



The Association for Local Authorities in Namibia

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CONSTITUTION

(As amended on the 53rd Annual Congress, in 2003)

1. NAME

The name of the Association shall be: “The Association for Local Authorities in Namibia”.

2. AIMS AND OBJECTIVES

The Association aims to be a dynamic, self sustaining organization that plays an advocacy role on behalf of local authorities, with a view to promoting and assisting its membership address socioeconomic problems in a comprehensive and sustainable manner in order to stimulate growth and financial stability.

The Association aims to protect, safeguard and enhance the image, interests, rights and privileges of Local Authorities by such means, as may be Constitutional.

In order its aims the objectives of the association are to:

2.1 act as liaison between the Central Government and Local Authorities in all matters of common interest to its members;

2.2 act on behalf of its members in all matters, which affect the interests of Local Authorities in Namibia;

2.3 promote and encourage the study of Local Authorities for the mutual benefit of all the members, the Central Government, Local Communities and the Republic of Namibia;

2.4 strive along Constitutional lines for the promotion of all Local Communities to the status of independent Local Authorities with democratically elected Councilors;

2.5 be legally recognized by national government to be the representative and consultative body in respect of all matters concerning local government and to

make representations to both regional and national governments in respect of any matter concerning local government; and

2.6 ensure full participation of women in organized local government;

3. MEMBERSHIP

3.1 Any Local Authority or body which functions as a Local Authority in the opinion of the Management Committee may be accepted by the Management Committee as a member of the Association subject thereto that such Authority underwrites the aims of the Association and undertakes to pay the membership fees prescribed in this Constitution, as amended from time to time.

3.2 Every Local Authority or other Authority functioning as a Local Authority shall, as long as it is a member of this Association, be entitled to have the following representatives with voting rights, which may be either Councilors or Officials, or a Councilor and an Official, at any Congress of the Association:

3.2.1 Part I Municipalities : 3 representatives;

3.2.2 Part II Municipalities : 2 representatives ;

3.2.3 Town and Village Councils and other authorities functioning as Local Authorities: 1 representative;

3.2.4 Over and above the 3 representatives referred to in 3.2.1 the Municipality of Windhoek shall be entitled to one additional representative.

4. TERMINATIONS OR SUSPENSION OF MEMBERSHIP

Membership of the Association is terminated by:

4.1 The resignation of a member;

4.2 A resolution of any Congress to terminate such membership as a result of the member concerned refusing or omitting to meet its obligations in respect of the Association or who acted to the detriment of the Association.

4.3 A member whose membership has been terminated shall have the right to re-apply for membership after expiry of 24 (twenty-four) months from the date of termination of its membership.

4.4 The Management Committee may decide on suspension of membership for a member due to reasons mentioned above in 4.2. and as a result of taken upon recommendation by the Executive Committee to terminate such membership as a result of the member concerned refusing or omitting to meet its obligations in respect of the Association or who acted to the detriment of the Association.

4.5 Prior to making a recommendation to the Management Committee in terms of paragraphs 4.2 or 4.4 the Executive Committee shall afford the member, giving at

least 30 days notice, the opportunity to be heard and at such hearing the member shall:

- 4.5.1 have the right to representation;
- 4.5.2 the right to call witnesses;
- 4.5.3 the right to cross examine witnesses called against it; and
- 4.5.4 the right to be provided with copies of documents to used against it.

4.5 The member shall have the right to appeal against decision of the Management Committee in 4.4 to the next Congress. Such appeal must be exercised in writing within 60 (sixty) days after been informed of the decision of the Management Committee.

5. MEMBERSHIP FEES

5.1 Membership fees are payable annually within 90 days from the 1st of July of the Association's Financial Year for which payment is due. Membership fee will be determined by any Congress in condition, that prior notice is given within 30 days before the Congress.

