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STELLENBOSCH MUNICIPALITY

417. 1. 3 (3)

CWC
22/11/93

SPECIAL MEETING OF SDF CONSTITUTIONAL WORKING COMMITTEE : 1993-11-22

Notice is hereby given of the above meeting to be held in the Council Chamber, Town Hall Complex, Plein Street, Stellenbosch on **MONDAY, 1993-11-22 at 18:00** to consider the matters on the agenda below.

SECRETARY

1993-11-15

* * * * *

A G E N D A

1. **LEAVE OF ABSENCE**

2. **MINUTES OF THE CWC MEETING HELD ON 1993-11-08**

The minutes are attached as **PAGES 3 - 7**.

FOR INFORMATION.

2.1 **MATTERS ARISING OUT OF THE MINUTES**

2.1.1(a) **Item 3 : Structuring of Local Government in the pre-interim period.**

(b) **Item 4 : Status and Modus Operandi of the SDF.**

(c) **Item 5 : Membership of the SDF : Changing of name to Stellenbosch Negotiating Forum (SNF).**

(d) **Item 10 : SDF : Area of jurisdiction.**

(e) **Item 12 : Continued existence of the SDF**

It was agreed

(a) that items 3, 4 and 5, as well as items 10 and 12, be further discussed at a Special CWC meeting to be held on 1993-11-22 at 18:00 to enable the various organisations to discuss the points raised by DEW Schumann and report back to the aforesaid meeting; and

AGENDA :

**SPECIAL MEETING OF SDF
CONSTITUTIONAL WORKING COMMITTEE**

: 1993-11-22

(b) that secretariate prepare extracts and summaries of the aforesaid Bill.

An extract and summary of the Local Government Transition Bill is attached as PAGES 8 - 15 for perusal and discussion with the relevant constituents, with report-back to the Special CWC meeting to be held on 1993-11-22.

FOR REPORT-BACK/CONSIDERATION.

2.1.2 Item 11 : Occupation of the Administrative Offices : Kaya Mandi

It was agreed that bilateral discussions on the matter be held on 1993-11-10 at 18:00 between representatives (4 each) of Stellenbosch Municipality and SANCO/ANC/ANC Youth League alliance.

Report-back to this Special CWC meeting will take place.

FOR REPORT-BACK/CONSIDERATION.

2.1.3 Item 6 : Voters Education

It was agreed that the matter be referred to the Special CWC meeting to be held on 1993-11-22.

FOR CONSIDERATION.

MINUTES OF SDF CONSTITUTIONAL WORKING COMMITTEE MEETING OF REPRESENTATIVES OF COMMUNITY BASED ORGANISATIONS AND KAYA MANDI AND STELLENBOSCH TOWN COUNCILS HELD IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON MONDAY, 1993-11-08 AT 19:30

PRESENT:

Facilitator : S Adams (Chairperson)

Members:

Stellenbosch Municipality : JAM van Schoor
DEW Schumann
JP Retief (Adviser)
L de Villiers (Adviser)
CTB Davy (Secretary)

SHAC : W Nel
P Louw

SANCO/ANC : MM Ngcofe
WM Kalazana

Stellenbosch Ratepayers Association : P Fourie
PG van Breda

Observers:

Stellenbosch Relations Committee : JJ Swartz

Stellenbosch Sakekamer : MC Carinus

Rotary Club of Stellenbosch : JC Dawe

Chamber of Commerce : SP Kruger

Stellenbosch Municipality : EPS Taljaard
J Cawood

* * * * *

1. **LEAVE OF ABSENCE**

1. **RESOLVED**

that leave of absence be granted to L du Plessis and V Honey (Facilitators), MC Ntsomboti (SANCO) and R Mastenbroek (ANC).

2. **CONFIRMATION OF MINUTES OF CWC MEETINGS**

2.1 **CWC MEETING HELD ON 1993-08-19**

The minutes are not attached - *previously circulated*.

