

CONSTITUTION KOMMETJIE NEIGHBOURHOOD WATCH

Ver. 3.0 June 2015

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1. ARTICLE 1: NAME AND STATUS OF NEIGHBOURHOOD WATCH

- 1.1. The organisation hereby constituted will be called the “Kommetjie Neighbourhood Watch”.
- 1.2. Its shortened name will be KOMWATCH
- 1.3. KOMWATCH shall:
 - 1.3.1. Exist in its own right, separately from its members
 - 1.3.2. Continue to exist even when its membership changes and there are different office bearers.
 - 1.3.3. Be able to own property and other possessions.
 - 1.3.4. Not be a legal person and shall function within the guidelines as provided and set out in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch structures.
 - 1.3.5. Be a voluntary association.

2. ARTICLE 2: AIM

- 2.1. The aim of the KOMWATCH is to strive for a safe and secure environment by co-ordinating community security initiatives in Kommetjie.

3. ARTICLE 3: OBJECTIVES

- 3.1. To discourage, through our presence/awareness, any prospective criminals.
- 3.2. To make the residents of Kommetjie aware of safety, crime prevention and the protection of their families and property.
- 3.3. Arrange and provide for, or join in arranging and providing for the holding of exhibitions, meetings, lectures, classes, seminars and training courses.
- 3.3. To encourage the community of Kommetjie to cooperate with the SA Police Services and local authorities involved in law enforcement.
- 3.4. To maintain an accurate data base of all criminal activity in the Kommetjie area.
- 3.5. To represent the Kommetjie area at the relevant Community Police Forum.

4. ARTICLE 4: INCOME AND PROPERTY

- 4.1. KOMWATCH will keep a record of its assets.
- 4.2. KOMWATCH may not give any of its money or property to its members or office bearers, provided that a member/office bearer may be paid for actual work undertaken on its behalf and with its prior consent. The payment must be a reasonable amount for the work that has been done.
- 4.3. A member of KOMWATCH prior to the authority given by the management committee may be reimbursed for expenses that he or she has paid for on behalf of KOMWATCH.
- 4.4. Members or office bearers of KOMWATCH have no right over the assets owned by it.

5. ARTICLE 5: MEMBERSHIP

- 5.1. KOMWATCH is a non-profit making organisation providing a service to the Kommetjie community. Membership is voluntary and open to any Kommetjie resident over the age of eighteen. Membership shall be for those persons who wish to participate in the objectives of KOMWATCH and shall be by registration on the KOMWATCH database. Only the management committee shall have access to the above database.
- 5.2. Members of KOMWATCH are encouraged to attend its annual general meetings. At the annual general meeting members may exercise the right to determine the policy of KOMWATCH.

6. ARTICLE 6: MANAGEMENT COMMITTEE

- 6.1. KOMWATCH will be administered by a Management Committee.
- 6.2. The Management Committee will consist of at least:
 - 6.2.1. Chairperson
 - 6.2.2. Treasurer
 - 6.2.3. Secretary
 - 6.2.4. Three other elected members
- 6.3. The Chairperson shall be elected by the Management Committee and shall serve for as long as he/she has the support of the committee.

- 6.4. The Management Committee members shall be elected by majority vote at the Annual General Meeting. Management Committee members will serve for one year, but they may stand for re-election for as long as their services are required and offered.
- 6.5. A member of the Management Committee, who does not attend the Management Committee meetings regularly without having applied for and having obtained leave of absence from the Management Committee, may be replaced at the Management Committee's sole discretion.

7. ARTICLE 7: POWERS OF THE MANAGEMENT COMMITTEE

- 7.1. Management: The day to day management of the affairs of KOMWATCH is vested in the Management Committee. The Management Committee may take on the power and authority that it believes it requires to achieve the objectives stated in this constitution. Its activities must remain within the confines of the law.
- 7.2. Powers: Without detracting from its management responsibility the Management Committee shall have the powers to:
 - 7.2.1. Appoint Committees, Sub-committees and Representatives to carry out specific tasks delegated to them. The decisions that sub-committees take must be given to the Management Committee. The Management Committee must decide whether to agree to them or not at its next meeting. By agreeing to decisions the Management Committee ratifies them.
 - 7.2.2. Make, amend, rescind and enforce by-laws and rules of conduct for the efficient running of the affairs of KOMWATCH.
 - 7.2.3. Determine subscription fees.
 - 7.2.4. Raise funds or invite and receive contributions.
 - 7.2.5. Allocate and spend KOMWATCH funds as required to run the organisation effectively.
 - 7.2.6. Appoint interim members to fill vacancies on the Management Committee.
- 7.3. All members of KOMWATCH have to abide by the decisions that are taken by the Management Committee.

