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STELLENBOSCH MUNICIPALITY

MEETING OF SDF CONSTITUTIONAL WORKING COMMITTEE : 1993-11-08

Notice is hereby given of the above meeting to be held in the Council Chambers, Town Hall Complex, Plein Street, Stellenbosch on **MONDAY, 1993-11-08** at 19:30 to consider the matters on the attached agenda.

SECRETARY

1993-11-03

* * * * *

AGENDA :

SDF CONSTITUTIONAL WORKING
COMMITTEE

: 1993-11-08

1. LEAVE OF ABSENCE

2. CONFIRMATION OF MINUTES OF CWC MEETINGS

2.1 CWC MEETING HELD ON 1993-08-19

The minutes are attached as PAGES 4 - 10.

FOR CONFIRMATION.

2.2 SPECIAL CWC MEETING HELD ON 1993-09-27

The minutes are attached as PAGES 11 and 12.

FOR CONFIRMATION.

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.

Stellenbosch

FOR CONSIDERATION.

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 13, be referred to the next CWC meeting.

FOR CONSIDERATION.

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.

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.

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.

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, attached as **PAGES 14 - 20**, be referred to the next CWC meeting. 

FOR CONSIDERATION.

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 bi-lateral 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, attached as **PAGES 21 - 23**, whereby the Kaya Mandi Town Council was proposed as a full member of the SDF, be accepted.

FOR CONSIDERATION.

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 attached as **PAGES 21 - 23**), 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.

SIT-IN MEMBERSHIP

AGENDA :

SDF CONSTITUTIONAL WORKING
COMMITTEE

: 1993-11-08

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

FOR CONSIDERATION.

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.

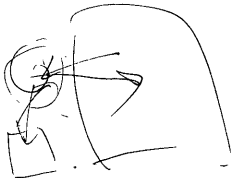
FOR CONSIDERATION.

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.

cwc08k93/cr



MINUTES OF SDF CONSTITUTIONAL WORKING COMMITTEE MEETING OF REPRESENTATIVES OF COMMUNITY BASED ORGANISATIONS AND STELLENBOSCH TOWN COUNCIL HELD IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON THURSDAY, 1993-08-19 AT 19:00

PRESENT:

Facilitators	:	L du Plessis (Chairperson) V Honey S Adams
Joint Stellenbosch Town Council/ Management Committee	:	JAM van Schoor J Cawood JP Retief CTB Davy (Secretary)
Kaya Mandi Development Forum	:	VV Myataza
SANCO	:	MM Ngcofe A Cungwa
ANC	:	R Mastenbroek MC Ntsomboti
SHAC	:	P Louw W Nel
Chamber of Business (SACOB)	:	SP Kruger
Stellenbosch Ratepayers Association	:	P Fourie BJP Pienaar

OBSERVERS:

Joint Stellenbosch Town Council/ Management Committee	:	EPS Taljaard SW Oliphant
ANC Womens League	:	M Stokwe E Yanta A Ngjima N Hani
PAC of Azania	:	SC Mkapula L Makasi SM Mrali

* * * * *

1. LEAVE OF ABSENCE
1. RESOLVED

that leave of absence be granted to L Silberbauer (SACOB); PG van Breda (Stellenbosch Ratepayers Association); MC Carinus and W Bekker (Stellenbosch Sakekamer) and DEW Schumann (Joint Stellenbosch Town Council/Management Committee).

