1)(c) of the Constitution.

AND WHEREAS on 6 March 2020, the EXCO, in terms of section 139(3)(a) of the Constitution, notified the Minister of Co-operative Governance and Traditional Affairs ("the Minister"), the Gauteng Provincial Legislature and the National Council of Provinces ("the NCOP") of the intervention.

AND WHEREAS in terms of section 139(3)(b) of the Constitution, the dissolution takes effect 14 days from the date of receipt of the notice by the NCOP unless set aside by the Minister or the NCOP before the expiry of those 14 days. The Minister and the NCOP approved the intervention.

AND WHEREAS following the approval of the dissolution of the Municipal Council of the City of Tshwane Metropolitan Municipality by the Minister and the NCOP, the EXCO resolved on 22 March 2020 that the Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs ("the MEC"), in consultation with the

Premier, must appoint an Administrator to implement the intervention to bring stability to the City of Tshwane Metropolitan Municipality.

NOW THEREFORE the MEC, after consultation with the Premier, duly appointed Mr Mpho Kebitsamang Nawa as the Administrator with effect from 23 March 2020 until a newly elected Municipal Council for the City of Tshwane Metropolitan Municipality has been declared elected, with the terms of reference as approved by the EXCO and as defined in the Schedule to this Notice.

Given under my Hand at Johannesburg on this 6th day of April 2020.



MD Mkhurhema
Premier: Gauteng Province



L Maile, MPL
MEC: Human Settlements, Urban
Planning and Co-operative
Governance and Traditional
Affairs

SCHEDULE

TERMS OF REFERENCE OF THE ADMINISTRATOR APPOINTED IN TERMS OF SECTION 139(1)(c) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT NO. 108 OF 1996: CITY OF TSHWANE METROPOLITAN MUNICIPALITY

1. The Administrator must exercise and perform the following powers and functions:

- (i) undertake all executive functions of a municipal council;
- (ii) undertake all statutory executive functions of the Mayor;
- (iii) undertake all fiscal and financial management functions at the municipality, including being signatory on the municipal primary banking account;
- (iv) undertake the functions referred to in section 67(1)(h) and Schedule 2 of the Local Government: Municipal Systems Act, 2000, read with any other relevant legislative provisions dealing with disciplinary matters, including criminal and civil action;
- (v) implement all governance systems and procedures including oversight over the administration;
- (vi) ensure implementation of financial systems, policies and procedures;
- (vii) approve all decisions taken by the Municipal Manager or Acting Municipal Manager, as the case may be, and section 56 Managers in terms of delegated or original authority;
- (viii) develop a turn-around strategy for the Municipality;
- (ix) implement a system to control and approve all expenditure;
- (x) ensure implementation of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), including preparing the municipal valuation roll in terms of section 32(3) of the said Act where applicable;
- (xi) set out a specific strategy for addressing the financial problems experienced by the Municipality, including a strategy for reducing unnecessary expenditure and increasing the collection of revenue;
- (xii) review the organisational structure of the Municipality;

- (xiii) co-ordinate a programme of visits by all Gauteng Members of the Executive Council and Provincial Government Departments at the Municipality in order to fast-track service delivery;
- (xiv) Ensure that the Local Labour Forum(LLF) is functional; and that the resolutions are implemented by the Administration which are not to the disadvantage of the Municipality;
- (xv) Ensure implementation of remedial action plans dealing with negative findings from the Auditor-General;
- (xvi) Assess contractual obligations of the Municipality and negotiate contractual payments, scope and agreed schedule with service providers;
- (xvii) Review of all court cases against the municipality and finalization of such cases;
- (xviii) Finalise reported Fraud and Corruption Cases; and
- (xix) Submit monthly reports on the progress of the intervention to the MEC responsible for COGTA.

2. The EXCO appreciated that the Administrator will be seized with an enormous responsibility and further resolved to appoint the following team of experts to support the Administrator:

Mr Gilberto Martins	Ms Thulisile (Thuli) Njapa Mashanda
Mr Lefadi Lucas Matibinyane	Ms Mmaseabata Abigail Mutlaneng
Ms Rianda Kruger	Mr Mavela Dlamini
Mr Lesedi Mere	Ms Shiva Makotoko
Ms Lebogang Mahaye	

3. The Administrator is empowered to assign specific responsibilities to the members of the team of experts mentioned in paragraph 2 above.

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