

Constitution

**Langebaan Ratepayers
& Residents Association**

CONSTITUTION LANGEBAAN RATEPAYERS & RESIDENTS ASSOCIATION

1 DEFINITION

In this constitution all words or expressions importing the masculine gender shall include the feminine; words signifying the singular shall include the plural and vice versa; and; unless the context otherwise expresses, the following expressions shall have the meanings indicated hereunder:

- **“Association”** shall mean the Langebaan Ratepayers & Residents Association.
- **“Council”** shall mean the Saldanha Bay Municipality Council.
- **“Executive”** shall mean the Executive Committee elected in terms of Clause 6.2 of this constitution.
- **“Members”** shall mean the fully paid-up members of the Association.
- **“Langebaan”** shall mean the whole of Ward 6 of Saldanha Bay Municipality.

2 NAME AND JURISDICTION

- 2.1 The name of the Association shall be Langebaan Ratepayers & Residents Association.
- 2.2 The area of jurisdiction shall be the total area of Ward 6 of Saldanha Bay Municipality.
- 2.3 **The Association is a juristic person, not for gain, capable of performing all such acts as are necessary for, or incidental to, the achievement of its objectives, the performance of its functions and the exercise of its powers including the right to sue and be sued in its own name. (Spec Gen Mtg 10.03.2009)**

3 OBJECTIVES

- 3.1 To keep itself informed on the affairs of the Council, especially on matters that affect ratepayers and other residents of Ward 6.
- 3.2 To be engaged constructively, on a non-political basis and in liaison with the Council, in the management of Ward 6 and to further the interests of its ratepayers and other residents.
- 3.3 To create an open channel of communication with the Council and to contribute such skills and information as may be considered necessary to enable it to come to such conclusions as may be advantageous to all the residents of Langebaan Ward 6.
- 3.4 To convey to the Council all areas of concern, which are considered reasonable by the Executive, or members.
- 3.5 To concern itself with matters relating to adequate representation of ratepayers on the Council.
- 3.6 To appoint such sub-committees as may be necessary from time to time to investigate and to report to the Executive such matters as will give effect to the aims and objectives of the Association.
- 3.7 To liaise with Government Departments, the Provincial Administration and any other bodies, insofar as it concerns Langebaan and the members of the Association.
- 3.8 To form alliances with other community bodies in Langebaan with the aim of furthering the interest of the Langebaan residents.
- 3.9 To do all such other things as may be necessary to achieve the objectives of the Association.

4 MEMBERSHIP

- 4.1 Membership shall be open to all ratepayers (including registered corporate bodies, partnerships and other businesses) and other residents of Ward 6 who pay service accounts to the Municipality of Saldanha Bay.
- 4.2 Subject to Clause 4.1 a member shall be a person who has paid his current annual subscriptions as determined by the Annual General Meeting from time to time and whom the Executive Committee as a member has accepted. Fully paid-up membership for the current year

shall be valid until the adjournment of the A.G.M. following the end of that year, providing that such A.G.M. shall take place not later than the end January following that year.

- 4.3 Every member shall have one vote at the Annual General Meeting (AGM) and Special General Meetings, provided that the Chairman shall, in addition to his ordinary vote, also have a casting vote.
- 4.4 Spouses of members automatically become members and have voting rights as such members.
- 4.5 Application for membership shall be in writing, duly signed by the applicant, to the Executive which, at its discretion, shall decide on the admission or otherwise of such applicant as a member.
- 4.6 A member shall have one vote only, notwithstanding the quantity of properties he or she possesses because, membership is vested in the person and not in the property.

4.7 Termination of Membership

- 4.7.1 The Executive Committee may by resolution terminate the membership of a member in the following instances:
In cases where the membership fee is in arrear: Provided that the member has been notified in writing of the arrear amount and has not paid the outstanding amount within the time frame mentioned in the written notice. (AGM 7.1.2010)**

5 MEETINGS

- 5.1 Annual General Meetings and other meetings of the Association shall be held on such dates and at such times as the Executive Committee shall decide provided that the AGM shall be held not later than the end of January each consecutive year.
- 5.2 Fourteen days written notice shall be given of an AGM or Special General Meeting.
- 5.3 The Executive Committee may call Special General Meetings and must do so at the written request signed by twenty five (25) or more members.

