

BERGVLIET/MEADOWRIDGE RATEPAYERS' ASSOCIATION

CONSTITUTION

Definitions

1. In this Constitution, unless the context indicates otherwise:

"**Association**" means the Bergvliet/Meadowridge Ratepayers' Association established in terms of this Constitution;

"**Council**" means the Council of the Municipality of Cape Town;

"**Executive Committee**" means the Executive Committee of the Association established in terms of Clause 12(1);

"**good standing**" in relation to a member means a member who is not in arrears with the payment of subscriptions to the Association;

"**member**" in relation to residential property means a member of the Association who is an owner or lessee of such property, the spouse of that person and any child of voting age, and in relation to property zoned for business, **institutional** or commercial use, means a member who is the owner or lawful occupier of such property;

"**office-bearer**" means the Chairman of the Association, the Vice-Chairman, the Honorary Treasurer and the other members of the Executive Committee;

Name

2. The name of the Association shall be the Bergvliet/Meadowridge Ratepayers' Association.

Area

3. The area of operation of the Association shall, notwithstanding any delimitation of ward boundaries, be -

"starting at the intersection of Mafeking Road and Main Road, southwards as far as the boundary of Zwaanswyk School and the residential area of Bergvliet, including Dreyersdal Farm up to and along the stream to the Van der Stel Freeway, northwards to Kendal Road, Walloon Road, Abbotsford Road, Weltevreden Road, Old Kendal Road, Boundary Road, then eastwards along Bergvliet Road, over the Main Road along Roscommon Road (middle of road over the bridge), the railway line and southwards to Mafeking Road, both sides of Mafeking Road".

Status

4. The Association is a non-political voluntary association with perpetual succession and which:

- (a) exists separately from its members; and
- (b) with the capacity and powers set out in clause 5.

Capacity and Powers

5. The Association may:
- (a) acquire or hold rights in or to or over movable and immovable property;
 - (b) in its own name sue and be sued;
 - (c) acquire funds from its members or otherwise and bank such funds in a banking account or accounts opened in the name of the Association with any lawfully registered bank or savings bank;
 - (d) invest its funds with any lawfully registered bank or savings bank;
 - (e) pay for any service provided to or for the Association in accordance with its objects in Clause 7;
 - (f) pay honoraria to any member for work done for the Association: Provided that a member of the Executive Committee shall not be remunerated for serving on that Committee;
 - (g) enter into agreements, partnerships and similar arrangements with any organisation with like aims;
 - (h) generally do or perform any act or thing that a voluntary association may by law do or perform.

Indemnities

6. (1) The Association shall not be liable for any debt incurred or obligation accepted by any of its members or office-bearers without the prior written authority of the Executive Committee.
- (2) A member of the Association is indemnified against any cost, claim or suit howsoever arising as a result of anything done or performed in the course of any lawful instruction given or resolution made by the Executive Committee or any general meeting.

Objects

7. The objects of the Association are generally to protect the local government rights and interests of its members in its area of operation and without derogating from the generality of this object, the objects of the Association include:
- (a) ensuring the provision of efficient and affordable municipal services;
 - (b) the protection of the residential integrity of the Bergvliet/Meadowridge area;

- (d) promoting the protection and preservation of the built and natural environment of the area;
- (e) participating in public affairs for the better government of the area of operation.

Membership

8. (1) Any person, natural or otherwise, referred to in the definition of Member may upon tendering to the Secretary the Association's application form and the membership fee for the year concerned, become a member at the time that form and fee are handed to the Secretary.
- (2) The Secretary shall enter the name of the member concerned into the register of members and hand the fee paid to the Honorary Treasurer.
- (3) Membership is automatically renewed on payment of the fee for the next ensuing year.
- (4) The membership fee becomes due on 1 October and is payable by not later than 31 March of the ensuing year.
- (5) The practice of offering life membership by way of purchase shall be discontinued subject to the continuation of life membership for all those members who purchased life membership up to the date this Constitution has been adopted.

Membership Fees

9. The membership fee for membership of the Association shall be determined from time to time at the Association's Annual General Meeting by a vote of the majority of the members present.

