

CIRCULAR 2 OF 2022

To: Minister of Cooperative Governance and Traditional Affairs
MECs of Provincial Departments responsible for Local Government
Chairpersons of National & Provincial Houses of Traditional Leaders
President of South African Local Government Association
Chairperson of Independent Electoral Commission
Mayors of affected Metropolitan, District and Local Municipalities
All Magistrates
National House of Traditional Leaders
Provincial House of Traditional Leaders
Speakers of all Metropolitan, District and Local Municipalities
HOD's of Provincial Departments responsible for Local Government
PEO's of Independent Electoral Commission
Municipal Managers Metropolitan, District and Local Municipalities
Chief Surveyor General
Chief Electoral Officer
Chief Executive Officer of SALGA
Statistician – General
Members of extended Ward Delimitation and Boundary Determination Committee (Previously known as BPFC)
Members of Local Elections Technical Committee

Dear Sir/Madam,

CIRCULAR 2/2022: REDETERMINATION OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT NO. 27 OF 1998 (MDA): INVITATION TO SUBMIT VIEWS AND REPRESENTATIONS FOR CLASS 1 MUNICIPAL BOUNDARY RE-DETERMINATIONS REQUESTS.

PURPOSE

1. To provide information regarding the class 1 (technical & minor) municipal boundary redetermination proposals which the Board is intending to consider in terms of Section 26 of the MDA;
2. To provide a comprehensive update on the progress regarding municipal boundary redetermination process; and

3. To request MDB stakeholders to assist in not only sharing information provided in this circular with the affected local stakeholders but participate in the process as and when required.

INTRODUCTION AND BACKGROUND

4. The Municipal Demarcation Board (MDB) determines municipal boundaries in accordance with the MDA and other appropriate legislation enacted in terms of Chapter 7 of the Constitution.
5. To date, the MDB released three (3) circulars to communicate preliminary information regarding the municipal boundary redetermination process to all stakeholders:
 - 5.1 Circular 1/2021 released in March 2021, this informed stakeholders that the MDB will be opening the municipal boundary redeterminations process after the Local Government Elections in 2021.
 - 5.2 Circular 2/2021 released in November 2021, this dealt with the exact period for making proposals and the relevant information form required for municipal boundary redeterminations.
 - 5.3 Circular 1/2022 released in January 2022 provided the approved plan for the municipal boundary redeterminations process for the period 2022 to 2024.
6. The MDB opened the outer boundary redetermination process immediately after the Local Government Elections (LGE) in November 2021. The period for the public to submit proposals opened in November 2021 and closed on 31 March 2022.
7. The MDB analysed all proposals received by the 31st of March 2022 and grouped them into their respective classes of redetermination (Class 1 to 4).
8. The proposals are categorised in terms their spatial extent in terms of the following classes:
 - a. **Class 1** - Technical and minor boundary re-determinations - This re-determination entails a small-scale boundary adjustment and/or alignment with a minor impact on the geographic area, a negligible or no impact on the number of voters and no impact on the capacity of the affected municipalities **(Annexure A)**.
 - b. **Class 2** - Consolidation and Annexations - This is a medium scale boundary re-determination that may impact on a sizable geographic area, and number of

voters in one or all the municipalities affected. This type of determination may impact on ward arrangements but will not materially, impact on the capacities of the affected municipalities to deliver services.

- c. **Class 3 – Amalgamations** - This type of re-determination entails a major and large-scale municipal boundary re-determination which will have a significant impact on the geographic areas, the number of voters, and the capacities of the affected municipalities. The re-determination includes the merging of adjacent municipalities or the splitting of municipal areas to create other municipal areas. It will result in the MEC needing to disestablish an existing municipality or municipalities and establish a new municipality or municipalities.
- d. **Class 4 – Categorization** - This is a type of re-determination that involves the categorisation of any new Category A Metropolitan, Category C District and Category B Local municipalities with or without boundary changes. Category A must satisfy Section 2 of the MSA and Section 24 and 25 of the MDA and after consultation with National Minister responsible for local government, the MEC for local government in the provinces concerned, and SALGA.

