



SWAKOPMUND RESIDENTS ASSOCIATION

The Power of Community

P.O. Box 1613, Swakopmund
Tel: 064 405821 / 081 124 2915
swakopmundRA@gmail.com
www.swakopmundresidentsassociation.com

Constitution of the Swakopmund Residents Association

MANIFESTO

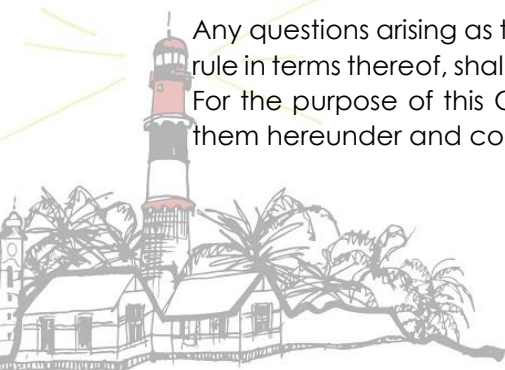
The Swakopmund Residents Association's mission is to strive towards the creation of an urban environment wherein all residents under the ambit of a Local Authority can enjoy equal opportunities to promote the individual quality of life to its fullest potential.

Towards this goal the SRA will strive for:-

- a) the total development of the Local Authority Area of the Municipality of Swakopmund;
- b) the supply of services of the best possible quality at an affordable price and on an uninterrupted basis;
- c) the prevention of crime as far as possible
- d) the establishment of effective communication channels between the Local Authority, the regional Councils and the Government so that all parties may be aware of the needs and expectations of the community they serve and that residents may be informed of the affairs of their Local Authority;
- e) regular and proper account to be given to the residents to keep them informed and to safeguard that their interests are promoted;
- f) fostering an interest amongst the community to partake in the activities of the Local Authority;
- g) the commitment and adherence to the highest standards of ethical conduct by both Councillors and Officials as can be expected and demanded from representatives of a service orientated organization;
- h) promoting social-economic development programmes

1. INTERPRETATION / DEFINITIONS

Any questions arising as to the proper interpretation of any Article of this Constitution, or of any rule in terms thereof, shall be finally determined by the Executive Committee of the Association. For the purpose of this Constitution the following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings, namely:-





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“ member “ means a person whose application for membership was accepted by the Executive Committee;

“ Association “ means Swakopmund Residents Association;

“ Constitution “ means the Constitution of this Association;

“ General Meeting “ means the General meeting constituted on the basis set out in Article 6;

“ GM “ means General Meeting

“ AGM “ means Annual General Meeting;

“ Chairman “ means the Chairman for the time being elected in terms of Article 7;

“ Rules “ means the Rules which have been made in terms of Article 14 and which are in force from time to time. All Rules shall be in accordance with the Constitution of Namibia, the law and democratic usage.

“ SRA “ means the Swakopmund Residents Association.

2. NAME AND ABBREVIATIONS

2.1 The name of the Association shall be the Swakopmund Residents Association;

2.2 Abbreviation of the Association's name shall be “ SRA “.

3. AIMS (OBJECTIVES)

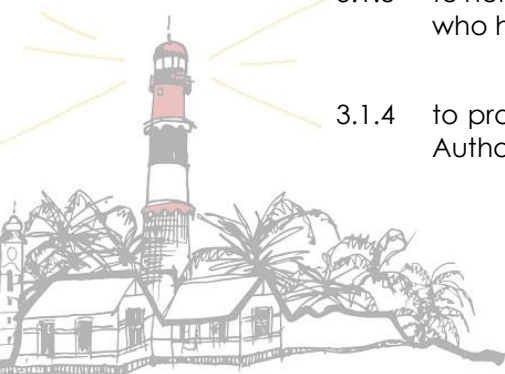
3.1 The aims of the Association are:-

3.1.1 to strive to partake in the affairs of the Local Authority on a NON-Party political level;

3.1.2 to support the Local Authority to enable them to maintain, expand and develop all essential services for the best of the community;

