

Constitution

Observatory Community and Recreation Centre

1. DEFINITIONS

The following abbreviations and terms in this constitution bear the meanings as set out hereafter

OCA	Observatory Civic Association
OCC	Observatory Community Centre
OCRC	Observatory Community and Recreation Centre
CoCT	City of Cape Town
Village Green	Erf 27702 Cape Town at Observatory. The public open space bounded by Station Road to the south, Drake Street to the east, the Dutch Reformed Church on the north and the OCC and the Metro Police on the west
MoU	Memorandum of Understanding expected to be signed between the OCRC and the CoCT

2. NAME

There is hereby created a legal association which may sue and be sued in its own right, which shall be known as the Observatory Community and Recreation Centre or OCRC. This constitution supersedes any and all previous constitutions of any organization previously called the Observatory Recreation Club or the Observatory Recreation Committee. The organisation will continue

to exist even when its membership changes and there are different office bearers.

3. AIMS AND OBJECTIVES

- 3.1. To restore and maintain the OCC and the Village Green as the central hub of community and cultural activity in Observatory and surrounds.
- 3.2. To enter into and maintain a valid agreement with the CoCT for the use of the facilities within Observatory, specifically the OCC. The OCRC will work on its own and with the CoCT to manage the facility for the benefit of the community and the city.
- 3.3. With a valid agreement in place with the CoCT for management of the OCC the OCRC will sub-let the facility appropriately bearing in mind the aim as stated in the last sentence of 3.1 above.
- 3.4. To collect all money due to the OCRC from any tenants/hirers and ensure that these funds are safeguarded and appropriately used.
- 3.5. To determine and identify potential users of the OCRC and to determine the rightful users of the OCRC in the event of a dispute or appeal.
- 3.6. To encourage the development of recreation programmes, including cultural, arts, life skills, community games, festivals and sports within Observatory to the broad benefit of the people living within the CoCT.

- 3.7. To work to ensure uniformity in services and to encourage and promote the provision of equitable facilities to all users of such facilities in Observatory irrespective of colour, race, creed, religion or gender on an equitable, non-political and democratic basis.
- 3.8. To raise funds in such a manner and upon such terms and conditions as is deemed appropriate from time to time, for the purpose of furthering the objectives of the OCRC in consultation with the CoCT.
- 3.9. To ensure that all users of the OCC and facilities in Observatory under the control of the OCRC are aware of and apply the Rules and Bye-Laws of the OCRC (see points 13 and 14).
- 3.10. Report annually on the financial position formally to the committee (as defined herein) with one copy to the CoCT.
- 3.11. Act at all times in the interest of the community and people of the City of Cape Town.
- 3.12. No committee member may receive any remuneration from the OCRC for serving in this capacity (for example, remuneration of manager is in capacity of appointment, irrespective of his/her also being a member of the committee ex officio). The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The

payment must be a reasonable amount for the work that has been done.

4. AREA OF JURISDICTION

The OCRC will work within Observatory and the surrounding communities to improve within Observatory the effective and efficient use levels of facilities for recreation programmes within Observatory. This the OCRC will do through liaison with the City of Cape Town (CoCT) and any other appropriate body.

5. FINANCIAL YEAR

The financial year shall be from 1 March to the last day of February of the following year.

6. COMMITTEE

- 6.1. The management of the OCRC shall be conducted by a committee elected annually at the Annual General Meeting consisting of the following members:
 - 6.1.1. Four Observatory residents.
 - 6.1.2. The tenants of the OCC may elect two representatives.
 - 6.1.3. The OCA may elect two members.
 - 6.1.4. The Observatory Business Forum (OBF) may elect two members.

- 6.1.5. Observatory based NGOs may elect two non-voting members.
- 6.1.6. The manager of the OCC.
- 6.1.7. Two ex officio members are the elected ward councilor and a designated CoCT official (together with an alternate).

- 6.2. The committee may co-opt further members and appoint sub-committees as required from time to time.
- 6.3. The committee will elect its chair from its ranks at its first meeting following its election. In his or her absence the committee will elect a chair for that meeting.
- 6.4. The management committee may take on the power and authority that it believes it needs to be able to achieve the objectives of the organisation.