2. CONFIRMATION OF THE MINUTES OF THE CWC MEETING HELD ON 1993-06-28
- The minutes are attached as APPENDIX 1. (*Not attached - previously circulated*).
- FOR CONFIRMATION.
2. RESOLVED
- that the minutes be approved.
- 2.1 MATTERS ARISING OUT OF THE MINUTES OF THE CWC MEETING HELD ON 1993-06-28
- 2.1.1 Item 3.1(a) : Structuring of local government in the pre-interim period
- It was agreed by the SDF on 1993-08-05 (item 4.2.1.1) that the matter be referred to the next CWC meeting to be held on 1993-08-19.
- FOR CONSIDERATION.
- 2.1.1 AGREED:
- (a) that the matter stand over until sufficient progress has been made at national level;
 - (b) that it be noted that the inclusion (or exclusion) of Stellenbosch in the Cape Metropole will be determined by Demarcation Commission; and
 - (c) that a permanent item "INFORMATION" be placed on the agenda of the SDF and related meetings.
- 2.1.2 Item 3.1(b) : Declaration of Intent
- It was agreed by the SDF on 1993-08-05 (item 4.2.1.2):
- (a) that the minor changes proposed by W Nel and JAM van Schoor be accepted in principle; and
 - (b) that a smaller action committee comprising of L du Plessis (Chairperson of CWC), V Honey (Chairperson of SDF), W Nel and JP Retief consider the further proposals and report back to the CWC meeting of 1993-08-19, to be finalised by the SDF (special meeting) on 1993-08-26.
- The final draft of the Action Committee will be circulated.
- FOR CONSIDERATION.

- 2.1.2 The final draft (Declaration of Intent) of the Action Committee was tabled as APPENDIX 11. (*Not attached - previously circulated*).

After an extensive debate on the issue, a deadlock was reached on the final wording of words in brackets in the "Preamble".

With the agreement of the meeting the Chairperson allowed the Joint Stellenbosch Town Council/Management Committee delegation a short recess to table a proposal which may resolve the aforesaid deadlock.

After the recess, JAM van Schoor proposed that the heading "Declaration of Intent" should technically be placed after the Preamble. He further stated that, without consulting anyone henceforth, the Ad Hoc Liaison Committee of the Joint Stellenbosch Town Council/Management Committee is prepared to accept the following wording in the Preamble "acutely aware of the necessity to redress the injustices of the system of racial discrimination".

R Mastebroek said that they would like to have time to discuss the matter further with their constituents and asked that they be given till Monday to respond.

J Cawood said that R Mastebroek must understand that it was a bold step (for the Ad Hoc Liaison Committee) to come forward with such a proposal.

The Chairperson said that if he understood R Mastebroek correctly, then they are not rejecting the offer made by JAM van Schoor but need more time to consult on a wider basis and use it as a bargaining chip to say to their constituents that if they accept the word "racial discrimination" in the Preamble, then the Declaration of Intent will be accepted.

JAM van Schoor said that he would accept R Mastebroek's offer (to respond by Monday, 1993-08-23) in good faith. If, however, the offer is not accepted by the SANCO/ANC Alliance by 1993-08-23, it must be deemed withdrawn.

AGREED

- (a) that points 1 to 7 in the Declaration of Intent be accepted in principle; and
- (b) that regarding the Preamble the proposal by JAM van Schoor and offer of R Mastebroek be noted and that the matter be pursued by the SDF (special meeting) on 1993-08-26.

2.1.3 Item 3 : SDF Status and Modus Operandi

It was agreed by the SDF on 1993-08-05 (item 4.2.1.3) that the 10 point discussion document, item 2 (full representation of bodies

representing the statutory/establishment and non-statutory/non-establishment bodies) and items 6/7 (consensus) be referred to the CWC meeting of 1993-08-19. (Document attached as APPENDIX 2). *(Not attached - previously circulated).*

FOR CONSIDERATION.

2.1.3 AGREED

- (a) that it be noted that the 10 point discussion document was accepted in principle for further discussion; and
- (b) that the matter stand over for consideration at the next CWC meeting.

3. CONFIRMATION OF THE MINUTES OF THE CWC MEETING HELD ON 1993-07-21

The minutes are attached as APPENDIX 3. *(Not attached - previously circulated).*

RECOMMENDED

that the minutes be confirmed subject thereto that it be noted that the items referred to in the second paragraph of page 7.2 dealt with the following matters:

- (i) Item 3.2(b) : Small action committee to consider various proposals for a Declaration of Intent;
- (ii) Item 3.3(d) : Appointment of a "Crisis Committee" to address crisis situations;
- (iii) Item 4 : Possible suspension of services to Kaya Mandi by Stellenbosch Municipality;
- (iv) Item 6 : Meetings of SDF Action Committee (Communications Plan).

