



**SINOVILLE COMMUNITY
POLICE FORUM**

WATERVAL/ PYRAMID/ BON ACCORD

SECTOR 3

CONSTITUTION

2019

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DEFINITIONS

Word	Description:
"Act"	will mean the South African Police Services Act, Act 68 of 1995.
"Affiliated Neighbourhood Watch"	will mean a neighbourhood watch duly constituted and represented by a management of its own and functioning within the area of jurisdiction of Sector 3 and in terms of the Affiliation Policy contained in Annexure 10.
"AGM"	will mean <i>Annual General Meeting</i> .
"Accounting Officer"	will mean a person or firm that inspects and verifies the validity and reliability of an organisation's financial records and who is registered with an accredited accounting body.
"Area of Jurisdiction"	will mean the geographical areas and boundaries of operation as determined by the Sinoville Community Policy Forum in consultation with the Sinoville SAPS from time to time.
"Asset of the Trust"	will mean a resource with economic value that the Forum owns with the expectation that it will provide future benefit.
"Business Member"	will mean a business owner whose business premises is situated within the jurisdiction of Sector 3, but who is not a resident within the Area of Jurisdiction of Sector 3.
"Control 3"	will mean duly trained members of Sector 3 who, on a daily basis, is in control of the operational activities, including radio communications of Sector 3.
"CPF"	will mean the <i>Community Police Forum</i> .
"CMR"	will mean the <i>Christelike Maatskaplike Raad</i> .
"Community"	will mean the residents within the area of jurisdiction of the Sinoville SAPS.
"Day"	will mean a calendar day.
"Election Meeting"	will mean a meeting to elect members of the Management Committee.
"Electoral Officer"	for purposes of Election meetings will mean the Station Commander of the SAPS Sinoville and/or a representative of the Department of Community Safety, or a person designated by him/her or a person chosen by the eligible voters at an Election meeting to be the Electoral Officer for such meeting.

Word	Description:
"The Forum"	will mean the <i>Sinoville Community Police Forum</i> .
"EXCO"	will mean the <i>Executive Committee</i> of the Forum.
"GAAP"	Shall mean <i>Generally Acceptable Accounting Principles</i> .
"ICASA"	will mean the <i>Independent Communications Authority of South Africa</i> .
"Interim Regulations"	will mean the "South African Police Service Interim Regulations for Community Police Forums and Boards" as per Regulation No. R.384 of 2001 published in Government Gazette No. 22273, on 11 May 2001.
"IPID"	Shall mean <i>Independent Police Investigative Directorate</i> .
"Joint Operations Centre ("JOC")"	will mean a centralised facility equipped with maps of the area of jurisdiction of the Forum and a CPF radio used by both the CPF and the SAPS, when required.
"Management Committee"	will mean the Management Committee of Sector 3 as elected by the members of Sector 3 from time to time.
"Media"	will have its ordinary meaning, but also include printed, electronic, radio and social media.
"MMS"	will mean <i>Multimedia Messaging Service</i> , it is a standard way to send messages that include multimedia content to and from a mobile phone over a cellular network.
Non-Profit Company (NPC)	According to Section 1 of the Companies Act, Act 71 of 2008, " non-profit company " means a company— (a) incorporated for a public benefit or other object as required by item 1(1) of Schedule 1; and (b) the income and property of which are not distributable to its incorporators, members, directors, officers or persons related to any of them except to the extent permitted by item 1(3) of Schedule 1;
"SAPS"	<i>Sinoville South African Police Services</i> .
"Serious offence"	will mean any offence whereby a person has been sentenced to imprisonment for a period of longer than one year without the option of a fine.
"Sector 3"	will mean a sub-Forum of the Forum, as established in terms of Regulation 3 of the Interim Regulations within the area of jurisdiction of the Forum.

Word	Description:
"Sector 3 member"	will mean a person whose request for membership of Sector 3 has been accepted by the Management Committee of Sector 3 and whose membership has not been cancelled or revoked.
"SGM"	will mean <i>Special General Meeting</i> .
"SCC"	will mean the <i>Sinoville Crisis Centre</i> .
"Term of office"	will mean the period as set out in Section 13.
"TMPD"	<i>Tshwane Metropolitan Police Department, Region 2</i>
"The Trust"	will mean a trust to be formed for the purposes as provided for in this Constitution.

1. NAME, AREA OF JURISDICTION AND LEGAL PERSONA

1.1 NAME

The name of the sub-Forum will be “**SINOVILLE CPF SECTOR 3**” (hereinafter referred to as “Sector 3”).

1.2 AREA OF JURISDICTION

1.2.1 The area of jurisdiction of Sector 3 will be the geographical areas and boundaries of operation as determined by the Forum in consultation with the SAPS from time to time and is contained in **Annexure 1** to this Constitution.

1.3 LEGAL PERSONA

1.3.1 Sector 3 is a legal persona and has the capacity to act in its own name and to institute and defend legal actions.

1.3.2 Sector 3 is represented by its Management Committee and is granted the powers, duties and functions as set out in Section 11.

1.3.3 Sector 3 exists independent from its members and has perpetual succession.

1.3.4 Any liabilities incurred by Sector 3 vests in Sector 3 and no member or Management Committee of Sector 3 will be liable for the debts, claims of whatever nature, obligations or any form of encumbrance of Sector 3 in their respective personal capacities.

2. OBJECTIVES

The objectives of Sector 3 are to:

2.1 Establish and maintain partnerships between SAPS, the Forum, other Sub-Forums of the Forum, Sector 3 members, Affiliated Neighbourhood Watches, and the community;

2.2 Promote communication between the SAPS, the Forum, other Sub-Forums of the Forum, Sector 3 members, Affiliated Neighbourhood Watches, and the community;

2.3 Promote co-operation between the SAPS, the Forum, other Sub-Forums, Sector 3 members, Affiliated Neighbourhood Watches and the community in fulfilling the needs of the community regarding policing;

2.4 Improve the rendering of police services to the community;

2.5 Improve transparency in the SAPS and accountability of the SAPS to the community;

2.6 Promote joint problem identification and problem-solving by the SAPS and the community;

2.7 Provide guidance and promote co-operation between Sector 3 and Affiliated Neighbourhood Watches operating within the area of jurisdiction of Sector 3; and

- 2.8 Act as a facilitator to:
 - 2.8.1 identify common crime patterns; and
 - 2.8.2 identify problems or areas of concerns within the area of jurisdiction of Sector 3 and act accordingly.

3. ASSETS OF SECTOR 3

- 3.1 All assets of Sector 3 of whatever nature will be applied solely towards the objectives of Sector 3, and no portion thereof will be paid or transferred, directly or indirectly, by way of dividend or bonus to any member of the Management Committee of Sector 3.

