

Rationale for changes to the RERA Constitution:

The proposal is in some ways a continuation of previous work and incorporates many of the concepts. This document details the rationale.

The world was a different place and Rooiels was a small community of like-minded people when RERA was established, now 50 years ago. The Constitution served a small community very well, but Rooiels has seen considerable growth, diversity, and governance (local and provincial). A big concern is that the current Constitution requires members to pay a membership fee and in effect sign over decision-making to the office-bearers. Three of these office-bearers are then able to effect changes in the village without consultation (original Clause 4 d).

An analysis of the existing Rooiels Constitution, which should provide a framework within which the community and its association, RERA, should operate, reveals the following:

- RERA only represents associated members (applied, paid, and ratified), and NOT ALL ratepayers of Rooiels and the surrounding smallholdings. The Overstand Municipality may not be under this impression and consider RERA to be the official voice of ALL Rooiels ratepayers.
- Any person associated with RERA has given the Executive Committee full power to act, make decisions, and represent its members.
- Other than participating in the selection of an Executive committee, the existing RERA constitution does not require the Executive Committee to engage in consultation, seek mandates from its members, or be transparent in its agenda.

In preparing these proposed amendments, we consulted several sources including legal cases between ratepayers and municipalities, several examples of constitutions of a similar nature as well as the [guidelines for constitutions](#) provided by ETU (Educational and Training Unit for Democracy and Development) and the [model constitution](#) provided by the Department of Social Development. We tried, however, to maintain as much of the structure of the original constitution, where it would not make a substantial difference in the outcome.

In our view, a few main aspects require attention (some sections may overlap):

- PART A (original sections 1, 2, 7, 9, 10, and 11; proposed sections 1, 2, 3, 4, 5, 12, 13, 14, and 15): **Updating some aspects of the structure of the document to assist with readability, and modifying sections to comply with acceptable norms around the contents of a constitution.**

This section lists the name and registration details of the association, its intent, legal status, and objectives. The original constitution did not include a list of definitions, and as has become the norm for such documents, such a section is included in this proposal – it may benefit from additional definitions.

Sections related to the legal status of the association were stripped out to stand on their own while the Objectives section was expanded to serve as a broad list of focus areas under which annual goals could be added. It is here where the community can dictate the overarching mandate of the Executive Committee. This section must be read in conjunction with the sections where community involvement and the powers of the Executive Committee are outlined.

It is proposed to position RERA as the umbrella association of the village, for it to **constitute supporting associations and abide by their independent Constitutions**, such as the Rooiels Conservancy (REC)

(clause 5.10), the Rooiels Security Association (RESA) (clause 5.11), a social responsibility arm (clause 5.12), and any other cause as they see fit, as well as other functions that operate outside of, but under the mandate of RERA (clause 5.13). This includes, but does not have to be limited to, the compilation and publishing of the Breeze, the operation of the village website, the maintenance of the village internet services and database management, and the administration of the village Facebook and WhatsApp (or alternatives) groups. These must 'report' to the Communications Portfolio within RERA but become independent operations outside of the duties of the Executive Committee.

- PART B (original section 3; proposed section 6): **Redefining membership to clarify the types, application process, and limits.**

The name RERA (Rooiels Ratepayers' Association) implies that the reasonable person will consider everyone who is a ratepayer to the Overstrand Municipality, with property in Rooiels, to be a member of such an association, which has one of its primary objectives to be a conduit for ratepayers' views to the relevant Local Council and/or government department.

Currently, a membership fee is paid to belong to RERA, which likens it to a club. Unless you pay this club and more worryingly, if you DO PAY this club, you have no say in its business, which may involve your fundamental rights as a property owner. We are confident that this was not the intention of the original founders of RERA. We need a constitution that is bullet-proof against agents with bad intent.

Considering the concerns raised earlier, it is proposed that membership be redefined to include four categories:

- Ordinary Members – currently, one must be a paid member to participate in community decisions. This proposal aims to give everyone in the village a voice, albeit in a limited manner. Every **registered Rooiels ratepayer** should be considered an ordinary member and should be exempt from paying a membership fee. They gain one vote in their personal capacity (no proxy) per property/erf for the election of office-bearers. They may raise agenda items to the Chairperson, who shall raise them at an Executive Meeting, and if accepted, shall put them to the Principal Members for consideration, where necessary.
- Principal Members – currently, this is the category considered to be RERA members. These members, also **registered Rooiels ratepayers**, should pay an annual membership fee unless they have resigned in writing for the following year and, in addition to the ability to vote for office-bearers, should have one vote per property/erf to vote on issues. If they cannot attend a meeting, they have the option to vote on issues via ballot through the Secretary or to appoint a proxy (who must be another Principal Member). Principal Members may carry the proxies of up to two other Principal Members to maintain the balance of voices within the community.
- Honorary Members – currently anyone can be proposed for honorary membership and no further community input is required. Some guidelines around the identification of suitable candidates are provided, which, among other things, specify that they shall have supported Rooiels in a significant manner.
- Executive Committee members – currently any ratepayer in the village can be voted into office. It is proposed that these seats be reserved for well-informed, dedicated and actively involved members among us. It is proposed that these members already be Principal Members for a continuous period of at least 24 months and that their stay in office is

extended to 24 months but also limited to two consecutive terms of office. Another section deals with how the Executive Committee should conduct the business of the association.

It is important to review this section with a mindset of 'village' and 'long-term' rather than 'me'. For instance, you should not review a section based on whether its adoption will affect your eligibility to be elected as an office-bearer. The Constitution should be robust to protect the best interest of the village, regardless of office-bearers.

- PART C (original sections 4, 6, and 8; proposed sections 7, 8, and 9): **Clarifying the election process of office-bearers, including outlining how they should conduct themselves**

The office-bearers (the Executive Committee) manage the affairs of the association. They should not be viewed as an extension of the service delivery structures of the municipality. Instead, their focus should remain on the long-term needs of the Rooiels ratepayers. Individuals should log support requests and complaints with the relevant government institution, and only report poor service delivery or repetitive issues to RERA. As it is, this is not an easy job, and we should be kind and respectful to those who are willing to serve us so graciously.

The change of hands must not result in a change in agenda by the office-bearers. Their role should be taking the reins in driving important matters as identified by the ratepayers as a collective. An absolute level of faith in the intentions of each office-bearer is paramount for the functioning of a successful association. It is important that well-informed, dedicated, and active members be entrusted to hold office.

Office-bearers must have sufficient capacity to commit to the objectives and annual goals of the association. They must be well-informed individuals that have a thorough understanding of, and dedication to, the Rooiels Vision. In that regard, they must be adequately involved in community activities prior to being elected as office-bearers. However, rotation is important to avoid stagnation.

This section outlines the make-up of the Executive Committee, their terms of office, the nomination and election procedures, and the conditions around removal from office. It is a highly complex section designed to put the needs of the association and its members above any office-bearer.

- PART D (original sections 5 and 6; proposed sections 9, 10, and 11): **Strengthening the need for community engagement, outlining meeting conduct and voting**

This section deals with strengthening the need for community engagement and participation, including the voting processes. It also covers the powers of the Executive Committee and how they should conduct themselves, their meetings, and the keeping of records. This part covers three highly expanded sections that put significant power in the hands of the members and provide the office-bearers with substantial guidelines on how to conduct the business of the association.