BELASTINGBETALERSVERENIGING
HERMANUS
RATEPAYERS ASSOCIATION
WE WORK FOR YOU ONS WERK VIR U

Mission Statement

The Hermanus Ratepayers Association is determined to preserve the character and natural beauty of Hermanus. As a watchdog we shall seek close co-operation with the Local Authority to ensure that future developments are in keeping with the spirit of this statement and that municipal services are carried out in an economic, effective, efficient, transparent and accountable manner.

CONSTITUTION

(As Approved 21 May 2015)

1. NAME:

The name of the Association is the Hermanus Ratepayers Association. The name is shortened by the use of the capital letters HRA.

2. GEOGRAPHIC AREA:

The HRA represents the interests of Overstrand Municipal ratepayers associated with, but not limited to, the Hermanus suburbs of Voëlklip, Fernkloof, Kwaaiwater, Eastcliff, Hermanus Heights, the CBD, Northcliff, Westcliff, Westdene, the Industrial area and Mount Pleasant and participates in the Ward Committees associated with these listed suburbs.

3. GOALS:

a. To promote the interest and involvement in matters of the Local Authority of ratepayers and *bona fide* lessees of property.

b. To protect and preserve the traditional character and beauty of Hermanus and its environs.

c. To act as a conduit for members' views to the relevant authority.

d. To help ensure that municipal services are provided in terms of section 195 of the country's Constitution and section 38(c) of the Municipal Systems Act in an economic, effective, efficient, transparent and accountable manner.

e. To promote the interests of Hermanus in close co-operation with the Local Authority and other ratepayers associations.

f. To ensure that the HRA's motives and actions are transparent, apolitical and consistent with its Mission Statement.

4. MEMBERSHIP:

Membership of the HRA is open to all persons over the age of 18 years, who support the HRA's Constitution and own property in the geographic area as defined in clause 2 above or who are *bona fide* lessees of property in the above-mentioned geographic area, as well as the spouses or partners of such owners or lessees. Membership can also be taken up by a corporate body or trust. A person, corporate body or trust may only exercise membership rights if membership fees are paid up. No person shall by virtue of his interest in a body or trust, or for any other reason, obtain dual membership entitling him/her to more than a single vote.

5. ANNUAL SUBSCRIPTION FEE AND VOTING QUALIFICATIONS:

Subscription fees are determined, from time to time, by the Executive Committee. To qualify for a voting right:

a. A new paid-up member must complete the required application form.

b. A corporate body or trust must nominate a person in writing who shall be entitled to vote on its behalf.

c. A member is required to pay an annual subscription in advance during January of each year.

d. A member who pays his/her subscription after January must pay the full membership fee for that year.

6. STATUS:

a. The HRA is a *universitas* with full legal status and capable of owning movable or immovable property and acquiring rights and obligations in its own name and of suing and being sued in its own name.

b. The HRA shall not carry on any business for gain.

c. No member of the HRA shall be liable for any debts or obligations of the HRA.

7. MANAGEMENT AND CONTROL:

a. Management and control of the HRA is vested in an Executive Committee, hereinafter called "the Committee", which Committee shall have full power to take whatever steps it considers necessary in pursuance of the goals of the Association, as outlined in clause 3 above. The Committee shall consist of not more than 12 (twelve) members.

b. The Committee shall elect a Chairman, a Vice-Chairman and a Treasurer from its members to serve until the next AGM. The election of a Vice-Chairman shall be at the discretion of the Committee.

c. The Committee shall appoint a Secretary for the HRA on terms mutually agreed to from time to time.

d. The Committee may appoint a member or members to fill any vacancy on the Committee that may occur during the year. Such appointments shall only be until the next AGM.

e. The Committee may co-opt members and/or appoint sub-committees of members for specific duties or to make specialist contributions, for such a period as the Committee may decide, but for a period not longer than until the next AGM.

f. The Committee shall decide on investing the funds of the HRA. All drawings on account shall be signed for by the Treasurer and, if so decided by the Committee, one or more other signing officers. If the Treasurer is not available, drawings shall be signed for by at least two authorized signing officers. The Treasurer shall submit monthly statements of receipts and payments to the Committee. Annual financial statements shall be drawn by the Treasurer and separately checked and signed by both the Chairperson and Vice-Chairperson, who shall vouch that to the best of their knowledge and belief, they fairly present the financial position of the HRA and the results of its operations for the year then ended.

g. The Committee receives and considers members' suggestions and complaints.

h. The Committee may appoint members to represent it at meetings or functions of other institutions.