7. OFFICE BEARERS

- 7.1. Chairperson.
- 7.2. Vice Chairperson.
- 7.3. Secretary.
- 7.4. Treasurer.

8. DUTIES AND FUNCTIONS OF OFFICE BEARERS

To manage the daily functioning of the OCRC and to implement the decisions of the OCRC. Members and office bearers of the organisation do not have rights over things that belong to the organisation.

8.1. Chairperson

8.1.1. To call and chair meetings.

8.1.2. To deal with such committee business as may be required.

8.2. Vice Chairperson

8.2.1. To chair the meeting when the chairperson is not available.

8.2.2. To deal with such committee business as may be required.

8.3. Secretary

8.3.1. To record all minutes of meetings in a proper minute book.

8.3.2. To set agendas for meetings together with the chairperson.

8.3.3. To receive table and send out all correspondence.

8.3.4. To give notice of meeting timeously (14 days in advance).

8.4. Treasurer

- 8.4.1. To oversee the general financial management of the OCC, keep proper record of the OCRC finances in accordance with Generally Accepted Financial Practices and to present financial reports at OCRC meetings (including the Annual General Meeting.
- 8.4.2. To receive collate and compile an annual report to the CoCT on the OCRC finances.
- 8.4.3. To ensure that all funds are deposited into a bank account in the name of the OCRC.
- 8.4.4. Any financial transaction requires at least two signatories.

9. MEETINGS, VOTING AND ELECTIONS

9.1. MEETINGS

9.1.1. Committee, General and Special Meetings

9.1.1.1. Committee meetings shall take place at least 6 times per calendar year, one whereof shall be the AGM.

9.1.1.2. The chairperson will call a Special General Meeting within a reasonable time, upon receipt of a written request to do so by at least 50% + 1 committee members. Notice of general meetings must be given 14 days prior to the meetings. Such notice can be done through general publication or posting of notices at places in the community to reach the widest possible community and does not require individual notice to each member of the community.

9.1.2. **Annual General Meeting**

9.1.2.1. The annual general meeting of the OCRC shall be held not later than three months after the year end of the OCRC. At the AGM the business to be transacted shall basically be as follows and in the same order of precedence if practicable:

- 9.1.2.1.1. Opening of meeting and verification of credentials and voting strength.
- 9.1.2.1.2. Notice of motions, such motions having been properly circulated prior to the meeting.
- 9.1.2.1.3. Confirmation of minutes of the last AGM and minutes of any Special General Meeting held subsequently to that meeting.
- 9.1.2.1.4. Chairperson's annual report.
- 9.1.2.1.5. Annual Financial Statements, Balance Sheet and Auditor's Report.
- 9.1.2.1.6. Notice of change to constitution.
- 9.1.2.1.7. Election of the Office Bearers (as per paragraph 7 above).
- 9.1.2.1.8. Other matters.

9.2. **VOTING**

9.2.1. The committee will endeavour at all times, where possible, to reach consensus on decisions without the need for a vote.

- 9.2.2. Committee members shall have one vote each. Ex officio members do not have a vote.
- 9.2.3. Voting at meetings shall be by show of hands, provided that where it is requested by at least three members of the Committee, voting shall be by ballot.
- 9.2.4. No proxy votes shall be permitted.

9.3. **NOMINATIONS**

- 9.3.1. Nominations shall be done in writing with signature of the proposer, a secondant and the person proposed, and shall be delivered to the secretary 24 hours prior to the meeting.

9.4. **QUORUM**

- 9.4.1. The quorum at all meetings shall be 50 per cent plus one of committee members who are in compliance with the rules of the OCRC and entitled to be present at the meeting.
- 9.4.2. Should a quorum not be available at a meeting, the Chairperson shall postpone the meeting for a period of at least seven (7) days whereupon the meeting will be reconvened. At the rescheduled meeting the members present will be deemed to be a quorum, irrespective of the number of members in attendance.

