



## **CONSTITUTION OF THE OVERPORT RATEPAYERS ASSOCIATION (ORA) :**

**“Community guardians, partnering for effective, efficient, transparent and accountable local government”**

### **Vision**

**The Vision of the Overport Ratepayers Association (ORA) is to be an independent ratepayers association in Overport and the surroundings areas of Overport as demarcated by a map, in the Ethekwini City Council, where the interests of ratepayers can be advanced collectively, independently and directly with all three spheres of government, ensuring responsible and service delivery-centred local government.**

### **Mission Statement**

**The ORA is determined to ensure local Government evinces a character and culture of respect, dignity and service delivery. ORA is a watchdog that will fulfil an oversight role ensuring municipal finances are managed in accordance with the Municipal Finance Management Act (MFMA) and that municipal services are delivered in an economic, effective, efficient, transparent and accountable manner.**

### **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 suggests, the following expressions shall have the meanings indicated hereunder:**

**“Association” shall mean the ORA.**

**“Council” shall mean the Ethekwini City Council.**

**“Committee” shall mean the Executive Committee elected in terms of Clause 14 of this constitution.**

**“Office Bearers” shall mean the Chairperson, Vice Chairman, Treasurer, Secretary General and one person from each sub-ward from the demarcated area within the boundary of the Association.**

**“Members” shall mean the fully paid-up members of the Association in terms of Clause 8 of this constitution.**

**“ORA” shall mean the Overport Ratepayers Association.**



**2. NAME:**

The name of the Association is the Overport Ratepayers Association.

**3. OFFICIAL LOGO:**

The logo depicts community unity . The different colours denote different ethnic groups working together.



**4. OBJECTIVES OF THE ASSOCIATION:**

The objectives of the Association are:

- 4.1. To watch over the interests of members regarding the activities of local government in respect of fixed property owned or occupied by them within the area of operation of the Association, and in so doing to favourably influence for the benefit of its members the legislative, administrative and general activities of the municipal and provincial councils in whose area of jurisdiction such properties of members are situated.
- 4.2. To protect, maintain and improve the amenities of Overport, its surrounds and its environment, for the benefit of all residents of and visitors to the area.
- 4.3. To raise funds by subscription or any other lawful means in order to give effect to the objectives of the Association.
- 4.4. To collaborate with other ratepayers' associations or similar organisations in furthering any of the objects set out above.

**5. GEOGRAPHIC AREA:**

- 5.1. ORA draws its members from registered ratepayers in the greater Overport and surrounding area linked to Overport as demarcated by a map (Annexure A).
- 5.2. The area does not conform to the area as demarcated by the South African demarcation board, overlaps these boundaries and has different ward councillors.
- 5.3. All persons resident in the geographic area demarcated by ORA as defined in 8.1 are eligible for membership.

**6. CORPORATE BODY, LIMITATION OF LIABILITY AND INDEMNITY:**

- 6.1. The Association shall be a voluntary association constituted under South African law with full legal status, capable of suing and being sued in its own name.
- 6.2. The Association will be capable of owning movable and immovable assets in its own name.



- 6.3. No committee member shall be liable for any loss or damage suffered by any person as a result of an act or omission which occurs in good faith while the committee member is performing functions for and on behalf of the Association.
- 6.4. The Association shall be a non-profit organisation and its funds shall be applied solely towards achieving its objects. All surpluses of revenue over expenditure shall be retained by the Association to be applied against future expenditure for that purpose.
- 6.5. The Association shall be an apolitical organisation and will not align itself to any political party.