4. STATUS OF SECTOR 3 WITHIN THE FORUM'S STRUCTURES

- 4.1 Sector 3, as a Sub-Forum of the Forum, is sub-ordinate to the Forum and as such, its Constitution must be aligned with the Forum's Constitution and may not be in conflict with the Forum's Constitution. In the event of a conflict between the Constitution of the Forum and the Constitution of Sector 3, the Constitution of the Forum will have preference over the Constitution of Sector 3.
- 4.2 The Constitution of affiliated neighbourhood watches within the area of jurisdiction of Sector 3, may not be in conflict with the Constitution of Sector 3.
- 4.3 Should the Constitution and/or Annexures of Sector 3 be amended, such amendments will be conveyed to its members, including Affiliated Neighbourhood Watches, and such changes will become effective on a date to be determined by the Management Committee.
- 4.4 Rights of the Forum in respect of Sector 3:
 - 4.4.1 The Forum has, in addition to any other rights conferred upon it by the Constitution, the following rights:
 - 4.4.1.1 To attend any meeting of Sector 3;
 - 4.4.1.2 To inspect any record, including the financial records of Sector 3 to ensure compliance with this Constitution and the Forum's Constitution; and
 - 4.4.1.3 Dissolve the Management Committee as per this Constitution and that of the Forum.

5. THE CODE OF CONDUCT OF SECTOR 3

- 5.1 Sector 3's Code of Conduct is contained in **Annexure 2** to this Constitution and, although contained in an Annexure, will be deemed to form part of this Constitution, with the provision that Section 29 of this Constitution does not apply to the Code of Conduct.
- 5.2 Any amendment to the Code of Conduct can be made by the Management Committee at a Management Committee meeting or Special Management Committee Meeting, as provided for in this Constitution.

5.3 Any amendment made to the Code of Conduct by the Management Committee and the date such changes will become effective, will be conveyed to the members via the website and/or via WhatsApp.

6. MEMBERS OF SECTOR 3

6.1 Members of Sector 3 can either be Sector 3 members or business members as defined.

6.1.1 Members who resides within the jurisdiction of Sector 3.

6.1.2 Members who conduct their business from their residential addresses, will be deemed to be Sector 3 business members.

7. APPLICATION AND CRITERIA FOR MEMBERSHIP, EXCLUSION OF MEMBERSHIP

7.1 Any person desirous of becoming a member of Sector 3, will complete the necessary application forms (**as contained in Annexure 7**) that are available on the website of Sector 3 or from the Administration Officer: Customer Care and Database Maintenance.

7.2 Any person that applies for membership, may be requested to have his/her fingerprints taken for vetting by the SAPS. The Management Committee may also conduct a background assessment on the applicant.

7.3 An application to become a member, does not necessarily mean that such application will be successful, and the Management Committee reserves the right to refuse a person membership of Sector 3, provided that, if such membership is refused, the Management Committee will provide reasons for such refusal.

7.4 Acceptance of membership does not automatically entitle a member to be issued with a radio utilising the Forum's radio frequency and each application will be treated on its own merits.

7.5 CRITERIA FOR MEMBERSHIP

7.5.1 Subject to paragraph 7.6, the following persons may apply for and will be considered, for membership of Sector 3:

7.5.1.1 Any *bona fide* resident over the age of 18 years residing in the area of jurisdiction of Sector 3 who can provide proof of such residence, subject to paragraphs 6 and 7.1 to 7.4 above; and

7.5.1.2 Any *bona fide* business owner over the age of 18 years whose business is situated within the area of jurisdiction of Sector 3 and who can provide proof of such ownership, subject to paragraph 7.1 to 7.4 above.

7.6 EXCLUSION OF MEMBERSHIP

- 7.6.1 The following persons will be excluded from becoming or remaining members of Sector 3:
- 7.6.1.1 Persons who are no longer *bona fide* residents and/or business owners within the area of jurisdiction of Sector 3, as defined in its Constitution;
 - 7.6.1.2 Persons who are not citizens of the Republic of South Africa;
 - 7.6.1.3 Political office bearers;
 - 7.6.1.4 Persons under the age of 18 years;
 - 7.6.1.5 Persons that have made false declarations on his/her application form for membership;
 - 7.6.1.6 Persons that have submitted falsified documents in respect of his/her application for membership;
 - 7.6.1.7 Persons that have been convicted of a serious offence;
 - 7.6.1.8 SAPS reservists;
 - 7.6.1.9 Serving employees of the South African Police Service, as regulated in the South African Police Service Act as amended, Metropolitan Police Departments, the National and Provincial Secretariats for Police Services and the Independent Police Investigative Department;
 - 7.6.1.10 A person who ceased to be a registered member of Sector 3 for whatever reason; and
 - 7.6.1.11 Owners and employees of private security companies that provide security services, including guarding, reaction, whether armed or not, and monitoring or having a vested business interest within Sector 3's area of jurisdiction.

7.7 APPLICATION TO AFFILIATE AS A NEIGHBOURHOOD WATCH

- 7.7.1 A Neighbourhood Watch established within the area of jurisdiction of Sector 3 will apply as an affiliated member of Sector 3. The Affiliation Policy, as described in **Annexure 10** to this Constitution, will apply.
- 7.7.2 The policy regarding affiliation, are described in **Annexure 10** to the Constitution and, although contained in an annexure, will be deemed to form part of this Constitution and may only be amended in terms of Section 29 of this Constitution.

8. RIGHTS AND OBLIGATIONS OF SECTOR 3 STRUCTURES

- 8.1 This Constitution, and all proposed amendments to this Constitution, will be submitted to the EXCO for confirmation before such Constitution or changes to the Constitution will be presented for approval to the members of Sector 3 at an AGM or SGM, for it to become effective.
- 8.2 The Chairperson, Deputy Chairperson or their designated representative of the Management Committee, will have the right to attend any meeting of an Affiliated Neighbourhood Watch within the area of jurisdiction of Sector 3.
- 8.3 The Management Committee will have the right to inspect any record, including the financial records of any affiliated neighbourhood watch within the area of jurisdiction of Sector 3, to ensure compliance with this Constitution and to the Forum's Constitution.

9. COMPOSITION OF THE MANAGEMENT COMMITTEE

9.1 THE MANAGEMENT COMMITTEE WILL CONSIST OF THE FOLLOWING POSITIONS:

- 9.1.1 Chairperson;
- 9.1.2 Deputy-Chairperson;
- 9.1.3 Treasurer;
- 9.1.4 Secretary
- 9.1.5 Crime Prevention Officer;
- 9.1.6 Public Relations Officer
- 9.1.7 Control 3 Co-ordinator;
- 9.1.8 Patrol Co-ordinator;
- 9.1.9 The Chairpersons of the affiliated neighborhood watch as defined in paragraph 2.2 of **Annexure 10**.

9.2 All persons referred to in paragraphs 9.1.1 to 9.1.9 will have voting rights on the Management Committee.

9.3 The following persons will be ex-officio members of the Management Committee:

9.3.1 The SAPS member appointed as Manager of Sector 3.

- 9.4 All persons referred to in paragraph 9.3 will have no voting rights.
- 9.5 In the event that the Chairperson of Sector 3 is unable to attend any EXCO meeting, such Chairperson is entitled to be represented by the Deputy-Chairperson or any other designated member of the Management Committee.
- 9.6 Any changes to the composition of the Management Committee can only be made by amending the Constitution, as prescribed.

