

417.1.3 (4)

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STELLENBOSCH MUNICIPALITY

**MEETING OF SDF CONSTITUTIONAL WORKING COMMITTEE : WEDNESDAY,
1994-05-18**

Notice is hereby given of the above meeting to be held in the Council Chamber, Town Hall Complex, Plein Street, Stellenbosch on **WEDNESDAY, 1994-05-18 at 19:0** to consider the matters on the attached agenda.

SECRETARY

1994-05-13

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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 1994-03-24
The minutes are attached as PAGES 3 - 7.
FOR CONFIRMATION.
 - 3.2 MINUTES OF TECHNICAL SUB-COMMITTEE MEETING (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-03-29
The minutes are attached as PAGES 8 - 11.
FOR CONFIRMATION.
 - 3.3 MINUTES OF TECHNICAL SUB-COMMITTEE MEETING (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-04-25
The minutes are attached as PAGES 12 - 21.
FOR CONFIRMATION.
4. MINUTES OF MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (FINANCE) HELD ON 1994-05-16
The abovementioned minutes will be tabled.
FOR CONSIDERATION.
5. MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (MEMBERSHIP OF THE SDF) HELD ON 1994-05-18 (at 18:00)
A report will be given at the meeting.
FOR INFORMATION.
6. STRUCTURING OF LOCAL GOVERNMENT IN THE PRE-INTERIM PERIOD
 - 6.1 At the SDF meeting held on 1994-04-07 (item 3.3.2) it was agreed, inter alia:
 - (a) that an open invitation be sent to the communities of Vlottenburg, Lynedoch and Koelenhof and other local communities within the Magisterial district of Stellenbosch by means of a press report in the Eikestadnuus, to also apply for representation on the SDF;

- (b) that the Rural Councils concerned also be approached timeously in order to ensure that the greater Stellenbosch is represented as inclusive as possible;
- (c) that the deadlock regarding the indication by the NP, DP and Stellenbosch Ratepayers Association that they wish to be included in the non-statutory component, and the objection thereto by the SHAC/ANC/SANCO alliance, be pursued by the facilitators in order to try and resolve the issue before the next meeting of the SDF on 1994-04-07;
- (d) that it be accepted as guideline that the intended end-result of the Forum be first pursued;
- (e) that the number of seats of the Transitional Local Council be provisionally determined at 22;
- (f) that section 179 of the constitution be accepted by means of an agreement by the parties concerned as guidelines for qualifications of councillors subject to the scrapping of subsection 179(e) (Voters);
- (g) that the basic approach will be that the most capable persons to serve the community of both statutory and non-statutory components be nominated as councillors with the right of the parties to contest a nomination on the grounds of the qualification guidelines; and
- (h) that if deemed necessary, the scrapping of subsection 179(g) (councillors) be further considered before the final agreement is finalised.

6.2 At a Special meeting of the SDF held on 1994-05-02 it was agreed, inter alia:

- (a) that the Forum area, viz. Stellenbosch (Municipality), Cloeteville, Idas Valley and Kaya Mandi be extended to include Jamestown, Johannesdal, Kylemore and Pniel;
- (b) that the statutory and non-governmental organisations of the lastmentioned areas, which are presently observer-members, become full members of the Forum, viz. Jamestown Area Committee, Johannesdal Management Committee, Kylemore Management Committee, Kylemore Ratepayers and Residents Association and Pniel Management Board (revised list of members attached herewith as **PAGE 18**);
- (c) that enquiries be made as to what other non-governmental organisations exist in the aforementioned areas to comply with the provisions of the Act regarding the principle of inclusivity and representativity;
- (d) that the Technical Sub-Committee concerned with membership of the Forum address the question of the number of representatives on the Forum with the statutory and non-governmental organisations as mentioned in (b) and (c) above;
- (e) that regarding the exclusion of Klapmuts North and Klapmuts South from the Forum area, the Klapmuts Steering Committee, comprising of representatives of the Klapmuts North Local Council, Klapmuts South Management Committee and Civics, be retained as observer-members for the time being but that an appeal be lodged against the decision by the Administrator-in-Executive and Western Cape Provincial Committee to exclude Klapmuts North and Klapmuts South from the Stellenbosch Forum area because it is the overwhelming wish of the Klapmuts community to be included in the aforesaid Forum area (copies of letters dated 1994-02-28 and 1994-03-07 received respectively from the Klapmuts South Management Committee and Klapmuts Steering Committee are attached herewith as **PAGES 19 - 21**);

- (f) that the Administrator-in-Executive and Western Cape Provincial Committee take note of the fact that the inclusion of Klapmuts North and Klapmuts South in the municipal area of Stellenbosch in terms of section 8 of the Municipal Ordinance, 1974, is presently at an advanced stage;
- (g) that a draft of the letter to be written to the Administrator first be submitted to JAM van Schoor and WF Ortel;
- (h) that the aforementioned decisions by the Technical Sub-Committee be ratified by a special meeting of the full Forum to be held on Monday, 1994-05-02 without the customary preceding Steering Committee meeting for the compilation of the SDF agenda;
- (i) that application be made for the extension of the 90 day period (1994-05-02) as stipulated in section 7 of Act 209 of 1993, to a further 60 days (1994-07-01) for the establishment of a Transitional Local Council; and
- (j) that any further applications for membership be submitted not later than 1994-05-17 for consideration by the Technical Sub-committee of the CWC (Membership of the SDF) at its next meeting on 1994-05-18 and that members of the SDF and Eikestadnuus assist in getting the message across to those organisations concerned.

