

Constitution of the Pinelands Ratepayers and Residents Association

1. DEFINITIONS

- 1.1. ASSOCIATION means the Pinelands Ratepayers' and Residents' Association.
- 1.2. PINELANDS means the suburb of Pinelands , contained within the area of the former Pinelands Municipal Boundaries .
- 1.3. LOCAL GOVERNMENT means tertiary government as defined in the Constitution of the Republic of South Africa and/or the Constitution of the Western Cape Province.

2. OBJECTIVES

- 2.1. The objectives of the Association are as follows:
To work closely with and alert Local Government Structures responsible for administration , service delivery and maintenance in Pinelands about shortfalls in the provision of the above .
- 2.2. To stimulate public interest in local government and community affairs, and to create pride of citizenship.
- 2.3. To advance and safeguard the security and interest of Pinelands and its residents generally, and to preserve and promote its traditions, values, ethics and ideals.
- 2.4. To strive for the maintenance, and where necessary, the improvement of service and aesthetic standards.
- 2.5. To discuss and deal with any subject of public interest with the Association maintaining a non-party political and a neutral religious position.
- 2.6. To co-operate with any other organisation having similar objectives.

3. MEMBERSHIP

- 3.1. There shall be 3 (three) classes of membership, namely:
 - 3.1.1. Ordinary Members
 - 3.1.2. Honorary Life Members
 - 3.1.3. Honorary Members
- 3.2. Qualification and rights of Ordinary members are set out below:
 - 3.2.1 Natural persons resident in or property owners in Pinelands who

are enrolled or are entitled to be enrolled as voters for local Government responsible for Pinelands, shall be eligible for Ordinary Membership of the Association.

3.2.2 Application for membership shall be made in a form approved by the Executive Committee. accompanied by the annual subscription for the current financial year. The application shall be submitted to the Executive Committee for consideration at the next Executive Meeting. Should the application be approved, the member shall, on request, be furnished with a copy of the Constitution.

The applicant will be informed in writing, by means of the receipt, or via e-mail / SMS whether the application has been accepted or rejected.

3.3 The Executive Committee may, at its discretion, elect Honorary Members. All such honorary members shall retire at the next Annual General Meeting, but may be re-elected.

3.3.1 The Executive Committee may recommend to a General Meeting to confer Honorary Life Membership of the Association upon any person who, in its opinion, by virtue of outstanding service to the community of Pinelands, is deserving of such honour.

3.4 All Ordinary members shall be entitled to their rights as members of the Association under this Constitution.

3.5 Although provision is made for married partners to pay a joint subscription, they shall each in their own right, be entitled to all the privileges and rights of membership.

4 SUBSCRIPTIONS

4.1 Ordinary members' subscriptions are set out below:

4.1.1 Annual subscriptions shall be due in advance on 1 September of each year.

4.1.2 Where a spouse or partner are each ordinary members, they may elect to pay a joint annual subscription equal to the amount payable for one ordinary member. The joint members shall then receive only one notice at their chosen address for all official notices of the Association.

4.2 In the event of a person ceasing to be an Ordinary member for any reason, the person shall not be entitled to any refund of subscriptions paid.

5. RECORD OF MEMBERS

The names and addresses , including e-mail addresses and Cell phone of all members shall be entered in a record provided for the Purpose, and shall be available for inspection by members at all reasonable times.

Members shall notify the Honorary Secretary immediately of any change of address, and any notice , letter , e-mail or SMS directed to an address shown in the records shall be considered good service. An omission to send a notice or related document to a member, or a lack of receipt of a notice by a member shall not invalidate the meeting to which it relates.

6. TERMINATION OF MEMBERSHIP

- 6 .1. The membership of any person no longer qualified to be a member in terms of clause 3.2. 1 shall terminate automatically upon that member so ceasing to qualify.
- 6.2. The Executive Committee may at its discretion:
 - 6.2.1. terminate the membership of any person whose subscription is in arrears. after 3 (three) months of due date:
 - 6.2.2. terminate the membership of any member after due consideration and for valid reason, by the despatch by prepaid registered mail, to a member's recorded address of a letter giving the reasons and thirty (30) days notice of such termination, provided that such member may appeal to a General Meeting of members for review.

