

ANNEXURE A

COUNCIL RESOLUTION 15/2015 DATED 09 MARCH 2015

RATLOU LOCAL MUNICIPALITY

5. PROPOSED DIS-ESTABLISHMENT OF RATLOU LOCAL MUNICIPALITY (DEM4541) BY THE MINISTER OF CORPORATIVE GOVERNANCE AND TRADITIONAL AFFAIRS THROUGH CIRCULAR 03/2015 OF THE MUNICIPAL DEMARCATION BOARD

Purpose

To submit to Council to consider **dis-establishment of Ratlou Local Municipality (NW381)** as proposed by Minister of Corporative Governance and Traditional Affairs as published on **Circular 03/2015** of the Municipal Demarcation Board (MDB) in line with Section 26 of the Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

Background

Ratlou Local Municipality has received **Circular 03/2015** (i.e. Section 26 Notice) from Municipal Demarcation Board (MDB) wherein the Minister of Corporative Governance and Traditional Affairs has made a submission for the **Disestablishment and Re-determination of Municipal Boundaries**. The process had also affected Ratlou Local Municipality.

It must be mentioned that previously the Council has, as per **Resolution No. 47/2012** dated **23 August 2012** (attached as an *Annexure*) made a submission to MDB in line with Sections 24, 25 and 26 of the Municipal Demarcation Act, 1998 (Act No. 27 of 1998) to MDB. This submission was favorably taken into consideration and finalised as such by the MDB and Ratlou Local Municipality was to remain as a municipality. The community has raised major issue of being not properly consulted by the Minister and MDB. Therefore, the Minister / MDB have been called upon to consult them accordingly.

Upon the receipt of the **Circular 03/2015** of the MDB, the municipality facilitated community consultation regarding the proposed disestablishment of Ratlou Local Municipality in all its wards between the 03rd and the 06th of March 2015. The community views and comments have been documented as per attached Annexure


The **African National Congress (ANC)** and the **United Christian Democratic Party (UCDP)** are supportive of the proposed dis-establishment of the municipality as contained in **Circular 03/2015** (Section 26 Notice of Municipal Demarcation Act, 1998 (Act No. 27 of 1998) if it is aimed at improving service delivery.

Resolved:

- a) That Council rescinded **Resolution 47/2012** dated **23 August 2012**.
- b) That Council submitted, to the Municipal Demarcation Board, the views or comments of the community as solicited through public consultations attached hereto as part of the *Annexure(s)*.
- c) That Council approved the proposal of the dis-establishment of Ratlou Local Municipality in line with **Circular 03/2015** of the **Municipal Demarcation Board**.
- d) That the Council Resolution, together with community inputs, be submitted to Municipal Demarcation Board by close of business on the 09th March 2015.

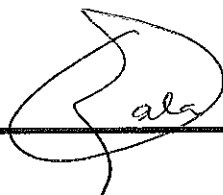
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RESOLUTION 15/2015

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ANNEXURE:

COUNCIL RESOLUTION 47/2012 DATED 23 AUGUST 2012

 09/03/2015

23. RE-DETERMINATION OF MUNICIPAL BOUNDARIES

Purpose

To give progress and to establish Council's position on the proposed Redetermination of Municipal Boundaries as far as it is facilitated by the Municipal Demarcation Board
To establish the Municipal position with regard to the proposed changes that have been submitted to the Demarcation Board by third parties.

Background

On the 5th June 2012 Municipalities within Ngaka Modiri Molema District were invited by Municipal Demarcation Board (MDM) to a meeting which its purpose was:

- To provide an overview of the current status on the redetermination process
- To explain the process to finalise the project in 2013.
- To explain the additional request received for municipal boundary changes.
- To afford stakeholders an opportunity to comment on the request/ submissions received.

Discussion

Municipal redetermination is constituted by three types of interpreted as follows:

Type A: Technical and minor boundary determination

Entails a small scale boundary adjustment and / or alignment with:

- minor impact on the geographic area
- negligible or no impact on the number of voters
- no impact on the capacity of the affected municipalities

Type B: Consolidation and Annexations

This is a medium scale boundary redetermination that may impact on:

- a sizeable geographic area
- number of voters
- one or all the municipalities affected

Type C: Amalgamation and Categorization

This entails a major and large scale municipal boundary redetermination which all has a significant impact on the:

- geographic areas
- number of voters
- capacity of the affected municipality

 ala

23/08/2012

 ala

09/08/2015

Ratlou Local Municipality is affected by Type A and Type C outlined below.

