

3/2/4/2/3/4/5

STELLENBOSCH MUNICIPALITY

**MEETING OF SDF CONSTITUTIONAL WORKING COMMITTEE :
MONDAY, 1994-08-08**

Notice is hereby given of the above meeting to be held in the Council Chambers, Town Hall Complex, Plein Street, Stellenbosch on **MONDAY, 1994-08-08 at 19:30** to consider the matters on the attached agenda.

SECRETARY: SDF

1994-08-03

* * * * *

1. LEAVE OF ABSENCE

2. STATEMENTS AND COMMUNICATIONS BY THE CHAIRPERSON

3. MINUTES OF CWC AND CWC TECHNICAL SUB-COMMITTEE MEETINGS

3.1 CWC MEETING HELD ON 1994-06-20

The minutes are attached as PAGES 3 - 7.

FOR CONFIRMATION.

3.2 MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (MEMBERSHIP OF THE SDF) HELD ON 1994-08-08 (at 18:00)

The following matter was referred to the abovementioned sub-committee which met prior to this meeting at 18:00:

3.2.1 *Membership of the SDF*

The CWC agreed on 1994-06-20 (item 3.3.1(b)), inter alia, that the Technical Sub-committee of the CWC (Membership of the SDF), reconsider the applications of Priel Civic Association, Priel Ratepayers and Tennants Association and Johannesburg Ratepayers and Tennants Association.

The applications of the aforementioned organisations are attached as PAGES 8 - 13.

A report will be tabled.

FOR CONSIDERATION.

3.3 MEETING OF TECHNICAL SUB-COMMITTEE OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-08-08 (at 18:30)

The following matters were referred to the abovementioned Sub-committee which met prior to this meeting at 18:30:

3.3.1 *Local Government Transition Act, 1993 : Structuring Of Local Government In The Pre-interim Period*

At the meeting held on 1994-06-20 (item 3.2.1) the CWC agreed:

(a) that the discussion document attached as PAGES 14 - 16 be referred back to the Technical Sub-committee of the CWC (Transitional Local Council) and that the ANC nominate their representatives on the said Committee;

AGENDA : CONSTITUTIONAL WORKING COMMITTEE : 1994-08-08

- (b) that the three facilitators meet with the ANC to discuss their withdrawal from the SDF; and*
- (c) that the Technical Sub-committee of the CWC (TLC) finalise the statutory/non-statutory issue (after the finalisation of the membership issue) as agreed to by the CWC on 1994-05-18 (item 6).*

*An indication by the full members of the SDF as to whether they wish to form part of the statutory or non-statutory component of the SDF is attached as **PAGE 17**.*

*A copy of circular No C/37/1994 dated 1994-07-25 received from the Province of the Western Cape is attached as **PAGES 18 - 23**.*

A report will be tabled.

FOR CONSIDERATION.

MINUTES OF A SDF CONSTITUTIONAL WORKING COMMITTEE MEETING HELD BETWEEN REPRESENTATIVES OF THE STELLENBOSCH AND ENVIRONS COMMUNITY BASED ORGANISATIONS AND STATUTORY BODIES IN THE COUNCIL CHAMBERS, TOWN HALL COMPLEX, PLEIN STREET, STELLENBOSCH ON MONDAY, 1994-06-20 AT 19:30

PRESENT :

Facilitators : L du Plessis (Chairperson)
CVR Honey

Full Members:

Existing Statutory Bodies:

**Joint Stellenbosch Town Council
and Management Committee**

: JAM van Schoor
DEW Schumann
EPS Taljaard
RP Conradie
SW Oliphant
AN September
JP Retief (Adviser)
L de Villiers (Adviser)
CTB Davy (Secretary)

Johannesdal Management Committee

: MJ Lackay
W Meyer

Pniel Management Board

: PJ Cyster

* * * * *

Stellenbosch Ratepayers Association

: FH Stephens
BJP Pienaar

SHAC

: J Nortjé
W Nel
P Louw
C Lewis
HC de Klerk

ANC

: Me M Verwoerd
F Adams
RE Moses

SANCO

: MM Ngcofe

National Party

: AH Gaum
N Flaatten
DJ Oosthuizen

Elkestad Residents Association

: WF Pietersen

Jamestown Civic Association

: HD Jooste
AH Williams
HCB Davidse

Jamestown Action Group

: DB Azer
M Stone

MINUTES : SDF CONSTITUTIONAL WORKING COMMITTEE : 1994-06-20

Freedom Front : HFV Boshoff
 ACDP : Me SI Buchner
 Democratic Party : ER Gordon
 PAC : VV Myataza
 ME Swartz
 Kylemore Management Committee : A Adams
 PP Williams
 JT Swartz
 Kylemore Ratepayers and Residents
 Association : T Newman
 D Carolissen
 J Williams

Member Observers:

Chamber of Business : L Silberbauer
 Cloetesville Community Health Committee: : WN Ross
 Stellenbosch Relations Committee : Me E Retief
 SISTA : MF Patel
 SAAME : DGA Falck

Other Observers:

Pniel Civic : B Smith
 Eikestadnuus : PH Malan

* * * * *

1. LEAVE OF ABSENCE

1. RESOLVED

that leave of absence be granted to MC Carinus (Stellenbosch Sakekamer) and JL Wentzel (Klapmuts Steering Committee).