FOR CONFIRMATION.

2.1 **RESOLVED**

that the minutes be approved.

2.2 SPECIAL CWC MEETING HELD ON 1993-09-27

The minutes are not attached - *previously circulated.*

FOR CONFIRMATION.**2.2 RESOLVED**

that the minutes be approved.

3. STRUCTURING OF LOCAL GOVERNMENT IN THE PRE-INTERIM PERIOD

It was agreed by the SDF on 1993-10-07 (item 5.3.2) that the recommendation by the CWC meeting held on 1993-08-19 (item 2.1.1) that the abovementioned matter stand over until sufficient progress has been made on national level, be referred to the next CWC meeting.

FOR CONSIDERATION.

3. DEW Schumann asked that items 3, 4 and 5 be dealt with together. He said that the Local Government Transition Bill will be tabled in Parliament at the end of November 1993. The Bill will legalise local negotiating forums in the pre-interim period and he proposed that the SDF apply to the Administrator of the Cape Province to recognise the SDF as a negotiating forum in terms of the Local Government Transition Bill.

With reference to item 10, he said that the demarcation of boundaries will not be necessary if in the pre-interim period the area of jurisdiction of the negotiating forum remained within the municipal boundaries of Stellenbosch and Kaya Mandi.

With regard to item 12, there may well still be a role for the SDF after the transitional option has been implemented.

After deliberation it was

AGREED

- (a) that items 3, 4 and 5, as well as items 10 and 12, be further discussed at a Special CWC meeting to be held on 1993-11-22 at 18:00 to enable the various organisations to discuss the points raised by DEW Schumann and report back to the aforesaid meeting; and
- (b) that secretariate prepare extracts and summaries of the aforesaid Bill.

4. STATUS AND MODUS OPERANDI OF THE SDF

It was agreed by the SDF on 1993-10-07 (item 5.3.2) that the 10 point discussion document, attached as **PAGE 16**, be referred to the next CWC meeting.

FOR CONSIDERATION.

4. See item 3.

5. **MEMBERSHIP OF THE SDF : CHANGING OF NAME TO STELLENBOSCH NEGOTIATING FORUM (SNF)**

The SDF agreed on 1993-10-07 (item 5.4), inter alia, that the CWC consider the changing of the name Stellenbosch Discussion Forum to Stellenbosch Negotiating Forum.

FOR CONSIDERATION.

5. See item 3.

6. **VOTERS EDUCATION**

It was agreed by the SDF on 1993-10-07 (item 5.8) that the request by HC de Klerk to inform the SDF further on the abovementioned matter, be referred to the next CWC meeting.

FOR CONSIDERATION.

6. **AGREED**

that the matter be referred to the Special CWC meeting to be held on 1993-11-22.

7. **DISPUTE RESOLUTIONS COMMITTEE**

It was agreed by the SDF on 1993-10-07 (item 5.9), that the matter be referred to the next CWC meeting.

FOR CONSIDERATION.

7. **AGREED**

that any disputes that may arise be settled through bilateral discussions.

8. **CAPE METROPOLITAN NEGOTIATING FORUM**

It was agreed by the SDF on 1993-10-07 (item 6.2) that the proposed founding document of the Cape Metropolitan Negotiating Forum be referred to the next CWC meeting. (*Founding document not attached - previously circulated*).

FOR CONSIDERATION.

8. **NOTED.**

9. KAYA MANDI TOWN CONCIL : CONTINUED PARTICIPATION IN THE SDF

At the CWC meeting held on 1993-08-19 (item 5) it was agreed that bilateral discussions take place on the above issue, first between the Joint Stellenbosch Town Council/Management Committee and the Kaya Mandi Town Council and thereafter between the Joint Stellenbosch Town Council/Management Committee and the ANC/SANCO alliance, with report-back to the SDF.

At the SDF meeting held on 1993-10-07 (item 5.4) it was agreed that the report of the Ad Hoc Committee, whereby the Kaya Mandi Town Council was proposed as a full member of the SDF, be accepted. (*Report not attached - previously circulated*).