## **7. GOALS:**

- 7.1. To promote the interest and involvement in matters of the local council of ratepayers and bona fide lessees of property.
- 7.2. To protect and preserve the autonomy and independence of each ORA member while advancing the collective goals of ratepayers.
- 7.3. To act as a conduit for member's views to the relevant local council and or government department.
- 7.4. To help ensure that municipal services are provided in terms of Section 195 of the country's Constitution.
- 7.5. To help ensure that municipal services are provided in terms of Section 38(c) of the Municipal Systems Act in an economic, effective, efficient and transparent way, and
  - 7.5.1. in an accountable manner in accordance with the provisions of the Municipal Finance Management Act, and
  - 7.5.2. that the provisions of the Property Rates Act are applied equally and fairly in the Council.
- 7.6. To promote the interests of ORA in close co-operation with the Council and any other authority associated with local government in South Africa.
- 7.7. To refrain from supporting or participating in the affairs of any political party in order to ensure that ORA and its members remain apolitical and independent, and that ORA's actions are always consistent with and seen as being consistent with its vision and mission.
- 7.8. To refrain from participating in elections or permitting any of its members to use the association as a platform for promoting their political ambitions.
- 7.9. To engage in matters relating to the adequate representation of ratepayers in the Council.
- 7.10. To keep members informed of the affairs of the Council, especially of matters that affect ratepayers.
- 7.11. To create an open channel of communication with the Council and to contribute such skills and information as may be considered necessary to enable the Council to come to such conclusions as may be advantageous to ratepayers and all residents.
- 7.12. To liaise with government departments, the provincial administration and any other bodies, in so far as it concerns members of ORA.
- 7.13. To do all such other things as may be necessary to achieve the objectives of ORA, which may include persons of any persuasion (artisans, professionals etc.)
- 7.14. To ensure that members of ORA deal with fellow members, officials, and the Council in a dignified manner. The use of foul language will not be tolerated.



## **8. MEMBERSHIP:**

- 8.1. Membership to ORA is open to all natural persons over the age of 18 years who support and subscribe to the provisions of the constitution of ORA and own property in the geographic area as defined in clause 5 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.**
- 8.2. Membership can also be taken up by a corporate body, home owners association, trust or any legal entity that is the registered owner or tenant of a property.**
- 8.3. A natural person, corporate body, home owners association, trust or legal entity may exercise membership rights only upon full payment of the membership fee.**
- 8.4. No person shall by virtue of his interest in a body or trust, or for any other reason, obtain dual membership entitling him to more than a single vote.**
- 8.5. In the event of a member being refused membership to ORA he shall be entitled to a full statement by the ORA Committee of the reasons for such refusal. Upon a written request by the member, the General Secretary of ORA shall furnish such reasons in writing; and**
  - 8.5.1. The member may have the right to appeal against a refusal of membership within one month of being supplied with the reasons and may in writing notify the General Secretary that he intends to appeal to the next general meeting; and**
  - 8.5.2. The member shall have the right to attend such general meeting to make representations and call witnesses for the purpose of substantiating his right to membership. He shall also be entitled to be legally represented; and**
  - 8.5.3. The member shall be notified of the decision of the general meeting not later than six weeks after the appeal proceedings have been completed at the said general meeting; and pending the decision of the general meeting, the decision of the ORA Committee will prevail.**
- 8.6. Every duly accepted member shall be entitled to receive a copy of the ORA constitution.**

## **9. MEMBERSHIP REGISTRATION:**

- 9.1. The Secretary General shall keep a register containing the names and addresses of all members of ORA.**
- 9.2. It shall be the duty of members to notify the General Secretary of their postal addresses, email addresses and any subsequent change thereof.**

## **10. EXPULSION OF MEMBERS:**

- 10.1. If a member omits to pay his annual subscription on or before the 31<sup>st</sup> January, then the ORA Committee shall have the power to suspend him. If after service on such matter by email or prepaid registered post of a letter of notice requiring him to pay such subscription and if he does not within one month of such date do so, the ORA Committee shall have the power to expel the member.**
- 10.2. If the conduct of a member is in the opinion of the ORA Committee injurious to the interest and the character of the ORA, the Committee shall have the power to expel such member and he shall thereupon be debarred from all privileges of membership, provided however that he may within one month of the notification of expulsion appeal to a special general meeting called to decide the validity of his expulsion. The decision shall be determined by a majority of not less than two thirds of the members present**



and if the member is expelled, he shall forthwith cease to be a member of ORA and his name shall be removed from the register of members.

