

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

STELLENBOSCH MUNICIPALITY

STELLENBOSCH DISCUSSION FORUM (SDF) : THURSDAY, 1993-06-03

Notice is hereby given of the above meeting between representatives of the Stellenbosch Community Based Organisations and Stellenbosch and Kaya Mandi Town Councils in the Council Chambers, Town Hall Complex, Plein Street, Stellenbosch on THURSDAY, 1993-06-03 at 19:00 to consider the matters on the attached agenda.

GM STRYDOM  
CHIEF EXECUTIVE/TOWN CLERK

1993-05-27

*The need to act -*

*History will judge us  
less critically/severely*

\*\*\*\*\*

*on our ideological  
errors as on our  
actions.*

SAVIL Raod

AGENDA:                    STELLENBOSCH DISCUSSION FORUM (SDF)                    : 1993-06-03

1.            LEAVE OF ABSENCE

*The language most comfortable*

*Do not*

2.            CONFIRMATION AND DISCUSSION OF THE MINUTES OF THE STELLENBOSCH DISCUSSION FORUM (SDF) HELD ON 1993-03-25

The minutes are attached as APPENDIX 1.

FOR CONSIDERATION.

3.            MINUTES OF THE STEERING COMMITTEE MEETING HELD ON 1993-05-24 (3/2/4/2/3/1)

The minutes are attached as APPENDIX 2.

FOR CONSIDERATION.

4.            MATTERS REFERRED TO THE STELLENBOSCH DISCUSSION FORUM (SDF) BY THE STEERING COMMITTEE MEETING HELD ON 1993-05-24

- 4.1          Item 3.1 : Clothing/money/food donated in aid of victims of the fire at Kaya Mandi

Mrs S Burger of the Stellenbosch Family and Child Welfare Society, who administered the money, food and clothing donated by the public after the recent fire, was asked to submit a report to the SDF.

FOR CONSIDERATION.

- 4.2          Item 4 : Recording of minutes of SDF and related meetings

Members of the SDF have on a few occasions indicated at various SDF and related meetings that statements made by them have not been recorded in the minutes.

As it is impossible to record everything everyone present at SDF and related meetings have said, it is

RECOMMENDED

- (a) that only decisions (where there is general agreement) be recorded in the minutes; and

AGENDA: STELLENBOSCH DISCUSSION FORUM (SDF) : 1993-06-03

(b) that the Chairperson be empowered to rule whether statements made by members should be recorded in the minutes.

4.3 **Item 6 : Meeting of the Development Working Committee**

RECOMMENDED

that the first meeting of the Development Working Committee be held on 1993-06-21.

4.4 **Item 7.1 : Disruption of Services at Kaya Mandi**

Although the disruption of the provision of services to Kaya Mandi due to the schools crisis has ceased, it is

RECOMMENDED

that the situation be monitored by the SDF.

Need  
ZF

COSAS  
SRE

Cleaning —  
Fire —  
Telkom. —  
Ambulance —

5. **MINUTES OF THE CONSTITUTIONAL WORKING COMMITTEE (CWC) HELD ON 1993-05-24**

The minutes are attached as APPENDIX 3.

FOR CONSIDERATION.

6. **MATTERS REFERRED TO THE SDF BY THE CONSTITUTIONAL WORKING COMMITTEE MEETING HELD ON 1993-05-21**

6.1 **Item 2 : Single Non-Racial Democratic Local Government Structure for Stellenbosch**

The Declaration of Intent, and Preamble to it, as agreed to in item 2(b), is attached as APPENDIX 4.

RECOMMENDED

that the SDF also concentrate on the pre-interim period and table proposals at the next CWC meeting on how local government should be structured.

AGENDA: STELLENBOSCH DISCUSSION FORUM (SDF) : 1993-06-03

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- 6.2 Item 3 : Status and Modus Operandi of the SDF regarding the reaching of decisions

RECOMMENDED

that with reference to point 2 (Appendix 2), the SDF consider the question of whether it can be regarded as a fully representative body.

- 6.3 Item 5 : Surplus Income (nett excess) from non-residential areas to be made available to Stellenbosch/Kaya Mandi (Greater Stellenbosch) on a basis to be agreed upon

RECOMMENDED

- (a) that the SDF consider proposals on how the money should be utilized; and
- (b) that the SDF also consider the proposal that the full amount should be used for the cleaning-up of Kaya Mandi.

**MINUTES OF A MEETING HELD BETWEEN REPRESENTATIVES OF THE STELLENBOSCH COMMUNITY BASED ORGANISATIONS AND STELLENBOSCH AND KAYA MANDI TOWN COUNCILS IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON THURSDAY, 1993-03-25 AT 19:00**

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**PRESENT:**

<b>Facilitators:</b>	:	V Honey (Chairperson) S Adams
<b>Joint Stellenbosch Town Council and Management Committee</b>	:	J Cawood DEW Schumann JAM van Schoor SW Oliphant JP Retief AA Smit CTB Davy (Secretary)
<b>Kaya Mandi Town Council</b>	:	SM Mayekiso A Cruywagen
<b>Stellenbosch Ratepayers Association</b>	:	K Basson P Fourie BJP Pienaar FH Stephens PG van Breda
<b>Kaya Mandi Development Forum</b>	:	VV Myataza
<b>SHAC</b>	:	P Louw C Lewis
<b>SANCO</b>	:	CM Ntsomboti MM Ngcofe A Chunga
<b>ANC</b>	:	P Xegwana
<b>Stellenbosch Chamber of Commerce (SABEK)</b>	:	F Kruger
<b>Observers</b>	:	P Hill (Rotary Club) P Cyster (Pniel) M Rose (Pniel) PJ vd Rheede (Jamestown) P Swartz (Kaya Mandi)

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1. **LEAVE OF ABSENCE**

1. **RESOLVED**

that leave of absence be granted to J Mjandana (Kaya Mandi Town Council), W Nel and WF Ortell (SHAC) and T Myataza (Kaya Mandi Development Forum).

