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STELLENBOSCH MUNICIPALITY

MEETING OF SDF CONSTITUTIONAL WORKING COMMITTEE :
WEDNESDAY, 1994-09-28

Notice is hereby given of the above meeting to be held in the Council Chamber, Town Hall Complex, Plein Street, Stellenbosch on WEDNESDAY, 1994-09-28 at 18:00 to consider the matters on the attached agenda.

SECRETARY

1994-09-23



1. LEAVE OF ABSENCE.

2. STATEMENTS AND COMMUNICATIONS BY THE CHAIRPERSON.

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

3.1 CWC MEETING HELD ON 1994-08-08

The minutes are attached as PAGES 6 - 9.

FOR CONFIRMATION.

3.2 TECHNICAL SUB-COMMITTEE MEETING OF CWC HELD ON 1994-08-17

The minutes are attached as PAGES 10 - 15.

FOR CONFIRMATION.

3.2.1 At a meeting of the Committee held on 1994-08-17 it was agreed:

(a) **Item 2 : Local Government Transition Act, 1993 : Structuring of Local Government in the pre-interim period**

- (i) that it be noted that initially the transitional local council model (50/50 model) be investigated for acceptance but should consensus not be reached on this model the local government co-ordinating model also be considered as an option;
- (ii) that it be noted that the composition of the Technical Sub-committee as agreed at the Special SDF meeting held on 1994-08-11, can be verified by the tape recording of the aforesaid meeting;
- (iii) ~~that the issue of the representatives from the satellite towns and political parties be referred back to the SDF for clarity; and~~
- (iv) that M Swartz be allowed to remain at the meeting as an observer.

(b) **Item 2.1 : Establishment of a Transitional Local Council**

- (i) that regarding the acceptance of a model and total number of seats for the new council, it be accepted in principle that the transitional local council should be as small and yet as representative, as cost-effective and efficient as possible;
- (ii) that it be noted that the proposals of the ANC for a transitional local council with possibly a maximum of 26 seats, will be discussed with some of the non-statutory organisations of the SDF on Sunday, 1994-08-20 so that the proposals can be regarded as not coming from the ANC alone but from non-statutory alliance organisations;
- (iii) that the aforesaid proposals be referred to the follow-up meeting of this Committee on Wednesday, 1994-08-24 at 17:00 for consideration;



- (iv) that the transitional local Council be named the "Stellenbosch Transitional Council/Stellenbosch Oorgangraad";
- (v) that pending the outcome of the investigations by the Demarcation Board (boundaries of Cape Metropolitan Negotiating Forum and inclusion of Klappmuts in the Stellenbosch Municipal boundaries), the other outstanding matters also be pursued by this Committee at a further follow-up meeting;
- (vi) that regarding voter/councillor qualifications, subsection 179(g) of the Constitution of the RSA be retained; and
- (vii) that the proposed meetings of the Steering Committee on 1994-08-25 and SDF on 1994-09-01 not be proceeded with until this Committee has finalised its work, whereafter it must be referred to the CWC before it is submitted to the SDF for final approval.

(c) **Item 2.2 : Comment on proposals for Transitional Metropolitan Substructure Boundaries for the pre-interim period**

That the matter be further discussed at the follow-up meeting of the Committee as mentioned in 3.2.1(b)(v) above.

FOR CONSIDERATION.

3.3 TECHNICAL SUB-COMMITTEE MEETING OF CWC HELD ON 1994-08-24

The minutes are attached as **PAGES 16 - 20.**

FOR CONFIRMATION.

3.3.1 At a meeting of this Committee held on 1994-08-24 it was agreed:

(a) **Item 3 : Establishment of a Transitional Local Council**

- (i) dat daarvan kennis geneem word dat die nie-statutêre kookus wel op Sondag, 1994-08-20 vergader het maar kon slegs op 'n totaal van 28 raadslede ooreenkom sonder om konsensus te kon bereik oor hoe die verskeie groepe en areas op die nuwe Oorgangraad verteenwoordig sal word;
- (ii) dat ten einde 'n totaal van 26 of 28 raadslede te regverdig, die verskeie partye of groeperings van statutêre/nie-statutêre partye skriftelike voorstelle aan 'n opvolg-vergadering van hierdie komitee op Donderdag, 1994-09-01 om 17:00 voorlê oor die samestelling van 'n Oorgangraad waarop die verskeie partye en geografiese gebiede (statutêr sowel as nie-statutêr) verteenwoordiging sal hê;
- (iii) dat M Swartz toegelaat word om vergaderings van hierdie komitee as waarnemer by te woon, tot tyd en wyl uitklaring by die SGF verkry word oor verteenwoordiging van die satelliet dorpe en politieke partye op hierdie komitee (item 2(c)) van die notule van 1994-08-17);

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- (iv) dat die Fasiliteerders 'n vergadering met JAM van Schoor en MF Patel reël ten einde die geskil wat tydens die vergadering ontstaan het, by te lê; en
- (v) dat 'n brief in ooreg met MF Patel aan die Premier gerig word waarin versoek word dat uitsluitel oor die status (statutêr/nie-statutêr) van die vyf betrokke partye nou as 'n saak van dringendheid gegee word en daar nie gewag word op die finale goedkeuring van die grense van die Kaapse Metropolitaanse Onderhandelingsforum nie.

FOR CONSIDERATION.

3.4 TECHNICAL SUB-COMMITTEE MEETING OF THE CWC HELD ON 1994-09-01

The minutes are attached as PAGES 21 - 25.

FOR CONFIRMATION.

3.4.1 At a meeting of this Committee held on 1994-09-01 it was agreed:

(a) Item 3 : Establishment of a Transitional Local Council

- (i) that it be noted that, with the exception of the Freedom Front, no written proposals on the composition of a transitional local council were received from the different parties or statutory/non-statutory groupings;
- (ii) that the document submitted by HFV Boshoff (Freedom Front), be noted (with thanks) for further discussion and proposals at the next meeting of this Committee;
- (iii) that as a point of departure, the proposed 28 seats (to be increased to 30 if Klapmuts is included) be divided as follows:

Stellenbosch	:	22
Pniel/Johannesdal	:	2
Kylemore	:	2
Jamestown	:	2
(Klapmuts: 2)		-
Total		<u>28</u>

- (iv) that the Facilitators proceed with the arrangements for a meeting between JAM van Schoor and MF Patel as agreed to in item 3.1(d);
- (v) that pending the final decision by the Premier and Provincial Committee regarding the statutory/non-statutory issue and the boundaries of the Cape Metropolitan Negotiating Forum Area, the next meeting of this Committee be held on 1994-09-14 at 17:00, with 1994-09-21 as an alternative date if the aforementioned matters have not been finalised by the firstmentioned date;

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- (vi) that as the Provincial Committee will be meeting on Friday, 1994-09-09 to consider the recommendations of the Demarcation Board on the boundaries of the Cape Metropolitan Negotiating Forum Area, the Secretary, CTB Davy, be requested to make the necessary enquiries as to whether the boundary and statutory/non-statutory issue has been resolved and inform the members of this Committee accordingly;
- (vii) that if, as mentioned in (v) above, the issue has been resolved, the members of this Committee be requested to submit further proposals on a transitional local council not later than Monday, 1994-09-12, which can be collected from the Secretary on 1994-09-13 for perusal and further discussion at the meeting on 1994-09-14;
- (viii) that the letters of the parties concerned regarding the statutory/non-statutory issue be circulated, with their permission, to the members of this Committee; and
- (ix) that regarding the question of the attendance of observers/advisers of meetings of this Committee, the composition of this Committee remain as decided by the SDF.

FOR CONSIDERATION.