3. NOTED and

RESOLVED

that the minutes be approved with the proviso that the statement by W Nel regarding "consensus by all parties" (according to W Nel it should read "consensus on all issues") be verified by the tape recording.

4. REQUESTS FOR/CLOSING OF MEMBERSHIP OF THE SDF

It was agreed by the SDF on 1993-08-05 (item 4.6 to 4.8 and item 4.10) that the following applications for membership of the SDF, as

well as the closing thereof, be further discussed by the CWC on 1993-08-19 with a recommendation to the SDF on 1993-08-26, when the matter must be finalised:

- (a) Management Committee for Idas Valley and Cloetesville, (letter attached as APPENDIX 4; *(Not attached - previously circulated)*).
- (b) Council for Church Co-operation (observer status). The Steering Committee recommended that observer status be granted to the Council for Church Co-operation;
- (c) Stellenbosch Agricultural Society (letter attached as APPENDIX 5); *(Not attached - previously circulated)*.
- (d) Kylemore Ratepayers and Residents Association (letter attached as APPENDIX 6); *(Not attached - previously circulated)*.
- (e) Farm and Rural Workers Support Association (letter attached as APPENDIX 7); *(Not attached - previously circulated)*. and
- (f) Pan African Congress of Azania (letter attached as APPENDIX 8). *(Not attached - previously circulated)*.

FOR CONSIDERATION.

4. AGREED

- (a) that the request from the Council for Church Co-operation for observer status be granted by the SDF;
- (b) that the PAC and Farm and Rural Workers Support Association be requested to submit more details about their local standing and office bearers as well as representatives nominated on the SDF;
- (c) that an Ad Hoc Committee comprising of 2 members from the establishment and 2 from the non-establishment bodies, together with one of the available facilitators, be appointed to consider the other applications, as well as the application from the Stellenbosch Relations Committee (that was tabled as APPENDIX 12 *(Not attached - previously circulated)*), and to set guidelines on which organisations should be regarded as full members (or observers) of the SDF and the closing of membership of the SDF; and
- (d) that M Ngcofe and P Louw (non-establishment) and J Cawood and EPS Taljaard (establishment) be nominated to serve on the Ad Hoc Committee which is to be chaired by one of the three facilitators and that other members of the parties concerned be co-opted on the committee if necessary.

5. KAYA MANDI TOWN COUNCIL : CONTINUED PARTICIPATION IN THE
SDF

It was agreed by the SDF on 1993-08-05 that the recommendation:

- (a) that the letter dated 1993-07-23 (attached as APPENDIX 9 (*Not attached - previously circulated*) received from the Kaya Mandi Town Council be considered by the SDF; and
- (b) that it be noted that, as agreed at the CWC meeting of 1993-07-21, the ANC/SANCO alliance was unable to resolve with the ANC Youth League the question of continued participation in the SDF of the Kaya Mandi Town Council. They are, however, in the light of the aforementioned letter, prepared to participate in the SDF because they intend occupying the offices of the Kaya Mandi Town Council until they resign;

be further discussed by the CWC on 1993-08-19 with a recommendation to the SDF on 1993-08-26, when the matter must be finalised.

FOR CONSIDERATION.

5. AGREED

that bi-lateral 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.

6. POSSIBLE SUSPENSION OF SERVICES TO KAYA MANDI BY STELLEN-
BOSCH MUNICIPALITY

FOR DISCUSSION.

6. MC Ntsomboti felt that this matter should be referred to the DWC.

JAM van Schoor said that the matter was placed on the agenda by the Joint Stellenbosch Town Council/Management Committee. It can also be linked with item 5 (letter from Kaya Mandi Town Council) and item 7 (occupation of administrative offices at Kaya Mandi). Development and Constitutional matters are inter-linked and no progress can be made by the DWC if matters cannot be resolved by the CWC. The Joint Stellenbosch Town Council/Management Committee may have to consider at its next meeting on 1993-08-25 whether to suspend the electricity supply to Kaya Mandi.