MINUTES :                    **STELLENBOSCH DISCUSSION FORUM (SDF)**                    :1993-03-25

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2.            **CONFIRMATION AND DISCUSSION OF THE MINUTES OF THE STELLENBOSCH DISCUSSION FORUM (SDR) HELD ON 1993-02-04**                    (3/2/4/2/3/4)

The Minutes are attached as **APPENDIX 1.** (*Not attached*)

**FOR CONSIDERATION**

2.            **RESOLVED**

that the minutes be approved.

- 2.1          *Matters arising out of the minutes of 1993-03-04.*

- (a)    **Item 4.1.1 : Provision of toilets for tent dwellers in Kaya Mandi**

The SDF was informed that a meeting of the Community Based Committee (that was formed to address the plight of the victims of the fire) and Stellenbosch Family and Child Welfare Society (who administered the money, clothing and food donated by the public), is being convened for Thursday, 1993-04-01.

**NOTED** and

**AGREED**

that a report-back be given at the next SDF.

3.            **MINUTES OF THE STEERING COMMITTEE MEETING HELD ON 1993-03-15**                    (3/2/4/2/3/1)

The Minutes are attached as **APPENDIX 2.** (*Not attached*)

**FOR INFORMATION**

3.            **NOTED.**

4.            **MATTERS REFERRED TO THE STELLENBOSCH DISCUSSION FORUM (SDF) BY THE STEERING COMMITTEE MEETING HELD ON 1993-03-15**

- 4.1          **Report-back on implementation of Step 1 (Joint Administration by Kaya Mandi and Stellenbosch Town Councils)**                    (2/8/2/1 + 3/2/4/2/3/4)

It was agreed by the SDF on 1993-02-04 (Item 4.4) that the matter again be placed on the Agenda of the next SDF.

The report of the meeting held on 1992-11-16 is attached as **APPENDIX 3.** (*Not attached*)

**FOR CONSIDERATION**

4.1           **AGREED**

that the report be noted and referred to the Constitutional Working Committee and that the sentiments expressed by SANCO also be taken into consideration by the said Committee.

4.2           **Minutes of an Ad Hoc Committee (Supply of Water and Electricity : Kaya Mandi) Meeting of the SDF held on 1993-03-02**                   (3/2/4/2/3/4/3)

The minutes are attached as **APPENDIX 4**. (*Not attached*).

**RECOMMENDED**

that the matters agreed upon be pursued by the Development Working Committee.

4.2           **AGREED**

- (a) that item 2(a) now be proceeded with;
- (b) that with reference to item 2(b) it be noted that the Kaya Mandi Town Council decided not to proceed with the cutting-off of electricity; and
- (c) that the other matters agreed upon be referred to the Development Working Committee.

4.3           **Minutes of an Ad Hoc Committee (Planning and Development of Additional Land) Meeting held on 1993-03-09**                   (3/2/4/2/3/4/2)

The Minutes are attached as **APPENDIX 5**. (*Not attached*)

**RECOMMENDED**

- (a) that the matters agreed upon be pursued by the Development Working Committee; and
- (b) that the importance that the two Working Committees meet as soon as possible after the SDF on 1993-03-25 be emphasised and that the various organisations be requested to table the names of their representatives on the two Working Committees.

4.3 **AGREED**

- (a) that the recommendations be accepted; and
- (b) that each organisation nominate one person to serve on the proposed contact group.

4.4 **Resettlement of squatters and consideration of Influx Control Measures (15/4/11/2)****RECOMMENDED**

that the Development Working Committee (or Ad Hoc Committee : Planning and Development of additional land) be requested to address the possibility of moving the squatters to the Smit/Costa land.

4.4 **AGREED**

- (a) that the recommendation be accepted; and
- (b) that the Development Working Committee also address the issue of the inflow of newcomers to Kaya Mandi.

4.5 **Municipal Services : Planning, Metering, Improvements in respect of Water and Electricity** (16/2/12/2/2/32 + 16/1/14/1)**RECOMMENDED**

that the following matters be discussed (see Item 2 of Minutes of Ad Hoc Committee (Supply of Services) held on 1993-03-02):

- (a) the suspension (cutting-off) of electricity;
- (b) the installation of prepaid meters;
- (c) the installation of meters by Stellenbosch Municipality (at own cost) to determine the consumption in certain areas which are not metered individually.

4.5 **NOTED**

that the matter was already discussed under item 4.2.

4.6 **Compiling of a communications plan for Kaya Mandi** (2/8/2/1)**RECOMMENDED**

that an Action Committee be appointed by the SDF to pursue the matter.

