

**CONSTITUTION  
OF THE  
SOUTH DURBAN COMMUNITY ENVIRONMENTAL ALLIANCE**

**NAME:** The name will be the **South Durban Community Environmental Alliance**  
(SDCEA)

**MISSION:**

To unite, capacitate and add value to communities and the initiatives of participating organisations, so that environmental and social justice are observed to ensure development and practices that are sustainable and just in South Africa, especially where these impact communities in KwaZulu-Natal and south Durban.

**1. AIMS AND OBJECTIVES:**

**1.1 SDCEA is an alliance established to:**

- a) service the common interests of civil society organisations participating in the alliance;
- b) improve the communication flow and sharing of strategic information between participating organisations and support networks to be more informed and effective;
- c) and provide a common structure through which different sectors of civil society can explore, strengthen and promote matters of common interest relating to environmental justice and sustainable development in South Africa.

**1.2 The Aims of SDCEA are to:**

- a) create a culture of environmental justice and sustainability;
- b) provide support and assistance to community-based organisations, non-governmental organisations, trade unions, faith based organisations, schools, youth groups, women's groups and any other non-profit sector of civil society that has an interest in promoting environmental and social awareness, and sustainable and just development in South Africa.
- c) perform an educational role in promoting an understanding of the inter-related nature of social, political, environmental and economic factors limiting or enabling the achievement of a sustainable, equitable and just society, and to promote the wise use and conservation of natural resources.
- d) engage with other role players - including but not limited to the local authority, provincial and national government, industry and commerce - in order to promote a healthy, safe and sustainable environment.

**1.3 In seeking to carry out the above primary aims, SDCEA shall have the following ancillary objectives:**

- a) To extend the existing Alliance capacity in environmental justice within and across different sectors of civil society and with organisations and networks sharing similar values and aims;



- b) To strengthen, through promoting solidarity and strategic flows of appropriate information, the voice and lobbying capacity of Alliance participants on issues affecting the environment and sustainable development;
- c) To assist in co-ordinating, improving and strengthening the participation of all sectors of civil society in local development, with a particular emphasis on integrating environmental sustainability and social justice.

## 2. PARTICIPATION

- 2.1 Participation in the SDCEA is open to non-profit, non-governmental and community-based organisations and networks; as well as individuals who do not belong to any organisational structure but who wish to make a meaningful contribution to the organisation.
- 2.2 Non-profit, democratic, civil society organisations and individuals who accept and promote the values contained in the SDCEA mission statement, aims and objectives may apply to become participant members by completing a Membership application form and by lodging this with an Alliance member or the SDCEA staff.
- 2.3 A minimum requirement to be considered a participant in the SDCEA is the sharing of appropriate information with other participants in the Alliance. Participant organisations and individuals are encouraged to express solidarity with, and where possible, support communities and other organisations engaged in struggles against common environmental injustices.
- 2.4 The Steering Committee of SDCEA may approve or reject applications for participant member status in the Alliance.
- 2.5 The Steering Committee of SDCEA will be empowered to expel a participating organisation or individual by a 2/3 majority.

## 3. LEGAL PERSONALITY AND AFFILIATION:

- 3.1 SDCEA is a registered non-profit service organisation which derives its reason for existence and legitimacy from the mandates given to it by:
- The participants at the founding public meeting held at the Ecumenical Centre, Durban, in November 1996.
  - Subsequent strategic and Biennial General Meetings of participating member organisations.
- 3.2 SDCEA has legal personality and legal capacity in that it has the ability to:
- a) Exist in its own right, separately from its members.
  - b) Continue to exist even when its membership changes and there are different office bearers.
  - c) to own property and other possessions.
  - d) to sue and be sued in its own name.
- 3.3 SDCEA shall not independently affiliate to any other organisation other than on the authority of the Steering Committee, subject to ratification of the Biennial General Meeting.

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- 3.4 SDCEA shall not affiliate to any political party or engage in political party activities.

