

# **NATURE'S VALLEY URBAN CONSERVANCY**

*(Registered with Western Cape Nature Conservation Board)*

## **1. NAME**

The Conservancy is known as the Nature's Valley Urban Conservancy, hereinafter referred to as the Conservancy.

## **2. VISION**

The vision of the Conservancy is to actively encourage a growing membership who work together to promote protective management of Nature's Valley so that residents and visitors can enjoy its unique environmental, educational and recreational assets in perpetuity.

## **3. OBJECTIVES**

The purpose of the Conservancy is to:

- a. promote preservation of the indigenous fauna and flora of Nature's Valley
- b. promote co-operation between members
- c. promote compliance with all environmental legislation
- d. co-operate with conservation authorities and the Bitou Municipality
- e. co-operate with surrounding NGO's and conservancies
- f. promote environmental awareness
- g. monitor proposed developments and actively influence developments to ensure that they are environmentally appropriate and in line with the character and natural environment of Nature's Valley
- h. acknowledge and respect homeowners' rights and independence
- i. produce a management plan in accordance with the objectives and vision of the Conservancy
- j. initiate and/or facilitate projects which fulfil the above objectives
- k. Educate residents of and visitors to Nature's Valley to promote home and garden management that does not impact on the environment and to promote sustainable resource use

within the defined area of the Conservancy.

## **4. MEMBERSHIP AND VOTING RIGHTS**

- Membership of the Conservancy shall be open to any ratepayer within the defined Conservancy area.
- Interested parties who support the aims of the Conservancy may apply for membership.
- Only ratepayers shall have the right to vote and votes shall be restricted to one vote per member.
- Ratepayers may authorise a chosen representative as a voting member and must submit proof of same to the Chairperson before any voting.
- Where the landowner is a juristic person, e.g. company, CC or trust, then the person voting on behalf of such juristic person shall be duly authorised thereto and submit proof of same to the Chairperson before any voting.
- Membership will be obtained by completing a membership form in which the member agrees to abide by the Constitution
- Membership will be renewed annually
- Honorary membership may be conferred on relevant parties.
- Membership is voluntary and can be terminated by the member in writing at any time with immediate effect.
- Membership of the Conservancy will in no way interfere with any landowners normal property rights which the landowner has in terms of the laws of the land provided that if any landowner wants to exercise any such property rights in a way that is inconsistent with the objectives of the Conservancy, then that landowner's membership may be terminated by a 2/3 majority vote of the members with voting rights. There will be no refund of contributions on termination of membership.

**5. DEFINED AREA**

The boundary of the Conservancy will be defined by the erven of the members and will, from time to time, be amended.

**6. FINANCIAL**

The Conservancy shall have the authority to receive, generate, invest and spend funds.

**7. ANNUAL GENERAL MEETING**

An annual general meeting of the Conservancy shall be held in December each year at a place and time in Nature's Valley determined by the steering committee. Written notice of such annual general meeting shall be given to all members at least one month prior to the intended meeting.

Matters to be dealt with at the annual general meeting, must among others, include the following:

- Chairperson's report of activities
- Financial report
- Election of office-bearers for the following year

One third of members or written proxies present at an AGM with voting rights shall form a quorum at the annual general meeting. An ordinary majority of votes shall be conclusive in all cases where decisions are made.

**8. SPECIAL GENERAL MEETINGS**

A special general meeting may at any time be convened by the management committee, provided that notice is given 21 days prior to the meeting and the matters to be discussed are clearly stated in such notice. No further matters shall be discussed at such special meeting. A special general meeting shall be convened if one third of more of the members with voting rights request such a special meeting. A written request sent via post or e-mail for such special general meeting shall be addressed to the steering committee, the matter discussed shall be contained therein, and shall reach the steering committee at least thirty days prior to the proposed date of such special general meeting.

**9. MANAGEMENT COMMITTEE**

Members of the Conservancy with voting rights shall elect annually, at the general meeting, a management committee to manage its affairs. It shall consist of the following:

- Chairperson
- Vice-Chairperson
- Secretary
- Additional members with voting rights as required and decided by the annual general meeting.
- Co-opted members

Members of the management committee shall hold office until election of the successors at the following annual general meeting. Members of the management committee may be re-elected. The management committee may co-opt members at their discretion.

**10. MANAGEMENT COMMITTEE MEETINGS**

The management committee shall meet at least quarterly at a place and time determined by the Chairperson, and shall notify the local nature conservator of the meeting one-month prior to such meeting.

**11. RECORD OF DECISIONS**

Minutes of each management meeting will be taken and decisions duly recorded. The Record of Decisions, after having been approved, shall be signed by both the Chairperson and the appointed recorder. A copy of the Record of Decisions of the annual general meeting together with the financial statements and the names of the elected members of the committee shall be sent to the director of Western Cape Nature Conservation Board within 30 days of the annual general meeting.

**12. CORRESPONDENCE WITH MEMBERSHIP**

Members of the Conservancy will receive quarterly reports on the activities of the management committee. All members will have due access to the minutes of management committee meetings and the AGM.

**13. CONSTITUTION**

Amendments to the constitution may be made only at an annual general meeting, at a specific general meeting convened specifically for such purpose or by a postal or electronic vote. Any amendment to the constitution shall be approved by at least two thirds of members with voting rights.

**14. STAFF**

The management committee shall be authorized to appoint staff for the promotion of the Conservancy's objectives and to determine and pay the remuneration and benefits of such staff.

**15. DISSOLUTION**

The Conservancy may be dissolved only if two thirds of the members with voting rights present at a special general meeting convened specially for such purpose vote in favour of such dissolution. Upon dissolution, all assets shall be handed over to a Conservancy or other organisation with similar objectives. Two thirds of the voting members shall approve the agency or organisation that will benefit from the funds that accrued to the Conservancy during its existence. The director of Western Cape Nature Conservation Board shall be notified of such dissolution.

**16. INTERPRETATION**

If there is a divided opinion amongst voting members, and failing genuine attempts to reach consensus, the Chairperson may use his/her casting vote.

**17. CESSATION OF ACTIVITIES**

In the case of a cessation of activities, the Director of Western Cape Nature Conservation Board may convene a special meeting of members with voting rights with the purpose of dissolving the Conservancy as set out in paragraph 15.

**18. ACCESS**

No landowner will be forced to provide public access over his/her property.

**19. LEGAL PERSONALITY**

The Conservancy is a separate legal entity with:

- a. perpetual succession in the sense that the Conservancy will continue to exist despite changes in its membership.
- b. the capacity of acquiring rights and incurring obligations independently of its members, including the capacity to own property.

The Conservancy may sue and be sued in its own name. All process of law will be regarded as sufficiently served on the Conservancy if served on the Chairperson as constitutional head of the Conservancy.

Neither the Chairperson, nor any member or any committee members shall be personally liable for any loss suffered or costs incurred in the course of litigation.

**20. CONSERVANCY POLICIES**

The management committee shall determine the Conservancy policies from time to time within the defined area of the Conservancy with the approval of the members with voting rights. The preparation of a Management Plan and its approval as a planning and management guide by the relevant authorities will be a priority of the Conservancy.