3.1.3 to nominate candidates with the objective of having able efficient persons, who have the interests of the community at heart, elected as Councillors;

3.1.4 to promote sound financial and administrative disciplines within the Local Authority;





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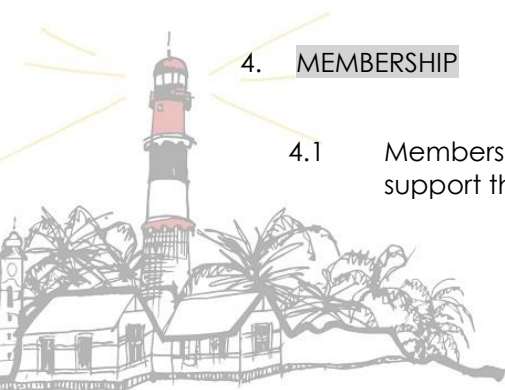
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- 3.1.5 to review policies which may not be considered beneficial to all residents;
 - 3.1.6 to campaign for the compilation and acceptance of a Code of Conduct for Local Authorities;
 - 3.1.7 to generally promote efficient and effective Local Authority management;
 - 3.1.8 to serve as an Association for the residents of the Local Authority of Swakopmund and to be their NON-Party political voice in respect of matters of common interest.
- 3.2 The SRA shall endeavour to achieve its aims through:-
- 3.2.1 considering, on an ongoing or ad hoc basis, all matters and issues of common interest to members and to represent its views when required or deemed necessary;
 - 3.2.2 consulting and co-operating with other organizations;
 - 3.2.3 promoting good relationships with all people and organizations concerned with the objectives of this Association;
 - 3.2.4 disseminating information to its members on all matters and issues of common interest;
 - 3.2.5 making its views known to the Namibian Government, the Regional Bodies and the Local Authorities and to such bodies as have a say in national (and international) affairs; without prejudice to the freedom of the members;
 - 3.2.6 having representation on public and other boards or bodies whose activities involve the interests of the members;
 - 3.2.7 doing all such things as are or may be conducive or incidental to the attainment of the above objects.

4. MEMBERSHIP

- 4.1 Membership shall be voluntary and open to all residents of Swakopmund who support the aims and objectives of the SRA.





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4.2 Admission as members to the Association will be subject to the rules determined by the Executive Committee (application, admission, rejection, appeal, entrance fees, subscriptions, levies, resignation, expulsion);

4.3 All residents within the boundaries of the Local Authority and persons who are registered as property owners in Swakopmund and all members duly accredited to represent owners of such property.

5. GENERAL MEETINGS

5.1 The plenary body of the Association shall be the General Meeting (GM), which shall be the supreme policy-making organ of the Association.

5.2 An Annual General Meeting (AGM) shall be held on a date not later than three (3) months after the end of the Financial Year.

5.3 General Meetings (GM) shall be called whenever desired by the Chairman, a majority of the members of the Executive Committee or upon a requisition signed by not less than 20 members in good standing.

5.4 Subject to the provisions of the Constitution, the convening of and conduct at the General Meetings (AGM or GM) shall be in accordance with the Rules (Time of Convening, Agenda, Minutes of the last meeting, Amendments to the Constitution, voting by the show of hands or a ballot, qualified majority)

5.5 dealing with motions and other matters). In case of an equality of votes a matter shall be deemed to be rejected.

5.6 The Quorum for the GM's shall be 20 members in good standing. If within 30 minutes of the time fixed for the meeting a quorum is not present, the Chairman shall adjourn the meeting and call for another meeting within 21 days.

