

## **CONSTITUTION**

### **1. NAME**

The Ratepayers' Association shall be known as "Pearly Beach Ratepayers' Association." (Further in this Constitution it is referred to as "the Association.")

### **2. OFFICE**

The office of the Association shall be at the residence of the Secretary of the Management Committee.

### **3. MEMBERSHIP**

#### **3.1** Membership of the Association is restricted to the following categories:

**3.1.1** registered owners of developed or undeveloped land in the Pearly Beach village;

**3.1.2** spouses of members in terms of sub-clauses 3.1.1; and

**3.1.3** bona fide permanent occupiers of property in the Pearly Beach village

**3.2** To become a member of the Association the following procedure must be followed:

**3.2.1** A person wishing to become a member of the Association shall be proposed and seconded in writing by members of at least one year's standing.

**3.2.2** Application for membership is done on a form available from the Secretary or Chairman and also from the Association Website. The application form duly completed shall be submitted to the Secretary with a crossed cheque or proof of payment by EFT covering the annual membership fee for one year.

**3.2.3** The Management Committee considers the application at any one of its meetings during the year and if it is approved the applicant is issued with a copy of the minutes of the last Annual General Meeting as circulated in terms of clause 8.3.3.

### **4. MEMBERSHIP FEES**

**4.1** Every member shall pay an annual membership fee.

**4.2** The membership fee shall be determined by the Management Committee and ratified by the Annual General Meeting from time to time according to the needs of the time.

**4.3** The membership fee applies to one calendar year which covers the period of the first day of January to the thirty-first day of December.

- 4.4** The membership fee of a particular year is in arrear if it has not been paid before the commencement, as scheduled, of the Annual General Meeting which is due to take place before the end of that particular year. A member whose membership fee is in arrear may not vote at the Annual General Meeting.
- 4.5** A member whose membership fees are in arrear for two years forfeits their membership of the Association automatically.

## **OBJECTIVES**

The objectives of the Association are as follows:

- 5.1** To represent and protect the interest of its members in relation to the aforesaid area as a whole;
- 5.2** To liaise with the relevant local authority, thereby striving for the improvement of living conditions in the said area by paying particular attention to:
  - 5.2.1** The maintenance and improvement of the water supply;
  - 5.2.2** The maintenance and improvement of the electricity supply;
  - 5.2.3** The provision and maintenance of health services, roads and streets, open spaces, parking grounds, playing fields, sporting amenities, camping and picnicking sites;
  - 5.2.4** The prevention and fighting of bush fires;
  - 5.2.5** The control of beaches, and
  - 5.2.6** The upholding of applicable local laws and regulations.
- 5.3** To provide input to and monitor the budget and relevant expenditure of the local authority.
- 5.4** To protect the flora and fauna and marine life of the said area and its surroundings.
- 5.5** Generally to further the interests of the community residing and/or owning property in the said area.

## **6. MANAGEMENT COMMITTEE**

- 6.1** At the Annual General Meeting of members, a Management Committee shall be elected from among the members consisting of a Chairperson, Vice-Chairperson, Secretary, Membership Secretary/Treasurer and three additional members.
- 6.2** Any vacancy of the Management Committee that may occur between two Annual General Meetings shall be filled up by the committee by way of co-option from members of the Association.

- 6.3** The Management Committee shall meet as far as possible once in every second calendar month.
- 6.4** Four members of the Management Committee form a quorum.
- 6.5** The Management Committee shall have the power to invite members, officials and representatives of other bodies to attend its meetings and accord them the full right to take part in the discussions but not the right to vote.
  - 6.5.1** If any member of the Management Committee is elected onto the Municipal Council he/she will automatically become an "Ex Officio" member and the Management Committee will fill the vacancy as in 6.2 above.
- 6.6** The following rules apply to the election of the Management Committee:
  - 6.6.1** A separate nominations roll is drafted for every office bearer while a single roll is drafted for the additional members.
  - 6.6.2** The election follows the order of Chairperson, Vice-Chairperson, Secretary, Membership Secretary/Treasurer and additional members. The Electoral Officer shall not call for nominations for an office bearer of the additional members before the election of the office bearers preceding them in the order of election has been completed.
  - 6.6.3** Nominations shall be heard from the floor and received by the Electoral Officer if duly seconded.
  - 6.6.4** The name of nominees shall be clearly displayed in front of the hall for everyone to see.
  - 6.6.5** Voting shall take place by ballot. A voter may not write down more names on a ballot paper than the number of persons required to be elected by the particular ballot. Voting may take place by show of hands if so requested by the majority of members present at the AGM.
  - 6.6.6** There shall be no voting by proxy by anyone who is absent from the meeting.
  - 6.6.7** The Electoral Officer appoints two or more members as polling clerks. After they have counted the votes cast in a ballot they shall hand the result in writing to the Electoral Officer who shall announce it to the meeting.
  - 6.6.8** To be duly elected a nominee must draw more than half the total number of votes cast in a ballot. In the event of a tie a decision shall be reached by the drawing of lots.
  - 6.6.9** The acting Management Committee remains in office till the end of the meeting when the newly elected Management Committee assumes office and the Chairperson-elect closes the meeting.

## **7. FUNCTIONS OF THE MANAGEMENT COMMITTEE**

The Management Committee shall exercise all the powers and rights of the Association not specifically reserved to general meetings of members and without detracting from the generality hereof, shall have the power to:

- 7.1** Open and administer a banking account in the name of the Association.
- 7.2** Appoint officials to endorse cheques and other legal and financial documents.
- 7.3** Liaise with the local authority to prevent the waste of water.
- 7.4** Take steps to get the Association represented on other bodies such as the Ward Committee of the local authority.
- 7.5** Make representations to the local authority and other official bodies and individuals in relation to matters in which it is concerned.

## **8. GENERAL MEETINGS**

- 8.1** An Annual General Meeting of members shall be held during the period of 15 December to 15 March, at a place, date and time determined by the Management Committee. The Management Committee may, when it deems it necessary, call a special general meeting and it is obliged to do so at the request in writing by any five members.
- 8.2** The business of the Annual General Meeting of members shall be:
  - 8.2.1** The election of the Management Committee.
  - 8.2.2** The consideration of the Annual Report of the Management Committee.
  - 8.2.3** The consideration of the Financial Report and the Auditor's Report for the past year.
  - 8.2.4** The consideration of and voting upon motions and proposals tabled by the Management Committee and members.
  - 8.2.5** General business.
- 8.3** Rights of members and non-members:
  - 8.3.1** Members have the right to place matters for discussion and resolution on the agenda of the Annual General Meeting provided that they submit such matters in writing to the Secretary at least six weeks prior to the Annual General Meeting.
  - 8.3.2** Persons who are not members of the Association may participate in the debates of the Annual General Meeting only after the meeting has voted its consent. Such persons have no right to vote.

**8.3.3** The Minutes of the Annual General Meeting shall be displayed on the Association's website and circulated by email to all members of the Association within 60 days of the Annual General Meeting.

**9. PROCEDURE OF MEETINGS**

The procedure of Management Committee meetings and general meetings is conducted by the Chairperson. The Chairperson decides all points of order but shall have the discretion, to refer any point of order to the meeting for decision. Motions of order are decided by the meeting, without prior discussion, by a majority vote.

**10. NOTICES OF MEETINGS**

Notices shall be given in reasonable time of any meeting of the Management Committee and of a general meeting of members, and such a notice shall clearly state the date, place, time and agenda of the meeting.

**11. MINUTES OF MEETINGS**

The Secretary shall keep minutes of all meetings. At each meeting the minutes of the previous one shall be confirmed by the members and signed by the Chairperson and Secretary.

**12. MEMBERSHIP ROLL**

The Secretary shall keep an up-to-date register of the names and addresses of all members. Members shall notify the Secretary from time to time of any change

**13. TREASURER**

The Treasurer shall keep accounts showing all monies received and disbursed on behalf of the Association, and also a record of its assets and liabilities. All books and accounts shall be audited annually by a person or persons appointed by the Annual General Meeting.

**14. ALTERATION OF CONSTITUTION**

The Constitution may be altered by a majority vote at a general meeting of members, provided that written notice of such a proposal be circulated to members by email and placed on the Association's website at least thirty days before the meeting.

*Amended 30 December 2014*