

PRRA Constitution

Sunday, 07 December 2008

CONSTITUTION OF THE PAULSHOF RESIDENTS AND RATEPAYERS ASSOCIATION

1. DEFINITIONS

In this constitution, unless the context shall indicate any contrary meaning, the following words and phrases shall have the following meanings assigned to them.

1.1 “THE ASSOCIATION” shall mean the Paulshof Residents and Ratepayers Association.

1.2 “THE AREA” shall mean the area comprising the Township of Paulshof, its extensions and Kildrummy (Paulshof).

1.3 “COMMITTEE” shall mean the Executive Committee of the ASSOCIATION elected from time to time at Annual General Meetings of the ASSOCIATION.

1.4 “MEMBER” shall mean a person qualified to be a member of the ASSOCIATION and in good standing, having paid his annual subscription in accordance with the further provisions of this constitution.

2. INTERPRETATION

Unless the context shall indicate any contrary meaning, any reference to the male gender shall be deemed to include the female gender and vice versa, reference to a natural person be deemed to include a reference to a juristic person and vice-versa, and reference to the singular shall be deemed to include the plural and vice versa.

3. OBJECT

The ASSOCIATION shall be a non-political Association and its objects shall be:-

3.1 To promote and safeguard the interest of all householders and residents in THE AREA.

3.2 To co-operate with similar non-political associations of residents in other suburbs of Sandton and in other cities in Gauteng.

3.3 To determine, by free discussion and deliberation, the views of the majority of the residents of THE AREA.

3.4 To co-operate, consult and collaborate with THE AREA's Representative on the Johannesburg Metro Town Council (or any other body which may in future be substituted for the Johannesburg Metro Town Council) and to ensure that the voice of public opinion is heard and given due consideration in the management of the town (or any other area combined with the town).

3.5 To promote and safeguard the integrity of the environment in THE AREA.

4. MEMBERSHIP

Any person and/or ratepayer residing and/or owning property and/or conducting business in THE AREA and having attained the age of majority shall be entitled upon application in the form prescribed by the COMMITTEE to become a member of the ASSOCIATION. A company or juristic person conducting business, or owning property in THE AREA, shall be entitled to nominate a representative to act in its place and on its behalf.

5. ANNUAL SUBSCRIPTION

The annual subscription of a member, payable annually in advance shall be determined by the COMMITTEE, from time to time and shall be in respect of an annual period commencing on 1st January of one year and concluding on 31st December of the same year. In the discretion of the COMMITTEE membership shall be forfeited if the annual subscription is unpaid by the date of the Annual General Meeting.

6. ANNUAL GENERAL MEETING OF THE ASSOCIATION

6.1 The ASSOCIATION shall meet not later than the 28th day of February of each year, or as soon as possible thereafter provided that the Annual General Meeting shall take place at intervals of not more than 14 (fourteen) months from one Annual General Meeting to the next.

6.2 The business to be transacted at the Annual General Meeting shall be :-

6.2.1 to receive the report of the Chairman and the COMMITTEE;

6.2.2 to receive and consider the Financial Statements for the preceding financial year;

6.2.3 to elect the COMMITTEE for the ensuing year;

6.2.4 to consider Notices of Motion, which shall have been submitted in writing and signed respectively by the proposer and seconder thereof, and which shall have been handed in to the Secretary of the COMMITTEE not less than 7 (seven) days prior to the date of the meeting;

6.3 Not less than 21 (twenty-one) days notice of the Annual General Meeting shall be given to members through the post, or by hand, such notice to include the Agenda.

7. SPECIAL GENERAL MEETINGS OF THE ASSOCIATION

Upon the instruction of the COMMITTEE, or upon a written request by at least 20 (twenty) MEMBERS, the secretary of the Association shall convene a Special Meeting of the Association. Not less than 14 (fourteen) days notice of such meeting shall be given to MEMBERS through the post, or by hand such notice to include a statement of the purpose of

such Meeting.

8. QUORUM

8.1 A quorum of an Annual General Meeting of Special Meeting shall be not less than 30 (thirty) of the MEMBERS qualified to vote in terms of Clause 9.

8.2 If no quorum is present at the Meeting, that Meeting shall stand adjourned to a date, time and place to be determined by a chairman of the COMMITTEE, being a date not less than 10 (ten) days after such adjournment and of which adjournment notice shall be given to members by post or by hand.

9. VOTING

9.1 Only members who have paid the current annual subscription determined in terms of Clause 5 shall be entitled to vote at Meetings.

9.2 Voting shall be on a show of hands unless the Chairman of the meeting should rule that a Poll shall take place, or a majority of members, voting on a show of hands, shall demand a Poll.

9.3 The Chairman of the Meeting shall have a casting as well as a deliberative vote, both on a show of hands and on a Poll, if there should be an equality of votes.

10. EXECUTIVE COMMITTEE

10.1 There shall be elected at the Annual General Meeting of the ASSOCIATION an Executive Committee of not less than 8 (eight) members.

10.2 The COMMITTEE shall have the general power to promote the objects of the ASSOCIATION and shall have power to co-opt further MEMBERS who shall have full voting rights on the COMMITTEE.

10.3 No Town Counselor or similar person representing THE AREA shall be eligible for membership of the COMMITTEE.

10.4 At each Annual General Meeting of the ASSOCIATION the members of the COMMITTEE shall retire, but shall be eligible for re-election.