3.5 TECHNICAL SUB-COMMITTEE MEETING OF THE CWC HELD ON 1994-09-21

The minutes are attached as PAGES 26 - 33.

FOR CONFIRMATION.

3.5.1 At a meeting of this Committee held on 1994-09-21 it was agreed:

(a) Bywoning van waarnemers

dat met betrekking tot die bywoning van waarnemers van die vergaderings van dié tegniese subkomitee, die vorige besluit dat die samestelling van hierdie komitee onveranderd bly soos besluit deur die SGF, herbevestig word. (Waarnemers word dus uitgesluit).

(b) Item 2.1(b) : Vertroulikheid van die vergadering

dat die verrigtinge en ooreenkomste van die Tegniese Subkomitee as vertroulik deur alle partye teenwoordig hanteer word (spesifiek met uitsluiting van die pers) totdat die Subkomitee se aanbevelings aan die Konsitusionele Werkekomitee van die SGF rapporteer is.

(c) Item 3 : Daarstelling van Plaaslike Oorgangsraad

(i) Status van Pniel Bestuursraad

(aa) dat aangesien Pniel se insluiting by die Stellenbosch Forumgebied deur Provinsie inisieer is vir die pre-interim periode, Pniel Bestuursraad die aangeleentheid na oorlegpleging met Johannesburg en Kylemore Bestuurskomitees met Provinsie uitklaar;

9 uitersake

*Herr
Kleber
Kleber
Nietel
Franklin
1994-09-28*

AGENDA :

SDF CONSTITUTIONAL WORKING COMMITTEE

(bb) dat dit laasgenoemde Bestuurskomitees egter voortstaan om self 'n finale keuse na moontlike oorlegpleging met hul betrokke nie-statutêre groeperings oor inlywing/insluiting by die voormelde forum of die SGF, te doen.

Franklin

①

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(ii) Aantal setels van die plaaslike oorgangsraad

dat voortstaan word met 28 setels (om uitgebrei te word na 30 as Klappmuts ingesluit word, en/of proporsioneel verminder te word indien Pniel/Johannesdal en/of Kylemore onttrek) om as riglyn op 'n 50/50 basis soos volg ingedeel te word:

Stellenbosch/Cloeteville en Idasvallei/Kaya Mandi	22
Jamestown	2
Kylemore	2
Pniel/Johannesdal (Klappmuts 2)	2
Totaal	28 (30)

Franklin
Oldwiede plek
Budget not to be decrease

(iii) Uitsluitel oor status van vyf partye in dispuut

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(aa) dat indien die Premier voor die eersvolgende Konstitusionele Werkekomiteevergadering op 1994-09-28 uitsluitel oor die vyf partye in dispuut gee, die beslissing van die Premier oor hul status aanvaar word; en

STAT

NON STAT

(bb) dat met die oog op vordering plaaslik:

④ STADSRAD	ANC	3	(1)
2 BESJUK	SANC	3	①
2 K.M.T.C.	PAC	1?	
2 NP ACDP DPV	SHAC	2	<i>aanvaar vir almal</i>
1 STR. RATE	IDAS - INWONERS	①	(2)

indien uitsluitel nie op 1994-09-28 van die Premier verkry word nie, die ondergenoemde indelings van die vyf partye in dispuut ter oorweging aan die Konstitusionele Werkekomitee gestel word, met dien verstande dat die verteenwoordigers die aangeentheid vooraf met hul betrokke partye/instansies uitklaar, nl:

Statutêr NP, DP en Stellenbosch Belastingbetalersvereniging
Nie-statutêr ACDP en Vryheidsfront

die SGF se aansoek by die Premier om uitklaring van die status van die 5 partye in dispuut na 'n ooreenkoms gemeld in sub-item (aa) bereik is, summier teruggetrek word; en

die politieke partye hul nie sal beywer vir verteenwoordiging (van alle partye) op die benoemde plaaslike oorgangsraad nie;

dat ten einde die voormelde so spoedig doenlik te implementeer die volgende reëlings/vergaderings plaasvind:

dat die Konstitusionele Werkekomitee op 1994-09-28 om 18:00 vergader om die aangeentheid onder items 3(b) en (c) te oorweeg;

①
①
①
VEUG

①	JAMES NS	①
①	KYLEMORE	①
①	PNIEL/JOHANNESDAL	①
①	KLAPPMUTS	①
①	ACDP	①
①	VV	①

*PAC 1 2 50
SHAC 3 2 50
SANC 3 2
SHAC 1-32
2
3*

- (bb) dat die statutêre en nie-statutêre komponente soos waarop ooreengekom word op 1994-09-28 na afloop van die voormelde vergadering apart met die hulp van 'n fasiliteerder vergader om te besluit op getal genomineerdes per betrokke partye/instansies binne die twee Komponente, met dien verstande dat die partye/instansies op 'n latere datum wat deur die Konstitusionele Werkekomitee bepaal staan te word, hul spesifieke nominasies binne ooreengekome kwotas aan die Sekretaris van die SGF voorlê;
- (cc) dat daar op 1994-09-28 om 20:00 na afloop van die vergaderings gemeld onder sub-item (ii), 'n Spesiale SGF vergadering in die Raadsaal gehou word om die betrokke sake waarop ooreengekom is, te bekragtig;
- (dd) dat verseker word dat alle potensiële kandidate aan die gestelde en aanvaarde kwalifikasievereistes voldoen; en
- (ee) dat alle betrokke instansies/organisasies poog om 'n breër mandaat te verkry om besluitneming te bespoedig.
- (d) **Item 4 : Opstel van rooster vir implementering van Oorgangsraad/Plaaslike Regering Koördineringskomitee**
- (i) dat die teikendatum van 1994-10-01 na 1994-11-01 gewysig word; en
- (ii) dat die opstel van 'n tydrooster na 'n volgende vergadering verwys word.

TER OORWEGING.

NOTULE VAN DIE VERGADERING VAN DIE SGF KONSTITUSIONELE WERKEKOMITEE GEHOU TUSSEN VERTEENWOORDIGERS VAN DIE STELLENBOSCH EN OMGEWING GEMEENSKAPSGEBASEERDE ORGANISASIES EN STATUTÊRE LIGGAME IN DIE RAADSAAL, STADHUIS, PLEINSTRAAT, STELLENBOSCH OP MAANDAG, 1994-08-08 OM 19:30

TEENWOORDIG:

Fasiliteerder : S Adams (Voorsitter)

Volle lede:

Bestaande Statutêre Liggame:

**Gesamentlike Stellenbosch Stadsraad/
Bestuurskomitee vir Idasvallei/Cloetesville** : JAM van Schoor
DEW Schumann
EPS Taljaard
RP Conradie
J Cawood
AA Smit (Adviseur)
JP Retief (Adviseur)
L de Villiers (Adviseur)
CTB Davy (Sekretaris)

Johannesdal Bestuurskomitee : W Meyer

Pniel Bestuursraad : PJ Cyster

Jamestown Gebiedskomitee : PJ vd Rheede
CP Jooste
I February

Stellenbosch Belastingbetalersvereniging : BJP Pienaar

SHAC : W Nel
P Louw

ANC : F Adams
RE Moses
IJ Simmers

Nasionale Party : AH Gaum
N Flaatten
DJ Oosthuizen

Eikestad Inwonersvereniging : WF Pietersen

Jamestown Gemeenskapsvereniging : HD Jooste
AH Williams
KC Daniels

Jamestown Aksiegroep : DB Azer
M Stone

Vryheidsfront : HFV Boshoff

ACDP : Me SI Buchner
PJ Pelsler

- (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 20.

