

# Approved Constitution – ‘FBW Community Forum’



## Florida Blockwatch (FBW) Community Forum

Established 2012

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### CONSTITUTION OF THE FLORIDA BLOCKWATCH (FBW) COMMUNITY FORUM

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#### 1. NAME

The name of this non-profit organisation (NPO) is **FBW Community Forum**, and hereafter

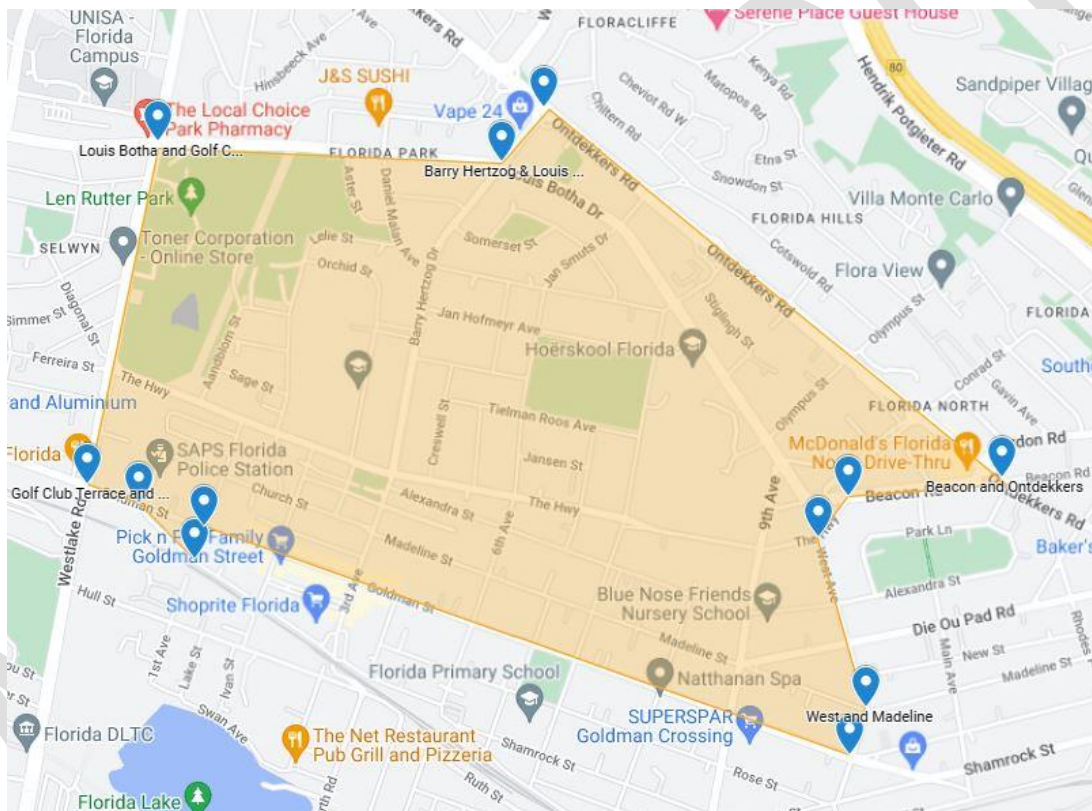
referred to as “NPO”, has no affiliation to any political party or religious group.

## 2. VISION OF the FBW Community Forum

To ‘watch’, means to keep guard, to be vigilant, alertly on the lookout, attentive to what is done or happens in the community, to tend, and to oversee. The vision is a progressive, well-maintained, safe, and diverse community/neighbourhood, which provides a home for residents; a stable working environment for responsible businesses; and striving towards sustainability.

## 3. BOUNDARIES and DEFINITIONS

The boundaries of the “NPO”, as portion of Ward 70, are indicated in the map below with boundary point markers. On the inside, from Golf Club Terrace (Westlake Blvd) in the west; Louis Botha Dr and Ontdekkers Rd in the north; Beacon Rd and West Ave in the east; and Goldman St in the south, with a small portion of Lockies Lane from First Ave (east) up to where Lockies Lane meets Goldman St.