11. OFFICERS

11.1 The offices of the COMMITTEE shall be the Chairman, Vice Chairman, Secretary and Treasurer of the ASSOCIATION who shall be elected by the COMMITTEE at its first Meeting after the Annual General Meeting.

11.2 The Chairman of the COMMITTEE, or, in his absence the Vice Chairman, shall preside over the meetings of the ASSOCIATION and of the COMMITTEE.

11.3 The Chairman, or in his absence the Vice Chairman, shall at meetings of the COMMITTEE shall have a casting as well as a deliberative vote in the events of an equality of votes.

11.4 Generally, ASSOCIATION business shall be conducted via e-mail. Ordinary meetings of the COMMITTEE shall only be held when deemed necessary. Likewise, special sub-committee meetings may be held from time-to-time to discuss specific matters where it is believed that a meeting will prove more productive than communicating via e-mail.

11.4.1 Controls: No letter, e-mail or public statement representing the ASSOCIATION may be issued without the prior approval of at least three ASSOCIATION office bearers.

11.5 Special meetings of the COMMITTEE may be convened by the Chairman, Vice Chairman or Secretary or Treasurer, as may be deemed necessary. Unless the COMMITTEE shall waive this requirement, at least 7 (seven) days notice of such special meeting shall be given to members of the COMMITTEE.

11.6 The Quorum of the COMMITTEE shall be 5 (five) persons. If no quorum is present at a meeting, the meeting shall stand adjourned to a date not less than 7 (seven) after the date of such adjourned meeting and of which notice shall be given to the absent members of the COMMITTEE.

11.7 A member of the COMMITTEE shall be deemed to have relinquished membership of the COMMITTEE by failure to attend 3 (three) consecutive ordinary Meetings without apology, except if given leave of absence by the Chairman or Vice-Chairman.

11.8 The COMMITTEE shall in the event of any casual vacancy arising in the COMMITTEE, shall be entitled to co-opt a MEMBER to fill such vacancy and such co-opted member shall hold office until the date of the next Annual General Meeting.

11.9 The COMMITTEE may appoint sub-committees from time to time, and may delegate to such sub-committees authority to perform such duties as it may think fit. On each sub-committee there shall be at least 1 (one) member of the COMMITTEE who shall be the Chairman of the Sub-Committee and who shall preside at its meetings.

12. RECORD OF MEMBERSHIP

The Secretary or Treasurer of the ASSOCIATION shall keep a register of MEMBERS and such register shall reflect:-

12.1 The name of each member;

12.2 The Postal and Residential addresses of each member;

12.3 The date on which such MEMBER became a MEMBER;

12.4 The date on which each MEMBER ceased to be a MEMBER;

12.5 Whether or not each member has paid his Annual Subscription.

13. FINANCE

13.1 All funds of the ASSOCIATION shall be deposited in an account with a Registered Deposit Receiver convenient to the treasurer then in office and approved by the COMMITTEE.

13.2 Withdrawals from such account shall be on the signature of any TWO to THREE persons authorized to do so from time to time by the COMMITTEE.

13.3 All accounts for payment shall be approved and passed for payment by the COMMITTEE.

14. AMENDMENT OF THE CONSTITUTION

14.1 This constitution may be amended by a resolution of MEMBERS approved by a two-thirds majority of MEMBERS attending an Annual General Meeting or Special Meeting called for that purpose.

14.2 Any proposed amendment of the constitution shall be in writing, signed respectively by the proposer and seconder thereof, and delivered to the Secretary of the COMMITTEE at least 30 (thirty) days before the meeting at which it is intended to be discussed and it shall be circularized to members by post at least 14 (fourteen) days before the meeting with the notice convening the meeting.

15. MEMBER'S LIABILITY

The liability of MEMBERS is limited to the amount (if any) of subscription in arrear. No MEMBER, whether of the COMMITTEE or otherwise, shall have the right to incur any unauthorized expenditure whatsoever on behalf of the ASSOCIATION.

16. DISSOLUTION

Upon a resolution carried by the vote of two-thirds of the MEMBERS entitled to vote, attending the Annual General Meeting or Special Meeting called for that purpose, the Association shall be dissolved and its assets disposed of in such manner as the majority at such Annual General or Special Meeting may decide.

17. RIGHT TO SUE OR BE SUED

17.1 The ASSOCIATION shall be entitled to sue or be sued in any court having the appropriate jurisdiction.

17.2 The ASSOCIATION shall further be entitled to institute proceedings in any competent Court for the purpose of promoting and safeguarding the interests of all residents in THE AREA.

17.3 Notwithstanding the provisions of Clause 17.2 above the ASSOCIATION shall not institute any legal proceedings unless the same have been ratified by a Special Meeting of the ASSOCIATION and subject to the members of the ASSOCIATION paying such contributions towards the costs of such proceedings as may be determined at such Special Meetings.

18. RESOLUTIONS OF THE COMMITTEE

The resolution of the COMMITTEE signed by the members of the COMMITTEE shall be as valid and effectual as if passed at a duly constituted meeting of the COMMITTEE.

19. COPIES OF THE CONSTITUTION

Any member shall be entitled to a copy of this Constitution upon payment to the Secretary of the sum of R50,00 (fifty Rand).