10. ROLES, DUTIES AND FUNCTIONS OF MEMBERS OF THE MANAGEMENT COMMITTEE

- 10.1 The roles, duties and functions of the Members of the Management Committee is contained in **Annexure 9** to this Constitution and, although contained in an Annexure, will be deemed to form part of this Constitution, with the provision that Section 29 of this Constitution does not apply to the roles, duties and functions of the members of the Management Committee.
- 10.2 Any amendment to the roles, duties and functions of the members of the Management Committee, can be made by the Management Committee at any Management Committee meeting or Special Management Committee meeting, as provided for in this Constitution.
- 10.3 Any amendment made to the roles, duties and functions of the members of the Management Committee, will be conveyed to its members and the date such changes will become effective via the website and/or WhatsApp.

11. THE POWERS, DUTIES AND FUNCTIONS OF THE MANAGEMENT COMMITTEE

The Constitution confers, amongst others, the following powers, duties and functions on the Management Committee:

11.1 THE POWER TO:

- 11.1.1 Institute and conduct, defend, compound or abandon any legal proceedings by or against Sector 3, as the case may be;
- 11.1.2 Delegate any duty or power to any person or organ of Sector 3 in the interest of Sector 3;
- 11.1.3 Utilise the assets of Sector 3 for the objectives of Sector 3;
- 11.1.4 Appoint at its own discretion, sub-committees and direct matters and allocate tasks to these committees, and co-opt any person to serve on these committees;
- 11.1.5 Maintain and supervise efficient control over members and the administration of Sector 3;
- 11.1.6 Make urgent rulings as may be necessary, from time to time;
- 11.1.7 Make available such resources or render such services to the SAPS, whether on request of the latter or out of own accord, on such terms and conditions as Sector 3 deems necessary;
- 11.1.8 Make donations in any form to the SAPS to assist the SAPS in preventing crime;
- 11.1.9 Initiate community-based crime-prevention projects, subject to the approval of the Management Committee;
- 11.1.10 Acquire, hold, lease, hire and / or alienate property, whether immovable or movable;
- 11.1.11 Enter into written contracts with suppliers;
- 11.1.12 Appoint one or more persons to assist the Treasurer to take charge of and administer funds specifically earmarked for a project of Sector 3;
- 11.1.13 Open, operate or close bank accounts in the name of Sector 3;
- 11.1.14 Utilise any income derived in its own discretion, provided that such expenditure will, at all times, be in the interest of Sector 3 or in the furtherance of its objectives;
- 11.1.15 Apply its surplus income in promoting its objectives and will not, at any time, make any distribution or pay any dividend or surplus to any of its members;
- 11.1.16 Invest, re invest and deal with any monies of Sector 3 not immediately required for the purposes of Sector 3, upon such securities and on such terms as it may deem fit and, from time to time, to vary or realise such investments;
- 11.1.17 Accept donations from external sources, provided that, if such donation/s is/are conditional, Sector 3 will adhere to such conditions as required by the donor, provided such conditions are not contrary to the objectives of Sector 3;
- 11.1.18 Where donations are made unconditionally, Sector 3 may utilise such donations as it deems necessary to promote the objectives of Sector 3 or its members;
- 11.1.19 Arrange and conduct fundraising activities in the name of Sector 3 and to collect or receive money for or on behalf of Sector 3;
- 11.1.20 Appoint an accounting officer on an annual basis;
- 11.1.21 Remove any Management Committee member from office before the expiry of his or her term of office and to dismiss any of them, subject to the due disciplinary process, as provided for in this Constitution;

- 11.1.22 Appoint remunerated staff members, whether on a permanent or temporary basis, to assist the Management Committee to perform its roles, functions and duties;
- 11.1.23 Nominate any such person as it deems fit and proper to represent Sector 3 at external meetings and to attend to any matter that could be attended to by Sector 3;
- 11.1.24 Co-opt any person(s) who have required expertise in any field necessary onto the Management Committee to fulfil the objectives of Sector 3: Provided that such so co-opted person will not have any voting rights;
- 11.1.25 Co-opt any person onto the Management Committee for a period of no longer than 90 days to fill any vacancy that has arisen: Provided that such so co-opted person will not have any voting rights;
- 11.1.26 Hear and adjudicate, whether as a Management Committee or through an appointed structure, disputes emanating from its members;
- 11.1.27 Cancel the membership of any of its Affiliated Neighborhood Watches, upon realising that such an Affiliated Neighborhood Watch is functioning contrary to the directives or the interim Regulations and after a proper enquiry and affording such an affiliated neighborhood watch the opportunity to present its case; and
- 11.1.28 Suspend or terminate the membership of any member of the Management Committee who has:
 - 11.1.28.1 Not complied with the provisions of this Constitution; or
 - 11.1.28.2 Failed to attend three consecutive meetings of the Management Committee without a valid reason and apology; or
 - 11.1.28.3 Has been found guilty at a disciplinary hearing and where the sanction makes provision for such suspension or termination.
- 11.1.29 Suspend or terminate the membership of any member who:
 - 11.1.29.1. Has not complied with the provisions of this Constitution; or
 - 11.1.29.2. Has failed to comply with the directives or any rules or policies of Sector 3;
 - 11.1.29.3. Has been found guilty at a disciplinary hearing and where the sanction makes provision for such suspension or termination; or
 - 11.1.29.4. Who has been found guilty with a serious offence as defined; or
 - 11.1.29.5. Is not a *bona fide* resident or business owner as defined; or
 - 11.1.29.6. Has failed to provide proof of his / her residential or business status.
- 11.1.30 Convene and hold such meetings as it may deem necessary; and
- 11.1.31 Revoke, suspend, terminate or amend the right of any person to utilise the Forum's radio frequency at any time and / or to instruct any person to bring in his / her radio to have the Forum's radio frequency on such radio/s removed, if after an investigation and the disciplinary process has found the member guilty of contravening the radio usage policy.

11.2 THE DUTIES OF THE MANAGEMENT COMMITTEE

The Management Committee will:

- 11.2.1 Report gross negligence or dereliction of duty on the part of any member of the SAPS to the EXCO;
- 11.2.2 Forward complaints and charges by the public against the SAPS and report same to the EXCO;
- 11.2.3 Act as mediator between the SAPS and the community;
- 11.2.4 Develop an annual programme of action that address crime tendencies in the area of jurisdiction of Sector 3 that is to be reviewed from time to time; and
- 11.2.5 Ensure and monitor that all affiliated neighbourhood watches conduct management and all other statutory meetings on a regular basis.

11.3 THE FUNCTIONS OF THE MANAGEMENT COMMITTEE

The Management Committee will:

- 11.3.1 Co-ordinate and interact with other Sub-Forums, affiliated neighbourhood watches and stakeholders within the Forum's area of jurisdiction on matters relating to Community Policing Forums;
- 11.3.2 Act as mediator in disputes between Sector 3 members;
- 11.3.3 Report monthly to the EXCO or on such other intervals as the EXCO may decide, on the status of Sector 3;
- 11.3.4 Establish and maintain sustainable communication channels such as electronic and printed media. It is required to maintain a website for Sector 3;
- 11.3.5 Ensure that proper minutes and records of all meetings are kept; and
- 11.3.6 Subject to relevant legislation, set criteria for membership of Sector 3 and create a standardised membership application form similar to the template as contained in **Annexure 7**.

