

CONSTITUTION OF THE
RATEPAYERS ASSOCIATION OF WAENHUISKRANS/ARNISTON

1. **NAME**

The name of the Association is

THE WAENHUISKRANS/ARNISTON RATEPAYERS ASSOCIATION
hereinafter referred to as "THE ASSOCIATION"

2. **THE ASSOCIATION** is a voluntary association formed on a non-political basis in accordance with this constitution.

3. **OBJECTS**

The purpose of THE ASSOCIATION is to look after the local affairs and interests of Waenhuiskrans/Arniston and its inhabitants and more specifically:

- 3.1 to devote itself to the enhancement and preservation of the untouched and unique character and natural beauty of the township;
- 3.2 to bring the attention of the local authorities the needs and ideas of the land owners and others and any lack of services;
- 3.3 to do all such things which, in the opinion of THE ASSOCIATION, ought to be done to protect and further the interests of Waenhuiskrans/Arniston and its inhabitants;
- 3.4 to periodically consider and evaluate the policy and general activities in respect of the local township of Waenhuiskrans/Arniston and, if necessary, to advise in this regard and make representations to the Cape Agulhas Municipality and/or the applicable department of the offices of the Premier of the Western Cape.



4. **MEMBERSHIP**

4.1 Membership of the ASSOCIATION is open to:

4.1.1 Any registered landowner within the township of Waenhuiskrans / Arniston or their proxy.

4.1.2 Any person normally residing within the township of Waenhuiskrans/Arniston who is legally liable for payment of assessment rates, rent, service charges or levies (legal interest) or their proxy.

4.2 No person may hold more than one membership be it by proxy or otherwise.

4.3 To become a member of the ASSOCIATION an application for membership must be submitted to the executive committee and entered in the register of members before the 31st of October of the applicable financial year, together with the prescribed membership fee, which fee shall be the membership fee for the financial year in which the application is submitted. Thereafter membership shall lapse if outstanding fees are not paid before the Annual General Meeting of each financial year.

5. **DUTY OF THE MEMBERS**

It shall be the duty of every member of THE ASSOCIATION to further the objects of THE ASSOCIATION at all times.

6. **MEMBERSHIP FEES**

Membership fees shall be determined by the Annual General Meeting of members and shall be payable together with application for membership and thereafter before the Annual General Meeting of each subsequent year.

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7. **RESIGNATION OR REMOVAL OF MEMBERS**

7.1 The membership of any person who fails to pay his membership fees in terms of clause 6, shall automatically be terminated.

7.2 The membership of a member who neglect to perform his duties to THE ASSOCIATION whether contained in this constitution or with regard to a decision taken by the Annual General Meeting or the Executive Committee is automatically terminated as soon as the Executive Committee becomes aware of the failure and has made a decision with regard thereto.

7.3 A member may terminate his membership of THE ASSOCIATION by giving one month's written notice to the Executive Committee.


8. **LIABILITY**

The liability of members shall be restricted to the amount of their outstanding annual membership fees.

9. **THE EXECUTIVE COMMITTEE**

9.1 The activities of THE ASSOCIATION are managed and controlled by an Executive Committee comprising not more than eight members excluding any members co-opted in terms of 9.3 below of which at least 50% (or the number nearest to 50% as the Executive Committee decides) must retire annually. A member shall be obliged to retire after serving for two consecutive years. The election of new members of the Executive Committee will take place annually at the Annual General Meeting of THE ASSOCIATION.

9.2 The elected members of the Executive Committee and any member co-opted in terms of Clause 9.3 hereof shall elect the Chairman, Vice-Chairman, Secretary and Treasurer. Until the members referred to in clause 9.3 have been co-opted (if applicable), the elected members will elect an ad hoc

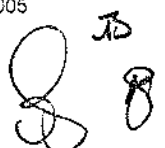


chairman from their members. An outgoing Chairman shall automatically become an ex officio member of the subsequent executive committee.

- 9.3 In the event that the eight elected members of the Executive Committee do not include at least two members who are previously disadvantaged persons who are eligible as members and residents of Kassiesbaai or the selfbou area adjacent to Kassiesbaai, then and in that event the Executive Committee shall (if persons are available), at its first Committee meeting, co-opt one or two (as the case may be) such persons as members to the Executive Committee, which co-opted member(s) shall have all the rights and privileges of an elected member of the Executive Committee.
- 9.4 A temporary vacancy in the Executive Committee that may arise during the course of the year shall be filled until the next Annual General Meeting, as determined by the Executive Committee, by a member of THE ASSOCIATION appointed by the remaining members of the Executive Committee.
- 9.5 The date for Committee meetings shall be determined at the previous meeting except in cases of emergency when at least 48 hours notice by telephone shall be given.
- 9.6 Four Executive members shall form a quorum at a meeting of the Executive Committee.
- 9.7 Problems that arise at a meeting of the Executive Committee shall be decided by majority vote and in the case of the votes being equally divided, the Chairman shall have a casting as well as a deliberative vote.
- 9.8 The Executive Committee acts on behalf of THE ASSOCIATION and exercises its powers within the framework of this constitution and as if authorised thereto at a General Meeting.
- 9.9 When requested to do so the Executive Committee shall report and account for all its activities to every General Meeting.

