

CONSTITUTION OF THE INDEPENDENT RATEPAYERS ASSOCIATION OF SOUTH AFRICA - IRASA

“The guardians of effective, efficient, transparent and accountable local government” **IRASA August 2005**

Vision

The Vision of IRASA is to be an independent umbrella body for Rate Payers Associations in South Africa where the interest of Ratepayers can be advanced collectively and independently directly with all three spheres of government ensuring responsible and service delivery centered local government.

Mission Statement

The Independent Ratepayers Association of South Africa is determined to ensure local Government in South Africa has a character and culture of respect, dignity and service delivery. IRASA is a watchdog that will fulfil an oversight role ensuring municipal finances are managed in accordance with the MFMA and municipal services is delivered in an economic, effective, efficient, transparent and accountable manner.

CONSTITUTION OF IRASA - INDEPENDANT RATEPAYERS ASSOCIATION OF SOUTH AFRICA

Adopted by the inaugural meeting on August 2005, **Amended June 2010**

Chairman: I D Berg

1. DEFINITIONS:

In this constitution all words or expressions importing the masculine gender shall include the feminine; words signifying the singular shall include the plural and vice versa; and; unless the context otherwise expresses, the following expressions shall have the meanings indicated hereunder:

“Association” shall mean the Independent Ratepayers Association of South Africa.

“Council” shall mean the any one of the 284 Municipal Councils representing Local Government in South Africa.

“Committee” shall mean the Executive Committee elected in terms of Clause 10 of this constitution.

“Office Bearers” shall mean the Chairman, Vice Chairman, Treasurer and Secretary General of the Association in terms of Clause 12 of this constitution.

“Members” shall mean the fully paid-up members of the Association in terms of Clause 6 of this constitution.

“Originators” shall mean the natural persons present at the inaugural meeting of the association in August 2005.

“IRASA” shall mean the Independent Ratepayers Association of South Africa.

2. NAME

The name of the Association is the - INDEPENDANT RATEPAYERS ASSOCIATION of SOUTH AFRICA.

The name is shortened by the use of the capital letters IRASA.

3. OFFICIAL LOGO

The IRASA Crest is a Red Electric Z Symbol enclosed by a Blue Water drop with a

Yellow Sun above and back of the water drop.

4. GEOGRAPHIC AREA

IRASA draws its members from duly constituted and registered Ratepayers Associations in each of the 284 Local Governments in South Africa. Each Ward as demarcated by the South African demarcation board constitutes a geographical area eligible for membership.

5. GOALS

5(a). To promote the interest and involvement in matters of the Local Council of ratepayers and bona fide lessees of property.

5(b). To protect and preserve the autonomy and independence of each IRASA member while advancing the collective goals of Rate Payers nationally.

5(c). To act as a conduit for member's views to the relevant Local Council and or government department.

5(d). To help ensure that municipal services are provided in terms of section 195 of the country's Constitution, and

5(e). Section 38(c) of the Municipal Systems Act in an economic, effective, efficient, transparent and

5(f). accountable manner in accordance with the provisions of the Municipal Finance Management and

5(g) that the provisions of the Property Rates Act are applied equally and fairly in all Councils

5(h). To promote the interests of IRASA in close co-operation with the Local Council and any other Authority associated with Local Government in South Africa

5(i) To ensure the autonomy of Member associations while promoting the collective agenda of ratepayers nationally as IRASA and other ratepayers associations.

5(j). To not support or participate in the affairs of any political party in order to ensure that IRASA and its members remain apolitical and independent and that IRASA's actions are always consistent with and seen as being consistent with its Vision and Mission.

5(k) To participate in elections

5(l) To concern IRASA with matters relating to adequate representation of ratepayers on the Council.

5(m) To be engaged constructively, on a non-political basis and in liaison with the Council, in the governance and management of Council to further the interests of ratepayers and residents.

5(n) To keep members informed on the affairs of Local Government in south Africa and the Council, especially on matters that affect ratepayers.

5(o) To create an open channel of communication with the Council and to contribute such skills and information as may be considered necessary to enable Council to come to such conclusions as may be advantageous to ratepayers and all residents.

5(p) To liaise with Government Departments, the Provincial Administration and any other bodies, insofar as it concerns members of the Association.

5(q) To do all such other things as may be necessary to achieve the objectives of

the Association.

6. MEMBERSHIP

6(a) Any Ratepayers Association provided that the Ratepayers Associations duly constituted and is has a minimum paid up membership of 50 members.