A copy of circular No C/37/1994 dated 1994-07-25 received from the Province of the Western Cape was previously circulated.

A report will be tabled.

FOR CONSIDERATION.

- 3.3.1 Die notule van die gemelde vergadering word nie weer aangeheg nie - **alreeds gesirkuleer.**

OOREENGEKOM

- (a) dat die sake waaroor ooreengekom is goedgekeur word;
- (b) dat 'n Spesiale Vergadering van die SGF op 1994-08-11 om 19:00 gehou word ten einde hierdie Konstitusionele Werkekomiteevergadering se notule te bekragtig en die nodige goedkeuring van die SGF as 'n onderhandelingsforum as 'n saak van dringendheid by die Provinsiale Komitee te verkry (wat verder onderhewig is aan die uitslag van die bevindinge van die Afbakeningsraad);
- (c) dat die belê van 'n Loodskomiteevergadering om die opstel van die agenda van die voormelde Spesiale Vergadering van die SGF, opgeskort word;
- (d) dat die Tegniese Subkomitee van die Konstitusionele Werkekomitee (Oorgangsraad) se lidmaatskap uitgebrei word om vier verteenwoordigers van die satelliet dorpe (statutêr sowel as nie-statutêr) in te sluit;
- (e) dat die nie-statutêre komponent van die satelliet dorpe gesamentlik twee verteenwoordigers aanwys asook twee verteenwoordigers deur die betrokke statutêre komponent; en
- (f) dat die voormelde uitgebreide Tegniese Subkomitee van die Konstitusionele Werkekomitee 'n program uitwerk met 1994-10-01 as teikendatum vir die instelling van 'n plaaslike oorgangsraad.

Die vergadering verdaag om 20:35.

BEKRAGTIG.

VOORSITTER

cwc08h94/cr

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 WEDNESDAY, 1994-08-17 at 18:00

FPRESENT:

Facilitators : S Adams (Chairperson)

Members:

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

Jamestown Area Committee : CP Jooste

Stellenbosch Ratepayers Association : BJP Pienaar

Freedom Front : HFV Boshoff

ANC : MF Patel

National Party : DJ Oosthuizen

Kylemore Ratepayers and Residents Association : D Carolissen

SANCO : MM Ngcofe

PAC : M Swartz (Observer)

* * * * *

1. **LEAVE OF ABSENCE**

1. **RESOLVED**

that leave of absence be granted to W Nel (SHAC), CVR Honey and L du Plessis (Facilitators).

2. **LOCAL GOVERNMENT TRANSITION ACT, 1993 : STRUCTURING OF LOCAL GOVERNMENT IN THE PRE-INTERIM PERIOD**

At a Special SDF meeting held on 1994-08-11 it was agreed, inter alia, that the membership of the Technical Sub-committee of the CWC (Transitional Local Council) be extended to include two representatives from the satellite towns (one from the statutory and one from the non-statutory side) and two representatives from the other political parties to address the relevant issues pertaining to the establishment of a Transitional Local Council for Stellenbosch in the pre-interim period. The following persons were nominated:

D Carolissen (Kylemore Ratepayers and Residents Association)
CP Jooste (Jamestown Area Committee)
DJ Oosthuizen (National Party)
HFV Boshoff (Vryheidsfront)

An extract from the Local Government Transition Act, 1993 (Part IV) was previously circulated.

FOR INFORMATION.

2. AGREED

- (a) that it be noted that initially the transitional local council model (50/50 model) be investigated for acceptance but should consensus not be reached on this model the local government co-ordinating model also be considered as an option;
- (b) that it be noted that the composition of the Technical Sub-committee as agreed at the Special SDF meeting held on 1994-08-11, can be verified by the tape recording of the aforesaid meeting;
- (c) that the issue of the representatives from the satellite towns and political parties be referred back to the SDF for clarity; and
- (d) that M Swartz be allowed to remain at the meeting as an observer.

2.1 Establishment of a Transitional Local Council

The following matters must be negotiated:

- (a) The acceptance of one of the following two models in the interim phase viz:

The Transitional Local Council Model
The Local Government Co-ordinating Model

- (b) **The transitional local council**

A transitional local council is a new council with councillors appointed by a negotiating forum.

Therefore, where a forum decides to adopt the transitional local council model, it must negotiate on the following matters:

- (i) The total number of "seats", i.e. councillor positions, for the new council, using the existing number of seats of all the existing local government bodies included in the forum as a point of departure.(ii) Which persons are to be nominated to be councillors.
- (iii) The name of the transitional local council.
- (iv) The termination of the terms of office of those members who are councillors but who are not to be appointed to the pre-interim transitional council.
- (v) The dissolution of the existing local government bodies where a single new boundary is negotiated, including:

- (aa) the transfer of the employees of such bodies to the service of the transitional local council on conditions not less favourable than those under which they served their previous employer and subject to the applicable labour law;
 - (bb) the winding-up or transfer of the assets, liabilities, rights and obligations of the local government bodies concerned, including the protection of such assets from attachment and sale in execution;
 - (cc) the continued application of the resolutions, by-laws or regulations of the local government bodies concerned.
- (vi) The protection of the rights, benefits, remuneration, allowances and pensions of employees of local government bodies in the forum area, subject to the applicable labour law, e.g. where existing boundaries remain but there is to be one council and one administration.
- (c) **The local government co-ordinating committee**

The essence of a local government co-ordinating committee is that the co-ordinating committee is given certain powers, duties and functions and all other powers, duties and functions remain with the local government bodies involved in the forum area.

The forum may therefore agree on a co-ordinating committee with specified powers, duties and functions, and it may negotiate on the matters referred to in subparagraphs (ii), (iii) and (vi) above for the other model. However, in the case of this model the following powers, duties and functions must be assigned to the co-ordinating committee:

- (i) Access by all persons resident within the forum area to the water supply, and to sewage purification and electricity and, if so agreed by all the local government bodies, access also to refuse removal, roads and stormwater drainage, health services, emergency services, financial administration and any other service agreed upon. The purpose of this provision is to ensure access by all residents in these areas to these services. Where the local government bodies in the forum area cannot, jointly or severally, supply electricity themselves, the co-ordinating committee must negotiate for this to be done by any other competent body.
- (ii) The approval of the budget of the co-ordinating committee in respect of its powers and duties. There are a number of provisos to this provision which are of a compulsory nature, as follows:
 - (aa) The budget must be prepared in accordance with the applicable law (the term "applicable law" is explained below under the heading The Applicable Law).

- (bb) All available and applicable resources (in the forum area) must be used in an efficient manner and on an equitable basis (the word "equitable" should be interpreted as meaning on a fair and equal basis as far as possible).
- (cc) The income part of the above-mentioned budget must at least include an amount of not less than 10 % of the assessment rates paid to the local government bodies in the 1993/1994 financial year. This provision naturally only applies to areas where there are ratepayers. The 10 % contribution must be used to improve and restore those services which are identified by the co-ordinating committee and ranked in order of priority by it.
- (dd) Intergovernmental grants and contributions by the regional services council must be paid to the co-ordinating committee for inclusion in its budget and these monies will be allocated and distributed by the co-ordinating committee to any of the local government bodies in its area to address services and development backlogs as identified by the co-ordinating committee and ranked in order of priority by it.
- (iii) The investigation of the rationalization of the administration and personnel of the individual local government bodies in the forum area and, subject to the applicable labour law, the implementation of a programme of rationalization. This programme must be completed by the time the interim phase commences.
- (iv) The forum is also required to negotiate on the following:
- The total number of seats (councillors' positions) in the co-ordinating committee and the representation on the co-ordinating committee of the local government bodies within the forum area and such other persons as may be nominated by the forum.
- (v) The nomination of persons for appointment as members of the co-ordinating committee.