12. DISSOLVING OF THE MANAGEMENT OF SECTOR 3

- 12.1 When the Management Committee becomes dysfunctional or function contrary to the directives of the Interim Regulations or act contrary to the spirit of the Forum, the Management Committee may be dissolved. During an enquiry, the Sector 3 Management Committee will be afforded the opportunity to present its case. Reasons and decisions must be minuted and communicated to the community within 7 days;
- 12.2 During such discussions, the Chairperson of the EXCO or his/ her designated representative, must be present;
- 12.3 In the event that these discussions reach a moot point and it is evident that Sector 3 has indeed become dysfunctional, it will be dissolved *in toto*;
- 12.4 The dissolved Management Committee may not appeal against the decision;
- 12.5 The EXCO is bound to manage Sector 3 in terms of the provisions of the Constitution it had assumed and in the event of conflict between the Forum's Constitution and Sector 3's Constitution, the former will prevail;

- 12.6 The EXCO reserves the right to appoint an Interim Caretaker Committee consisting of a convener, secretary and a treasurer and any other member, as required, to oversee the functions of Sector 3 and to facilitate the election of a new Management Committee and may appoint any such person/s, including the Management Committee members, it may deem necessary to assist the Management Committee in the management of Sector 3;
- 12.7 The EXCO may appoint any such independent accounting officer, as it may deem necessary to verify the finances of Sector 3; and
- 12.8 The Interim Caretaker Committee will call for the election of a new Management Committee, within 90 days or as soon as possible thereafter, from date of dissolution.

13. PROTECTION OF MANAGEMENT COMMITTEE MEMBERS ACTING IN GOOD FAITH

- 13.1 All the actions by the Management Committee or any of its members, in *bona fide* performance of their duties, will be regarded as to have been performed by Sector 3; and
- 13.2 A member of the Management Committee will not be held liable in his or her personal capacity for carrying out his / her functions or duties as determined or instructed by the Management Committee, unless such act or omission was performed / neglected:
- 13.2.1 In a grossly negligent or intentionally wrongful manner; or
- 13.2.2 Was beyond the powers conferred on such person in terms of this Constitution; or
- 13.2.3 Beyond the authority or instruction given by Sector 3.

14. AUTHORISED SIGNATORIES OF SECTOR 3

- 14.1 Where Sector 3 needs to sign any document to give legal effect to any transaction, including but not limited to power of attorney, deeds, contracts, and all such other documents that may have to be authorised, the authorised signatories will be any two of the following:
- 14.1.1 The Chairperson;
- 14.1.2 The Deputy-Chairperson;
- 14.1.3 The Treasurer.

15. TERMS OF OFFICE OF MEMBERS OF THE MANAGEMENT

- 15.1 A term of office will be five years;
- 15.2 A person may not serve in the same position on the Management Committee for more than two full terms; and
- 15.3 If a person is elected to the Management Committee with more than two years remaining to the next Election Meeting, such period will be regarded as a full term.

16. PROCEDURE TO ELECT MEMBERS OF THE MANAGEMENT COMMITTEE

16.1 ELIGIBLE VOTERS AT ELECTION MEETINGS AND NUMBER OF VOTES

The following persons will be eligible voters for purposes of voting at Election Meetings:

- 16.1.1 All registered members of Sector 3;
- 16.1.2 Only members that are present at Election Meetings;
- 16.1.3 No proxy votes are allowed; and
- 16.1.4 Each eligible voter will have one vote for each of the positions which is voted upon.

16.2 DISQUALIFICATION OF MANAGEMENT COMMITTEE MEMBERS

The following persons may not serve on the Management Committee:

- 16.2.1 Persons who are no longer *bona fide* residents and / or business owners within the area of jurisdiction of Sector 3;
- 16.2.2 Political office bearers;
- 16.2.3 Persons that have made a false declaration on his / her nomination and acceptance form;
- 16.2.4 Persons that have been found guilty of a serious offence;
- 16.2.5 Persons who are not citizens of the Republic of South Africa;
- 16.2.6 Persons under the age of 18 years;

- 16.2.7 Serving employees of law enforcement agencies and the security services of the Republic listed in Section 199 of the Constitution of the Republic of South Africa, including the South African Police Service, the National Intelligence Agency, Metropolitan Police Departments and traffic Police Departments; and
- 16.2.8 Owners and employees of private security companies that provide security services, including guarding, reaction, whether armed or not, and monitoring or having a vested business interest within Sector 3's area of jurisdiction.

16.3 THE NOMINATION OF CANDIDATES

- 16.3.1 A person nominated for a position on the Management Committee must be a member of Sector 3;
- 16.3.2 A person nominated for a position on the Management Committee will consent to have their fingerprints taken for the purpose of security clearance and / or background checks;
- 16.3.3 A person can be nominated for more than one position on the Management Committee;
- 16.3.4 Current Management Committee members can be nominated for re-election;
- 16.3.5 Nominations for Management Committee members close 72 hours before the date and time of the Election Meeting;

- 16.3.6 Only an original completed and signed nomination and acceptance form (**Annexure 8**), will be acceptable for a nomination to be valid. By signing the nomination and acceptance form, the nominee declare that he / she has read the duties and functions of the position being nominated for and has the ability and capacity to perform the responsibilities; and
- 16.3.7 The nomination and acceptance form (**Annexure 8**) must be completed and signed by all of the following:
- 16.3.7.1 The Chairperson or the Deputy-Chairperson or, in the event that they are not available, their nominated representative;
- 16.3.7.2 The nominator (nomination); and
- 16.3.7.3 The nominee (acceptance).
- 16.3.8 The original, duly signed and completed nomination and acceptance forms (**Annexure 8**) are to be handed to the Secretary on / or before the deadline. The Secretary must inform the members by appropriate media of all nominations received within 24 hours after the close of the nominations.
- 16.3.9 Where only one person is nominated for a specific position on the Management Committee, he / she is automatically elected to such position.

17. MEETINGS PROCURES

17.1 TYPES OF MEETINGS

- 17.1.1 This Constitution makes provision for the following types of meetings that can take place:
- 17.1.1.1 Annual General Meeting;
- 17.1.1.2 Special General Meeting;
- 17.1.1.3 Election Meeting;
- 17.1.1.4 Special Election meeting;
- 17.1.1.5 Management Committee Meeting; and
- 17.1.1.6 Special Management Committee Meeting.

17.2 ANNUAL GENERAL MEETING

17.2.1 Quorum

All registered members present at the AGM.

17.2.2 Voting procedures

- 17.2.2.1 Voting at an AGM will take place by way of show of hands.
- 17.2.2.2 A person nominated by the Management Committee will count the number of votes (hands).

17.2.3 Majority required for vote to be passed at AGM

50% + 1 of registered members present at the AGM.

17.2.4 Tied votes

In the event of a tied vote at an AGM, the Chairperson of the meeting will have the deciding vote.

17.2.5 Notice of AGM

17.2.5.1 Notice of an AGM must be published as widely as possible within the area of jurisdiction considering time and cost considerations.