8. COMMITTEE MEETINGS:

a. The Committee meets at least once per month to transact the business of the HRA.

b. Special meetings of the Committee may be called by the Chairman or on request of at least three Committee members.

c. Fifty percent of Committee members shall form a quorum.

d. A Committee member who absents himself from three consecutive Committee meetings without apology shall cease to be a member of the Committee.

9. RULES:

The Committee may, with the approval of two-thirds of its members present, make rules of procedure.

10. DUTIES AND POWERS OF THE CHAIRMAN:

a. The Chairman shall, at meetings, have a deliberative vote and, in the event of an equality of votes, may exercise a casting vote.

b. In the event of the absence of both the Chairman and the Vice-Chairman from a meeting, the meeting must appoint a Chairman for that meeting only.

11. ELECTION OF COMMITTEE MEMBERS:

a. Committee members are elected at an AGM to serve for two years on the Committee.

b. Retiring members, otherwise qualified, may offer themselves for re-election for a further term of two years.

c. Candidates for election to the Committee must be nominated in writing, signed by a proposer and a seconder. Candidates must accept nomination in writing. The written nominations with the acceptance are to be lodged with the Secretary ten days before the date of the AGM.

d. No Councillor or employee of the Local Authority may be appointed or elected to the Committee.

e. If more nominations are submitted than existing vacancies, an election shall be held by ballot.

f. A committee member, who by reason of having submitted or been awarded a tender for consulting with, or contracting to the municipality, receives or expects to receive some benefit or remuneration from the municipality (except for Ward Committee re-imbursements), shall notify the committee of such conflict of interest and shall resign from the committee. When the conflict of interest situation no longer exists, the committee, on receiving notification, may at its discretion co-opt the member back on to the committee.

12. REPRESENTATION OF THE HRA ON THE WARD COMMITTEE SYSTEM:

The Committee will nominate a committee member and a *secundus* to represent the HRA on each of the relevant Ward Committees.

13. FINANCIAL YEAR:

The financial year of the HRA starts on 1 January each year and ends on 31 December of the same year.

14. GENERAL MEETINGS:

14.a. Annual General Meetings (AGM's):

i. The AGM of the HRA shall be held not later than 31 March each year, unless circumstances necessitate a change of date.

ii. A notice of the date, time and place of the AGM, together with an Agenda for the meeting and a copy of the Minutes of the previous AGM and of the Chairman's Report, shall be sent to all members at least twenty one (21) days prior to the meeting. The meeting may also be advertised in the press and/or in such other manner as the Committee deems fit.

iii. Twenty five (25) members present shall form a quorum at an AGM. If there is no quorum the meeting cannot proceed and must, there and then, be postponed to a date at least one week hence when it will reconvene as a Postponed AGM.

iv. The report by the Chairman and the annual financial statement for the past year shall be submitted for acceptance by the AGM.

v. The annual financial statements, if accepted by the members attending the AGM, will not be submitted for audit; if not accepted, the members present shall appoint an auditor and the accounts shall be submitted to the appointed auditor for auditing.

14.b. Special General Meetings (SGM's):

i. A SGM of members may be convened at any time by the Committee or by a request signed by at least twenty (20) members.

ii. Notice of the date, time and place of the SGM and of the specific business to be transacted, shall be given at least fourteen days (14) before the meeting, in such manner as the Committee deems adequate.

iii. Forty (40) members present shall form a quorum at an SGM. If there is no quorum the meeting cannot proceed and must, there and then, be postponed to a date at least one week hence when it will reconvene as a Postponed SGM.

iv. Business transacted at an SGM shall be restricted to the business set out in the notice of the meeting.

