

THE NAME SAKH' IKAMVA IN
ISIXHOSA MEANS WE ARE
BUILDING A FUTURE.

**SAKH' IKAMVA COMMUNITY
DEVELOPMENT DRAFT
JUNE 2015**



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CONSTITUTION DRAFT OF SAKH'IKAMVA COMMUNITY DEVELOPMENT

1. NAME

- 1.1 The name of the organization shall be officially known as **SAKH'IKAMVA COMMUNITY DEVELOPMENT**, and hereinafter referred to as SCD and/or Ikamva to achieve identified and approved education support projects, articulated vision, and developmental objectives.
- 1.2 It shall represent the interests of specific families and children who receive a donor support through the Greater Stellenbosch Development Trust (GSDT) to address educational needs.

2. OBJECTIVES

- 1.2.1 To build capacity and skills to manage funding to enhance and support educational needs of all approved children from specific struggling families in Khayamandi community.
- 1.2.2 To ensuring promotion of transparent and equitable distribution of support in the best interests of all these children and the specific families they represent in Khayamandi.
- 1.2.3 To ensure accountable management of funding, usage and earned trust of the donors.
- 1.2.4 To ensure growth of parents and also determination of new development projects.
- 1.2.5 To ensure that the children's education is priority and raise funds for other projects.
- 1.2.6 To work in partnership with key partners such as GSDT, communities, business and civil society.
- 1.2.7 To commit to exist independent of its members and operate as an apolitical development entity.

3. LEGAL STATUS

- 3.1 This community activity will assume a voluntary association nonprofit organization (NPO) legal status and it will exist independent of their governing committee and general members.
- 3.2 Above all, to be loyal and honour its regulations, the South African, and international laws.
- 3.3 It has a right to have finance to buy, and own movable, and immovable properties by itself.
- 3.4 It has a right to fundraise for more funding, hold finances, purchase shares and invest funds.
- 3.5 To identify three fiduciary officers to control management of funds see paragraphs 8.5 – 8.7.
- 3.6 The fiduciary officers will comprise of the secretary, treasurer and an administrative officer.
- 3.7 The chairperson has the right to approve all financial transactions, and receives the reports.
- 3.8 To ensure that the entity could sue and/or be sued independently of its committee members.
- 3.9 The financial year will end on March 31 of every year and AGM to be end May per year.

4. SCOPE OF PROJECTS

- 4.1 To raise funds to embark on new projects to extend scope of projects as agreed on from time to time. The governing committee will consult, inform and/or seek approval from members.
- 4.2 To identify and introduce viable innovative programmes to enhance its developmental scope.

5. MEMBERSHIP

- 5.1 The membership of the parents' beneficiary representative body comprises of the following:
 - 5.1.1 The parent beneficiaries who receive funding for their children's education from donors.
 - 5.1.2 The members or member groups who may apply and be admitted as members as agreed. by a majority of the parent beneficiary members in the annual general meeting (AGM).
 - 5.1.3 Members will be drawn from Khayamandi and other new projects may extend beyond it.
 - 5.1.4 Members will be asked to pay R100 once off non-refundable joining fees to join Ikamva.
 - 5.1.5 Members will be asked to pay R50 annual fees as a seed funding for project investments.

6. GOVERNING COMMITTEE

- 6.1 The members of the beneficiary representative body will elect a governing committee of five capable and trusted members to assume governance of Ikamva and three additional members.
- 6.2 Except for the first year, when the five members will serve only for one year, the governing committee members will serve for two years, but may serve for another term if re-elected.
- 6.3 The five members will be elected to the governing committee every second year by an AGM.
- 6.4 The governing committee will comprise of the following office bearers: the Chairperson, and Deputy

Chairperson, Secretary, and Deputy Secretary, and Treasurer to enforce management.