4.6 **AGREED**

- (a) that the recommendation be accepted; and



- (b) that the following persons, as nominated by the various organisations, serve on the proposed action committee:

Stellenbosch Municipality	:	AA Smit (Convener)
Kaya Mandi Town Council	:	A Cruywagen
Stellenbosch Chamber of Business	:	L Silberbauer
Kaya Mandi Development Forum	:	AT Masokanye
SANCO	:	M Ngcofe
ANC	:	P Xegwana
Stellenbosch Ratepayers Association	:	FH Stephens

- 4.7 **Unemployment in Stellenbosch** (3/2/4/2/3/4/5)

**RECOMMENDED**

that the matter be pursued by the Development Working Committee.

- 4.7 **AGREED**

that the recommendation be accepted.

- 4.8 **Representation of other organisations on the SDF** (3/1/3/2/11)

At the SDF held on 1993-02-04 (item 4.6) it was agreed that the various other organisations who requested representation on the SDF be asked to submit a formal application indicating their standing in the community and their office bearers.

Letters were sent on 1993-02-16 to the following organisations with the request to reply not later than 1993-03-08:

- Kaya Mandi Development Forum
- Rate and Rentpayers Association
- Johannesdal Action Committee
- Pniel Management Committee
- Kylemore Management Committee
- Jamestown Management Committee

Replies were received from only the Johannesdal Action Committee and the Kylemore Management Committee.

**RECOMMENDED**

- that the two aforementioned organisations be accepted as members of the SDF;
- that the other organisations be requested to reply before the next SDF on 1993-03-25;
- that the Kaya Mandi Development Forum become an independant member of the SDF and not as part of Kaya Mandi Town Council;
- that Stellenbosch Rotary also be invited to submit a formal application to be represented on the SDF;

MINUTES :                   **STELLENBOSCH DISCUSSION FORUM (SDF)**                   :1993-03-25

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- (e) that the Chairman of Stellenbosch Rotary, Mr PL Hill, be invited to the next SDF as an observer;
- (f) that an independent co-ordinator to liaise with the different organisations on a voluntary basis be considered (Stellenbosch Rotary can perhaps be approached to assist); and
- (g) that Prof Lourens du Plessis be considered as Chairperson for the Constitutional Working Committee (V Honey will provide CV) and that he be invited to the next SDF as an observer.

4.8 The SDF was advised that formal applications were also received from the following organisations:

- (a) Kaya Mandi Development Forum
- (b) Pniel Management Board
- (c) Rotary Club of Stellenbosch

Mr P vd Rheede of the Jamestown Management Board was present as an observer.

#### AGREED

- (a) that the recommendations be accepted;
- (b) that the aforementioned 3 organisations, and the Jamestown Management Board, also be accepted as members of the SDF;
- (c) that a press statement be made by the Chairperson whereby other organisations be invited to join the SDF, with 1993-04-30 as deadline;
- (d) that the Chairperson be empowered to pursue the question of an independent co-ordinator (see recommendation 4.8(f)); and
- (e) that Prof Lourens du Plessis be appointed as Chairperson for the Constitutional Working Committee.

#### 5. MEETINGS OF DEVELOPMENT AND CONSTITUTIONAL WORKING COMMITTEES

The following names were submitted by the various organisations:

Organisation	Development Working Committee	Constitutional Working Committee
Stellenbosch Municipality	J Cawood SW Oliphant	DEW Schumann JAM van Schoor
Kaya Mandi Town Council	M Mayekiso A Cruywagen Alt: J Mjandana	G Ntshanga A Cruywagen Alt: M Mayekiso

MINUTES :                    **STELLENBOSCH DISCUSSION FORUM (SDF)**                    :1993-03-25

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SANCO	C Ntsomboti M Ngcofe	C Ntsomboti M Ngcofe
SHAC	P Louw C Lewis	W Nel W Ortel
ANC	P Xegwana G Twigg	P Xegwana R Mastebroek
Stellenbosch Ratepayers Ass.	FH Stephens A Baard	P Fourie PG van Breda
Pniel Management Board	J Lackay F Simpson	P Cyster M Cyster
Kaya Mandi Development Forum	- -	T Myataza V Myataza
Stellenbosch Chamber of Business	To notify	To notify

NOTED and.

**AGREED**

- (a) that facilitators V Honey and S Adams be co-opted on both the Working Committees;
- (b) that the Development Working Committee elect its own Chairperson; and
- (c) that the Development Working Committee meet on 1993-04-22 and Constitutional Working Committee on 1993-04-28.

The meeting adjourned at 21:30.

CONFIRMED.

CHAIRPERSON.

asdfc25/cr

3/2/4/2/3/4/1

MINUTES OF SDF STEERING COMMITTEE MEETING OF REPRESENTATIVES OF  
COMMUNITY BASED ORGANISATIONS AND KAYA MANDI AND STELLENBOSCH  
TOWN COUNCILS HELD IN THE COUNCIL CHAMBERS, TOWN HALL COMPLEX,  
PLEIN STREET, STELLENBOSCH ON MONDAY, 1993-05-24 AT 19:00

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## PRESENT:

Fasilitator	:	V Honey (Chairperson)
Stellenbosch Town Council	:	J Cawood JP Retief CTB Davy (Secretary)
Kaya Mandi Town Council	:	SM Mayekiso J Mjandana A Cruywagen
SANCO	:	MM Ngcofe MC Ntsomboti
ANC	:	R Mastenbroek
SHAC	:	P Louw
Kaya Mandi Development Forum	:	VV Myataza T Myataza
Jamestown Management Committee	:	P vd Rheede I February
Kylemore Management Committee	:	JT Swartz
Chamber of Business	:	SP Kruger L Silberbauer
Stellenbosch Ratepayers Association	:	BJP Plenaar
Rotary Club of Stellenbosch	:	JC Dawe

\* \* \* \* \*

- LEAVE OF ABSENCE (3/2/4/1/1)
- RESOLVED  
that leave of absence be granted to P Hill (Rotary Club of South Africa), S Adams (Fasilitator) and P Xegwana (ANC).
- CONFIRMATION OF THE MINUTES OF THE STEERING COMMITTEE MEETING HELD ON 1993-03-15  
The Minutes are attached as APPENDIX 1. (Not attached).  
FOR CONFIRMATION

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2. RESOLVED

that the minutes be approved.