14.c. Other General Meetings:

i. The Committee shall arrange report back meetings and/or newsletters as and when deemed necessary.

ii. Notice of such meetings shall be given to members in such manner, as the Committee deems reasonably adequate.

iii. Those members present shall form a quorum.

14.d. Maintenance of a quorum during Annual and Special General Meetings:

Once an AGM or SGM has been found to have a quorum and the meeting has been commenced, transaction of business may continue regardless of whether or not the specified number of members forming that quorum remains present.

15. POWER TO VOTE:

Only paid-up members of the HRA entitled to vote are allowed to vote at its meetings.

16. PROXY VOTE:

The name of a proxy must be submitted in writing and signed by the appointer or his duly authorized agent and shall be received at the office of the HRA not less than 48 (forty eight) hours prior to the meeting at which the person named proposes to vote.

17. POSTAL VOTE:

No provision is made for postal voting.

18. POSTPONED GENERAL OR SPECIAL MEETINGS:

If no quorum of members is present after the lapse of ten minutes after the time appointed for the meeting, the meeting shall continue with the members present forming a quorum, and shall transact the business for which the meeting was originally called.

19. AMENDMENT OF THE CONSTITUTION:

a. Any member wishing to propose an amendment to the Constitution shall submit his/her proposal to the Secretary in writing by not later than 30 November. Such a proposal must be signed by at least two additional members.

b. The Committee may submit proposals for amendments to the Constitution to the AGM or to an SGM convened for that purpose.

c. No amendment to the Constitution shall be made without the consent of at least two-thirds of the members present at the AGM or at the SGM convened for that purpose.

20. WINDING UP OR LIQUIDATION:

In the event of the winding-up or the liquidation of the HRA, all its assets shall be made available to one or more welfare organizations nominated by an SGM.

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Missiestelling

Die Hermanus Belastingbetalersvereniging is vasbeslote om die karakter en natuurlike skoonheid van Hermanus te bewaar. As waghond sal ons noue samewerking met die Plaaslike Owerheid nastreef om te verseker dat toekomstige ontwikkelings in pas is met die gees van hierdie verklaring en dat munisipale dienste op 'n ekonomiese, effektiewe, doeltreffende, deursigtige en verantwoordelike wyse gelewer word.

GRONDWET VAN DIE HERMANUS BELASTINGBETALERSVERENIGING

(Soos Goedgekeur 21 Mei 2015)

1. NAAM:

Die naam van die Vereniging is die Hermanus Belastingbetalersvereniging. Die naam word afgekort deur die gebruik van die hoofletters HBV.

2. GEOGRAFIESE GEBIED:

Die HBV verteenwoordig die belange van Overstrand Munisipale belastingbetalers wat verband hou met, maar nie beperk is tot, die Hermanus voorstede van Voèlklip, Fernkloof, Kwaaiwater, Eastcliff, Hermanus Heights, die Middestad, Northcliff, Westcliff, Westdene, die Industrieële gebied en Mount Pleasant en neem deel aan die wykskomitees wat verband hou met hierdie gelyste voorstede.

3. DOELSTELLINGS:

a. Om belastingbetalers en *bona fide* huurders van eiendom se belange en hul etrokkenheid by sake van die Plaaslike Owerheid te bevorder.

b. Om die tradisionele karakter en skoonheid van Hermanus en sy omgewing te beskerm en te bewaar.

c. Om as 'n kanaal te dien vir lede om hul menings aan die betrokke owerheid oor te dra.

d. Om toe te sien dat munisipale dienste in terme van Artikel 195 van die land se Grondwet en Artikel 38(c) van die Wet op Munisipale Stelsels op 'n ekonomiese, effektiewe, doeltreffende, deursigtige en verantwoordelike wyse gelewer word.

e. Om in noue samewerking met die Plaaslike Owerheid en ander belastingbetalersverenigings die belange van Hermanus te bevorder.

f. Om te verseker dat die HBV se motiewe en aksies deursigtig, apolities en in ooreenstemming is met sy Missiestelling.

