

# CONSTITUTION OF THE BUNGALOW OWNERS ASSOCIATION

Clifton-on-Sea and District Bungalow Owners Association  
(Clifton, Glen Beach and Bakoven)

## STATUS OF THE ASSOCIATION

- The association is a voluntary association of members residing or having legal title to occupation of bungalows for an uninterrupted period of at least 12 (twelve) months and/or ownership of bungalows in Clifton, Glen Beach and Bakoven (hereinafter referred to as the **members**) collectively known as the Bungalow Owners Association (hereinafter BOA).
- The BOA is a distinct and separate legal entity which is separate from its individual members. The BOA shall have perpetual succession and shall continue to exist even if the members change.
- The BOA is and shall be a juristic person and can sue or be sued in its own name and can institute legal proceedings. The BOA has the capacity to own property and enter into contracts.
- The funds of the BOA vest in the BOA as a juristic person and no member of the BOA shall be liable for the debts, liabilities or obligations of the association.

## OBJECTIVES OF THE BOA

- To safeguard and advance the best interest of **members**, taking into account their respective properties with the object of conserving the unique character of the bungalows, the environment (the land and sea), the heritage associated with it and compliance with applicable legislation (hereinafter the **objectives**).
- For the purpose of advancing the **objectives**, the BOA's nominated committee shall interact with:
  - Its members and/ or the representatives and members of rates payers associations or any other association or bodies;
  - The South African Police Services and security organizations or structures;
  - Service providers and any other person or body which may be relevant to the advancement of **objectives**;
  - Liaise with the City of Cape Town and insofar as may be necessary, the Western Cape Province;

Taking into account the **objectives** and the improvement of the services and conditions applicable to Clifton, Glen Beach and Bakoven properties and occupation thereof guided by the provisions of the Bungalow Heritage Area, the Scenic Reserve and other regulations or legislation which may be applicable and/or appropriate.

## **VOTING**

- Each **member**, limited to one vote per designated bungalow, shall be entitled to vote in person or by way of proxy at an Annual General Meeting of the BOA.
- Proxy Forms to be submitted to secretary of BOA via email prior to the Annual General Meeting.

## **THE COMMITTEE**

- The BOA shall be administered by a Committee consisting of no less than 5 (five) **members** elected at the BOA's AGM, preferably with representatives from each beach;
- The elected Committee shall appoint a Chairperson, a Vice Chairperson, and a Treasurer. All of whom shall be **members**;
- The BOA shall employ a Secretary upon such terms and conditions and salary as they shall determine, which shall be documented in a written employment contract;
- **Members** may be co-opted onto the Committee and or any sub-committee which may be convened;
- The Committee shall meet as often as necessary as so deemed by the chairperson but no less than six times in a year;
- Not less than four Committee **members** are required as a quorum;
- Voting at Committee meetings shall be by show of hands and if there is a tied vote, then the Chairperson shall have a casting vote;
- At Committee meetings, decisions taken shall be recorded by the Secretary and insofar as is necessary, resolutions shall be passed, which shall be documented and signed at the following general meeting.

## DUTIES OF THE BOA OFFICERS

### Chairperson:

- The Chairperson shall chair general meetings of the Committee and the annual general meetings (AGM) of BOA;
- Represent the BOA at meetings to which it has been invited;
- Act as spokesperson of the BOA.

### Treasurer

- The Treasurer shall control and administer the financial affairs of the BOA under the auspices of the Committee;
- Maintain proper accounting records;
- Operate a banking account in the name of the BOA.

### The Committee

- Committee **members** shall act as **members** of the Committee for the purpose of advancing the **objectives**.

### Secretary

- The Secretary shall undertake all duties and functions as provided for in the employment contract and carry out the instructions of the Committee and that which is contained in the subject matter of resolutions passed. At the first meeting hereafter, the Committee shall table a motion defining more fully the Secretary's duties and obligations.

## FINANCE

- The BOA is funded by subscriptions and donations, which shall be applied to advance the **objectives** and conduct the business of the BOA.
- The Committee shall ensure that the BOA's financial statements are properly and timeously prepared and made available for inspection by **members** once a year and tabled for acceptance by at least two **members** at the AGM;
- BOA shall reimburse **members** for any reasonable out of pocket expenses;
- The financial year shall commence on 1 March of each year.

## **ANNUAL GENERAL MEETING**

- The BOA shall hold its AGM during the months of March or April;
- **Members** shall be given at least 14 day's notice of the AGM together with a copy of the previous minutes of the AGM and shall be entitled to attend and vote;
- A quorum at the AGM shall not be less than 15 **members** present;
- The business of the AGM shall include:
  - Attendance and apology register
  - Agenda of matters to be discussed
  - Adoption of minutes of previous AGM
  - Tabling a report from chairperson
  - Tabling a report from treasurer
  - Electing new office bearers
  - Matters arising and general

## **SPECIAL GENERAL MEETING**

- The Committee or 15 **members** may call for a Special General Meeting for the purpose of any urgent matters arising. **Members** shall be given 14 days' notice in writing of any special general meeting together with notice of the business to be discussed

## **ALTERATION TO THE CONSTITUTION**

- Any amendment to this constitution must be agreed to by at least two thirds of those **members** present and voted for at a general meeting.
- **Members** shall be given 14 days' notice in writing of any proposed amendments to the constitution.

## DISSOLUTION

- The BOA may be wound up, if agreed to by a two thirds majority of **members** present and voted for at any general meeting, in which event, any assets remaining after all debts have been paid shall be donated to another duly constituted BOA or group with the similar **objectives**

ADOPTION OF THE CONSTITUTION SHALL APPLY WITH EFFECT FROM ---

\_\_\_\_\_

This constitution shall be adopted on this \_\_\_\_ day of \_\_\_\_\_ 2018

Signed:

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NAME

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