#### **11. DISQUALIFICATION, RESIGNATION OR REMOVAL FROM OFFICE OF THE ORA COMMITTEE**

Any of the following persons shall be disqualified from being appointed as a member of the ORA Committee:

- 11.1. An unrehabilitated insolvent member.
- 11.2. Any person removed from an office of trust on account of misconduct.
- 11.3. Any person who has at any time been convicted (whether in the Republic of South Africa or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act , Act No. 6 of 1958, or any other offence involving dishonesty.
- 11.4. Any person who is disqualified from being appointed or acting as a director of a company in terms of the Companies Act, Act No. 61 of 1973.
- 11.5. A minor or any person under legal disability (e.g. under curatorship).
- 11.6. Any person appointed to hold any political office, whether at local, provincial or national level.
- 11.7. Any person who has resigned his membership, which resignation has been communicated to the General Secretary in writing.
- 11.8. Any person who ceases to own fixed property in the jurisdiction of ORA.
- 11.9. Any person who fails to attend three consecutive meetings of ORA without being granted leave of absence or without good cause being shown.

#### **12. MANAGEMENT AND CONTROL:**

- 12.1. The management and control of ORA 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 ORA, as outlined in clause 7 above.
- 12.2. The Committee shall consist of not more than fifteen members and will be composed as follows: members elected at the electoral conference and thereafter at every third annual general meeting.
- 12.3. The Committee shall serve a term of three years.
- 12.4. The Committee shall be elected at an electoral conference during every third annual general meeting. 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.
- 12.5. Only members eligible to serve on the committee may be nominated as outlined in clause 8 above. All persons nominated must be nominated on the prescribed nomination form, which must be submitted at least seven days prior to the electoral conference to the Secretary General.
- 12.6. The manner of the election of the Committee is described in clause 13 below.
- 12.7. All monies and sponsorships collected on behalf of ORA must be deposited in a bank account held in the name of ORA or in a trust account.
- 12.8. The monies collected shall be used only to further the interest of ORA or the ratepayers.
- 12.9. The Committee must appoint an independent auditor.



### **13. ELECTION OF COMMITTEE MEMBERS:**

- 13.1. Committee members are elected at an electoral conference during every third annual general meeting to serve on the Committee for a three-year term.**
- 13.2. Retiring members otherwise qualified may offer themselves for re-election for a further term of three years.**
- 13.3. Qualifying candidates for election to the Committee in terms of clause 8 are to be nominated in writing on the prescribed nomination form, which is to be signed by a proposer and a seconder. Candidates must accept nomination in writing. The written nominations with the relevant statements of acceptance of the nominations are to be lodged with the Secretary General seven days before the date of the electoral conference and annual general meeting.**
- 13.4. Only paid-up members are eligible for nomination or may be appointed or elected to the Committee.**
- 13.5. If more nominations are submitted than existing vacancies, an election shall be held by ballot.**
- 13.6. Ballots will be issued only to members that registered within the prescribed time to attend the electoral conference and annual general meeting.**
- 13.7. Only members eligible to vote in term of clause 8 may exercise their vote at the electoral conference.**