Presently, as a result of the illegal occupation of the offices, there is no opportunity for residents willing to pay for services and rentals, there is a rent and services payment boycott and there is in fact no buyer of bulk services due to insufficient funds.

MINUTES
OF MEETING

SDF CONSTITUTIONAL WORKING
COMMITTEE

: 1993-08-19

AGREED

that the matter be referred to the bi-lateral discussions as agreed to in item 5.

7. OCCUPATION OF THE ADMINISTRATIVE OFFICES OF KAYA MANDI
FOR CONSIDERATION.

7. AGREED

that the matter be referred to the bi-lateral discussions as agreed to in item 5.

8. MEETINGS OF SDF ACTION COMMITTEE (COMMUNICATIONS PLAN)

After two unsuccessful attempts, meetings of the above Committee were eventually held on 1993-07-06 and 1993-07-15. The minutes are attached as APPENDIX 10. (*Not attached - previously circulated*).

It was agreed that the matters on the agenda stand over till a next meeting of the SDF Action Committee (Communications Plan) due to the fact that the inputs of the other Kaya Mandi Community Based Organisations are of importance in compiling a communications plan.

FOR CONSIDERATION.

8. AGREED

- (a) that other member organisations also feel free to nominate a representative on the SDF Action Committee (Communications Plan) as previously agreed to;
- (b) that after the acceptance of the Declaration of Intent, the communicating thereof to the public as well as other related matters, be pursued by the said Action Committee; and
- (c) that the presence of the press at SDF meetings be put to the SDF for consideration.

The meeting adjourned at 21:55.

CONFIRMED.

CHAIRPERSON

MINUTES OF A SPECIAL MEETING OF THE CONSTITUTIONAL WORKING COMMITTEE HELD IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON MONDAY, 1993-09-27 AT 18:30

PRESENT:

Facilitator	:	V Honey (Chairperson)
Stellenbosch Municipality	:	DEW Schumann JAM van Schoor JP Retief KA Ford (Secretary)
SANCO/ANC	:	MM Ngcofe
Kaya Mandi Development Forum	:	VV Myataza
Stellenbosch Chamber of Business	:	L Silberbauer
Stellenbosch Ratepayers Association	:	BJP Pienaar
Rotary Club of Stellenbosch	:	JC Dawe

Observers:

Stellenbosch Municipality	:	J Cawood
PAC	:	S Makomazi

1. LEAVE OF ABSENCE

1. NONE.

2. **KAYA MANDI : PAYMENT FOR SERVICES : ISSUING OF ACCOUNTS : APPOINTMENT OF ADMINISTRATOR**

At a special meeting of the DWC held on 1993-09-23 it was, amongst others, agreed (item 2(e)):

"that the question of in whose name accounts must be issued and the appointment of an Administrator for Kaya Mandi be addressed by the CWC at a special meeting to be held on Monday, 1993-09-27 at 18:30 (before the Steering Committee meeting scheduled for 19:30) so that the matter can be resolved at the SDF on 1993-10-07."

FOR CONSIDERATION.

2. **AGREED**

(a) that the following matters agreed upon be accepted by the SDF;

(b) that it be noted that due to various reasons an Administrator can not be appointed;