9.5. **MOTIONS**

9.5.1. The agenda shall consist only of those items, for which due notice was given.

9.5.2. Notice of motions are to be circulated at least 14 days prior to the meeting. If the committee agrees by a two third majority, such notice may be dispensed with.

9.6. **MINUTES**

9.6.1. Minutes of all meetings must be kept safely and always be on hand for members to consult.

10. **AMENDMENTS TO CONSTITUTION**

The constitution may be amended by a resolution passed by a two thirds majority of votes cast at a SGM or an AGM of the OCRC and approval by the CoCT Council. The motion proposing the amendment to the constitution must be circulated to all members and the CoCT Council at least 14 days prior to the meeting. All interested parties, (including CoCT ward councillor) shall be notified in writing of any changes to the Constitution.

11. **DISSOLUTION**

The organisation may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down. The OCRC will be dissolved at a Special Meeting called for the purpose and all assets will revert to either an active civics organisation within Observatory or the CoCT whichever is deemed the most suitable recipient. It is recognised that at the inception

of the lease/MoU by the OCRC shall be transferred to an active civics organisation operating within Observatory.

12. CODE OF CONDUCT

All members are expected to abide by the Rules and Bye-Laws of the OCRC and the Code of Conduct of the CoCT Sport and Recreation Forum.

13. RULES AND BYE-LAWS OF THE OBSERVATORY RECREATION COMMITTEE

13.1.1. The OCC facilities will be managed by the OCRC for the purpose for which they were provided (as determined by this constitution in consultation with the CoCT and interpreted by the CoCT S&R District & Facility Managers) at all times.

13.1.2. No facility or field (as part of the Community Centre or as part of the Community Centre's outreach programmes) are to be used for any other purpose than described or implied in the agreement without the written permission of the OCRC. A decision on such a request will only be given after proper consultation with the CoCT S&R District Manager and the Facility Manager

13.1.3. No construction or major alterations may be made to the facilities as described or implied in the agreements without the written permission of the OCRC. Such decisions will be discussed and voted on at a meeting

of the OCRC, after proper consultation with the CoCT S&R District Manager and the Facility Manager

- 13.1.4. Any planned Regional, Provincial, National or International event (Major Event) planned for the OCC will be reported to the OCRC in order that the Local S&R Council, the District S&R Council and the CoCT may assist with the preparation of the facility in the planning thereof wherever possible. Since these preparations inevitably involve expense, it is incumbent on the OCRC to be informed timeously thereof in order that the OCRC and the CoCT may budget for the event if possible
- 13.1.5. No fires will be lit anywhere within the boundaries of the OCC other than in the places designated for that purpose. This includes gas fires and fires in portable containers.
- 13.1.6. No camping / over-nighting will be allowed within the boundaries of the OCC without written authorization of the CoCT S&R District and Facility Managers. In the absence of time or problems to contact the fore-mentioned Officials, a written decision on such a request will have to be given by the Chairman of the OCRC after proper consultation with the next most appropriate CoCT S&R Official available.
- 13.1.7. All users of the OCC will at all times be subject to all restrictions regarding driving on demarcated surfaces only, vehicle speed and direction, vehicles parking and

the use of dangerous machinery or motorized vehicles regarded as dangerous to other users or destructive to the facilities or fields. The restrictions regarding dangerous, destructive or disturbing behavior and acceptable use of the facility will be clearly displayed at the entrance to the facility on notice boards.

13.1.8. All users of the OCC will be subject to CoCT water, fire, fireworks and access restrictions and any other measure which may periodically be invoked.

13.1.9. No member of an organisation or club affiliated to the OCRC will willingly or knowingly act in contravention to the Constitution of the Republic of South Africa

14. AMENDMENTS TO RULES AND BYE-LAWS

14.1. The rules and bye-laws may be amended by a resolution passed by a two-thirds majority by votes cast at a SGM or AGM of the OCRC. All member bodies shall be notified in writing of any changes.

This constitution was accepted and agreed to by a General Meeting at Observatory in November 2009

SIGNED

Chairperson

Deputy Chairperson

Secretary

Treasurer