Type A

DEM 4349: Submission made by IEC

This proposed redetermination of the municipal boundaries of Ratlou and Mafikeng Local Municipalities. It entails the exclusion of a portion of the farm Ratshidi 302 IO from Ratlou into Mafikeng Municipal area (Annexure A)

Implication: None (No loss of voters' rates and taxes)

DEM 4350: Submission made by IEC

This proposed redetermination of the municipal boundaries of Ratlou and Mafikeng Local Municipalities. It entails the exclusion of a portion of the farm Ratshidi 302 IO from Ratlou into Mafikeng Municipal area (Annexure B)

Implication: None (No loss of voters' and rates & taxes)

Type C

DEM 478: Submission made by Northern Cluster of Ratlou LM

This proposed redetermination of the Municipal boundaries of Ratlou and Mafikeng Local Municipality. By excluding Ward 1, 2, 3 and 4 from Ratlou into Mafikeng Municipal area (Annexure C)

Implication: The Municipality will be so small and insignificant. It also implies that the equitable shares and other grants will be reduced as allocation is based on population and other factors.

The Municipal Demarcation Board (MDB) has a programme which has 4 steps/ phases before the redetermination process can be concluded and finalized. Below is an outline of these steps.

- Step 1** : Publishing of section 26 (Demarcation Act, 1998) Notices on proposed redetermination of municipal boundaries (July – August 2012)
- Step 2** : Assessments and evolution of submission in terms of section 27 (of Demarcation Act, 1998) The Board might make a decisions or hold public hearing and conduct formal investigations (August –October 2012)
- Step 3** : MDB takes a decision on redetermination in terms of section 21 (of Demarcation Act 1998) and published the notices. (November 2012- February 2013)
- Step 4** : MBD Submits decided to redeterminations to IEC for publishing in the Provincial Gazettes. (June –October 2013)

Resolved

- (a) That Council adopted the re-determination of municipal boundaries that supports **DEM 4349** and **4350**
- (b) That Council adopted the re-determination of municipal boundaries that opposes **DEM 478**.

23 August 2012



23/08/2012


Resolution 47/2012



09/03/2015

ANNEXURE:

CIRCULAR 03/2015 OF THE MUNICIPAL DEMARCATION BOARD

 09/08/2015

**MDB CIRCULAR 3/2015: RE-DETERMINATION OF MUNICIPAL BOUNDARIES:
MPUMALANGA, NORTH WEST AND NORTHERN CAPE**

In MDB Circular 1/2015 stakeholders were provided with a copy of the letter received from the Minister of Cooperative Governance and Traditional Affairs requesting the re-determination of certain municipal boundaries, including the possible categorisation of some municipalities as Category A municipalities, and the possible declaration of certain municipal areas as district management areas. A copy of further letter received from the Minister, dated 11 February 2015, is attached as **Annexure A**.

Please find attached as **Annexure B** copies of the notices that will be published in the media in terms of section 26 of the Local Government: Municipal Demarcation Act, 1998. The contents of the notices will also be communicated by other means of communication, of which this circular is one.

In terms of section 26(3) you are hereby invited to submit written representations or views on the Minister's request to the Board within 21 days of publication of the notices. Please quote the relevant **DEM-number** in your correspondence with the MDB.

Guidelines as to the submission of views and representation to the MDB is attached as **Annexure C**.

Municipal Managers are requested to bring the contents of the notices to the attention of all councillors, ward committees, traditional leaders, community development workers, business and community organisations, and other stakeholders in their municipal areas. It would be appreciated if the relevant notice can also be displayed in any appropriate public places.

The intention is to finalise all re-determinations, if any, in July 2015, where after wards will be delimited in the affected municipal areas.