5.2 Membership fees are as follows:

At the adoption of this Constitution the membership fees are:

5.2.1 Windhoek,	N\$300 000 per year
5.2.2 Walvis Bay and Swakopmund	N\$200 000 per year each
5.2.3 Keetmanshoop, Otjiwarongo, Tsumeb	N\$ 20 000 per year each
5.2.4 Other Part 2 municipalities	N\$ 10 000 per year each.
5.2.5 Town Councils	N\$ 2 500 per year each.

5.3 Extraordinary

Where the Management Committee deems it expedient during the Course of any year, with the consent of the majority of the members of the Association, to incur extraordinary expenses in respect of any matter of exceptional importance to the members of the Association, then the Congress shall be entitled to defray such costs, in total or partially, by way of a levy on its members, which levy shall be determined in proportion to the ordinary membership fees payable. Any such levy shall be payable within three months from the date of the resolution of the Congress approving the levy.

6. MEMBERSHIP OF OTHER PROFESSIONAL ORGANISATIONS

6.1 The Association may seek membership of the International Union of Local Authorities (IULA) or any like body or organization and of any professional institute which aims to promote and improve aspects of local government and shall, subject to the provisions of paragraph 6.2 be represented thereon by persons

to be appointed by the Executive Committee, and may likewise terminate such membership.

6.2 The Executive Committee may appoint a maximum of five (5) representatives of the Association to represent it at any Congress or conference of an organization or institute referred to in paragraph 6.1.

6.3 The costs of the delegation referred to in paragraph 6.2 shall be borne by the Association.

7. CONGRESSES

7.1 The Association shall hold a Congress not later than four months after a general election of Councillors, and a Congress not later than 2.5 years after that Congress. These Congresses shall be the General Meetings of the Association and during which matters of common interest shall be placed on the Agenda for debating as well as matters required to be considered by the Association in terms of this Constitution.

7.2 The Management Committee may, in addition to above Congresses in 7.1 convene Extraordinary Congresses to discuss matters of urgency or great interest: Provided that the Management Committee, if it should prove to be practically possible, shall also have the right to place general items on the agenda of such an Extraordinary Congress.

7.3 The Management Committee shall in its sole discretion and with reference to all circumstances, determine the date of a Congress and such decision is final.

7.4 The Congress may not discuss any matter of which notice has not been given and which has not been incorporated in the agenda, unless a majority of two-thirds of the delegates is in favour thereof.

7.5 Despite the absence of a representative of a member who placed an item on the agenda, a Congress may nevertheless debate and decide upon that item.

7.6 The Congress must have two sessions:

7.6.1 A Public session for the finalizing of items, presentation of lectures etc. provided that the Management Committee may, at the compilation of the agenda, decide to place any item or motion on the agenda of the private sitting which is provided for in paragraph 7.6.2 hereinafter.

7.6.2 A Private sitting during which household matters will be finalized, for example the report of the Chief Executive Officer and Treasurer, financial statements, audit report and the election of office bearers and officials.

7.7 Extraordinary Congresses shall be held either in private or partially or wholly in public as may be decided by the Management Committee.

8. ELECTION OF PRESIDENT AND VICE-PRESIDENT

8.1 During the Congress a President and Vice-President must be elected by ballot during the private sitting: provided that;

8.1.1 the Presidents and Vice-President must preferably, but not necessarily, previously have been members of the Management Committee;

8.1.2 the President and Vice-President must be delegates to that Congress.

8.1.3 The President may only occupy office for a continuous period of two consecutive terms between Congresses excluding Extraordinary Congresses.

8.2 The President and Vice-President hold office to the end of the Congress that follows on that during which they were elected to their offices excluding Extraordinary Congresses.

8.3 The President shall act as Chairperson of meetings of the Management and Executive Committees which follow on the Congress during which he/she was elected, and in the Congress during which his/her successor is elected. If the President is absent or unable to act as Chairperson the Vice-President must do so and if he or she is also absent or unable so to act the meeting must elect a person to act as Chairperson during such absence or inability.

