

# **FISH HOEK VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION**

## **CONSTITUTION**

### **1. NAME**

The name of the Association shall be the Fish Hoek Valley Ratepayers & Residents Association.

### **2. OBJECTS OF THE ASSOCIATION**

- 2.1 To promote the interests and welfare of Fish Hoek, Clovelly, Sun Valley and surrounding areas.
- 2.2 To solicit, encourage, promote and safeguard the common interests, welfare and rights of constituent members, local residents and other local civic bodies, for an efficient local government with appropriate legislation, regulations and by-laws and service delivery mechanisms.
- 2.3 To monitor and review all actions and developments with the intention of:
  - 2.3.1 Preventing civic actions that are undesirable for our constituents;
  - 2.3.2 Constraining developments that are not for the greater good of our community; and
  - 2.3.3 Preserving the heritage resources of our area in a manner consistent with the applicable National Heritage Act and the Western Cape Heritage Resource Management Regulations.
- 2.4 To co-operate with other organisations in the interests of its objectives.
- 2.5 To encourage ratepayers and residents of Fish Hoek, Clovelly and Sun Valley to become members of the Association.

### **3. STATUS OF THE ASSOCIATION**

- 3.1 The Association shall have juristic personality and be capable of instituting and defending legal action in its own name.
- 3.2 The assets, rights and obligations of the Association shall be separate from those of its members and no member shall bear any liability in his or her personal capacity for any obligation or debt incurred by the Association.

### **4. MEMBERSHIP**

- 4.1 Membership shall be open to all persons, businesses and corporate bodies who have proof of permanent residence in Fish Hoek, Clovelly or Sun Valley or who

provide proof for owning property in the Area, subject to prior payment of the prescribed membership fee. Membership fees shall cover the entire family unit living in a single residence and shall have up to two votes, if both are registered on our membership database and present during voting. Special membership may be granted to persons at the discretion of the Executive Committee.

**4.2 MEMBER SUSPENSION**

The rights of any member more than three (3) months in arrears with subscriptions shall be suspended until such time as all amounts due have been paid.

**4.3 SUSPENSION / TERMINATION APPEAL**

Any member whose membership has been terminated by Committee decision shall have the right to appeal to a Special General Meeting of the Association, provided such appeal is made in writing within fourteen (14) days of the Committee's written decision; which appeal must form part of the Agenda of the said Special General Meeting. In the event of an appeal, the appealing person is suspended from all the Association's activities pending the final decision of the General Meeting.

**5. SUBSCRIPTIONS AND FINANCE**

**5.1 FINANCIAL YEAR**

The financial year of the Association shall be the calendar year from January 1 to December 31 in each year.

**5.2 SUBSCRIPTION RATE**

The annual subscription shall be proposed by the Executive Committee and confirmed at a General Meeting of the Association prior to the commencement of the financial year. The annual subscription shall be due on or before the first General Meeting of the financial year.

**5.3 SIGNING POWER**

The Treasurer shall be responsible for all monies received by him / her and place same to the credit of the Association's account within seven (7) days of receipt. Withdrawals shall be acknowledged by the Treasurer and by the Chairperson, Vice-Chairperson, or Secretary. In the event of the Treasurer not being available, the Chairperson, Vice-Chairperson and / or Secretary will acknowledge such withdrawals jointly. In all other matters not relating to the finances, the Chairperson will be the only signatory, unless delegated.

**5.4 FINANCIAL INSPECTION**

The books and securities shall at any time be open to inspection by members of the Committee, and shall on request be open to other members of the Association at such time and place as the Committee shall decide.

5.5 FINANCIAL REVIEW

The accounting records of the Association shall be reviewed annually by a qualified accountant / accounting officer prior to submission to the Annual General meeting

**6. OFFICERS AND EXECUTIVE COMMITTEE**

6.1 COMPOSITION

The Executive Committee may consist of a Chairperson, Vice-Chairperson, Secretary, Treasurer, and other members up to 12, all of whom shall be nominated, seconded and elected by majority vote of (half (1/2) plus one) members in attendance or by proxy vote at the Annual General Meeting, plus such members as may be co-opted throughout the year by the Executive Committee by majority vote, not exceeding the current number of Executive Committee members. Certain offices may be combined.