MTJ



09/03/2015

ANNEXURE A



**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA**

Private Bag X802, Pretoria, 0001 Tel: (012) 334 0705, Fax: (012) 326 4478
cnr Hamilton and Proes Street, Arcadia, Pretoria

Reference: 17/7/3

Ms J Thupana
Chairperson: Municipal Demarcation Board
Eco Origins - Block C1
349 Witch-Hazel Street
Centurion
0157

Dear Ms Thupana

**REQUEST FOR THE DETERMINATION OR REDETERMINATION OF MUNICIPAL
BOUNDARIES OF DYSFUNCTIONAL AND NON-VIABLE MUNICIPALITIES**

Pursuant to my letter of 4 February 2015, and after further consultation with MECs responsible for local government in the remaining provinces, I submit the following municipalities in the attached Schedule in terms of section 22(2) of the Municipal Demarcation Act, whose boundaries must be determined or redetermined with a view to optimizing the financial viability of these municipalities in time for the 2016 municipal elections.

This list of municipalities is in respect of the Mpumalanga and Northern Cape Provinces, and also lists, in addition to my letter of 4 February 2015, further municipalities in the North West Province.

A further communique in respect of the Gauteng and Free State Provinces will be submitted to you shortly.

Thank you very much in anticipation.

With kind regards,

**MR PRAVIN GORDHAN, MP
MINISTER
DATE: 11.02.2015**

09/03/2015

MUNICIPAL DEMARCATION BOARD

**NOTICE IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL
DEMARCATION ACT, 1998**

(North West)

Notice is hereby given in terms of section 26 of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998) of the intention of the Municipal Demarcation Board to consider a request received from the Minister of Cooperative Governance and Traditional Affairs to re-determine the boundaries of the municipalities listed in the Schedule.

Members of the public are invited to submit written representations and views to:

The Municipal Demarcation Board
Private Bag X 123, **CENTURION 0046**
Fax: 086 524 8643
E-mail: fazel@demarcation.org.za

Written representations and views must reach the above office within 21 days of the date of publication of this notice.

Views and representation must be based on the criteria provided for in section 24 and 25 of the Demarcation Act, 1998.


The **DEM No.** appearing in the first column of the Schedule must be quoted in any correspondence with the Board.

Maps reflecting the Minister's proposals, and Circular 3/2015 containing guidelines for submissions can be downloaded from the Board's web-site: www.demarcation.org.za

Maps and Circular 3/2015 can also be requested by email from daniel@demarcation.org.za or by sending a fax to 0865248643.

JANE THUPANA

CHAIRPERSON: MUNICIPAL DEMARCATION BOARD

 09/03/2015

ANNEXURE C

GUIDELINES FOR SECTION 26 SUBMISSIONS

PURPOSE

The purpose of section 26 notices is to make stakeholders and the public aware of:

- a request received by the MDB to determine or re-determine municipal boundaries, and
- the intention of the MDB to consider the request.

Based on the views and representations received from stakeholders and the public the MDB will consider as to how to proceed with the request.

Section 26 notices thus do not reflect any decisions of the MDB, but merely serves as a method of testing public opinion on a request that it has received.

SUBMISSIONS

In the section 26 notices stakeholders and the public are requested to align their views and representations to the relevant criteria provided for in the legislation. The following serves as a guide as to how section 26 submissions to the MDB can be structured:

GENERAL INFORMATION TO BE PROVIDED

Provide the following general information:


- Your name
- Your contact details
- The name of the organisation or institution that you are representing
- The DEM number of the matter on which you would like to submit views and representations

MOTIVATION


Motivate your request against the criteria below. Provide as far as possible statistics to substantiate your motivation.

SECTION 24 (MDA): DEMARCATION OBJECTIVES

Criteria	Motivation
When the Board determines a municipal boundary its objective must be to establish an area that would-	
(a) enable the municipality for that area to fulfil its constitutional obligations, including-	
(i) the provision of democratic and accountable government for the local communities;	


 09/05/2015

(d) the need to share and redistribute financial and administrative resources;	
(e) provincial and municipal boundaries;	
(f) areas of traditional rural communities;	
(g) existing and proposed functional boundaries, including magisterial districts, voting districts, health, transport, police and census enumerator boundaries;	
(h) existing and expected land use, social, economic and transport planning;	
(i) the need for co-ordinated municipal, provincial and national programmes and services, including the needs for the administration of justice and health care;	
(j) topographical, environmental and physical characteristics of the area;	
(k) the administrative consequences of its boundary determination on-	
(i) municipal creditworthiness;	
(ii) existing municipalities, their council members and staff; and	
(iii) any other relevant matter; and	
(l) the need to rationalise the total number of municipalities within different categories and of different types to achieve the objectives of effective and sustainable service delivery, financial viability and macro-economic stability.	

