

IMFUNeko PROJECTS

PEOPLE TAKING CHARGE

THE CONSTITUTION OF IMFUNeko PROJECTS

1. Name

1.1. The organization hereby constituted will be called Imfuneko Projects

1.2 The Organization shall:

- 1.2.1 Exist in its own right, separately from its Management Committee (Board)
- 1.2.2 Continue to exist even when its Board changes and there are different Board members.
- 1.2.3 Be able to own property and other possessions
- 1.2.3 Be able to sue and be sued in its own name.

2. Vision and Mission

Key to realizing our vision is to work in collaboration with existing community structures and other development organizations. Imfuneko focuses its skills and expertise firmly on developing, empowering and uplifting communities through collective participation and transparency; therefore, we are of the view that so much more can be achieved when the stakeholders are capacitated to work together. We are doing this by ensuring that we provide the necessary care and support to both elderly and people living with disability. To facilitate communities to attain the necessary skills to sustain their projects and able to start new projects on their own.

3. Objectives

3.1. The Organization's main objectives are to:

Promote Education, arts and culture activities in South Africa.

3.1.1 Promote Sport and recreation.

- 3.1.2 Fight against unemployment by providing skills training.
- 3.1.3 Support in health and safety matters, awareness of HIV/AIDS, child abuse and domestic violence.
- 3.1.4 Encourage and support the development of communities and surroundings.
- 3.1.5 To exhibit and promote the work of South African creators, authors, historians, musicians, artists and artisans.
- 3.1.6 To inform people, to enrich their knowledge and awareness of the artistic, cultural and heritage community.
- 3.1.7 To develop outreach activities aimed at young audiences.
To create large public events that brings together the entire community
To recruit Board of Trustees.
To provide development programmes to young people.
- 3.1.11 To provide the necessary care and support to both elderly and people living with disability.
- 3.1.12 To provide the necessary tools and skills to families at risk of hunger and primary caregivers in order for them to assist their families.
- 3.1.13 To provide after school programmes as well as partial support to children and parents in need.
- 3.1.14 To facilitate housing development within the disadvantaged communities.
- 3.2. The Organization's secondary objectives will be to :
 - 3.2.1 Assist in practical projects
 - 3.2.2 Support Winter and Summer School Activities
 - 3.2.3 Network with other Institutions
 - 3.2.4 Engage in Worldwide fund-raising.

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 bearers. The only time it can do this is when it pays for work that a member 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 on behalf of The Organization.
- 3.4. Board members of The Organization do not have rights to things that belong to the Organization.

4. Management Committee Meetings

- 4.1. Board members meet once every three months unless there is an emergency
- 4.2. Board members must attend its annual meetings where they can exercise their own rights to amend the constitution of the Organization and co-opt members.

5. Management Committee

- 5.1. Board members will manage the Organization. The Management will be made up of not less than 6 members. They are the office bearers of The Organization.
- 5.2. Office bearers will serve for three years but may stand for re-election. Depending on what kind of services they give to The Organization, they can stand for re-election into office again. This is as long as their services are needed and they are ready to give their services.
- 5.3. If a member of the Board does not attend three meetings in a row, without having applied for and obtaining written apology for absence from the Board meeting, then the Management Committee will convene a special conference find a new member to take that person's place.
- 5.4. Minutes will be taken at every meeting to record the Board decisions. The minutes of each meeting will be given to Board members at least two weeks before the next meeting.
- 5.5. The minutes shall be confirmed as a true record of proceedings, by the next meeting of the MC, and shall thereafter be signed by the Chairperson.
- 5.6. All Board members have a right in the decision making of the Organization.

6. Powers of the Organization

The Board 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 Board has the power and authority to raise funds or to invite and receive contributions
- 6.2. The Board does, however, have the power to buy, hire or exchange for any property that it needs to achieve its objectives
- 6.3. The Board has the right to make by-laws for proper management, including procedure for application, approval and termination of agreement.
- 6.4. The Board will take decisions (including on punishment issues).
- 6.5. The Board will have the right to present a proposed structure to its members