5.7 The Chairman (or in his absence the Vice-Chairman or any other member elected by the meeting) shall preside.

5.8 Each member in good standing present shall have one vote.





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6. FUNCTIONS AND POWERS OF THE GENERAL MEETING

The General Meeting (AGM or GM) is vested with the functions and powers assigned to it by the Constitution and shall include the following:-

- 6.1 to consider and determine the overall objectives as well as specific policy directions and priorities for the Association;
- 6.2 to amend the Constitution;
- 6.3 to make new Rules, or to amend or rescind existing ones, upon the recommendation of the Executive Committee or the majority of the members present;
- 6.4 to receive, discuss and approve the report on the activities of the Association since the last GM;
- 6.5 to receive , discuss and approve the audited Financial statement for the past year;
- 6.6 to elect or re-elect the members of the Executive Committee which includes the office bearers;
- 6.7 to deal with all matters submitted to it in accordance with the aims (objectives) of the Association.

7. OFFICE BEARERS

- 7.1 The Office Bearers of the Association shall be the Chairman, the Vice-Chairman, the Treasurer and the Secretary, who shall have the functions and duties as set out hereunder:-

- 7.1.1 The Office Bearers shall be elected by the Executive Committee in accordance with the Rules.

- 7.1.2 Their terms of office shall be one year and shall commence from the conclusion of the AGM or GM.





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- 7.1.3 They may be re-elected for a further term of office
- 7.2 The functions and duties of the Chairman shall include:-
 - 7.2.1 acting as the official representative of the Association and as its official spokesman in accordance with guidelines determined by the General Meeting;
 - 7.2.2 acting as Chairman of the General Meeting and the meetings of the Executive Committee.
- 7.3 The Vice-chairman shall deputize for the Chairman, when required, as well as the Treasurer and the Secretary to be deputized
- 7.4 The Treasurer and the Secretary shall hold office on such terms and conditions as may be determined by the AGM. Their functions and duties shall include:-
 - 7.4.1 to advise the operative official and/or employees on the proper management of the Association's business and its finances and the preparation of reports and the Annual Financial Statements.
- 7.5 Any member of the Association except employees and/or functionaries of the following:-
 - 7.5.1 Central Government;
 - 7.5.2 Government Bodies;
 - 7.5.3 Political Parties;
 - 7.5.4 Regional Councils;
 - 7.5.5 Local Authorities;
 - 7.5.6 Towns;
 - 7.5.7 Villages;





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is eligible to be nominated and elected to the Executive Committee of the Association

- 7.6 Only one seat as an Executive member will be exclusively reserved for an elected Alien representative. This Alien may not be an office bearer.
- 7.7 Committee members, as well as official representatives must declare their interest within 4 (four) weeks of being elected.

8. EXECUTIVE COMMITTEE

- 8.1 The Association shall be managed by an Executive Committee consisting of:-
 - 8.1.1 the Chairman;
 - 8.1.2 the Vice-Chairman;
 - 8.1.3 the Treasurer;
 - 8.1.4 the Secretary;
 - 8.1.5 the deputy Treasurer;
 - 8.1.6 the deputy Secretary; and
 - 8.1.7 a minimum of 1 (one) additional member.
- 8.2 The Executive Committee may co-opt 4 further members to serve on the Executive Committee for the remainder of the year.
- 8.3 In the case of any vacancy on the Executive Committee for whatever reason the Executive Committee may co-opt a replacement from among the members to serve on the Executive Committee for the remainder of the year.

9. FUNCTIONS AND POWERS OF THE EXECUTIVE COMMITTEE





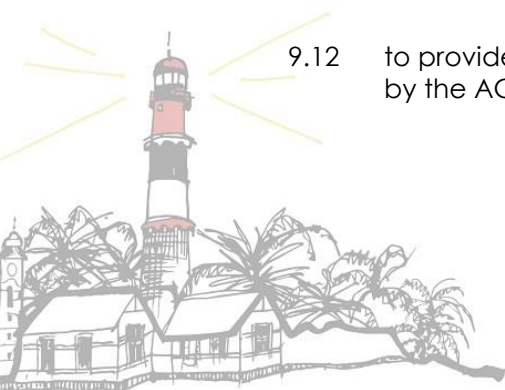
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The Executive Committee is vested with the powers assigned to it by this Constitution and shall include the following:-