A copy of Circular No C/37/1904 dated 1994-07-25 was **previously circulated**.

(d) Voter/Councillor Qualifications

In connection with qualifications of councillors for the pre-interim council/committee (extract from the Constitution of the RSA attached as **PAGE 28**) the SDF decided on 1994-04-07 (item 3.4.1(d)):

- (i) 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);

- (ii) 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
- (iii) that if deemed necessary the scrapping of subsection 179(g) (Councillors) be further considered before the final agreement is finalised.

FOR CONSIDERATION.2.1 **AGREED**

- (a) that regarding the acceptance of a model and total number of seats for the new council, it be accepted in principle that the transitional local council should be representative and as cost-effective and efficient as possible;
- (b) that it be noted that the proposals of the ANC for a transitional local council with possibly a maximum of 26 seats, will be discussed with some of the non-statutory organisations of the SDF on Sunday, 1994-08-20 so that the proposals can be regarded as not coming from the ANC alone but from non-statutory alliance organisations;
- (c) that the aforesaid proposals be referred to the follow-up meeting of this Committee on Wednesday, 1994-08-24 at 17:00 for consideration;
- (d) that the transitional local Council be named the "Stellenbosch Transitional Council/Stellenbosch Oorgangsrraad";
- (e) that pending the outcome of the investigations by the Demarcation Board (boundaries of Cape Metropolitan Negotiating Forum and inclusion of Klipmuts in the Stellenbosch Municipal boundaries), the other outstanding matters also be pursued by this Committee at a further follow-up meeting;
- (f) that regarding voter/councillor qualifications, subsection 179(g) of the Constitution of the RSA be retained; and
- (g) that the proposed meetings of the Steering Committee on 1994-08-25 and SDF on 1994-09-01 not be proceeded with until this Committee has finalised its work, whereafter it must be referred to the CWC before it is submitted to the SDF for final approval.

2.2 **Comment on proposals for Transitional Metropolitan Substructure Boundaries for the Pre-interim Period**

The letter dated 1994-08-04 received from the Cape Metropolitan Negotiating Forum that was tabled at the Special SDF meeting held on 1994-08-11 and referred to this Committee, was **previously circulated**.

FOR CONSIDERATION.

2.2 **AGREED**

that the matter be further discussed at the follow-up meeting of this Committee as mentioned in 2.1(e) above.

The meeting adjourned at 19:15.

CONFIRMED.

CHAIRPERSON.

tsc17h94/cr

MOTULE VAN 'N VERGADERING VAN DIE SGF TEGNIESE SUBKOMITEE VAN DIE KONSTITUSIONELE WERKEKOMITEE (OORGANGSRAAD) TUSSEN VERTEENWOORDIGERS VAN DIE STELLENBOSCH EN OMGEWING GEMEENSAPSGEBASEERDE ORGANISASIES EN STATUTêRE LIGGAME GEHOU IN DIE RAADSAAL, STADHUIS, PLEINSTRAAT, STELLENBOSCH OP WOENSDAG, 1994-08-24 OM 17:00

TEENWOORDIG:

Fasiliteerders	:	L du Plessis (Voorsitter) CVR Honey
Munisipaliteit Stellenbosch	:	JAM van Schoor DEW Schumann JP Retief (Adviseur) L de Villiers (Adviseur) CTB Davy (Sekretaris)
ANC	:	MF Patel
Nasionale Party	:	DJ Oosthuizen
Vryheidsfront	:	HFV Boshoff
Jamestown Gebiedskomitee	:	CP Jooste
Stellenbosch Belastingbetalers- vereniging	:	BJP Pienaar
Kylemore Huurders- en Belasting- betalersvereniging	:	D Carolissen
SANCO	:	MM Ngcofe
PAC	:	M Swartz (Waarnemer)

* * * * *

1. LEAVE OF ABSENCE.

1. GEEN.

2. MINUTES OF THE MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-08-17

The minutes are not attached - previously circulated.

FOR INFORMATION.

2. KENNIS GENEEM.

3. ESTABLISHMENT OF A TRANSITIONAL LOCAL COUNCIL

3.1 At a meeting of this Committee held on 1994-08-17 it was agreed:

(a) that regarding the acceptance of a model and total number of seats for the new council, it be accepted in principle that the transitional local council

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SUBKOMITEE : KONSTITUSIONELE WERKE-
KOMITEE (OORGANGSRAAD)**

: 1994-08-24

should be as small and yet as representative and as cost-effective and efficient as possible;

- (b) that it be noted that the proposals of the ANC for a transitional local council with possibly a maximum of 26 seats, will be discussed with some of the non-statutory organisations of the SDF on Sunday, 1994-08-20 so that the proposals can be regarded as not coming from the ANC alone but from non-statutory alliance organisations;
- (c) that the aforesaid proposals be referred to the follow-up meeting of this Committee on Wednesday, 1994-08-24 at 17:00 for consideration;
- (d) that the transitional local Council be named the "Stellenbosch Transitional Council/Stellenbosch Oorgangsraad";
- (e) that pending the outcome of the investigations by the Demarcation Board (boundaries of Cape Metropolitan Negotiating Forum and inclusion of Klapmuts in the Stellenbosch Municipal boundaries), the other outstanding matters also be pursued by this Committee at a further follow-up meeting;
- (f) that regarding voter/councillor qualifications, subsection 179(g) of the Constitution of the RSA be retained; and
- (g) that the proposed meetings of the Steering Committee on 1994-08-25 and SDF on 1994-09-01 not be proceeded with until this Committee has finalised its work, whereafter it must be referred to the CWC before it is submitted to the SDF for final approval.

3.2 The following outstanding matters must now be negotiated:

- (a) The acceptance of one of the following two models in the interim phase viz:

The Transitional Local Council Model
The Local Government Co-ordinating Model

- (b) **The transitional local council**

A transitional local council is a new council with councillors appointed by a negotiating forum.

Therefore, where a forum decides to adopt the transitional local council model, it must negotiate on the following matters:

- (i) The total number of "seats", i.e. councillor positions, for the new council, using the existing number of seats of all the existing local government bodies included in the forum as a point of departure;
- (ii) Which persons are to be nominated to be councillors. (The proposals of the ANC as mentioned in 3.1(b) above will be tabled verbally).
- (iii) The termination of the terms of office of those members who are councillors but who are not to be appointed to the pre-interim transitional council.
- (iv) The dissolution of the existing local government bodies where a single new boundary is negotiated, including:

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 SUBKOMITEE : KONSTITUSIONELE WERKE-
 KOMITEE (OORGANGSRAAD)

: 1994-08-24

- (aa) the transfer of the employees of such bodies to the service of the transitional local council on conditions not less favourable than those under which they served their previous employer and subject to the applicable labour law;
 - (bb) the winding-up or transfer of the assets, liabilities, rights and obligations of the local government bodies concerned, including the protection of such assets from attachment and sale in execution;
 - (cc) the continued application of the resolutions, by-laws or regulations of the local government bodies concerned.
- (v) The protection of the rights, benefits, remuneration, allowances and pensions of employees of local government bodies in the forum area, subject to the applicable labour law, e.g. where existing boundaries remain but there is to be one council and one administration.
- (c) **The local government co-ordinating committee**

The essence of a local government co-ordinating committee is that the co-ordinating committee is given certain powers, duties and functions and all other powers, duties and functions remain with the local government bodies involved in the forum area.