-
- (c) that Stellenbosch Municipality enter into bi-lateral discussions with Kaya Mandi Town Council in order to:
- (i) extend the present financial agency agreement to obtain the right from Kaya Mandi Town Council to act on their behalf regarding the issuing of accounts (on municipal documentation) and the receiving of payments subject thereto that all monies received be placed in a special fund/set of accounts. Such special fund may be registered with the Administrator from which special fund only certain prescribed payments may be made according to the relevant financial regulations;
 - (ii) request Kaya Mandi Town Council to reconsider the tariffs applicable in Kaya Mandi by:
 - the phasing-in of tariffs for conventional housing to eventually be equal to Stellenbosch
 - the levying of affordable tariffs for informal areas
 - (iii) request Kaya Mandi Town Councillors not to use the Administration offices for local government affairs in the event of the vacating of the said offices by the SANCO/ANC alliance to facilitate the aforesaid administrative proceedings;
- (d) that the necessary legal requirements be met in the above regard;
- (e) that it be noted that all monies in arrears by residents payable to Kaya Mandi Town Council be frozen and that accounts will start with zero arrears from 1993-10-01;
- (f) that the meters will be read on 1993-10-01 by staff of Kaya Mandi Town Council under the supervision of Stellenbosch Municipal officials; and
- (g) that it be noted that SANCO/ANC alliance will provide specific commitments during the SDF meeting of 1993-10-07 regarding the vacating of the Administrative offices.

The meeting adjourned at 19:30.

CONFIRMED.

CHAIRPERSON

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.

Item 6) INFORMATION STELLENBOSCH DISCUSSION FORUM
14. 1993-10-07
6.2 CAPE METROPOLITAN NEGOTIATING FORUM
LATEST DEVELOPMENTS
FINAL DRAFT: 1993-09-09

PROPOSED FOUNDING DOCUMENT FOR A CAPE METROPOLITAN ^{LOCAL GOVERNMENT} NEGOTIATING FORUM [^]

1. NAME

This forum will be called the Cape Metropolitan ^{Local government} Negotiating Forum (CMNF).
[^]

2. MISSION

To contribute to the creation of democratic, people-centred, non-racial, non-sexist, accountable, developmental and financially viable local government in the Cape Metropolitan Area in order to improve the standard and quality of life of its inhabitants and to this end to draft proposals for interim arrangements for local government within the framework of the multi-party process and national guidelines, making provision for primary local authorities and a metropolitan authority, with suitable powers to carry out their functions.

3. SCOPE

The Cape Metropolitan Area should be "provisionally" defined, for the purposes of the representation on the Forum, as the area of jurisdiction of the Western Cape Regional Services Council. *Municipalities on the fringes - leave them to decide for themselves*

4. COMPOSITION

4.1 For the purposes of constituting the Forum, the Forum shall consist of representatives of statutory and non-statutory bodies and organisations with a direct interest in local government in the Cape Metropolitan Area, on a 50-50 basis.

In this document "statutory" bodies shall be understood as institutions, organisations and parties who have been part of the current local government system in the Cape Metropolitan Area or have participated in structures in that system and "non-statutory" bodies as institutions, organisations and parties that have previously been excluded from or refused to participate in the said system.

4.2 The Forum shall consist initially of 60 members. Thirty should be nominated by statutory bodies and organisations and thirty by non-statutory bodies and organisations.

4.3 The membership of the Forum can be extended through consensus within the Forum. *maintaining the 50-50 balance at all time*

4.4 Each body or organisation represented on the Forum will be allowed one advisor, unless decided otherwise by the Forum.

4.5 *All bodies and organisations to declare who they are and participate in the number of their representatives.*

5. GENERAL POWERS OF THE FORUM

- 5.1 Subject to the provisions of clause 9, all parties to the Forum ^{shall} ~~agree to~~ be bound by the agreements reached by the Forum.
- 5.2 All parties to the Forum bind themselves to negotiating in good faith.
- 5.3 Agreements within the Forum shall be concluded by way of consensus (refer to clause 9). Different viewpoints may be tabled and shall be minuted.
- 5.4 Any agreements concluded within the Forum which contradict agreements at the national Local Government Negotiating Forum, the Multi-Party Negotiating Council and the Transitional Executive Committee shall be invalid.

