

CAREL BOTHA FOUNDATION FOR PEOPLE LIVING WITH DISABILITIES – CONSTITUTION

Name;

- The organisation hereby constituted will be called: **Carel Botha Foundation For People Living With Disabilities.**
- Its shortened name will be: **The Carel Botha Foundation** (hereinafter referred to as the organisation).
- A domain <http://www.cbfoundation.net> exists for Internet exposure.

The organisation shall;

- exist in its own right, separately from its members,
- continue to exist even when its membership changes and there are different office bearers,
- be able to own property and other possessions,
- be able to sue and be sued in its own name.

The organisation's main objectives are to;

- generate sufficient funds through Government Programmes, Institutions, Local and International Donors, Sponsorships and Organized Events to sustain and maintain the Foundation, to pay pre-determined salaries of training, administration and management staff including employment agency fees, fundraisers fees and to purchase or acquire additional office and other equipment as needed.
- generate sufficient funds to pay for and maintain an environment where placements of trained candidates can occur with companies through a very aggressive Employment Equity programme.

Income and property;

- The organisation will keep a record of everything it owns.
- The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation.
- A member of the organisation can only get money back from the organisation for expenses that she or he has paid for or on behalf of the organisation.
- Members or office bearers of the organisation do not have rights over things that belong to the organisation.

Membership and General Meetings;

- If a person wants to become a member of the organisation, she or he will have to ask the organisation's management committee. The management committee has the right to say no.
- Members of the organisation must attend its annual general meetings. At the annual general meeting members exercise their right to determine the policy of the organisation.

Management;

- A management committee will manage the organisation. The management committee will be made up of not less than 3 members. They are the office bearers of the organisation.
- 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 organisation, they can stand for re-election into office again and again, provided their services are required and they are indeed ready to provide their services.

- If a member of the management committee does not attend three 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 person's place.
- The management committee will meet at least once a month. More than half of members need to be at the meeting to make decisions that are allowed to be carried forward. This constitutes a quorum.
- 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 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.
- The organisation 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.
- All members of the organisation have to abide by decisions that are taken by the management committee.

Powers of the organisation;

- 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.
- The management committee has the power and authority to raise funds or to invite and receive contributions.
- The management committee does, however, have the power to buy, hire or exchange for any property that it needs to achieve its objectives.
- The management committee has the right to make by-laws for proper management, including procedure for application, approval and termination of membership.

Meetings and procedures of the committee;

- The management committee must hold at least two ordinary meetings each year.
- The chairperson, or two members of the committee, can call a special meeting if they want to. But they must let the other management committee members know the date of the proposed meeting not less than 21 days before it is due to take place. They must also tell 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.
- The chairperson shall act as the chairperson of the management committee. If the chairperson does not attend a meeting, then members of the committee who are present choose which one of them will chair that meeting. This must be done before the meeting starts.
- There shall be a quorum whenever such a meeting is held.
- 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.
- Minutes of all meetings must be kept safely and always be on hand for members to consult.
- If the management committee thinks it is necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get some 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.

Annual general meetings;

- The annual general meeting must be held once every year, towards the end of the organisation's financial year.
- The organisation should deal with the following business, amongst others, at its annual general meeting;
 - agree to the items to be discussed on the agenda,
 - write down who is there and who has sent apologies because they cannot attend,
 - read and confirm the previous meeting's minutes with matters arising,
 - chairperson's report,
 - treasurer's report,
 - changes to the constitution that members may want to make,
 - elect new office bearers,
 - general,
 - close the meeting.

Finance;

- An accounting officer shall be appointed at the annual general meeting. His or her duty is to audit and check on the finances of the organisation.
- The treasurer's job is to control the day-to-day finances of the organisation. The treasurer shall arrange for all funds to be put into a bank account in the name of the organisation. The treasurer must also keep proper records of all the finances.
- Whenever funds are taken out of the bank account, the chairperson and at least two other members of the organisation must sign the withdrawal or cheque.
- The financial year of the organisation ends on June.
- The organisation's accounting records and reports must be ready and handed to the Director of Non-profit Organisations within six months after the financial year-end.
- If the organisation 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 organisation can get securities that are listed on a licensed stock exchange as set out in the Stock Exchange Control Act, 1985. The organisation can go to different banks to seek advice on the best way to look after its funds.