17.2.5.2 The following details will appear on the notice:

- That it is an AGM;
- Date;
- Time;
- Place; and
- Contact details of the Secretary or any other person that can provide more details about the AGM.

17.2.6 Notice period

17.2.6.1 Notice of an AGM must be given no longer than 30 days and not less than 21 days before the AGM is scheduled to take place.

17.2.6.2 An AGM must be held within 6 months after the financial year end.

17.3 **SPECIAL GENERAL MEETING**

17.3.1 An SGM may be called at any time by:

17.3.1.1 At least fifty (50) registered members by way of a written request, clearly setting out the matters to be discussed, to the Secretary, accompanied by a schedule bearing the names, surnames, contact details and signatures of such members; or

17.3.1.2 The Management Committee.

17.3.2 Convening of SGM

The Secretary must, within 14 calendar days of the receipt of such a request, publish notice of the SGM, but not less than 21 days before the meeting is scheduled to take place.

17.3.3 Notice of SGM

17.3.3.1 Notice of an SGM must be published as widely as possible within the area of jurisdiction considering time and cost considerations.

17.3.3.2 The following details must appear on the notice:

- That it is an SGM;
- Date;
- Time;
- Place;
- Purpose of the SGM; and
- Contact details of the Secretary or any other person that can provide more details about the SGM.

17.3.4 Quorum

All registered members present at the SGM.

17.3.5 Voting procedures

17.3.5.1 Voting at an SGM will take place by way of show of hands.

17.3.5.2 A person nominated by the Management Committee, will count the number of votes (hands).

17.3.6 Majority required for vote to be passed at SGM

50% + 1 of registered members present at the SGM, provided that for a Vote of No confidence to be passed, a majority of at least two-thirds, is required.

17.3.7 Tied votes

In the event of a tied vote at an SGM, the Chairperson of the meeting will have the deciding vote.

17.4 **ELECTION MEETING**

17.4.1 The Secretary must prepare a ballot paper for each position, with the names of the persons nominated for the respective positions;

17.4.2 The Secretary must keep record of the number of ballot papers, sequentially numbered and issued to eligible voters and will not exceed the number of eligible voters;

17.4.3 The Electoral Officer will preside over the Election Meeting;

17.4.4 Voting will take place by way of ballot;

17.4.5 No proxy votes are allowed;

17.4.6 Each eligible voter will receive a ballot paper for each position to be voted upon, which he / she must complete and place into the designated sealed receptacle, which will be under the control of the Electoral Officer at all times;

- 17.4.7 After all eligible voters have voted, the Electoral Officer will declare the voting to be closed and the Electoral Officer will open the sealed receptacle containing the votes in full and open view of those present at the Election Meeting;
- 17.4.8 The Electoral Officer and appointed assistant(s) will count the votes received by each candidate;
- 17.4.9 The Electoral Officer will ask an independent person to confirm the number of votes received by each candidate;
- 17.4.10 If the counts of the Electoral Officer and the said independent person does not agree, the Electoral Officer and the said independent person will recount the votes until their counts agree;
- 17.4.11 The Electoral Officer will announce the winning candidate;
- 17.4.12 All ballot papers are to be placed into a sealed receptacle for safekeeping at the Secretary for a period of 90 days after date of the Election Meeting;
- 17.4.13 An aggrieved party may request access to such ballot papers within the 90-day period from the Secretary; and
- 17.4.14 Where a person is nominated for more than one position and gets elected to a position, he / she will automatically not be eligible for election to the other nominated position(s).

17.5 SEQUENCE OF VOTING

The sequence of voting will be as follows:

- 17.5.1 The Chairperson; then
- 17.5.2 The Deputy-Chairperson; then
- 17.5.3 The Treasurer; then
- 17.5.4 Control 3 Co-ordinator; then
- 17.5.5 Crime Prevention Officer; then
- 17.5.6 Public Relations Officer; then
- 17.5.7 Training Co-ordinator; then
- 17.5.8 The Secretary; then
- 17.5.9 Administration Officer: Customer Care and Database; then
- 17.5.10 Administration Officer: Radio Communication & Training; then
- 17.5.11 Youth and School Safety Co-ordinator.

17.6 TIED VOTES

- 17.6.1 In the event of more than two nominees, the nominees who received the most (tied) votes, will go through to a second round of voting and these nominees will be deemed to be the only candidates for the relevant position;
- 17.6.2 In the event of a second round of voting, a new set of ballot papers will be issued to the eligible voters; and
- 17.6.3 The second round of ballot papers will be marked "Second Round";
- 17.6.4 If the second round also results in a stay of votes, the Electoral Officer will choose the winner by way of drawing of lots; and
- 17.6.5 The drawing of lots, where applicable, will take place in full and open view of all present at the Election Meeting.

17.7 ELECTION MEETING (END OF TERM)

- 17.7.1 The Secretary must give notice of an Election Meeting as widely as possible within the area of jurisdiction, in writing 21 days before such Election Meeting. Such notice must include the date, time and venue of the meeting as well as the positions for which elections are going to be held; and
- 17.7.2 The Election Meeting must take place no longer than 7 days before or at an AGM where office bearers are to be elected in terms of this Constitution.

17.8 SPECIAL ELECTION MEETING (VACANCIES)

- 17.8.1 In the event of a vacancy arising on the Management Committee, a Special Election Meeting must be held within 90 days of such vacancy has arisen;
- 17.8.2 Notice of a Special Election Meeting must be given as widely as possible within the area of jurisdiction, at least 14 days prior to the date of the election;
- 17.8.3 Nominations will close 72 hours before the date of the election meeting; and
- 17.8.4 The Secretary must inform members of all nominations received by appropriate media within 24 hours after the close of the nominations.

17.9 CO-OPTED MEMBERS IN THE EVENT THAT NO NOMINATION HAS BEEN RECEIVED

- 17.9.1 In the event of no nomination being received, the Management Committee will have the power to co-opt any person, being a registered member of Sector 3, to fill the relevant position for a period not exceeding 90 days. Such a co-opted member will have no voting rights; and
- 17.9.2 The position for which a member has been co-opted to the Management Committee, must be advertised within 90 days after such Election Meeting where no nominations was received. Any such advertisement will be done as per the provisions of Sections 17.2.5.1.

17.10 MANAGEMENT COMMITTEE MEETING

17.10.1 Quorum

At a Management Committee Meeting, the quorum will be 50% + 1 of the number of the Management Committee members.

17.10.2 No quorum present

- 17.10.2.1 If no quorum is present, the meeting will adjourn for a period of at least 15 minutes.
- 17.10.2.2 After the expiration of the period of 15 minutes or longer, the Management Committee members present may decide to postpone such meeting or to continue with such meeting. If a decision is taken to continue with the meeting, all Management Committee members present, will form a quorum.

17.10.3 Voting procedures

17.10.3.1 Where the Management Committee need to vote upon any specific issue, the following will apply:

17.10.3.1.1 Voting will be by show of hands, provided that where a Management Committee member requests a vote by way of ballot, such vote will take place by way of ballot; and

17.10.3.1.2 In the event that there is a stay of votes, the Chairperson of the meeting will have the deciding vote.

17.10.4 Majority required for a vote to be passed at Management Meeting

17.10.4.1 At a Management Committee Meeting, a vote of 50% + 1 of the number of the Management Committee members present, will be deemed to have been accepted.