 09/03/2015

ANNEXURE:

**PUBLIC CONSULTATION MEETING ON THE PROPOSED DIS-ESTABLISHMENT OF
RATLOU LOCAL MUNICIPALITY (NW381)**

 09/03/2015

COMMUNITY CONSULTATION ON THE DE-ESTABLISHMENT OF RATLOU LOCAL MUNICIPALITY

WARD 01

DATE: 03 March 2015

VENUE: Mathateng Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
75	1	74

COMMENTS

- Want to remain in Ratlou and disagrees with the proposal
- The community hopes to receive better services in Mahikeng

DATE: 03 March 2015

VENUE: Masamane Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
53	50	3

COMMENTS

- The community hopes to receive better services in Mahikeng

DATE: 05 March 2015

VENUE: Mabule Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
39	36	3

Comments

- Community agreed with the proposal
- Concerned with officials losing their jobs

DATE: 05 March 2015

VENUE: Dingateng Kgotla

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
66	64	0

Comments

- Community agreed with the proposal



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DATE: 05 March 2015
VENUE: Tshidilamolomo Tribal Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
54	54	0

Comments

- Community supports the proposal

DATE: 06 March 2015
VENUE: Makgori Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
39	39	0

Comments

- Community supports the proposal

WARD 02

DATE: 05 March 2015
VENUE: Loporung Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
81	81	0

Comments


- Community agreed to the proposal

DATE: 06 March 2015
VENUE: Sasane Kgotla

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
23	23	0

Comments

- Community agreed to the proposal

 09/03/2015

DATE: 06 March 2015
VENUE: Ditlounge Kgotla

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
20	20	0

Comments

- Community agreed to the proposal

DATE: 06 March 2015
VENUE: Mayaeyane Creche

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
44	44	0

Comments

- Community agreed to the proposal

DATE: 06 March 2015
VENUE: Selosesha Creche

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
27	27	0

Comments

- Community agreed to the proposal

DATE: 06 March 2015
VENUE: Logagane Kgotla

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
32	32	0

Comments

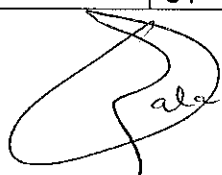
- Community agreed to the proposal

WARD 03

DATE: 05 March 2015
VENUE: Disaneng Kgotla

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
106	64	0

Comments

 09/03/2015

- The community agreed with the proposal

WARD 04

DATE: 03 March 2015

VENUE: Moshawane Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
76	6	70

Comments

- Administrative concerns
- Incorporation into Mahikeng will not improve access to services
- Community/Family structure will be highly affected
- The community does not support the Ministers' proposal

DATE: 06 March 2015

VENUE: Logageng Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
45	45	0

Comments

- Community members support the proposal.

DATE: 06 March 2015

VENUE: Matloding Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain

Comments

No meeting took place in this area, it was a second attempt.

WARD 05

DATE: 05 March 2015

VENUE: Letsapa Tribal Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
50		50

Comments

- Traditional leadership wants the demarcation board to consult them first.
- The community wants delegations from the demarcation board.

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WARD 06

DATE: 04 March 2015

VENUE: Tlhaping Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain

COMMENTS

- Requested that the demarcation board come and do presentation to the community.
- The meeting at this place wanted the Demarcation Board to come and consult them.

WARD 07

DATE: 04 March 2015

VENUE: Madibogo Pan Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
250	3	247

Comments

- Tswaing is far from most villages
- There is no development in Tswaing as compare to Ratlou
- Traditional Authority is not in favour to go to Tswaing
- Services will be far from the majority of people.

WARD 08 & 10

DATE: 04 March 2015

VENUE: Mareetsane Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
165	140	25

COMMENTS

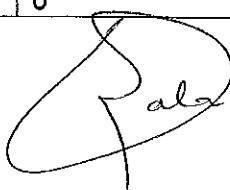
- Satisfied with services rendered by Ratlou Municipality.
- The municipality is consultative in all respects.