2. STATEMENTS AND COMMUNICATIONS BY THE CHAIRPERSON

2. NONE.

3. MINUTES OF CWC AND CWC TECHNICAL SUB-COMMITTEE MEETINGS

3.1 CWC MEETING HELD ON 1994-05-18

The minutes are not attached - **previously circulated.**

FOR CONFIRMATION.

3.1 RESOLVED

that the minutes be confirmed subject to the deletion of recommendation 2(b).

3.2 MINUTES OF TECHNICAL SUB-COMMITTEE MEETING OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-06-09 (at 16:00)

The minutes are not attached - previously circulated.

FOR CONFIRMATION.

3.2 RESOLVED

that the minutes be confirmed subject to the substitution of 2(a), (b), (c) and (d) with the following:

"2. that the discussion document be referred to a CWC meeting to be held on Monday, 1994-06-20 at 19:30."

3.2.1 Matters arising from the minutes to be considered by the CWC.

The Technical Sub-committee of the CWC (TLC) agreed that the discussion document be referred to a CWC meeting to be held on Monday, 1994-06-20 at 19:30.

Me M Verwoerd stated that the ANC and some of its alliance organisations rejected the discussion document drawn up by JAM van Schoor, as well as his *modus operandi*. She said the content of the document was racist and demanded that JAM van Schoor publicly apologise for the content of the document and the way he handled the matter.

JAM van Schoor explained the reasons why he had taken the initiative to propose an alternative approach. He said the document was meant to be a discussion document for the Technical Sub-committee, where it was unanimously agreed to refer it to the CWC.

AGREED

- (a) that the discussion document be referred back to the Technical Sub-committee of the CWC (Transitional Local Council) and that the ANC nominate their representatives on the said Committee;
- (b) that the three facilitators meet with the ANC to discuss their withdrawal from the SDF; and
- (c) that the Technical Sub-committee of the CWC (TLC) finalise the statutory/non-statutory issue (after the finalisation of the membership issue) as agreed to by the CWC on 1994-05-18 (item 6).

(The ANC and some of its alliance organisations withdrew from the meeting at 21:20).

3.3 MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (MEMBERSHIP OF THE SDF) HELD ON 1994-06-09 (at 17:30)

The minutes are not attached - **previously circulated.**

FOR CONFIRMATION.

3.3 RESOLVED

that the minutes be confirmed.

3.3.1 **Matters arising from the minutes to be considered by the CWC.**

The Technical Sub-committee of the CWC (Membership of the SDF) agreed:

- (a) that the number of representatives previously allocated to each organisation remain unchanged;
- (b) that the Pniel ANC be accepted as a observer-member with one representative each on the SDF, CWC and DWC;
- (c) that the Eikestad Residents Association be accepted as a full member with 2 representatives on the SDF and one each on the CWC, DWC and Steering Committee;
- (d) that the investigation into the sudden mushrooming of numerous organisations who seek membership of the SDF be regarded as irrelevant due to the decision taken at the Special SDF meeting held on 1994-05-02 (item 3(c)), that no further applications for membership be accepted after 1994-05-17;
- (e) that the Jamestown Civic Association and Jamestown Action Group be granted separate full membership with one member each on the SDF, CWC, DWC and Steering Committee;
- (f) that it be noted that the Pniel Civic Association and the Pniel and Johannesburg Ratepayers and Residents Association did not submit the relevant information as requested and their applications could therefore not be considered;
- (g) that the membership of the Technical Sub-committee of the CWC (Membership of the SDF) be not expanded for the reason as mentioned in 3.3.1(d) above; and
- (h) that the application received from the Association of Municipal Electricity Undertakings (AMUE) for observer-membership be approved with one representative each on the SDF, CWC and DWC.

FOR CONSIDERATION.

3.3.1 **AGREED**

that the matters agreed upon be accepted subject to the following amendments:

(a) **Item 3.3.1(b) : Pniel ANC**

Agreed that the question of full membership status for Pniel ANC be further pursued by the Technical Sub-committee of the CWC (Membership of the SDF) after new submissions have been received from the Stellenbosch ANC.