17.10.5 Notice of Management Committee Meeting and notice period

17.10.5.1 Management Committee meetings will take place at least once a month. The dates for such meetings, will be determined at the first meeting of the year.

17.11 **SPECIAL MANAGEMENT COMMITTEE MEETING**

17.11.1 Quorum

At a Special Management Committee Meeting, the quorum will be 50% + 1 of the number of the Management Committee members.

17.11.2 No quorum present

17.11.2.1 If no quorum is present, the meeting will adjourn for a period of at least 15 minutes.

17.11.2.2 After the expiration of the period of 15 minutes or longer, the Management Committee members present may decide to postpone such meeting or to continue with such meeting. If a decision is taken to continue with the meeting, all Management Committee members present will form a quorum.

17.11.3 Voting procedures

17.11.3.1 Where the Management Committee need to vote upon any specific issue, the following will apply:

17.11.3.1.1 Voting will be by show of hands, provided that where a Management Committee member requests a vote by way of ballot, such vote will take place by way of ballot; and

17.11.3.1.2 In the event that there is a stay of votes, the Chairperson of the meeting will have the deciding vote.

17.11.4 Majority required for vote to be passed at Special Management Committee Meeting

17.11.4.1 At a Special Management Committee Meeting, a vote of 50% + 1 of the number of the Management Committee members present, will be deemed to have been accepted.

17.11.5 Notice of Special Management Committee Meeting and notice period

The Secretary must inform all the other Management Committee members of a Special Management Committee meeting at least 48 hours before such meeting. Use of electronic media will be considered as appropriate medium.

17.11.6 Meeting procedures

In exceptional circumstances, the use of electronic media is acceptable to conduct such a Special Management Committee meeting.

17.11.7 Voting by way of Electronic Media

Should the need arise, including a vote as required by the Suspension Policy, voting can take place by way of chosen electronic media subject to the following:

17.11.7.1 The Subject Matter to be voted on, must be circulated to all Management Committee Members;

17.11.7.2 At least two-thirds of the Management Committee must vote for the vote to be valid;

17.11.7.3 The Secretary will keep all records of the electronic votes received as proof of such voting;

17.11.7.4 Such electronic records reflecting the votes, will be recorded in the minutes of the next Management Committee meeting; and

17.11.7.5 In the event that there is a stay of votes, the Chairperson will have the deciding vote.

17.12 **KEEPING OF MINUTES AND OTHER RECORDS OF MEETINGS**

17.12.1 The Secretary will keep minutes of all meetings of Sector 3;

17.12.2 The Secretary will keep a register of all Resolutions passed by the Management;

17.12.3 Minutes of meetings must be kept for a minimum of five years; and

17.12.4 The minutes should reflect:

17.12.4.1 The name of the meeting;

17.12.4.2 The date, time and place of the meeting;

17.12.4.3 An attendance register;

17.12.4.4 The person who acted as Chairperson and Secretary of the meeting;

17.12.4.5 Whether there was a quorum or not;

17.12.4.6 Any apologies;

17.12.4.7 Approval of the Agenda;

17.12.4.8 Any amendments to the minutes of the previous meeting;

- 17.12.4.9 The names of the members who proposed and seconded the adoption of the minutes;
 - 17.12.4.10 Any points of order and whether the Chairperson accepted or rejected them and what the reasons were;
 - 17.12.4.11 The results of voting that had taken place;
 - 17.12.4.12 All resolutions taken, and responsibilities allocated;
 - 17.12.4.13 Any reports tabled; and
 - 17.12.4.14 The guest speaker/s, if any, and his / her presentation.
- 17.12.5 The approved Minutes and Resolutions arising out of Meetings, will be *prima facie* confirmation of the matters stated therein and must be signed by the Chairperson and Secretary.

18. REMOVAL OF MANAGEMENT COMMITTEE MEMBERS

An elected Management member may be removed from his / her position as follows:

18.1 AUTOMATIC REMOVAL AS MEMBER OF THE MANAGEMENT COMMITTEE

A Management Committee member will be removed from his/her elected positions immediately, when such a member:

- 18.1.1 Becomes disqualified as provided for in clause 16.2;
- 18.1.2 When a vote of no-confidence as per Section 28 below, has been accepted against the relevant Management Committee member;
- 18.1.3 When a person, after a due disciplinary hearing, has been found guilty of an offence and his / her membership is terminated as per the Code of Conduct of Sector 3;
- 18.1.4 When a person ceases to be a registered member of Sector 3 for whatever reason; and
- 18.1.5 When a person resigns from the Management Committee.

18.2 A MANAGEMENT COMMITTEE MEMBER MAY BE REMOVED FROM THEIR ELECTED POSITIONS BY A MAJORITY VOTE OF MANAGEMENT COMMITTEE MEMBERS

- 18.2.1 If such a Management Committee member is absent without an acceptable apology from a Management Committee Meeting for 3 consecutive meetings;
- 18.2.2 If it appears that such Management Committee member no longer has the capacity to fulfil his / her duties (e.g. long-term illness, work-related commitments) and
- 18.2.3 If such Management Committee member fails to perform the required responsibilities to the satisfaction and consensus of the majority members of the Management Committee.

19. ACCESS TO INFORMATION

- 19.1 Any registered member has the right to request information pertaining to matters of Sector 3; and
- 19.2 Such information must be requested through the Sector 3 Chairperson and by following the prescribed manner, as contained in the Forum's PAIA (Promotion of Access to Information Act, 2 of 2000) Manual.

20. GRIEVANCES

20.1 GRIEVANCES AGAINST MEMBERS OF SECTOR 3

- 20.1.1 If any member of the public has a grievance in respect of matters that affect Sector 3, a complaint, in writing, must be lodged with the Secretary of Sector 3;
- 20.1.2 Such matter must be discussed at the next Management Committee meeting;
- 20.1.3 If necessary, and if circumstances so dictate, a Special Management Committee meeting may be called;
- 20.1.4 The person making the complaint, will be invited to present his / her case at the Management Committee or Special Management Committee meeting; and
- 20.1.5 The Management Committee will investigate the complaint and provide feedback to the complainant within 14 days.

20.2 SAPS AND/OR TMPD GRIEVANCES

- 20.2.1 If any SAPS/TMPD member has a grievance in respect of any member of Sector 3 or any Affiliated Neighbourhood Watch, such grievance must be made, in writing, to the Management Committee via the Secretary; and
- 20.2.2 The Management Committee will investigate the complaint and provide appropriate feedback to the complainant within 14 days.