6. TERMS OF REFERENCE

- 6.1 The terms of reference of the Forum will be determined by national legislation.
- 6.2 Until such legislation is promulgated, the Forum shall take the following as its interim terms of reference:
- 6.2.1 to determine the boundary of the metropolitan area for the purpose of setting up an interim metropolitan council; *No decision to be reached without negotiations with local government authorities on the fringe.*
- 6.2.2 to determine the number of councillors who shall be appointed to the interim metropolitan council;
- 6.2.3 to nominate councillors to the interim metropolitan council;
- 6.2.4 to agree on principles relating to:
- sources of revenue, including a fiscal base and finances;
 - access to services, service levels, payment for services and affordability; and
 - administration, staffing and training
- for the pre-interim and interim phases, with a primary focus on the metropolitan level.
- 6.2.5 to agree on how
- processes initiated under the Interim Measures for Local Government Act and the Provincial and Local Authority Affairs Amendment Act, and
 - Councillors of black local authorities, members of Management Committees and Administrators in black local authority areas
- should be dealt with in the Cape Metropolitan area pending implementation of the proposed Local Government Transition Act or such other Act as may be agreed upon in its place.

6.2.6 to agree on inputs to the national process on matters affecting the future of local and metropolitan government in the Cape Metropolitan area.

6.2.7 to address such issues related to its mission and terms of reference as the Forum may deem necessary ~~(or as delegations may request.)~~

6.2.8 *to coordinate the functioning of LGNF at*
 7. STRUCTURES *primary level in the Cape Metro area*

7.1 Steering Committee

7.1.1 Composition of the Steering Committee *to be increased to 14 + 2 chairpersons*

The Forum will be supported by a Steering Committee appointed by it from among its members, which should initially consist of twelve persons and in which there should be parity between the statutory and non-statutory delegations, on condition that no organisation or body will be permitted more than one representative. The membership of the Steering Committee can be extended through consensus within the Steering Committee.

7.1.2 Powers and Functions of the Steering Committee

The powers and functions of the Steering Committee will, subject to ratification by the Forum, be to:

- ◆ establish working groups and determine the size and functions of all working groups;
- ◆ monitor and co-ordinate the activities of the working groups;
- ◆ establish the secretariat that will serve the Forum, the Steering Committee and the working groups;
- ◆ manage the finances necessary for operating the Forum;
- ◆ acquire and disseminate relevant local government information to members of the Forum;
- ◆ organise full meetings of the Forum;
- ◆ organise publicity for the Forum;
- ◆ establish a set of meeting procedures, including deadlock-breaking mechanisms;
- ◆ deal with matters delegated to it by the Forum;
- ◆ act as spokesman for the Forum.
- ◆ co-ordinate capacity building for the Forum;
- ◆ resolve conflict in working groups.

◆ *to deal with applicants of membership to the forum*

7.2 Working Groups

7.2.1 Composition of Working Groups

The working groups established by the Steering Committee should include the following:

- ◆ Interim Boundaries, Structure and Representation Working Group;
- ◆ Interim Finance and Services Working Group;
- ◆ Management, Administration and Training Working Group.

Members of all working groups should be nominated on a parity basis by the statutory and non-statutory delegations.

7.2.2 Terms of Reference of Working Groups

- ◆ All working groups shall appoint two co-chairpersons, one from each of the statutory and non-statutory delegations, who will chair meetings and decide any issues affecting the agenda and arrangements for and minuting of meetings of their working group.
- ◆ Working groups shall work within the terms of reference agreed to and amended by the Forum from time to time, and shall determine their research and working agendas accordingly.
- ◆ The objectives of the working groups shall be to:
 - * Gather information and conduct research within the terms of reference of each group;
 - * Examine memoranda and positions submitted by respective parties with a view to identifying areas of agreement and disagreement for tabling at the Forum;
 - * Where possible, with reference to their principals, reach consensus prior to the tabling of reports.
- ◆ Working groups may establish ad hoc task teams to undertake specified activities for the working group.
- ◆ Working groups shall meet according to the timetable agreed to by the Forum in order to achieve objectives.
- ◆ Working groups may, with the permission of the Steering Committee and subject to necessary funds being available, co-opt experts/specialists.
- ◆ Working groups may make recommendations to the Steering Committee on the extension of their terms of reference.