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- 9.10 The Executive consisting of the Chairman, the Secretary and one other member can be appointed from the Executive Committee.
- 9.11 The Executive Committee shall convene as often as is required, but at least quarterly.
- 9.12 Executive Committee shall ensure that books of account are kept in which all financial transactions of THE ASSOCIATION are correctly recorded.
- 9.13 The Executive Committee shall open a banking account in the name of THE ASSOCIATION in which all monies received shall be deposited as soon as possible after receipt thereof. All cheques drawn against the banking account must be signed by either the Chairman or the Treasurer or any member of the Executive authorised thereto by the Executive Committee.
- 9.14 The Executive Committee shall ensure that the minutes of the activities of all the General Meetings and of every meeting of the Executive Committee are properly recorded in a minute book arranged in such a way that it contained particulars of all of the matters discussed at each meeting. The minutes of the activities of every Executive Meeting or every Annual General Meeting are presented at the following Executive Meeting or Annual General Meeting respectively, and the minutes of the activities of every Special General Meeting, as determined by the Executive Committee, are presented at the next Special or Annual General Meeting and if certified correct at that following meeting, it shall be ratified by the signature of the Chairman of such meeting.
- 9.15 Without restricting the powers granted in clause 9.8 it is hereby specifically recorded that the Executive Committee possesses the power to:
- 9.15.1 make rules on condition that they are not in conflict with this constitution;
 - 9.15.2 transfer one or more of its powers to a committee comprising such members of the Executive Committee as it may appoint. A committee thus appointed must in the exercise of the powers

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granted to the rules or regulations that the Executive Committee may impose or determine;

9.15.3 any expenses in connection with the exercise of the duties of the Executive and deemed to have been incurred in the interests of the members of THE ASSOCIATION shall be paid out of the existing funds. No travelling expenses shall be paid except for special assignments.

9.16 An Executive Committee member resigns:

9.16.1 if he is absent for three consecutive normal meetings of the Executive Committee without leave of the Executive Committee;

9.16.2 if he resigns as a member of THE ASSOCIATION or is removed in a legal manner.

9.16.3 if he gives one month written notice in advance to the Executive Committee of his intention to resign;

9.16.4 if he is appointed as a member of the Cape Agulhas Municipality.

10. **FINANCIAL YEAR**

The financial year of THE ASSOCIATION shall run from the 1st day of November to the following last day of October, both days included.

11. **GENERAL MEETINGS**

11.1 The Annual General Meeting of the members of THE ASSOCIATION shall be held not later than the 10th day of January each year for the purpose of:

11.1.1 considering a general report of the Executive Committee;

11.1.2 to present and consider a financial report;



- 11.1.3 to elect the Executive Committee;
- 11.1.4 attending to general matters.
- 11.2 The Executive Committee can, when they consider it necessary, convene a Special General Meeting.
- 11.3 A Special General Meeting can be convened at any time by written request to the Executive Committee, signed by at least ten members of THE ASSOCIATION, to discuss a matter specifically referred to in the written request.
- 11.4 All meetings whether Annual or Special General Meetings are convened by notice which must be displayed at, at least five public places in the township of Waenhuiskrans/Arniston, at least 10 days before the appointed date, or if the Executive Committee so decides, by posting a notice of the meeting to the members in which the time of the meeting and the nature of the matters to be discussed are set out.
- 11.5 The Chairman of the Executive Committee or in his absence the Vice-Chairman of the Executive Committee, or in the absence of both a substitute appointed by the Executive Committee, shall act as Chairman of the Annual General Meeting or any Special General Meeting of the members.
- 11.6 Ten members of THE ASSOCIATION, present in person, shall form a quorum at the Annual General Meeting or any Special General Meeting of THE ASSOCIATION. Should a quorum not be present at a meeting convened at the request of the members within one hour after such General Meeting was due to commence, the meeting shall not be held. In all other cases the meeting shall be adjourned to the next day at the same time and place, or if that day is a public holiday or a Sunday, the meeting will be adjourned to the day following such Sunday or public holiday. If at such an adjourned meeting a quorum is once again not present within an hour after the meeting was due to commence the members present at the meeting shall form a quorum.



11.7 Every member present at a General Meeting of members of THE ASSOCIATION, whose membership fees are not outstanding, shall have the right to vote at such meeting.

11.8 Each member shall have one vote.

11.9 The Chairman of the meeting shall determine whether the voting shall be by ballot or by a show of hands.

11.10 In the event of the votes being equally divided, the Chairman of any meeting of THE ASSOCIATION shall have a casting as well as a deliberative vote.

12. **AMENDMENT OF THE CONSTITUTION**

This constitution may not be amended unless such amendment is approved by at least two thirds of the members, voting in person at an Annual Meeting or a Special Meeting and the notice convening the meeting contains full particulars of the proposed amendment.

13. **AUDITING**

A competent person is annually appointed by the Executive Committee to audit the books of THE ASSOCIATION and an audited financial statement and report from the auditor is presented each year by the Executive Committee to the Annual General Meeting.

14. **PROPOSING OF CANDIDATES**

14.1 The Executive Committee may, when necessary, appoint candidates from THE ASSOCIATION for the Cape Agulhas Municipality elections.

14.2 Any member of THE ASSOCIATION who wishes to make himself available for election on behalf of THE ASSOCIATION, must undertake to accept the decision of the Executive Committee in respect of the appointment of

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candidates and should such a member not be appointed, he shall withdraw and may not make himself available as a candidate of THE ASSOCIATION for the election or oppose the candidate appointed by THE ASSOCIATION.

15. **DISSOLUTION**

THE ASSOCIATION shall dissolve if two thirds of the members present at an Annual General Meeting or a Special Meeting convened for that purpose vote in favour of dissolution. Any assets which THE ASSOCIATION may at such stage possess shall be utilised by the Executive Committee as it sees fit, but if the township still falls under the Cape Agulhas Municipality the assets will be handed over to the Cape Agulhas Municipality with the condition that they be utilised to further one of the objectives of THE ASSOCIATION.


This amended English language version of the constitution accepted and adopted at a Special General Meeting of THE ASSOCIATION on the 1st day of October 2005.



CHAIRMAN

WITNESS

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2.  _____