8. ARTICLE 8: MEETINGS

8.1. Management Committee Meetings

- 8.1.1. Management Committee meetings shall be held at least monthly or as required by the Chairperson.
- 8.1.2. Three members shall be a quorum at such meetings. There shall be no voting by proxy.
- 8.1.3. The chairperson shall act as the chairperson of the Management Committee. If the chairperson does not attend a meeting, then the other members of the Management Committee who are present shall choose which one of them will chair the meeting. This must be done before the meeting starts.
- 8.1.4. When necessary, the Management Committee will vote on issues. If the votes are equal on an issue, then the Chairperson has either a second or a deciding vote.
- 8.1.5. Minutes of all meetings must be kept safely by the Secretary and always be on hand for members to consult.
- 8.1.6. Minutes will be taken at each Management Committee meeting. The minutes of each meeting will be forwarded to Management Committee members at least five days before the next Management Committee Meeting. The minutes shall be confirmed as a true record of the proceedings of the previous meeting at the respective current meeting and shall thereafter be signed by the Chairperson.

8.2. General Meetings

- 8.2.1. The Annual General Meeting must be held once every year, within 60 days of the end of each respective financial year.
- 8.2.2. Notice must be given to members not less than ten (10) days before the meeting. Notice made by hand-delivered newsletter or appearing in the local (knock & drop) newspaper and by e-mail shall be deemed adequate for the purposes of such notice.
- 8.2.3. KOMWATCH should deal with the following business, amongst others, at its Annual General Meeting:

- 8.2.3.1. Agree to the items to be discussed on the agenda
 - 8.2.3.2 Confirm that the meeting has been properly constituted by proper notice of the meeting
 - 8.2.3.3 Make an attendance register
 - 8.2.3.4 Read and confirm the previous meetings minutes with matters arising.
- 8.2.4. Chairperson's report.
- 8.2.5. Treasurer's report.
- 8.2.6. Changes to the constitution proposed by members.
- 8.2.7. Elect new office bearers.
- 8.2.8. General.
- 8.2.9. Close the meeting.
- 8.3. A Special General Meeting may be convened at the request of thirty percent of the members of KOMWATCH. Notice as defined under 8.2.2 must be given prior to such meeting.
- 8.4. The number of members of KOMWATCH present at a properly constituted meeting shall be considered a quorum at General Meetings. At such meetings each member present is entitled to one vote, and there will be no voting by proxy. In the case of any equality of votes the Chairperson of the meeting shall have a second or deciding vote.

9. ARTICLE 9: ENTRANCE FEE AND SUBSCRIPTION

- 9.1. The entrance fee and subscriptions shall be laid down by the Management Committee from time to time.
- 9.2. Proposed changes to fees shall be ratified at a General Meeting.

10. ARTICLE 10: FINANCIAL MATTERS AND EXPENDITURE

- 10.1 An Accounting Officer shall be appointed at the Annual General Meeting. His or her duty is to review and check on the finances of the organisation.
- 10.2 The Treasurer's job is to control the day to day finances. The Treasurer is responsible for the accurate recording of KOMWATCH's income and expenditure. The Treasurer will present a statement of income and expenditure up to the end of the previous month at every KOMWATCH Management Committee Meeting.
- 10.3 KOMWATCH shall operate a bank account into which all funds are to be deposited. The Treasurer shall arrange for banking of all funds in the name of KOMWATCH. Whenever funds are taken out of the bank account, the Treasurer and Chairperson, or one other member of the Management Committee must sign the withdrawal or cheque. If KOMWATCH has funds that can be invested, the funds may only be invested with registered financial institutions. Komwatch must obtain qualified and appropriate financial advice from a registered adviser in such an event.
- 10.4 The Treasurer will keep a reviewable financial system which will be available for scrutiny at any reasonably arranged time.
- 10.5 The financial year of KOMWATCH ends on the last day of February of each respective year. The Treasurer will present a consolidated Income and Expenditure Report, duly reviewed for approval by the Annual General Meeting, once a year.
- 10.6 KOMWATCH shall be permitted to hold fund-raising campaigns for the purposes of furthering its aim and objectives.

11 ARTICLE 11: LIABILITY

- 11.1 KOMWATCH shall not be responsible for civil or criminal acts/omissions perpetrated by any member. Individual members of KOMWATCH act in their own capacity and shall be liable in that capacity.

12 ARTICLE 12: INDEMNITY

12.1 Each member of KOMWATCH who acts in its name or on its behalf as a patroller or Rapid Response Team member shall be required to sign a form indemnifying KOMWATCH from any illegal and/or unauthorised actions by such member.