The Administrator considered the revised application of the SDF and in consultation with the Provincial Committee passed the resolution attached as **PAGE 22**.

Section 3 of Schedule 1 of the Local Government Transition Act, 1993 is attaced as **PAGE 23**.

By implication to get the SDF recognised and established as a forum in terms of section 6 of the Local Government Transition Act, the following must be finalized by the SDF:

1. Membership of the SDF
 - 1.1 Correct determination of member and observer status
2. Indication of all members whether they are to be regarded as part of the statutory component or non-statutory component.
 - 2.1 Finalization of division into statutory and non-statutory components by the SDF.
3. Certification of the above by the SDF that the aforesaid has been completed and is acceptable to the forum.

(NOTE: Negotiating matters and objectives (section 4 of Schedule 1 and section 7(1)(b) (transitional local council) or 7(1)(c) (local government co-ordinating committee)) will have to be reconsidered after the forum has been recognised as a negotiating forum in terms of section 6 of the said Act.)

MINUTES OF SDF CONSTITUTIONAL WORKING COMMITTEE MEETING OF REPRESENTATIVES OF COMMUNITY BASED ORGANISATIONS AND KAYA MANDI AND STELLENBOSCH TOWN COUNCILS HELD IN THE COUNCIL CHAMBER, TOWN HALL COMPLEX, PLEIN STREET, STELLENBOSCH ON THURSDAY, 1994-03-24 AT 19:30

PRESENT:

Facilitators : CVR Honey (Acting Chairperson)
GS Cloete (Adviser)

FULL MEMBERS

Statutory Bodies:

Stellenbosch Town Council and Management Committee : JAM van Schoor
DEW Schumann
SW Oliphant
JP Retief (Adviser)
L de Villiers (Adviser)
AA Smit (Adviser)
CTB Davy (Secretary)

Kaya Mandi Town Council : GM Ntshanga
SM Mayekiso

* * * * *

SHAC : P Louw
W Nel

SANCO : MM Ngcofe

ANC : WF Ortell
RE Moses

Democratic Party : ER Gordon

Stellenbosch Ratepayers Association : BJP Pienaar
PG van Breda

National Party : N Flaatten
GDT Wege (Students' Branch)

Observer Members:

Johannesdal Management Committee : W Meyer

Stellenbosch Relations Committee : Me E Retief

Kylemore Ratepayers and Residents Association : WC Keet

Klapmuts Steering Committee : JC Anthony
GJ du Toit

SISTA : MF Patel

**MINUTES OF
MEETING****SDF CONSTITUTIONAL WORKING
COMMITTEE**

: 1994-03-24

ESCOM : Me LL Krause

Other observers:Stellenbosch Municipality : EPS Taljaard
J Cawood
RP Conradie

ANC : MT Kara

SHAC : C Lewis

Eikestadnuus : PH Malan

Public/Ratepayers : JB de Beer
G Loedolff
M Stone

* * * * *

1. **LEAVE OF ABSENCE**1. **RESOLVED**

that leave of absence be granted to AN September (Stellenbosch Town Council/Management Committee) MC Carinus (Sakekamer) and WM Kalazana (SANCO).

2. **STATEMENTS AND COMMUNICATIONS BY THE CHAIRPERSON**

2. The Acting Chairperson asked for dates for meetings of the SDF, DWC and Technical Sub-committee of the DWC (Stellenbosch and Environs Sub-regional Plan).

AGREED

that the meetings of the SDF and DWC be held on 1994-04-07 and 1994-03-31 respectively and that the DWC determine a date for a meeting of the aforementioned Sub-committee.

3. **CONFIRMATION OF MINUTES OF CWC MEETING HELD ON 1994-02-15**

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

FOR CONFIRMATION.3. **RESOLVED**

that the minutes be confirmed.

4. MATTERS REFERRED TO THE CWC BY THE SDF MEETING HELD ON 1994-03-09**4.1 Item 6 : Agreement on Finance, Services and Service Rendering**

It was agreed, inter alia, that the matters in the report of a financial policy nature be referred to the CWC and that service rendering and payment thereof be referred to the DWC.

The abovementioned agreement and discussion document submitted by the Stellenbosch Town Council were previously circulated.

FOR CONSIDERATION.**4.1 AGREED**

- (a) that a Technical Sub-committee of the CWC (Finance) comprising of DEW Schumann, JAM van Schoor, BJP Pienaar, MM Ngcofe, W Nel and WF Ortell be appointed to address financial policy matters regarding the aforesaid agreement and the 1994/95 budget of the Stellenbosch Town Council;
- (b) that the aforementioned Sub-committee meet on 1994-04-12; and
- (c) that it be accepted that the new Transitional Local Council will finalize the budget.