7. MEETINGS OF THE ASSOCIATION

- 7.1. The Annual General Meeting of the Association shall be held no later than 31 October in each year, on such day as the Executive Committee shall direct
The following specific matters shall be submitted to the meeting:
 - 7.1.1. Annual Audited Financial Statements to 31 August of the year in question.
 - 7.1.2. Report of the Executive Committee.
 - 7.1.3. Nomination and appointment of an Honorary Auditor for the ensuing year.
 - 7.1.4. Election of candidates to fill vacancies on the Executive Committee.
- 7.2. Ordinary General Meetings shall be held at least twice a year.
- 7.3. 20 (twenty) Members who are eligible to vote shall form a

- quorum at all General Meetings of the Association.
- 7.4. No member shall be allowed to nominate candidates for any election nor to vote at any meeting of the Association unless such member is a fully paid up member and has been a member for at least 30 (thirty) days.
 - 7.5. The Executive Committee shall give notice of meetings to each member, which notice shall be 10 (ten) days for an Ordinary General Meeting and 14 (fourteen) days for an Annual or Special General Meeting.
 - 7.6. The Executive Committee shall convene a Special General Meeting with due notice:
 - 7.6.1. at any time; or
 - 7.6.2. within 21 (twenty one) days after the receipt of a written request to do so signed by at least 20 (twenty) fully paid up members unless the said request makes provision for longer notice. Only such business as is mentioned in the notice convening the meeting shall be dealt with.
 - 7.7. Procedures at all General Meetings of members shall be as follows:
 - 7.7.1. The Chairman, or failing that person, the Vice-Chairman of the Executive Committee. or failing that person, a member of the Executive Committee so appointed by the members present. or failing that person, a member so appointed by the members present, shall act as chairman of a meeting with the voting powers set out in 10.1.1.
 - 7.7.2. The Chairman, shall endeavour to have decisions made by consensus unless a vote is requested.
 - 7.7.3. Voting shall be by majority vote on a show of hands, unless a ballot is called for .
 - 7.7.4. In respect of any motion raised and approved from the floor, and not specifically covered by an agenda item the Chairman of the meeting may at his discretion, and in the interests of the Association, suspend the implementation thereof until the matter has been approved at a meeting of the Association where the motion was specifically included in the notice of the meeting. The Chairman shall be obliged to ensure the motion is on the agenda of the next General Meeting, unless the meeting requests earlier attention in terms of the provisions of calling Special General Meetings.

8. COMPOSITION OF THE EXECUTIVE COMMITTEE

- 8.1. The affairs of the Association shall be managed by an Executive Committee consisting of 10 (ten) committee members. The Executive Committee may operate with fewer members, subject to a minimum of 4 (four).
- 8.2. Executive Committee Members shall be appointed or retire as follows:
 - 8.2.1 The appointment of members to fill vacant positions (other than filling a casual vacancy) shall be by election at an Annual General Meeting. The members elected at an Annual General Meeting shall be appointed for a 2 (two) year term and retire at the Annual General Meeting 2 (two) years hence .
 - 8.2.2 A vacancy existing or occurring on the Executive Committee. between Annual General Meetings, may be filled by the Executive Committee. The Committee Member so appointed shall retire at the first Annual General Meeting, following the appointment 8.2 3. All retiring members, still being legally eligible for election, may be nominated for re-election.
- 8.3. Written nominations, in a form approved by the Executive Committee, for election to the Committee, duly signed by the proposer and the person nominated must be submitted so as to be in the hands of the Honorary Secretary, not later than 72 (seventy-two) hours before commencing time of the meeting at which such election is to be held. The proposer and person nominated must be currently fully paid up members of the Association for not less than 30 (thirty) days.
- 8.4. Voting shall be by ballot and each voter may vote for up to as many members as are to be elected at a properly constituted meeting for this purpose. Any voting paper on which more than the required number of candidates appear, as aforesaid, shall be rejected. Scrutinisers nominated by the Chairman shall be approved by a majority of members present.
- 8.5. After the annual election of members, the Executive Committee shall meet within one calendar month to elect from its number a Chairman, a Vice-Chairman and an Honorary Treasurer .

Until such election, the previous Chairman, Vice-Chairman and Honorary Treasurer shall remain in office notwithstanding the fact that they may have retired as committee members and not have been re-elected.

The outgoing Chairman, Vice-Chairman and Honorary Treasurer shall not be entitled to vote at such meeting to elect new office bearers unless they are members of the newly elected committee.

