



(DRAFT) CONSTITUTION OF THE PALMIET^{kzn} RIVER VALLEY CONSERVANCY.

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Introduction

Based on National Association of Conservancies of South Africa (NACSA) guidelines, The Palmiet^{KZN} River Valley Conservancy, hereinafter (referred to as “The Conservancy” or “The PRVC”) was launched on Friday 19 JANUARY 2018; and will be registered officially on 21 April 2018.

Background

The PRVC evolved from the Palmiet River Watch (PRW); which was initiated in May 2013; and focused on observations in the natural environment, reporting pollution events and undertaking river health and water quality assessments.

The gathered information confirmed the community’s claim conclusively... that: **“Ongoing and repeated pollution and habitat destruction caused the aquatic creatures and plants that were in abundance a few years ago, to all but disappear”**.

Our Mission

The Conservancy is intent upon ensuring that there is continual, meaningful, significant, sustainable and measurable improvement of Water quality and Stream health, as well as reductions of Environmental degradation, violations and infractions*, throughout the Palmiet River Valley.

Environmental violations and infractions* This term refers to contraventions of (serious) National legislation, and (less serious) Municipal By-laws, respectively.

Our Vision

“One ‘Pollution-Free’ Catchment in eThekweni”

The Conservancy’s vision is to gradually achieved “One ‘Pollution-Free’ Catchment (the Palmiet River Valley) in eThekweni”; within the limits of reality and the law. This will only be realised once the root causes of environmental degradation have been acknowledged; and are addressed.

Defined Conservancy area

The area The Conservancy covers includes the land within the Palmiet River^{KZN} Rainfall footprint, which includes the area shown on the map below; and includes the Umgeni Estuary and surrounds.

The Palmiet River Valley Conservancy has 603 streets within the rainfall footprint, with 23 km of river and 45km of side-streams. Starting on Fields Hill, with another branch starting in Kloof below the Wyebank municipal waste disposal site, the Palmiet River flows through Manors, parts of Padfieldpark, New Germany Residential and Industrial areas, Mountain Ridge, Pinetown Industrial Area, Cowies Hill, The New Germany and the Palmiet Nature Reserves, Westville, Westville University, Suzor's Bend, Clair Hills and Palmiet to join the Umgeni River near Papwa Sewgolum golf course and the N2/ Inanda; and on to the Umgeni River Estuary/ Blue Lagoon and the Indian Ocean.



(A better map to be found).

Objectives – The Key Objectives of the Conservancy

1. The protection, regulation and improvement of the environment; and to persuade landowners, residents, businesses, employees, academics, professionals, individuals and the authorities to proactively address root causes of environmental depredation.
2. To generate interest and active participation within the area by landowners, residents, businesses, employees, academics, professionals, individuals and the authorities; and persuade, them to fulfil their legal and moral obligations, by assessing the environmental depredation that has taken place, what the causes are, whether done knowingly or unknowingly; and then set about protecting the environment; and undoing the damage.
3. The conservation of natural and man-made ecological infrastructure within an environmental management frame work; and the monitoring of proposed physical developments in the area and, if necessary, the objection of The Conservancy thereto.
4. To promote better general security.
5. To put a stop the waste of resources and funding on reactive responses to symptoms.
6. To hold to account, and ensure funding and resources are used effectively by undertaking activities that are already the assigned responsibilities of land owners, businesses and the authorities; or used for advertising or promoting individual, or organisations.

Principles & Values

Factual, non-personal, non-political, non-sensational.

Conservancy members are required to uphold the PRVC ethos of being factual, non-personal, non-political and non-sensational; and put the natural environment first; because we know the natural environment has lost out, incrementally; and the accumulated impact has driven it to the point of collapse: in the name of social and economic ‘development’.



PRVC Activities

Some of the following activities can be considered if they contribute toward addressing root causes of environmental degradation, violations and infractions*

Activities that Protect Our Environment

The PRVC intends encouraging, supporting and facilitating individuals, residents, business and the authorities to:

- Monitor and report river and catchment pollution.
- Aid the authorities in being a “watchdog” and reporting to them instances of illegal dumping, poaching, bark-stripping and illegal harvesting of indigenous plants.
- Undertake Invasive alien plant eradication and problem plant control.
- Align and implement Education and awareness campaigns.
- Monitor waste disposal sites.
- Input into environmental impact assessment processes.
- Report bad land-use practices.
- Encourage Indigenous landscaping in the valley.
- Manage Waste recycling and reduction campaigns in all communities.
- Identify and monitor rare and endangered species.
- Reduce industrial pollutants.
- Implement projects
- Support Community upliftment projects by finding ecologically and economically viable solutions to issues within previously disadvantaged communities.