6.5 Three additional members will consist of one administrative officer, and other two members.

6.6 It shall liaise and work with an independent trustee that will represent Ikamva to the GSDT.

7. OFFICE BEARERS

7.1 As shown above in paragraph 6.4 the governing committee must, from amongst its members, elect five office bearers that include the chairperson, and deputy-chairperson, secretary and deputy secretary, and treasurer to ensure good governance, control and proper management.

7.2 The chairperson will be expected and required to preside over Ikamva meeting proceedings.

7.3 The chairperson will ensure leadership, inclusive participation and transparent accountability.

7.4 Whenever the chairperson is absent the deputy chairperson will perform chairperson duties.

7.5 The secretary will keep proper meetings minutes in order and records will be filed properly.

7.6 The secretary will keep the committee members and general members informed of activities.

7.7 The treasurer will keep safe records, proper management and expenditure of projects finance.

7.8 The committee office bearers will communicate with all general membership and the donors.

8. GOVERNING COMMITTEE POWERS

8.1 The governing committee powers are vested in the chairperson and all office bearers to truly ensure that all members present are allowed a reasonable opportunity to express their ideas freely and render fruitful participation and inclusive decision-making in meeting discussions.

8.2 To endeavour to ensure a consensus is achieved on decision-making matters, where practical.

8.3 To ensure that decision-making is a product of thought through discussions, where possible.

8.4 The committee members must act within its powers, and needs loyalty of all to its decisions.

8.5 To ensure that the donor education funds support and any other funds are managed properly.

8.6 To ensuring the determination of a proper commercial bank to open bank account for Ikamva.

8.7 To adjudicate and distribute the allocated funds to the specific children for educational needs.

8.8 To determine new projects, building new partnerships and ensuring empowerment of women.

8.9 To ensure consultation and communication meetings every second month with all members.

8.10 The governing committee will appoint necessary subcommittees to adjudicate on matters.

8.11 To appoint independent auditors to audits Ikamva finances and present audited statements.

8.12 To receive matters referred to it by the committee or general members for consideration.

9. RECUSAL

9.1 The governing committee member will be required to recuse and withdraw from a meeting of this governing structure for the duration of the discussion and decision-making processes on any issue in which the member has a specific personal interest and/or is directly affected.

9.2 The requirement for recusal of a committee member in discussions and taking decisions that relates to a member's interest and/or directly involved a member will be done with fairness, objectivity and best interest of everyone involved including the member under consideration.

10. STATUTORY GOVERNING COMMITTEE MEETINGS

10.1.1 The attendance statutory meetings and special meetings is an obligation of all committee members and general members whenever such a request has been made by office bearers.

10.1.2 Statutory meetings for the governing committee will be once a month after settling in office, but for the first twelve months the committee will meet fortnightly every second Tuesday of the month to perform its oversight duties together with all additional members and the trustee.

10.1.3 Each member must whenever reasonably possible attend the meetings, and when unable to do so, must tender apologies to the chairperson and/or secretary prior to the meeting.

10.1.4 When a member missed three consecutive meetings without tendering acceptable valid apologies, that member will be deemed to have resigned from the governing committee.

10.1.5 The same clause 10.1.4 will apply in relation to the attendance of special and general meetings.

11. GENERAL MEETINGS

- 11.1.1** The general meetings will be convened by the governing committee, chairperson together with the secretary once a quarter to communicate and give progress feedback to all.
- 11.1.2** All the members are expected and required to attend general meetings, whenever needed.
- 11.1.3** Members are expected, urged and encouraged to participate to all meetings' deliberations.
- 11.1.4** Members are encouraged to take notes and records of meeting minutes and decisions.
- 11.1.5** Meetings will be four times per year, three quarterly meetings with the GSDT and an AGM.
- 11.1.6** The members will receive the information and notices of needed amendments prior AGM.
- 11.1.7** To present written annual reports to the general members, donors and other stakeholders.
- 11.1.8** Members in good standing will have the voting rights and powers to elect new office bearers.

