

# NORTHERN CAPE PROVINCE

PROFENSIYA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

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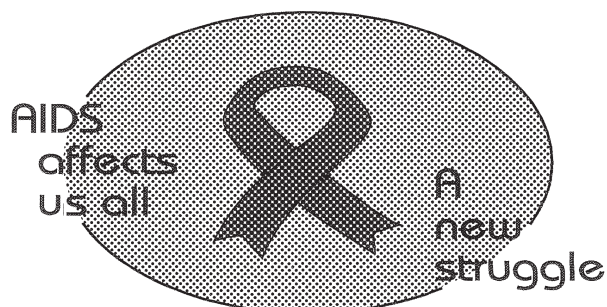
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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## NOTICE 45 OF 2020

DEPARTMENT OF COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS  
AND TRADITIONAL AFFAIRS**NOTICE IN TERMS OF SECTION 35 OF THE LOCAL GOVERNMENT: MUNICIPAL  
STRUCTURES ACT, 1998, READ WITH SECTION 139(1)(c) OF THE  
CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 – APPOINTMENT  
OF ADMINISTRATOR OF THE PHOKWANE LOCAL MUNICIPALITY AND  
DETERMINATION OF THE POWERS AND FUNCTIONS OF THE ADMINISTRATOR**

I, Bentley Gavin Vass, in my capacity as the Member of the Executive Council of the Northern Cape responsible for local government, subsequent to a decision of the Northern Cape Provincial Executive Council on the 12 March 2020, to dissolve the Municipal Council of Phokwane Local Municipality, in terms of section 139(1)(c) of the Constitution of the Republic of South Africa, 1996, hereby –

- (a) under the powers vested in me by section 35(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), appoint Mr. Bamba Ndwandwe as the Administrator of the Phokwane Local Municipality with effect from 19 May 2020; and
- (b) in accordance with the provisions of section 35(2) of the Local Government: Municipal Structures Act, 1998, determine that the Administrator must exercise and perform the following powers and functions:
  - (i) undertake all executive functions of a municipal council except the legislative functions namely, the **approval of by-laws**, the **approval of the municipal budget** and the **imposition of rates, taxes, levies, duties, service fees and surcharges** on fees;
  - (ii) undertake all statutory executive functions of the Mayor;
  - (iii) implement all the approved intervention conditions by the Minister responsible for local government (“Cooperative Governance”) and the approved conditions by the National Council of Provinces (“NCOP”) in terms of section 139(1)(b) and (c);
  - (iv) undertake all fiscal and financial management functions at the municipality, including being the **controlling signatory on the municipal banking account**;
  - (v) undertake all the necessary steps of recruitment (except the shortlisting and interviews) of the municipal manager and managers accountable to the municipal manager;
  - (vi) 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;
  - (vii) implement all governance systems and procedures including oversight over the administration;
  - (viii) ensure implementation of financial systems, policies and procedures;
  - (ix) approve all decisions taken at all levels of management including those of the Financial expert in terms of delegated or original authority;

- (x) revise the turn-around strategy and/or Financial Recovery Plan for the Municipality;
- (xi) implement a system to control and approve all expenditure;
- (xii) 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;
- (xiii) set out and implement 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;
- (xiv) review the organisational structure of the Municipality; and
- (xv) co-ordinate a programme of visits by all Members of the Executive Council and Provincial Government Departments at the Municipality in order to fast-track service delivery and prepare progress reports in this respect.

Given under my Hand at Kimberley on this 19 May, 2020



**MR. B. G. VASS, MPL**

**Member of the Northern Cape Provincial Executive Council  
Responsible for Local Government**







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