Activities that Improve the Natural Environment

Apply and encourage others to:

- Plant indigenous vegetation in their gardens and formal landscapes.
- Lobby road and rail authorities to remove invasive vegetation along rail and road verges and center meridians and plant indigenous instead.
- Lobby local councils to leave or establish indigenous areas within public parks.
- Eliminate toxic air, ground and aquatic emissions.
- Encourage your community and local council to set aside greenbelts to insure free movement of wildlife.
- Avoid fencing, particularly over rivers.
- Conserving natural wetlands.
- Reduce noise pollution.
- Reduce light pollution.

Activities that exercise PRVC’s Legal “Clout”

PRVC’S vigilance and reporting environmental contraventions and crimes must be responded to effectively.

- Hold delegated authorities accountable without accepting excuses like staff shortages and a lack of resources.

Activities that reinforce Provincial Nature Conservation Laws

Conservancy members need to be familiar with the basics of the provincial nature conservation ordinance, which the nature conservation officer can explain. Issues such as the movement of specially protected plants, sale of indigenous plant material, introduction of game species and procedures when finding or rescuing injured wildlife are often not common knowledge to the “man in the street”. Instances may arise where committed conservancy members may be acting unlawfully under the misguided idea that they are doing their bit for the environment.

Management

1. The entire management of the Conservancy shall be vested in an elected committee of office bearers, who shall retire annually at the AGM, but who shall be eligible for re-election.
2. The Officers of the Conservancy shall consist of a Chairman, Vice Chairman, Secretary, Treasurer and other elected Committee Members.
3. The Committee shall make such rules as are necessary for the efficient running of the Conservancy.



Management Model (Keeping It Simple)

The PRVC will be managed in a way which is effective, and efficient, results driven, action orientated, persistent, corrective and innovative; using communication channels to minimize wasteful travel and meeting time.

Powers of Management

1. Management has the power and capacity to perform all acts required to give effect to this constitution and the attainment of the objectives of the PRVC.
2. Management may delegate any of its powers to any management member or to any other member of the PRVC, but remains responsible to the general meeting of the PRVC for the execution thereof.
3. Management members perform their duties without any remuneration, subject thereto that any management member who incurs expenses in the execution of his/her duties with the prior written consent of the management, approved electronically by two members of management, shall be reimbursed by the PRVC, and a general meeting may award an honorarium to any management member.

House rules

Each conservancy is unique and therefore will have its own house rules, which is applicable to the relevant conservancy. These house rules will be inserted here.

Membership

Founding Members

A growing list of individuals who have bought into Our Vision, Principles, Approach, ethos and desired outcomes will be founder members; to support and consolidate The Conservancy; and ensure The Conservancy functions effectively and efficiently according to our Principles, Values and Management Model.

Membership notes

1. The Conservancy shall consist of paid-up members (hereinafter referred to as “Palmiet^{kzn} River Valley Conservancy Members”).
2. Membership shall be open to any accepted persons living or employed in the area.
3. The membership of the Conservancy shall consist of Individual Members, Corporate Members, and Student Members.
4. Application for membership shall be by means of online electronic application.
5. Membership subscriptions shall be as laid down by the Annual General Meeting.
6. Membership shall lapse or be terminated after due notice to this effect has been given in writing by either party.
7. Payment by an accepted member constitutes a paid-up member.

PRVC Membership and Fees (draft)

Individual Member – R100 pa

Corporate Member – R100 pa

Student Member – R20 pa

What Members do and get

PRVC members get to contribute toward achieving “A pollution free Palmiet River Valley”; and:

- Securing and enhancing property values.



- Achieving a healthier, safer and peaceful environment to live, work and play in.
- Developing, sharing and implementing best practices that protect the natural environment.
- Produce, and distribute news, suggestions and community development.
- Become a movement to be reckoned with.

Finances

The Conservancy fiscal year is in alignment with South African Revenue Services (SARS) and shall end on 28 February annually.

The Treasurer shall;

1. Record all transactions of the PRVC, or in his absence or inability to act, the secretary.
2. Deposit all monies with a Banking Institution approved in terms of the Banks Act.
3. All withdrawals shall be electronic approval of two authorised committee members.
4. The Conservancy accounts will be submitted for approval at every AGM.
5. Each year, after conclusion of the fiscal year, the treasurer (or secretary) presents a complete financial report to the annual general meeting.
6. The Chairman and every other person who serves in the management of the PRVC will sign the reports.
7. Every paid-up member is entitled to have insight into the financial records of the PRVC.
8. Should the assets of the PRVC exceed the value of R 20000 (TWENTY THOUSAND RAND) a certificate by an auditor shall accompany the financial statements.

Meetings

Some founding members will be office bearers and refine the constitution, should it be necessary.

Notice of the meetings will be advertised 14 days before, to help reach the community within the Palmiet River Valley.