12. QUORUM FOR MEETINGS

- 12.1** The statutory meetings quorum is made by three office bearers out of the five members.
- 12.2** The meeting will be adjourned if the committee fail to meet the quorum, and reconvene.
- 12.2.1** When the meeting is reconvened the present committee members will proceed with it.
- 12.3** The general members meetings require 25% of the total number of members to carry on.
- 12.4** When the general meeting cannot meet 25% quorum, the meeting will be adjourned.
- 12.5** When the necessary notices are issued to reconvene the meeting, the present members of the general will have every right to proceed with the meeting to discuss the matters at hand.

13. DECISION MAKING PROCESS

- 13.1** To embrace and include robust democratic deliberations and efforts to reach consensus.
- 13.1.1** To ensure that members have had enough information to make informed decisions, and adequate time to reflect on critical matters needing careful considerations and decisions.
- 13.1.2** The top five governing committee and general members have voting rights at meetings.
- 13.1.3** When needed a ballot paper expressed majority vote will be enforced to take decisions.
- 13.1.4** The 51% will constitute a majority of those present in the meeting to take such decision.
- 13.1.5** The chairperson has a right to cast overriding vote, should the votes happen to be equal.
- 13.1.6** The majority vote does not always imply the best interests of all involved in the process.
- 13.1.7** For this reason the chairperson must be careful not to support some detrimental decisions.
- 13.1.8** When votes are equal if the matter is of sensitive nature the best is to adjourn the decision making for further talks, lobbying and engagements to pursue more inclusive consensus.
- 13.1.9** Decision making processes must ensure that the best purpose of such entity is enhanced.

14. PERFORMANCE

- 14.1.1** The governing committee will set out measures to benchmark its performance against the objective for which it is established to achieve with a reasonably framework time space.
- 14.1.2** To hold quarterly meetings that is once every three months to review its work progress.
- 14.1.3** To meet with the GSDT trustee representatives twice per year, end May and November.
- 14.1.4** To keep record minutes of all meeting proceedings, deliberations and practical decisions.
- 14.1.5** To ensure update of progress being made in advancing the objective of the organization.

15. REIMBURSEMENT AND COMPENSATION

- 15.1.1** While the governing committee will not be remunerated to do their work, all other proven and reasonably expenses incurred by any member of the committee in the performance of his or her duties may be reimbursed by the governing committee leadership.
- 15.1.2** The committee members will not be paid for general oversight and normal duties, any member of the committee may be remunerated if the member performs professional or semi-professional duties if it is required by the members or the committee, and if the terms of such duties and an applicable remunerations have been agreed upon beforehand.
- 15.1.3** The committee shall be reliant upon its chairperson and collective for payments approval.
- 15.1.4** Such approvals will be done in consultation with other governing committee members.

16. CONFIDENTIALITY

- 16.1.1** All members must treat discussions, information of a sensitive nature disclosed for the purposes of discussion at committee meetings and its subcommittees as confidential.
- 16.1.2** Legal actions will be taken and enforced against misappropriating confidential rules.

17. DISPUTES RESOLUTION

- 17.1.1** While differences of opinion between the committee members during discussions are to be expected as natural, and if handled correctly with mutual respect, can and will enhance the quality of decision making of the governing committee to achieving a mutual growth.
- 17.1.2** As and when such differences of opinions gets out control disputes resolution mechanism becomes necessary to adjudicate and find innovative sustainable resolutions to them all.
- 17.1.3** The aggrieved party will be expected to declare in writing the reasons for being unhappy and submit those to the chairperson of the organization for consideration within 21 days.
- 17.1.4** The chairperson must convene a special governing committee meeting to apply its minds.
- 17.1.5** An independent ad-hoc committee of three members will be appointed from members.
- 17.1.6** All disputes must be considered, interpreted and resolved within the organizational objectives.