The forum may therefore agree on a co-ordinating committee with specified powers, duties and functions, and it may negotiate on the matters referred to in subparagraphs (ii), (iii) and (vi) above for the other model. However, in the case of this model the following powers, duties and functions must be assigned to the co-ordinating committee:

- (i) Access by all persons resident within the forum area to the water supply, and to sewage purification and electricity and, if so agreed by all the local government bodies, access also to refuse removal, roads and stormwater drainage, health services, emergency services, financial administration and any other service agreed upon. The purpose of this provision is to ensure access by all residents in these areas to these services. Where the local government bodies in the forum area cannot, jointly or severally, supply electricity themselves, the co-ordinating committee must negotiate for this to be done by any other competent body.
- (ii) The approval of the budget of the co-ordinating committee in respect of its powers and duties. There are a number of provisos to this provision which are of a compulsory nature, as follows:
 - (aa) The budget must be prepared in accordance with the applicable law (the term "applicable law" is explained below under the heading The Applicable Law).
 - (bb) All available and applicable resources (in the forum area) must be used in an efficient manner and on an equitable basis (the word "equitable" should be interpreted as meaning on a fair and equal basis as far as possible).

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- (cc) The income part of the above-mentioned budget must at least include an amount of not less than 10 % of the assessment rates paid to the local government bodies in the 1993/1994 financial year. This provision naturally only applies to areas where there are ratepayers. The 10 % contribution must be used to improve and restore those services which are identified by the co-ordinating committee and ranked in order of priority by it.
- (dd) Intergovernmental grants and contributions by the regional services council must be paid to the co-ordinating committee for inclusion in its budget and these monies will be allocated and distributed by the co-ordinating committee to any of the local government bodies in its area to address services and development backlogs as identified by the co-ordinating committee and ranked in order of priority by it.
- (iii) The investigation of the rationalization of the administration and personnel of the individual local government bodies in the forum area and, subject to the applicable labour law, the implementation of a programme of rationalization. This programme must be completed by the time the interim phase commences.
- (iv) The forum is also required to negotiate on the following:

The total number of seats (councillors' positions) in the co-ordinating committee and the representation on the co-ordinating committee of the local government bodies within the forum area and such other persons as may be nominated by the forum.
- (v) The nomination of persons for appointment as members of the co-ordinating committee.

3. OOREENGEKOM

- (a) dat daarvan kennis geneem word dat die nie-statutêre kouskus wel op Sondag, 1994-08-20 vergader het maar kon slegs op 'n totaal van 28 raadslede ooreenkom sonder om konsensus te kon bereik oor hoe die verskeie groepe en areas op die nuwe Oorgangsraad verteenwoordig sal word;
- (b) dat ten einde 'n totaal van 26 of 28 raadslede te regverdig, die verskeie partye of groeperings van statutêre/nie-statutêre partye skriftelike voorstelle aan 'n opvolg-vergadering van hierdie komitee op Donderdag, 1994-09-01 om 17:00 voorlê oor die samestelling van 'n Oorgangsraad waarop die verskeie partye en geografiese gebiede (statutêr sowel as nie-statutêr) verteenwoordiging sal hê;
- (c) dat M Swartz toegelaat word om vergaderings van hierdie komitee as waarnemer by te woon, tot tyd en wyl uitklaring by die SGF verkry word oor verteenwoordiging van die satelliet dorpe en politieke partye op hierdie komitee (item 2(c)) van die notule van 1994-08-17);
- (d) dat die Fasiliteerders 'n vergadering met JAM van Schoor en MF Patel reël ten einde die geskil wat tydens die vergadering ontstaan het, by te lê; en

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-
- (e) dat 'n brief in oorleg met MF Patel aan die Premier gerig word waarin versoek word dat uitsluitel oor die status (statutêr/nie-statutêr) van die vyf betrokke partye nou as 'n saak van dringendheid gegee word en daar nie gewag word op die finale goedkeuring van die grense van die Kaapse Metropolitaanse Onderhandelingsforum nie.

4. **DRAWING UP OF TIMETABLE FOR IMPLEMENTATION OF TRANSITIONAL LOCAL COUNCIL/LOCAL GOVERNMENT CO-ORDINATING COMMITTEE**

At the CWC meeting held on 1994-08-08 (item 3.3.1(f)) it was agreed that this Committee draw up a timetable for the implementation of a transitional local council/local government co-ordinating committee with 1994-10-01 as target date.

FOR CONSIDERATION.

4. **OOREENGEKOM**

dat die aangeleentheid oorstaan vir verdere oorweging by die volgende vergadering.

Die vergadering verdaag om 19:00.

BEKRAGTIG.

VOORSITTER.

tsc24h94/cr

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 THURSDAY, 1994-09-01 at 17:00

FPRESENT:

Facilitators : S Adams (Chairperson)

Members:

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

Jamestown Area Committee : CP Jooste

Stellenbosch Ratepayers Association : BJP Pienaar

Freedom Front : HFV Boshoff

ANC : MF Patel

National Party : DJ Oosthuizen

SANCO : MM Ngcofe

SHAC : W Nel
P Louw (Observer)

Eikestad Residents Association : WF Pietersen (Observer)

* * * * *

1. **LEAVE OF ABSENCE.**

1. **RESOLVED**

that leave of absence be granted to D Carolissen (Kylemore Ratepayers and Residents Association, CVR Honey and L du Plessis (Facilitators).

2. **MINUTES OF THE MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-08-24**

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

FOR INFORMATION.

2. **NOTED.**

3. **ESTABLISHMENT OF A TRANSITIONAL LOCAL COUNCIL**

3.1 Tydens 'n vergadering van hierdie komitee gehou op 1994-08-24 (item 3) was daar ooreengekom:

- (a) dat daarvan kennis geneem word dat die nie-statutêre kousus wel op Sondag, 1994-08-20 vergader het maar kon slegs op 'n totaal van 28 raadslede ooreenkom sonder om konsensus te kon bereik oor hoe die verskeie groepe en areas op die nuwe Oorgangsraad verteenwoordig sal word;

- (b) dat ten einde 'n totaal van 26 of 28 raadslede te regverdig, die verskeie partye of groeperings van statutêre/nie-statutêre partye skriftelike voorstelle aan 'n opvolg-vergadering van hierdie komitee op Donderdag, 1994-09-01 om 17:00 voorlê oor die samestelling van 'n Oorgangsraad waarop die verskeie partye en geografiese gebiede (statutêr sowel as nie-statutêr) verteenwoordiging sal hê;
- (c) dat M Swartz toegelaat word om vergaderings van hierdie komitee as waarnemer by te woon, tot tyd en wyl uitklaring by die SDF verkry word oor verteenwoordiging van die satelliet dorpe en politieke partye op hierdie komitee (item 2(c)) van die notule van 1994-08-17);
- (d) dat die Fasiliteerders 'n vergadering met JAM van Schoor en MF Patel reël ten einde die geskil wat tydens die vergadering ontstaan het, by te lê; en
- (e) dat 'n brief in oorleg met MF Patel aan die Premier gerig word waarin versoek word dat uitsluitel oor die status (statutêr/nie-statutêr) van die vyf betrokke partye nou as 'n saak van dringendheid gegee word en daar nie gewag word op die finale goedkeuring van die grense van die Kaapse Metropolitaanse Onderhandelingsforum nie.

TER TERUGRAPPORTERING/OORWEGING.

3.2 The following outstanding matters must now be negotiated:

- (a) The acceptance of one of the following two models in the interim phase viz:

The Transitional Local Council Model
The Local Government Co-ordinating Model

- (b) **The transitional local council**

A transitional local council is a new council with councillors appointed by a negotiating forum.