6(b) Individual Membership of IRASA is open to all natural persons over the age of 18 years, who support and subscribe to the provisions of the Constitution of IRASA and own property in the geographic area as defined in clause 4 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.

6(c) Membership can also be taken up by a corporate body, home owners association, trust or any legal entity that is the registered owner of a property.

6(d) a Natural person, corporate body, home owners association, trust or legal entity may only exercise membership rights if membership fees are paid up in full.

6(e) 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.

7. ANNUAL SUBSCRIPTION FEE AND VOTING QUALIFICATIONS

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

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

7(b). A corporate body or trust must nominate a person in writing who shall be

entitled to vote on its behalf.

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

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

7(e) A member must have a minimum of 12 months membership to be eligible for election as a member of the Executive and a minimum of 3 years membership to be eligible to be office bearer.

8. STATUS

8(a). IRASA 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.

8(b). IRASA shall not carry on any business for gain.

8(c). No member of IRASA shall be liable for any debts or obligations of IRASA.

9. MANAGEMENT AND CONTROL

9(a). Management and control of IRASA 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 5 above.

9(b). The Committee shall consist of not more than 10 (ten) members and will be compiled as follows; 7 members elected at an electoral conference during every

third AGM and 3 members appointed by the originators.

9(c). The Committee will serve a term of Three Years.

9(d). The Committee shall be elected at an electoral conference during every third AGM. Only members eligible to vote may attend the Electoral Conference. Delegates to the Electoral Conference must register to attend the Electoral Conference at least seven days prior to the date of the Electoral Conference.

9(e) Only members eligible to serve on the committee may be nominated as outlined in clause 6 and clause 7 above. All persons nominated must be nominated on the prescribed nomination form and submitted at least 7 days prior to the Electoral Conference.

9(f) the election of the committee is outlined in clause 10 below.

9(g) the Originators will appoint their representatives on the Committee in writing every three years.

10. ELECTION OF COMMITTEE MEMBERS

10(a). Committee members are elected at an Electoral Conference during every third AGM to serve for a tree year term on the Committee.

10(b). Retiring members, otherwise qualified, may offer themselves for re-election for a further term of three years.

10(c). Qualifying Candidates for election to the Committee in terms of Clause 6 and clause 7 may be nominated in writing, signed by a proposer and a seconder on the prescribed nomination form. Candidates must accept nomination in writing. The written nominations with the acceptance are to be lodged with the Secretary General seven days before the date of the Electoral Conference and

AGM.

10(d). Only paid up members are eligible for nomination or may be appointed or elected to the Committee.

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

10(f). Ballots will only be issued to members that registered within the prescribed time to attend the Electoral Conference and AGM.

10(g) Only members eligible to vote in term of clause 6 and 7 may exercise their vote at the electoral conference.

11. EXECUTIVE COMMITTEE

11(a) The Committee shall elect a Chairman, a Vice-Chairman and a Treasurer from its members to serve for a three year term.

11(b) The election of additional members shall be at the discretion of the Committee.

11(c) The Committee shall appoint a Secretary General for IRASA on terms mutually agreed to from time to time.

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

11(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 where committee is elected.

11(f) The Committee shall decide on investing the funds of IRASA. 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. Financial statements shall be subject to an annual audit.

11(g). The Committee receives and considers members' suggestions and complaints.

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

11(i) The Originators shall have a veto right on all matters of management, governance and control of IRASA

11(j) A member of the Committee who fails to attend two (2) Executive Committee meetings without leave of absence or three (3) meetings, with or without leave of absence, in any calendar year, shall ipso facto cease to be a member of the Executive Committee.

11(k) The Committee shall be empowered to fill any vacancy which occurs and may, at its discretion co-opt additional members on the Executive Committee generally or to perform a specific task.

11(l) The terms of office for members of the Executive Committee shall last until the adjournment of the AGM following that at which they were elected. Retiring members may be re-elected.

11(m) The Executive shall meet at such dates and times as it determines, provided

that it shall meet at least four (4) times in a calendar year.

11(n) The quorum at Executive Committee meetings shall be six(6).

11(o)The office bearers will constitute an ipso facto “Dag Bestuur” of the association and shall meet at such dates and times as it determines, provided that it shall meet at least six (6) times in a calendar year.