3. MINUTES OF THE STELLENBOSCH DISCUSSION FORUM (SDF) HELD  
ON 1993-03-25

The Minutes are attached as APPENDIX 2. (*Not attached - see  
Item 2 of the SDF agenda of 1993-06-03.*)

FOR CONFIRMATION

3. NOTED and

AGREED

that the following matter arising out of the minutes, be placed on  
the agenda of the SDF:

3.1 Item 2.1 : Clothing/money/food donated in aid of victims of  
the fire at Kaya Mandi

AGREED

that a report, to be tabled at the SDF, be obtained from the  
Stellenbosch Family and Child Welfare Society who adminis-  
tered the money, clothing and food donated by the public.

4. RECORDING OF MINUTES OF SDF AND RELATED MEETINGS

Members of the SDF have on a few occasions indicated at various  
SDF and related meetings that statements made by them have not  
been recorded in the Minutes.

As it is impossible to record everything everyone present at SDF  
and related meetings have said, it is

RECOMMENDED

(a) that only decisions (where there is general agreement) be  
recorded in the Minutes; and

(b) that the Chairperson be empowered to rule whether state-  
ments made by members should be recorded in the Minutes.

4. AGREED

that the recommendations be accepted and referred to the SDF.

AGENDA

STEERING COMMITTEE MEETING OF THE  
STELLENBOSCH DISCUSSION FORUM (SDF)

1993-05-24

## 5. DATES FOR SDF AND RELATED MEETINGS

A circular sent to all organisations participating in the SDF is attached as ~~APPENDIX 8~~ *PAGE 2.4*

Problems are at present being experienced to find a suitable date for meetings of the Development and Constitutional Working Committees.

FOR CONSIDERATION

## 5. AGREED

that the first meeting of the Development Working Committee be held on 1993-06-21.

## 6. SURPLUS INCOME (NETT EXCESS) FROM NON-RESIDENTIAL AREAS ARE MADE AVAILABLE TO STELLENBOSCH/KAYA MANDI (GREATER STELLENBOSCH) ON A BASIS TO BE AGREED UPON

FOR CONSIDERATION

## 6. See item 5 of the minutes of the Constitutional Working Committee meeting held on 1993-05-24.

## 7. FURTHER ITEMS FOR THE SDF TO BE HELD ON 1993-06-03

FOR CONSIDERATION

## 7.1 Disruption of Services at Kaya Mandi

AGREED

that although the disruption of the provision of services to Kaya Mandi due to the schools crisis has ceased, the situation should still be monitored by the SDF.

*TRAFFIC LIGHTS.*

The meeting adjourned at 20:00.

CONFIRMED.

CHAIRPERSON

asdf24/cr

Steering Committee SDF :

## STELLENBOSCH

MUNISIPALITEIT



MUNICIPALITY

POSBUS 17  
 POSKODE 7599  
 TELEFOON 02231 2111  
 FAX 02231 3993  
 Tel: (02231) 83-2111

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 Fax: (02231) 83-3993

U Verw	Your Ref
My Verw	3/2/4/2/3 (Mr CTB Davy)
	My Ref

Department of the Town Secretary

1993-04-16

CIRCULAR TO ALL ORGANISATIONS PARTICIPATING IN THE STELLENBOSCH DISCUSSION FORUM (SDF)

SDF AND RELATED COMMITTEE MEETINGS : 1993

You are requested to make a note of the following meetings (formal agendas to be submitted timeously):

## 1. SDF

- All organisations are limited to four (instead of six) representatives each (plus an adviser if required);
- Dates of meetings starting at 19:00:

1993-03-25  
 1993-06-03  
 1993-08-05  
 1993-10-07  
 1993-12-02

- Venue: Council Chambers, Town Hall, Plain Street, Stellenbosch

## 2. STEERING COMMITTEE

- All organisations are limited to one representative (plus an adviser if required);
- Dates of meetings starting at 19:00:

1993-03-15  
 1993-05-24  
 1993-07-26  
 1993-09-27  
 1993-11-22

- Venue: Council Chambers, Town Hall, Plain Street, Stellenbosch

3. WORKING COMMITTEE MEETINGS


(a) Each organisation must please nominate two representatives (plus an adviser if required) on the Constitutional Working Committee and Development (Socio-Economic) Working Committee.

