

CONSTITUTION OF THE KLEINMOND RATEPAYERS' ASSOCIATION

1. **NAME**

The Kleinmond Ratepayers' Association.

2. **AIM**

To serve the interest of the Kleinmond ratepayers and to liase effectively with the ratepayers, permanent residents and the Town Council and to promote co-operation between the community and the Council.

2a **LEGAL POSITION**

The Association is a legal person, separate and independent from its members, competent to obtain and alienate property, to obtain rights and undertake obligations, to act in case of any claims or defences and to perform any such duty that would be legally expected from a legal person. The property and funds of the Association is settled in the Association as a legal person and no member of the Association is liable for any debt of the Association

3. **MEMBERSHIP**

3.1 All ratepayers and permanent residents within the town boundary of Kleinmond may apply for membership. The Management Committee has the right to refuse or terminate membership without presenting any reasons and without repayment of membership fees.

3.2 Membership fees, as determined from time to time by the Annual General Meeting, are payable before commencement of the next Annual General Meeting.

3.3 All enrolled members of an address may vote.

4. **GENERAL MEETINGS**

4.1 **Annual General Meetings.**

4.1.1 The Annual General Meeting will be held once a year.

4.1.2 Notice of venue, date and time of a Annual General Meeting shall be given in writing to all members at least fourteen [14] days in advance.

4.1.3 The retiring Management Committee shall table an annual report as well as a financial statement for the year of office at the Annual General Meeting.

4.1.4 The Management Committee for the following year shall be elected at the Annual General Meeting.

4.1.5 A quorum will constitute ten percent [10%] of the fully paid up membership.

4.1.6 In the event of a tie of votes, the Chairman will have the casting vote.

4.2 **Special General Meetings.**

4.2.1 The Management Committee may convene a Special General Meeting. Notice of such a meeting shall be served in writing to all enrolled members, at least fourteen [14] days in advance.

4.2.2 A quorum will constitute ten percent [10%] of the Association's fully paid up membership.

4.2.3 A Special Annual General Meeting shall be called for by the Management Committee if requested by at least ten percent [10%] of all fully paid up members. Such a meeting shall be held 30 days after the receipt of such a request.

4.2.4 The matters to be discussed at a Special General Meeting shall be limited to the matters for which the meeting was called...

4.3 **Postponed Annual General and/or Special meetings.**

4.3.1 In case the required quorum is not present at an Annual General and/or Special meeting, such a meeting must be postponed and the members present are entitled to decide upon date, time and place for the postponed meeting.

4.3.2 At the postponed Annual General and/or Special meeting, the members present will form a quorum to dispose of the business for which the meeting was called.

5. **MANAGEMENT**

5.1 The affairs of the Association shall be managed by the Management Committee which will be elected annually at the Annual General Meeting.

5.2 The Management Committee shall consist of a Chairman, Vice Chairman, Secretary, Treasurer and two[2] other members from every ward of Kleinmond which will be approved from time to time by the Annual General Meeting.

5.3 A maximum of two [2] additional members can be co-opted by the Management Committee.

5.4 In case vacancies occur on the Management Committee during the course of a financial year, the Management Committee may fill up to four [4] of the vacancies by co-opting. In the event of more than four [4] vacancies occurring, a Special Meeting must be called to fill the said vacancies.

6 **MANAGEMENT COMMITTEE MEETINGS**

6.1 Management Committee will, as far as possible, meet once a month on dates and times set by the Committee.

6.2 A quorum for these meetings will consist of any six [6] members of the Committee.

6.3 Any member of the Committee who fails to attend two [2] consecutive meeting without permission being granted by the Committee, may lose his/her position as Committee member, and the vacancy may be filled as described in paragraph 5.4.

7 **DUTIES OF THE MANAGEMENT COMMITTEE**

7.1 The Committee will manage the Association's funds by means of a cheque and/or savings account held at a registered commercial bank. The Treasurer plus any of the following members i.e. the Chairman, Vice Chairman and Secretary, shall have signing powers on the Association's accounts and/or any financial documents.

7.2 The Chairman will be responsible for the drafting and presentation of an annual report to the Annual General Meeting for the period stretching from the previous reporting date up to the next Annual General Meeting

7.3 The Treasurer will be responsible for the drafting and presentation of a financial statement that will cover the period from the date of the previous report, up to the following Annual General Meeting. The said statement shall be signed by both the Chairman and Treasurer.

7.4 The Secretary shall be responsible for the keeping of minutes of all meetings of the Association, the safe keeping of all documents of the Association, and the timeous sending of all notices of the Association.

8 **GENERAL**

8.1 No Council member or Municipal official may serve on the Management Committee of the Association and any member of the Management Committee that gets elected

to the Council or enters into the service of the Overstrand Municipality, shall vacate his/her position on the Management Committee with immediate effect.

- 8.2 No amendment to the Constitution shall be allowed, unless fourteen [14] days notice of such an intended amendment was given and such amendment is approved on the following Annual General Meeting by a two-thirds majority of the members present at that meeting.

9. DISSOLVING OF THE ASSOCIATION

In the event of the Association, that was founded on 3 November 1967, dissolving, the remaining portion of its assets shall be given to the Kleinmond Laerskool. Should the Kleinmond Laerskool no longer exist at that time, the said assets must then be given to the South African Red Cross Society.