WARD 09

DATE: 05 March 2015

VENUE: Motsitlane Tribal Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
106	0	103



09/03/2015

COMMENTS

- Officials to remain in Setlagole
- Transparency in Audit Matters
- Tswaing is not better than Ratlou

WARD 11

DATE: 04 March 2015

VENUE: Gathulo Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
130	0	130

- The community wants to remain in Ratlou

WARD 12

DATE: 04 March 2015

VENUE: Lenganeng Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
76	70	6

COMMENTS

- Employment Opportunities because of small towns
- Improved service delivery

WARD 13

DATE: 04 March 2015

VENUE: Setlhwatlhwe Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
95	1	94

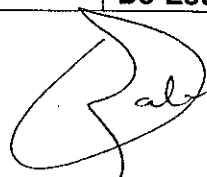
COMMENTS

- The municipality has been accountable to the community
- Tswaing will not render services as itself is a collapsed municipality
- The community threatens that if Ratlou is de-established, no IEC vehicles will enter their villages
- Bogosi does not want Tswaing

DATE: 04 March 2015

VENUE: Thutlwane Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
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133	0	133
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COMMENTS

- Tswaing is a collapsed municipality
- The community threatens that if Ratlou is de-established, no IEC vehicles will enter their villages
- Bogosi does not want Tswaing

DATE: 05 March 2015

VENUE: Ramabesa Community Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
65	48	17

Comments

- Tswaing is not developed at all, Ratlou is far better.
- Tswaing is very far and services are going to be a problem
- Merging the two municipalities will help in improving the lives of communities
- Tswaing is very poor as compared to Ratlou.

WARD 14

DATE: 05 March 2015

VENUE: Multipurpose Hall

Total Number of Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
86	0	86


COMMENTS

- There is a contradiction of NDP and what the minister is proposing
- Demarcation board undermines the Traditional Councils
- What informed the ministers' decision to amalgamate

GENERAL OVERVIEW

Consultation Attendees	Those who want the De-Establishment	Those who want Ratlou to remain
1841	806	1138

- Generally community complains about services from Ratlou, yet they want to remain in Ratlou instead of being merged with Mahikeng and Tswaing.
- Community would have appreciated a lot if the demarcation board had been part of the presentation.
- Traditional Leadership is against the de-establishment.

 09/03/2015

RATLOU LOCAL MUNICIPALITY

5. PROPOSED DIS-ESTABLISHMENT OF RATLOU LOCAL MUNICIPALITY (DEM4541) BY THE MINISTER OF CORPORATIVE GOVERNANCE AND TRADITIONAL AFFAIRS THROUGH CIRCULAR 03/2015 OF THE MUNICIPAL DEMARCATON BOARD

Purpose

To submit to Council to consider **dis-establishment of Ratlou Local Municipality (NW381)** as proposed by Minister of Corporative Governance and Traditional Affairs as published on **Circular 03/2015** of the Municipal Demarcation Board (MDB) in line with Section 26 of the Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

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It must be mentioned that previously the Council has, as per **Resolution No. 47/2012** dated **23 August 2012** (attached as an *Annexure*) made a submission to MDB in line with Sections 24, 25 and 26 of the Municipal Demarcation Act, 1998 (Act No. 27 of 1998) to MDB. This submission was favorably taken into consideration and finalised as such by the MDB and Ratlou Local Municipality was to remain as a municipality. The community has raised major issue of being not properly consulted by the Minister and MDB. Therefore, the Minister / MDB have been called upon to consult them accordingly.

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The **African National Congress (ANC)** and the **United Christian Democratic Party (UCDP)** are supportive of the proposed dis-establishment of the municipality as contained in **Circular 03/2015** (Section 26 Notice of Municipal Demarcation Act, 1998 (Act No. 27 of 1998) if it is aimed at improving service delivery.

Resolved:

- a) That Council rescinded **Resolution 47/2012** dated **23 August 2012**.
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- d) That the Council Resolution, together with community inputs, be submitted to Municipal Demarcation Board by close of business on the 09th March 2015.

09 MARCH 2015

RESOLUTION 15/2015



09/03/2015