20.3 GRIEVANCE PROCEDURE AGAINST A MEMBER OF THE MANAGEMENT COMMITTEE

- 20.3.1 Should any member of the SCPF have a grievance against a member of the Management Committee, the aggrieved member must first follow the following procedure before any other remedies may be followed by such member:
 - 20.3.1.1 The aggrieved member must put his / her grievance forward to the Secretary, in writing;
 - 20.3.1.2 The Secretary must then forward the grievance to the member or the Management Committee member against whom the grievance was lodged, within 7 days of receiving same;
 - 20.3.1.3 The member or Management Committee member must then forward his / her answer, in writing, to the Secretary within 14 days of receiving the grievance;
 - 20.3.1.4 If the grievance is not resolved within 7 days after receiving the members answer to the grievance, the Management Committee will proceed to appoint a mediator and supply him / her with the full complaint and answer (if any) thereto;

- 20.3.1.5 The mediator will then arrange a mediation session between the affected members and himself, with the objective to try and resolve the grievance;
- 20.3.1.6 No party will be entitled to any representation during this procedure;
- 20.3.1.7 The mediator will provide his findings and /or recommendations to the Management Committee. The findings and / or recommendations of the mediator will be binding; and
- 20.3.1.8 The Management Committee will provide feedback to all affected parties.

20.4 GRIEVANCE BY MEMBER OF MANAGEMENT COMMITTEE AGAINST SAPS AND/OR TMPD MEMBERS

- 20.4.1 Should any member of Sector 3 have a grievance against a member of the SAPS/TMPD, such grievance will be lodged with the secretary of Sector 3 and forwarded to the Forum.
- 20.4.2 Should any member of the Management Committee have a grievance against any SAPS/TMPD member, the aggrieved member must forward his grievance to the Secretary of the Forum, in writing;
- 20.4.3 The Secretary must then forward the grievance to the Chairperson and Deputy-Chairperson of the Forum within 48 hours of receiving same; and
- 20.4.4 The Forum will deal with the grievance as set out in its Constitution.

21. DISCIPLINARY PROCEEDINGS

- 21.1 Sector 3's Disciplinary Procedure is contained in **Annexure 3** to this Constitution and, although contained in an Annexure, will be deemed to form part of this Constitution, with the *proviso* that Section 29 of this Constitution does not apply to the Disciplinary Proceedings;
- 21.2 Any changes to the Disciplinary Proceedings can be made by the Management Committee at a Management Committee meeting or Special Management Committee meeting, as provided for in this Constitution; and
- 21.3 Any changes made to the Disciplinary Proceedings by the Management Committee and the date such changes will become effective, will be conveyed to the members via the website and/or via WhatsApp.

22. SUSPENSION POLICY

- 22.1 Sector 3's Suspension Policy is contained in **Annexure 4** to this Constitution and, although contained in an Annexure, will be deemed to form part of this Constitution, with the *proviso* that Section 29 of this Constitution does not apply to the Suspension Policy;
- 22.2 Any changes to the Suspension Policy can be made by the Management Committee at a Management Committee meeting or Special Management Committee meeting, as provided for in this Constitution; and
- 22.3 Any changes made to the Suspension Policy by the Management Committee and the date such changes will become effective, will be conveyed to the members via the website and/or via WhatsApp.

23. RADIO USAGE POLICY

- 23.1 Sector 3's Radio Usage Policy is contained in **Annexure 5** to this Constitution and, although contained in an Annexure, will be deemed to form part of this Constitution, with the *proviso* that Section 29 of this Constitution does not apply to the Radio Usage Policy;
- 23.2 Any changes to the Radio Usage Policy can be made by the Management Committee at a Management Committee meeting or Special Management Committee meeting, as provided for in this Constitution; and
- 23.3 Any changes made to the Radio Usage Policy by the Management Committee and the date such changes will become effective, will be conveyed to the members via the website and/or via WhatsApp.

24. VICTIM EMPOWERMENT

- 24.1 The Sinoville Crisis Centre will provide their services to victims of crime and trauma.
- 24.2 The Guidelines governing the relationship between the Forum and the Victim Empowerment Centre, known as the Sinoville Crisis Centre, is contained in **Annexure 6** to this Constitution and, although contained in an Annexure, will be deemed to form part of this Constitution, with the provision that Section 29 of this Constitution does not apply to these Guidelines.

25. COMMUNICATION WITH MEMBERS AND THE COMMUNITY

Depending on the nature and urgency of the communication, the content and means of communication with members and the community will be determined by the Management Committee.

Communication with the public will take place in one, more or all the following means:

- Community Radio;
- Email;
- Printed media;
- Website;
- Poster; and
- WhatsApp

25.1 GENERAL COMMUNICATIONS WITH THE PUBLIC

All communications with the public, including information posted on Sector 3's website and Facebook page, needs to be approved by the Management Committee before the Public Relations Officer may release such information.

25.2 **SENSITIVE AND CONFIDENTIAL INFORMATION**

25.2.1 Information that is regarded as sensitive and / or confidential, must be approved by the Management Committee before the Public Relations Officer may release such information; and

25.2.2 The Public Relations Officer will recommend the manner in which such information must be conveyed.

25.3 **URGENT COMMUNICATION**

Urgent communication, as determined by the Management Committee, will be distributed in such a manner as will be deemed appropriate and the most effective under the circumstances, considering the sensitivity or confidentiality of the information.

25.4 **RADIO INFRASTRUCTURE**

25.4.1 The EXCO will be responsible for the payment of the ICASA licence fee for the frequencies allocated to the Forum; and

25.4.2 The EXCO will be the sole point of reference between itself and ICASA.

25.5 **LIAISON WITH THE MEDIA AND MEDIA RELEASES**

25.5.1 Sector 3 may not liaise directly with the media or issue a media release without prior approval by the EXCO;

25.5.2 Only material that has been approved by the EXCO may be released by Sector 3 to the media;

25.5.3 Only the Chairperson or Deputy-Chairperson of the EXCO, is authorised to speak to any media; and

25.5.4 Any requests from the media, must be referred to the Chairperson or Deputy-Chairperson of the EXCO.

25.6 **CLASSIFIED SAPS INFORMATION**

No classified information of whatever nature may be distributed. Only information released by SAPS for distribution, may be published. All information disseminated, will be done in accordance with the prescriptions contained in the Forum's PAIA Manual and will adhere to the requirements determined in the Protection of Personal Information Act, 4 of 2013 ("POPI") - to be promulgated.

25.7 **WEBSITE OF SECTOR 3**

25.7.1 The Public Relations Officer will be responsible for the development and maintenance of the website; and

25.7.2 No contents on the website may be added, removed or altered without the prior approval of the Management Committee.