Any amendments to defined area of operation must be agreed upon and approved by "the committee" after they have conducted a feasibility study and approved or declined such amendments by majority vote.

### DEFINITIONS

RESIDENTS, refer to all natural humans including but not limited to property tenants, and employees, legally occupying properties and residing in the “NPO” area or are registered owners of property in the area.

The “NPO” further recognizes community schemes as form of property ownership, meaning any scheme or property arrangement in terms of which there is shared use of and responsibility for parts of land and buildings, including but not limited to a sectional titles development schemes, a share block company, a home or property owner’s association,

however constituted, established to administer a property development, a housing scheme for retired persons, and a housing co-operative.

#### **4. THE LEGAL STATUS OF the FBW Community Forum**

- 4.1. The “NPO” operates as a body in its own right, separately from its members, with its own constitution, structures, and financial systems. Is a non-profit organisation (NPO) and a free service to its members and the community within the defined borders of operation but is not restricted to presently defined borders or functions.
- 4.2. A “patrollers group” (the former “Florida Blockwatch”) is a sub-forum that forms part of the *Florida Community Policing Forum* (CPF) under the patronage of the *South African Police Services* (SAPS) and is an *independent sub-structure* of the network called Florida Community Policing Forum. The “patrollers group” may not raise funds, nor operate a separate bank account. All funds required for operations of the “patrollers group” shall be via donation from the “NPO”.
- 4.3. The “NPO” continues to exist even when its membership changes and there are different office bearers.
- 4.4. The “NPO” will have the power to raise such special funds as may be approved at a committee meeting.
- 4.5. The “NPO” can own property and other possessions.
- 4.6. The “NPO” is liable only for its own debts and any assistance granted to any person or body, whether corporate or un-incorporated, shall not render it liable for the debts of such person or body.
- 4.7. The “NPO” is a community-based organization with perpetual succession, and shall be capable in law of suing and of being sued in its corporate name in any court of law in the Republic of South Africa, and of acquiring, holding and alienating movable and immovable property, and of performing all such acts as are necessary or incidental to the carrying out of its objectives and the performance of its functions and duties in terms of its Constitution.
- 4.8. All processes of law, notices and the like shall be regarded as sufficiently served on the “NPO” if served on the Chairperson personally.
- 4.9. No member shall be personally liable for any loss whatsoever suffered arising out of his or her duties as an Office Bearer.

#### **5. PURPOSE, GENERAL AIMS AND OBJECTIVES OF FBW Community Forum**

- 5.1. Initiatives to support the wellbeing and improve the “NPO” area community, from safety and security of streets to keeping our parks clean and tidy
- 5.2. To represent the community in its relationship with the local authorities and to help facilitate engagement between the residents who resides in the community, owns, or rents property, or operates a business within the area, and local authorities
- 5.3. Social media alerts, reporting, escalation of faults and updates pertaining municipal services, i.e. loadshedding and planned or unplanned power outages (City Power), refuse removal (Pikitup), water interruptions and leakages (Johannesburg Water), fallen trees and grass cutting (City Parks Department), etc.
- 5.4. To co-operate and liaise with other organisations to further the objectives of FBW Community Forum and its members
- 5.5. Securing of electrical switching stations, sub-station, mini-subs, etc.
- 5.6. Repairs of traffic lights, road maintenance, speed control where feasible, etc.
- 5.7. Investigate (with the help of private security companies) suspicious vehicles, activities and loitering of individuals.
- 5.8. To provide a platform through physical meetings and online to share information pertaining the community and solving problems in the community.
- 5.9. To set up ad hoc committees and/or task teams as required to represent residents on specific issues, as required, or to achieve specific goals such as clean-up