(b) Date of meetings starting at 19:00:

Development Working Committee : 1993-04-22

Constitutional Working Committee : 1993-04-28

(c) Venue: Council Chambers, Town Hall, Plein Street, Stellenbosch

  
2. CHIEF EXECUTIVE/TOWN CLERK



**MINUTES OF SDF CONSTITUTIONAL WORKING COMMITTEE MEETING OF REPRESENTATIVES OF COMMUNITY BASED ORGANISATIONS AND KAYA MANDI AND STELLENBOSCH TOWN COUNCILS HELD IN THE COUNCIL CHAMBERS, TOWN HALL, PLEIN STREET, STELLENBOSCH ON MONDAY, 1993-05-24 AT 20:00**

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**PRESENT:**

<b>Facilitator</b>	:	V Honey (Chairperson)
<b>Stellenbosch Town Council</b>	:	JAM van Schoor DEW Schumann JP Retief AA Smit CTB Davy (Secretary)
<b>Kaya Mandi Town Council</b>	:	MM Mayekiso J Mjandana A Cruywagen
<b>Kaya Mandi Development Forum</b>	:	VV Myataza T Myataza
<b>SANCO</b>	:	MM Ngcofe MC Ntsomboti
<b>ANC</b>	:	R Mastenbroek
<b>SHAC</b>	:	P Louw
<b>Chamber of Commerce</b>	:	SP Kruger L Silberbauer
<b>Stellenbosch Ratepayers Association</b>	:	BJP Pienaar PG van Breda
<b>Jamestown Management Committee</b>	:	P vd Rheede I February
<b>Kylemore Management Committee</b>	:	P Swartz PW Lawrence PP Williams
<b>Rotary Club of Stellenbosch</b>	:	JC Dawe
<b>Observer</b>	:	J Cawood (Stellenbosch Town Council)

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1. **LEAVE OF ABSENCE**

1. **RESOLVED**

that leave of absence be granted to PL Hill (Rotary Club of South Africa), S Adams (Facilitator), P Xegwana (ANC), W Ortell and W Nel (SHAC), members of the Stellenbosse Sakekamer, P Fourie (Stellenbosch Ratepayers Association) and G Ntshanga (Kaya Mandi Town Council).

## 2. SINGLE NON-RACIAL DEMOCRATIC LOCAL GOVERNMENT STRUCTURE FOR STELLENBOSCH

The presentation made to the SDF on 1992-10-13 (Item 3) is attached as **APPENDIX**

*pages 3.4 - 3.5.*

It was agreed at the aforementioned SDF that the proposed Working Committee for Constitutional Matters work at local level on proposals towards the implementation of step 3 (the ultimate aim of all participants).

It was further agreed at the SDF on 1993-03-25 (Item 4.1) that the presentation be referred to the Constitutional Working Committee and that the sentiments expressed by SANCO also be taken into consideration by the Committee, viz:

- (a) certain decisions taken by the Kaya Mandi Town Council affects constituents negatively and because SANCO is part of the FORUM at will be seen as endorsing these decisions;
- (b) the power of the SDF to challenge decisions made by the Kaya Mandi Town Council; and
- (c) the exclusion of SANCO and other CBO's from the decision making process.

**FOR CONSIDERATION**

2. The meeting was informed that we are moving towards a general election at local government level where everyone in Stellenbosch will participate in such an election. At the Local Government Negotiating Forum there is talk of the pre-election period, called the "pre-interim" period, and the SDF should concentrate on what it can attain during this pre-interim period.

**AGREED**

- (a) that the SDF also concentrate on the pre-interim period and table ideas at the next Constitutional Working Committee meeting on how local government should be structured;
- (b) that a declaration of intent be drawn up by DEW Schumann; and *(small letter in)*
- (c) that the proposed Action Committee (Communications Plan for Kaya Mandi) meet as soon as possible to compile a communications plan for Kaya Mandi.

## 3. SDF : STATUS AND MODUS OPERANDI REGARDING THE REACHING OF DECISIONS

A discussion document prepared by Danie Schumann and a summarized compilation of various views on guidelines for local negotiation as put before the Local Government Negotiating Forum are attached as **APPENDIX 2 and 3 respectively** - *pages 3.6 - 3.13*

**FOR CONSIDERATION**3. **AGREED**

- (a) that the 10 points in the discussion document (Appendix 2), be accepted in principle and be taken back to its constituents by the various organisations for discussion and report-back at the next meeting of the Constitutional Working Committee; and

- (b) that in respect of point 2, the SDF consider the question of whether it can be regarded as a fully representative body; and
- (c) that in respect of points 6 and 7 the SDF consider the matter of how consensus will be reached.

4.            **JOINT ADMINISTRATION FOR THE AREAS OF JURISDICTION OF STELLENBOSCH AND KAYA MANDI**

(Report attached as **APPENDIX 4**, page 3-14.

**FOR CONSIDERATION**

4.            **AGREED**

that it be noted that the target date for Joint Administration, viz 1993-04-01, has been shifted to possibly 1993-07-01.

5.            **SURPLUSES OF NON RESIDENTIAL AREAS TO BE MADE AVAILABLE TO STELLENBOSCH/KAYA MANDI (GREATER STELLENBOSCH) ON A BASIS TO BE AGREED UPON**

**FOR CONSIDERATION**

5.            The meeting was informed that the Stellenbosch Town Council has budgeted an amount of ± R400 000 (surpluses of non-residential areas) for utilization in Kaya Mandi.

**AGREED**

- (a) that the SDF consider proposals on how the money should be utilized;
- (b) that the SDF also consider the proposal that the full amount should be used for the cleaning-up of Kaya Mandi; and
- (c) that the Stellenbosch Town Council be requested to inform the Kaya Mandi Town Council, in writing, that ± R400 000 have been budgeted for Kaya Mandi.

The meeting was adjourned at 22:15 with a proposal by the Chairperson that the Constitutional Working Committee meet again within a month.

CONFIRMED.

