

CONSTITUTION OF THE MASIGCINE IKHAYA LABANTWANA (CHILDREN'S HOME)

1. FORMATION AND NAME

A voluntary association is hereby formed to establish and run a residential childcare institution called the Masigcine Children's Home (hereafter called the Home).

2. OBJECTIVES

- 2.1 To provide a residential facility for children between 1 month and 6 years who are
- Either committed in terms of the Child Care Act
 - Or otherwise voluntarily placed in the home.
- 2.2 To serve and support parents with difficult social and economic circumstances, who want the necessary care for their children.
- 2.3 To care for children that are totally neglected by their parents.
- 2.4 To provide such children with the necessary physical, social and spiritual care and support to encourage the development during their early years.
- 2.5 to provide a family support system and education regarding childcare to the community.

3. AREA OF OPERATION

The area of operation for fund-raising purposes is the magistrate district of the Western Cape (Cape Town, Goodwood, Bellville, Kuils River, Wynberg and Simonstown).

4. CONTROL

The Trustees of the Home is the Uniting Reformed Church in Southern Africa – congregation Mfuleni, who will have the final say in all matters pertaining to the Home.

5. LEGAL STATUS

The association's legal status is vested in the Trustee, the Uniting Reformed Church in Southern Africa. – congregation of Mfuleni.

6. MEMBERSHIP

Membership of the association is open to

- The Uniting Reformed Church in Southern Africa – congregation of Mfuleni, as the Trustee of the Home
- The Board of Management, as appointed by the Trustees (7.3.1)
- The House Committee, as appointed by the Board of Management (7.5.3)
- Membership is open to other interested parties, appointed by the Board

7. MANAGEMENT

The activities of the Home shall be exercised by a Board of Management (hereafter called the Board)

7.1 Members:

The Board shall consist of a least 8 members

7.2 Quorum:

A Quorum will be formed by one more than half of the Board members

7.3 Appointment and term of office of members:

- 7.3.1 The members of the Board will be annually appointed by the Trustees

7.3.2 In the appointment of members, the Trustee shall ensure that the Community is adequately represented by consulting with community institutions like the local council, other local leaders, church councils, school councils, medical staff, etc. Other concerned parties, such as members of Welfare Organizations, businessmen, lawyers, etc., will also be considered as members

7.3.3 The Chairman of the House Committee will serve ex officio on the Board

7.3.4 The term of office of Board members shall be in the period between any two successive Annual General Meetings (hereafter called the AGM)

7.4 Vacancies:

When a vacancy occurs in the course of the year, the Trustee shall appoint another member who shall hold office until the next annual appointment of the Board.

7.5 Powers and Duties:

The Board shall have the following powers and duties:

7.5.1 Objectives:

The Board shall promote the objectives of the Home

7.5.2 Control and administration:

The Board shall in the last instance be responsible for the day to day control and administration in terms of the constitution and shall delegate such responsibilities as it deems fit to the House Committee.

7.5.3 Appointment of the House Committee:

The Board shall appoint a house committee at the least five members from the Board and staff members and other persons involved in the Home on a daily basis, such as social workers and medical staff.

7.5.4 Formulation of rules and regulations:

The Board must also, with the advice of the House Committee, draw up the rules and regulations for the conduct of the Home and secure the execution and enforcement thereof.

7.5.5 Appointment of staff:

The Board shall have the power to appoint and dismiss the staff of the Home, with the advice of the House Committee.

7.5.6 Financial aid, estimates, statements and reports:

7.5.6.1 The Board shall at its AGM approve the budget, financial statements and annual reports and submit same to the Trustee for approval.

7.5.6.2 The Board shall cause the Home to be kept operational by financial aid in the form of:

- Subsidies from the state
- Grants from churches, business organizations etc.
- Donations and bequests
- Payment for Board and lodging in the case of voluntary residents in the

Home

7.5.7 Duties of Trustee regarding property and legal aspects:

7.5.7.1 The Trustee (the Uniting Reformed Church in Southern Africa – congregation of Mfuleni) shall have the power to purchase, sell and hire land, buildings and any other assets.

