



CENTRAL OUTER WEST RATEPAYERS AND RESIDENTS ASSOCIATION

CONSTITUTION

1. NAME AND SEPARATE IDENTITY

The name of the Association shall be the :-

CENTRAL OUTER WEST RATEPAYERS AND RESIDENTS ASSOCIATION

The Association shall have an identity and existence distinct from its members or Executive, and its existence shall continue notwithstanding changes in the composition of its membership or the Executive. The Association shall be capable of pursuing and defending legal action in its own name, and individual members, or the Executive, of the Association may not be sued in their own right in respect of any Association business.

The Association shall be a nonprofit organisation (as defined in the Nonprofit Organisations Act No 71 of 1997) and in this regard, the income and assets of the Association are not distributable to its members or to the Executive.

2. OBJECTS

The references in this Constitution to "Area/s" shall mean the suburbs falling within the boundaries Ward 10, eThekweni Municipality.

- a) To promote the interests of the areas Community, including the Ratepayers, Businesses operating in the area and Employees employed at premises in area.
- b) To co-operate with and to make representations to the elected representatives and the administrative officials of the eThekweni Municipality and The Outer West Operational Entity, and any other Governmental, Provincial or Local authority on behalf of the areas Community in all matters affecting, either directly or indirectly, the interests of the areas Community.
- c) To co-operate with other ratepayer associations or similar representative bodies and other organisations in the promotion and development of amenities in the interest of the areas Community.
- d) To keep the Ratepayers, Businesses and Members of the Association as a body in touch with the activities of the eThekweni Municipality to the extent the activities impact on the areas Community, and to safeguard and uphold the interests of the areas Community in general.
- e) To do all such things as, in the opinion of the Executive, may fall within thRAe scope of any of the above objects, or which may be deemed necessary for the advancement of the Association and/or the community it is designed to serve.

3. MEMBERSHIP

- a) Membership of the Association shall be open to:
 - All Ratepayers of property in the area;
 - Members of Bodies Corporate owning rateable properties in the area;
 - Residents of rateable properties who are aged eighteen years or over.
 - Owners of Businesses operating from premises in the area.
 - Any other persons, on application to the executive
- b) There shall be no ballot for the election of members but all persons as in 3. a) shall be entitled to become members, and shall be admitted as members on application for membership to the Secretary accompanied by payment of the annual subscription.

4. SUBSCRIPTIONS

The annual subscription shall be fixed for each year by the Committee, but no increase above 20% shall be put forward without being approved at the Annual General Meeting. At any Annual General Meeting, any members whose subscription for the financial year covered thereby is in arrear shall forfeit all rights of membership at such meeting and his membership shall automatically cease.

5. MANAGEMENT

- a) The affairs of the Association shall be conducted by an Executive who shall be appointed at the Annual General Meeting and who shall hold office until the date of the next Annual General Meeting. Unless a ballot is demanded, all the appointments to the Executive of the Association shall be by a show of hands.
- b) No elected representative or employee of the eThekweni Municipality or the Outer West Operational Entity, shall be eligible to serve as a member of the Executive of the Association and any member of the Executive of the Association who is elected to, or appointed as an employee of, the eThekweni Municipality or the Outer West Operational Entity shall *ipso facto* cease to be a member of the Executive.
- c) The Executive elected at an Annual General Meeting shall consist of not less than five and not more than ten members who, at their first meeting thereafter, shall elect from among their own number, a Chairman and a Vice Chairman, and

either from among their own number or from the general body of members, an Honorary Secretary and an Honorary Treasurer, provided however that these latter offices may be combined in one person.

- d) Any vacancy occurring on the Executive, or in the office of Honorary Secretary or Honorary Treasurer, may be filled by the Executive from the body of members.
- e) Any member of the Executive absent from three consecutive meetings of the Executive without leave of absence shall *ipso facto* cease to be a member of the Executive.
- f) Meetings of the Executive shall be held as and when required, and shall be called by the Secretary on the direction of the Chairman for the time being, or upon a special requisition signed by not less than two members of the Executive.
- g) Decisions of the Executive shall be taken by majority vote. The Chairman for the time being of the meeting shall have a casting as well as a deliberate vote.
- h) The expenditure of the Association must be approved by the Executive. All accounts must be passed by the Executive before payment is effected.
- i) The Executive shall have power to create sub-committees, and to define their powers, and to co-opt any person to serve on such sub-committees.

6. NOMINATIONS

- a) No candidate for elections to the eThekweni Municipality shall be supported by the Executive.
- b) In the event of a member of the Executive seeking election to the eThekweni Municipality at a time when an aspirant candidate has been put forward for the support of the Executive, such member of the Executive shall not publicly or actively oppose, nor vote on, such decision by the Executive, on penalty of removal from the Executive.

7. QUORUM

- a) At all meetings of the Association, twenty members shall form a quorum.
- b) At all meetings of the Executive, four members shall form a quorum.
- c) If after ten minutes after the time scheduled for a meeting a quorum is not present, the meeting shall stand adjourned and at such adjourned meeting the number of members then present shall form a quorum, notwithstanding the terms of paragraphs a) and b) above.

8. GENERAL MEETINGS OF MEMBERS

- a) The Annual General Meeting of members shall be held within four months of the end of the Financial Year of the Association.
- b) Special General Meetings will be convened upon a resolution of the Executive or a requisition of not less than twelve members of the Association, which requisition shall set forth the purposes for which the meeting is called.
- c) Such Special General Meeting shall be held at such time and place as the Executive may decide, provided that in no circumstances may the calling of such meeting be delayed for a longer period than twenty-one days after the date upon which the requisition is received.
- d) At least three clear days notice shall be given of any meeting of the Executive and at least seven days notice shall be given in the case of the Annual General or Special General Meeting, and such notice will specify the business to be transacted at the meeting.

9. AMENDMENT OF CONSTITUTION

The Constitution may be amended, altered or added to at a General Meeting of the Association. The notice convening the General Meeting shall embody the proposed alterations, amendments or additions to the Constitution. A bare majority of votes shall be sufficient to amend, alter or add to such Constitution. Such voting shall be by a show of hands.

10. FINANCIAL RECORDS

- a) The financial records of the Association shall be maintained by the Honorary Treasurer who shall report to the Executive.
- b) The Financial Year of the Association will terminate on the 30th June each year.
- c) The financial statements of the Association shall be presented to the Members at the Annual General Meeting.

11. BANKING ACCOUNT

A banking account shall be opened in the name of the Association with a bank registered in terms of the Banks Act 1990 and the method of operating thereon shall be in accordance with a Resolution of the Executive.

12. TERMINATION OF THE ASSOCIATION

The Association may be terminated by a resolution of the Executive confirmed by the members in general meeting. On termination, any assets remaining after the Association's liabilities have been met must be transferred to another nonprofit organisation having similar objectives to the Association.