INTENTION TO CONSIDER CLASS 1 REDETERMINATION PROPOSALS IN TERMS OF SECTION 26 OF THE MDA

- 9. The MDB intends to publish a notice in terms of section 26 of the MDA, to invite the public to submit views and representations to the MDB on the proposed redeterminations categorised as Class A (Technical alignment re-determinations) as listed in the attached **Annexure A**.
- 10. A self-explanatory copy of a section 26 notice referred to above is attached as **Annexure B**.
- 11. The section 26 notice will be published in the newspapers circulating in the affected areas as soon as possible. Everyone will be invited to submit their views and representations to the MDB on or before the date that will be specified in the newspaper notice.
- 12. After publication in newspapers as indicated above, those notices and maps will be available on the MDB's website – www.demarcation.org.za

13. The MDB has also introduced an online submission form which can also be found on the website (As much as it is preferable that the form is utilised for making submissions it is not compulsory).
14. Members of the public and stakeholders are required to submit views and representations within 30 calendar days (including weekends) from the date of publication of a notice in a newspaper.
15. Your views and representations must strictly be emailed to registry@demarcation.org.za, or faxed to 012 3422480, or posted to Private Bag X123, Centurion, 0046 or hand delivered to Eco Origins Office Park, Block C1, 349 Witch-Hazel Avenue, Highveld, 0157. The views and representations must be addressed for the attention of the Chairperson of the MDB.
16. All views and representations will be considered by the Board during July 2022.

BROAD PLAN FOR MUNICIPAL BOUNDARY REDETERMINATION PROCESS PROGRAMME FOR CLASS 1 RE-DETERMINATION PROPOSALS

17. The legal process for class 1 re-determination proposals will commence in June 2022 and conclude in March 2023. The programme for class 1 cases is outlined in table 1 below:

TABLE1: BROAD PLAN FOR THE LEGAL PROCESS FOR CLASS 1 RE-DETERMINATION PROPOSALS

NO	TASK	START DATE	END DATE
A	The intention to consider proposals in terms of section 26 of the MDA by the BOARD	June 2022	July 2022
B	Consideration of views received by the BOARD	August 2022	September 2022
C	Decision to re-determine boundaries in terms of section 21 of the MDA by the BOARD	October 2022	December 2022
D	Consideration of objections by the BOARD	January 2023	February 2023
E	Confirm, vary or withdraw re-determination in terms of section 21(5) of the MDA	March 2023	
F	The IEC, Minister of Finance and MECs for local government and all other stakeholders must be notified of the final decision	April 2023	May 2023

PROGRESS REGARDING CLASSES 2 to 4 MUNICIPAL BOUNDARY REDETERMINATION PROPOSALS

18. The class 2 to 4 redetermination proposals will be undergoing research studies between July and September 2022. All requests which are not reflected in Annexure A are not classified as Class 1, therefore they will form part of this category.
19. The MDB will take them through the process as outlined in the broad plan in table 2 below.

PROGRAMME FOR CLASS 2- 4 RE-DETERMINATION PROPOSALS

20. The programme for classes 2-4 is outlined in table 2 below:

TABLE 2: PROGRAMME FOR CLASS 2- 4 RE-DETERMINATION PROPOSALS

FINANCIAL YEAR	NO	TASKS	START DATE	END DATE
21/22	A	Preliminary Analysis on proposals recorded until 31 March 2021	Apr-21	Mar-22
	B	Preliminary Analysis on proposals recorded until 31 March 2022	Apr-21	Apr-22
	C	Official opening for submission of Re-determination Proposals	Nov-21	Mar-22
22/23	D	Conduct studies on class 2 – 4 re-determination proposals	Apr-22	Sept-22
	E	Assess capacity of affected municipalities	Apr-22	Sept-22
	F	Intention to consider the re-determination of municipal boundaries in terms of Section 26 of the MDA (Publication of Notice in Newspaper)	Oct-22	Dec-22
	G	The Board must consider all views and representations and resolve to determine or re-determine municipal boundaries, decide to hold public meetings, conduct investigation committee hearings, or do both.	Jan-23	Feb-23
23/24	H	Hold Public Meetings if required.	Mar-23	May-23
	I	Conduct Investigation committee hearings in terms of Section 29 and 30 of MDA if required.	Jun-23	Aug-23

FINANCIAL YEAR	NO	TASKS	START DATE	END DATE
	J	The Board must consider all inputs from research studies, public meetings and investigation hearings and resolve to determine or re-determine municipal boundaries in terms of Section 21 of the MDA (Publication in Provincial Gazettes)	Sep-23	Oct-23
	K	The Board must consider all objections received and resolve to confirm, vary or withdraw the determination or re-determination. The final decision must be published in the provincial gazette in terms of Section 21(5) of the MDA.	Nov-23	Jan-24
	L	The IEC, Minister of Finance and MECs for local government and all other stakeholders must be notified of the final decision	Nov-23	Jan-24

21. Stakeholders are requested to make copies of the section 26 notices available to the public in their respective premises.
22. For any further queries please contact the MDB at info@demarcation.org.za or Mr Fazel Hoosen at 012 342 2481.

Regards,



MR TM MANYONI

CHAIRPERSON: MUNICIPAL DEMARCATION BOARD

DATE: 28 June 2022

IMPORTANT INFORMATION

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