- 8.6. The following persons shall not be eligible to be members of the Executive Committee:
 - 8.6.1. Members, whether elected or nominated, of any local government body responsible for Pinelands.
 - 8.6.2. Any person who is an office bearer of any other civic, resident and/or ratepayers' association in Pinelands, with similar or conflicting objectives.
 - 8.6.3. Members, whether elected or nominated, of Central or Provincial Government.
- 8.7. Membership of the Executive Committee shall *ipso facto* be terminated if the Committee Member:
 - 8.7.1. is prohibited from being, or is removed, or is disqualified from being a member, or from being an Executive Committee member in terms of the Constitution;
 - 8.7.2. gives notice to the Association of his resignation as an Executive Committee member from the date of, or such later date as is provided for in such notice:
 - 8.7.3. is removed from an office of trust on account of misconduct:
 - 8.7.4. has, at any time, been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, or any offence involving dishonesty and has been sentenced therefore to imprisonment without the option of a fine, or to a fine exceeding R100 (One Hundred Rands):
 - 8.7.5. is declared to be of unsound mind:
 - 8.7.6. fails to attend 3 (three) consecutive Executive Committee Meetings without leave of absence (such member shall forfeit his/her office)
- 8.8. If at any stage the membership of the Executive Committee is reduced to below 4 (four) members, those members in office will be required to call a Special General Meeting with the sole purpose of electing additional members to increase membership to 4 (four) or more.

9. POWERS OF THE EXECUTIVE COMMITTEE

In addition to the general powers of management and other powers in this Constitution conferred, the Executive Committee shall have the power:

- 9.1. to frame and adopt bylaws for the efficient management of the affairs of the Association, provided they are "*intra vires*" this Constitution:
- 9.2. to co-opt not more than 2 (two) additional members for a specific purpose, provided that these members shall have no voting powers and shall retire at the next Annual General Meeting, but may be re-co-opted:
- 9.3. to appoint any sub-committee with such power/s as it may delegate, which sub-committee may include ordinary members of the Association, and provided that:
 - 9.3.1 the convenor of any such sub-committee shall be appointed by the Executive Committee.
 - 9.3.2 $\frac{1}{3}$ (one third) of the members (but not less than 2 (two) members) of any such committee shall constitute a quorum:
 - 9.3.3. the sub-committee shall report to the Executive Committee in a manner determined by the Executive Committee;
- 9.4. to appoint an Honorary Secretary for such period as it may require:
- 9.5. to invite any person (including non-members) to attend General or Committee Meetings, should the Executive Committee decide that it is of advantage to the Association to do so:
- 9.6. to raise funds to further the objectives of the Association.
- 9.7. to determine members' subscriptions.

10. DUTIES AND POWERS OF OFFICE BEARERS OF THE EXECUTIVE COMMITTEE

- 10.1. The Chairman shall:
 - 10:1.1. have a casting vote in addition to his deliberative role at a meeting;
 - 10.1.2. be *ex-officio* a member of all sub-committees:
 - 10.1.3 notwithstanding clause 9.5. be entitled to invite any persons (including non-members) to attend any General or Committee Meetings should he decide that it is of advantage to the Association to do so.
- 10.2 The Vice-Chairman shall assist the Chairman to fulfil his

duties, and in the Chairman's absence, shall act as Chairman with all the powers and duties pertaining to the Chairman.

- 10.3. The Honorary Treasurer shall:
 - 10.3.1 ensure that proper books of account are kept, reflecting all financial business and transactions of the Association for its financial years ending 31 December and shall report the Association's financial position to the Executive Committee at each Committee Meeting;
 - 10.3.2 in conjunction with the Honorary Auditor, draw up a balance sheet and income and expenditure accounts annually for its financial year ending 31 December for approval by the Executive Committee;
 - 10.3.3 keep a record of members' names, addresses and subscriptions due and pending;
- 10.4. The Honorary Secretary shall, subject to the direction of the Executive Committee;
 - 10.4.1. Conduct all the correspondence of the Association and keep the original letters received and copies of those despatched;
 - 10.4.2. issue and despatch notices of meetings;
 - 10.4.3. record and keep the minutes of the proceedings of all meetings;
 - 10.4.4. account to the Honorary Treasurer monthly for any petty cash held and spent.

11. PROCEDURES AT EXECUTIVE COMMITTEE MEETINGS

- 11.1. The Executive Committee shall meet at such time and at such place as it shall decide, subject to a minimum of 10 (ten) meetings per financial year.
- 11.2. Meetings of the Executive Committee may be called by the Chairman, or in his absence, by the Vice-Chairman, or shall be called if requisitioned in writing and signed by 4 (four) members of the Executive Committee giving not less than 24 (twenty-four) hours notice.
- 11.3. $\frac{1}{3}$, (one-third) of the members, but not less than 3 (three) members, shall form a quorum at any meeting of the Executive Committee.
- 11.4. The Chairman of the Executive Committee, or failing him, the Vice-Chairman, or failing him, a member so appointed by the members present shall act as Chairman of a meeting with the

voting power set out in 10.1.1.

