

CHAPTER 09: PROCESS TOWARDS SINGLE AUTHORITY



BACKGROUND:

The Municipal Demarcation Board announced officially announced on 07 August 2013, that through the demarcation process, that proposal DEM- 4059-3 was endorsed and that the formation of a Metro that comprised of an amalgamation of the Sedibeng District, the Emfuleni Local and the Midvaal Local Municipalities would be undertaken.

In respect of the above, processes began to unfold towards the establishment of a Vaal Metro in 2016. Following the announcement of the MDB, the MEC for GoGTA in Gauteng issued a 14(5) Notice on 31 March 2014.

The affected Municipalities convened a Joint Sitting on 16 April 2014 to nominate representatives to serve on the Political and Technical Steering Committees.

The Sedibeng District Municipality, with several other respondents, were served with court papers indicating that Midvaal Local Municipality had filed an application in the High Court to oppose the move to a Metro. An extract of the Settlement Agreement was made an Order of the Court which read as follows:

the decisions of the First Respondent in respect of proposal DEM4059--3 made on 30 July 2013 (published under Notice 2109 of 2013 on 8 August 2013 in Provincial Gazette No.229) and 25 September 2013 (published under Notice 2914 of 2013 in Provincial Gazette Extraordinary No.303 on 17 October 2013) ("the decisions") are set aside;

Any notices published in pursuance of the decisions after 30 July 2013 are set aside;

Proposal DEM4059-3 is remitted to the First Respondent for reconsideration on the following basis:

Any final decision in the reconsideration of such proposal will not be published prior to the 2016 local government elections; in taking any decisions in the reconsideration of such proposal, the First Respondent may rely on all steps lawfully taken by the First Respondent in relation to the decision or proposal DEM4059-3;

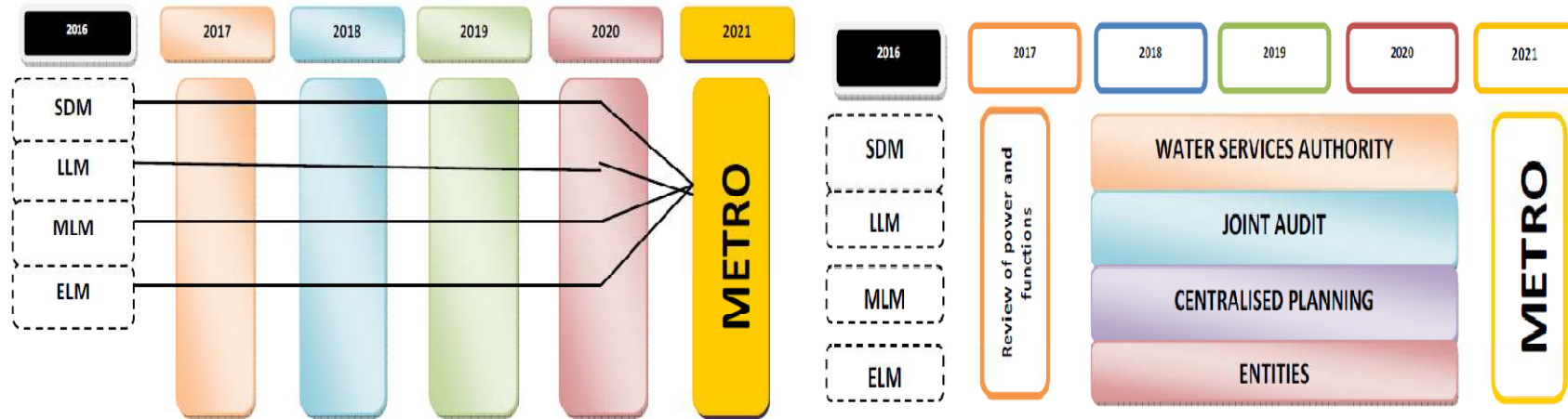
The move to a Metro therefore remains on track for implementation in 2021 provided that the MDB reactivates the process.

Sedibeng District and Local Municipalities 2016 – 2021

For the period 2016-2021, the Sedibeng District Municipality will consider measures and processes that lead us to becoming a Metro during the next local government elections.

These processes include but not limited to:

- Setting up of transitional processes towards the metro.
- Compliance with Section 14 of the Municipal Structures Act 117 of 1998 in relation to assets and liabilities as well as staffing matters.
- Engagements with Municipal Demarcation Board
- Interaction with the Local Municipalities and the Independent Electoral Commission towards the realization of the single authority.



Review of Powers and Functions:

One of the key engagements that will need to be continuously undertaken even during the 2018/19 financial year would be the review of Powers and Functions. A comprehensive discussion document on a review of Powers and Functions must be developed by the Sedibeng District Municipality, for engagements by the current Councils and for the newly elected Councils. The Office of the Executive Mayor and the Municipal Manager will continue to interact with other spheres of government with an objective of ensuring that the Section 84(1) powers and functions of the Municipal Structures Act revert to the District Municipality.