11(p) The quorum at bearer meetings shall be three (3)

12. OFFICE BEARERS

12.1 The Chairman

12.1.(a) The Chairman shall preside at all meetings of the Association. In the event of the Chairman being unable to preside at any meeting the Vice Chairman will take his place. In the event of the Vice Chairman also not being present the meeting shall elect from amongst themselves an eligible member to act as Chairman for the duration of the meeting.

12.1.(b) The Chairman shall have a deliberative as well as a casting vote at executive meetings and office bearer meetings and shall ensure that the interests of the Association are protected and its Constitution be upheld and complied with at all material times.

12.1.(c) The Chairman shall submit an annual report on the activities of the Association to the AGM.

12.1(d) The Chairman is the convener of the candidate list conference and chairs the Candidate list Committee for any national election, local election or by election.

12.1.(e) The Chairman has the right to fill every third position on the Candidate List starting with the first position.

12.1(f) The Chairman must be an originator as defined in clause one of this constitution

12.2 The Vice Chairman

12.2.(a) The Vice Chairman carries out such duties as are allocated to him by the Chairman or the Executive Committee and shall act as Chairman in the absence of the Chairman.

12.2(b) The vice Chairman is the convener of the AGM and Electoral conference

12.3 The Treasurer

12.3.(a) The Treasurer shall keep an accurate account of the finances and assets of the Association and he shall report at each meeting of the Committee as well as the AGM on the financial position of the Association. Two (2) members other than any office bearer, elected by the previous AGM, must audit the financial statements presented to the AGM, prior to such presentation.

12.3.(b) The Treasurer, (or the Secretary on his behalf) shall deposit all monies received by the Association in a bank selected by the Executive within seven (7) days of such receipt. Withdrawals shall be on the authority of any two (2) authorized signatories. The authorized signatories shall be the Chairman, Treasurer, Secretary and two (2) persons appointed by the Executive from amongst its own members.

12.3.(c) The Treasurer must present an annual budget for the Association to the Committee and the budget including all expenditure of the Association must be approved by the Committee.

12.4 The Secretary General

12.4.(a) The Secretary General is head of the policy and administration of IRASA and shall draw up and dispatch all agendas and keep minutes of all meetings of the Association and perform such other duties as allocated to him, by the Executive, from time to time.

12.4.(b) The Secretary General shall keep a record of all correspondence received and the replies thereto.

12.4.(c) The Secretary General shall keep an up to date record of the names and addresses (and where possible the telephone numbers and email addresses) of all members. Such record to also reflect whether all subscriptions have been paid.

12.4.(d) The Secretary General shall promote the interest on the association on a daily basis and will be responsible for all matters of a corporate and or legal nature.

12.4(e) The Secretary General is the custodian of the constitution of IRASA

12.4(f) The Secretary General is responsible for election campaigns, and the compilation of proportional representative lists in conjunction with the Chairman

12.4.(g) The posts of Secretary may be combined with that of any other office bearer.

13. RULES

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

14. REPRESENTATION OF IRASA ON THE WARD COMMITTEE SYSTEM

The Committee will encourage members to participate on the ward committee system and members must nominate a committee member and a secundus to represent IRASA on each of the Ward Committees in the demarcated wards in local councils.

15. FINANCIAL YEAR

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

16. GENERAL MEETINGS

16.1. Annual General Meetings (AGM's):

16.1(a) The AGM of IRASA shall be held not later than 31 March each year, unless circumstances necessitate a change of date.

16.1.(b) A report by the Chairman and a financial statement for the past year shall be submitted for acceptance by the AGM.

16.1.(c) Fifty (50) 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.

16.1.(d) 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 posted 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.

16.1.(e) The auditors for the ensuing financial year will be appointed by the AGM.

16.2. Special General Meetings (SGM's):

16.2.(a) A SGM of members may be convened at any time by the Committee or by a request signed by at least twenty (25) members.

16.2.(b) 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.

16.2.(c) 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.

16.2.(d) Business transacted at an SGM shall be restricted to the business set out in the notice of the meeting.

16.3. Other General Meetings:

16.3.(a) The Committee shall arrange report back meetings and/or newsletters as and when deemed necessary.

16.3.(b) Notice of such meetings shall be given to members in such manner, as the Committee deems reasonably adequate.

16.3.(c) Those members present shall form a quorum.

16.3.(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.

17. 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 IRASA not less than 48 (forty eight) hours prior to the meeting at which the person named proposes to vote.

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

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

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

19.(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.

19.(d).Any amendment to the constitution may be subject to a Veto by the Originators

20. WINDING UP OR LIQUIDATION

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