- initiatives, such as Len Rutter Park, mowing and cleaning of pavements, and kerb skoffeling.
- 5.10. The “NPO” will support, fund and direct the “Patrollers Group”, which purpose is primarily to reduce the crime rate specifically but not limited to the area as indicated in the heading BOUNDARIES. The “Patrollers Group” will manage the day to day running of its operations. To achieve its purpose, its activities and objectives are:
    - 5.10.1. To support the authorities in the establishment, provision and maintenance of a peaceful, secure and safe environment for all residents in the FLORIDA area.
    - 5.10.2. To encourage greater safety and security awareness by providing safety and security information; form a safety and security network in the FLORIDA area; collaborate with other role players, such as security companies; and conduct joint operations for greater impact.
    - 5.10.3. To encourage, and maintain a non-confrontational patrol system consisting of volunteers from the area, with the purpose of a) observing b) reporting and c) advising residents of untoward safety and security situations and report such safety and security breaches to the relevant authorities and to keep record of such reports and advise the outcome thereof.
    - 5.10.4. To train patrollers in correct and appropriate reporting and operational procedures where and when safety and security breaches are encountered as well as the proper and safe utilization of tools and equipment operated and owned by the “NPO”.
    - 5.10.5. To obtain, investigate, re-work and distribute governmental, local governmental and other information and materials of a useful and appropriate nature to members in any manner regarded as appropriate.
    - 5.10.6. To improve efficiency and promote uniformity in the area by collecting, comparing, and coordinating data, ideas, knowledge, processes, techniques and operational methods from any and or all appropriate institutions of mutual interest to members.
    - 5.10.7. To co-operate, communicate and assist the *Community Policing Forum* (CPF) and other Block Watches and Neighbourhood Watches in the area, and establish communication and reporting systems and structures with SAPS and other appropriate structures.
  - 5.11. To research draft policies and/or regulations affecting the “NPO” members and suggest and promote improvements in such policies or regulations and enter into a legal system of contributing, opposing or promoting said policies or regulations.
  - 5.12. To monitor compliance of City of Johannesburg (CoJ) Bylaws; highlight non-compliance; and bring transgressions to attention of Johannesburg Metropolitan Police Department (JMPD).

## 6. MEMBERS

Membership of FBW Community Forum shall be open to anyone who resides, owns or rents property or operates a business within the Florida Blockwatch (FBW) Community Forum area (as specified under No 3), who completed an application form, which will be scrutinized by members of the committee within a period of 7 days and approved or denied, and were accepted by the Committee as members.

Membership of FBW Community Forum is furthermore open to *community schemes* in the form of a nominee and alternate of the *executive committee*—meaning the executive body of a community scheme, including but not limited to the trustees of a sectional title body corporate, the board of directors of a share block company or the management association of any housing scheme for retired persons—would serve as representative member.

## **7. MEMBERS OF GOOD STANDING**

Refer to MEMBERS whose membership fees are paid up-to-date, and not actively involved in any action, process, or organization of an illegal nature or where any act or law prohibits such behaviour and where such action or process came under the attention of "the committee" at time of application or at any stage after acceptance as a "member".

Should problems arise within the FBW Community Forum that warrants censure or discipline, then the matter will be put to "the committee", with the relevant member present, for deliberation. "The committee" will then reach a conclusion, and if necessary, vote on the decision, without the relevant member present. A vote of "no confidence" in an accused party, would require a resignation.

## **8. MEMBERSHIP**

- 8.1 The number of members of FBW Community Forum is unlimited.
- 8.2 Membership of FBW Community Forum is intended for members of the FBW Community Forum area, as defined
- 8.3 Membership of FBW Community Forum is not transferable to new residents or owners of a property or businesses.
- 8.4 Members will agree to notify "the committee" in writing of their intention to cancel membership, for whatever reason, including but not limited to transfer of ownership or occupation of property.
- 8.5 No reason for cancellation of membership will be demanded but if submitted will be utilized for the betterment of FBW Community Forum
- 8.6 Membership fees payable are revised annually at the annual general meeting (AGM).
- 8.7 Annual contributions are due 1<sup>st</sup> April, but payable upon joining throughout the financial year from 1 April to 31 March.