Therefore, where a forum decides to adopt the transitional local council model, it must negotiate on the following matters:

- (i) The total number of "seats", i.e. councillor positions, for the new council, using the existing number of seats of all the existing local government bodies included in the forum as a point of departure;
- (ii) Which persons are to be nominated to be councillors. (The proposals of the ANC as mentioned in 3.1(b) above will be tabled verbally).
- (iii) The termination of the terms of office of those members who are councillors but who are not to be appointed to the pre-interim transitional council.
- (iv) The dissolution of the existing local government bodies where a single new boundary is negotiated, including:
 - (aa) the transfer of the employees of such bodies to the service of the transitional local council on conditions not less favourable than those under which they served their previous employer and subject to the applicable labour law;
 - (bb) the winding-up or transfer of the assets, liabilities, rights and obligations of the local government bodies

concerned, including the protection of such assets from attachment and sale in execution;

(cc) the continued application of the resolutions, by-laws or regulations of the local government bodies concerned.

(v) The protection of the rights, benefits, remuneration, allowances and pensions of employees of local government bodies in the forum area, subject to the applicable labour law, e.g. where existing boundaries remain but there is to be one council and one administration.

(c) **The local government co-ordinating committee**

The essence of a local government co-ordinating committee is that the co-ordinating committee is given certain powers, duties and functions and all other powers, duties and functions remain with the local government bodies involved in the forum area.

The forum may therefore agree on a co-ordinating committee with specified powers, duties and functions, and it may negotiate on the matters referred to in subparagraphs (ii), (iii) and (vi) above for the other model. However, in the case of this model the following powers, duties and functions must be assigned to the co-ordinating committee:

- (i) Access by all persons resident within the forum area to the water supply, and to sewage purification and electricity and, if so agreed by all the local government bodies, access also to refuse removal, roads and stormwater drainage, health services, emergency services, financial administration and any other service agreed upon. The purpose of this provision is to ensure access by all residents in these areas to these services. Where the local government bodies in the forum area cannot, jointly or severally, supply electricity themselves, the co-ordinating committee must negotiate for this to be done by any other competent body.
- (ii) The approval of the budget of the co-ordinating committee in respect of its powers and duties. There are a number of provisos to this provision which are of a compulsory nature, as follows:
- (aa) The budget must be prepared in accordance with the applicable law (the term "applicable law" is explained below under the heading The Applicable Law).
- (bb) All available and applicable resources (in the forum area) must be used in an efficient manner and on an equitable basis (the word "equitable" should be interpreted as meaning on a fair and equal basis as far as possible).
- (cc) The income part of the above-mentioned budget must at least include an amount of not less than 10 % of the assessment rates paid to the local government bodies in the 1993/1994 financial year. This provision naturally only applies to areas where there are ratepayers. The 10 % contribution must be used to improve and restore those services which are identified by the co-ordinating committee and ranked in order of priority by it.

- (dd) Intergovernmental grants and contributions by the regional services council must be paid to the co-ordinating committee for inclusion in its budget and these monies will be allocated and distributed by the co-ordinating committee to any of the local government bodies in its area to address services and development backlogs as identified by the co-ordinating committee and ranked in order of priority by it.
- (iii) The investigation of the rationalization of the administration and personnel of the individual local government bodies in the forum area and, subject to the applicable labour law, the implementation of a programme of rationalization. This programme must be completed by the time the interim phase commences.
- (iv) The forum is also required to negotiate on the following:

The total number of seats (councillors' positions) in the co-ordinating committee and the representation on the co-ordinating committee of the local government bodies within the forum area and such other persons as may be nominated by the forum.
- (v) The nomination of persons for appointment as members of the co-ordinating committee.

An extract from the Local Government Transition Act, 1993 (Part IV and paragraph 4 and 5 of Schedule 1), was **previously circulated**.

FOR CONSIDERATION.

3. AGREED

- (a) that it be noted that, with the exception of the Freedom Front, no written proposals on the composition of a transitional local council were received from the different parties or statutory/non-statutory groupings;
- (b) that the document submitted by HFV Boshoff (Freedom Front), attached as **PAGES 14 - 16**, be noted (with thanks) for further discussion and proposals at the next meeting of this Committee;
- (c) that as a point of departure, the proposed 28 seats (to be increased to 30 if Klapmuts is included) be divided as follows:

Stellenbosch	:	22
Pniel/Johannesdal	:	2
Kylemore	:	2
Jamestown	:	2
(Klapmuts: 2)		—
Total		<u>28</u>

- (d) that the Facilitators proceed with the arrangements for a meeting between JAM van Schoor and MF Patel as agreed to in item 3.1(d);
- (e) that pending the final decision by the Premier and Provincial Committee regarding the statutory/non-statutory issue and the boundaries of the Cape Metropolitan Negotiating Forum Area, the next meeting of this Committee be

held on 1994-09-14 at 17:00, with 1994-09-21 as an alternative date if the forementioned matters have not been finalised by the firstmentioned date;

- (f) that as the Provincial Committee will be meeting on Friday, 1994-09-09 to consider the recommendations of the Demarcation Board on the boundaries of the Cape Metropolitan Negotiating Forum Area, the Secretary, CTB Davy, be requested to make the necessary enquiries as to whether the boundary and statutory/non-statutory issue has been resolved and inform the members of this Committee accordingly;
- (g) that if, as mentioned in (f) above, the issue has been resolved, the members of this Committee be requested to submit further proposals on a transitional local council not later than Monday, 1994-09-12, which can be collected from the Secretary on 1994-09-13 for perusal and further discussion at the meeting on 1994-09-14;
- (h) that the letters of the parties concerned regarding the statutory/non-statutory issue be circulated, with their permission, to the members of this Committee; and
- (i) that regarding the question of the attendance of observers/advisers of meetings of this Committee, the composition of this Committee remain as decided by the SDF.

4. **DRAWING UP OF TIMETABLE FOR IMPLEMENTATION OF TRANSITIONAL LOCAL COUNCIL/LOCAL GOVERNMENT CO-ORDINATING COMMITTEE**

At the CWC meeting held on 1994-08-08 (item 3.3.1(f)) it was agreed that this Committee draw up a timetable for the implementation of a transitional local council/local government co-ordinating committee with 1994-01-01 as target date.

FOR CONSIDERATION.

4. **AGREED**

that the matter stand over till the next meeting.

The meeting adjourned at 18:50.

CONFIRMED

CHAIRPERSON

tsc01i94/cr

NOTULE VAN DIE SGF TEGNIESE SUBKOMITEEVERGADERING VAN DIE KONSTITUSIONELE WERKEKOMITEE (OORGANGS PLAASLIKE RAAD) GEHOU IN DIE RAADSAAI, STADHUIS, PLEINSTRAAT, STELLENBOSCH OP WOENSDAG, 1994-09-21 OM 17:00

TEENWOORDIG:

Fasiliteerders : CVR Honey (Voorsitter)
S Adams

Lede:

Munisipaliteit van Stellenbosch : DEW Schumann
JAM van Schoor
JP Retief (Sekretaris)

Kylemore Belastingbetalers en Inwonersvereniging : D Carolissen

Jamestown Gebiedskomitee : CP Jooste

Stellenbosch Belastingbetalers-vereniging : BJP Pienaar

Vryheidsfront : HFV Boshoff

ANC : MF Patel

Nasionale Party : DJ Oosthuizen

SHAC : W Nel

Adviseur : L de Villiers

* * * * *

1. **LEAVE OF ABSENCE**

1. **BESLUIT**

dat verlof tot afwesigheid aan MM Ngcofe (SANCO) en L du Plessis (Fasiliteerder) toegestaan word.

