

CONSTITUTION OF THE ROOI ELS RATEPAYERS ASSOCIATION

1. Name and Vision

1.1 The name of the Association shall be THE ROOI ELS RATEPAYERS ASSOCIATION (RERA)

1.2 The Associations Vision for Rooi Els is the creation and maintenance of an ecologically well-balanced area in which indigenous flora, fauna, marine life and humans can coexist and thrive in harmony.

2. Objectives and Legal Status

2.1 The objectives of the Association shall be as follows:

(a) To protect the rights and promote the interests of the ratepayers of Rooi Els and surrounding small holdings.

(b) To keep in close contact and cooperate with the governing authorities, especially on matters which might affect ratepayers and / or residents of Rooi Els

(c) To encourage ratepayers and residents to protect the fauna and flora and sea life within Rooi Els and the surrounding area.

(d) To promote and implement the Rooi Els Vision.

(e) To cooperate, when deemed necessary, with any other associations whose aims and objectives support those of RERA.

(f) Generally to take an active interest in all matters affecting the welfare of its members.

2.2 The Association shall have all such powers as are necessary for the proper attainment of the objectives set out in clause 21 above.

2.3 The Association is, and shall continue to be, a distinct and separate legal entity and body corporate, with the power to acquire, to hold, to encumber and to alienate property of every description whatsoever, and with the capacity to acquire rights and obligations and having perpetual succession.

2.4 All actions or suits, proceedings at law or any arbitration shall be brought by or against the Association in the name of the Association and the Executive Committee may authorize any person or persons to act on behalf of the Association and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.

2.5 The Association is not formed and does not exist for the purpose of carrying on any business that has for its object the acquisition of gain by the Association or its individual members

2.6 The Association may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for costs incurred for doing work that a member or office bearer has done for the Association (i.e. administration costs for postage, ink cartridges etc.) or costs incurred by a consultant.

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2009-09-22
DIRECTOR: NON-PROFIT ORGANISATIONS
DEPT. OF SOCIAL DEVELOPMENT

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DEPT. OF SOCIAL DEVELOPMENT

Chairperson
Vice Chair
Hon. Members

Such payment must be restricted to direct costs for which proof must be provided. Members or office bearers of the Association do not have rights over things that belong to the Association.

3. Membership

3.1 (a) Ordinary membership shall be open to all ratepayers or their authorised representatives, within the area covered by this association, which shall include the Rooi Els village and surrounding smallholdings.

(b) Application for membership shall preferably be made in writing to the Secretary and signed by the applicant, or on the form supplied by the Association, but verbal applications can be accepted by the Secretary on receipt of an annual subscription.

(c) The Executive Committee shall consider and ratify any such applications for membership and shall in their discretion admit applicants to membership and enrol them as members.

(d) Nominations for Honorary membership may be motivated in writing by any member and approved by the Executive Committee at least 30 days prior to the AGM. Any such nomination shall be ratified by a majority of those present at the AGM.

3.2 Membership of the Association shall not give any member a right to any of the moneys, property or assets of the Association but only confers the privilege of membership.

3.3 The liability of members is limited to the amount of unpaid subscriptions or other moneys owing by them to the Association.

3.4 A member whose application for membership has been accepted shall be bound by the Constitution, rules and resolutions of the Association, which are then in force, or which subsequently may be altered or amended and in force at any future time. No person shall be absolved from the effect and application of the Constitution, rules and resolutions by reason of the fact that he or she may not have received a copy thereof.

3.5 A member may resign by notifying the Secretary in writing.

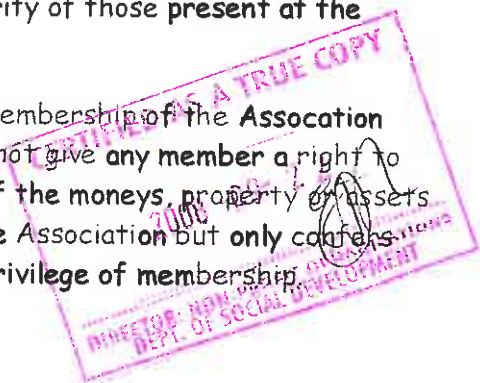
3.6 The Executive Committee may terminate the membership of a member in writing upon failure to full pay membership fees, misconduct, breach of the Constitution, rules or resolutions of the Association.

