

# GILLITTS PARK COMMUNITY ASSOCIATION

## CONSTITUTION

### 1. NAME

The name of the association shall be "GILLITTS PARK COMMUNITY ASSOCIATION" (hereinafter referred to as "the Association").

### 2. DEFINITIONS

Unless the context clearly indicates the contrary intention the words and phrases set out hereunder shall have the meanings ascribed to them.

2.1 "AREA" shall mean the residential area reflected in the map annexed hereto marked Annexure A.

2.2 "COMMUNITY" shall mean individuals who work or permanently reside in the AREA

2.3 "LAW ENFORCEMENT AGENCIES" shall mean all of the law enforcement agencies, either individually or collectively, including, but not limited to, the South African Police Services, Community Police Forum, Metro Police, Road Traffic Inspectorate, South African Community Action Network and emergency services.

2.4 "STREET COMMITTEE" or "STREET WATCH" shall mean members of the COMMUNITY in any street or portion of the AREA which together form neighbourhood watching activities.

Date: 25<sup>th</sup> February 2010.

3. AIMS OF THE ASSOCIATION

The aims of the Association are to:

- 3.1 nurture a sense of unity, dedication and good neighbourly relations amongst the residents of the AREA and their *bona fide* employees;
- 3.2 serve as a watchdog for the COMMUNITY and LAW ENFORCEMENT AGENCIES in order to strive for a safe and secure environment;
- 3.3 provide a channel through which the COMMUNITY can play a meaningful role in crime prevention;
- 3.4 Create a non-profit organisation to achieve the objectives set out in this Constitution.

4. OBJECTIVES

The primary objects of the Association are to:

- 4.1 create public awareness with regard to safety, crime prevention and protection of individuals and their property in the AREA;
- 4.2 unite a diverse residential community in creating a stable and crime-free environment;
- 4.3 encourage the COMMUNITY to work with the Association in close co-operation with the LAW ENFORCEMENT AGENCIES;
- 4.4 ensure that the STREET COMMITTEES and STREET WATCHES work within the framework of the law;
- 4.5 receive and hold funds from donations made and to utilise those funds for the benefit of the COMMUNITY in achieving the objectives as set out in this Constitution;
- 4.6 liaise with the COMMUNITY in providing information so as to assist in the prevention of crime;
- 4.7 open and operate a banking account and to invest any of the monies of the Association not immediately required in such a manner as may be determined from time to time.

5. MEMBERSHIP

- 5.1 The founding members of the Association are the members whose names appear in Annexure B to this Constitution and who have arranged for the first election of members of the Committee.
- 5.2 Membership is open to all residents of the AREA irrespective of race, colour, religion, disability, age, sexual orientation or political affiliation.
- 5.3 A resident of the AREA applying for membership of the Association shall provide the Secretary with details which will be contained in a database specifying the name, address, identity number and telephone details of the resident, together with the name, identity number and telephone details of any person residing with or employed by that resident in the AREA.
- 5.4 The members of the Association shall, for as long as they remain members, pay a membership fee to the Association. The payment of the fee may not be enforced in any way, nor shall the membership of the member depend upon such a fee being payable, it being recorded that such fee is voluntary.
- 5.5 The Association is not a legal person and, as such, does not have powers to sue or be sued.
- 5.6 All individual members affiliated to the Association act in their own capacity as individuals and any liability will be in that capacity.
- 5.7 The Association will not be responsible for any civil or criminal actions or omissions that are perpetrated by any member of the Association nor shall it be responsible for any civil or criminal actions or omissions against its members. All and any criminal or civil actions that are instituted by or against any member of the Association will be conducted in that member's personal capacity.
- 5.8 A member may resign by giving notice of such resignation to the Association.

6. COMMITTEE

- 6.1 The founding members shall, at the first meeting of the Association, appoint a Committee to maintain vigilance over the affairs of the Association. The Committee shall consist of a Chairman, Secretary and Treasurer as well as any members who may be co-opted onto the Committee by the Chairman and the Committee shall be re-elected at each Annual General Meeting of the Association.
- 6.2 The Chairman, Secretary and Treasurer shall not be connected persons in relation to each other and shall accept the fiduciary responsibility of the Association.

7. DUTIES OF OFFICE-BEARERS

- 7.1 The Secretary shall be responsible for the membership records of the Association and ensure that they are kept up-to-date.
- 7.2 The Treasurer shall keep a record of all funds received by and payments made on behalf of the Association.
- 7.3 The Committee shall meet at such place and time as may be convenient to the members of the Committee in order to discuss any business relating to the Association. Members of the Association shall be entitled to be present at such meeting.
- 7.4 All decisions relating to the affairs of the Association shall be taken by a majority vote of the Committee. In the event of there being a deadlock, the Chairman shall exercise a casting vote.

8. MEETINGS

- 8.1 An annual general meeting of the Association shall be held once every calendar year not later than three months after the close of the financial year of the Association.
- 8.2 The Committee may, whenever it thinks fit, convene an extraordinary general meeting of the Association and the Committee shall be obliged on a requisition signed by not less than ten members, to convene an extraordinary general meeting.
- 8.3 At least fourteen days written notice specifying the place, date and hour of the meeting and the nature of the business to be transacted at the meeting shall be given to members.

- 8.4 The non-receipt of a notice of a meeting by a member shall not invalidate any resolution passed at such meeting.
- 8.5 The Chairman or in his/her absence, a member of the Committee, shall preside at all general meetings of the Association. A member entitled to attend and vote at that general meeting shall be entitled to appoint any person who is a member or the representative of the member as his proxy to attend, vote and speak in his stead.
- 8.6 Ten members personally present or represented by proxy shall constitute a quorum. If within a quarter of an hour from the time appointed for holding any general meeting, the quorum of members is not present, the meeting, if properly convened, shall stand adjourned until the same day and hour of the following week and the members then present shall form a quorum.

9. BANK ACCOUNT / ACCOUNTING

- 9.1 The Association shall open and maintain a current banking account into which all funds received shall be paid and all payments relating to the affairs of the Association shall be made.
- 9.2 There shall, at all times, be two signatories, one of whom shall be the Treasurer or Chairman, to the bank account and all payments made from the bank account may only be made upon presentation of a properly documented invoice.
- 9.3 The books and records of the Association shall be made available to any member who makes a written request to inspect same.
- 9.4 The financial year-end of the Association will be the last day of February each year and the Treasurer shall prepare financial statements reflecting all receipts and payments made to or by the Association.
- 9.5 The Association is prohibited from directly or indirectly distributing any of its funds to any person (otherwise than in the course of undertaking any public benefit activity) and is required to utilise the funds solely for the object for which it has been established.
- 9.6 The Association is prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and

conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A of the Income Tax Act, 58 of 1962.

- 9.7 The Association shall not permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act, 58 of 1962 or any other Act administered by the Commissioner of the South African Revenue Services.
- 9.8 The Association has not and will not pay any remuneration to any employee, office bearer, member or other person which is excessive having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
- 9.9 The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

10. AMENDMENTS

This Constitution may only be added to, varied, altered, amended or modified at a General Meeting of members of the Association at which the resolution in relation thereto is carried by a majority of the votes cast at such meeting.

11. DISSOLUTION

- 11.1 The Association shall be dissolved in the event of it being agreed at a General Meeting of members of the Association.
- 11.2 In the event of the dissolution of the Association, the assets and funds of the Association shall be transferred to a Public Benefit Organisation approved by the Commissioner of the South African Revenue Services in terms of section 30 of the Income Tax Act, 58 of 1962.