13 ARTICLE 13: ACCOUNTABILITY

13.1 KOMWATCH shall be accountable to the local Community Police Forum in the Ocean View Police Area.

14 ARTICLE 14: AFFILIATION

14.1 KOMWATCH is affiliated to the local Community Police Forum in the Ocean View Police Area.

15 ARTICLE 15: FUNCTIONS

15.1 KOMWATCH must assist the South African Police Services in so far as crime prevention in its area is concerned.

15.2 KOMWATCH shall operate within the framework of the Laws of South Africa.

15.3 Members of KOMWATCH have the power to make a citizen's arrest as set out in the Criminal Procedure Act, Act 75 of 1977.

15.4 KOMWATCH must work in partnership with the Community Police Form in its area.

15.5 KOMWATCH may initiate and implement crime prevention projects in consultation with the local Community Police Form in its area.

16 ARTICLE 16: LOGO AND LETTERHEADS

16.1 KOMWATCH shall design and use its own logo and letterhead. The logo and letterhead must be different to the one used by the SAPS or the local Community Police Forum.

17 ARTICLE 17: IDENTITY CARDS

17.1 All KOMWATCH patrollers and Rapid Response Team members shall carry Identity Cards. This card shall bear the member's photo, ID number and name.

18 ARTICLE 18: CHANGES TO THE CONSTITUTION

18.1 The constitution can be changed by a resolution. The resolution has to be agreed upon and passed by not less than two thirds of the members who are at the annual general meeting or special general meeting. Members must vote at this meeting to change the constitution.

18.2 The number of members of KOMWATCH present at a properly constituted meeting, shall be considered shall constitute a quorum at such a meeting

18.3 Notice has to be given to the members not less than ten (10) days before the meeting at which the changes to the constitution are to be proposed. Notice may be by hand-delivered newsletter or appearing in the local (knock and drop) newspaper and by e-mail shall be deemed adequate for this purpose. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.

18.4 Members wishing to suggest changes to the constitution must submit these in writing to the Management Committee, and the Management Committee will include these proposals when drafting the notice for the next available general or special meeting.

19 ARTICLE 19: DISSOLUTION/WINDNG-UP

19.1 KOMWATCH may close down if at least two-thirds of the members are in favour of such closing down and are present and so vote at a special meeting specifically convened for the purpose of considering this matter.

19.2 The number of members of KOMWATCH present at a properly constituted meeting shall constitute a quorum at such meeting.

19.3 Should KOMWATCH cease to operate, it shall settle all its debts. Thereafter, should any monies or assets remain, same may not be paid or given to members of KOMWATCH. Such monies or assets shall be handed over to another registered non-profit organisation that has similar objectives. KOMWATCH's final general meeting may decide what organisation this should be.

This constitution was approved and accepted by members of the Kommetjie Neighbourhood Watch at a special (general) meeting held at Kommetjie on 2nd June 2015.

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SECRETARY KOMMETJIE NEIGHBOURHOOD WATCH

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CHAIRMAN KOMMETJIE NEIGHBOURHOOD WATCH

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STATION COMMISSIONER OCEAN VIEW POLICE

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CHAIRMAN COMMUNITY POLICE FORUM OCEAN VIEW

APPENDIX - CODE OF CONDUCT- MEMBERS OF KOMWATCH

1. The KOMWATCH Constitution and this Code of Conduct shall be binding on all its members.
2. No member of KOMWATCH may take the law into his/her hands. Violence will not be tolerated.
3. No form of discrimination will be tolerated.
4. Should a member be found guilty of a serious offence, membership will be terminated or suspended.
5. Members of KOMWATCH may not divulge any confidential or privileged information that they may have acquired as a result of their membership.
6. No member of KOMWATCH may address the media or make public statements re neighbourhood watch business unless authorised by the Management Committee.
7. No member of KOMWATCH may accept payment, commission or gratuity re his membership of KOMWATCH unless authorised by the Management Committee.
8. No member of KOMWATCH may exploit his/her membership of KOMWATCH for his/her personal advantage or benefit.
9. Members of KOMWATCH must at all times act in a manner that will uphold and promote its aim and objectives.

APPENDIX - STRUCTURE

1. KOMWATCH shall be a non-profit making organisation.
2. KOMWATCH has no political affiliations.
3. KOMWATCH will operate in partnership with the SAPS.
4. KOMWATCH, when doing patrols, will only use minimum force as described in the Criminal Procedures Act, Act 75 of 1997 to arrest an offender. No one may be intimidated by these patrols.
5. KOMWATCH structure and its members are not a substitute for the South African Police Services.