#### 4. SDCEA STRUCTURE

SDCEA shall consist of the following structures:

##### 4.1 Steering Committee (SC)

- 4.1.1 The SC shall be elected and mandated for a period of two years at the Biennial General Meeting of participant member organisations.
- 4.1.2 The SC is autonomous in deciding its own priorities and programmes.
- 4.1.3 The SC shall comprise a minimum of six representatives or individuals, with every affiliated organisation having at least one but preferably two representatives, who together represent the shared interests of the SDCEA.
- 4.1.5 The SC shall approve budgets and financial statements, and where resources enable such, employ a co-ordinator and any other staff to fulfil tasks as determined by it.
- 4.1.6 The SC shall meet at least six times each year.
- 4.1.7 A quorum shall comprise at least five members.
- 4.1.8 In the event of elected members ceasing to be active in SDCEA structures, the SC may:
- a) Write and request the relevant organisation to nominate an alternative representative within 21 days from the date of the letter;
  - b) Replace that representative or organisation by co-opting an additional representative or participating organisation until the next BGM.
- 4.1.9 The SC may co-opt additional representatives and individuals whose skills are needed in specific sub-committees.
- 4.1.10 The SC shall aim to make decisions by consensus. In the event of consensus not being reached, an open vote by show of hands shall be taken.

##### 4.2 Office Bearers

The Steering committee shall elect the following office bearers:

- Chairperson
- The Vice Chairperson
- Treasurer
- Vice Treasurer

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#### **4.3 Executive of the Steering Committee (EC)**

4.3.1 This committee may be established by the SC to assist and guide the Co-ordinator in making pressing and important policy and operational decisions which require collective decision making and responsibility, but are unable to be deferred to the next SC meeting.

4.3.2 Consultation on such urgent and important matters may be by means of telephonic or electronic conference or in sequence where members are unavailable at the same time. The Co-ordinator shall submit a written record of decisions taken to the next SC meeting.

4.3.3 This committee shall be comprised of the Co-ordinator, Chairperson, Deputy Chairperson, Treasurer, and Deputy Treasurer.

### **5. POWERS AND DUTIES**

#### **5.1 The Steering Committee shall have the authority to:**

- a) Over-rule any decision of a sub-committee or the Co-ordinator;
- b) Appoint sub-committees and delegate powers to such sub-committees, including the Executive Committee;
- c) Co-opt further members and volunteers to sub-committees of the Steering Committee and terminate the membership of any co-opted person on such sub-committees;
- d) Consider, amend and approve the budget and financial statements of SDCEA or refuse to do so;
- e) Do all the things that are necessary or incidental in order to achieve the aims and objectives of SDCEA.

#### **5.2 The powers and duties of the Chairperson shall be to:**

- a) Preside over all meetings of the steering committee, and be acquainted with and follow the rules of procedure applicable to the conduct of such meetings.
- b) Present an annual report on the activities of SDCEA at the Biennial General Meeting.

#### **5.3 The powers and duties of the Vice chairperson:**

- a) The Vice Chairperson shall deputise for the Chairperson in their absence.
- b) Should the Chairperson resign or vacate office for any other reason, the Vice Chairperson shall act in the position of Chairperson, until a general meeting of members is convened for the purpose of electing a Chairperson

#### **5.4 The powers and duties of the Treasurer**

The Treasurer's role is to work with the Co-ordinator, the Accountant, the Administrator and the Committee to ensure that the SDCEA is able to carry out the projects it has contracted to perform, resulting in greater benefits to the wider community. The Treasurer must oversee the financial

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administration of the organisation, review procedures and financial reporting, and advise the steering committee on financial strategy and fundraising.

In all of these areas the Treasurer is responsible for ensuring that effective financial systems and procedures have been established, are being consistently followed and are in line with best practice and legal requirements.

It is noted that while financial management is the primary focus of the Treasurer, financial management is a team responsibility and the entire steering committee shares accountability for the financial health of the organisation.

The Treasurer keeps a watching brief on the finances of the organisation and monthly accounts to ensure that the staff and/or accountants that are employed to do so are properly managing the daily transactions, financial record keeping and procedures of the organisation in order to:

#### 5.4.1 Oversee financial administration

- a) Keep up-to-date records as well as an audit trail for all transactions
- b) Protect the organisation against fraud and theft, ensuring safe custody of money, and prompt banking
- c) Management of banking accounts to ensure that funds are invested appropriately to the needs of the SDCEA and specific requirements of donors, with up-to-date and mandated signatories
- d) Make sure the Steering committee understands its financial obligations
- e) Make sure the organisation pays income tax to SARS
- f) Review all internal processes and reporting methods at least annually through an external auditor.
- g) Keep up to date records of fixed assets and ensure their safe-keeping; and where appropriate maintenance and insurance.

#### 5.4.2 Review procedures and financial reporting

- a) Control expenditure, such as who can authorise spending, and who can sign cheques.
- b) Ensure there are systems in place for keeping cash and chequebooks securely.
- c) Ensure use of funds complies with conditions set by funding bodies
- d) Ensure that the following are being tracked:
  - How much SDCEA owns.
  - How much money it can access.
  - The main sources of income.
  - What SDCEA spends money on.
  - How much money SDCEA owes.

