

# CONSTITUTION OF THE NEWLANDS RESIDENTS' ASSOCIATION.

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## 1. NAME OF ASSOCIATION

- a. A Voluntary Non-Profit Association to be known as "The Newlands Residents' Association", (hereinafter referred to as "the Association") is hereby established on behalf of Newlands Residents. within the area demarcated in clause 2.1

## 2. AREA OF OPERATION

- a. The Association concerns itself with the physical location in Newlands, and the part of Rondebosch known as Westerford, Cape Town of the area bounded by Protea Road, Paradise Road/ Union Avenue, Princess Anne Avenue, Klipper and Main Roads, henceforth described as "the Area".

## 3. OBJECTIVES

The objectives of the Association shall be:

- a. to provide a forum for the exchange of views and information on local matters relevant to residents of the Area;
- b. to watch over, promote and protect the interests of its members and to oppose any matter deemed detrimental thereto;
- c. to represent the collective views of its members to related bodies, public authorities and to other interested organizations and persons;
- d. to keep itself informed of the affairs of the Cape Town City Council and other public bodies, especially on matters which affect property owners and/or residents in Newlands and adjacent suburbs;
- e. to instil in Councillors and Public Officials an awareness of the wishes and needs of the residents of Newlands;
- f. to co-operate whenever deemed necessary with other Civic or Ratepayers' Associations;
- g. to protect, preserve and enhance the environment of the area in keeping with its present open and natural character, including all trees, and flora and to strive to protect the heritage of the village area. This includes supporting the protection and maintenance of conservation-worthy buildings and other structures including all things which contribute to a sense of place; and, further, to maintain the cultural and aesthetic integrity of the built environment in keeping with historical traditions.

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## POWERS

The powers of the Association shall be:

- h. to perform all such acts as are necessary or incidental to the carrying out of its objectives and the performance of its functions and duties in terms of this Constitution including holding and alienating movable and immovable property and taking legal action if it deems it necessary;
- i. to obtain annual subscriptions, donations, grants and all other revenues of the Association; to open and operate an account or accounts with any registered financial institution and to draw and accept cheques and other negotiable instruments; and to invest any monies of the Association for any of its purposes or commitments;
- j. to pay any person for services rendered or for goods and premises hired, or for necessary purchases made in pursuance of the objectives of the Association;
- k. to elect and appoint office bearers as provided in clauses 6.a to 6.d hereunder.

## 4. MEMBERSHIP

The following will be entitled to enrolment as members of the Association:

- a. Any person, who is qualified to vote in Municipal Elections in the Area described in Clause 2.1 above.
- b. Any person who is resident in the Area;
- c. Any juristic person who owns or leases property situated in the Area;
- d. The spouse of any member shall automatically be regarded as a paid up member.
- e. The agreed annual membership fee must accompany every application for membership.
- f. The liability of each member shall be limited to the amount of any subscription or other debt owing by such member to the Association.

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## 5. EXECUTIVE COMMITTEE

- a. An Executive of not less than six and not more than twelve members who shall be elected annually at the Annual General Meeting shall manage the affairs of the Association. The Executive shall be empowered to fill any vacancy that may arise on the Executive Committee by co-opting a member to serve until the following Annual General Meeting.
- b. Election shall take place by show of hands or by ballot if so demanded, by a majority of those present.
- c. The Executive Committee shall elect from their own body a Chairman, Vice-Chairman, Secretary and Treasurer.
- d. The Executive Committee shall have power to elect sub-committees from its members to deal with such matters as they may delegate in terms of the Constitution.
- e. The Executive Committee shall meet regularly with a minimum of four meetings per year. A quorum at such meetings shall be six members.
- f. Any member of the Executive who fails to attend three consecutive meetings without leave of absence may forfeit office at the discretion of the Committee. The Executive Committee may then fill the vacancy.
- g. The Executive may make rules governing the procedure for conducting the affairs of the Association.
- h. The Executive shall have the power to accept or reject applications for membership, collect subscriptions, incur expenditure not exceeding assets, pay accounts due, act on resolutions adopted at properly constituted meetings, and carry out all such reasonable acts as it may deem fit for the proper administration of the Association.
- i. A member of the Executive Committee may be removed (and replaced) at any time by ordinary resolution passed at a duly convened General or Special Meeting of the Association.
- j. The office bearers are indemnified from financial responsibility for the Association's funds and property, except insofar as personal default may be shown.
- k. Correct minutes of all meetings shall be kept and be made available at all convenient times to all persons entitled to attend the meeting.

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## 6. CONTINUED EXISTENCE

The organisation will continue to exist even when its membership changes and there are different office bearers.

