



CONSTITUTION

BAARDSKEERDERSBOS HOME OWNERS ASSOCIATION

1. NAME

The home-owners association shall be known as "Baardskeerdersbos Home Owners Association". (Further in this Constitution it is referred to as "the Association")

2. THE AREA

The area, as ratified by the Overstrand Municipality, is the hamlet of Baardskeerdersbos, which is also indicated as such in the Spatial Development Framework for Baardskeerdersbos.

3. VISION AND MISSION

3.1 Vision statement

The Association's members envisage our community as a desirable place that we are all proud to call home. A community of friendly, caring, and respectful neighbours, who cooperate with each other to achieve a higher quality of life in a well-maintained and safe environment, uphold and grow the value of our properties, and nurturing family, friends, and community relationships.

3.2 Mission Statement

The mission of the Association is to ensure that Baardskeerdersbos is maintained as a safe, friendly, and enjoyable place to live for each homeowner and his/her/their respective family by:

- taking a fair, ethical and objective approach in representing and protecting their interests,
- liaising with the relevant local authority, thereby striving for the improvement of living conditions in the said area,
- providing input to the budget of the local authority, and
- generally further the distinctive interests of the community residing and/or owning property in the said area.

4. OFFICE

The office of the Association shall be at the residence of the Chair or Secretary of the Management Committee.

5. MEMBERSHIP

- 5.1** Registered owners and/or their spouses/life-partners of developed or undeveloped land in the Baardskeerdersbos area may become members of the Association, including those farms and small-holdings using residential streets as access.
- 5.2** To become a member of the Association an application for membership is requested on a form (hard copy or electronic) available from the Chairperson or Secretary. The duly completed Application Form shall be submitted to the Treasurer, together with the annual membership fee for one year.
- 5.3** Membership of the Association is based on individual subscription.

- 5.3.1** Each household can have two registered (paying) members and thus receive two (2) votes at the General Annual Meeting (AGM);
- 5.3.2** Registered owners may grant permission to tenants/relatives, who reside on their property, to become members of this Association, and therefore represent them at the AGM, by completing the Authorisation Form, which is available from the Secretary.

6. MEMBERSHIP FEES

- 6.1** The membership fee shall be recommended by the Management Committee and ratified at the AGM.
- 6.2** The membership fee applies to one calendar year, which covers the period from the first day of January to the last day of December.
- 6.3** The membership fee of a particular year is in arrears if it has not been paid by the last day of February.
- 6.4** A member whose membership fee is in arrears is considered a non-member and will not receive any of the Association communications listed under Section 7 of this Constitution.
- 6.5** A member whose membership fee is in arrears, i.e. a non-member, may not vote at the AGM.

7. COMMUNICATION WITH MEMBERS BY THE MANAGEMENT COMMITTEE

- 7.1** Members will receive at least the agendas and minutes of all Management Committee meetings and all other General Meetings.
- 7.2** Communication with members will be delivered electronically by WhatsApp and/or email.
- 7.3** Three (3) separate WhatsApp groups will be maintained, one for communications with the Management Committee, one for members and one general non-members group for generic Overstrand information.
- 7.4** Non-members can request the agendas and minutes of Management Committee meetings

and other Association meetings, which will be sent by email, and should be treated as confidential.

8. MANAGEMENT COMMITTEE

- 8.1** At the AGM of members, a Management Committee shall be elected from among the members consisting of a Chair, Vice-Chair, Secretary, Treasurer and at least three additional members. Decisions are made based on majority vote.
- 8.2** The Secretary/Treasurer position may be occupied by the same person.
- 8.3** Any vacancy on the Management Committee, that may occur between two AGMs, shall be filled by the Committee by way of co-option from members of the Association.
- 8.4** The Management Committee shall meet at least four (4) times per annum.
- 8.5** Four (4) members of the Management Committee form a quorum.
- 8.6** The Management Committee shall have the power to invite members, officials and representatives of other bodies to attend its meetings and grant them the full right to take part in the discussions, but not the right to vote.
- 8.7** A member of the committee, who fails to attend three (3) meetings within one calendar year without valid reason(s), shall be suspended as a Committee Member.
- 8.8** The following rules apply to the election of the Management Committee:
 - 8.8.1** The election follows the order of Chair, Vice-chair, Secretary, Treasurer and additional members. The Chair shall not call for nominations for an office bearer or the additional members before the election of the office bearer, preceding them in the order of election, has been completed.
 - 8.8.2** The Chair will receive only nominations from the floor when presented and seconded by members, as well as written nominations.
 - 8.8.3** Voting shall take place in the way as determined by the Chair.
 - 8.8.4** A member who is unable to attend an AGM shall be allowed to give his vote by proxy to anyone, once said member has completed the Proxy Form, which is available from the Secretary.
 - 8.8.5** The Chair appoints two or more members as polling clerks. After the votes cast in a ballot have been counted by the polling clerks, the written results are handed to the Chair, who announces same to the meeting.
- 8.9** The acting Management Committee remains in office until the end of the meeting when the newly elected Management Committee assumes office and the Chair-elect closes the meeting.