2. **MINUTES OF THE MEETING OF THE TECHNICAL SUB-COMMITTEE OF THE CWC (TRANSITIONAL LOCAL COUNCIL) HELD ON 1994-09-01**

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

2. **KENNIS GENEEM.**

NOTULE :

**SGF TEGNIESE SUBKOMITEEVERGADERING
VAN DIE KONSTITUSIONELE WERKEKOMITEE
(OORGANGS PLAASLIKE RAAD)**

: 1994-09-21

2.1 SAKE VOORTSPRUITEND UIT DIE NOTULE

- (a)
- Item 3.1(c) : Bywoning van waarnemers**

BESLUIT

dat met betrekking tot die bywoning van waarnemers van die vergaderings van dié tegniese subkomitee, die vorige besluit dat die samestelling van hierdie komitee onveranderd bly soos besluit deur die SGF, herbevestig word. (Waarnemers word dus uitgesluit).

- (b)
- Item 3.1(d) : Vertroulikheid van die vergadering**

BESLUIT

dat die verrigtinge en ooreenkomste van die Tegniese Subkomitee as vertroulik deur alle partye teenwoordig hanteer word (spesifiek met uitsluiting van die pers) totdat die Subkomitee se aanbevelings aan die Konsitusionele Werkekomitee van die SGF rapporteer is.

3. ESTABLISHMENT OF A TRANSITIONAL LOCAL COUNCIL**3.1 At a meeting of this Committee held on 1994-09-01 (item 3), it was agreed:**

- (a) that it be noted that, with the exception of the Freedom Front, no written proposals on the composition of a transitional local council were received from the different parties or statutory/non-statutory groupings;
- (b) that the document submitted by HFV Boshoff (Freedom Front), be noted (with thanks) for further discussion and proposals at the next meeting of this Committee;
- (c) that as a point of departure, the proposed 28 seats (to be increased to 30 if Klapmuts is included) be divided as follows:

Stellenbosch	:	22
Pniel/Johannesdal	:	2
Kylemore	:	2
Jamestown	:	2
(Klapmuts: 2)		—
Total		<u>28</u>

- (d) that the Facilitators proceed with the arrangements for a meeting between JAM van Schoor and MF Patel as agreed to in item 3.1(d);

NOTULE : **SGF TEGNIESE SUBKOMITEEVERGADERING** : 1994-09-21
VAN DIE KONSTITUSIONELE WERKEKOMITEE
(OORGANGS PLAASLIKE RAAD)

- (e) that pending the final decision by the Premier and Provincial Committee regarding the statutory/non-statutory issue and the boundaries of the Cape Metropolitan Negotiating Forum Area, the next meeting of this Committee be held on 1994-09-14 at 17:00, with 1994-09-21 as an alternative date if the aforementioned matters have not been finalised by the firstmentioned date;
- (f) that as the Provincial Committee will be meeting on Friday, 1994-09-09 to consider the recommendations of the Demarcation Board on the boundaries of the Cape Metropolitan Negotiating Forum Area, the Secretary, CTB Davy, be requested to make the necessary enquiries as to whether the boundary and statutory/non-statutory issue has been resolved and inform the members of this Committee accordingly;
- (g) that if, as mentioned in (f) above, the issue has been resolved, the members of this Committee be requested to submit further proposals on a transitional local council not later than Monday, 1994-09-12, which can be collected from the Secretary on 1994-09-13 for perusal and further discussion at the meeting on 1994-09-14;
- (h) that the letters of the parties concerned regarding the statutory/non-statutory issue be circulated, with their permission, to the members of this Committee; and
- (i) that regarding the question of the attendance of observers/advisers of meetings of this Committee, the composition of this Committee remain as decided by the SGF.

FOR REPORT-BACK/CONSIDERATION.

3.2 The following outstanding matters must now be negotiated:

- (a) The acceptance of one of the following two models in the interim phase viz:
 The Transitional Local Council Model
 The Local Government Co-ordinating Model
- (b) **The transitional local council**

A transitional local council is a new council with councillors appointed by a negotiating forum.

Therefore, where a forum decides to adopt the transitional local council model, it must negotiate on the following matters:

- (i) The total number of "seats", i.e. councillor positions, for the new council, using the existing number of seats of all the existing local government bodies included in the forum as a point of departure;
- (ii) Which persons are to be nominated to be councillors. (The proposals of the ANC as mentioned in 3.1(b) above will be tabled verbally).

NOTULE :

**SGF TEGNIESE SUBKOMITEEVERGADERING
VAN DIE KONSTITUSIONELE WERKEKOMITEE
(OORGANGS PLAASLIKE RAAD)**

: 1994-09-21

- (iii) The termination of the terms of office of those members who are councillors but who are not to be appointed to the pre-interim transitional council.
 - (iv) The dissolution of the existing local government bodies where a single new boundary is negotiated, including:
 - (aa) the transfer of the employees of such bodies to the service of the transitional local council on conditions not less favourable than those under which they served their previous employer and subject to the applicable labour law;
 - (bb) the winding-up or transfer of the assets, liabilities, rights and obligations of the local government bodies concerned, including the protection of such assets from attachment and sale in execution;
 - (cc) the continued application of the resolutions, by-laws or regulations of the local government bodies concerned.
 - (v) The protection of the rights, benefits, remuneration, allowances and pensions of employees of local government bodies in the forum area, subject to the applicable labour law, e.g. where existing boundaries remain but there is to be one council and one administration.
- (c) **The local government co-ordinating committee**

The essence of a local government co-ordinating committee is that the co-ordinating committee is given certain powers, duties and functions and all other powers, duties and functions remain with the local government bodies involved in the forum area.

The forum may therefore agree on a co-ordinating committee with specified powers, duties and functions, and it may negotiate on the matters referred to in subparagraphs (ii), (iii) and (vi) above for the other model. However, in the case of this model the following powers, duties and functions must be assigned to the co-ordinating committee:

- (i) Access by all persons resident within the forum area to the water supply, and to sewage purification and electricity and, if so agreed by all the local government bodies, access also to refuse removal, roads and stormwater drainage, health services, emergency services, financial administration and any other service agreed upon. The purpose of this provision is to ensure access by all residents in these areas to these services. Where the local government bodies in the forum area cannot, jointly or severally, supply electricity themselves, the co-ordinating committee must negotiate for this to be done by any other competent body.

NOTULE :

SGF TEGNIESE SUBKOMITEEVERGADERING
VAN DIE KONSTITUSIONELE WERKEKOMITEE
(OORGANGS PLAASLIKE RAAD)

: 1994-09-21

-
- (ii) The approval of the budget of the co-ordinating committee in respect of its powers and duties. There are a number of provisos to this provision which are of a compulsory nature, as follows:
- (aa) The budget must be prepared in accordance with the applicable law (the term "applicable law" is explained below under the heading The Applicable Law).
 - (bb) All available and applicable resources (in the forum area) must be used in an efficient manner and on an equitable basis (the word "equitable" should be interpreted as meaning on a fair and equal basis as far as possible).
 - (cc) The income part of the above-mentioned budget must at least include an amount of not less than 10 % of the assessment rates paid to the local government bodies in the 1993/1994 financial year. This provision naturally only applies to areas where there are ratepayers. The 10 % contribution must be used to improve and restore those services which are identified by the co-ordinating committee and ranked in order of priority by it.
 - (dd) Intergovernmental grants and contributions by the regional services council must be paid to the co-ordinating committee for inclusion in its budget and these monies will be allocated and distributed by the co-ordinating committee to any of the local government bodies in its area to address services and development backlogs as identified by the co-ordinating committee and ranked in order of priority by it.
- (iii) The investigation of the rationalization of the administration and personnel of the individual local government bodies in the forum area and, subject to the applicable labour law, the implementation of a programme of rationalization. This programme must be completed by the time the interim phase commences.
- (iv) The forum is also required to negotiate the following:
- The total number of seats (councillors' positions) in the co-ordinating committee and the representation on the co-ordinating committee of the local government bodies within the forum area and such other persons as may be nominated by the forum.
- (v) The nomination of persons for appointment as members of the co-ordinating committee.

