

CONSTITUTION OF CHAIN BOLAND

1. NAME

- 1.1. The organisation hereby constituted will be called: Communities Helping Animals in Need, Boland.
- 1.2. Its shortened name will be CHAIN Boland (hereinafter referred to as the organization)
- 1.3. Body Corporate – The organization 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. Be able to sue and be sued in its own name.
- 1.4. The logo of the organization will be:



2. OBJECTIVES

- 2.1. The organization's main objectives are to:
 - 2.1.1. Prevent cruelty and improper treatment of animals in the communities of Tulbagh, Wolseley, Ceres, Prince Alfred Hamlet, **Op die Berg**, the greater Witzenberg area and if possible other surrounding towns, herein after referred to as our community.
 - 2.1.2. Promote Animal Welfare.
 - 2.1.3. **Attempt to provide Subsidised Sterilization and Vaccination for all domestic animals and feral cats, but specifically aimed at the underprivileged, unemployed or pensioned sectors of our community on an ongoing basis.**
 - 2.1.4. Attempt to provide an affordable veterinary service to the economically disadvantaged people within our community.
 - 2.1.5. Involve our community by means of interaction, education and community outreach programmes, concerning the responsible keeping and care of all animals.
 - 2.1.6. Reduce the number of stray dogs and feral cats in our community through sterilization and adoption programmes.
 - 2.1.7. Prevent unnecessary euthanasia.
- 2.2. The organization's secondary objectives will be to:
 - 2.2.1. Manage the animal population through effective programmes of sterilization and necessary euthanasia.
 - 2.2.2. Establish well managed foster homes.
 - 2.2.3. Promote education through community involvement
 - 2.2.4. Strive to provide affordable veterinary services for the less privileged members of the community
 - 2.2.5. Establish effective fundraising programmes to create sustainable financial stability

3. INCOME AND PROPERTY

- 3.1. The organization will keep a record of everything it owns.
- 3.2. The organization may not give any of its money or property to its members or office bearer. The only time it can do this when it pays for work that a member or office bearer has done for the organization. The payment must be a reasonable amount for the work that has been done.
- 3.3. A member of the organization can only get money back from the organization for expenses that she or he has paid for or on behalf of the organization, by providing the necessary proof of purchase or expenditure to the treasurer.
- 3.4. Members or office bearers of the organization do not have rights over things that belong to the organization.
- 3.5. The organization was approved as an PBO on the 15th of November 2018 with PBO No 930063589, which means we comply with the requirements of section 30 of the Income Tax Act.

3.5.1 The funds of the public benefit organization will be used solely for the objects for which it was established

3.5.2 No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organization otherwise than by way of reasonable remuneration

3.5.3 No funds will be distributed by any person, other than in the course of undertaking any public benefit activity

3.5.4 Dissolution clause must be amended to state that up on dissolution of the public benefit organization, the remaining assets must be transferred to:

- Another public benefit organization which has been approved in terms of section 30 of the Act.
- Any institution, board or body which is exempt from payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
- Any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1)(a) or (b) of the Act.

3.5.5 The activities of the organization are to be carried on in a non-profit manner and with an altruistic or philanthropic intent.

3.5.6 The public benefit organization will not be a party to, or does not knowingly permit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the Commissioner.

3.5.7 No resources will be used, directly or indirectly, to support advance or oppose any political party.

3.5.8 No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.

3.5.9 No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organization or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

3.5.10 A copy of all amendments to constitution will be submitted to the Commissioner for the South African Revenue Service.

4. MEMBERSHIP

4.1. The management committee must establish an effective "Friends of Chain" programme for the organization.

5. MANAGEMENT

5.1. A management committee will manage the organization. The management committee will be made up of not less than five (5) members. These are the office bearers of the organization.

5.2. Office bearers will serve for one year, but they can stand for re-election for another term in office after that. Depending on what kind of services they give to the organization, they can stand for re-election into office again and again. This is so long as their services are needed and they are ready to give their services.

5.3. If a member of the management committee does not attend three (3) management committee meetings in a row, without having applied for and obtaining leave of absence from the management committee, then the management committee will find a new member to take that persons' place.

5.4. The management committee will meet at least once per month. At least three (3) of the members need to be at the meeting to make a decision that is allowed to be carried forward. This constitutes a quorum.

5.5. Minutes will be taken at every meeting to record the management committee's decisions. The minutes of each meeting will be given to management committee members at least two (2) weeks before the next meeting. The minutes shall be confirmed as a true record of proceedings, by the next meeting of the management committee and shall thereafter be signed by the chairperson.