(b) **Item 3.3.1(f) : Pniel Civic Association and Pniel and Johannesdal Ratepayers and Residents Association**

Agreed that, due to the fact that further information has now been received from the abovementioned organisations, the applications be referred back to the Technical Sub-committee for reconsideration.

The meeting adjourned at 21:50.

CONFIRMED.

CHAIRPERSON

cwc20f94/cr

**PNIEL CIVIC
ORGANISATION**

FOUNDED 1994
TEL:

8

P.O. BOX 127
GROOT DRAKENSTEIN
7680

**PNIEL CIVIC
ORGANISASIE**

GESTIG 1994
TEL:

DIE SEKRETARIS
STELLENBOSCH GESPREKSFORUM
POSBUS 17
STELLENBOSCH
7599



06-06-94

AANDAG: MNR C. DAVY

U verwysing 3/2/4/2/3/4 (Mnr C. Davy: telefoonno.-021-8088106

Geagte Heer

Hiermee die volgende informasie

(a) GRONWET INGESLUIT (*Nasionale Grondwet van SANC*)

(b) VOORSITTER - A. E. Meyer
SEKRETARIS - B. Smith
KASSIER - J. Solomons

(c) Besonderhede van doelstellings vervat in konstitusie (kiosules)

(d) Lede is beperk tot Civic

Byvoorbaat dank.


.....
B. SMITH (SEKR.)

PNIEL BELASTINGBETALERS
EN HUURDERS
VERENIGING



PNIEL RATEPAYERS
AND TENNANTS
ASSOCIATION

GESTIG 1985
TEL.:

P.O. BOX 127
POSBUS
GROOT DRAKENSTEIN
7680

FOUNDED 1985
TEL.:

DIE SEKRETARIS
STELLENBOSCH GESPREKSFORUM
POSBUS 17
STELLENBOSCH
7599



15-06-94

AANDAG: MNR C. DAVY

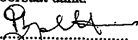
U verwysing 3/2/4/2/3/4 (Mnr C. Davy: telcfoonno.-021-8088106

Geagte Heer

Hiermee die volgende informasie

- (a) GRONWET INGESLUIT
- (b) VOORSITTER - S. Adams
SEKRETARIS - J. Japhta
KASSIER - S. Davids
- (c) Besonderhede van doelstellings vervat in konstitusie (paragraaf 3)
- (d) Lede is beperk tot inwoners en huurders van Pniel.

Byvoorbaat dank.


.....
J. JAPHTA (SEKR.)

PNIEL BELASTING BETALERS EN HUURDERS VERENIGING(1) KONSTITUSIE

DIE DAARSTELLING EN BEVORDERING VAN DIE MENSWAARDIGHEID , REGTE, SOSIO - EKONOMIESE EN WELSYN VAN INWONERS EN DIE ONDERSTEUNING VAN REG EN GERECHTIGHEID.

(2) NAAM VAN DIE ORGANISASIE

DIE NAAM VAN DIE ORGANISASIE SAL WEES :

PNIEL BELASTING BETALERS VERENIGING

(3) DOELSTELLINGS

DIE DAARSTELLING EN BEVORDERING VAN DIE MENSWAARDIGHEID , REGTE, SOSIO - EKONOMIE EN WELSYN VAN INWONERS. DIE DAARSTELLING BEHOUD EN UITBREIDING VAN SOSIALE SEKURITEIT VIR ALMAL MET SPESIALE VOORSIENING VIR BEJAARDES.

(4) LIDMAATSKAP

LIDMAATSKAP SAL OOP WEES VIR ALLE BELASTING BETALERS EN HUURDERS (MANLIK EN VROULIK)

(5) JAARLIKSE LEDEGELDE

JAARLIKSE LEDEGELDE VAN R1,00 SAL BETAALBAAR WEES.
LIDMAATSKAP IS JAARLIKS HERNIEUBAAR.

(6) AMPDRAERS VAN DIE VERENIGING

AMPDRAERS SAL BESTAAN UIT : -

- (A) Voorsetter
- (B) Onder Voorsetter
- (C) Sekretaris
- (D) Hulp Sekretaris
- (E) Kassier

(7) UITVOERENDE KOMITEE

DIE UITVOERENDE KOMITEE SAL BESTAAN UIT DIE AMPDRAERS PLUS
2 GEKOSE LEDE

(B) FINANSIES

- (A) ALLE GELD WAT DEUR DIE KASSIER ONTVANG WORD EN WAARVOOR HY KWITANSIES SAL VERSKAF SAL BINNE 10 DAE NA DIE DAG VAN ONTVANGS GEDEPONEER WORD BY 'n GEREISTREERDE BANK WAT DEUR DIE UITVOERENDE KOMITEE BEPAAL IS.
- (B) ONDER GEEN OMSTANDIGHED, MAG GELD VAN DIE VERENIGING IN 'n PERSOONLIKE REKENING GEDEPONEER WORD NIE.
- (C) ALLE BETALINGS SAL PER TJEK GESKIED EN GETEKEN WORD DEUR TWEE VAN DIE VOLGENDE AMPTENARE
 - (1) DIE SEKRETARIS
 - (2) DIE VOORSITTER
 - (3) DIE KASSIER

