



THE PROVINCE OF MPUMALANGA  
DIE PROVINSIE MPUMALANGA

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# Government Printing Works

## Notice submission deadlines

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

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

### CANCELLATIONS

Don't forget!

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

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

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

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

### AMENDMENTS TO NOTICES

take note!

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

### CUSTOMER INQUIRIES



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

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

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

### PROOF OF PAYMENTS



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

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

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

### REMINDER OF THE GPW BUSINESS RULES

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

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 37 OF 2016****LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT, 1998****NOTICE IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: DISESTABLISHMENT OF EXISTING MUNICIPALITIES AND ESTABLISHMENT OF NEW MUNICIPALITY**

I, Refilwe Maria Mtshweni, in my capacity as Member of the Executive Council responsible for Co-operative Governance and Traditional Affairs in the Mpumalanga Province, hereby in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) publish the said Notice for public comment.

Given under My hand at Mbombela on 28 April 2016



**MS R.M. MTSHWENI (MPL)**  
**MEC: CO-OPERATIVE GOVERNANCE**  
**AND TRADITIONAL AFFAIRS**

## **SCHEDULE**

### **PART 1**

#### **1. DEFINITIONS**

In this Schedule, unless inconsistent with the context, a word or expression to which a meaning has been assigned in the Local Government: Municipal Structures Act, 1998, has the same meaning and\_

“Administrative unit” means the administrative Unit referred to in paragraph 9

“Demarcation notice” means the Provincial Notice as published in the Provincial Gazette, Mpumalanga No 2506 dated 7 July 2015

“Disestablishment municipality” means an existing municipality disestablished in terms of section 2 of this Schedule

“Effective date” means the day on which the result of the election of the council of the new local municipality is declared in terms of section 190(1)(c) of the Constitution of the Republic of South Africa, 1996;

“Local municipality” means a Category B municipality established in terms of Part 2 of this Schedule;

“New municipality” means a local municipality established in terms of paragraph 4 of this Schedule;

“Proportional elected councilors” means councilors elected to proportionally represent the political parties that contested the elections in the municipality concerned;

“The Act” means the Local Government: Municipal Structure Act, 1998 (Act No. 117 of 1998);

“TFC” means the Transitional Facilitation Committee established in terms of paragraph 11 of this Schedule’

## **2. DISESTABLISHMENT OF EXISTING MUNICIPALITIES**

- (1) The following existing 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) Mbombela Local Municipality established by the Provincial Gazette Notice No. 631 of 01 October 2000
  - (b) Umjindi Local Municipality established by the Provincial Gazette Notice No. 631 of 01 October 2000
- (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;
  - (b) remains competent to function as the municipality for its area

## **3. VACATION OF OFFICE**

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

## **4. LEGAL SUCCESSION**

A new local municipality supersedes the existing municipalities to the extent that the existing municipalities fall within that area, become the successors in law of the existing municipalities depending on the specific assets, liabilities, rights and obligations allocated to the local municipalities in terms of this Schedule.

## **5. TRANSFER OF ASSETS, RIGHTS LIABILITIES AND OBLIGATIONS**

- (1) The assets, rights liabilities and obligations the disestablished municipalities, in as far as they were, immediately before the effective date, predominately deployed in respect of, or related to, the performance by the municipality of a function or functions in a specific area, are hereby, subject to the provisions of section 16(1) of the Act, transferred to the new municipality which, on the

effective date, assumes the sole responsibility for the performance of the said function or functions in the said area.

- (2) For the purpose of subparagraph (1) "function" includes a power.
- (3) Administrative and other records relating to assets, rights liabilities and obligations other than those referred to in subparagraph (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 subparagraph.
- (4) Assets, rights liabilities and obligations other than those referred to in subparagraph 1 are hereby transferred as from the effective date to the new local municipality in whose area the administration unit responsible for administrative control of such assets, rights liabilities and obligations immediately before the effective date, is located.
- (5) A new municipality must, pending the review referred to in subparagraph (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 transfer of assets, rights liabilities and obligations mentioned in this paragraph must be reviewed and dealt with by the TFC referred to paragraph 11 of this Part.

## **6 INVESTMENTS, CASH AND CASH BALANCES**

As from the effective date all investments and all cash and cash balances in a bank account of the disestablished municipalities accrue to a new municipality established in terms of the paragraph 4(1) in accordance with the following rules:

- (a) The investments, cash and cash balances of the disestablished municipalities referred to in paragraph 2(1)(b) to (r) accrue to a new local municipality.

## **7 TRANSFER OF STAFF**

A person who at the effective date is an employee of the disestablished municipalities becomes an employee of a new local 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 the provisions 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 (a) becomes employees of the new local municipality in whose area the administrative unit responsible for staff administration relating to such employees, immediately before the effective date, is located;
- (c) For the purposes of (a) "function" includes a power;
- (d) The employment of employees by a new local municipality is subject to any applicable 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 not less favourable than under which such employee served immediately before the effective date;
- (f) Service by a person so transferred is deemed to constitute service as an employee of the new municipality to which such person is transferred and any leave, pension and other benefits that may have accrued to such 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, and



- (g) Where an employee transferred in terms of (a) or (b) above 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 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, agrees otherwise, and
  - (ii) The new municipality must deduct the necessary employees' contributions to the scheme or fund from the remuneration of the employee concerned and pay it over to the scheme or fund in question together with the employer's contribution.
- (h) The transfer of staff shall be based on the Placement Policy approved by the Political Change Management Committee established in terms of the Notice 507 of 2015 published in the Provincial Gazette dated 16 October 2015.