3.7 Any member whose membership is terminated in terms of clauses 3.5 and 3.6 above, remains liable for all outstanding membership fees at date of termination of membership.

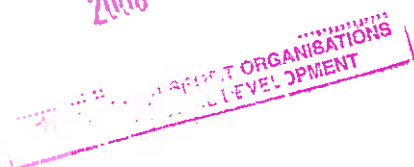
4. The Executive Committee

(a) The affairs of the Association shall be controlled by an Executive Committee, which shall consist of at least 6 persons.

(b) The Executive Committee shall consist of a Chairman, Vice-Chairman, Secretary, Treasurer, and at least two committee members.



2008-09-22



Chairperson
Vice Chair
[Handwritten signatures]

The members of the Executive Committee shall be elected at the Annual General Meeting. Should any vacancy occur among the office-bearers and committee members, the Executive Committee may fill it until the next following Annual General Meeting, and further shall have power to co-opt not more than two members for the unexpired period of any year.

(c) No person shall be elected to the Executive Committee unless he/she has been a member of the Association for at least three months

(d) Three members of the Executive Committee shall form a quorum for Executive Committee meetings.

(e) The management and control of the Association shall vest in the Executive Committee, which shall have the full power and authority to do any act, matter or thing which could or might be done by the Association excepting such matters as specifically reserved by this Constitution to be dealt with at a General Meeting of members. The Association in General Meeting may review, approve or amend any decision of the Executive Committee, but no such decision of the Association shall invalidate any action taken by the Executive Committee in accordance with this constitution.

5. General Meetings

(a) The Annual General Meeting shall be held once a year but not later than fifteen months after the previous meeting. Other General Meetings shall be held as may be considered necessary by the Executive

Committee. At least seven days written notice of any such meetings shall be given.

(b) A General Meeting shall be called on the petition of at least ten members of the Association to the Executive Committee stating the necessity for the meeting. The notice of the meeting shall be sent out by and on the authority of the Executive Committee.

(c) No member shall be allowed to vote at any meeting of the Association unless his/her subscription for the current year has been paid.

(d) The quorum for a General Meeting shall be ten members, excluding the members of the Executive Committee. At all General and Executive meetings the Chairman shall have a deliberate vote, and in case of any equality of votes shall also have a casting vote. Should there be no quorum at a duly-convened meeting, the meeting shall stand adjourned automatically for three weeks, and at the subsequent meeting, those present shall constitute a quorum.

(e) The chair at all General Meetings shall be taken by the Chairman or, in his/her absence, by the Vice-Chairman. Should both be absent the members present shall elect a chairperson for that meeting among the members of the Executive Committee present, if any, or, failing their presence, a chairperson shall be elected, from among those members present.

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2008-09-22

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DIRECTOR, NON-PROFIT ORGANISATIONS
DEPT. C SOCIAL SERVICES
TERRITORY

Chairperson 
Vice Chair 

(f) The business to be done at an Annual General Meeting shall be as follows:

- (i) to confirm the minutes of the previous General Annual Meeting;
- (ii) to receive and consider a report of the Executive Committee and financial statement for the preceding financial year;
- (iii) to elect the 6 members of the Executive Committee;
- (iv) to consider and put to the vote any resolutions concerning the affairs of the Association, of which at least 7 days prior written notice is given to the Secretary or such urgent matters as the Chairman may allow in his/her sole discretion.

6. Meetings and procedures of the Executive Committee.

(a) The Executive Committee shall meet at least once every quarter, and/or as often as deemed necessary. Any member of the Executive Committee failing to attend three consecutive meetings without leave of absence of the Committee shall forthwith forfeit his/her office and the vacancy so caused may be filled by the Committee.

The Executive Committee may, however, condone such absence on a satisfactory reason being advanced.

(b) The Executive Committee shall have the power to make rules necessary for the proper conduct of the business of the Association.