JOHANNESDAL**BELASTINGBETALERS EN HUURDERS VERENIGING
RATE PAYERS AND TENNANTS ASSOCIATION**POSBUS 127
GROOT DRAKENSTEINGESTIG 1993
FOUNDED 1993PO BOX 127
GROOT DRAKENSTEIN

TEL:

TEL:

DIE SEKRETARIS
STELLENBOSCH GESPREKSFORUM
POSBUS 17
STELLENBOSCH
7599

15-06-94

AANDAG: MNR C. DAVY

U verwysing 3/2/4/2/3/4 (Mnr C. Davy: tclfoonno.-021-8088106


Geagte Heer

Hiermee die volgende informasie:

- (a) Grondwet ingesluit
- (b) VOORSITTER- J. Davids
SEKRETARIS - C. De Wet
KASSIER - E. Oliver
- (c) Besonderhede van doelstelling vervat in konstitusie (paragraaf 3)
- (d) Lede bestaan uit inwoners, huurders en grondbesitters van Johannesdal

Byvoorbaat dank.

Die uwe



 C. DE WET (SEKRETARIS)

**POSBUS 127
GROOT DRAKENSTEIN
7680****GESTIG 1993
FOUNDED 1993****P.O. BOX 127
GROOT DRAKENSTEIN
7680**JOHANNESDAL BELASTINGBETALERS EN HUURDERS VERENIGING

- 1) KONSTITUSIE
DIE DAARSTELLING EN BEVORDERING VAN DIE MENSWAARDIGHEID,
REGTE, SOSIO-EKONOMIESE EN WELSYN VAN INWONERS EN DIE
ONDERSTEUNING VAN REG EN GERECHTIGHEID.
- 2) NAAM VAN DIE ORGANISASIE
DIE NAAM VAN DIE ORGANISASIE SAL WEES:

JOHANNESDAL BELASTINGBETALERS VERENIGING
- 3) DOELSTELLINGS
DIE DAARSTELLING EN BEVORDERING VAN DIE MENSWAARDIGHEID,
REGTE, SOSIO-EKONOMIESE EN WELSYN VAN INWONERS.
DIE DAARSTELLING, BEHOUD EN UITBREIDING VAN SOSIALE
SEKURITEIT VIR ALMAL, MET SPESIALE VOORSIENING VIR BEJAARDES
- 4) LIDMAATSKAP
LIDMAATSKAP SAL OOP WEES VIR ALLE BELASTING BETALERS EN
HUURDERS, ONGEAG VAN GESLAG, RAS OF GODSDIENS.
- 5) JAARLIKSE LEDEGELDE
JAARLIKSE LEDEGELD VAN R10,00 SAL BETAALBAAR WEES.
LIDMAATSKAP IS JAARLIKS HERNIEUBAAR.
- 6) AMPSDRAERS VAN DIE VERENIGING
AMPSDRAERS SAL BESTAAN UIT:
A) VOORSITTER
B) ONDER-VOORSITTER
C) SEKRETARIS
D) HULP-SEKRETARIS
E) KASSIER
- 7) UITVOERENDE KOMITEE
DIE UITVOERENDE KOMITEE SAL BESTAAN UIT DIE AMPSDRAERS PLUS
TWEË GEKOSE LEDE
- 8) FINANSIES
A) ALLE GELD WAT DEUR DIE KASSIER ONTVANG WORD EN WAARVOOR
HY KWITANSIES SAL VERSKAF, SAL BINNE 10 DAE NA DIE DAG
VAN ONTVANGS GEDEPONEER WORD BY 'N GEREGERISTREERDE BANK
WAT DEUR DIE UITVOERENDE KOMITEE BEPAAL IS.

B) ONDER GEEN OMSTANDIGHEDHE, MAG GELD VAN DIE VEREINGING
IN 'N PERSOONLIKE REKENING GEDEPONEER WORD NIE.

C) ALLE BETALINGS SAL PER TJEK GESKIED EN GETEKEN WORD
DEUR TWEË VAN DIE VOLGENDE AMPTENARE
1) DIE SEKRETARIS
2) DIE VOORSITTER
3) DIE KASSIER

3/2/4/2/3/4
10/2/8/1

IDEAS PRESENTED TO THE SDF TECHNICAL SUB-COMMITTEE OF THE CWC
(TRANSITIONAL LOCAL COUNCIL) FOR DISCUSSION : 1994-06-09

1 THE SO-CALLED 50/50-MODEL

The model provisionally decided on by the Technical Subcommittee of the CWC (Transitional Local Council) before the inclusion of the four satellite towns.