## **8 ADMINISTRATIVE UNITS**

- (1) All staff that have been transferred to a new local 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 disestablishment of the said new municipality until such structures, systems, rules and regulations are changed by the new municipality or pursuant to the rationalization 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 aspect of the continued operation of the said administrative entity.

- (3) For the purpose 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.

## **9 CONTINUED APPLICATION OF BY-LAWS**

- (1) All by-laws, regulations and resolutions that apply in the area of disestablished municipalities 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) 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 the disestablished municipality, must be construed as a reference to the corresponding structure or functionary in the administrative entity.

## **10 TRANSITIONAL FACILITATION COMMITTEE**

- (1) A Transitional Facilitation Committee (TFC) is hereby established for the new local municipality.
- (a) The establishment of the TFC takes effect no later than 14 days after the effective date.
  - (b) A TFC will consist of the following members:
    - (i) 2 (two) members of the Mayoral Committee designated by the Executive Mayor of the new local municipality,
    - (ii) Head of Department of COGTA
    - (iii) Acting or Municipal Manager of the new local municipality

- (iv) **Municipal Manager of Ehlanzeni District**
  - (v) **5 Senior Managers from the new municipality designated by the acting or municipal manager of the new municipality,**
  - (vi) **2 Senior Managers designated by the Municipal Manager of Ehlanzeni District**
  - (vii) **3 Senior Managers designated by the Head of Department COGTA**
  - (viii) **3 senior managers designated by the Head of Department of Provincial Treasure**
- (2) **The Chairperson of the TFC will be a member of the Mayoral Committee designated by the MEC**
- (a) **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 such request.**
  - (b) **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.**
- (3) **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, and**
  - (b) **At least one half of the members must be present at a meeting before a vote may be taken on any matter.**
- (4) **The functions of the TFC shall, subject to and for the purposes of section 14 and 84 of the Act, read with section 10 and 14 of the Act, be to make recommendations to the relevant authority regarding:**
- (a) **The temporary adjustment of the division of functions and powers between the district and local municipality;**

- (b) Which of the assets, rights, liabilities and obligations that have been transferred from the disestablished municipality should remain vested in the transferee and which of the assets, rights, liabilities and obligations should be transferred from the transferee to another municipality;
  - (c) Subject to paragraph 8(e) of this Part, the implementation of a process of reorganizing the employees transferred to each new municipality, and
  - (d) A process of reviewing of the continued application of by-laws, regulations and resolutions of the disestablished municipality and to make recommendations to the respective new municipality for the rationalization, as contemplated in section 15 of the Act, of the Act, of such by-laws, regulations and resolutions.
- (5) Any expense incurred by the TFC in the discharge of its functions or in respect of costs shall be borne by the new local municipality.

## **11 MUNICIPAL MANAGER**

The MEC must, prior to the effective date, second an acting municipal manager for the new local municipality in terms of section 54A(6) of the Systems Act read with regulation 20 of the Regulations on Appointment and Conditions of Employment of Senior Manager, 2014 until otherwise determined by council.

## **PART 2**

### **1. ESTABLISHMENT OF THE NEW LOCAL MUNICIPALITY**

For that part of the district municipal area determined in the demarcation notice as MP 326, a new local municipality is hereby established.

### **2 CATEGORY**

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

### **3 TYPE**

The new local municipality is a municipality with a mayoral executive system contemplated in terms of section 3(b) of the Mpumalanga Further Determination of Types of Municipalities Act, 2000

### **4 BOUNDARIES**

The boundaries of the new local municipality are as indicated by the Map No DEM4537 dated June 2015 as amended, of the demarcation notice.

### **5 NAME**

The name of the new local municipality is City of Mbombela Local Municipality.

### **6 COUNCILLORS**

- (1) The council of the new local municipality consists of 45 proportionally elected councilors and 45 ward councilors as determined by the Provincial Notice No. 429 published in Special Provincial Gazette No 2558 of 16 September 2015
- (2) The council of the new local municipality may designate any of the following office-bearers as full time:
  - (a) Speaker;
  - (b) Executive Mayor
  - (c) 10 Members of the Mayoral Committee
  - (d) Chairperson of the Municipal Public Account Committee
  - (e) Whip

### **7 WARDS**

The new local municipality has 45 wards with the boundaries as indicated in the Provincial Notice No. 429 published in Special Provincial Gazette No 2558 of 16 September 2015

### **8 SEAT OF THE NEW LOCAL MUNICIPALITY**

The seat of the new local municipality is in Mbombela with 4 regional service centres, namely;

- Central Region- covering satellite offices at the Groove, Ka-Nyamazane, Elandshoek; and Mbombela Head Office;
- Northern Region – covering the satellite offices at Hazyview, Northern part of the area;
- Eastern Region – covering the satellite offices at White River, Kabokweni and Malekutu;
- Southern Region –covering the satellite offices at Barberton, Matsulu and Louws Creek farm areas

#### **9. STANDING RULES AND ORDERS FOR THE FIRST MEETING**

The Standing Rules and Orders as adopted by the Political Change Management Committee established in terms of section 14(5) published in the Provincial Gazette No. 507 of 16 October 2015 shall apply in the first Council meeting of the new local municipality until otherwise determined by the Council.



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