#### 5.4.3 Advise the Committee on financial strategy and fundraising

- a) Ensure that reports for the Committee and funders are prepared that outline the current financial situation, look at possibilities for future income and draw people's attention to potential risks or opportunities.
- b) Ensure that donations of whatever form do not compromise the independence, objectives or values of the SDCEA.

- c) The Treasurer, the Chair, other members of the Committee, the Accountant, the Administrator and staff must work together to develop a budget, and monitor and evaluate financial progress. The budget will develop from the Strategic Plan, so the Treasurer must work with the Committee to develop an organisational strategy and set goals.
- d) Present an overview of the financial health of the organisation at the Biennial General Meeting.

#### 5.5 The powers and duties of the Office Co-ordinator:

- a) This person, appointed by the Steering Committee, shall co-ordinate and facilitate activities to achieve the aims and objectives of the SDCEA.
- b) The Office Co-ordinator shall be responsible directly to the SC in all matters relating to the day to day operation of the organisation and the implementation of its aims and objectives.
- c) The Office Co-ordinator shall be ex-officio (without a vote) a member of the SC and ex-officio a member of the Executive of the SC.
- d) the Office Co-ordinator, Treasurer and signatories shall operate a special interest-bearing and current bank accounts as necessary.
- e) The Office Co-ordinator shall:
  - ensure that monthly financial reports are submitted to the Executive Committee by the Administrator and Accountant.
  - sign all documents as may be necessary from time to time for the carrying out of the functions for the smooth operation of SDCEA.
  - carry out all necessary and incidental tasks, obligations and duties in order to facilitate the proper running of the SDCEA, including managing any staff and volunteers of the SDCEA.

## 6. MEETINGS

### 6.1 SDCEA Biennial General Meeting

- 6.1.1 The General Meeting of the SDCEA shall be held once every two years.
- 6.1.2 Two months written notice of the General Meeting shall be given to all members and participant organisations and the meeting shall be advertised
- 6.1.3 Items for the agenda, including proposed resolutions and changes to the Constitution, must be made in writing and submitted to the Co-ordinator or Administrator one month before the General Meeting.

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6.1.4 Proposed resolutions and amendments to the Constitution must be circulated to all members at least 2 weeks prior to the Biennial General Meeting.

## 6.2 Special General Meeting

6.2.1 A Special General Meeting may be called to amend the Constitution or deal with any other matter drawn to the attention of the Steering committee that would ordinarily be decided at a BGM but due to urgency cannot be deferred to the next BGM.

6.2.2 The Chairperson shall convene a Special General Meeting by order of the Committee or on request of two third bona fide members, who shall state their reasons in writing for calling such a meeting.

6.2.3 Seven (7) days clear notice to be given thereof specifying the venue, date, time and business of the meeting.

## 7. GENERAL LIMITATIONS

7.1 The property and the assets of the SDCEA shall be used solely in the furtherance of the aims and objectives set out in this Constitution and no possession thereof shall vest in any participant in the SDCEA.

7.2 In the event of the winding up or liquidation or dissolution of SDCEA, the remaining capital assets of SDCEA will be given or transferred to another registered not-for-profit organisation with objectives similar to those of SDCEA.

7.3 It is expressly forbidden that any profits or gains accruing to SDCEA be distributed to any person, such funds to be used solely for the objectives for which SDCEA was established.

7.4 Any participant in SDCEA shall be indemnified against all losses, costs and damages which they suffer by reason of the exercise by them, in good faith of the powers and duties imposed on them by the Constitution.

7.5 SDCEA may not have the power to carry on any business, including inter alia, ordinary trading operations in the commercial sense, speculative transactions, or dividend stripping activities.

## 8. FINANCE

8.1 The funds of SDCEA shall be made up of all the monies received by means of donations and in any other lawful manner.

8.2 The funds of SDCEA shall be applied to the payment of the necessary capital and current expenses of SDCEA as may be decided upon by the Executive and where appropriate, the Co-ordinator, subject to the following:

- a) There shall be four signatories of which a minimum of any two must sign. The Chairperson and Treasurer, shall be the primary signatories to SDCEA banking account. All cheques,

contracts, agreements and documents binding SDCEA legally, at least 2 persons from the Executive Committee.