FOR CONSIDERATION.

9. The Chairperson, S Adams, referred to the second paragraph of item 9 and said that it was quite clear that the Kaya Mandi Town Council was accepted as a full member of the SDF.

NOTED.**10. SDF : AREA OF JURISDICTION**

It was agreed by the SDF on 1993-10-07 (item 5.4.1, see report of the Ad Hoc Committee) that organisations within the "jurisdiction region" of Stellenbosch Municipality, viz Idas Valley/Cloetesville Management Committee and Stellenbosch and Kaya Mandi Town Councils be granted full membership of the SDF. (*Report not attached - previously circulated*).

The eventual inclusion of the surrounding rural areas in a greater Stellenbosch, and at what stage, need also be addressed.

FOR CONSIDERATION.

10. See item 3.

11. OCCUPATION OF THE ADMINISTRATIVE OFFICES : KAYA MANDI

The Joint Town Council/Management Committee requested that this matter be placed on the agenda of this CWC meeting.

FOR CONSIDERATION.**11. AGREED**

that bilateral discussions on the matter be held on 1993-11-10 at 18:00 between representatives (4 each) of Stellenbosch Municipality and SANCO/ANC/ANC Youth League alliance.

12. CONTINUED EXISTENCE OF THE SDF

The continued existence of the SDF after the implementation of an appointed transitional local council for Stellenbosch need to be addressed.

FOR CONSIDERATION.

12. See item 3.

The meeting adjourned at 20:40.

CONFIRMED.

CHAIRPERSON

cwc08k93/cr

EXTRACTS AND SUMMARY

THE LOCAL GOVERNMENT TRANSITION BILL

- (A) Part II of the Bill provides for the establishment of Regional Committees for Local Government to act as subcommittees of the TEC (Transitional Executive Council). It also states:

"Where the Administrator is required to exercise any power or function or perform any duty conferred or imposed upon him by this Act, he shall act in concurrence with the Committee (Regional Committee)."

- (B) Part IV of the Bill deals with -

PRE-INTERIM PHASE - NEGOTIATING FORUMS**Recognition and establishment of forums**

Page 13, Section 6 states:

"6.(1) The Administrator may, on the written application of any forum (SDF) established before the commencement of this Act, recognise such forum if the Administrator is satisfied on a balance of probabilities on the evidence presented in the application that such forum has been established substantially in accordance with the principles and procedures embodied in Schedule 1, whereupon such forum shall be deemed to be a negotiating forum for the purposes of this Act."

Negotiating forums established after the commencement of this Act shall be established in accordance with Schedule 1 (attached). Disputes within the aforesaid forum on whether it complies with Schedule 1 will be referred to the Administrator for a final decision.

Negotiating Matters

Page 14, Section 7

The negotiating forum shall -

1. negotiate on the negotiating area (as stipulated in Schedule I)
2. negotiate the establishment of a transitional local council (TLC) for a non-metropolitan area of local government - within the forum area - as a possible option for the pre-interim period. This shall however be subject to the following matters which shall be further negotiated.
 - 2.1 The total number of seats in a TLC and committees (substructures) taking the number of existing seats of all local bodies within the forum area as a point of departure.
 - 2.2 The nomination of persons for appointment as members of a TLC and its committees (substructures).
 - 2.3 The delimitation of the areas of jurisdiction of the TLC into wards (zones): or
3. negotiate on the establishment of a transitional joint council (TJC) of the (present) local government bodies within the forum area with the individual (present) councils of the local government bodies retaining the balance of powers, duties and functions which have not already been allocated to the TJC.

3.1 For this option it is necessary that the following matters be negotiated:

- 3.1.1 the powers, duties and functions of the TJC;
- 3.1.2 the total number of seats in such TJC;
- 3.1.3 the nomination of persons as members of the TJC;
- 3.1.4 the delimitation of the area of jurisdiction.