- 11.5. The Chairman shall endeavour to have decisions made by consensus unless a vote is requested.
- 11.6. Voting shall be by majority vote on a show of hands, unless a ballot is called for.

12. FINANCE

- 12.1. The books of account shall be kept by the Executive Committee at such place as it determines.
- 12.2. All funds shall be deposited to the credit of a registered South African Bank
- 12.4. All subscriptions paid by previous Life Members and invested shall be available for use for special requirements by agreement of 3/5 majority of the total number of members of the Executive Committee and shall be submitted for approval by a majority vote at a General Meeting of the Association.
- 12.5. The funds of the Association may only be invested with, or through registered South African financial institutions subject to the approval of the Executive Committee.
- 12.6. All monies collected by members shall be paid to and receipted by the Honorary Treasurer. In respect of approved projects where disbursements may be made out of the proceeds of income, a detailed income and expenditure account must be submitted promptly and the proceeds receipted by the Honorary Treasurer.

13. LEGAL PERSONAE

The Association shall be a person with perpetual succession and with the power to institute and defend legal proceedings. The liability of any member is limited to the subscription due.

14. AMENDMENT OF THE CONSTITUTION

- 14.1. Any member desiring to propose a motion to amend this Constitution shall give notice in writing to the Honorary Secretary in terms of the provisions of a Special General Meeting .
- 14.2. The amendments shall be available for scrutiny at the office of

the Honorary Secretary, at the Municipal Library or at the discretion of the Executive Committee in a manner they find practically suitable. The notice of the meeting shall indicate where the amendments are available for scrutiny.

- 14.3. The Constitution may only be amended if approved for by $\frac{2}{3}$ (two-thirds) of members present at the Special General Meeting called to consider the specific amendment(s).

15. SETTLEMENT OF DISPUTES

- 15.1. All differences or disputes arising and not otherwise expressly provided for in this Constitution, or any doubts as to the true meaning or interpretation of this Constitution shall be referred to the Executive Committee, whose decision shall be final and binding.
- 15.2. Notwithstanding the foregoing, the Chairman's ruling on any questions placed before a meeting and required for the conduct of such meeting shall be conclusive.

16. DISSOLUTION

- 16.1. If the Association ceases to fulfil its main objectives, ceases to have members less than a quorum for longer than 3 (three) months, or proposes a merger with any other body, the funds of the Association, after the settlement of liabilities and the write-off of any irrecoverable assets shall be settled upon a legal organisation/s, and not the members, which will pursue some or all of the objectives of the Association. In the event of a dispute, the matter shall be referred for a final decision to a committee of 3 (three) to be set up by the President of the Law Society of the Cape comprising a practising attorney of 10 (ten) years standing and a Pinelands resident knowledgeable of its history.
- 16.2. The meeting procedures as set out for amendments of the Constitution shall be used by the Executive Committee to advise members and to give them the opportunity to provide input and direction as required .

Major Changes to the Constitution .

1. **DEFINITIONS - no major changes**
2. **OBJECTIVES - removed religion**
3. **MEMBERSHIP – removed class for Life Members Class**
4. **SUBSCRIPTIONS – changed due date**
5. **RECORD OF MEMBERS – included modern data records**
6. **TERMINATION OF MEMBERSHIP - no major changes**
7. **MEETINGS OF THE ASSOCIATION – Date & Frequency**
8. **COMPOSITION OF THE EXECUTIVE COMMITTEE - none**
9. **POWERS OF THE EXECUTIVE COMMITTEE – no change**
10. **DUTIES AND POWERS OF OFFICE BEARERS OF THE EXECUTIVE COMMITTEE - no change**
11. **PROCEDURES AT EXECUTIVE COMMITTEE MEETINGS**
12. **FINANCE – Year end**
13. **LEGAL PERSONAE – includes partners**
- SELECTION OF LOCAL GOVERNMENT CANDIDATES – removed**
14. **AMENDMENT OF THE CONSTITUTION - no major changes**
15. **SETTLEMENT OF DISPUTES - no major changes**
16. **DISSOLUTION - no major changes**