Obstacles

- (a) Agreement on the issue of statutory or non-statutory status of the various member organizations represented on the forum may prove to be a stumbling block and negotiations will probably be lengthy and very time-consuming, viz the position of the NP, FF, ACDP and Stellenbosch Ratepayers Association.
- (b) Number of councillors and representation for the newly-added satellite towns, eg should Johannesburg with only 462 residents be represented by one statutory and one non-statutory member? What is affordable and acceptable to the community? A budget for 22 councillors alone will amount to R1 013 840,00 !!
- (c) The undesirability of two opposing sides (50/50-model) at council meetings may lead to a divided council, and problematic decision-making, which in turn may not be beneficial to the town/community.
- (d) Negotiation of a representative committee to attempt to reach consensus on the persons to be nominated by the forum as members of the transitional council.
- (e) 50 % of the members of the Transitional Local Council must be acceptable to the statutory and non-statutory side.

2 THE CO-ORDINATING COMMITTEE MODEL

After the inclusion of the satellite towns the Town Council/Management Committee proposed this model, which for apparent reasons, would be a very logical choice during the pre-interim phase, especially from a financial viewpoint.

Obstacles

- (a) Reaching consensus on the most suitable model for Stellenbosch. The representatives of the Town Council can only negotiate on the basis of the mandate given by the Council. This represents a major obstacle, eg reviving of the Kaya Mandi Town Council; the status of management- and nominated councils in the satellite towns, etc.
- (b) Negotiating the number and membership of the co-ordinating committee may probably be another 50/50 obstacle.
- (c) Negotiating the powers and functions of the Co-ordinating Committee will take time.
- (d) Financing such an agreement and the already insolvent position of the Kaya Mandi Town Council.

3 AN ALTERNATIVE APPROACH

3.1 Goals

- (a) Much less emphasis on the process and much more focus on the end result.
- (b) An attempt to bypass the obstacles presented by the other two models (Statutory/Non-statutory; model; politics, etc).
- (c) An honest attempt to reach agreement in the spirit of the act and hopefully a council of unity which will be acceptable to the entire community.
- (d) An opportunity to nominate a council which is not dominated or prescribed by party politics.

3.2 POINT OF DEPARTURE

3.2.1 Interest Groups

There are four main interest groups to be taken into account:

Group 1	:	The "town" (\pm 20 000) and students (\pm 10 000) residents
Group 2	:	Idas Valley and Cloeteville (\pm 22 500) residents
Group 3	:	Kaya Mandi (\pm 10 000) residents
Group 4	:	Satellite towns (\pm 6 000) residents

3.2.2 Number of council members

Representation on the basis of \pm 3 000 residents per councillor, with a maximum of 25 - 26 members. The affordability of 25/26 councillors!

The following division is proposed

Group 1 (\pm 30 000)	-	9 members	(- 1)
Group 2 (\pm 22 000)	-	8 members	(+ 1)
Group 3 (\pm 10 000)	-	5/6 members	(+ 3)
Group 4 (\pm 6 000)	-	3 members	(+ 1)

If necessary, a statutory/non-statutory basis can still be accommodated but the statutory and non-statutory sides in each group will have to sit down and talk to each other to reach consensus on who they would like to represent them on the nominated council - not because of their alliance to a certain body/organisation or political party, but because of their ability and dedication to serve the community.

This approach is a compromise between the 50/50-statutory/non-statutory model and the principle of equitable representation of the various interest groups.

It must also be kept in mind that, now, after the election, the support basis of the political parties is common knowledge.

STELLENBOSCH DISCUSSION FORUM
REPRESENTATIVES PER ORGANISATION

Full Members	SDF	CWC	DWC	SC
X 1 African Christian Democratic Party (ACDP)	2	1	1	1
X 2 African National Congress (ANC) (ANC Youth & Womens League included)	5	3	3	1
X 3 Democratic Party (DP)	4	2	2	1
X 4 Ekkestad Residents Association	2	1	1	1
X 5 Freedom Front	2	1	1	1
6 Jamestown Area Committee	2	1	1	1
X 7 Jamestown Action Group	1	1	1	1
X 8 Jamestown Civic Association	1	1	1	1
9 Johannesburg Management Committee	1	1	1	1
10 Kaya Mandi Town Council	4	2	2	1
11 Kylemore Management Committee	2	1	1	1
X 12 Kylemore Ratepayers and Residents Association	2	1	1	1
X 13 National Party (NP Students Branch and Womens Action included)	5	3	3	1
X 14 Pan African Congress of Azania (PAC)	4	2	2	1
15 Panel Management Board	2	1	1	1
X 16 SA National Civics Organisation (SANCO)	4	2	2	1
X 17 Stellenbosch Housing Action Committee (SHAC)	4	2	2	1
X 18 Stellenbosch Ratepayers Association	4	2	2	1
19 S/bosch Town Council/Management Committee	6	3	3	1
20 Western Cape Regional Services Council	1	1	1	1