7.5.7.2 The Trustee will sign legal documents and contracts and powers of attorney, the signatures of three Trustees being sufficient.

7.5.7.3 Regarding the two above-mentioned matters (7.5.7.1 & 7.5.7.2) the Board and the House Committee will only have an advisory role.

7.5.8 Sub-committees:

The Board shall have the power to appoint any of its members or other persons to sub-committees delegated to perform prescribed tasks.

8. **THE HOUSE COMMITTEE**

8.1 The Board have power both to appoint and dissolve the House Committee. The House Committee shall be appointed at the first meeting of each newly appointed Board, and revised as deemed necessary by the Board.

8.2 The House committee shall consist of at least the following portfolios:

- 8.2.1 A Chairman
- 8.2.2 Secretary
- 8.2.3 Treasurer / Administrator
- 8.2.4 Housefather / mother
- 8.2.5 One additional member

8.3 The Chairman shall be elected by the House Committee from its members and shall serve on the Board

8.4 The House Committee shall conduct the affairs of the Home at the instruction of the Board

8.5 Proper minutes shall be kept of all proceedings at House Committee Meetings. The House Committee shall ensure that their minutes are submitted to the Board before their (the Board's) meetings

9. **MEETINGS**

9.1 Meetings will be conducted in terms of the standard procedure for meetings.

9.2 The Management Board will normally meet quarterly but not less than two times per year

9.3 The House Committee will normally meet monthly but more often if necessary.

9.4 Annual General Meetings of all the members (as in point 6) shall be held before the end of August each year.

9.5 Special meetings of the Board of Management will be convened by the Chairman whenever deemed necessary or upon request in writing of at least 5 members of the Board stating the reason for and details of business to be transacted or at the written request of the Trustees

9.6 Notice of meetings: Notice of Board, special and Annual General Meeting shall be in writing at least fourteen days prior to the meeting, but House Committee meetings can be called at shorter notice and telephonically to be followed by the submission of a written agenda.

9.7 Minutes: Proper minutes of meetings shall be kept and sent to all members within one month of a meeting. The minutes are confirmed at the ensuing meeting and signed by both the Chairman and the Secretary.

10. **FINANCES**

10.1 The House Committee's treasurer / administrator shall be responsible for the day-to-day book-keeping of the Home.

10.2 The financial year shall extend from 1 April to 31 March of each year.

10.3 A banking account in the name of the Home shall be opened and maintained at a registered commercial bank.

10.4 The Board shall delegate the powers of attorney for the signing of cheques to at least 3 members of whom 2 shall sign together.

10.5 All monies received by the Home must be paid into the banking account.

10.6 Proper books of account shall be kept and be audited by a registered auditor appointed by the Board.

11. **ANNUAL SUBMISSION FOR APPROVAL**

At the end of each financial year the Chairman of the Board shall submit for approval by the AGM and the Trustee, the following:

11.1 An annual report of activities of the past year

11.2 An audited financial statement

11.3 Estimates of income and expenditure for the following financial year

11.4 Report on fund raising activities of the past year and planning for the ensuing year

11.5 The Board planning for the ensuing year in respect of achieving the aims and objectives of the Home

12. **AMENDMENT OF CONSTITUTION**

The constitution shall only be amended at an AGM or special Board Meeting by a two-third majority vote where after the proposed changes will be submitted to the Trustee for approval.

13. **LIMITS TO RIGHTS AND RESPONSIBILITY**

13.1 Membership of the Board does not give any member any right, title or interest to any property or asset under the control of the Board, nor the right to represent the Home or the Trustees

13.2 No member of the Board shall be held responsible in respect of any claim arising from the execution of any duty performed by the Board or by any such member according to the provisions of the constitution

13.3 Any property or assets accrued by the Home shall exclusively be employed to further the aims and objectives of the Home. No part thereof shall directly or indirectly be transferred in favour of anyone, excepting the bona fide payment of reasonable emolument to employees of the Home for any real services rendered to the Home.

14. **DISESTABLISHMENT**

In the event of the Home being dissolved, property and funds will be distributed to other projects of the Trustee with similar aims and objectives.