6.6. The Manager will oversee the running of the organization, and its resources.

7. Meetings and Procedures of the Committee

- 7.1. The Board Committee must hold at least two Ordinary Meetings each year.
- 7.2 The Chairperson or two members of the MC, may call a special meeting if they so wish. But they must let the other Management Committee Members know the date of the proposed meeting not less than 5 days before it is due to take place. They must also tell the other members of the Board which issues will be discussed at the meeting. If, however, one of the matters to be discussed is to appoint a new Board 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 Board. If the Chairperson does not attend a meeting, then deputy chairperson will chair the meeting.
- 7.4 There shall be a quorum wherever such a meeting is held.
- 7.5 When necessary, the Board members will vote on issues. If the votes are equal on an issue, then the Chairperson has either a second or a deciding vote
- 7.6 Minutes of all meetings must be kept safely and always be on hand for members to consult.
- 7.7 If the Board thinks that it is necessary, then it may 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 enquiry, for example. There must be at least three people on a sub-committee. The sub-committee must report back to the Board on its activities. It should do this regular.

8. Annual General Meeting (AGM)

- 8.1 AGM must be held every year after the Organization's Financial Year
- 8.2 The Organization should deal with the following business amongst others, at this AGM the following must be discussed:
 - 8.2.1 Agree to the items to be discussed on the Agenda
 - 8.2.2 Write down who is there and who has sent apologies because they cannot attend
 - 8.2.3 Read and confirm the previous meeting's minutes with matters arising
 - 8.2.4 Chairperson's report
 - 8.2.5 Treasurers' report

- 8.2.6 General
- 8.2.7 Close the meeting

9. Conference

9.1 Conference must be held every three years, towards the end
Of the Organization's Financial Year

9.2 The Organization should deal with the following business amongst others, at
this Conference the following must be discussed:

- 9.2.1. Agree to the items to be discussed on the Agenda
- 9.2.2 Write down who is there and who has sent apologies because they cannot attend
- 9.2.3 Read and confirm the previous meeting's minutes with matters arising
- 9.2.4 Chairperson's report
- 9.2.5 Treasurers' report
- 9.2.6 Changes to the constitution that members may want to make
- 9.2.7 Elect new Board members
- 9.2.8 General
- 9.2.9 Close the meeting

10. Finance

- 10.1 An Accounting Officer shall be appointed at the Conference. His or her duty is to
audit and check on the finances of the Organization.
- 10.2 The Treasurer's job and Head of Finance is to control the day to day finances of
The Organization. The Treasurer and Financial Manager must also keep proper
records of all the finances.
- 10.3 Whenever funds are taken out of the bank account, the Chairperson and at least
two other members of the Organization must sign the withdrawal of the cheque.
- 10.4 The Financial Year of the Organization shall end on 31 March.
- 10.5 The Organization's accounting records and reports must be ready and handed to
the Chairperson of Board of Trustees within six months after the Financial Year End.

11. Additional Clauses in compliance to the requirements of section 30 of the Income Tax Act

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

- B. 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.
- C. At least three persons who accept fiduciary responsibility for the public benefit organization, will not be connected persons in relation to each other, and no single person directly or indirectly controls the decision making powers relating to such organization.
- D. No funds will be distributed to any person (other than the course of undertaking any public benefit activity).
- E. The funds of the public benefit organization will be used solely for the objectives for which it was established.
- F. On dissolution of the public benefit organization, the remaining assets must be transferred to –
 - i. A public benefit organization, which has been approved in terms of section 30 of the Act.
 - ii. Any institution, Board or body which is exempt from the payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has its sole or principal object the carrying on of any public benefit activity; or
 - iii. 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.
- G. 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 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.
- H. A copy of all amendments to the constitution will be submitted to the Commissioner for the South African Revenue Services.
- I. No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered 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.
- J. No resources will be used, directly or indirectly, to support advance or oppose any political party.

12. Changes to the Constitution

- 12.1 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 Conference, or Special Conference. Members must vote at this meeting to change the Constitution.
- 12.2 Two thirds of the members shall be present at a meeting ("the Quorum") before a decision to change the Constitution is taken. Any Conference Meeting may vote upon such a notion, if the details of the changes are set out in the notice referred to in 7.3
- 12.3 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.
- 12.4 No amendments may be made which would have the effect of making the organization cease to exist.

13. Dissolution/Winding-up

- 13.1 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
- 13.2 When the Organization closes down it has to pay off all its debts. After doing this, if there is property or money left over, this 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 Organization's General Meeting can decide what organization this should be.

14. Adoption of the Constitution

This Constitution was approved and accepted by members of Imfuneko Project.

Day/Month/Year

Ungqisile Dlamini

15 FEBRUARY 2020

Chairperson