## **9. APPLICATION FOR MEMBERSHIP**

A resident may become a member by:

- 9.1 Acceptance of this constitution.
- 9.2 Applying for membership on the prescribed approved form.
- 9.3 All of the above being accepted by "the committee" by means of a vote done electronically within 7 days, or at a meeting of "the committee" held on a monthly basis.
- 9.4 Reasons for acceptance or rejection of any application shall not be made available to any person, including the applicant, in or outside of the FBW Community Forum
- 9.5 All Patrollers are required to be members and pay membership fees.

## **10. THE FBW Community Forum COMMITTEE**

- 10.1 Hereafter referred to as "the Committee" shall be elected from members of good standing of FBW Community Forum and shall from their own elect a Chairperson, a Vice Chairperson, Treasurer, Secretary, Support Administrator, Marketing and Public Relations Administrators and other functionaries the committee may from time to time deem necessary on an elected or co-opted basis.
- 10.2 The Committee will meet as often as necessary, but not less than once a month, (except where this is not practical or possible) and will be convened by the Chairperson or in his/her absence any committee member after consultation with other committee members, to decide on policies and action programmers.
- 10.3 The Secretary will give written notice of committee meetings at least one week in advance.

- 10.4 Only elected committee members will have deciding votes with the Chairperson having a casting vote.
- 10.5 The Secretary will take minutes of all meetings, which would be approved by the members at the next meeting.

## **11. THE COMMITTEE**

Refers to **MEMBERS OF GOOD STANDING** elected.

And shall from their own number elect;

- 11.1 a chairperson,
- 11.2 a vice-chairperson,
- 11.3 a treasurer,
- 11.4 a secretary,
- 11.5 a community liaison administrator,
- 11.6 a marketing and public relations administrator

Any of these functions may be combined, separated, or shared by individual members of "the committee" at the discretion of "the committee". A representative of the "Patrollers Group" shall form part of the "the committee".

## **12. THE LAW**

Refers to laws, by-laws and regulations promulgated and taken up in the legal system of the REPUBLIC OF SOUTH AFRICA.

## **13. POWERS OF "THE COMMITTEE"**

- 13.1 To receive, retain and utilize sponsorships, donations, allowances and grants for the promotion, objective and to the benefit of FBW Community Forum.
- 13.2 A bank account will be opened and managed by the Chairperson, Treasurer, and one other appointed Committee member in accordance with acceptable and sound financial practices and in accordance with SARS guidelines, where any two will have joint signing authority.

Funds will be under the joint control of the Chairperson, the Treasurer and one other appointed Committee member, receipts for all income and expenditure are to be issued and maintained, income and expenditure balances are to be verified by the Chairperson and the Vice-Chairperson as and when required but no less than once a month at 'the Committee "meeting.

- 13.3 To acquire and / or dispense of assets in such manner or on such terms and conditions as may be approved by "the Committee".
- 13.4 To enter into agreements with other organizations with related interest for mutual co-operation and support.
- 13.5 To vet applications for membership and exercise disciplinary action in terms of generally accepted principles.
- 13.6 To co-opt additional members to "the Committee "to enhance effective and efficient operation of FBW Community Forum, any such member will not have voting powers and rights.
- 13.7 "The Committee" may enter into/ negotiate structures, prices and special deals with any service provider, dealer in or provider of goods and/or materials and /or services to the benefit of all members or residents on condition that no additional benefits of a financial or materialistic nature will be to the benefit of individual members of "the Committee".
- 13.8 No long-term contracts or lease agreements may be entered into beyond the term of office of the existing term of serving "the committee" members

## **14. ELECTION OF COMMITTEE MEMBERS**

- 14.1 Only members of good standing may be elected to "the Committee".
- 14.2 Committee members are elected for a period of two years at the Annual General Meeting.
- 14.3 Prospective Committee members must be nominated by a Proposer and Seconder at the Annual General Meeting (held for the purpose of electing committee members) the nominee must indicate his/her acceptance in person at the meeting.
- 14.4 A majority vote, 50% plus one, of members in attendance is needed.
- 14.5 "The Committee" in office will at the last committee meeting before the Annual General Meeting appoint an electoral officer, who will not be a member of "the Committee" to oversee electoral proceedings.
- 14.6 The newly elected Committee members will meet within 14 days after election together with the outgoing members for handover