CHAIRPERSON

## PRESENTATION TO COMMUNITY-BASED ORGANISATIONS AND COUNCILS OF STELLENBOSCH AND KAYA MANDI

### 1. POINTS OF DEPARTURE (PRE-AMBLE)

The people of South Africa believe that there should be a united South Africa constituted by universal adult franchise so as to ensure a multi-party democracy where individual rights are protected by a justifiable Bill of Rights. There should be three levels of government, namely Central, Regional (Middle) and Local Government; each with its own defined powers, duties and functions. At each level of government there should be non-racial, democratically elected representation. At local government level provision should be made for adequate sources of income to enable it to fulfill its functions and provide the services vested in or assigned to it.

### 2. A SINGLE NON-RACIAL DEMOCRATIC LOCAL GOVERNMENT STRUCTURE FOR STELLENBOSCH

Community Based Organisations (CBO's) have, on various occasions, requested the Stellenbosch Council to expedite the creation of a single local government structure on a "one town/one council" basis. The Stellenbosch Council and Management Committee is committed to promoting the creation of such a council to govern the affairs and to provide services for a greater Stellenbosch municipal area. In the past preliminary talks on steps to be taken in order to achieve this goal were held on 1992-03-09 and consensus was reached amongst representatives of a number of community organisations and the Stellenbosch Municipality, that a proper discussion forum be arranged with representatives of CBO's, the Stellenbosch Municipality and Kaya Mandi Town Council, to address steps to be taken and procedure to be followed in order to create a "one town/one council" structure for Stellenbosch.

At the meeting of 1992-03-09 it was suggested that a joint effort towards a single municipal structure could proceed in three phases, the first of which could be addressed immediately.

### 3. THE SUGGESTED THREE-STEPS PROCESS TOWARDS A SINGLE MUNICIPAL COUNCIL

The three steps are:

3.1 The formation of a joint administration for Kaya Mandi Town Council and Stellenbosch Municipality with the two bodies retaining their separate decision-making (legislative) functions, each in its own area of jurisdiction and with its own set of books. This will be implemented by the joining of the infrastructures of the two local authorities with one staff structure under the Chief Executive/Town Clerk of Stellenbosch who will then render a totally integrated municipal service to the communities.

3.2 The implementation of a system of utilising taxes and other municipal income in the interest of all the residents of Stellenbosch, i.e. creating a "one town/one tax base" situation. The initial step in this process could be to make the surpluses of the non-residential areas available for distribution to all the people of the greater municipal area on a basis to be agreed upon.

3.3 Proceeding to a single decision-making (governing) body or council representing all residents within the greater municipal area. A democratically elected single council could be elected only after the present local governing bodies have resigned. The election of the new body pre-supposes that aspects such as electoral procedures, the voting system, a new voters' roll, etc., have been decided upon (probably at the national negotiation table).

#### 4. QUESTIONS TO BE ADDRESSED AT THE DISCUSSION FORUM

On acceptance of the need for a new dispensation with a single council at local government level, it is suggested that a number of questions be addressed at the discussion forum.

4.1 Are all the parties (CBO's, Stellenbosch Council and Management Committee and Kaya Mandi Town Council) committed to working towards the goal of a single council and is the three-step procedure suggested above, acceptable?

4.2 How soon should the first step be implemented?

4.3 How should the municipal area of jurisdiction be demarcated? Should an extended regional municipal area (as proposed by the Malan Committee) be considered at this or a later stage?

4.4 What role should the CBO's play? Should a representative committee representing the community be appointed to liaise with the Stellenbosch Municipality regarding, inter alia:

- (a) rates to be levied for municipal services;
- (b) outstanding debts of Kaya Mandi township;
- (c) distribution of surplusses of the non-residential areas to benefit all the people of a greater Stellenbosch;
- (d) commitment of all consumers of municipal services in the greater Stellenbosch area (including Kaya Mandi) to pay municipal accounts for consumption/use of services.

DR DEW SCHUMANN

1992-08-12

cbo/cr

### THE STATUS AND MODUS OPERANDI OF THE SDF

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

2. GUIDELINES TO BE DRAWN UP FOR LOCAL NEGOTIATIONS

2.1 SANCO has summarised its views as follows:

- Existing local negotiation forums, where they are fully inclusive, should continue their negotiations;
- LGNF to formulate legislated **national guidelines**, for the establishment of democratic local negotiation forums in parts of the country where they do not exist, including 'homeland' areas;
- The provisions for local negotiations in the existing IMA should be scrapped;
- Local negotiation forums should participate fully in the implementation of the Transitional Measures for Local Government Act;

2.2 CLOETE:

Such bodies should negotiate and co-ordinate the practical implementation of the transition from the pre-interim to the interim phase, until new appointed structures are in place. Then they should dissolve.

The Wits Metro Chamber is an excellent example to follow. (Comment by MANDY: but the Wits metro chamber should continue to exist in the interim, for investigations into aspects such as Institutional, Physical, Financial, Economic and Social matters).

2.3 DE VILLIERS

Negotiators at central level are apprehensive that negotiation forums spread over the whole country could

complicate the control and management of the process; also that local leaders lack the necessary support and competence to handle negotiations independently. (Note by MANDY: there are also tensions between SANCO, which seeks uniformity, and many local civic associations which wish to assert a measure of independence).

There is concern that local negotiators could conclude agreements which are not in the national interest or which compromise or weaken a party's negotiating position.