8.4 Should the President die or resign, then the Vice President shall act on his/her place up to the next meeting of the Management Committee, and the Management Committee shall appoint a President from its members who shall act as such up to the next Congress during which a successor must be elected. Such a meeting of the Management Committee must be arranged not later than three months after the vacancy occurs.

8.5 Should the Vice-President no longer be available for the reasons referred to in paragraph 8.4 the Management Committee must appoint a temporary Vice President from its members until the next Congress during which a successor is to be elected.

8.6 The President and Vice-President must periodically visit Local Authorities and meet with the Minister of Regional and Local Government and Housing in order to discuss problems and other matters of mutual interest.

9. HONORARY VICE-PRESIDENT

9.1 The Association may during Congress nominate Honorary Vice-Presidents. Provided that such persons are Namibians whose devotion to the well-being of the Namibian people is acknowledged by Congress.

9.2 The occupiers of these honorary posts shall ex officio be members of the Management Committee and shall be entitled to participate in discussions but shall only be entitled to vote where he/she is a Councilor. The expenses of attending meetings shall be borne by the occupier of the honorary post.

9.3 At Congresses only those Honorary Vice-Presidents who are still attached to Local Authorities shall be entitled to vote although all honorary members shall be entitled to participate in discussions freely.

10. MANAGEMENT COMMITTEE

10.1 Composition:

10.1.1 The Management Committee shall consist of the President, the Vice-President, and thirteen (13) elected members who are elected during the private sitting of the Congress, one of each region and one Councilor of each Part 1 Municipality and the Chief Executive Officer: Provided that the President, Vice-President and at least eight (8) other elected members shall be Councilors; provided further that every region shall have at least one member; provided further that the members be elected from those nominated by the regions referred to above during the private sitting; provided further that for purposes hereof "region" shall mean a region specified in column 2 of the Schedule to the Regional Councils Act 1992 (Act 22 of 1992).

10.1.2 Should all the members elected during a private sitting be councilors, five (5) municipal officials, of which three should be the Chief Executive Officer, City Secretary and the Legal Advisor of the Municipality of Windhoek and two Officials as needed, may be co-opted without voting rights by the Management Committee. These two officials or one of them may also be invited from the bodies of Namibian Association of Local Authority Officers, NALAO.

10.1.3 Members of the Management Committee are entitled to attend all Congresses of the Association ex officio up to and including the Congress following on that during which they were elected and have all the rights and privileges that delegates to a Congress have.

10.1.4 As soon as an elected member of the Management Committee ceases to be a Councilor or an Official of a Local Authority or of the Association he/she will simultaneously cease to be a member of the Management Committee.

Whenever a member of the Management Committee loses his or her position as councilor, or dies or resigns, the relevant local authorities of the region or the

relevant local authority, which the member represents must be invited to appoint a new member to the Management Committee.

10.1.5 All former Presidents of the Association are entitled to attend meetings of the Management Committee at their own expense and may participate in discussions but they have no voting rights.

10.1.6 As long as the previous President of the Association remains a Councillor or a member of a Local Authority he/she remains a full member with voting rights of the Management Committee for a period of one year after vacating the office of President.

10.2 Powers and duties:

10.2.1 The President may, and in the event that he/she is requested thereto by three members of the Management Committee shall convene a meeting of the Management Committee.

10.2.2 The Management Committee is responsible for ensuring that all the resolutions of the Congress are executed and that matters to receive the attention of the Central Government or other bodies are submitted to them.

10.2.3 The Management Committee shall employ all constitutional means to fulfill the aims of the Association and to manage the interests of the members of the Association.

10.2.4 In matters that the Management Committee or at least nine of the members of the Association, deem of sufficient importance to merit immediate action the Chief Executive Officer shall ascertain from every member of the Association what its view is and what steps should be taken and thereafter the Management Committee, or Executive Committee, should the Management Committee so decide, shall act in accordance with the wishes of the members.

10.2.5 The Management Committee may from time to time appoint any special sub-committees that it deems necessary. The Management Committee may delegate this task to Executive Committee.