(c) Procedures to be followed should be:

To adopt the minutes of the previous meeting; to discuss portfolio matters

(matters of concern to ratepayers i.e. municipal affairs - roads, sanitation, waste management, security and safety, zoning plans, and general affairs).

(d) Representatives of the governing authorities and/or other organisations may be invited to the Executive meetings, and all other meetings and may address such meetings. They shall, however, have no right to vote. Ordinary members are welcome to attend and address Committee meetings, but have no vote.

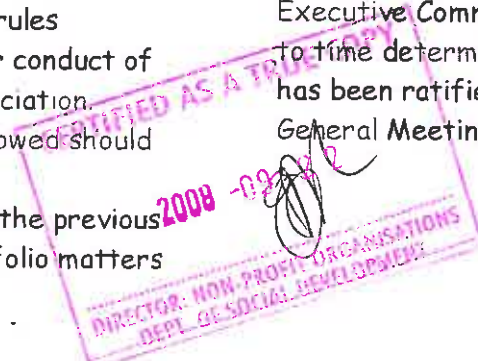
(e) Minutes of meetings must be kept safely for members to consult and regular reports/feedback should be provided.



7. Financial Transactions

The Associations financial transactions should be conducted by means of a bank account and report to the General Meeting. This report should comply to general accounting practices, but doesn't have to be formally audited. The end of the Associations financial year is 31 December. The committee can not bind the Association for any debt occurred or bank credit facilities.

8. Subscriptions and Voting Rights

The annual subscription for membership shall be such a sum as the Executive Committee may from time to time determine and which amount has been ratified by the Annual General Meeting.



Chairperson 
Vice Chair 

If a member wishes to pay membership subscriptions for more than one property, he/she is entitled to do so and will be able to cast a vote for each such property. Only one vote may be exercised per property in respect of which a subscription has been paid and Joint owners shall choose who will exercise the vote. Subscriptions shall relate to the financial year period starting in January in any year and ending in December of such a year, when the Annual General Meeting also takes place.

9. Constitution

(a) Alterations or additions to the Constitution may be made only by two-thirds of the members present at the Annual General Meeting or a General Meeting of the Association, provided that at least thirty days' notice of such proposed alterations or additions shall have been given in writing, to the Chairman or Secretary and circulated to members.

(b) Not less than three weeks notice in writing shall be given to members of any meeting at which such alterations or additions are to be considered.

(c) Suggested alterations or additions to this Constitution proposed by the Executive Committee and passed at its meeting, shall be exempt from the foregoing thirty days' notice, but shall be subject to the three weeks notice convening the meeting.

(d) A copy of the Constitution shall be issued to new members on request

10. Winding-up

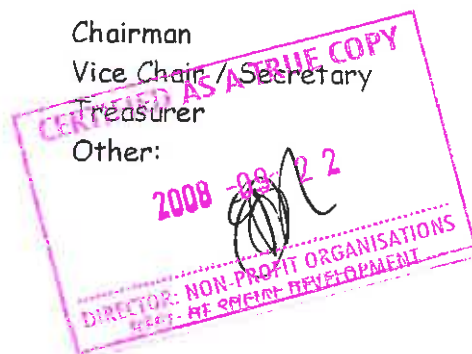
The Association shall continue to exist even when its membership changes and there are different office bearers.

The Association may be dissolved by a resolution passed at a General Meeting specifically called for that purpose, provided that such resolution is passed by a two-thirds majority of the members present and entitled to vote at such meeting. Such meeting shall also have the power to pass resolutions by a majority vote for the appointment of a liquidator and the disposal of the surplus funds and assets of the Association after winding-up and the payment of all the debts and obligations of the Association.

When the Association closes down it has to pay off all its debt. After doing this, if there is money over, it can not be paid or given to members of the Association. After winding up, any assets should be transferred to another non-profit organisation having similar objectives. The majority of the members present at a General Meeting must decide what organisation this should be.

11. Signatures of office bearers

Chairman
Vice Chair / Secretary
Treasurer
Other:



Chairperson
Vice Chair

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