Honorary Life Members

10. (1) The members present at an Annual General Meeting of the Association may by a vote of a majority of them elect any person, whether a member or otherwise, to be an Honorary Life Member of the Association.
- (2) The basis on which a person may be elected as an Honorary Life Member is that he or she performed outstanding service for the Association or advanced or protected the interests of Bergvliet/Meadowridge.
- (3) An Honorary Life Member may attend any general meeting of the Association and may participate in its proceedings but may not vote.
- (4) An Honorary Life Member shall not be required to pay any membership fee.

Termination of membership

11. (1) The membership of a member terminates when he or she:
 - (a) leaves the Bergvliet/Meadowridge area;

- (b) in writing to the Secretary resigns as a member;
 - (c) fails or neglects to pay the membership fee on or before 31 March in any year for two consecutive years;
 - (d) has his or her membership terminated by reason of misconduct.
- (2) Any person whose membership has been terminated in terms of subclause (1)(a), (b) or (c) may re-apply to be a member.

Structures

12. (1) There shall be an Executive Committee for the Association consisting of not more than TWELVE (12) persons who are elected at the Annual General Meeting of the Association.
- (2) At the first meeting of the Executive Committee after its election in terms of subsection (1) such Committee shall -
- (a) elect one of their number to be Chairman and another to be Vice-Chairman;
 - (b) elect another of their number to be Honorary Treasurer and appoint a person, whether or not a member of the Committee, to act as Secretary;
 - (c) may allocate portfolios to the members.
- (3) The Chairman of the Executive Committee shall preside at meetings of that Committee and at general meetings.
- (4) The Executive Committee shall meet once a month except for the period December to January when it may either meet or delegate powers to the Chairman and Vice-Chairman.
- (5) The members of the Executive Committee, at the end of the Association's year, shall be eligible for re-election.
- (6) The Executive Committee may do everything possible to realise the objects of the Association and shall have the right to exercise the powers of the Association as set out in Clause 5.
- (7) The quorum for a meeting of the Executive Committee or any other committee shall be ONE THIRD (1/3) of the members then comprising the committee.
- (8) The Executive Committee may from time to time establish committees, determine their composition and functions and may also disestablish such committees.
- (9) Upon failure by a member of the Executive Committee to attend FIFTY PERCENT (50%) of the meetings within the year of election the Committee shall

be entitled to terminate such member's membership of the Committee at the next meeting.

Finance

13. (1) The Executive Committee shall from time to time authorise the opening or closing of accounts with a lawfully registered bank or savings bank.
- (2) The Honorary Treasurer shall ensure that all cheques and cash paid to the Association is banked in one of the accounts referred to in subclause (1).
- (3) The Honorary Treasurer shall report at each meeting of the Executive Committee on the financial state of the Association.
- (4) The books of the Association shall annually be audited and an audited financial statement presented to the Annual General Meeting.
- (5) The financial year of the Association shall be from 1 September to 31 August of the next year.

Records

14. (1) The Secretary shall ensure that a record is kept of the proceedings at an Annual General Meeting and meetings of the Executive Committee.
- (2) The Secretary shall also be responsible for ensuring that the correspondence of the Association is dealt with timeously and be responsible for the custody of the Association's records.

General meetings

15. (1) The Association shall hold an annual general meeting within 60 days of 1 October in each year.
- (2) The business to be transacted at the annual general meeting shall include the following:
- (a) Welcome and apologies
 - (b) Guest speaker, if a guest speaker is available
 - (c) Ward councillor's report
 - (d) Chairman's report
 - (e) Treasurer's report
 - (g) Other business
 - (h) General
- (3) The Association may hold a special general meeting and if not less than 1% of the members petition the Chairman to do, shall hold a special general meeting.
- (4) The business to be transacted at a special general meeting shall be the business set out in the agenda and nothing else.

- (5) Not less than 14 days' notice shall be given to members of any general meeting by posting or delivering to their last known address a written notice to this effect. The failure of a member to receive such notice shall not invalidate the proceedings of a general meeting.
- (6) Any member in good standing may attend and vote at any general meeting.
- (7) The Chairman of the Association shall preside at any general meeting.
- (8) Should the Chairman be absent or otherwise unable to attend a general meeting the Vice-Chairman shall preside and should the Vice-Chairman also be absent or otherwise unable to attend the meeting the members present shall elect a member of the Executive Committee who is present to preside at that meeting.
- (9) The quorum for a general meeting is 1% of the total number of members.