4.2 Item 8 : Structuring of Local Government in the Pre-interim period

It was unanimously agreed:

- (a) that the matters agreed upon as contained in the minutes of the meeting of the SDF Technical Sub-committee of the CWC (Local Government Transition Act, 1993), (previously circulated), be approved;
- (b) that it be noted that the Provincial Committee will now meet on 1994-03-14 to consider, amongst others, the application of the SDF;
- (c) that the next meeting of the CWC be held on 1994-03-24 to pursue further matters prescribed by the Act to be implemented in the pre-interim period;
- (d) that CVR Honey chair the aforesaid meeting in the absence of L du Plessis and that an expert on the Act/Local Government matters be co-opted to advise the CWC;
- (e) that the CWC appoint a smaller technical committee to pursue issues that may be problematic, if necessary;
- (f) that application be made to the Cape Metropolitan Negotiating Forum for observer-status by one each (and a secundi) from the statutory and non-statutory side and that J Cawood and WF Ortell respectively co-ordinate the submission of the names of the proposed representatives to the Secretary not later than Friday, 1994-03-18; and

- (g) that all full members of the SDF inform the Secretary not later than Friday, 1994-03-18 as to whether their organisation must be regarded as statutory or non-statutory.

In respect of the above sub-item (c) the following items have been listed by the statutory bodies for discussion:

- (i) Areas of jurisdiction of the forum
- (ii) Form of local council
 - (aa) Transitional local council : 50/50 model
 - (bb) Local Government Co-ordinating Committee
- (iii) Classification of full members of SDF as statutory and non-statutory.
- (iv) Number of seats in local council.
- (v) Qualifications of councillors.

FOR CONSIDERATION.

4.2

AGREED

- (a) that regarding the form of local council the Transitional Local Council model be accepted;
- (b) that it be accepted that RP Conradie and MM Ngcofe be appointed as secundi for respectively the statutory and non-statutory side to attend the Cape Metropolitan Negotiating Forum meetings as observers;
- (c) that it be noted that only the Stellenbosch Town Council and Management Committee for Cloetesville and Idas Valley as well as the Kaya Mandi Town Council indicated that they wish to form part of the statutory component;
- (d) that a Technical Sub-committee of the CWC comprising of L du Plessis (Facilitator), DEW Schumann, JAM van Schoor, W Nel, WF Ortell, MM Ngcofe and BJP Pienaar meet on Tuesday, 1994-03-29 to address the following matters and that one member each from the Democratic Party and National Party be co-opted on the aforesaid committee:
 - (i) Areas of Jurisdiction of Forum;
 - (ii) Classification of full members of SDF as statutory or non-statutory;
 - (iii) Number of seats in local council;
 - (iv) Qualifications of councillors;
- (e) that the agreements reached by the Technical Sub-committee, CWC, DWC and SDF be ratified after the SDF has been approved as a Negotiating Forum; and

- (f) that the application of SISTA for full membership be referred to the Technical Sub-committee of the CWC (Membership of the SDF).

5. **CONTINUED FUNCTIONING OF THE SDF AFTER THE APPOINTMENT OF A TRANSITIONAL LOCAL COUNCIL**

It was agreed by the SDF on 1994-02-03 (item 9.6) that the matter be referred to the CWC for further investigation.

FOR CONSIDERATION.

5. **AGREED**

that the matter be considered at a later stage.

6. **NOMINATION OF A SMALLER TECHNICAL SUB-COMMITTEE OF CWC : 1994/95 : MUNICIPAL BUDGET**

With reference to item 4.1 of this agenda it is proposed that a smaller Technical Sub-committee of the CWC be appointed to address the abovementioned matter.

FOR CONSIDERATION.

6. See item 4.1(a).

The meeting adjourned at 21:40 with a vote of thanks from the Acting Chairperson, CVR Honey for the presence of and valuable inputs from GS Cloete.

CONFIRMED.

ACTING CHAIRPERSON

cwc24c94/cr

MINUTES OF SDF TECHNICAL SUB-COMMITTEE MEETING OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD IN THE MAYORS PARLOUR, TOWN HALL COMPLEX, PLEIN STREET, STELLENBOSCH ON TUESDAY, 1994-03-29 AT 18:00

FPRESENT:

Facilitator : L du Plessis (Chairperson)

Members:

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

SANCO : MM Ngcofe

SHAC : W Nel

Stellenbosch Ratepayers Association : BJP Pienaar

ANC : WF Ortell

Democratic Party : ER Gordon

National Party : N Flaatten

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1. **LEAVE OF ABSENCE**

1. **NONE.**

2. **LOCAL GOVERNMENT TRANSITION ACT, 1993 : ESTABLISHMENT OF A TRANSITIONAL LOCAL COUNCIL (TLC)**

The CWC agreed on 1994-03-24 (item 4.2) that a Technical Sub-committee of the CWC comprising of L du Plessis (Facilitator), DEW Schumann, JAM van Schoor, W Nel, WF Ortell, MM Ngcofe and BJP Pienaar meet on Tuesday, 1994-03-29 to address the following matters and that one member each from the Democratic Party and National Party be co-opted on the aforesaid committee:

- (a) Areas of Jurisdiction of the Forum;
- (b) Classification of full members of SDF as statutory or non-statutory;
- (c) Number of seats in local council; and
- (d) Qualifications of councillors.