## 7. DUTIES AND POWERS OF OFFICERS OF THE EXECUTIVE COMMITTEE.

- a. *Chairman*: The Chairman shall be responsible for the observance of the Constitution governing the Association and shall conduct all meetings within its framework under the general rules of debate. He shall at all times have a deliberative vote and in the case of equality of voting, shall have a casting vote.
- b. *Vice-Chairman*: The Vice-Chairman, in the absence of the Chairman, will for the time being be a member of the Committee who shall carry out such duties of office allocated to him or usually performed by the Chairman and shall take the chair.
- c. *Secretary*: The Secretary shall be responsible for keeping a record of all business conducted at both Executive and General meetings, shall receive and send all correspondence on behalf of the Association as the Executive may deem necessary.
- d. *Treasurer*: The Treasurer shall be responsible for keeping proper financial books and records of the Association. He/she shall collect all subscriptions due by members and bank all monies in a bank or financial institution nominated by the Executive in an account in the name of the Association. Two authorised signatories shall sign withdrawals. Money received shall be deposited in the bank/institution immediately, and the Treasurer shall report the current state of the Association's finances at each Committee meeting. In the event of one person holding the dual position of Secretary/Treasurer, he/she shall fulfil the duties set out in each post.

## 8. GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS

- a. A General Meeting open to all members shall be held annually at a venue chosen by the Executive. A minimum of 14 days' notice shall be given. This Annual General Meeting shall take place not later than December;
- b. All members in attendance at any General Meeting shall be entitled to vote on any resolution and to vote for candidates for election to the Executive Committee.

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- c. The quorum at all General Meetings shall be 25 (twenty five) members. In the event of there not being a quorum at a duly convened General Meeting, the meeting shall be adjourned for between two (2) and eight (8) weeks. Members shall again be given notice in writing of such a meeting and at such subsequent meetings the members present and entitled to vote shall constitute a quorum.
- d. Special General Meetings shall be called by the Secretary on receipt of a written request from the Chairman following a Committee decision or on receipt of a requisition signed by not less than 25 (twenty-five) members.
- e. Members shall be advised in writing at least 14 (fourteen) days prior to the date of all Special and General Meetings and an agenda of the business to be transacted shall be sent to them.
- f. Representatives of juristic persons may vote at General Meetings only if they are authorised in writing to do so.
- g. A Balance Sheet and Revenue and Expenditure Account for the previous year, signed by the Chairman and Treasurer, shall be presented at each Annual General Meeting. The financial year of the organisation ends on 31 December each year.
- h. The ordinary business at any General Meeting shall include the following:
  - i. to receive and consider the report of the Executive Committee;
  - ii. to receive and consider the Financial Accounts of the Association;
  - iii. to report on the election of members of the Executive Committee in terms of Clause 7;
  - iv. to consider any matter, proposal or resolution raised or proposed by any members, provided that at least 14 days written notice to the Executive Committee shall be given by the member concerned, requesting that such matter, proposal or resolution be included on the Agenda of such Meeting.

## 9. INCOME & PROPERTY

- a. The organisation shall:
  - i. Exist in its own right, separately from its members;
  - ii. Be able to own property and other possessions;
  - iii. Be able to sue and be sued in its own name.

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- b. The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done.
- c. Members or office-bearers of the organisation do not have rights over things that belong to the organisation.

## **10. SUBSCRIPTION**

- a. The Association in General Meeting shall fix the annual subscription for each member;
- b. The financial year end shall coincide with the date of the Annual General Meeting;
- c. The Executive shall keep a register of members. Only those members whose subscriptions are up-to-date will be eligible to vote or stand for election at a constituted meeting.

## **11. AMENDMENT OF CONSTITUTION**

No addition or alteration to this Constitution shall be allowed unless approved by 75% (seventy-five percent) of members present and entitled to vote at the Annual General Meeting or at a Special General Meeting called for that purpose. All amendments shall be given to the Secretary, in writing, at least 21 (twenty-one) days before the Annual General Meeting or Special General Meeting held for that purpose, for them to be circularised to members.

## **12. DISSOLUTION OF THE ASSOCIATION**

- a. A 75% (seventy-five percent) vote shall be required at an Annual General Meeting or Special General Meeting to dissolve the Association;
- b. In the event of such dissolution the Association's assets shall be disposed of by the Executive and the proceeds therefrom plus any other funds in hand, shall be dealt with at the discretion of the Executive, providing that there shall be no personal gain to any member arising from the dissolution.

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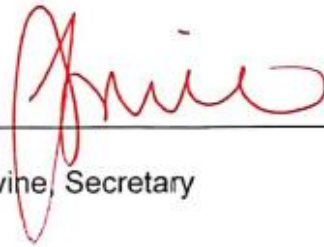
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This constitution was approved and accepted by members of **The Newlands Residents' Association** at the Annual General Meeting held on 2 June 2021.



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RM Turnbull, Chairperson



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Jo Devine, Secretary