- 9.1 to elect the Office Bearers from among its elected members;
- 9.2 to make recommendations on the overall objectives as well as specific policy directives and priorities to the AGM and GM (s);
- 9.3 recommend amendments of the Constitution to the AGM;
- 9.4 to make Rules in accordance with Article 14 or the amendment or rescindment of existing ones and to refer such rules to the AGM:
- 9.5 to submit for approval a report on the activities of the Association for the past year to the AGM;
- 9.6 to submit for approval audited Annual Financial Statements;
- 9.7 to consider and approve all applications for membership;
- 9.8 to consider and approve the annual operating and capital/project budgets;
- 9.9 to consider and approve the annual subscriptions and levies payable by members and to decide on which dates and in which amounts payments must be made;
- 9.10 to establish standing or ad hoc committees for the purpose of dealing with any matters affecting the aims and activities of the Association and to issue Rules for the conduct of such committees;
- 9.11 to appoint chief officials, to approve the appointments of other employees of the Association and to determine their emoluments, other benefits and conditions of employment, in accordance with the Labour Act;
- 9.12 to provide policy direction, within the framework of the overall aims agreed to by the AGM to the officials and employees;





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9.13 to make representations, when deemed appropriate or necessary, to the Government, the Regional bodies, the Local Authorities or other relevant bodies;

9.14 to take such action as is deemed necessary to protect the interests and promote the aims of the Association.

10. MEETINGS OF THE EXECUTIVE COMMITTEE

10.1 Meetings of the Executive Committee shall be held whenever deemed necessary by the Chairman or requested by 4 members of the Executive Committee or requested by at least 20 members of the Association but not less than 4 times per year (quarterly).

10.2 The convening and conduct of meetings of the Executive Committee shall be in accordance with the Rules.

10.3 The quorum in respect of meetings of the Executive Committee shall be 5 members present.

10.4 The Chairman, or in his absence the Vice-Chairman shall preside at meetings of the Executive Committee. If neither is present then those members, who are present shall elect one of their number to act as Chairman.

10.5 Each member shall have one vote.

11. SECRETARIAT

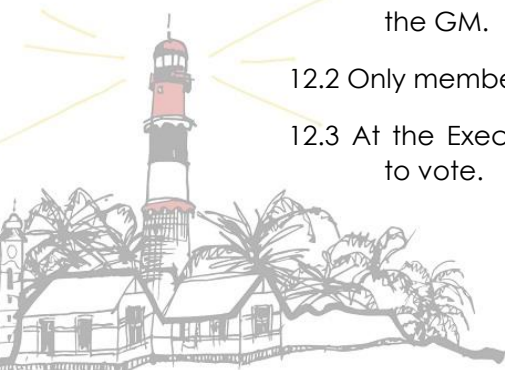
The Executive Committee shall if and when required appoint operative officials and/or employees to manage the affairs of the Association under the supervision of the Executive Committee and/or Officials and within the framework of the policies and aims of the Association as determined by the GM and the Executive Committee.

12. VOTING PROCEDURES

12.1 The Chairman shall let the members present vote on any motion placed before the GM.

12.2 Only members in good standing shall have the right to vote.

12.3 At the Executive Committee meetings all co-opted members shall be entitled to vote.





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- 12.4 Votes shall normally be taken by means of a show of hand, the result determined by a simple majority.
- 12.5 Should at least 3 members request that a vote be taken by secret ballot, the Chairman shall arrange for the vote to be taken in that manner. Should 20 members request a two-third majority on any matter they consider very important, the Chairman shall arrange for the vote to be taken in that manner. In the event of an equality of votes the matter shall be deemed to be rejected.
- 12.6 Any member in good standing shall be entitled to a proxy vote.

13. AMENDMENTS OF THE CONSTITUTION

Any provisions of this Constitution may be amended at a General Meeting provided that all members of the Association have been notified by placing at least two consecutive advertisements in one local newspaper of any intended amendment at least two weeks (14 days) before such GM and provided that a two-third majority of members of good standing vote in favour thereof. The Executive Committee shall make rules about all matters concerned with such a vote.