Meetings will be a short event; with a presentation covering key issues; and as a platform in which to canvass prospective new members.

Here follows the agenda for the inaugural meeting in April 2018:

- Confirmation of registration.
- Welcome
- Founder Chairman's report
- Introduction of Founder Members
- Adoption of the draft constitution
- Confirmation and election of office bearers
- Noting of comments.
- Closure and thanks.

Annual General Meetings

1. The AGM shall be held annually, not later than 30 days after the budget year end.
2. Members shall be given 14 days' notice of the meeting, together with the notice of the agenda and proposals for consideration thereat.
3. The primary reason for hosting an AGM, is the election or re-election of office bearers and to address any amendments to the constitution, should it be necessary.
4. The AGM will be a short event; with a presentation covering key issues as a platform in which to canvass prospective new members.
5. Notice of an AGM will be sent out to all general and committee members, and advertised, to help reach the community within the Palmiet Valley.
6. The following is the accepted agenda for any AGM:



- Welcome • Chairman’s report • Treasurer’s report • Election of office bearers • General discussion.

Proposals

A member, wishing to propose an amendment to the constitution, shall give written notice thereof to the management committee via the Secretary one month prior to the Annual or Special General Meeting.

Minutes

1. The secretary keeps minutes of each meeting of the management as well as of each general meeting.
2. Minutes must be confirmed and signed by both the chairman and the secretary; and distributed to paid up members within 21 days.
3. Every paid-up member is entitled to have insight into the minutes of the management meetings as well as the minutes of general meetings.

A quorum

A quorum will exist at an annual general meeting if one third of the paid-up members are present in person or are represented by another person in terms of a written proxy. If a quorum is not present at an annual general meeting, the meeting shall be reconvened on notice of not less than 30 days. At the meeting so convened the members present shall constitute a quorum.

The following matters shall be dealt with by the annual general meeting-

- A report by the chairman concerning the year’s activities;
- The election of the management team for the following year;
- The financial report;
- The determination of membership fees;
- Any other matter placed on the agenda by paid up member 60 days before the meeting; with the secretary;
- Only members, whose membership fees have been paid at the time of the annual general meeting, or their authorised representatives, shall be entitled to attend or speak at the annual general meeting or to cast a vote during the meeting. Notice of an annual general meeting is done by email, WhatsApp or SMS to the address or phone number on the membership list.

Special General Meeting

1. A Special General Meeting may be called by the Committee or upon receipt of a written request thereof, signed by not less than 20% members, except that the period of notice may be reduced to 3 working days.
2. Members shall be given notice of the meeting by electronic mail and shall be fully advised of the agenda and the purpose of the meeting.
3. A quorum shall comprise all members present.
4. Only those matters placed on the notice shall be discussed at the special general meeting and no other matters.
5. A quorum will exist at a special general meeting if one third of the paid-up members are present in person or are represented by another person in terms of a written proxy.
6. Only members whose membership fees have been paid at the time of the special general meeting, or their authorised representatives, shall be entitled to attend or speak at the meeting or to cast a vote during the meeting.



Management meetings

1. Committee meetings shall be held as and when required.
2. Only paid-up members shall vote.
3. Members shall be given 14 days' notice of the meeting.
4. At any meeting the Chairman shall have both an ordinary vote and a casting vote.

Deferment

In the event of there not being a quorum present at a given meeting, that meeting shall be deferred for a period of 7 days. The number of members present at the reconvened meeting shall constitute a quorum.

Dissolution

In the event of the dissolution of The Conservancy, its property and funds shall be disposed of as may be determined by a Special General Meeting called for that purpose.

1. The PRVC may be dissolved at any time if two thirds of the paid-up members vote for dissolution at a special general meeting convened for that purpose.
2. If the PRVC dissolves, all assets of the PRVC shall be liquidated and decided between the members who were paid-up as at the date of the resolution was taken.
3. If any of the assets of the PRVC resulted from the co-operation between members in projects and in relation to which members made direct contributions which were not borne by other members, the proceeds of such assets shall be divided between the members concerned in ratio of their contributions. Provided such co-operation of members was or is set in writing and approved by management.
4. Notwithstanding the clause above; and Provided that the members concerned can prove to the satisfaction of the management that this clause applies to those assets.
5. At a general meeting as well as at a management meeting the chairman shall have the deliberating vote, as well as a casting vote in the event of an equality of votes.

Adoption

The above Constitution is adopted by a General Meeting held:

Where: _____ Date: _____

Management members: Chairman, Vice Chairman, Secretary, Treasurer and other elected Committee Members.

Chairman: _____ Signature: _____

Vice Chairman: _____ Signature: _____

Treasurer: _____ Signature: _____

Vice Chairman: _____ Signature: _____

Secretary: _____ Signature: _____