- b) All cheques shall be issued by the signatories of the Executive upon receipt of a written request signed by the Co-ordinator. All payments made in cash or otherwise, and submitted for reimbursement from the account, shall be supported by a voucher.
- c) All money raised and received in the name of SDCEA shall be receipted by the Co-ordinator, within seven days of the money having been received, and shall be deposited into the appropriate account within seven days of receipt and a statement of monies banked, shall be entered into the financial records of SDCEA.
- d) A statement of the income and expenditure and the financial position of SDCEA shall be prepared by a registered accountant and submitted to the SDCEA treasurer on a quarterly basis, or according to the terms of individual funder's contracts.
- e) The accounts of SDCEA shall be audited annually, within 3 months of the financial year ending 31 December, by a registered accountant appointed by the Executive.

**8.3** Funds available for investment may only be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984.

## **9. MISCONDUCT AND DISPUTES**

- 9.1** A member shall be guilty of misconduct if he / she:
- a) is found to have acted, behaved or conducted himself / herself improperly, inappropriately or in a manner unbecoming of a member to the organisation.
  - b) has made unauthorized and unsubstantiated statements to the media or public regarding the affairs of SDCEA.
  - c) has misappropriated, squandered or is unable to account for SDCEA funds in his/her care.
  - d) has in any way acted in a manner designed to, or capable of bringing the good name of SDCEA into disrepute.
  - e) has behaved in any unruly, disruptive and /or vindictive fashion at any meeting, which behaviour is deemed by a majority of members to be unacceptable.
  - f) solicits donations or contributions in the name of the SDCEA without the knowledge or authority of the steering committee.
  - g) any other conduct deemed by the Steering committee to be offensive, abusive and /or unbecoming.

## **10. DISCIPLINARY PROCEDURE**

- 10.1** Any misconduct alleged against a member, shall be brought before the steering committee by way of a written motion.
- 10.2** The SC shall cause a proper investigation and evaluation of the allegation to be carried out and tabled before the committee and may appoint a sub-committee for this purpose.
- 10.3** The SC shall deliberate on the motion and choose any of the following options :



- a) In the event of the allegation of misconduct being made against any executive member an independent arbitrator shall be appointed to deliberate on the enquiry.
- b) Where the SC deems the offence to be trivial or less serious, the committee may by consensus take a decision to caution or censure the offender.
- c) Where the allegations are of a serious nature, the SC shall appoint, a disciplinary committee to receive evidence and adjudicate on the said misconduct.
- d) The SC shall cause a detailed mandate and terms of reference to be supplied to such disciplinary committee.
- e) In all instances where there is a dispute or misconduct involving two or more members, the SC shall appoint an independent arbitrator.

10.4 The SC shall, as soon as possible after the disciplinary committee or arbitrator has deliberated, convene a meeting to consider the report and recommendations of the disciplinary committee or arbitrator and take the necessary decisions.

## 11. SANCTION

11.1 All decisions to sanction or exonerate a member charged with misconduct shall be taken at a full SC meeting.

11.2 The SC shall have the power and authority to hand down the following sanctions:

- a) Resolve to expel or suspend a member from office based on a two thirds majority of voting members.
- b) Reprimand and censure the offending member in writing.
- c) Caution and counsel the offending member.
- d) Take legal action or proceed with criminal charges.
- e) Take any other steps as it may deem expedient and appropriate.

11.3 The decision of the SC shall be binding on all parties.

## 12. AMENDMENTS TO THE CONSTITUTION

12.1. Any amendment or addition to this constitution may only be made at a Biennial General Meeting or Special General Meeting and must be passed by a two third majority of those members present there to vote.

12.2. Any proposed additions or amendments shall be submitted in the form of a memorandum to the Co-ordinator at least (7) days before the Biennial or Special General Meeting.

12.3. Extracts of the proposed addition/amendments shall be attached to the Notice covering the Biennial/Special General Meeting.

## 13. MATTERS HEREIN NOT PROVIDED FOR

Any matter not herein provided for, whether or not in conflict with this document, but is of a nature to alter any issue of policy shall be dealt with at a Special General Meeting called specifically for that purpose.

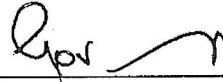


This constitution was amended and ratified at a Special General Meeting held at 18 Major Calvert Street, in Austerville on the 16<sup>th</sup> of April 2019.

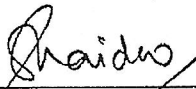
SIGNED BY THE EXECUTIVE COMMITTEE:



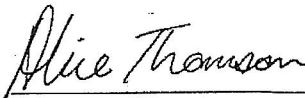
Vanessa Black – Chairperson



Thavadasen Govender – Vice Chairperson



Kampathie Naidoo – Treasurer



Alice Thomson – Deputy Treasurer



Desmond Mathew D'Sa – Office Co-ordinator