26. FINANCES OF SECTOR 3

- 26.1 The Management Committee may raise funds in order to support or perform its activities;
- 26.2 Sector 3 must manage its financial affairs in accordance with acceptable accounting practices applicable in the Republic and an income and expenditure statement and a balance sheet must be presented at each AGM;
- 26.3 All financial records of Sector 3 must be verified by an accounting officer on an annual basis;
- 26.4 Sector 3 is a community-based body that perform its functions in order to achieve the objectives, as set out in this Constitution;
- 26.5 Sector 3 may not establish itself as a Section 21 company;
- 26.6 The financial year of Sector 3 will commence on 1 April of every year and will end on 31 March of the next year;
- 26.7 Sector 3 will open and maintain a bank account in the name of the trust to be formed at a registered bank, in which all funds received by Sector 3, will be deposited;
- 26.8 No person may keep funds received by the Forum under his or her personal control, except where funds have been provided as a cash advance for the purchase of services/assets/consumables on behalf of Sector 3 and as authorised by the Management of Sector 3;
- 26.9 The Treasurer may incur expenditure on behalf of Sector 3 up to an amount as determined by the Management from time to time. For any expenditure in excess of this amount, prior approval must be obtained from the Management for all such expenditure;
- 26.10 Receipts must be obtained in relation to all expenditure and timeously submitted to the Treasurer;
- 26.11 An acceptable set of financial records will be maintained by the Treasurer and will be available to any member on request;
- 26.12 Any expenditure incurred, will be applied solely towards the pursuit of Sector 3's objectives;
- 26.13 Sector 3 may, after receiving such a request in writing, and after having conducted a thorough investigation on the merits of such request, provide assistance to any one of its affiliated neighbourhood watches or any other organisation it deems fit, including monetary assistance, provided that such assistance will be in the interest of Sector 3 or in the furtherance of its stated objectives; and
- 26.14 Sector 3 will not negotiate for, nor go into, overdraft on its bank account/s.

27. DISPUTE RESOLUTION

- 27.1 The Management Committee will, when the need arises, appoint a Dispute Resolution Committee consisting of three members, who may not include a Management Committee member;
- 27.2 The Management Committee will, when the need arises, appoint an Appeals Committee consisting of three members, who may not include a Management Committee member;
- 27.3 A member may not be appointed to both the Dispute Resolution Committee and Appeals Committee at the same time;

- 27.4 All decisions of the Dispute Resolution Committee and Appeals Committee, respectively, will be given to the Management Committee as an instruction who will act upon such instruction;
- 27.5 Disputes arising at Sector 3, that cannot be resolved at that level, must be referred to the EXCO;
- 27.6 The Chairperson of the Dispute Resolution Committee will convey the process to be followed by the Dispute Resolution Committee to the parties, as and when such process commences; and
- 27.7 The process of mediation as detailed in **Annexure 3**, will be used to attempt to resolve any disputes that arise.

28. VOTE OF NO CONFIDENCE

A Vote of No Confidence can be brought against individual members of the Management Committee and / or against the Management Committee as a whole.

28.1 VOTE OF NO CONFIDENCE AGAINST THE MANAGEMENT COMMITTEE

- 28.1.1 Where a Vote of No Confidence is brought against the Management Committee as a whole, the meeting will be chaired by a member of the EXCO;
- 28.1.2 A Vote of No Confidence can be brought by:
 - 28.1.2.1 Any registered member of Sector 3, provided that such Vote of No Confidence must be supported by at least 50 other registered members of Sector 3; or
 - 28.1.2.2 Three or more members of the Management Committee.
- 28.1.3 The grounds for the Vote of No Confidence must be clearly set out in writing and must be forwarded to Sector 3 Deputy Chairperson;
- 28.1.4 In the case of a Vote of No Confidence being brought by a registered member of Sector 3, the Vote of No Confidence must contain the names, contact details and signatures of the 50 registered members supporting the Vote of No Confidence and such schedule must be attached to this document;
- 28.1.5 In the case of a Vote of No Confidence being brought by three or more members of the Management Committee, such document must contain the names, contact details and signatures of the Management Committee members supporting the Vote of No Confidence;
- 28.1.6 The Secretary must inform the Chairperson within 24 hours of the receipt of a Vote of No Confidence;
- 28.1.7 Any Vote of No Confidence will firstly be subjected to Dispute Resolution Process, as set out in paragraph 27;
- 28.1.8 If the Dispute Resolution fails to resolve the matter, it will be referred back to the Chairperson who will, within 48 hours after being notified that the Dispute Resolution failed to resolve the matter, inform the Management Committee thereof;
- 28.1.9 The Sector 3 Chairperson will then, within a further 48 hours, give notice of a Special General Meeting, where the Vote of No Confidence will be tabled;
- 28.1.10 All affected parties will have the opportunity to address the Special General meeting convened in respect of the Vote of No Confidence in the following manner:

- 28.1.10.1 First the person/s who raised the Vote of No Confidence;
- 28.1.10.2 Second the Management Committee member/s against whom the Vote of No Confidence is tabled;
- 28.1.10.3 Rebuttal by the person/s who raised the Vote of No Confidence;
- 28.1.10.4 Closing argument by the Management Committee member/s against whom the Vote of No Confidence is tabled;
- 28.1.10.5 All persons who attends the meeting will then be called to vote in favour or against the Vote of No Confidence;
- 28.1.10.6 Voting will be by show of hands; and
- 28.1.10.7 A majority of at least two thirds is required for the Vote of No Confidence to succeed.

- 28.1.11 Should the Vote of No Confidence succeed, the affected party will be required to relinquish his / her position and the election of a person in his / her position, will take place, as set out in paragraph 16 above;
- 28.1.12 If the Vote of No Confidence is unsuccessful, the meeting will adjourn and the Management member will remain in his / her elected position and resume with their normal duties.

29. AMENDING THE SECTOR'S CONSTITUTION

- 29.1 This Constitution may only be amended during an AGM or SGM called for such purpose;
- 29.2 The following persons may propose an amendment to the Constitution:
 - 29.2.1 The Management Committee;
 - 29.2.2 Affiliated Neighbourhood Watches of Sector 3; and
 - 29.2.3 Any registered member of Sector 3 who has the support of at least 50 registered members supporting such proposed amendment, in writing.
- 29.3 If the proposed amendment is made by any registered member of Sector 3 who has the support of at least 50 registered members supporting such proposed amendment, in writing, the proposed motion to amend must be referred to the Management Committee for consideration;
- 29.4 The Management Committee will vote upon whether the proposed amendment should be referred to an AGM, as per the voting procedure contained in paragraph 17.2, or SGM, as per the voting procedures contained in paragraph 17.3, will apply *mutatis mutandis*;
- 29.5 The proposed amendment/s must be made public 21 days prior to the relevant meeting where the proposed changes are to be voted upon;
- 29.6 Notice of the proposed amendments must be advertised as per the requirements of an SGM; and
- 29.7 The Constitution can only be amended by a two thirds majority of the persons present at the AGM or SGM convened for purposes of amending the Constitution.

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30. DISSOLUTION

- 30.1 Sector 3 may be dissolved at an AGM, or at an SGM called for that purpose;
- 30.2 Sector 3 may be dissolved:
 - 30.2.1 if it is dysfunctional; or
 - 30.2.2 if Sector 3 cannot function properly due to internal disputes or conflicts; or
 - 30.2.3 if there is an irretrievable breakdown of trust between the SAPS and Sector 3; or
 - 30.2.4 if it is confirmed that the internal dispute or conflict is at a stage where the lives of members of Sector 3 are being threatened.
- 30.3 Before Sector 3 is dissolved, attempts should first be made to address the dispute or conflict through the Dispute Resolution process; and
- 30.4 In the event of the dissolution of Sector 3, its assets will be transferred to Sector 3, who will act as custodian of such assets until such time as a new management committee has been established, where-after such assets will be transferred to the new management committee.