9. FUNCTIONS OF THE MANAGEMENT COMMITTEE

9.1 The Management Committee shall exercise all the powers and rights of the Association not specifically reserved to general meetings of members and without detracting from the generality hereof, shall have the power to:

- 9.1.1 Appoint officials to certify legal and financial documents.
- 9.1.2 Take steps to get the Association represented on other bodies, such as committees of the local authority and Community Police Forum.
- 9.1.3 Make representations to the local authority and other official bodies and individuals in relation to matters in which it is concerned.
- 9.1.4 Any complaints and suggestions must be submitted to the Management Committee in writing. Decisions by the Committee will be binding with the understanding that a majority vote at an AGM can retract any previous decision of the Management Committee.

10. MANAGEMENT COMMITTEE DUTIES

10.1 The Chair/Vice-Chair's primary function is to preside over Committee and AGM meetings and ensure their smooth functioning in the interests of good governance. Where appropriate, guide the Committee in proposing new activities and service that will further the vision and mission of the Association.

10.2 The Secretary shall keep accurate records, including meeting agendas and minutes, send out notices of meetings, keep the Members informed and file documents.

10.3 The Treasurer shall act as the financial manager for the Association and is responsible for the Association's funds and maintaining all financial records, including its assets and liabilities. All books and accounts shall be audited annually by a person or persons appointed by the Management Committee.

10.4 The Membership Officer shall keep an up-to-date register of the names and addresses of all members. Members shall notify the Membership Officer from time to time of any change of address.

10.5 Additional Committee Members shall review all relevant material before committee meetings, attend Committee meetings and voice objective opinions on issues, support the efforts of the Committee Chair and carry out individual assignments made by the Chair, and ensure that the Committee's work and recommendations are in keeping with the general Association's vision and mission.

11. GENERAL MEETINGS

11.1 The Annual General Meeting (AGM):

- 11.1.1 One (1) AGM of members shall be held during the period of 1 October to 31 December, at a place, date and time determined by the Management Committee.
- 11.1.2 At least two (2) general meetings shall be held during each calendar year at a place, date and time determined by the Management Committee.

- 11.1.3 Any additional general meetings can be requested in writing by any fifteen (15) members and must then commence within 30 days.
- 11.1.4 Fifteen (15) Members will form a quorum at a general meeting.

11.2 The objectives of the AGM of members shall be:

- 11.2.1 The election of the Management Committee.
- 11.2.2 The consideration of the Annual Report of the Management Committee.
- 11.2.3 The consideration of the Financial Report and the Auditor's Report for the past year.
- 11.2.4 The consideration of and voting upon motions and proposals tabled by the Management Committee and members.
- 11.2.5 Approval of the minutes of the previous AGM.
- 11.2.6 General business.

11.3 Rights of Members and non-Members:

- 11.3.1 Members have the right to place matters for discussion and resolution on the agenda of the AGM provided that they submit such matters in writing to the Secretary at least two (2) weeks prior to the AGM.
- 11.3.2 Persons who are not members of the association may participate in the debates of the AGM (after a motivated written notice to the Management Committee) only after the meeting has voted its consent. Such persons have no right to vote.

12. PROCEDURE OF MEETINGS

The procedure of Management Committee meetings and general meetings is conducted by the Chair. He/she/they decides all points of order but shall have the power in his/her/their entire discretion, to refer any point of order to the meeting for decision. Motions of order are decided by the meeting without prior discussion by a majority vote.

13. NOTICES OF MEETINGS

Notices of a Management Committee Meeting and of a General Meeting of members shall be in the form of an agenda, which clearly states the date, time and place of the meeting. The agenda shall be sent out by the Secretary on the BBHOA Members WhatsApp group at least one (1) week prior to the meeting.

14. MINUTES OF MEETINGS

The Secretary shall keep minutes of all meetings. At each meeting, the minutes of the previous meeting shall be confirmed by the members and signed by the Chair and Secretary.

15. ALTERATION OF CONSTITUTION

The Constitution may be altered by a majority vote at a general meeting of members or by any means the Management Committee deems appropriate, provided that written notice of such a proposal is circulated to each member at least thirty (30) days before the meeting.

16. DISSOLUTION

- 16.1** The Association may dissolve at a special general meeting arranged for this purpose with notice of at least one (1) calendar month. The quorum for this meeting will be twenty (20) members. The decision to dissolve this Association requires a two-thirds majority from the members present at the meeting, including proxy votes.
- 16.2** Any assets of this Association will be donated to either an accredited Committee or a registered charity in Baardskeerdersbos. This decision shall be taken at the dissolution meeting.