(C) Schedule 1 : Principles and procedures referred to in section 6 (attached).

tlc/cr

SCHEDULE I

Principles and procedures referred to in section 6

Area of forum

1.(1) Subject to the provisions of the Act, a forum shall be established for each economically and historically bound urban area, ranging from a stand alone town with or without satellites to a complex metropolis.

(2) Criteria for the establishment of a forum include commercial/industrial linkage, daily commuting patterns, provision of services, the areas of jurisdiction of local government bodies, including pre - 1971 areas of jurisdiction of such local government bodies, where applicable.

2.(1) Where a negotiating forum is not recognised by the Administrator or not established spontaneously, the Administrator may determine the area of a forum and submit it to the town clerks of the local government bodies falling within such forum area.

(3) Upon receipt of a submission contemplated in subparagraph (1), the town clerks concerned shall -

- (a) arrange an inaugural meeting of the forum with all potential members and observers contemplated in paragraph 2: Provided that the Administrator may nominate one town clerk to arrange such inaugural meeting; and
- (b) submit the submission to their respective councils for information.

(4) Within 30 days of the receipt of a submission contemplated in subparagraph (1), the forum shall either confirm the forum area determined by the Administrator, or subject to the provisions of paragraph 1(2), propose a new area for the forum and submit such proposal to the Administrator who may -

- (a) confirm the proposed area; or
- (b) refer the matter to the Board established in terms of section 11(1)(a) of the Act to investigate the matter and make written recommendations to him as contemplated in section 11(6) of the Act.

(5) The decision of the Administrator -

- (a) to confirm the proposed forum area as contemplated in subparagraph (4)(a); or
- (b) on the written recommendations of the Board as contemplated in subparagraph (4)(b),

shall be final and binding on the forum.

Membership of forum

2.(1) Membership of a forum shall be in accordance with the principle of inclusivity and representativity: Provided that the process shall continue despite the refusal or neglect of any person, body or organization to participate in any such forum.

(2) Observers, which shall be entitled to attend and to

participate fully in forum meetings, but shall not be entitled to vote, may be appointed to the forum.

(3) To qualify for membership or observer status, such prospective member or observer shall, where applicable, submit in writing to the forum its constitution, a list of office-bearers and details of activities and membership.

(4)(a) Membership of a forum shall be available to -

- (i) local government bodies;
- (ii) local organizations representing substantial sectors of the wider community having a vested interest in the political restructuring of local government, such as civic associations, residents associations and the local structures of political parties.

(b) Bodies such as local chambers of commerce and industry and sakekamers, the Development Bank of Southern Africa and supplier bodies such as Eskom and Water Boards, shall have observer status.

Negotiating matters and objectives

3.(1) A forum shall negotiate on the matters referred to in section 7(1) of the Act.

(2) A forum may generally, as local circumstances dictate, explore and propose short, medium and long term practical solutions to the problems of local government in the area of such forum to be submitted to the Administrator for consideration.

Nomination by forum of persons for appointment as members of transitional councils

4.(1) For the purposes of negotiating the nomination of members of a transitional council and metropolitan substructure as contemplated in section 7(1)(b) and (c) of the Act, members of the forum may be required to indicate whether they are to be regarded as part of -

- (a) the statutory component, comprising the existing local government bodies and the political parties or organisations represented on such local government bodies;
- (b) the non-statutory component comprising any other bodies not contemplated in subparagraph (a) having a vested interest in the political restructuring of local government and as approved by the forum;
- (c) the observer component which fall into neither category contemplated in subparagraphs (a) and (b).

(2) The statutory and the non-statutory components shall each complete a list of potential candidates, whereupon a representative committee comprising members from each component shall meet to attempt to reach consensus on the persons to be nominated by the forum for appointment as members of any transitional local or metropolitan council and substructure: Provided that at least half of the persons nominated should be acceptable to the statutory component and at least half to the non-statutory component: Provided, further, that a list of additional candidates in order of preference, shall be submitted by the statutory and non-statutory components to facilitate the filling of any vacancy which may occur.