Notes

Full members to be seated in inner circle at meetings
Full members are allowed two observers to be seated in outer circle
Expert advisors may be used with consent of meeting

X Non-Statutory
O Statutory

Observer members	SDF	CWC	DWC	SC
1 Association of Municipal Electricity Under- takings (AMEU)	1	1	1	-
2 Cloeteville Community Health Services	2	1	1	-
3 ESKOM	2	1	1	-
4 Farm and Rural Workers Support Ass	2	1	1	-
5 Kaya Mandi Development Forum	2	1	1	-
6 Klipnute Steering Committee	3	3	3	-
7 Paniel ANC	1	1	1	-
8 Rotary Club of Stellenbosch	2	1	1	-
9 South African Association of Municipal Employees (SAAEME)	2	1	1	-
10 South African Municipal Workers Union (SAMWU)	2	1	1	-
11 Stellenbosch Agricultural Society	2	1	1	-
12 Stellenbosch Chamber of Business	2	1	1	-
13 Stellenbosch Council for Church Co-operation	2	1	1	-
14 Stellenbosch Informal Sector Trade Ass (SISTA)	2	1	1	-
15 Stellenbosch Relations Committee	2	1	1	-
16 Stellenbosch Rural Council	2	1	1	-
17 Stellenbosch Sakelamer	2	1	1	-

Notes

Observer members to be seated in outer circle at meetings
Observer members have participatory rights but shall not be entitled to vote

Independent Facilitators

- 1 CVR Honey
- 2 S Adams
- 3 L du Plessis

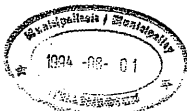
Chairperson
Vice-Chairperson
Chairperson : CWC

NAVRAF
ENQUÏRES
TELEFOON
TELEPHONE
VERWYSING
REFERENCE
DATUM
DATE

Dr Craythorne
483-4743
AAO 509/1/4
25 Julie 1994



Tak Gemeenskapsdienste
Community Services Branch



CIRCULAR C/37/1994

TO ALL LOCAL AUTHORITIES AND REGIONAL SERVICES COUNCILS IN THE PROVINCE OF THE WESTERN CAPE

**THE LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993):
IMPLEMENTATION AND RELATED MATTERS**

1. Cut-off date for the implementation of the Act 209 of 1993 in non-metropolitan areas of local government

The provisions of Act 209 of 1993, when read in its full context make it clear that the transitional process for the pre-interim phase was meant to be concluded within the short period of 90 days or as soon as possible thereafter. However, for various reasons, such as the need after 10 May 1994 to re-transfer functions to the provinces, caused delays. In effect, local government bodies have had since 2 February 1994 to implement the Act.

The speedy implementation of the Act is essential to bring the pre-interim phase to an end so that local government elections can be held. The longer the delay, the longer there will be non-elected councillors in office governing towns and cities.

In the light of these facts the Cabinet of the Western Cape Provincial Government has resolved that all local government bodies be advised that if agreements in terms of section 7(1) of Act 209 of 1993 have not been submitted by 2 September 1994 the Provincial Government will thereafter consider making summary use of its powers in terms of the Act in order to bring transitional local bodies into being for the pre-interim period.

HOOFDIREKTORAAT PLAASLIKE BESTUUR PRIVAATSAK X9083 KAAPSTAD 8000 FAKS (021) 483-3511	CHIEF DIRECTORATE LOCAL GOVERNMENT PRIVATE BAG X9083 CAPE TOWN 8000 FAX (021) 483-3511
-----------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------

2. Amendments of Act 209 of 1993

Attached is a copy of proclamation no R129 of 1994 published in Government Gazette No. 15874 dated 15 July 1994. Apart from entrusting the power to administer the Act excluding section 9(1) and 12 of the Act to the Western Cape Provincial Government, the aforementioned Proclamation also amends certain provisions of the Act. None of these amendments impose any duties or obligations on local government bodies or forums and merely serve as information purposes.