FOR CONSIDERATION.

2(a) **AGREED**

- (i) that a Transitional Local Council be established in the pre-interim period for the economical and historical (pre 1972) boundaries of Stellenbosch with the inclusion of Kaya Mandi;
- (ii) that the incorporation of the surrounding local areas be supported by the SDF in principle pending technical investigations and that they be invited to submit a formal application for inclusion in the municipal boundaries of Stellenbosch before the first democratic municipal election (interim period) indicating how inclusive their decision-making is;
- (iii) that the surrounding local areas such as Jamestown, Kylemore, Pniel and Johannesdal, be encouraged to initiate their own local forums until the said local areas have been incorporated within the boundaries of Stellenbosch;
- (iv) that the letter to be written regarding the aforementioned items (ii) and (iii) be first circularised to the members of this Technical Sub-committee for their perusal;
- (v) that an open invitation be sent to the communities of Vlotenburg, Lynedoch and Koelenhof and other local communities within the Magisterial district of Stellenbosch by means of a press report in the Eikestadnuus, to also apply for representation on the SDF; and
- (vi) that the Rural Councils concerned also be approached timeously in order to ensure that the greater Stellenbosch is represented as inclusive as possible.

2(b) **AGREED**

- (i) that the deadlock regarding the indication by the NP, DP and Stellenbosch Ratepayers Association that they wish to be included in the non-statutory component, and the objection thereto by the SHAC/ANC/SANCO alliance, be pursued by the facilitators in order to try and resolve the issue before the next meeting of the SDF on 1994-04-07; and
- (ii) that it be accepted as guideline that the intended end-result of the Forum be first pursued.

2(c) **AGREED**

that the number of seats of the Transitional Local Council be provisionally determined at 22.

- 2(d) An extract from section 179 of the Constitution of the Republic of South Africa was tabled as PAGE 11.

AGREED

- (a) that the aforesaid sections of the constitution be accepted by means of an agreement by the parties concerned as guidelines for qualifications of councillors subject to the scrapping of subsection 179(e) (Voters);
- (b) that the basic approach will be that the most capable persons to serve the community of both statutory and non-statutory components be nominated as councillors with the right of the parties to contest a nomination on the grounds of the qualification guidelines; and
- (c) that if deemed necessary the scrapping of subsection 179(g) (councillors) be further considered before the final agreement is finalised.

The meeting adjourned at 19:30.

CONFIRMED.

CHAIRPERSON

tsc29c94/cr

CONSTITUTION OF RSA

(Section 179 read with section 6)

Voter: Every natural person shall be entitled to vote in a local government election if he or she is

- (a) of or over the age of 18 years;
- (b) a SA citizen, or has been accorded the right to exercise the franchise in terms of an Act of Parliament;
- (c) not disqualified by law;
- (d) ordinarily resident within the area of jurisdiction of that local government, or is under law liable for the payment of property rates, rent, service charges or levies to that local government; and
- (e) registered as a voter on the voters' role of that local government.

(Section 179)

Councillor: No person shall be qualified to become or remain a member of a local government if he or she

- (a) is not eligible to vote;
- (b) is a member of the National Assembly or Senate;
- (c) is not qualified to become a member of the National Assembly;
- (d) is an employee of a local government (unless exemption of this disqualification is given by the Executive Council of the province);
- (e) is disqualified in terms of any other law;
- (f) is disqualified to be elected by any competent court; and
- (g) at 15:00 on the day immediately preceding nomination, he or she is indebted to the local government concerned in respect of any assessment rates, rent, service charges or any other monies for a period longer than three months.

Added (f) and (g) in terms of Schedule 4 to the Local Government Transition Act, 1993.

MINUTES OF SDF TECHNICAL SUB-COMMITTEE MEETING OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD IN THE COUNCIL CHAMBER, TOWN HALL COMPLEX, PLEIN STREET, STELLENBOSCH ON TUESDAY, 1994-04-25 at 18:30

FPRESENT:

Facilitators : L du Plessis (Chairperson)
CVR Honey

Members:

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

Stellenbosch Ratepayers Association : BJP Pienaar

ANC : WF Ortell

Observers:

Stellenbosch Municipality : J Cawood
EPS Taljaard
L de Villiers

Johannesdal Management Committee : RE Jefthas
ML Lakay

* * * * *

1. **LEAVE OF ABSENCE**

1. **NONE.**

2. **RECOGNITION OF FORUM IN TERMS OF SECTION 6 OF THE ACT**

A letter dated 1994-04-15 received from the Cape Provincial Administration and a letter dated 1994-04-12 received from the Jamestown, Kylemore, Johannesburg Discussion Group are attached as **PAGES 14 - 17.**

FOR CONSIDERATION.