(3)(a) One half of the nominations shall include members of the local government bodies concerned and shall, as far as possible, not disturb the pre-existing proportionate representation of

parties in those local government bodies.

(b) The other half of the nominations shall comprise equitable representation of all those sectors of society which in the past did not participate in the electoral process in the area of that forum.

(4) Any person nominated as a member of any transitional council and metropolitan substructure shall meet the qualifications of a member of one of the participating local government bodies.

(5) Lists of persons nominated as members of a transitional council and metropolitan substructure by the forum shall be submitted to the Administrator as part of an agreement contemplated in section 8(1) of the Act.

(6) If the forum fails to reach agreement on whether a member is to be regarded as part of the statutory or non-statutory components contemplated in subparagraphs (a) and (b) of subsection (1), the forum shall refer the matter to the Administrator for a final decision which shall be binding on the forum.

(7) If the forum fails to reach agreement on the nomination of persons as contemplated in subparagraph (2), the forum shall refer the matter to the Administrator who may appoint a mediator or mediators to assist the forum to reach consensus.

Secretarial services

5.(1) The forum shall appoint a secretariat to provide for the secretarial services.

(2) The local government bodies concerned shall be jointly and

severally responsible for the expenses incurred by the secretariat.

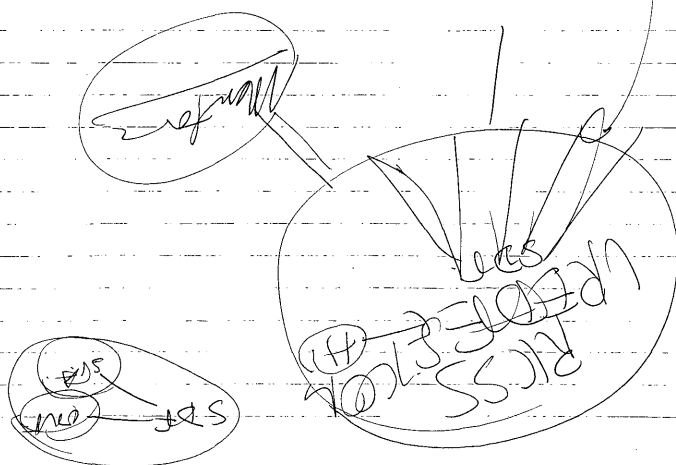
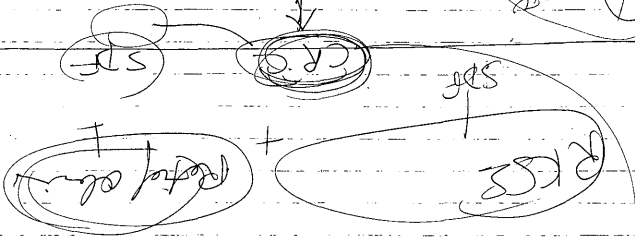
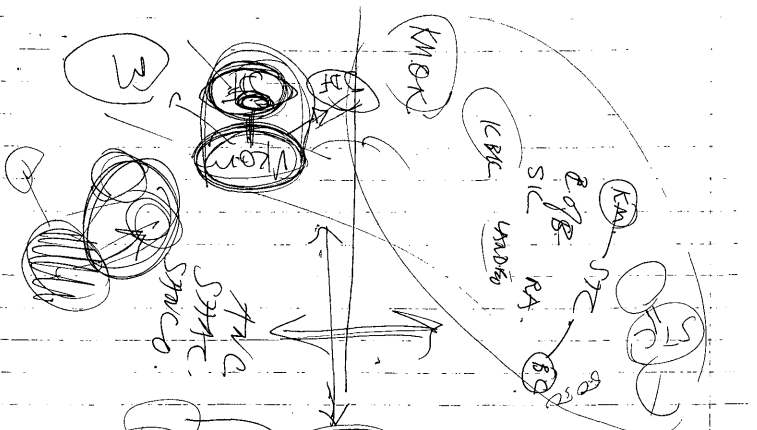
(3) The secretariat shall submit certified copies of all resolutions passed by the forum pertaining to matters referred to in section 7(1)(a) - (c) of the Act to the Administrator.