4. LIDMAATSKAP:

Alle persone bo die ouderdom van 18 jaar wat die HBV se Grondwet onderskryf en wat eiendom besit in die geografiese gebied soos omskryf in Klousule 2 hierbo, of wat *bona fide* huurders van eiendom is in die genoemde geografiese gebied, sowel as die gades of geselle van sodanige eienaars of huurders, mag lede van die HBV wees. ‘n Beheerliggaam of ‘n trust mag ook ‘n lid van die HBV wees. ‘n Persoon, beheerliggaam of trust mag slegs lidmaatskapsregte uitoefen indien sy ledegeld opbetaald is. Geen persoon sal, weens sy belang in enige organisasie of trust of vir enige ander rede, dubbele lidmaatskap verkry wat hom/haar op meer as een stem geregtig sal maak nie.

5. JAARLIKSE LEDEGELD EN STEMREGVEREISTES:

Ledegeld word van tyd tot tyd deur die Uitvoerende Komitee bepaal. Om vir stemreg te kwalifiseer, moet aan die volgende vereistes voldoen word:

a. ‘n Nuwe opbetaalde lid moet die vereiste aansoekvorm voltooi.

b. ‘n Beheerliggaam of ‘n trust moet ‘n persoon wat namens hom mag stem, skriftelik nomineer.

c. ‘n Lid moet die jaarlikse ledegeld vooruit in Januarie van elke jaar betaal.

d. ‘n Lid wat sy/haar ledegeld nà Januarie betaal, moet die volle ledegeld vir daardie jaar betaal.

6. STATUS:

a. Die HBV is ‘n *universitas* met regspersoonlikheid, in staat om roerende of onroerende eiendom te besit, om regte en verpligtinge in eie naam te verkry en aan te gaan en om in eie naam as eiser en verweerder op te tree.

b. Die HBV mag nie enige besigheid vir wins bedryf nie.

c. Geen lid van die HBV is aanspreeklik vir enige skulde of verpligtinge van die HBV nie.

7. BESTUUR EN BEHEER:

a. Die bestuur en beheer van die HBV is in ‘n Uitvoerende Komitee (hierna “die Komitee” genoem) gevestig. Die Komitee het volmag om sulke stappe te neem as wat hy nodig ag ter bereiking van die doelstellings van die Vereniging, soos gelys in Klousule 3 hierbo. Die Komitee sal uit nie meer as 12 (twaalf) lede bestaan nie.

b. Die Komitee stel uit eie geledere ‘n Voorsitter, ’n Onder-voorsitter en ‘n Tesourier aan om tot die volgende AJV te dien. Die aanwysing van ‘n Onder-voorsitter word aan die diskresie van die Komitee oorgelaat.

c. Die Komitee stel ‘n Sekretaris vir die HBV aan, op voorwaardes wat onderling van tyd tot tyd ooreengekom word.

d. Die Komitee mag ‘n lid of lede aanstel om vakatures op die Komitee te vul wat gedurende die jaar ontstaan. Sodanige aanstellings geld slegs tot die volgende AJV.

e. Die Komitee mag lede koöpteer en/of sub-komitees van lede aanstel, vir spesifieke dienste of om spesialis bydraes te maak, vir sodanige tydperk as wat die Komitee mag besluit, maar vir ‘n tydperk nie langer as tot by die volgende AJV nie.

f. Die Komitee sal oor die belegging van die HBV se fondse besluit. Die Tesourier, plus een of meer van die ander lede, indien die Komitee so besluit, word gemagtig om vir onttrekkings uit die HBV-rekening te teken. Indien die Tesourier nie beskikbaar is nie, moet ten minste twee gemagtigdes vir onttrekkings teken. Die Tesourier moet maandeliks ‘n staat van inkomste en uitgawes aan die Komitee voorlê. Jaarlikse finansieêle state moet opgestel word deur die Tesourier en afsonderlik nagegaan en geteken word deur beide die Voorsitter en Ondervoorsitter wat sal getuig dat na die beste van hul wete en oortuiging, dit ‘n redelike weergawe van die finansiêle stand van die HBV se resultate van bedrywighede vir die jaar tans geëindig.

g. Die Komitee ontvang en besin oor voorstelle en klagtes van lede.

h. Die Komitee mag lede aanstel om hom by vergaderings of byeenkomste van ander instansies te verteenwoordig.