## **15. GUIDELINES, GOOD GOVERNANCE AND CONDUCT OF COMMITTEE MEMBERS**

- 15.1 Committee members will continually communicate formally and informally among themselves and the community in a respectful manner.
- 15.2 Have a positive mindset.
- 15.3 Co-operate to the common good of the institution.
- 15.4 Convey and support all decisions taken by majority vote.
- 15.5 Keep issues simple and logical.
- 15.6 Remain committed to common goals and objectives.
- 15.7 Refrain from political, religious, or individual power plays and gesturing.
- 15.8 Members may not exploit membership of, or position in, "the Committee" for personal or political or religious gain of any kind.
- 15.9 Committee members are in a fiduciary position regarding FBW Community Forum with at its core an obligation of loyalty, trust, and confidence; as well as a general duty of good faith (to act openly and honestly). Committee members must always act in the best interests of the NPO and avoid conflicts of interest. Committee members must further exercise reasonable care, skill, and diligence in carrying out their duties.
- 15.10 Should a committee member be absent without reasonable apologies made for 3 (three) consecutive committee meetings; he/she will automatically forfeit their position on said committee.

## **16. ASSETS**

- 16.1 All equipment and material obtained by the FBW Community Forum, irrespective in which manner obtained, shall remain the property of the FBW Community Forum including all equipment and materials bearing the logo or insignia of the FBW Community Forum irrespective by whom it was purchased or obtained. Equipment and/ or materials obtained or purchased by individuals at their own cost not bearing insignia or markings of FBW Community Forum and not used exclusively by the FBW Community Forum will remain the property of such an individual.
- 16.2 All equipment and materials obtained or purchased by FBW Community Forum shall be taken up in an assets register.
- 16.3 All equipment and materials in possession of FBW Community Forum shall be indicated in the assets register with value included; this value shall be depreciated on an annual basis by at least 10% or a percentage for individual items determined by "the Committee".

## **17. FINANCES**

- 17.1 All income received and retained in a dedicated bank account for the benefit of FBW Community Forum irrespective of sponsorships, donations, allowances and grants shall be taken up in a register indicating the date, originating source and amount of such sponsorships, donations, allowances and grants and will be under the control of a) The Chairperson b) The Treasurer c) one other member of “the Committee”.
- 17.2 All cash and moneys will be kept in accordance with sound financial systems and all government laws and regulations.
- 17.3 FBW Community Forum shall record and keep all correspondence with financial institutions including, but not limited to The South African Revenue Service (SARS).
- 17.4 Record shall be kept of all payments and expenses incurred and paid by FBW Community Forum.
- 17.5 The financial year of FBW Community Forum is from 1 April to 31 March (AGM by 31 March)
- 17.6 A budget, for the forthcoming financial year, shall be tabled by the treasurer for approval of the members, as well as financial reports on expenditure and balances.
- 17.7 The duties of FBW Community Forum, as NPO, includes:
  - 17.7.1 Keeping of accounting records, as per section 17(1)(a) of the *Nonprofit Organisations Act* (Act 71 of 1997).
  - 17.7.2 Drawing up financial statements, as per section 17(1)(b) of the NPO Act.
  - 17.7.3 Arranging for an accounting officer to prepare a written report, as per section 17(2) of the NPO Act.
  - 17.7.4 Preserving its books of account, supporting vouchers, membership records and financial records and documents, as per section 17(3) of the NPO Act.

## **18. QUORUM**

- 18.1 A quorum at any meeting of “the Committee “shall be sixty percent of committee members.
- 18.2 A quorum at a General Meeting shall not be less than ten members of good standing.
- 18.3 In the event of a quorum not being present at a General Meeting the Chairperson may adjourn such a meeting for a period of not less than seven (7) days or cancel such meeting. Notice of such decision, including the date, time, venue, and agenda of the adjourned meeting, will be given to all members.
- 18.4 The reconvened meeting, after the adjourned meeting, may proceed without the required quorum, provided the Chairperson or any other Committee member is chairing such meeting.
- 18.5 Provided that any decisions of a significant nature, taken at such reconvened meeting without a quorum, may not be implemented until all members are given at least 30 days written notice including the details.