- 5.4 Twenty five (25) members shall form a quorum at the AGM or Special General Meetings.
- 5.5 In the event of a quorum not being present, the meeting shall be adjourned for seven (7) days at which subsequent meeting the agenda will be dealt with whether a quorum is present or not.

6 EXECUTIVE COMMITTEE

- 6.1 An Executive Committee, comprising eight (8) elected members, shall manage the affairs of the Association.
- 6.2 A Chairman, Vice Chairman, Secretary, Treasurer, plus four (4) additional members shall be elected by the AGM from fully paid-up members present at such AGM, provided where a candidate is unable to be present at such meeting, his proposer shall submit to the Secretary a written affirmation by the candidate that he will accept such nomination .
- 6.3 The elections shall take place by a show of hands or by a ballot if so demanded by the majority of eligible members present at the AGM.
- 6.4 Only fully paid-up members may be proposed as candidates for election and all proposals must be duly seconded.
- 6.5 A member of the Executive who fails to attend two (2) Executive Committee meetings without leave of absence or three (3) meetings, with or without leave of absence, in any calendar year, shall *ipso facto* cease to be a member of the Executive Committee.
- 6.6 The Executive shall be empowered to fill any vacancy which occurs in terms of Clause 6.5 and may, at its discretion co-opt additional members on the Executive Committee generally or to perform a specific task.
- 6.7 The terms of office for members of the Executive Committee shall last until the adjournment of the AGM following that at which they were elected. Retiring members may be re-elected.

- 6.8 Councillors, domiciled in the ward, may serve on the Executive Committee. Such Councillors on the Executive Committee will not have voting power.
- 6.9 The Executive shall meet at such dates and times as it determines, provided that it shall meet at least six (6) times in a calendar year.
- 6.10 The quorum at Executive Committee meetings shall be four (4).

7 OFFICE BEARERS

7.1 The Chairman

- 7.1.1 The Chairman shall preside at all meetings of the Association. In the event of the Chairman being unable to preside at any meeting the Vice Chairman will take his place. In the event of the Vice Chairman also not being present the meeting shall elect from amongst themselves an eligible member to act as Chairman for the duration of the meeting.
- 7.1.2 The Chairman shall have a deliberative as well as a casting vote at executive meetings and shall ensure that the interests of the Association be protected and its Constitution be complied with.
- 7.1.3 The Chairman shall submit a report on the activities of the Association to the AGM.

7.2 The Vice Chairman

- 7.2.1 The Vice Chairman carries out such duties as are allocated to him by the Chairman or the Executive Committee and shall act as Chairman in the absence of the Chairman.

7.3 The Treasurer

- 7.3.1 The Treasurer shall keep an accurate account of the finances and assets of the Association and he shall report at each meeting of the Executive Committee as well as the AGM on the financial position of the Association. Two (2) members other than any office bearer,

elected by the previous AGM, must audit the financial statements presented to the AGM, prior to such presentation.

7.3.2 The Treasurer, (or the Secretary on his behalf) shall deposit all monies received by the Association in a bank selected by the Executive within seven (7) days of such receipt. Withdrawals shall be on the authority of any two (2) authorized signatories. The authorized signatories shall be the Chairman, Treasurer, Secretary and two (2) persons appointed by the Executive from amongst its own members.

7.3.3 The Executive Committee must approve all expenditure of the Association.

7.4 The Secretary

7.4.1 The Secretary shall draw up and dispatch all agendas and keep minutes of all meetings of the Association and perform such other duties as allocated to him, by the Executive, from time to time.

7.4.2 The Secretary shall keep a record of all correspondence received and the replies thereto.

7.4.3 He shall keep an up to date record of the names and addresses (and where possible the telephone numbers and email addresses) of all members. Such record to also reflect whether all subscriptions have been paid.

7.4.4 The posts of Secretary and Treasurer may be combined.

8 FINANCE

The financial year shall be from 1 January to 31 December (AGM 7.1.2010).

9 MEMBERSHIP FEES

Membership fees shall be fixed annually by the AGM and is payable on or before 31 March of each year. (AGM 7.1.2010)

10 Constitution

10.1 Amendments to the Constitution shall be approved by a Special General Meeting or AGM, provided sixty percent (60%) of members present vote in favour of such amendments and provided further that details of the proposed amendments are included in the notice of such general meeting.

10.2 A copy of the Constitution is available to members.