Ideologically-based refusal to negotiate can create problems. Absence of a generally-agreed constitutional vision. Impression of a consensus which does not in fact exist.

"Top down" and "bottom-up" processes are both needed.

The national multiparty conference should formally and publicly encourage local initiatives. That would replace the present informal, ad hoc nature of negotiations with a multiparty, legitimate character.

Political participants in central negotiations should lay down certain guidelines for negotiators and constitutional principles, with Target dates.

Leadership, at central level should find themselves to accept the results of local negotiations which meet the above requirements.

Central negotiators should be kept informed.

The following GUIDELINES ARE SUGGESTED:

- \* Compliance with norms and guidelines laid down by the multiparty conference or the Interim Executive Council.
- \* Co-ordination by the LGNF.
- \* Nonracial, inclusive, accepting the principle of "one city one tax base".
- \* Provision for primary participation by existing institutions, political parties and organisations; other stakeholders like the business community to be involved as observers.



\* Decisions concerning the nature and structure of local governments should be approved by the national multiparty conference before being implemented.

\* A distinction needs to be drawn between negotiations aimed at constitutional and statutory bases for local government, and day-to-day management decisions relating thereto. The former should be the task of a national negotiating forum on local government. The latter can be handled by a multiplicity of local forums, within the guidelines laid down.

2.4 <sup>11-2-8</sup> APRIL

(Numbering is that used in their document).

## (2.1) Objectives of Local and Metropolitan Forums

The local and metropolitan forums shall serve as representative forums to negotiate the following matters, and to co-ordinate and monitor their implementation during the pre-Interim period leading up to elections for Interim local and metropolitan government structures in respect of their local or metropolitan area of jurisdiction - such local negotiations to take place within the framework of national guidelines:-

- (2.1.1) the establishment of interim non-racial, democratic metropolitan and/or local government structures;

democratic policy approaches for implementation,

(2.1.3) the integration of local authority budgets and budgetary processes in line with the principle of one city-one tax base in non-metropolitan areas, and one metro-one revenue base in metropolitan areas; and

(2.1.4) the integration and rationalisation of local authority administrations within the area of jurisdiction of the local or metropolitan forum.

## (2.2) The Composition of Local and Metropolitan Forums

(2.2.1) With regard to the initial demarcation of the area within which the local forums will operate, the Working Group agreed that for the major cities the appropriate Regional Services Council boundaries shall serve as a useful point of departure. In the case of the major cities where there is a large rural hinterland attached to the respective Regional Services Council areas, then the natural/logical boundaries of each city should be used. Any disputes over boundary determination should be resolved by a specially constituted NLGNF boundary dispute commission who could take into account factors such as those set out in paragraph 9.2 below.

(2.2.2) The local or metropolitan forums should strive to be as inclusive as possible of all relevant stakeholders in their areas.

(2.2.3) Provision should be made in the composition of a local or metropolitan forum for stakeholders to have either full membership or observer status.

(2.2.4) Concern that the participation of national political parties in a forum's decision-making process may in effect result in such forum ceasing to be a "local" forum could be addressed by granting such parties observer status on the plenary body of the forum while inviting their full participation in the appropriate technical sub-structures of the forum particularly those dealing with the constitutional aspects of the debate where their input is vital.

## (2.3) The Convening of Local and Metropolitan Forums

(2.3.1) Existing forums which have been satisfactorily negotiated outside of the parameters of the Interim Measures Act should proceed within the framework of the nationally negotiated guidelines.

(2.3.2) As the Interim Measures Act has no credibility, any forum which was established within the framework of the Act should be reconstituted and not be bound by that legislation, but rather the framework of the nationally negotiated guidelines.

the initial step to convene the first meeting of the forum.

## (2.4) Phases of Transition

For the sake of clarity, it is important to define and, where appropriate, elaborate on the three phases of transition.

### (2.4.1) Pre-Interim Phase

This phase has two stages:-

- the first stage lasts from the present until legislation is enacted to enable changes to be effected at a local/metropolitan level;
- the second stage begins when new transitional arrangements are made and ends when elections have been held or appointments have been made for interim local/metropolitan government structures.

In order to address the real concern that interim structures may become permanent and that appointments are neither democratic nor accountable, appointments to any interim structures must be made by the local forum and at the same time an election must be called.

### (2.4.2) Interim Phase

This phase shall begin with elections for/appointments to interim local and metropolitan government structures and end after a new final constitution has been decided and implemented through the holding of non-racial democratic elections.

### (2.4.3) Final Phase

This phase will commence with the implementation of the final constitutional arrangements.

## (2.5) Guiding Principles for the Transition

The purpose of the following guiding principles is to focus the debate and negotiations within the local/metropolitan forums.

(2.5.1) The problems of local and metropolitan areas require holistic and realistic approaches - development and constitutional issues must be considered in tandem - both in the interim and in the longer term.

(2.5.2) The period of transition is from the present to the actual implementation of a final metropolitan and local government system

- (2.5.3) All parties must accept the principle of the actual and visible sharing of political responsibility by all parties participating in the transitional dispensation - accountability goes hand in hand with democracy.
- (2.5.4) All parties must accept the need for negotiating forums in which local stakeholders can negotiate and address <sup>make</sup> at local level, ~~matters of a local nature.~~
- (2.5.5) The negotiation and implementation of an interim or transitional dispensation is aimed at the urgent realisation of amongst others, the following two objectives:-
- the improvement in the provision and standards of services; and
  - the normalisation and stabilisation of payment for services.

(2.6) Relationship with other levels of negotiation

A final system of metropolitan and local government can only be achieved within the framework of a new national constitution. However, whereas it is necessary to take the cue from the national negotiations, it is neither possible nor desirable to wait for a new national constitutional dispensation before beginning to address immediate crises and problems. In addition, local variations of history, demographic patterns, development needs, geographical differences and the like must be recognised and, accordingly, the national negotiations and the final constitutionally entrenched framework for local government should allow sufficient scope for local and regional flexibility to accommodate these differences.

- (3.2) There was unanimity that no obligation must be imposed by legislation or otherwise to change existing political structures without such changes being negotiated and agreed to by the relevant local negotiating forum.

2.5 UME DRAFT.

(l) Composition of the forum should be 50% establishment, 50% non-establishment. All stakeholders should be included.

(m) all decisions should be by consensus.

(n) Under the Interim Measures Act difficulty was experienced in finding persons with whom to negotiate. However, if SANCO and other political bodies were involved in the production of new legislation they could be expected to instruct their people at ground level to participate.

(o) Representation should be determined by consensus. Each participant should be acceptable to all. Acceptability should relate to the organisation, not the person.

(p) A drawback of this proposed system is that parties like the Civic Association and residents' organisations have refused to sit round the same table for discussions.

(q) The main requirement for a forum is broad representation and participation of all roleplayers at the level of local government.

## REPORT TO SDF : 1992-12-01

### MEETING HELD ON 1992-11-16 BETWEEN REPRESENTATIVES OF KAYA MANDI TOWN COUNCIL AND THE MUNICIPAL COUNCIL OF STELLENBOSCH

- 1 At this meeting it was agreed that the formation of a joint administration implies that the two bodies, Kaya Mandi Town Council and the Stellenbosch Municipal Council, retain their decision making powers and functions each in its own area of jurisdiction and each with its own books of account.
- 2 It was agreed that the following matters should be proceeded with or receive immediate attention:
- 2.1 In view of the fact that the Kaya Mandi Town Council in conjunction with the Cape Provincial Administration (CPA) was finalising the financial statements for the 1990/91 and 1991/92 financial years and the budget for 1992/93, it was agreed that the statements and budget should be completed by January 1993 and that assistance from the Stellenbosch Municipal Council could be given;
  - 2.2 in view of the fact that the Stellenbosch Municipal Council will be the lawful employer of all employees under the joint administration, the basic principles and particulars regarding the transfer of the Kaya Mandi personnel should be negotiated timeously with the employees concerned and the trade unions;
  - 2.3 the Kaya Mandi Town Council shall continue to use their present consultants to complete capital projects already agreed upon, within the financial framework made available by the Regional Services Council;
  - 2.4 a draft agreement shall be prepared by the Town Clerks and their advisers of the two Councils and finalised as far as possible before submission to the Councils; and
  - 2.5 it was agreed that the target date for the joint administration shall be 1993-04-01 and that the Stellenbosch Discussion Forum (SDF) be informed accordingly.
- 3 It was agreed that the following matters will have to be addressed in the near future and that community inputs regarding these matters could be obtained through the SDF:
- 3.1 The provision of municipal services in Kaya Mandi by the Stellenbosch Municipality and the tariffs for such services. The principles of affordability and accountability as well as the possible phasing in of tariff structures should be addressed;
  - 3.2 in view of the fact that the 1993/94 budget (1993-07-01 to 1994-06-30) of the Stellenbosch Municipality must be finalised during the first half of 1993, the allocation and distribution of part of the surplus income (nett excess) from the non-residential areas within the municipal area must be negotiated timeously;
  - 3.3 effective methods to communicate with the Kaya Mandi people must be sought, explain new systems and actions to be taken regarding the joint administration, the rendering of services and payment of rent and service charges. The formulation of a communication plan should be proceeded with; and
  - 3.4 the squatter problem should be addressed since the present state of affairs makes the effective rendering of services problematic.

DANIE SCHUMANN  
CHAIRMAN  
Ad Hoc Liaison Committee

**DECLARATION OF INTENT**

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In the above spirit the Stellenbosch Discussion Forum (SDF) will proceed through negotiations and deliberations to search for a single, democratically elected local government structure to satisfy the needs of all the communities of this town on the basis of one town, one Council, <sup>one tax base</sup> as soon as possible.

*and will seek to achieve this goal*

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1993-05-27

SKAKEL/pre5/jmb

**PREAMBLE**

In our common search for peace and democracy in South Africa, we recognize the importance of common purpose to search for suitable political structures to enhance these goals at all levels of government.

In this search for "a government by the people for the people" we commit ourselves to a peaceful process of negotiations and deliberations. We also believe that only through such a process will we find a sustainable local government option for our beloved Town.

We do recognize <sup>2</sup>the diversity of political viewpoints and the right of individuals to state their views, <sup>3</sup>a free market economy, <sup>4</sup>social responsibility and investment in our less privileged communities, all of which are protected in a justiciable and internationally accepted Bill of Rights.

Above all we recognize the fact that all communities need strong local government to enhance their living conditions within available means and resources and protect their interests at all relevant <sup>times</sup> forums. In order to realise these goals we also commit ourselves and our communities to the responsibilities for the sustenance of this institution. We finally believe that these viewpoints will provide us with adequate instruments to build a prosperous and happy society in Stellenbosch.

*concentrate on local issues*

*just*

1993-05-27

SKAKEL/pre5/jmb