8. CHAIRPERSONS

- 8.1 The Forum shall designate two co-chairpersons, one from each of the statutory and non-statutory delegations within the Forum.
- 8.2 The Chairpersons shall:
- ◆ convene and chair the meetings of the Forum and the Steering Committee, alternating between meetings; and
 - ◆ maintain order and see to it that agreements are reached through consensus.

9. DECISION-MAKING

The Forum will endeavour to reach consensus at all times. Should consensus not be reached, the following deadlock-breaking mechanisms will apply:

- ◆ In the event of sufficient consensus not being reached, referral of the disputed issue to the Steering Committee with a view to formulating a compromise proposal;
- ◆ In the event of not being able to formulate such acceptable compromise proposal, referral back to the Forum for further negotiation;

Both ANC + Nationalist party oppose the 2/3 majority

- ◆ In the event of such negotiation not being successful, the Chairpersons shall determine whether sufficient consensus, based on a two-thirds majority of members present at the meeting, has been reached; ?

ANC suggestion to delete this

- ◆ In the event of decisions regarding the constitutional functions, powers and duties of the metropolitan authority, such decisions shall be taken at a meeting of the Forum, based on a two-thirds majority of all members of the Forum. X

Minority viewpoints shall be minuted.

10. SECRETARIAT

- 10.1 Composition of the Secretariat

The Forum shall determine the composition of the Secretariat.

- 10.2 Functions of the Secretariat

The Secretariat will in general be responsible for:

- ◆ liaison with the Steering Committee;
- ◆ assisting the Steering Committee to acquire and disseminate information on local government to the members of the Forum;

- ◆ providing logistical support for the Forum and Steering Committee;
- ◆ assisting the Steering Committee with organising publicity;
- ◆ convening, making arrangements for and preparing minutes of all meetings of the Forum, the Steering Committee, working groups and task groups;
- ◆ ensuring that agendas and documentation are circulated at least 7 days before any meeting of the Forum and that a date, time and venue for the next meeting is determined at each meeting; and
- ◆ any other matters that the Steering Committee or the Forum may require.

11. LANGUAGE

- 11.1 Delegates shall be permitted to speak the language of their choice at meetings of the Forum.
- 11.2 There shall be translation at meetings of the Forum.
- 11.3 Summary documents of the Forum shall be translated into Xhosa and Afrikaans.

12. FINANCE

The finances of the Forum shall be controlled by the Forum itself and managed by the Steering Committee. The Forum shall open a banking account and keep a set of books in which all transactions are recorded. Books of the Forum shall be audited annually.

13. RELATIONSHIP TO OTHER FORUMS

The Forum shall develop relationships with other forums whose work or functions may relate to or overlap with those of the Forum.

14. PUBLIC AND PRESS

- 14.1 Meetings of the Forum shall be open to the public and the press, who shall not have the right to speak.
- 14.2 Meetings of the Steering Committee and of working groups shall not be open to the public and the press.
- 14.3 The Co-Chairpersons shall issue a press statement whenever considered necessary.
- 14.4 Agendas and documentation for Forum meetings shall be available to the press and the public.

Item 4

Proposed Founding Membership of the Cape Metropolitan Negotiating Forum

It is proposed that the Forum be constituted on the basis of 30 members each from statutory and non-statutory bodies. The proposed Founding Membership of the Forum is as follows:

South African Communist Party
South African National Civic Organisation
Western Cape United Squatters Association

Statutory bodies

Local Authorities

Brackenfell Municipality (1)
Bellville City Council (2)
Cape Town City Council (8)
Durbanville Municipality (1)
Fish Hoek Municipality (1)
Kraaifontein Municipality (1)
Kuils River Municipality (1)
Goodwood Municipality (1)
Milnerton Municipality (1)
Parow Municipality (1)
Pinelands Municipality (1)
Simonstown Municipality (1)

Registered Political Parties

Conservative Party (1)
Democratic Party (1)
Inkatha Freedom Party (1)
Labour Party (1)
National Party (1)

Other

Regional Services Council (1)
Association of Management Committees (2)
Association of Local Councils (2)

Non-Statutory Bodies (30 delegates)

Azanian People's Organisation
African National Congress
Cape Areas Housing Action Committee
Congress of South African Trade Unions
National Council of Trade Unions
Pan Africanist Congress

Applications for Membership

Applications for membership from various other bodies have been received. It is proposed that one of the first tasks of the Forum will be to establish a Credentials Committee to consider these and any other applications for membership of the Forum.