Changes to the constitution;

- 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.
- Two thirds of the members shall be present at a meeting ("the quorum") before a decision to change the constitution is taken. Any annual general meeting may vote upon such a notion, if the details of the changes are set out in the notice referred to in 7.3
- A written notice must go out not less than fourteen (14) days before the meeting at which the changes to the constitution are going to be proposed. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.
- No amendments may be made which would have the effect of making the organisation cease to exist.

Dissolution/Winding-up;

- The organisation 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.
- When the organisation closes down it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organisation. It should be given in some way to another non-profit organisation that has similar objectives. The organisation's general meeting can decide what organisation this should be.

Adoption of the constitution;

- This constitution was approved and accepted by members of the Carel Botha Foundation for Persons Living With Disabilities.

MANAGEMENT STRUCTURE

Carel Botha is a member [not confirmed yet in any position]. Other individuals with the correct credentials and integrity are being invited to form part of the management structure of the Foundation.

- **Chairperson [Permanent]**
- **Accounting Officer / Treasurer [Permanent / Consulting]**
- **Managing Member [Permanent / Consulting]**
- **Managing Member [Permanent / Consulting]**
- **Fundraiser / Events Organiser [Permanent]**
- **Employment Consultant [Permanent / Temporary]**

OUR RESOURCES

Current positions with responsibilities are:

- **Chairperson [Permanent]**
 - Management of the fund and its functions on a day-to-day basis.
 - Responsible for fund raising, organising of events and motivational speaking, etc.
 - This position is to be filled by a permanent employee with a fixed monthly income. The main remuneration of this position will not be derived from commissions or any percentages of funds raised as prescribed in the *Code of Professional Ethics*.
 - The person who fills this position will be a registered member of the *Southern Africa Institute of Fundraising*. If the person is not a member he/she has to join the institute and be accepted within one month of acceptance of the position.
- **Secretary [Permanent]**
 - Office / administrative and banking.
 - Responsible for fund raising and organising of events.
 - This position is to be filled by a permanent employee with a fixed monthly income. The main remuneration of this position will not be derived from commissions or any percentages of funds raised as prescribed in the *Code of Professional Ethics*.
 - The person who fills this position will be a registered member of the

Southern Africa Institute of Fundraising. If the person is not a member he/she has to join the institute and be accepted within one month of acceptance of the position.

- **Employment Consultant [Permanent / Temporary]**
 - An experienced consultant will fill this position, with the necessary human resources and/or social welfare qualifications.
 - The main responsibilities will be to identify suitable trained candidates for employment and,
 - to find suitable employers where trained candidates can be placed.
 - This position is to be filled by a permanent employee with a fixed monthly income. The main remuneration of this position will not be derived from commissions or any percentages of funds raised as prescribed in the *Code of Professional Ethics*.
- **Accounting Officer / Treasurer [Permanent / Consulting]**
 - All accounting functions of the fund.
- **Managing Member [Permanent / Consulting]**
 - Management and direction.
- **Managing Member [Permanent / Consulting]**
 - Management and direction.
- **Fundraiser / Events Organiser [Permanent]**
 - Responsible for fund raising and organising of events.
 - This position is to be filled by a permanent employee with a fixed monthly income. The main remuneration of this position will not be derived from commissions or any percentages of funds raised as prescribed in the *Code of Professional Ethics*.
 - The person who fills this position will be a registered member of the Southern Africa Institute of Fundraising. If the person is not a member he/she has to join the institute and be accepted within one month of acceptance of the position.
- **Trainers [Permanent / Temporary]**
 - Recognised Educational Institutions and bodies will provide these persons.
 - Training will be accredited in terms of regulations set out by the South African Qualifications Authority (SAQA).
 - Access College, Jhb and Hatfield Business College, Pta have indicated that they are prepared to go into negotiations with the fund to make trainers available at a reduced fee or otherwise. (To be negotiated further)
- **Admin Staff [To be appointed if needed]**
- **Cleaning Staff [Permanent]**
 - Cleaning duties.
 - Refreshments (Coffee / Tea).

FINANCIAL INFORMATION

- There are no financial statements available yet as this is a newly started project.
- **Our Banking details are as follows:**
 - Bank : ABSA
 - Branch : Menlyn Square
 - Branch Code : 63200500
 - Account Name : Carel Botha Foundation
 - Account Number : 9090109411

Please Note : Should you wish to make a deposit into this account, please use a reference, such as your personal or company name and / or telephone number to indicate to us where the amount comes from. We do like to keep in contact with our sponsors and also do not want to unnecessarily request other donations again, when you have already recently contributed to this project. It also assists us to do better accounting and record keeping.

Last updated 2007-07-08

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