8. VERGADERINGS VAN DIE KOMITEE:

a. Die Komitee vergader minstens een maal per maand om die sake van die HBV te bedryf.

b. Spesiale vergaderings van die Komitee mag deur die Voorsitter of op versoek van ten minste drie Komiteelede belê word.

c. Vyftig persent van die Komiteelede sal ‘n kworum vorm.

d. ‘n Komiteelid wat sonder verskoning van drie agtereenvolgende vergaderings afwesig is, sal nie meer ‘n lid van die Komitee wees nie.

9. REËLS:

Die Komitee mag, met die goedkeuring van twee-derdes van sy lede teenwoordig, prosedurereëls neerlê.

10. PLIGTE EN MAGTE VAN DIE VOORSITTER:

a. Die Voorsitter het by vergaderings ‘n gewone stem en mag, by ‘n stemmestaking, ’n beslissende stem uitbring.

b. Sou beide die Voorsitter en die Onder-voorsitter van ‘n vergadering afwesig wees, sal die vergadering ‘n Voorsitter vir slegs daardie vergadering aanwys.

11. VERKIESING VAN KOMITEELEDE:

a. Komiteelede word by die AJV verkies om vir twee jaar op die Komitee te dien.

b. Uittredende Komiteelede wat andersins kwalifiseer, mag hulself vir ‘n volgende twee-jaar termyn verkiesbaar stel.

c. Kandidate vir verkiesing tot die Komitee moet skriftelik, welke brief/geskrif deur ‘n voorsteller en ‘n sekondant onderteken moet wees, genomineer word. Nominasies moet skriftelik deur kandidate aanvaar word. Die skriftelike nominasie, saam met die aanvaarding, moet tien dae voor die datum van die AJV by die Sekretaris ingedien word.

d. Geen Raadslid of werknemer van die Plaaslike Owerheid mag op die Komitee aangestel of verkies word nie.

e. Indien meer nominasies ingedien word as waarvoor vakatures bestaan, sal ‘n verkiesing per stembrief gehou word.

f. ‘n Komiteelid wat uit hoofde van haar/sy indiening of toekenning van ‘n tender vir raadplegings- of kontrakdienste aan die munisipaliteit ‘n voordeel of vergoeding daaruit ontvang, of verwag te ontvang (behalwe vir Wykskomitee vergoedings) sal die komitee oor so ‘n belangebotsing inlig en sal uit die komitee bedank. Wanneer die belangebotsing-situasie nie meer bestaan nie, kan die komitee, met ontvangs van kennisgewing oor die veranderde situasie, sy diskresie gebruik en die betrokke lid weer in die komitee opneem.

12. HBV-VERTEENWOORDIGING OP DIE WYKSKOMITEESTELSEL:

Die Komitee sal ‘n Komiteelid en ‘n *sekundus* nomineer om die HBV op elk van die relevante Wykskomitees te verteenwoordig.

13. BOEKJAAR:

Die boekjaar van die HBV begin op 1 Januarie elke jaar en sluit op 31 Desember van dieselfde jaar.

14. ALGEMENE VERGADERINGS:

14a Algemene Jaarvergaderings (AJV’s):

i. Die AJV van die HBV word nie later nie as 31 Maart van elke jaar gehou, behalwe as omstandighede ‘n verandering van datum noodsaak.

ii. ’n Kennisgewing van datum, tyd en plek van die AJV, tesame met ‘n Agenda vir die vergadering en ‘n afskrif van die Notules van die vorige AJV en van die Voorsitters-verslag sal aan alle lede gestuur word ten minste een-en-twintig (21) dae voor die vergadering. Die vergadering mag ook in die pers, of enige ander manier deur die Komitee nodige ge-ag, geadverteer word.