### **14. COMMITTEE:**

- 14.1. The Committee shall elect a Chairman, a Vice Chairman, a Treasurer and other members from among its members to serve for a three-year term.**
- 14.2. The election of additional members shall be at the discretion of the Committee.**
- 14.3. The Committee shall appoint a Secretary General for ORA on terms mutually agreed from time to time.**
- 14.4. The Committee may appoint a member or members to fill any vacancies on the Committee that may occur during the year. Such appointments shall be valid only until the next annual general meeting.**
- 14.5. Committee may co-opt members and/or appoint sub-committees of members for specific duties or to make specialist contributions for such period as the Committee may decide, but for a period not longer than until the next electoral conference.**
- 14.6. The Committee shall decide on investing the funds of ORA. 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 authorised signing officers. The Treasurer shall submit statements of receipts and payments to the Committee at each meeting of the Committee. Financial statements shall be subject to an annual audit.**
- 14.7. The Committee shall receive and consider representations by members.**
- 14.8. The Committee may appoint members to represent it at meetings or functions of other institutions.**
- 14.9. A member of the Committee who fails to attend two Committee meetings without leave of absence or three Committee meetings with or without leave of absence in any calendar year shall ipso facto cease to be a member of the Committee.**
- 14.10. The Committee shall be empowered to fill any vacancy which occurs and may at its discretion co-opt additional members on the Committee generally or to perform a specific task.**



- 14.11. The terms of office of members of the Committee shall terminate upon the adjournment of the annual general meeting following that at which they were elected. Retiring members may be re-elected.
- 14.12. The Committee shall meet at such dates and times as it determines, provided that it shall meet at least four times in a calendar year.
- 14.13. The quorum at Committee meetings shall be fifty percent plus one.

## **15. OFFICE BEARERS:**

### **15.1. The Chairman**

- 15.1.1 The Chairman shall preside at all meetings of ORA. 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 a member to act as Chairman for the duration of the meeting.
- 15.1.2 The Chairman shall have a deliberative as well as a casting vote at executive meetings and shall ensure that the interests of ORA are protected and its constitution is upheld and complied with, at all material times.
- 15.1.3 The Chairman shall submit an annual report on the activities of ORA to the annual general meeting.
- 15.1.4 The Chairman has the right to fill every third position on the candidate list, starting with the first position.

### **15.2. The Vice Chairman**

- 15.2.1 The Vice Chairman carries out such duties as are allocated to him by the Chairman or the Committee and shall act as Chairman in the absence of the Chairman.
- 15.2.2 The Vice Chairman is the convener of the annual general meeting and electoral conference.

### **15.3. The Treasurer**

- 15.3.1 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 at the annual general meeting on the financial position of ORA.
- 15.3.2 Treasurer (or the Secretary on his behalf) shall deposit all monies received by ORA in a bank or trust account selected by the Executive Committee within seven days of such receipt. Withdrawals shall be on the authority of any two authorised signatories. The authorised signatories shall be the Chairman, the Treasurer, the Secretary and two persons appointed by the Executive Committee from amongst its own members.
- 15.3.3 The Treasurer must present an annual budget for ORA to the Committee and the budget including all expenditure of ORA must be approved by the Committee.

### **15.4. The Secretary General**

- 15.4.1. The Secretary General is the head of the policy and administration of ORA, shall draw up and dispatch all agendas and keep minutes of all meetings of ORA and shall perform such other duties as are allocated to him by the Committee from time to time.
- 15.4.2. The Secretary General shall keep a record of all correspondence received and the replies thereto.





- 15.4.3. 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 is also to reflect whether subscriptions have been paid.
- 15.4.4. The Secretary General shall promote the interests of ORA on a daily basis and will be responsible for all matters of a corporate and or legal nature.
- 15.4.5. The Secretary General shall be the custodian of the constitution of ORA.
- 15.4.6. The Secretary General shall be responsible for election campaigns and the compilation of proportional representative lists in conjunction with the Chairman.
- 15.4.7. The post of Secretary General may not be combined with that of any other office.

#### **16. RULES:**

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

#### **17. REPRESENTATION OF ORA ON THE WARD COMMITTEE SYSTEM:**

None of the elected members of the Committee will be allowed to participate in the ward committee system.

#### **18. MEETINGS:**

##### **18.1. Annual General Meetings (AGMs)**

- 18.1.1. The AGM of ORA shall be held not later than 31 March each year, unless circumstances necessitate a change of date.
- 18.1.2. A report by the Chairman and a financial statement for the past year shall be submitted for acceptance by the AGM.
- 18.1.3. Members present shall form a quorum at an AGM.
- 18.1.4. of the minutes of the previous AGM and of the Chairman's report shall be posted to all members at least twenty-one 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.
- 18.1.5. The auditors for the ensuing financial year will be appointed by the AGM.