- 5.6. The organization has the right to form sub-committees. 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. This meeting should take place soon after the sub-committee's meeting. By agreeing to decisions the management committee ratifies them.
- 5.7. All members of the organization have to abide by decisions that are taken by the management committee.
- 5.8. The chairperson shall act as the chairperson of the management committee. If the chairperson does not attend a meeting, the vice-chairperson shall act as the chairperson of the management committee for that meeting. Should the vice-chairperson also not be available, then members of the committee who are present must choose which one of them will chair that meeting. This must be done before the meeting starts.

6. POWERS OF THE ORGANIZATION

The management committee may take on the power and authority that it believes it needs to be able to achieve the objectives that are stated in point number 2 of this constitution. Its activities must abide by the law.

- 6.1. The management committee has the power and authority to raise funds or to invite and receive contributions.
- 6.2. The management committee does have the power to buy, hire or exchange for any property that it needs to achieve its objectives.
- 6.3. The management committee has the right to make by-laws for proper management, including procedure for application, approval and termination of membership.
- 6.4. The organization will decide on the powers and functions of office bearers.

7. MEETINGS AND PROCEDURES OF THE COMMITTEE

- 7.1. The management committee may hold two (2) ordinary meetings each year.
- 7.2. The chairperson, or two (2) members of the committee, can call a Special Meeting if they want to. However, they must inform the other management committee members of the date of the proposed meeting not less than 21 days before it is due to take place. They must also inform the other members of the committee which issues will be discussed at the meeting. If, however, one of the matters to be discussed is to appoint a new management committee member, then those calling the meeting must give the other committee members not less than 30 days notice.
- 7.3. The chairperson shall act as the chairperson of the management committee. If the chairperson does not attend a meeting, the vice-chairperson shall act as the chairperson of the management committee for that meeting. Should the vice-chairperson also not be available, then members of the committee who are present must choose which one of them will chair that meeting. This must be done before the meeting starts.

- 7.4. There shall be a quorum whenever such a meeting is held.
- 7.5. 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. The outcome of the majority vote is binding, unless a second vote is held and the outcome differs.
- 7.6. Minutes of all the meetings must be kept safely and always be on hand for members to consult.
- 7.7. If the management committee thinks it necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get certain work done quickly, or it may want a sub-committee to do an inquiry, for example. There must be at least three people on a sub-committee. The sub-committee must report back to the management committee on its activities. It should do this regularly.

8. ANNUAL GENERAL MEETINGS

- 8.1. The annual general meeting must be held once every year, after the financial year end when the financial statements are available from the auditors. The financial year end of the organization is February.
- 8.2. The organization should deal with the following business, amongst others, at its annual general meeting:
 - 8.2.1. Agree to the items to be discussed on the agenda;
 - 8.2.2. Write down who is present and who has sent apologies;
 - 8.2.3. Read and confirm the previous meeting's minutes with matters arising;
 - 8.2.4. Chairpersons Report
 - 8.2.5. Treasurers Report
 - 8.2.6. Changes to the constitution
 - 8.2.7. Elect new office bearers
 - 8.2.8. General
 - 8.2.9. Close the meeting

9. FINANCES

- 9.1. An accounting office shall be appointed at the annual general meeting. His or her duty is to audit and check on the finances of the organization.
- 9.2. The treasurer's job is to control the day to day finances of the organization. The treasurer shall arrange for all funds to be put into a bank account in the name of the organization. The treasurer must also keep proper records of all the finances. Suggested methods of cash control are to be respected by all members.
- 9.3. Whenever funds are taken out of the bank account, then this is done via Online Banking by the Chair or the Vice-Chair. Notification for every payment are automatically received by the Chair and the Vice-Chair. The treasurer has access to all the bank accounts and monitors payment and updates the financial statements via Sage. After that our accountant has the final control.

- 9.4. The financial year end of the organization is the end of February of each year;
- 9.5. The organization's accounting records and reports must be ready and handed to the Director of Non Profit Organizations within six months after the financial year end.
- 9.6. If the organization has funds that can be invested, the funds may only be invested with registered financial institutions. These institutions are listed in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984. Or the organization can get securities that are listed on a licensed stock exchange as set out in the Stock Exchange Control Act, 1985. The organization can go to different banks to see advice on the best way to look after its funds.

10. CHANGES TO THE CONSTITUTION

- 10.1. The constitution can be changes 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. The outcome of this vote is final and binding until a next vote is held if necessary.
- 10.2. The proposed changes to the constitution must be tabled in writing at the meeting.
- 10.3. No amendments may be made which would have the effect of making the organization cease to exist.

11. DISSOLUTION /WINDING UP

- 11.1. The organization may close down if at least two thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.
- 11.2. When the organization closes down it has to pay off all of its debts. After doing this, if there is property or money left over, it should not be paid or given to members of the organization. It should be given in some way to another non-profit organization that has similar objectives. The organizations general meeting can decide which organization this should be.

This constitution was approved and accepted by members of CHAIN Boland at the Annual General Meeting held on 22 April 2020.