3. Correspondence

In order to avoid confusion and to ensure that correspondence and enquiries are promptly dealt with (all concerned are advised) that such correspondence and enquiries should be addressed in writing to:

The Director General: Community Services Branch,
Directorate: Local Government: Constitutional Affairs
Private Bag X9083
CAPE TOWN
8000,

or by fax to fax number (021) 483-4560
or to:

Mr Neels van Wyk (021) 483-4306
Mr Ernest Cleaver (021) 483-3106

However, if the enquiry or request deals with the gathering of information or visits to Local Government bodies or forums, it should be addressed to:

The Regional Representative
Mr Faan Naudé
Private Bag X7
GOODWOOD
7460

Tel no: (021) 591 2136
Fax no: (021) 591 8987

If the matter is of a political policy nature, the call or enquiry should be directed to:

The Minister of Local Government and
Development Planning
Mr P.J. Marais
Po Box 648
CAPE TOWN
8000

Tel no: (021) 483-3560
Fax no: (021) 483-3874

4. Executive Head/Town Clerk

Town Clerks are requested to submit this Circular before their councils as well as forums in their area. If no forum has been established, town clerks are required to submit the circular to their councils and to send copies to all the non-statutory bodies, ratepayer or residents associations and political bodies within their council's area of jurisdiction.



DIRECTOR-GENERAL

2207DR1/sw

P.S.: Circular C/36/1994 was sent out to all local authorities and regional services councils in the Province of the Western Cape, excluding local authorities established in terms of Act 102 of 1982, which has been repealed.

REPUBLIEK
VAN
SUID-AFRIKA

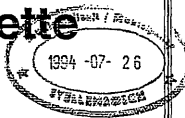


REPUBLIC
OF
SOUTH AFRICA

Staatskoerant Government Gazette

Regulasiekoerant
Regulation Gazette

No. 5364



Vol. 349

PRETORIA, 15 JULIE
JULY 1994

No. 15874

PROKLAMASIE

van die
President

van die Republiek van Suid-Afrika

No. R. 129, 1994

OPDRA VAN DIE OORGANGSWET OP PLAASLIKE REGERING, 1993, AAN DIE PROVINSIES KRAGTENS ARTIKEL 235 (8) VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1993

Kragtens artikel 235 (8) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993) —

- (a) dra ek hierby die uitvoering van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), met uitsluiting van artikels 9 (1) en 12 en enige ander bepalinge (indien enige) van genoemde Wet wat buite die funksionele terreine vermeld in Bylae 6 by die Grondwet val of wat betrekking het op aangeleenthede bedoel in paragrawe (a) tot (e) van artikel 126 (3) van die Grondwet, op aan 'n bevoegde gesag binne die regsbevoegdheid van die regering van 'n provinsie vermeld in artikel 124 (1) van die Grondwet wat deur die Premier van die betrokke provinsie aangewys word; en

- (b) wysig ek hierby die gemelde Wet soos in die Bylae hierby uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hierdie Veertiende dag van Julie Eenduisend Negehonderd Vier-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

J. NAIDOO,
Minister van die Kabinet.

14443—A

PROCLAMATION

by the
President

of the Republic of South Africa

No. R. 129, 1994

ASSIGNMENT OF THE LOCAL GOVERNMENT TRANSITION ACT, 1993, TO THE PROVINCES UNDER SECTION 235 (8) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993

Under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby —

- (a) assign the administration of the Local Government Transition Act, 1993 (Act No. 209 of 1993), excluding sections 9 (1) and 12 and any other provisions (if any) of the said Act which fall outside the functional areas specified in Schedule 6 of the Constitution or which relate to matters referred to in paragraphs (a) to (e) of section 126 (3) of the Constitution, to a competent authority within the jurisdiction of the government of a province mentioned in section 124 (1) of the Constitution, designated by the Premier of the province concerned; and

- (b) amend the said Act as set out in the Schedule hereto.

Given under my Hand and Seal of the Republic of South Africa at Pretoria this Fourteenth day of July, One thousand Nine hundred and Ninety-four.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

J. NAIDOO,
Minister of the Cabinet.

15874—1

BYLAE

WYSIGINGS VAN DIE OORGANGSWET OP PLAASLIKE REGERING, 1993

1. Artikel 1 (1) van die Oorgangswet op Plaaslike Regering, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van "Administrateur" deur die volgende omskrywing te vervang:

"'Administrateur', vir sover hierdie Wet toegepas word in of met betrekking tot 'n bepaalde provinsie, 'n bevoegde gesag binne die regsbevoegdheid van die regering van daardie bepaalde provinsie wat aangewys is deur die Premier van dié provinsie;"

(b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"'Minister' die Minister van Provinsiale Sake en Staatkundige Ontwikkeling;"

(c) deur paragraaf (a) van die omskrywing van "plaaslike owerheidsliggaam" te skrap;

(d) deur na paragraaf (j) van die omskrywing van "plaaslike owerheidsliggaam" die volgende paragraaf in te voeg:

"(jA) enige ander plaaslike owerheidsliggaam ingestel by of kragtens enige wet van krag in 'n gebied wat deel uitmaak van die nasionale grondgebied bedoel in Artikel 1 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);"