6.2 COUNCILLOR ATTENDANCE

Councillors shall wherever possible be invited to attend Executive Committee meetings and shall not have voting rights.

6.3 ORDINARY MEETINGS

The Executive Committee shall meet at regular intervals at least nine times a year.

6.4 SPECIAL COMMITTEE MEETING

Upon request in writing of any five (5) members of the Executive Committee, the Chairperson shall convene within fourteen (14) days a special meeting of the Executive Committee to consider any question of urgency. At such special meetings no other business shall be considered.

6.5 QUORUM

The quorum at any meeting of the Executive Committee shall be half (1/2) plus one (1) of the current number of standing committee members.

6.6 CHAIRING

In the absence of both the Chairperson and Vice-Chairperson, members present shall elect a chairperson.

6.7 CHAIRPERSON'S VOTE

The chairperson of an Executive Committee Meeting shall have a deliberate and casting vote.

6.8 MEETING NOTICE

At least three (3) days' notice shall be given of meetings of the Executive Committee, provided that in cases of urgency a meeting of the Executive Committee may be called to take place immediately if two thirds (2/3) of the Committee agree thereto.

**6.9 RETIRING COMMITTEE OFFICE**

The retiring Executive Committee shall hold office until the new Executive Committee shall have been elected.

**6.10 SEAT VACANCY**

The Executive Committee may declare vacant the seat of any member who may fail to attend three (3) meetings in one calendar year without leave of absence or where the majority of the Executive Committee decides to remove an Executive Committee member. The Executive Committee may fill the vacancy of Chairperson, Vice-Chairperson, Secretary and Treasurer from the remaining members of the committee and declare vacant the seats thus vacated.

**6.11 HONORARY ACCOUNTANT / ACCOUNTING OFFICER**

The Annual General Meeting shall appoint an Honorary Accountant / Accounting Officer each financial year.

**6.12 INDEMNITY**

Each member of the Executive Committee shall be indemnified by the Association for all acts done by them in good faith on its behalf and the Association shall pay all costs and expenses incurred or becomes liable for as a result of any act done by such member in bone fide discharge of his / her duties.

**7. GENERAL MEETINGS**

**7.1 GENERAL MEETING**

At least three (3) General Meetings at approximately equal intervals shall be held every calendar year. The Annual General Meeting shall be the first general meeting of the year and shall be held within six months of the end of the financial year.

**7.2 SPECIAL NOTICE**

The Chairperson, or in his absence the Vice-Chairperson, with the approval of the Executive, shall have power to call a special general meeting of members at any time.

**7.3 SPECIAL NOTICE**

At the request of twenty (20) members, the Chairperson shall convene a Special General Meeting within fourteen (14) days, provided that:

**7.3.1 SPECIAL WRITTEN AGENDA**

The matters to be considered at such special meeting be fully stated in writing, and no other business may be considered.

**7.3.2 SPECIAL HALL DEPOSIT**

The requisitionists deposit with the Treasurer a sum as determined by the City's approved appropriate tariff, to cover the cost of such meeting. If the majority of those present shall agree, the deposit shall be refunded.

- 7.4     **CHAIRING**  
In the absence of the Chairperson and the Vice-Chairperson at a General Meeting, the members present shall elect a Chairperson.
- 7.5     **QUORUM**  
The quorum at General Meetings shall be twenty-five (25) members.
- 7.6     **ADJOURNMENT**  
In the event that a quorum should not be present at the commencement, the meeting shall be adjourned for thirty minutes. Should there still be insufficient members to form a quorum, the people present at the meeting will be considered to constitute a quorum.
- 7.7     **CHAIRPERSON'S VOTE**  
At all General Meetings the Chairperson shall have a casting vote as well as deliberative vote.
- 7.8     **GENERAL MEETING NOTICE**  
At least seven (7) days notice of any General Meeting shall be given by means of an advertisement in the local press, by written notice or electronic communication to members. The failure of any member to receive a notice shall not invalidate such meeting if a quorum is present.
- 7.9     **MINUTE COPIES**  
The draft minutes of each General Meetings shall be available for scrutiny within one month after the General Meeting on the fhvrra.org.za website or such similar media platform that is easily accessible to Fish Hoek valley ratepayers, residents and the general public.
- 7.10    **MOTION NOTICE**  
Members desiring to place a motion on the Agenda for discussion at any General Meeting shall give notice to the Secretary in writing not later than twenty eight (28) days before the meeting.
- 7.11    **GENERAL REPORT**  
At each General Meeting the Executive Committee shall submit a report of the work done since the preceding General Meeting.
- 7.12    **DEBATE RULES**  
General Meetings and Executive Committee Meetings shall be held under the control of the Chairperson who shall apply customary rules of procedure and shall be the final arbiter of conduct and procedure.