10.2.6 The Management Committee appoints an Executive Committee of at least three and maximum five voting members to act on behalf of the Association in matters of extreme importance or where resolutions of the Congress necessitate speedier action than the Management Committee can itself take. One non-presidential member shall be from part one municipality.

10.2.7 The Management Committee appoints and fires the Chief Executive Officer and Treasurer and may appoint or fire the other personnel of the association and determine their remuneration and conditions of service subject thereto that funds therefore have been made available by Congress. The Management Committee may delegate these tasks or part of them to the Executive Committee.

10.2.8 The Management Committee controls the expenses and financial matters of the Association within the framework of the budget approved by the Congress and shall ensure that a financial report *be* made to the *Congress* in private sitting.

10.3 Management Committee members must act as a two-way liaison between the Association and their respective regions with regard to the activities of the Association and other local authority matters.

11. VACATION OF OFFICES

Any office bearer of the Association with the exception of the President, Chief Executive Officer and/or Treasurer who ceases to be a member or an employee of a Local Authority vacates his post immediately: Provided that office bearers of the Association who ceases to be a Councilor of a Local Authority as a result of a general election of Councillors shall remain in office with the Association for a period of four (4) months after date of such election or until such time as new office bearers are elected for the Association, whichever occurs first.

12. FUNDS

12.1 All money of this Association must be deposited in a bank account and payments must be made by cheques signed by persons authorized thereto by the Management Committee.

12.2 Any monies in an account referred to in clause 12.1 which is in excess of the Association's short term requirements may be invested with a bank registered in terms of the then existing Namibian Banking Act or invested in Namibian Treasury Bonds, but subject to any Policy which may be determined by a Congress from time to time with regard to investments.

12.3 All payments must be verified by appropriate documentary proof.

12.4 The accounts and balance sheets of the Association must be checked and certified by a person or persons who have sufficient knowledge of accounting. The certified statements must be submitted to the Congress during its private sitting.

12.5 The Congress must be provided in private sitting of a draft budget of income and expenditure for the relevant budget years up to next Congress, after it has been accepted or amended by the Congress, shall be the budget in terms of which the Management Committee shall operate.

12A. LEGAL CAPACITY

12.A.1 The Association shall, in addition to any powers conferred in this Constitution on Congress, the Management Committee, the Executive Committee or an employee, have the following powers;

12.A.1.1 the power to purchase or lease immovable property for the provision of office accommodation;

12.A.1.2 the power to buy, or where appropriate, hire or lease movable property, materials, goods or services needed for proper office administration or is otherwise necessary for the attainment of the aims of the Association;

12.A.1.3 the power to sell or dispose of by way of donation any asset of the Association, which is no longer, needed or used;

12.A.1.4 the power to enter into contracts in order to promote or to attain the aims of Association; and

12.A.1.5 the power to sue or to be sued in courts of law in matters which are intra vires in terms of this Constitution,

12.A.2 Which powers may be exercised by Congress or delegated by it to the Management Committee with or without restriction as to the conditions of exercising its discretion or further sub delegation by the Management Committee to the Executive Committee or an employee: Provided that until such time as the Congress formally delegates any of the above powers to the Management Committee such delegation shall be deemed to have taken place with the power to further so sub delegate: Provided further that any delegation, whether actual or deemed, inclusive of any sub delegation, may be revoked by a Congress without retrospective effect.

12.A.3 The liability of every member local authority for the liabilities of the Association shall be restricted to the amount or amounts owing, by such local authority to the Association in terms of this Constitution.

13. FINANCIAL YEAR

13.1 The financial year of the Association shall commence, as from 1 January 2004, annually according to financial year of local authorities.

14. NOTICE

14.1 Congress:

14.1.1 A preliminary notice of the date of the Annual Congress must be issued by the Chief Executive Officer at least four (4) months prior to the proposed Congress date. I such notice a closing date must be determined for receipt of items for discussion to be included on the Congress agenda.

14.1.2 The formal notice of any Congress must be issued by the Chief Executive Officer at least 30 days prior to Congress date and the agenda for such Congress must be mailed at least 21 days prior to Congress date to the delegates to Congress.