An extract from the Local Government Transition Act, 1993 (Part IV and paragraph 4 and 5 of Schedule 1), was **previously circulated**.

FOR CONSIDERATION.

NOTULE :

**SGF TEGNIESE SUBKOMITEEVERGADERING
VAN DIE KONSTITUSIONELE WERKEKOMITEE
(OORGANGS PLAASLIKE RAAD)**

: 1994-09-21

3. DAARSTELLING VAN PLAASLIKE OORGANGSRAAD**(a) Status van Pniel Bestuursraad**

Die Voorsitter rapporteer oor sy gesprekvoering met die Pniel Bestuursraad by twee geleenthede, een waarvan in opdrag van die SGF plaasgevind het waartydens S Adams en DEW Schumann ook teenwoordig was.

Die Voorsitter, V Honey, bevestig dat Pniel Bestuursraad besuit het om aan die SGF te onttrek en beoog om hul eie Forum te stig.

Na bespreking is

OOREENGEKOM

- (i) dat aangesien Pniel se insluiting by die Stellenbosch Forumgebied deur Provinsie inisieer is vir die pre-interim periode, Pniel Bestuursraad die aangeleentheid na ooregpleging met Johannesburg en Kylemore Bestuurskomitees met Provinsie uitklar;
- (ii) dat dit laasgenoemde Bestuurskomitees egter vrystaan om self 'n finale keuse na moontlike ooregpleging met hul betrokke nie-statutêre groeperings om inlywing/insluiting by die voormelde forum of die SGF, te doen.

(b) Item 3.1(c) : Aantal setels van die plaaslike oorgangsraad**OOREENGEKOM**

dat volstaan word met 28 setels (om uitgebrei te word na 30 as Klapmuts ingesluit word, en/of proporsioneel verminder te word indien Pniel/Johannesdal en/of Kylemore onttrek) om as riglyn op 'n 50/50 basis soos volg ingedeel te word:

Stellenbosch/Cloeteville en Idasvallei/Kaya Mandi	- 22
Jamestown	- 2
Kylemore	- 2
Pniel/Johannesdal	- 2
(Klapmuts 2)	—
Totaal	- 28 (30)

(c) Item 3.1(e) : Uitsluitel oor status van vyf partye in dispuut**OOREENGEKOM**

- (i) dat indien die Premier voor die eersvolgende Konstitusionele Werkekomiteevergadering op 1994-09-28 uitsluitel oor die vyf partye in dispuut gee, die beslissing van die Premier oor hul status aanvaar word; en
- (ii) dat met die oog op vordering plaaslik:

NOTULE : **SGF TEGNIESE SUBKOMITEEVERGADERING VAN DIE KONSTITUSIONELE WERKEKOMITEE (OORGANGS PLAASLIKE RAAD)** : 1994-09-21

- (aa) indien uitsluitel nie op 1994-09-28 van die Premier verkry word nie, die ondergenoemde indelings van die vyf partye in dispuut ter oorweging aan die Konstitusionele Werkekomitee gestel word, met dien verstande dat die verteenwoordigers die aangeleentheid vooraf met hul betrokke partye/instansies uitklaar, nl:
- | | | | | | |
|-------------------------|--|----------|--|--------------|-----------------------|
| <p><i>mandate</i> →</p> | <table border="0"> <tr> <td>Statutêr</td> <td>NP, DP en Stellenbosch Belastingbetalersvereniging</td> </tr> <tr> <td>Nie-statutêr</td> <td>ACDP en Vryheidsfront</td> </tr> </table> | Statutêr | NP, DP en Stellenbosch Belastingbetalersvereniging | Nie-statutêr | ACDP en Vryheidsfront |
| Statutêr | NP, DP en Stellenbosch Belastingbetalersvereniging | | | | |
| Nie-statutêr | ACDP en Vryheidsfront | | | | |
- (bb) die SGF se aansoek by die Premier om uitklaring van die status van die 5 partye in dispuut na 'n ooreenkoms gemeld in sub-item (aa) bereik is, summier teruggetrek word; en
- (cc) die politieke partye hul nie sal beywer vir verteenwoordiging (van alle partye) op die benoemde plaaslike oorgangsraad nie;
- (d) dat ten einde die voormelde so spoedig doenlik te implementeer die volgende reëlings/vergaderings plaasvind:
- (i) dat die Konstitusionele Werkekomitee op 1994-09-28 om 18:00 vergader om die aangeleentheid onder items 3(b) en (c) te oorweeg;
 - (ii) dat die statutêre en nie-statutêre komponente soos waarop ooreengekom word op 1994-09-28 na afloop van die voormelde vergadering apart met die hulp van 'n fasiliteerder vergader om te besluit op getal genomineerdes per betrokke partye/instansies binne die twee komponente, met dien verstande dat die partye/instansies op 'n latere datum wat deur die Konstitusionele Werkekomitee bepaal staan te word, hul spesifieke nominasies binne ooreengekome kwotas aan die Sekretaris van die SGF voorlê;
 - (iii) dat daar op 1994-09-28 om 20:00 na afloop van die vergaderings gemeld onder sub-item (ii), 'n Spesiale SGF vergadering in die Raadsaal gehou word om die betrokke sake waarop ooreengekom is, te bekragtig;
 - (iv) dat verseker word dat alle potensiële kandidate aan die gestelde en aanvaarde kwalifikasievereistes voldoen; en
 - (v) dat alle betrokke instansies/organisasies poog om 'n breër mandaat te verkry om besluitneming te bespoedig.
- (e) **Voorstelle vir 'n Plaaslike Oorgangsraad**

Dat kennis geneem word van die voorstelle van die "Kylemore Ratepayers and Residents Association", Dorpsraad van Kaya Mandi en SHAC (soos gewysig).

NOTULE : **SGF TEGNIESE SUBKOMITEEVERGADERING** : 1994-09-21
VAN DIE KONSTITUSIONELE WERKEKOMITEE
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(f) **Lidmaatskap van Klapmuts Loodskomitee : Statutêr/Nie-statutêr**

Dat die Konstitusionele Werkekomitee besin oor die volgende status soos aangedui in terme van Artikel 3(5) en (6) van Skedule 1 van Wet 209 van 1993 deur die betrokke drie organisasies:

Klapmuts-Suid Bestuurskomitee	:	Statutêr
Klapmuts-Noord Inwonersvereniging	:	Statutêr
Klapmuts Civic	:	Nie-statutêr

4. **DRAWING UP OF TIMETABLE FOR IMPLEMENTATION OF TRANSITIONAL LOCAL COUNCIL/LOCAL GOVERNMENT CO-ORDINATING COMMITTEE**

At the CWC meeting held on 1994-08-08 (item 3.3.1(f)) it was agreed that this Committee draw up a timetable for the implementation of a transitional local council/local government co-ordinating committee with 1994-10-01 as target date.

FOR CONSIDERATION.

4. **OOREENGEKOM** ✓

- (a) dat die teikendatum van 1994-10-01 na 1994-11-01 gewysig word; en
 (b) dat die opstel van 'n tydrooster na 'n volgende vergadering verwys word.

Die vergadering verdaag om 19:00.

BEKRAGTIG.

VOORSITTER

tsc21i94/cr