Misconduct

16. Without derogating from the generality of the term misconduct, misconduct includes:
 - (a) in the case of a member any act which results in the Association being held up to public contempt or ridicule;
 - (b) in the case of an office-bearer, any act of dishonesty or improper act in connection with the affairs or business of the Association.

Misconduct Procedure

17. (1) The Chairman shall upon becoming aware of a *prima facie* case of misconduct against a member or office bearer:
 - (a) designate a panel of not more than four members, to hear and decide on the matter;
 - (b) formulate and deliver to the member or office-bearer concerned a document specifying the charge against him or her with sufficient particularity to enable him or her to make his or her defence;
 - (c) require the member or office-bearer to present himself or herself at the place where the hearing is to be held on the date and at the time specified in the charge referred to in paragraph (b);
 - (d) advise the member or office-bearer that he or she may be accompanied and represented at the hearing by a legal practitioner or another person.
- (2) The Chairman shall designate one of the members of a panel referred to in subclause (1)(a) as the Presiding Officer.
- (3) At the hearing either party -

- (a) may call witnesses and examine them;
 - (b) may produce any book, document or record and if the panel so requests shall produce any book, document or record relevant to the matter in question;
 - (c) may cross-examine a witness called by the other party.
- (4) The Presiding Officer shall ask the member or office-bearer concerned and the witness whether he or she wishes to give evidence under oath or affirmation. Should such a person so wish to give evidence the form to be used shall be -
- (a) in the case of evidence under oath:
 - "I solemnly swear that what I have to say is the truth and my oath is binding on my conscience. So help me God;
 - (b) in the case of an affirmation:
 - "I solemnly affirm that what I have to say is the truth and my affirmation is binding on my conscience"
- (5) The purpose of a hearing is to determine all the relevant facts and in the light of such facts, to determine whether the member or office-bearer is guilty of misconduct and if so, to determine an appropriate penalty in terms of the penalties set out in clause 19.
- (6) Once the panel has carried out the provisions of subclause (5), the Secretary shall convey the decision of the panel to the person concerned, whereafter the panel shall be dissolved and subject to clause 18, any penalty imposed shall thereupon come immediately into effect.
- (7) The Secretary shall cause a full and true record of the proceedings of the panel to be kept.

Appeal

18. (1) A member or office-bearer who has been found guilty in terms of clause 17(5) may within 14 (fourteen) days lodge an appeal with the Secretary for the Executive Committee to review the finding of the panel.
- (2) The Chairman shall ensure that an appeal referred to in subclause (1) is placed before the Executive Committee as soon as possible.
- (3) When the Executive Committee hears an appeal it shall consider the record of the hearing which was held, the representations of the member concerned, the comments, if any, of the Secretary, and thereafter it may confirm the finding of the panel or amend the finding of the panel or set aside the finding of the panel and determine another finding or refer the matter back to the panel for further consideration in which event the panel shall be re-established.

- (4) Any finding of guilt by the Executive Committee and any penalty imposed shall be final and binding.

Penalties for misconduct

- 19. The penalties for misconduct shall be -
 - (a) in the case of a member suspension for a period or cancellation of membership depending on the nature and degree of the misconduct; and
 - (b) in the case of an office-bearer, loss of office and if considered necessary, also the penalties in paragraph (a).

Amendments to the Constitution

- 20. The provisions of this Constitution may be amended at a general meeting, of which 14 days' notice has been given, by a vote supported by a majority of those members present and who are in good standing.

Dissolution

- 21. (1) The Association may be dissolved at a general meeting of members of which 30 days' notice shall be given, by a vote supported by not less than two-thirds of the members in good standing who are present.
- (2) In the event of a vote in favour of dissolution being cast at the meeting referred to in subclause (1), the members present shall also appoint a person as a liquidator to settle any debts and to realise the assets of the Association.
- (3) The net residue of the assets referred to in subclause (2) shall be paid to any non-profit organisation or organisations in Bergvliet/Meadowridge that serve the population of the area and which are identified at the special general meeting referred to in subclause (1).
- (4) Where two or more organisations in the Bergvliet/Meadowridge area are identified to receive a share of the net assets of the Association, the special general meeting referred to in subclause (1) shall determine the proportions in which the funds are to be distributed.

This Constitution was adopted at an Annual General Meeting of the Bergvliet/Meadowridge Ratepayers' Association held on 17 October 2019.

CHAIRMAN
DATE:

VICE CHAIRMAN
DATE:

