

CONSTITUTION OF THE OYSTER BAY RESIDENTS' ASSOCIATION

1. Name

The name of the Association is the Oyster Bay Residents' Association.

2. Interpretation

In this Constitution

- a. "Committee" refers to the elected Management Committee of the association;
- b. "Member" refers to an enrolled member of the association;
- c. "Municipality" refers to the Kouga Municipality (EC 108);
- d. "Association" refers to The Oyster Bay Residents' Association;
- e. "Resident" refers to any property owner, resident (whether permanent or temporary) or visitor or holiday maker within the geographical area of the Association.

3. Geographical area

The geographical area of the Association includes the Townships of

- a. Oyster Bay;
- b. Umzamowethu.

4. Vision

As an independent association to assist the membership to co-ordinate their needs and requirements and to communicate their co-ordinated requirements and needs to the Kouga Municipality, the Provincial Government and other National Government departments, agencies or organisations to ensure that the membership and the geographical area of the Association receives their rightful share and allocation of budget spend, services and development.

5. Mission

To serve the needs of Oyster Bay and Umzamowethu property owners, residents, visitors and holiday makers, and to this purpose

- a. manage the affairs of the Association efficiently.
- b. remain up to date about the actions of the powers that are in the area.
- c. ensure that municipal service delivery complies with residents' rights under the National Constitution.
- d. inform residents of the work of the Association.
- e. facilitate the co-ordination and prioritisation of the needs of all the stakeholders
- f. consult widely.
- g. promote identification with the Association.

6. **Membership**

Any property owner, resident, visitor or friend of the community eighteen (18) years and older shall be eligible to apply for membership.

All members will have full voting rights provided he/she has paid the annual membership fees.

7. **Membership fees**

- a. The annual membership fees shall be determined by the Annual General Meeting or a Special General Meeting convened for this purpose.
- b. Membership fees shall be payable when membership is taken up and thereafter annually not later than the onset of the Annual General Meeting.
- c. Members, whose membership fees are not settled before the onset of the Annual General Meeting shall remain members but will lose their right to vote.

8. **Management Committee**

- a. The affairs of the Association shall be administered by a Management Committee.
- b. The Management Committee shall be elected by the Annual General Meeting.
- c. The Management Committee shall consist of up to ten (10) but not less than four (4) members, namely

Chairperson;
Vice Chairperson and
between two (2) and eight (8) additional members.

- d. The nomination of a Management Committee member, duly accepted by the nominee shall be submitted in writing and signed by the proposer and seconder. This shall be done at least 24 hours prior to the Annual General Meeting. The Chairperson shall table the nominations at the Annual General Meeting.
- e. The Management Committee may co-opt additional members who will have full voting rights on that Committee.
- f. Members of the Management Committee shall serve from the end of the Annual General Meeting at which they are elected, until the end of the Annual General Meeting two years from then.
- g. Half of the members of the Management Committee shall be elected for a two year term at each Annual General Meeting to ensure continuity within the Management Committee. The Committee will be responsible to arrange that some members resign to accommodate this arrangement if and when the need arises.
- h. Serving councillors or officials of the Kouga Municipality (EC 108) shall not be eligible to serve on the Management Committee.
- i. A member of the Management Committee shall be required to vacate his/her position if he/she actively pursues political candidacy, or if he/she becomes an official of or a consultant to the Kouga Municipality (EC 108).

- j. If a vacancy occurs on the Management Committee, such a vacancy shall be filled by the Management Committee. Such a member shall hold office until the next Annual General Meeting.

9. Powers of the Management Committee

- a. The Management Committee shall manage and promote the business and interests of the Association in terms of this Constitution, exclusively for the benefit of the Association and its members.
- b. Funds of the Association shall only be used for the benefit of the Association.
- c. Only the Chairperson or a member designated by him/her shall conduct interviews and make announcements on matters relating to the Association.

10. Finance

- a. The Management Committee shall manage funds of the Association at its own discretion.
- b. The financial year of the Association shall be from 1 November to 31 October.
- c. The Management Committee shall hold a current and/or savings account at a commercial bank. Electronic banking is allowed provided that the proper safe guards are in place.
- d. All cheques, withdrawals or transfers shall be authorized by two members of the Management Committee.
- e. The Management Committee shall be responsible for keeping financial records and submission of financial statements and reports to the Annual General Meeting.
- f. Two (2) eligible members, who are not members of the Management Committee, shall be appointed by the Management Committee to examine the books and financial statements of the Association and report thereon to the Annual General Meeting.
- g. The payer of any contribution, other than annual membership fees, shall be entitled to specify how such funds should be applied. If no such specified purpose is indicated the funds shall be applied for the general purposes of the Association.

11. Meetings

- a. An Annual General Meeting shall be held once a calendar year, not later than the end of December.
- b. The Management Committee may call a General Meeting at its discretion.
- c. The Management Committee shall call a General Meeting without delay after receiving a request for such a meeting, stating the reason for the request and signed by at least fifteen (15) members.
- d. Members shall be given at least fourteen (14) days written notice (as well as the agenda) of General Meetings.
- e. Members may submit agenda points for discussion at a general meeting, not later than 24 hours before the meeting
- f. The Chairperson, or if he/she is absent, the vice-chairperson, shall preside at all meetings of the Association. If both are absent, a chairperson for the meeting shall be elected by the members present.

- g. Meetings of the Management Committee shall be held at least four (4) times a year
- h. Resolutions of the Management Committee may be taken by electronic means (i.e. via teleconference or e-mail)

12. Quorum at meetings

- a. Twenty five (25) members shall constitute a quorum at Annual General Meetings and General Meetings of the Association. If a quorum is not present within fifteen (15) minutes after the appointed starting time, the meeting shall be postponed to a date and time within seven (7) days thereof. On this second date, of which due notice shall be given, the members present shall constitute a quorum.
- b. Half of the members plus one member shall constitute a quorum at Management Committee meetings.

13. Voting rights and voting at meetings

- a. At all meetings issues shall be resolved by way of a majority vote of members.
- b. At all meetings votes shall be cast through the show of hands unless the Chairman rules that it will be done by secret ballot.
- c. The announcement by the Chairperson that a motion has been carried or rejected shall constitute conclusive proof of the result.
- d. Only members whose subscriptions have been paid up, shall be allowed to cast their vote
- e. Apart from his/her normal vote, the Chairperson shall have a casting vote in the event of a ballot results in a tie.
- f. Members may allocate their vote to a Proxy, in writing, at any meeting where a vote is required. The Proxy may vote on behalf of all such allocated votes.

14. Minutes

- a. Proper minutes of the proceedings of all meetings of the Association shall be kept.
- b. Every entry in such minutes that are confirmed and signed shall be regarded as a true reflection of the proceedings of the meeting, except in the event of evidence to the contrary.

15. Matters referred to the Management Committee

Any matter referred to the Management Committee for attention and/or action, shall be submitted in writing.

16. Amendments to the Constitution

- a. The Constitution shall be amended only at the Annual General Meeting or at a meeting called for that specific purpose. Such amendments shall only be effected if a two-thirds majority of members agree.
- b. The proposed changes shall be send to members together with the notice of the general meeting.

17. Disbandment of the Association

- a. The Association shall be disbanded if two thirds of the members present at an Annual General Meeting, or a General Meeting called for that particular purpose, cast their votes in favour of disbandment.
- b. Notice of such a meeting shall specifically state that the disbandment of the Association shall appear on the agenda.
- c. The decision to disband the Association shall clearly show how the assets of the Association shall be disposed of.

18. Political Neutrality

- a. The Association shall be apolitical.
- b. No Party Political discussions shall be allowed at any meetings of the Association.

19. In case of any interpretation problems the Afrikaans copy of the Constitution will be decisive.