To ensure the effective participation of other significant stakeholders at the launch the Cape Provincial Administration, the Good Hope Alliance, the Private Sector Co-ordinating Committee and the Atlantis Forum are being invited as participating observers with full speaking rights.

The Forum launch will be open to the press and all interested bodies are invited to send an observer.

Third category:
PARTICIPATING OBSERVERS

MEMBERSHIP OF THE STELLENBOSCH DEVELOPMENT FORUM
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- The forum should be inclusive and representative
 - There shall be two categories of participants in the forum, viz.
 - members and
 - bodies with observer status
 - Applicants for full membership should be organisations *within* the "jurisdiction region" of the Stellenbosch Municipality, Idasvalley/Cloetesville Management Council/ Kaya Mandi Town Council
 - The position of local authorities (Pniel; Kylemore; Johannesburg; Jamestown) and representatives of organized agricultural groups not within the present SM/1-CMC/KTC jurisdiction to be reviewed when the Regional Demarcation Board has adjudicated new boundaries for local government. Observer status may be granted to these organisations and they may serve on SDF substructures as observer members.
 - Full membership shall be available to
 - local government bodies, and
 - organisations which main purpose is to serve local government and which represent substantial sectors of the wider community, such as civic associations, resident associations and the local structures of political parties
 - Observer status shall be granted to employer and employee organisations, Chambers of Commerce and Sakekamers, trade unions and to other stakeholders in the local community such as umbrella bodies for sporting and cultural organisations
 - Observer status be granted with participatory rights i.e. have same speaking rights as members but shall not be entitled to vote
 - Each applicant should subscribe to the declaration of intent of the SDF
 - Each applicant should submit the following in writing:
 - its goal/aims/objectives or constitution
 - a list of office bearers
 - nature of membership
 - extracts from the minutes of its last AGM
2. RE-EVALUATION OF PRESENT COMPOSITION OF THE SDF
- Members*
- Stellenbosch Town Council/Idasvalley-Cloetesville Management Council
 - Kaya Mandi Town Council

- Stellenbosch Ratepayers Association
- SHAC
- SANCO
- ANC
- Kaya Mandi Development Forum

Observer status

- Chamber of Commerce
- Stellenbosch Sakekamer
- Jamestown Management Committee
- Kylemore Management Committee
- COSATU
- Rotary

3. NEW REQUESTS FOR MEMBERSHIP

Members

- Management Committee for Idas Valley and Cloetesville
- Pan African Congress of Azania

Recommendations

- Full membership not be granted
Part of Stellenbosch TC delegation
STC membership to be enlarged
from 4 to 6 to include M/C
- Full membership be granted

Observer status

- | | |
|--|----------------------------|
| - Council for Church Co-operation | Observer status be granted |
| - Stellenbosch Agricultural Society | " |
| - Kylemore Ratepayers and Residents' Association | " |
| - Farm and Rural Workers Support Association | " |
| - Stellenbosch Relations Committee | " |

4. COMPOSITION OF SDF AND ITS SUBSTRUCTURES

- SDF - Each organisation with **full membership** shall be represented by a maximum of four persons (STC - 6 see par.3) and may, in addition, be represented by two observers (take seat in the outer circle)
- Each organisation with **observer status** shall be represented by a maximum of two persons (to take seat in the outer circle)

Constitutional Working Committee (CWC)

- Each organisation with full membership shall be represented by a maximum of two persons (STC 3)
- Each organisation with observer status shall be represented by one person

Developmental Working Committee

Same as CWC

Steering committee

Each organisation with full membership may appoint one person on this committee

Communications Plan Action Committee

Same as Steering Committee

Expert Advisors

The use of expert advisors is possible with the consent of the meeting