(e) deur na die omskrywing van "pre-interimfase" die volgende omskrywing in te voeg:

"'provinsiale administrasie' die provinsiale administrasie ingestel vir 'n provinsie by die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994);"

(f) deur die omskrywing van "provinsie" deur die volgende omskrywing te vervang:

"'provinsie' 'n provinsie vermeld in artikel 124 (1) van die Grondwet van die Republiek van Suid-Afrika, 1993;" en

(g) deur die omskrywing van "Selfregerende Gebied" te skrap.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang;

"**Toepassing van hierdie Wet**

2. (1) Hierdie Wet is van toepassing in die nasionale grondgebied bedoel in artikel 1 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993).

(2) In die geval van 'n teenstrydigheid tussen hierdie Wet en enige ander wet van krag in 'n gebied waarin hierdie Wet voor 27 April 1994 nie van toepassing was nie, geniet hierdie Wet voorrang."

SCHEDULE

AMENDMENTS TO THE LOCAL GOVERNMENT TRANSITION ACT, 1993

1. Section 1 (1) of the Local Government Transition Act, 1993 (hereinafter referred to as the principle Act), is hereby amended—

(a) by the substitution for the definition of "Administrator" of the following definition:

"'Administrator', in so far as this Act is applied in or in regard to a particular province, means a competent authority within the jurisdiction of the government of that particular province designated by the Premier of that province;"

(b) by the deletion of paragraph (a) of the definition of "local government body";

(c) by the insertion after paragraph (j) of the definition of "local government body" of the following paragraph:

"(jA) any other local government body established by or under any law in force in an area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act, No. 200 of 1993);"

(d) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Provincial Affairs and Constitutional Development;"

(e) by the substitution for the definition of "province" of the following definition:

"'province' means a province mentioned in section 124 (1) of the Constitution of the Republic of South Africa, 1993;"

(f) by the insertion after the definition of "province" of the following definition:

"'provincial administration' means the provincial administration established for a province by the Public Service Act, 1994 (Proclamation No. 103 of 1994);" and

(g) by the deletion of the definition of "Self-governing Territory".

2. The following section is hereby substituted for section 2 of the principle Act:

"**Application of this Act**

2. (1) This Act shall apply in the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).

(2) In the event of a conflict between this Act and any other law in force in a territory in which this Act did not apply before 27 April 1994, this Act shall prevail."

3. Artikel 3 (8) van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) Die diensvoorwaardes, vergoeding, toelae en ander voordele van lede van die Komitee word deur die Administrateur bepaal behoudens die norme en standaarde wat die Minister van Finansies bepaal.”

4. Artikel 10 (1) van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) deur, onderskeidelik, die volgende paragrawe te vervang:

“(b) in so 'n maatreël voorsiening maak vir die wysiging of herroeping van 'n wet van krag in of in 'n gedeelte van daardie provinsie, met inbegrip van 'n Wet van die Parlement, of enige bepaling van so 'n wet, vir sover dit op so 'n aangeleentheid betrekking het en in of in sodanige gedeelte van daardie provinsie van toepassing is;

(c) in so 'n maatreël voorsiening maak vir die toepassing van enige wet, met inbegrip van 'n wet van die Parlement, of enige bepaling van so 'n wet, wat betrekking het op plaaslike regeringsaangeleenthede, behoudens die aanpassing of wysiging van sodanige wet of bepaling wat hy of sy in sodanige maatreël kan aanbring, op 'n plaaslike owerheidsliggaam, oorgangsraad of metropolitaanse oorgangsubstruktuur in artikel 16 bedoel, of enige kategorie van sodanige plaaslike owerheidsliggame, oorgangsrade of metropolitaanse oorgangsubstrukture, in daardie provinsie of 'n gedeelte daarvan.”

3. Section 3 (8) of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) The conditions of service, remuneration, allowances and other benefits of members of the Committee shall be determined by the Administrator subject to such norms and standards as may be determined by the Minister of Finance.”

4. Section 10 (1) of the principle Act is hereby amended by the substitution for paragraphs (b) and (c) of the following paragraphs, respectively:

“(b) provide in any such enactment for the amendment or repeal of a law in force in or in a part of that province, including an Act of Parliament, or any provision of such a law, in so far as it relates to any such matter and applies in or in such part of that province;

(c) provide in any such enactment that any law, including an Act of Parliament, or any provision of such a law, pertaining to local government affairs shall, subject to the adjustment or amendment of such law or provision as he or she may make in such enactment, apply to any local government body, transitional council or transitional metropolitan substructure referred to in section 16, or to any category of such local government bodies, transitional councils or transitional metropolitan substructures, in that province or a part thereof.”