2. **AGREED**

- (a) that the Forum area, viz. Stellenbosch (Municipality), Cloetesville, Idas Valley and Kaya Mandi be extended to include Jamestown, Johannesburg, Kylemore and Pniel;
- (b) that the statutory and non-governmental organisations of the lastmentioned areas, which are presently observer-members, become full members of the Forum, viz. Jamestown Area Committee, Johannesburg Management Committee, Kylemore Management Committee, Kylemore Ratepayers and Residents Association and Pniel Management Board (revised list of members attached herewith as **PAGE 18**);

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- (c) that enquiries be made as to what other non-governmental organisations exist in the aforementioned areas to comply with the provisions of the Act regarding the principle of inclusivity and representativity;
- (d) that the Technical Sub-Committee concerned with membership of the Forum address the question of the number of representatives on the Forum with the statutory and non-governmental organisations as mentioned in (b) and (c) above;
- (e) that regarding the exclusion of Klapmuts North and Klapmuts South from the Forum area, the Klapmuts Steering Committee, comprising of representatives of the Klapmuts North Local Council, Klapmuts South Management Committee and Civics, be retained as observer-members for the time being but that an appeal be lodged against the decision by the Administrator-in-Executive and Western Cape Provincial Committee to exclude Klapmuts North and Klapmuts South from the Stellenbosch Forum area because it is the overwhelming wish of the Klapmuts community to be included in the aforesaid Forum area (copies of letters dated 1994-02-28 and 1994-03-07 received respectively from the Klapmuts South Management Committee and Klapmuts Steering Committee are attached herewith as PAGES 19 - 21);
- (f) that the Administrator-in-Executive and Western Cape Provincial Committee take note of the fact that the inclusion of Klapmuts North and Klapmuts South in the municipal area of Stellenbosch in terms of section 8 of the Municipal Ordinance, 1974, is presently at an advanced stage;
- (g) that a draft of the letter to be written to the Administrator first be submitted to JAM van Schoor and WF Ortel; and
- (h) that the aforementioned decisions by the Technical Sub-Committee be ratified by a special meeting of the full Forum to be held on Monday, 1994-05-02 without the customary preceding Steering Committee meeting for the compilation of the SDF agenda.

The meeting adjourned at 19:45.

CONFIRMED.

CHAIRPERSON.

tsc25d94/cr

SAVRIAL
ENQUIRIES
TELEPHONE
TELEFON
(021) 4834306
VERWYSINGS
REFERENSIE
AA 105/91
DATUM
DATE
15 APRIL 1994

KAAPSE
PROVINSIALE
ADMINISTRASIE



CAPE
PROVINCIAL
ADMINISTRATION

Tak Gemeenskapsdienste
Community Services Branch

The Forum Secretary
P.O. Box 17
STELLENBOSCH
7599

Dear Mr. C. Davy

LOCAL GOVERNMENT TRANSITION ACT, 1993, (ACT 209 OF 1993):
APPLICATION FOR RECOGNITION OF A FORUM IN TERMS OF SECTION 6 OF THE ACT

With reference to your application for recognition of a forum dated 31 March 1994 I attach hereto an extract from the minutes of a joint meeting held on 11 April 1994 between the Administrator-in-Executive Committee and the Western Cape Provincial Committee for your information and further urgent attention.

Kindly note further that the draft agreements which were forwarded to interested parties in the transition process under cover of the Community Services Branch of the CPA's Circular C6/1994 of 19 January 1994 reference is made to wards and it implies that forums are to negotiate on the subject. Please be advised that no obligation rests on a forum to negotiate on the delimitation of wards in respect of the pre-interim phase.

Please feel free to contact Faan Naudé or Christélie Cronjé at Tel. 021-5912136 if anything contained in this letter or its appendix is not clear.

Kindest regards

Yours faithfully


DEPUTY DIRECTOR-GENERAL

HOOFDIREKTORAAT
PLAASLIKE BESTUUR
PRIVAATSAK X9083 KAAPSTAD 8000
FAXS (021) 483-3511

CHIEF DIRECTORATE
LOCAL GOVERNMENT
PRIVATE BAG X9083 CAPE TOWN 8000
FAX (021) 483-3511

STELLENBOSCH (Annexure C6)RESOLVED:

1. That the application in respect of the forum area, namely:
 - Stellenbosch Municipality
 - Cloetesville
 - Idasvallei (Proclamation no 80 d.d. 04/03/92)
 - Khaya Mandi
 be NOT CONFIRMED.
2. That in consequence of the above, the application in respect of the forum membership be NOT CONFIRMED.
3. That the applicant be requested:
 - i) to consider the amendment of the forum area by the inclusion of the following, namely:
 - Johannesdal
 - Eniel
 - Jamestown
 - Kylemore
 and the exclusion of
 - Klapmuts North
 - Klapmuts South,
 in accordance with the provisions of the Local Government Transition Act, 1993;
 - ii) to reconstitute the membership of the forum in accordance with the provisions of the Act with particular reference to the principle of inclusivity and representativity;
 - iii) to give special consideration to the identification of the status of each appointment to the proposed forum as a member or as an observer in terms of Section 3 (4) of Schedule 1 to the Act;
 - iv) to submit to the Administrator for confirmation, a revised application including such amended forum area and reconstituted forum membership; and
 - v) to submit to the Administrator a written response not more than fourteen days after receipt of this.
4. That final consideration of this item be deferred pending the report of the Demarcation Board in respect of the Cape Metropolitan forum area.

**JAMESTOWN, KYLEMORE, JOHANNESDAL AND PNIEL
DISCUSSION GROUP**

P O Box 7204
STELLENBOSCH
7599

12 April 1994

TO: ① The Secretary, Stellenbosch Discussion Form (SDF) →
2. The Town Clerk of the Municipality of Stellenbosch
3. The Administrator of the Cape Province

**RE: APPLICATION FOR THE INCLUSION OF JAMESTOWN,
KYLEMORE, JOHANNESDAL AND PNIEL IN THE
MUNICIPAL BOUNDARIES OF STELLENBOSCH**

In compliance with the decision of the SDF Technical Subcommittee of CWC (Transitional Local Council) at their meeting of 1994-03-29 we, the undermentioned organizations representing the communities of our respective areas, having held several discussions, have unanimously decided to herewith submit a formal application for the areas of Jamestown, Kylemore, Pniel and Johannesburg to be included in die municipal boundaries of Stellenbosch before the first democratic municipal elections.

Apart from the local churches, ours are the only broad-based functioning community and civic organizations in our respective areas.

This request is based on the geographic, commercial, economic and historical links of Jamestown and Kylemore with the town of Stellenbosch and the close proximity of Johannesburg and Pniel to Kylemore and also on the fact that the aforementioned subcommittee of the SDF have accepted such incorporation in principle.

We therefore urge the SDF to, as soon as possible, propose to the Administrator that, in addition to the (pre - 1972) boundaries of Stellenbosch and Kaya Mandi, the areas of Jamestown, Kylemore, Johannesburg and Pniel also be included in municipal boundaries of Stellenbosch.

Regarding the logistics of such incorporation we feel that these could be better implemented and accelerated once inclusion has been legally established in terms of the Local Government Act, 1993.

We trust that our application will be favourably considered.

SIGNED:

1. R Moses *R Moses* Co-founder
for Jamestown Action Group
2. J Booyen *J Booyen* (Secretary)
for Kylemore Ratepayers and Residence Association
3. C de Wet *C de Wet* (Secretary)
for Johannesdal Ratepayers and Tenants Association
4. S Adams *S Adams* (Chairman)
for Pniel Ratepayers and Tenants Association
5. B Smith *A.E. Meyer* CHAIRMAN *AEM*
for Pniel Civic Association
6. C Allies *C Allies* (Secretary)
for Pniel Housing Forum
7. S Davids *S.P. Davids* (Chairman)
for Pniel Development Organization
8. C. Lewis *C. Lewis* CHA. R. M. W
for ANC Pniel Branch

STELLENBOSCH FORUM

Organisations participating in the Stellenbosch Forum as at 1994-04-25

Full members:

1. African National Congress (ANC), PO Box 1555, Stellenbosch 7599
(ANC Youth and Womens' League included)
2. Democratic Party (DP), 74 Williams Street, Cloetesville 7600
3. Kaya Mandi Town Council, PO Box 17, Stellenbosch 7599
4. National Party (NP), PO Box 150, Stellenbosch 7599
(NP Students' Branch and Womens' Action included)
5. Pan African Congress of Azania (PAC), 12 Mengo Street, Kaya Mandi 7600
6. SA National Civics Organisation (SANCO), 86 Swartbooi Street, Kaya Mandi 7600
7. Stellenbosch Housing Action Committee (SHAC), 12 Noble Street, Tennantville 7600
8. Stellenbosch Ratepayers Association, PO Box 399, Stellenbosch 7599
9. Stellenbosch Town Council/Management Committee, PO Box 17, Stellenbosch 7599
10. Jamestown Area Committee, PO Box 220, Stellenbosch 7599
11. Johannesdal Management Committee, PO Box 80, Stellenbosch 7599
12. Kylemore Management Committee, PO Box 80, Stellenbosch 7599
13. Kylemore Ratepayers and Residents Association, 89 Brand Street, Kylemore 7608
14. Pniel Management Board, Main Road, Pniel 7681

Observer members:

1. ESKOM, P O Box 2100, Bellville 7530
2. Farm and Rural Workers Support Association, PO Box 2385, Dennesig 7601
3. Kaya Mandi Development Forum, PO Box 1034, Stellenbosch 7599
4. Klapmuts Steering Committee, P O Box 61, Klapmuts 7625
5. Rotary Club of Stellenbosch, PO Box 129, Stellenbosch 7599
6. Stellenbosch Agricultural Society, PO Box 204, Stellenbosch 7599
7. Stellenbosch Chamber of Business, PO Box 200, Stellenbosch 7599
8. Stellenbosch Council for Church Co-operation, 21 Park Street, Stellenbosch 7600
9. Stellenbosch Informal Sector Trade Association (SISTA), 14 Erasmus Smit Street, Idas Valley 7600
10. Stellenbosch Relations Committee, 20 Jonkershoek Road, Stellenbosch 7600
11. Stellenbosch Rural Council, PO Box 80, Stellenbosch 7599
12. Stellenbosch Sakekamer, PO Box 476, Stellenbosch 7599
13. Trade Unions (COSATU), c/o E Ndyaluvane, PO Box 17, Stellenbosch 7599

Independent Facilitators:

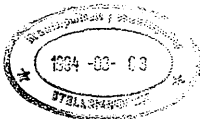
1. Mr CVR Honey, (Chairperson), 91 Brandwacht Street, Stellenbosch 7600
2. Rev S Adams, (Vice-Chairperson), 21 Bakker Street, Idas Valley 7600
3. Prof L du Plessis (Chairperson of the SDF Constitutional Working Committee), 9 De Vos Street, Stellenbosch 7600

U verwysing; - 3/2/4/2/3/4/ Mnr CTB Davy

Posbus 61
KLAPMUTS
7625

28 Februarie 1994

Mnr C.T.B. Davy
Stadsekretaris
Posbus 17
STELLENBOSCH
7599



Geagte Mnr Davy

i/s - Lidmaatskap van die Stellenbosch Gespreksforum.

Verwys u skrywe van 17 Februarie 1994.

Hieronder die inligting soos deur u aangevra.

A GRONDWET; - Ons beskik nie hieroor nie.

DOELWITTE; -

1. Klapmuts georden te kry.
2. Bestaande munisipale struktuur in Klapmuts toe te pas.
3. Klapmuts n deel van n bepaalde munisipaliteit te maak.
4. Gemeenskaplike standaarde te verhoog.

B LYS VAN AMPSDRAERS; -

Loodskomitee - Mnrre J. Anthony, G.J. du Toit, C. Cecillie,
J. Wentzel, J. Zincke, P. Baard.
Alternatief - P. Jacobs, J. Angus en M. Everts

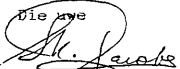
C AKTIWITEITE; - Om, om te sien na gemeenskaplike belange.

LIDMAATSKAP; -

Almal is lede van die loodskomitee wat tot stand gekom het
deur die Plaaslike Raad, Bestuurskomitee en die Civics te
Klapmuts.

Ons vertrou dat ons u goedkeuring sal geniet.

Die ewe


M.M. JACOBS
Sekretaresse

KLAPMUTS-SUID
MANAGEMENT COMMITTEE
BESTUURSKOMITEE

Waalstraat 35 Wale Street
KAAPSTAD CAPE TOWN
8001

P.O.Box 1073 Posbus
CAPE TOWN KAAPSTAD
8000

FAX: 487-2653

TELEPHONE:
TELEFOON:

ASK FOR/VRA VIR

OUR REFERENCE:
ONS VERWYSING:

487-2605

Mnr Koopman

WK/hri

Die Sekretaris
Stellenbosch Gespreksforum
Posbus 17
STELLENBOSCH
7600

7 MAR 1994



Geagte Heer

LIDMAATSKAP VAN DIE STELLENBOSCH GESPREKSFORUM (S.D.F.)

U skrywe gedateer 17 Februarie 1994 insake bovermelde aangeleentheid wat geadresseer is aan Mnr G.J. du Toit en waarvan 'n afskrif aan Mnr J.C. Wentzel geëndoseer is, verwys.

Die Klappmuts-Suid Bestuurskomitee het tydens sy vergadering gehou op 17 Februarie 1994 die aangeleentheid indringend bespreek en besluit dat aansoek by die Stellenbosch Gespreksforum gedoen word om volle lidmaatskap van die forum.

Die komitee is van mening dat vanweë die feit dat die Klappmuts-Suid Bestuurskomitee die enigste erkende statutêre liggaam in Klappmuts is, volle lidmaatskap aan die komitee toegestaan behoort te word.

Verder is die komitee van mening dat Klappmuts weens sy geografiese ligging ingeskakel gaan word by die Munisipale grense van Stellenbosch en maak daarom nou-al daarop aanspraak om 'n volle lid van die S.D.F. te word.

Gevolglik het die Klappmuts-Suid Bestuurskomitee Mnr J.C. Wentzel benoem as sy verteenwoordiger op die S.D.F.

Die Sekretaris
Stellenbosch Gespreksforum
STELLENBOSCH

WK/hri

Mnr Wentzel se adres is soos volg.