Procedures at meeting of forum

6. The standard rules of procedure embodied in the Annexure are recommended for adoption by each forum as its rules of procedure for meetings of the forum.

THE STATUS AND MODUS OPERANDI OF THE SDF

1. The Forum is not a legally constituted body. It must prove its worth! It will be what the participants make of it.
2. It must be seen as a fully representative body, representing statutory bodies (governmental organisations) and non-statutory bodies (non-governmental and community based organisations).
3. It is a discussion forum, which will deliberate on the matters placed on its agenda by the Steering Committee or referred to it by the Working Committees.
4. It is an advisory body which can give advice regarding local conditions or affairs (especially of a governmental/constitutional nature or a development/socio-economic nature) to any authority which can address the matter discussed.
5. The Forum meets under the Chairmanship of a chosen facilitator and the normal rules of procedure apply at all meetings.
6. Agreements shall be concluded by way of consensus.
7. Methods to adjudicate whether consensus has been reached should be investigated.
8. It should be recorded that all parties have the right to consult their principals before entering into agreements.
9. It is specifically recorded that the representatives of statutory bodies are subject to statutory regulations (ordinances, laws, by-laws, proclamations by higher authorities, etc) as well as voters' control and may insist on consultation with higher level authorities and voters before entering into agreements.
10. Parties to the Forum will be bound by agreements reached at the Forum subject to 8 and 9 above.





RAAD VIR KERKLIKE SAMEWERKING
COUNCIL FOR CHURCH COOPERATION
STELLENBOSCH

Ope uitnodiging

MOONTLIKE STIGTING VAN
STELLENBOSCH VREDESKOMITEE

Hierdie uitnodiging word gerig aan alle kerke en gemeentes op Stellenbosch, alle organisasies en instansies wat by die betrokke aangeleentheid belang mag hê en aan enige individue wat graag betrokke sou wou raak.

Voortspruitend uit 'n byeenkoms wat die Raad vir Kerklike Samewerking op Stellenbosch (RKSS) op 26 Julie 1993 belê het in verband met konflikthantering en ander vredesinisiatiewe, is met verskeie instansies gesprek gevoer. Dit het ingesluit verteenwoordigers van die Vredesekretariaat, Koinonia, Stellenbosch *Discerner* Forum, Stellenbosch Belangegroep, Lawyers for Human Rights, die Munisipaliteit van Stellenbosch en andere.

Hieruit het dit duidelik geword dat daar 'n wydgevoelde behoefte ontwikkel het dat op 'n gekoördineerde wyse beplan en opgetree moet word ten opsigte van konflikthantering en ander vredesinisiatiewe.

Uiteindelik is ooreengekom dat die RKSS die inisiatief sal neem om 'n byeenkoms te reël waar die moontlike stigting van 'n forum of struktuur soos 'n Vredeskomitee vir Stellenbosch bespreek kan word. Die Munisipaliteit het hiervoor 'n lokaal beskikbaar gestel.

Besonderhede van die byeenkoms is as volg:

Datum: Dinsdag 24 Augustus 1993
Tyd: 19:30
Plek: Banketsaal (langs stadsna)

Verversings sal bedien word.

U word vriendelik gevra om verteenwoordigers na hierdie byeenkoms te stuur en om dit onder die aandag van belangstellendes te bring.