18. EXPULSION

- 18.1.1** Every member of the organization must abide with the stipulations of the constitution.
- 18.1.2** Any expulsion decision will be taken as a last resort, and you can appeal to the AGM.
- 18.1.3** Any serious breach of the constitution may lead to enforcement of disciplinary actions.
- 18.1.4** Any misconduct that can bring the organization into disrepute will lead to fair hearings.
- 18.1.5** Each member concerned must be afforded an opportunity to defend herself or himself.
- 18.1.6** The governing committee will refer disciplinary action matters to an ad-hoc committee.
- 18.1.7** The ad-hoc committee will carefully consider the matter at hand before taking decisions.
- 18.1.8** Such decisions may include reprimanding, three written warnings, and an expulsion.
- 18.1.9** Three warnings and suspended sentences will be given before expulsions is enforced

19. RESIGNATION

- 19.1.1** The governing committee member may tender his resignation letter to the committee.
- 19.1.2** As a voluntary association the organization cannot force people to remain members.
- 19.1.3** Any committee member or general member who submitted a resignation letter will be required to return any organization properties and/or assets in his or her possession.
- 19.1.4** Resignation decisions will be received and processed by the governing committee.
- 19.1.5** The committee member or general member who resigns will be invited to come to the governing committee to explain his or her resignation to finally process the resignation.
- 19.1.6** Any resignation notice will be received with great sadness and a deep appreciation.

20. GRIEVANCE PROCEDURE

- 20.1.1** Whenever a member of the committee is of the view that the conduct of another member or members is substantially prejudicial or unfair to that member, the member concerned may feel free to raise a grievance, which will be dealt with under grievance's procedure.
- 20.1.2** The first channel to receive committee member and/or general members' grievances is the chairperson and/or the secretary of the organization in considering them for an action.
- 20.1.3** The ad-hoc committee stated in paragraph 8.10 – 8.11 must consider all the grievances.
- 20.1.4** The ad-hoc committee must act fairly, independently and without any fear and/or favour.
- 20.1.5** The ad-hoc committee will investigate the matter, meet the parties involved and give a feedback with the recommendations of possible remedial actions to be taken to resolve it.
- 20.1.6** If the aggrieved person is still unhappy, AGM is the highest platform to appeal for help.
- 20.1.7** The AGM has the right and powers to consider appeals, deliberate and make final decisions.
- 20.1.8** If the outcomes of AGM fails the member concerned can approach civil courts of law.

21. CONSTITUTIONAL AMENDMENTS

- 21.1.1 The governing committee may from time to time engage in constitution amendments that must enjoy 65% of its general members with voting rights in favour of such amendments.
- 21.1.2 The proposal for constitutional amendments must be submitted three months before AGM convene end of May, and all proposals must be received end of January in a year.
- 21.1.3 The proposed amendments must enjoy 65% or more to receiving a vital consideration.
- 21.1.4 The author of the proposal must sign it and get other 65% to sign up their endorsement.
- 21.1.5 A proposal that failed to comply with the stipulated requirements will not be acceptable.
- 21.1.6 All constitutional amendments will be subjected to section 11 decision making processes.

22. ENTITY DISSOLUTION

- 22.1.1 Whenever reasons for the entity dissolution have been presented, discussed and approved the entity is required to take reasonably acceptable actions to distribute its movable and immovable assets to another organization with similar objectives to make use of them.
- 22.1.2 The members will not be allowed to divide and distribute assets among themselves and that assets must be transferred with consensus or a clear majority to an organization with similar functions and objectives.
- 22.1.3 It is required that the organization must ensure that properly functioning entity will inherit its assets see 22.1.2 and has the capability of executing similar life transformative developments.

23. CONSTITUTION ADOPTION

23.1 The name of the place where the constitution was adopted and approved by all members of **SAKH' IKAMVA COMMUNITY DEVELOPMENT** in Stellenbosch is at Khayamandi in the Western Cape.

Venue: **Town:**

Chairperson: **Date:**

Chairperson Signature: **Date:**

Secretary: **Date:**

Secretary Signature: **Date:**