Any member may give notice of a motion for discussion at any General Meeting.

The Chairperson may require that a motion be subject to up to twenty-one (21) days notice given to the Secretary, where in his opinion research is required on the subject or where he considers that interested members would have been present had they known of the motion.

#### **7.13 VOTING PROCEDURE**

Voting at all General Meetings shall be upon suitable proof of membership, and shall be indicated by a show of hands or by ballot at the discretion of the meeting.

### **8. ASSOCIATION'S NOMINEES FOR MUNICIPAL COUNCIL VACANCIES**

The Association may on occasion consider it appropriate either to nominate for election as Councillor for the Ward or agree to support any candidate, regardless of his / her party affiliation, as an individual, subject to this not being interpreted as support for the party.

### **9. POWERS OF COMMITTEE**

#### **9.1 EXECUTIVE COMMITTEE ARBITRATION**

Any doubt or dispute as to the interpretation of these rules shall be referred to the Executive Committee, whose decision shall be final and binding.

#### **9.2 EXECUTIVE COMMITTEE POWER**

In the case of any matter arising for which no provision exists in this Constitution, the Executive Committee shall have power to decide it by a two-thirds (2/3) majority of those present. Such decision shall be reported at the next General Meeting.

### **10. BY-LAWS**

The Executive committee shall be empowered to frame any By-Laws that it may consider necessary for the efficient running of the Association. A register shall be kept for the purpose of recording such By-laws and this shall be submitted at the next General Meeting for approval.

### **11. AMENDMENTS TO THE CONSTITUTION**

No amendment to this Constitution shall be made except by a vote of two-thirds (2/3) of the members present at any General Meeting, provided always that two (2) weeks' notice of motion of such amendment shall be given to the Secretary in writing. In the event of notice having been given of any specific amendments to this Constitution, it shall be competent for the Chairperson at the meeting to accept an amendment of the proposed amendment and to declare any such amendment valid if the majority as aforesaid is secured. Any amendment to be voted upon first.

### **12. FORCE MAJEURE**

In no event shall EXCO be responsible or liable for any failure or delay in the performance of its obligations herein arising out of or caused by, directly or indirectly, forces beyond its control, including, without limitation, labour difficulties, accidents, acts of war or terrorism, civil or military disturbances, theft or sabotage or malicious damage, transportation or shortage of supply, epidemics, natural disasters or acts of God or governmental actions or judicial orders, changes in regulations or lockouts, and interruptions, loss or malfunctions of utilities, communications or computer (software and

hardware) services; it being understood that EXCO shall use reasonable efforts which are consistent with accepted practices to resume performance as soon as practicable under the circumstances.

REVISED	FEBRUARY 1988
AMENDED	APRIL 28, 1992
AMENDED	JANUARY 1997
AMENDED	22 FEBRUARY 2001
AMENDED	26 FEBRUARY 2004
AMENDED	23 FEBRUARY 2006 (Name change)
AMENDED	7 JUNE 2007 (auditing / financial review)
AMENDED	18 MAY 2017 (more membership discretion, flexible Exco composition, quorum half + 1, allowed electronic comms, removed membership card requirement for voting, reduced amendments notice from one month to two weeks)
AMENDED	24 AUGUST 2017 (shorter in word number, but broader term objectives)
AMENDED	30 MAY 2019 (revised 2.3 to reflect our preservation of heritage resources)
AMENDED	25 FEBRUARY 2021 (require proof of residency, acknowledge vs signing receipts, Exco meets nine times per annum, removal of an Exco member, QGM three times per annum, 30 minute adjournment if no quorum, added Force Majeure section)
AMENDED	30 JUNE 2022 (removed urban planning requirement, fees cover family, removal of "quarterly", chair "only" signing power, Exco elections and secondments throughout the year)