Hartlike groete


Dr Simon Adams
Voorsitter


Dr Martin Pauw
Ondervoorsitter

namens die Uitvoerende Komitee van die RKSS

9 Augustus 1993

Sekretaris : J.F.Uys, Parkstraat 21, STELLENBOSCH, 7600 Tel: (02231) 4320
Secretary : J.F.Uys, 21 Park Street, STELLENBOSCH, 7600



RAAD VIR KERKLIKE SAMEWERKING
COUNCIL FOR CHURCH COOPERATION
STELLENBOSCH

Open Invitation

POSSIBLE FORMATION OF A
STELLENBOSCH PEACE COMMITTEE

This invitation is extended to all churches and congregations in Stellenbosch, all organisations and other groups which may have an interest in the matter concerned and to any individuals who may wish to become involved.

The Council for Church Cooperation in Stellenbosch (CCCS) called a meeting on 26 July 1993 to discuss issues concerning conflict resolution and other peace initiatives. As an outflow of this the CCCS held discussions with various other organisations, including representatives of the Peace Secretariat, Koinonia, Stellenbosch *Discerner* Forum, Stellenbosch Belangegroep, Lawyers for Human Rights, the Stellenbosch Municipality and others.

From these discussions it became clear that a widespread feeling exists that there is need to plan and act in a coordinated way concerning conflict resolution and other peace initiatives.

Eventually it was agreed that the CCCS should take the initiative in calling a meeting where the possible formation of a forum or structure such as a Peace Committee for Stellenbosch could be discussed. The Municipality has made a venue available for this.

Details of the meeting are as follows:

Date: Tuesday 24th August 1993
Time: 19:30 (7:30 pm)
Venue: Banquet Hall (next to City Hall, Plein Street)

Refreshments will be served.

You are cordially requested to send representatives to this gathering and also to bring it to the attention of any others who might be interested.

Yours sincerely


Rev. Simon Adams
Chairman


Dr Martin Pauw
Vice Chairman

on behalf of the Executive Committee of the CCCS

9 August 1993

Sekretaris : J.F.Uys, Parkstraat 21, STELLENBOSCH, 7600 Tel: (02231) 4320
Secretary : J.F.Uys, 21 Park Street, STELLENBOSCH, 7600

STELLENBOSCH

MUNISIPALITEIT



MUNICIPALITY

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Fax 021-808 8200

U Verw		Your Ref
My Verw	3/2/4/2/3/4/6 (Mnr D J Hattingh)	My Ref

Departement van die Stadsingenieur

1993-10-11

Mnr Victor Honey
Brandwachtstraat 91
STELLENBOSCH
7600

Meneer

TEGNIESE KOMITEE

As gevolg van die groot hoeveelheid projekte in Kaya Mandi en die komplekse aard van sommige, is dit belangrik dat 'n gestroomlynde kommunikasie-meganisme geskep word om deurlopend die betrokkenheid van gemeenskapsleiers te verseker.

Ons stel dus voor dat die Tegniese Werkekomitee van die SDF as 'n staande reëling die eerste Woensdag van elke maand om 17:30 in die komiteekamer van die Stadsingenieur vergader sodat tegniese aspekte aan gemeenskapsleiers voorgelê kan word vir goedkeuring. Om die wiel aan die rol te kry stel ons voor dat die eerste vergadering op 1993-10-14 om 17:00 sal plaasvind, en van dan af op die bogenoemde datums.

Ons sal dit waardeer as u die nodige reëlings kan tref, en sien uit om van u te hoor.

J E DELPORT Pr Ing
STADSINGENIEUR

(DJH/ek/SDFKom)

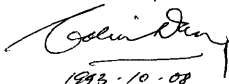
SDF Development Working Committee Meeting : 1993-09-23

Transcript of statement made by Clifford Ntsomboti regarding possible pay points for payment of accounts (item 2(f)):

"..... we are prepared to tell the people who are sitting in the office that they must move out so that your (Stellenbosch Municipality) stuff can be moved in if we reach an agreement, then we can use that as a pay point"

Mr. Victor Honey .

After listening to the tape . The above for your information . Please phone me (new direct no 808 8106)


1993-10-08