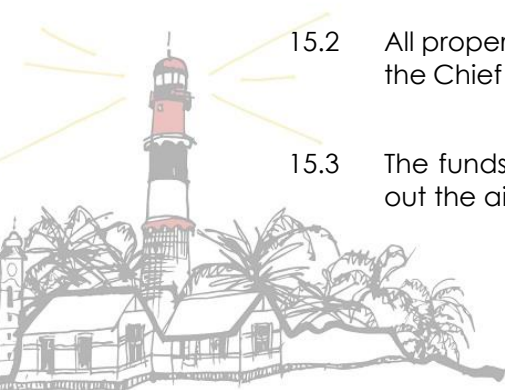
14. RULES

The GM and the Executive Committee shall be entitled to make and enforce Rules, not inconsistent with the provisions of this Constitution, and to amend or rescind any such Rules in the interest and for the good management of the Association. Such Rules shall be in force for the time being until the next GM, which shall be entitled to revoke them.

See also Article 18.

15. APPLICATION OF ASSETS

- 15.1 The funds of the Association shall be deposited in its name with such financial institutions as the Executive Committee may determine; the accounts in which such funds have been deposited shall be operated over the signature of any two of the following: the Chairman, Vice-Chairman and Treasurer.
- 15.2 All property and effects of the Association shall be vested in the Chairman and the Chief Operative Official for the time being to be held by them jointly in trust.
- 15.3 The funds and property of the Association shall be applied solely for carrying out the aims of the Association.





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- 15.4 The Executive Committee's authorization is required to withdraw more than N\$ 1000,00 from the Association's funds.

16. FINANCIAL YEAR

The financial year of the Association shall be from the 1st (first) of March of a Year until the last day of February of the following year.

17. ACCOUNTS

- 17.1 The Executive Committee shall keep appropriate accounts of the monies received and expended, and of the matters in respect of which such receipts and expenditures have taken place, and of the assets, liabilities and balances of the Association.
- 17.2 The auditors shall be appointed by the AGM and their fees shall be subject to approval by the Executive Committee.
- 17.3 The financial accounts and books shall be kept at the offices of the Association and shall be open for inspection by any member in good standing.
- 17.4 The Association shall have financial statements drawn up timeously by a qualified accountant and shall submit them for formal approval at the next AGM; copies shall be handed out to all members at the AGM.

18. BODY CORPORATE

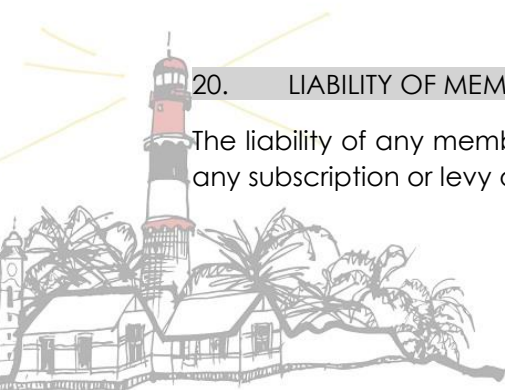
The Association shall be a NON-Party political body corporate, not for gain, shall have perpetual succession and shall be capable of owning property, suing and of being sued in its own name.

19. INDEMNITY

No member or office bearer or member of the Executive Committee or member of a Committee or official or employee shall be personally liable for any loss or damage whatsoever which may occur in the execution of his/her office, unless the same shall happen through his/her own wilful act or gross negligence.

20. LIABILITY OF MEMBERS

The liability of any member for the debts of the Association shall be limited to the amount of any subscription or levy owing by such member to the Association and which remain unpaid.