##### **18.2. Special General Meetings (SGMs)**

- 18.2.1. A SGM of members may be convened at any time by the Committee.
- 18.2.2. Notice of the date, time and place of the SGM and of the specific business to be transacted shall be given at least two days before the meeting in such manner as the Committee deems adequate.
- 18.2.3. Forty per cent of the members shall form a quorum at a 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 and the members present will constitute a quorum.
- 18.2.4. Business transacted at a SGM shall be restricted to the business set out in the notice of the meeting.





**18.2.5. An ordinary member of ORA is entitled to call a SGM, provided 14 days' notice has been given and the reason for the meeting. 80% of the executive and the ordinary members shall constitute a quorum.**

**18.3. Other General Meetings:**

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

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

**18.3.3. Those members present shall form a quorum.**

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

**19. PROXY VOTE:**

The name of a proxy shall be submitted in writing and signed by the appointer or his duly authorised agent and shall be received by the Secretary General of ORA not less than forty-eight hours prior to the meeting at which the person named proposes to vote.

**20. POSTPONED GENERAL OR SPECIAL MEETINGS:**

If no quorum of members is present after the lapse of ten minutes after the time appointed for the commencement of 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.

**21. AMENDMENT OF THE CONSTITUTION:**

**21.1. Any member wishing to propose an amendment to the Constitution shall submit his proposal to the Secretary General in writing by not later than 30 November of a year. Such a proposal must be signed by at least forty additional members.**

**21.2. The Committee may submit proposals for amendments to the Constitution to the AGM or to a SGM convened for that purpose.**

**21.3. 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.**

**22. COSTS AND EXPENSES OF COMMITTEE MEMBERS**

**22.1. No Committee member shall be entitled to any remuneration for any services rendered to ORA in discharging his duties as a Committee member.**

**22.2. Any costs reasonably incurred by a Committee member in discharging his duties shall be refundable to such member upon prior approval by the Committee.**



### **23. ANNUAL SUBSCRIPTION FEE AND VOTING QUALIFICATIONS:**

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

- 23.1. A new paid-up member shall complete the required application form.
- 23.2. A corporate body or trust shall nominate a person in writing who shall be entitled to vote on its behalf.
- 23.3. A member shall be required to pay an annual subscription in advance during January of each year.
- 23.4. A member who pays his subscription after January shall pay the full membership fee for that year.
- 23.5. A member shall have a minimum of twelve months' membership to be eligible for election as a member of the Committee and a minimum of three years' membership to be eligible to be an office bearer.
- 23.6. The membership fee will be paid according to the following classifications:
  - a) Free standing individual:

R75 pm (Seventy five rands) per month or R900 pa (nine hundred rands only)

Per year
  - b) Sectional title:

R2000.00 (two thousand five hundred rands) per year
  - c) Vacant land:

R3000.00 (three thousand rands) per year
  - d) Head Lessor:

R250.00 (two hundred and fifty rands) per individual flat per year
  - e) Businesses:
    - i. Small business: R250.00 (two hundred and fifty rands) per month
    - ii. Medium business: R500.00 (five hundred rands) per month
    - iii. Enterprise: R2000.00 (two thousand rands) per month

### **24. FINANCIAL YEAR:**

The financial year of ORA shall start on 1 February of each year and end on 31 December of the same year.

### **25. WINDING UP OR LIQUIDATION:**

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

### **26. EFFECTIVE DATE:**

- 26.1. This constitution shall come into effect at the meeting of ORA that was held on the 09 May 2023



**26.2. Date upon which the existing constitution is rescinded and this constitution is adopted by the members of the Association, which date shall be deemed to be the effective date.**