

CONSTITUTION

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:

- “Association” shall mean Cape Town’s City Bowl Ratepayers’ and Residents’ Association.
- “Council” shall mean the Cape Town City Council.
- “Executive” shall mean the Executive Committee elected in terms of Clause 7.
- “Ward” shall mean the area known as the City Bowl bordered by Boundary Road to the north-west and enclosed by the Table Mountain National Park to the north-west, west, south and south-east up to De Waal Drive/M3, east via the top of Roeland Street and north via De Villiers/Tennant Street, east into Sir Lowry Road up to the Eastern Boulevard/N2 and north up to the harbour.

2. NAME

- 2.1 This association shall style itself as “the City Bowl Ratepayers’ and Residents’ Association” (CIBRA).
- 2.2 The area in which this Association shall operate will be the Ward.

3. LEGAL IDENTITY AND PERSONA

The Association is a “*universitas personarum*”, an independent legal persona or entity, distinct from the individuals who comprise it, having the capacity of acquiring rights of property, of incurring obligations and of suing or being sued in its own name and having perpetual succession, and neither members nor the Executive Committee shall be answerable for the debts or engagements of the Association.

4. OBJECTS

- 4.1 To keep itself acquainted with the affairs of the Council, and particularly with matters which affect ratepayers and/or residents of the Ward.
- 4.2 To promote the welfare, development and interest of the Ward residents/ratepayers as a whole and to oppose any matter deemed detrimental thereto and to take any necessary steps in such oppositions.
- 4.3 To co-operate whenever deemed necessary with other civic or ratepayers' associations.

5. MEMBERSHIP

5.1 Membership shall be open to any of the following:

- Any person including any juristic person, partnership, voluntary organisation or other legal entity qualified to vote in municipal elections in the Ward.
- Any person who is resident in the Ward or a ratepayer of the Ward.
- Any juristic or fictitious person who owns or leases property which is situated in the Ward.

The spouse of any member shall automatically also become a member unless otherwise decided by the Executive Committee.

The payment of a membership subscription will entitle the payee to two votes: one for him/herself and the other for his/her spouse or nominated person provided he or she qualifies for membership.

- 5.2 Application for membership shall be made in writing and duly signed by the applicant, and submitted to the Honorary Secretary or Membership Officer.
- 5.3 All applications for membership shall be considered by the Executive which shall at its discretion admit applicants to membership.
- 5.4 No member of the Association shall hold office or exercise a vote until he/she has been a member of the Association for THREE MONTHS from the date of acceptance by the Executive Committee, save in the case of persons elected at the inaugural meeting.

6. SUBSCRIPTION

- 6.1 The annual subscription for each member shall be fixed by the Association in general meeting.
- 6.2 The financial year shall commence on the first day of April and shall end on the thirty first day of March of the following year. The first financial year shall commence on the date of inauguration of the Association and end on the thirty first day of March 1998.
- 6.3 A register of members shall be kept by the Executive. Only those members whose subscriptions are up-to-date will be eligible to vote at a constituted meeting of members.

7. EXECUTIVE COMMITTEE

- 7.1 The affairs of the Association shall be managed by an Executive Committee of not less than six and not more than 14 members who shall be elected annually at the Annual General Meeting. The Executive shall be empowered to fill any vacancy which may arise on the Executive Committee by co-opting a member to serve until the following Annual General Meeting, and to co-opt additional members to fulfil specific functions until the following Annual General Meeting, at its discretion.
- 7.2 The election shall take place by a show of hands or by ballot if so demanded by a majority of those present. Only members whose subscriptions are fully paid up shall be eligible for nomination.
- 7.3 The Executive Committee shall elect from their own body a Chairman, Vice-Chairman, Secretary and Treasurer.
- 7.4 The Executive Committee shall have power to elect sub-committees from its members to deal with such matters as it may delegate in terms of the Constitution.
- 7.5 The Executive Committee shall meet regularly with a minimum of nine meetings per year. A quorum at such meetings shall be 6 members.

- 7.6 Any member of the Executive who fails to attend three consecutive meetings without leave of absence shall forfeit office at the discretion of the committee. The vacancy shall then be filled by the Executive Committee.
- 7.7 The Executive may make rules governing the procedure for conducting the affairs of the Association.
- 7.8 The Association shall not actively promote the interests of any political party.

8. DUTIES AND POWERS OF OFFICERS

- 8.1 The Chairman: He shall be responsible for the observance of the Constitution governing the Association and shall conduct all meetings within its framework under the general rules of debate.
- He shall at all times have a deliberative vote and in the case of equality of voting shall have a casting vote.
- 8.2 Vice-Chairman: He shall carry out such duties of office allocated to him by the Chairman and shall take the chair in the absence of the Chairman.
- 8.3 Secretary: The Secretary shall be responsible for keeping a record of all business conducted at both Executive and General meetings, shall receive all correspondence on behalf of the Association and shall send such letters in reply as the Executive may deem necessary.
- 8.4 Treasurer: He shall be responsible for keeping such books and records of the financial affairs of the Association as the Executive may direct. In addition, he shall collect either direct or through official collectors all subscriptions due by members. He shall bank all monies in a Bank or Financial Institution nominated by the Executive. In the event of one person holding the dual position of Secretary/Treasurer, he shall fulfil the duties as set out in each post.

9. GENERAL MEETINGS

- 9.1 The Annual General Meeting of the Association shall be held in the month of April or May of each year and General Meetings at such times as the Executive Committee may deem necessary. (The first Annual General Meeting shall be held in April or May 1998.)
- 9.2 The quorum at all General Meetings shall be 30 members.
- 9.3 In the event of there not being a quorum at a duly convened General Meeting, the meeting shall be adjourned for not more than one month. Members shall again be given notice in writing of such a meeting and at such subsequent meeting the members present who are entitled to vote shall constitute a quorum.
- 9.4 Special General Meetings shall be called by the Secretary on receipt of a written request from the Chairman or on receipt of a requisition signed by not less than 30 members.
- 9.5 Members shall be advised in writing at least 14 clear days prior to the date of all general meetings and an Agenda of the business to be transacted shall be sent to them.
- 9.6 The Chairman shall have power to convene a Special General Meeting, in which event members shall be circulated at least 14 clear days prior to the date of such meeting and the circular shall explain the purpose of the meeting.
- 9.7 Representatives of fictitious or juristic persons may vote at General Meetings only if they are authorised in writing to do so.

10. CITY COUNCILLORS NOT ELIGIBLE FOR OFFICE

No City or Metropolitan Councillor and/or employee of the Cape Town City Council shall be eligible to hold office in the Association. Should any office-bearer be elected as a City or Metropolitan Councillor or enter the employ of the Cape Town City Council he shall forthwith resign his office. The vacancy shall be filled by the Executive Committee in terms of Clause 6.1.

11. AMENDMENT OF CONSTITUTION

No addition or alteration in this Constitution shall be allowed unless approved by a seventy-five percent majority of members present and entitled to vote at the Annual General Meeting or at a Special General Meeting called for that purpose. All amendments shall be given to the Secretary in writing at least one calendar month before the Annual General Meeting or Special Meeting held for that purpose in order for same to be timeously circularised to members.

12. DISSOLUTION OF THE ASSOCIATION

In the event of the dissolution of the Association, the Association's assets shall be disposed of by the Executive and the proceeds therefrom plus any other funds in hand shall be dealt with at the discretion of the Executive.

28 May 1997
Cape Town

§1 amended:
28 May 2003
Cape Town

§1 amended:
30 May 2006
Cape Town

§1, §2 amended, §3 inserted:
25 May 2011
Cape Town