Mnr J.C. Wentzel
Posbus 150
KLAPMUTS
7625
Telefoonnommer (02211) 5214

Daar word vertrou dat hierdie aansoek goedgeunstig oorweeg sal word.

Voorspoed vir die werksaamhede van die S.D.F.

Die uwe


WAARNEMENDE SEKRETARIS

stellenb.wk

STELLENBOSCH (Annexure B8)RESOLVED:

1. That the application in respect of the forum area, namely:

Stellenbosch Municipality
Cloetesville
Idasvallei (Proclamation No. 80 dated 4 March 1992)
Khaya Mandi
Johannesdal
Priel
Jamestown
Kylemore

be CONFIRMED.

2. That the application in respect of the forum membership be CONFIRMED, subject to further compliance with the provisions of Schedule 1, Section 3 (3), (4), (5) and (6), of the Local Government Transition Act, 1993.
3. That the applicant be requested to certify when the correct determination in respect of member and observer status, and the division of the forum into statutory and non-statutory components, has been completed and is acceptable to the forum.
4. That any approval contained herein shall not be construed as recognition and establishment of the forum in terms of Section 6 of the Local Government Transition Act, 1993.
5. That any approval be further subject to the findings of the Demarcation Board in respect of the Cape Metropolitan Negotiating forum.
6. That the possible inclusion of Klapmuts North and South in the Stellenbosch forum, be referred forthwith to the Demarcation Board for investigation and recommendation in terms of Section 11 (6) of the Act.

SCHEDULE 1

Principles and procedures referred to in section 6

Membership of forum

3. (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 failure of any person, body or organization to participate in any such forum.

(2) Observers, who or which shall be entitled to attend and to participate fully in forum meetings, without the right to vote, may be appointed to a forum.

(3) To qualify for membership or observer status, any 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 as contemplated in subparagraph (4).

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

(i) members of local government bodies;

(ii) persons representing local organizations which are representative of substantial sectors of the wider community having a vested interest in the political restructuring of local government, including civic associations, residents' associations and the local structures of political parties.

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

(5) Members of the forum shall be required to indicate whether they are to be regarded as part of—

(a) the statutory component, comprising members of the existing local government bodies and persons representing bodies or organizations approved by the forum as being part of such component; or

(b) the non-statutory component, comprising persons representing any other bodies or organizations not contemplated in item (a) having a vested interest in the political restructuring of local government and approved by the forum as being part of such component.

(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 items (a) and (b) of subparagraph (5), the forum shall refer the matter to the Administrator for a final decision, which shall be binding on the forum.

BYLAE 1

Beginnels en prosedure in artikel 6 bedoel

Lidmaatskap van forum

3. (1) Lidmaatskap van 'n forum is in ooreenstemming met die beginsel van inklusiwiteit en verteenwoordigendheid: Met dien verstande dat die proses moet voortgaan ondanks die weiering of versuim van 'n persoon, liggaam of organisasie om aan enige sodanige forum deel te neem.

(2) Waarnemers, wat geregtig is om forumvergaderings by te woon en om tea volle daaraan deel te neem, maar nie geregtig is om te stem nie, kan in die forum aangestel word.

(3) Ten einde vir lidmaatskap of waarnemerstatus in aanmerking te kom, lê 'n voornemende lid of waarnemer, waar toepaslik, skriftelik aan die forum sy grondwet, 'n lys van ampsdraers en besonderhede van aktiwiteit en lidmaatskap in paragraaf 4 beoog, voor.

(4) (a) Lidmaatskap van 'n forum is beskikbaar aan—

(i) lede van plaaslike owerheidsliggame;

(ii) persone wat plaaslike organisasies verteenwoordig wat verteenwoordigend is van wesenlike sektore van die breër gemeenskap met 'n gevestigde belang in die politieke herstrukturering van plaaslike regering, met inbegrip van burgerverenigings, inwonersverenigings en die plaaslike strukture van politieke partye.

(b) Liggame soos plaaslike kamers van koophandel en apherbede, die Ontwikkelingsbank van Suider-Afrika en voorsieningsliggame soos Eskom en Waterrade, kan waarnemerstatus bekom.

(5) Daar word van lede van die forum vereis om aan te dui of hulle beskou moet word as deel van—

(a) die statutêre komponent, bestaande uit lede van die bestaande plaaslike owerheidsliggame en persone wat liggame of organisasies verteenwoordig wat deur die forum goedgekeur is as synde deel van sodanige komponent; of

(b) die nie-statutêre komponent, bestaande uit persone wat enige ander liggame of organisasies verteenwoordig wat nie in item (a) beoog word nie en wat 'n gevestigde belang het in die politieke herstrukturering van plaaslike regering en deur die forum goedgekeur is as synde deel van sodanige komponent.

(6) Indien die forum nie kan ooreenkom of 'n lid as deel van die statutêre of nie-statutêre komponente beoog in items (a) en (b) van subartikel (5) beskou moet word nie, word die aangeleentheid deur die forum na die Administrateur verwys vir 'n finale beslissing, wat vir die forum bindend is.