14.2 Management Committee:

Notice of the meetings of the Management Committee shall, as far as practicable, except in urgent cases, be given at least fourteen (14) days prior to the date of the meeting to members of the committee.

The agenda of the Management Committee must be mailed to members of the Committee at least fourteen (14) days prior to the date of the meeting.

14.3 Executive Committee:

Meetings of the Executive Committee may be convened without formal notice after consultation with the members thereof.

15. QUORUM:

The quorum of Congress and Committees required before any business is transacted shall in every case be 50% of an even number and 50% plus one of an uneven number of total members with voting rights.

16. WHERE NO QUORUM IS PRESENT

Where no quorum is present within half an hour after the time set for a meeting convened by way of petition by members, the meeting is dismissed; in any other case the meeting is postponed to a time and venue, which the members present determine. The members present at the postponed meeting shall, notwithstanding anything to the contrary contained in this constitution, always form a quorum.

17. MAINTANANCE OF GOOD ORDER

17.1 The President shall act, as Chairperson at all meetings of the Management and Executive Committee and Congresses and his/her ruling in regard to matters of order must be honored by the delegates.

17.2 Should a delegate however differ with a ruling of the Chairperson, then he/she is entitled to put a motion of order in which the disputed ruling is submitted to the meeting for a ruling thereon. The ruling of the meeting shall then be final and binding.

18. VOTING AT CONGRESSES

Voting shall always, with the exception of the election of the President and Vice – President, be effected by a show of hands except where a member proposes that Voting be done by ballot and majority of the meeting agrees or the President

accedes Thereto; Provided that only persons referred to in paragraphs 3.2,8.1,10.1.1 and 10.1.5 shall be entitled to vote at Congress

19. EQUALITY OF VOTES

In the event of an equality of votes, whether by voting by a show of hands or by ballot, the Chairperson shall have, in addition to his or her deliberative vote, a second or casting vote.

20. AMENDMENT OF CONSTITUTION

Subject thereto that at least 30 days notice is given of a proposed amendments to the Constitution, any provision of the Constitution may be amended by the two thirds of the Delegation present and entitled to vote at an Annual Congress. The notice must contain the text of the proposed amendments but the Congress may further amend such text.

21. INTERPRETATION OF CONSTITUTION

Any matter for which this Constitution does not sufficiently provide, or of which the interpretation is not clear, shall be resolved by the Management Committee, subjected to ratification thereof at the ensuing Congress.

22. VENUE OF CONGRESSES

22.1 CONGRESSES

Congresses shall be held at venues determined by the Management Committee

22.2 OTHER MEETINGS

Other meetings shall be held at venues, which the President determines.

23. AMENDMENTS OF RESOLUTIONS

Any resolution of the Congress may be revoked or amended upon the recommendations of the Management Committee provided that the item regarding the revocation or amendment must form part of the Congress agenda and provided further that more than half of the delegates entitled to vote, vote in favor thereof.

24. DISSOLUTION OF THE ASSOCIATION

If the Association does not prove its capability to represent the interests of members effectively and efficiently and Congress accept a cote of non-confidence by the a two thirds majority of the members that the Association be dissolved, then the Association shall be dissolved and all the assets and documents of the Association after payment of any debts, shall be made over to the Master of the High Court to keep in safe custody until such time as further

Association with similar aims may be reconstituted of a second Association with similar aims as this Association the Master of the High Court shall transfer the assets and documents in his possession to the Chief Executive Officer of such second Association in full and final ownership.

25. TRANSFER PROVISIONS

25.1 The President and The Management Committee elected during the Congress of 2001 and in office up to Congress in year 2003 will continue in their office up to the Congress following local elections in 2003. This Congress is to be held according to article 7.1.

25.2 During year 2003 the budget year of the Association is from January 1 to December 31, 2003. Equally membership fees for 2003 cover the relevant budget year.

CONSTITUTION

11/07/2003