## **19. ANNUAL MEETING, REPORTS AND DUTIES AS NPO**

- 19.1 An Annual General Meeting has to be held by latest 31 March, ideally during February where the Chairperson shall table his /her annual report and the Treasurer shall table The Financial report and inventory of equipment.
- 19.2 At least 14 days’ written notice of a general meeting, specifying the place, date and hour of the meeting must be given to all members, by the Secretary.
- 19.3 The notice of a general meeting must be accompanied by at least (a) an agenda; and (b) a copy or comprehensive summary of any document that is to be considered or approved by members at the meeting.
- 19.4 The duties of FBW Community Forum, as NPO, includes reflecting its registered status and registration number on all its documents, as per section 16(3) of the *Nonprofit Organisations Act* (Act 71 of 1997); as well as to submitting to the Director



of Nonprofit Organisations:

- 19.4.1 A narrative report, as per section 18(1)(a) of the NPO Act.
- 19.4.2 Details of any changes of its office-bearers, as per section 18(1)(b) of the NPO Act.
- 19.4.3 Details of any changes of its address at which it will receive documents, as per section 18(1)(c) of the NPO Act.
- 19.4.4 Details of any changes in the constitution or the name of FBW Community Forum, as per section 19 of the NPO Act.

## **20. AMENDMENTS TO THE CONSTITUTION**

Articles in this constitution may only be amended at an Annual General Meeting where written proposals must reach the secretary not less than fourteen days prior to notice of such meeting. A copy of proposed amendments must be distributed to members at least seven days prior to such meeting. Final and permanent amendments must first be approved or declined by "the Committee" before final implementation.

## **21. CONFIDENTIALITY**

- 21.1 Discussions at "the committee" meetings shall be regarded as for committee members only.
- 21.2 No member of "the Committee" shall divulge or discuss any information pertaining to the medical or crime related status of any member of "The Blockwatch" obtained during performance of duties as a member of "the Committee", except to authorized authorities where such information is required by and in the performance of the duties of such authorities.

## **22. DISTRIBUTION OF CONSTITUTION**

The Constitution of FBW Community Forum is not secret or confidential and is available to anybody wishing to peruse this document.

## **23. VOTING RIGHTS**

- 23.1 Only members of good standing, with fees paid up to date, who are personally present at meetings (voting by means of proxy will not be entertained), shall be entitled to vote at meetings of FBW Community Forum.
- 23.2 Only the member and nominated *secundus* (maximum of two per household) shall have voting rights.
- 23.3 The Chairperson will have an ordinary vote and a casting vote.

## **24. POLICY**

FBW Community Forum has been established without a profit motive and therefore the income, expenditure, and assets of FBW Community Forum shall only be appropriated for the promotion, objectives, and benefit of FBW Community Forum. Nothing contained herein shall in any way prohibit "the committee" to authorize and approve *bona fide* payments or compensations to any person or organization.

## **25. TERMINATION**

- 25.1 FBW Community Forum may only be terminated or disbanded by a special general meeting and voted on by a simple majority of 30% of members in good standing present at such a meeting.
- 25.2 Dispersal of assets- where FBW Community Forum is disbanded or terminated, "the committee" then in office shall tabulate all assets and convert them to cash and

distribute such to neighbouring Blockwatches and/or community forums as "the Committee" decides.

**26. MEDIA ANNOUNCEMENTS**

- 26.1 Only the Chairperson or Vice-chairperson of FBW Community Forum committee shall make any media announcement.
- 26.2 In the absence of the Chairperson any member of "the Committee "may be appointed to make such announcements provided the majority of "the Committee" has approved such announcement.

Approved by Committee – \_\_\_\_\_ 2024

Chairperson: .....

Vice-chairperson: .....

Treasurer: .....

Secretary: .....

Community Liaison administrator: .....

Marketing and Public Relations Administrator: .....