iii. Vyf-en twintig (25) lede teenwoordig by die AJV sal ‘n kworum vorm. Indien daar nie ‘n kworum is nie, kan die vergadering nie voortgaan nie en moet dit uitgestel word na ‘n datum minstens een week later, wanneer die vergadering dan sal herkonstitueer as ‘n Uitgestelde AJV / SJV

iv. ‘Die verslag van die Voorsitter en die Jaarlikse Finansiële State vir die voorafgaande jaar sal voorgelê word vir aanvaarding deur die AJV.

v. Die jaarlikse finansiële state, indien dit aanvaar word deur die lede wat die AJV bywoon, sal nie vir ouditdoeleindes voorgelê word nie; indien dit nie aanvaar word nie sal die lede teenwoordig ‘n ouditeur aanstel en sal die rekening voorgelê word aan die aangestelde ouditeur voorgelê word vir ouditeuring.

14b. Spesiale Algemene Vergaderings (SAV’s):

i. ‘n SAV kan te enige tyd deur die Komitee, of op skriftelike versoek van en onderteken deur minstens twintig (20) lede, belê word.

ii. Kennis van die datum, tyd, plek en van sake wat tydens die SAV gehanteer sal word, moet ten minste veertien dae voor die vergadering gegee word, op sodanige wyse as wat die Komitee goeddink.

iii. Veertig (40) lede teenwoordig by die SAV sal ‘n kworum vorm.

iv. Die sake wat op ‘n SAV behandel word, sal beperk word tot dié aangeleenthede wat in die kennisgewing van die vergadering uiteengesit is.

14c. Ander Algemene Vergaderings:

i. Die Komitee sal terugrapporteringsvergaderings reël en/of nuusbriewe uitstuur soos en wanneer nodig geag.

ii. Kennisgewing van sodanige vergaderings sal aan lede gegee word op só ‘n wyse as wat die Komitee as redelik voldoende beskou.

iii. Die lede teenwoordig sal ‘n kworum vorm.

14d. Indien en wanneer ‘n AJV of SAV bevind is om ‘n kworum te hê en die vergadering formeel ‘n aanvang geneem het, mag die afhandeling van sake voortgesit word ongeag of die voorgeskrewe getal lede wat die kworum gevorm het enduit teenwoordig bly al dan nie.

15. STEMREG:

Slegs opbetaalde lede van die HBV wat aan die stemregvereistes voldoen, is geregtig om by sy vergaderings te stem.

16 GEVOLMAGTIGDE:

Die naam van ‘n gevolmagtigde moet skriftelik voorgelê word en deur die oorsteller, of sy agent onderteken word en moet by die HBV kantoor ontvang word nie minder as 48 (agt-en-veertig) uur voor die vergadering waar die benoemde persoon van plan is om te stem nie.

17. POSSTEM:

Geen voorsiening word gemaak vir posstemme.

18. UITGESTELDE ALGEMENE OF SPESIALE VERGADERINGS:

Indien ‘n kworum van lede nie teenwoordig is tien minute ná die aangekondigde aanvangstyd van die vergadering nie, sal die vergadering voortgaan met die teenwoordige lede - wat dan ‘n kworum sal vorm – en die vergadering sal dan die aangeleentheid/hede waarvoor dit oorspronklik byeengeroep is, hanteer.

19. WYSIGING VAN DIE GRONDWET:

a. Enige lid wat ‘n wysiging van die Grondwet wil voorstel, moet sy/haar voorstel voor 30 November skriftelik by die Sekretaris indien. Sodanige voorstelle moet elkeen deur ten minste twee addisionele lede onderteken wees.

b. Die Komitee mag voorstelle vir wysiging van die Grondwet aan die AJV, of aan ‘n SAV wat vir daardie doel belê is, voorlê.

c. Geen wysiging van die Grondwet sal gemaak word sonder die goedkeuring van ten minste twee-derdes van die lede teenwoordig by die AJV of die SAV wat vir dié doel belê is nie.

20. ONTBINDING OF LIKWIDASIE:

Indien die HBV sou ontbind of gelikwideer sou word, sal al die HBV se bates aan een of meer welsynsorganisasies, wat deur ‘n SAV benoem word, geskenk word.