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21. MISCONDUCT OF MEMBERS

21.1. A member of the Association shall be guilty of misconduct should he, in the opinion of the Executive Committee:-

21.1.1 commit any breach of this Constitution or the Rules or By-laws of the Association; or

21.1.2 fail to make payment of any money due to the Association after due notice; or

21.1.3 be guilty of conduct in any way offensive to members or to the Executive Committee; or

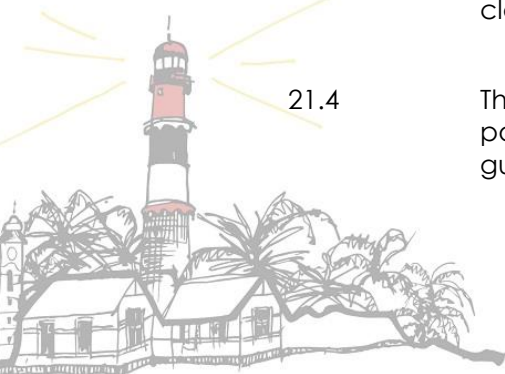
21.1.4 introduce into the Association or any meeting of the Association any person whose presence is prejudicial to its interest and reputation or objectionable to the members as a whole; or

21.1.5 be guilty of behaviour unbecoming a member of the Association or prejudicial to its interests and reputation, whether within the Association's premises or outside them, or without cause or justification behaving in a manner which is offensive or unbecoming towards any other member, or guest, or staff employed by the Association.

21.2 The hearing and investigation of any complaint as to the conduct of a member, and the procedure to be adopted in connection therewith, shall be in the sole discretion of the committee, provided, however, that the member whose conduct is the subject of complaint and investigation shall be informed of the nature of the complaint by the posting of a registered letter to such member at his registered or residential address, and further provided that such a member shall be afforded a reasonable opportunity of replying to any such complaint either in writing or in such other manner as the Executive Committee may determine.

21.3 The powers and duties of the Executive Committee as set out in this clause shall not be delegated to any sub-committee or body.

21.4 The Executive Committee, after investigation, shall have the following powers in regard to a Committee member who, in its opinion, has been guilty of misconduct as described in sub-clause 21.1.1 to 21.1.5 above:





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- 21.4.1 to expel such member, who shall thereafter be ineligible for re-election; or
 - 21.4.2 to deprive such member in writing, through the secretary, to resign and, if he fails to tender his resignation within 7 (seven) days of the date of such request, to expel such member, who shall then be ineligible for re-election; or
 - 21.4.3 to reprimand and/or censure such member; or
 - 21.4.4 to caution such member; or
 - 21.4.5 to impose such condition upon such member as to the use of the facilities of the Association as the Committee in its sole discretion may determine.
- 21.5 The decision of the Executive Committee under this rule shall be notified to such member by posting a registered letter to such member at this registered or residential address.
- 21.6 Right of Appeal
- 21.6.1 Any member who is expelled or called upon to resign or otherwise dealt with by the Executive Committee in terms of clause 21 above shall have the right, within 14 (fourteen) days after the date of posting to him by the secretary to his registered or residential address, of notice under clause 21.5 above, to lodge an appeal in writing against the decision of the Executive Committee, to a Special General Meeting of members, which shall be convened forthwith by the secretary upon receipt of the notice of appeal and upon such member depositing with the secretary a sum on money sufficient, in the opinion of the Committee, to cover the expenses, which may be incurred in the convening and holding of such meeting. Such deposit shall be returned to such member in the event of his appeal proving successful but, if such appeal fails either wholly or in part, the expenses which may have been incurred in the convening and holding of such meeting shall be borne by such member and any refund of the deposit or part thereof shall be in the sole discretion of the Executive Committee.





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- 21.6.2 The notice of an appeal shall not have the effect of suspending the operation of such decision pending the hearing of the appeal.

22. DISSOLUTION

- 22.1 The Association may be dissolved if a two-third majority of members present and exercising their vote so decide by means of a secret ballot at a GM called for that purpose, provided that a quorum according to Article 5.5 is present.
- 22.2 One or more persons may wind up the affairs of the Association.
- 22.3 On dissolution its assets shall, after all liabilities and obligations have been met, be disposed of in such a manner as may be decided by a two-third majority of those present, provided that in the event of such a decision not having been taken at such meeting, then the nett assets shall be distributed to Local Charities at the discretion of the Executive Committee.

