

CONSTITUTION

KNYSNA INDEPENDENT MOVEMENT

KIM

1. PREAMBLE

- 1.1 The Knysna Independent Movement (hereinafter referred to as “KIM” or “the Party”) subscribes to the principles of the Constitution of the Republic of South Africa.
- 1.2 The formation of the Party is the result of a consultation process, involving ratepayers and residents of the town of Knysna.
- 1.3 Knysna residents have identified an urgent need to establish an independent political party for Knysna and the surrounding district (the Garden Route District Municipality or “GRDM”). The party will participate only in Knysna Municipality and GRDM local government elections and will not be aligned to or answerable to any political parties at national or provincial level.

2. NAME, EMBLEM AND ABBREVIATION

2.1 NAME

The name of the Party is the **Knysna Independent Movement**. The abbreviation, **KIM**, will be used in all official languages of the Republic of South Africa.

2.2 EMBLEM

The emblem of the party is depicted hereunder:



Knysna Independent Movement

2.3 NAME: Knysna Independent Movement

2.4 ABBREVIATION: KIM

3. AIMS AND OBJECTIVES

- 3.1. The Party shall strive to unite residents and ratepayers of Knysna from all communities in a new political home, built on the foundation of the principles and ideals of our National Constitution.

- 3.2.** The town will be governed by the people of Knysna, for the benefit of the people of Knysna.
- 3.3.** The Party will govern for the greater good of the community as a whole and will not be dictated to or unduly influenced by other political parties or lobbyists representing narrow interest groups.
- 3.4.** The Party shall cooperate with other municipalities as well as Provincial and National Government in the interest of the residents of Knysna, to ensure that all three levels of Government function effectively and that the interests of the whole population of Knysna are best served.
- 3.5.** The Party strives to unite the creative power inherent in the diversity of all the residents of Knysna and will co-operate with all stakeholders to strive to become a town that works for all through good governance and civil order, by ensuring individual freedom accompanied by individual responsibility, dignity and quality of life.
- 3.6.** The Party shall be secular, but respect the freedom of religion, culture and traditions of our diverse communities.
- 3.7.** The Party shall promote a culture of consultation with communities, in order to create mutual responsibility for good and balanced governance.
- 3.8.** The Party shall uphold the Constitution and the laws of the Republic at all times, combat corruption and maladministration and strive to achieve cost effective and excellent service delivery in order to restore the confidence of the residents of Knysna in the governance structures of the town and district.

4. VISION, MISSION AND VALUES

4.1 Vision

Whereas KIM is registered as a political party to enable it to participate effectively in local government elections in Knysna, the Party is not intended to be a home to career politicians. The Party will strive to attract from civil society experienced and/or appropriately qualified public representatives who aim to work toward the achievement of good governance and service excellence, for the benefit of the people of Knysna.

4.2 Mission

- 4.2.1** We strive to unite all communities of Knysna in a new political home, where the town is governed by local representatives, who are answerable to the people of Knysna only, and who govern for the benefit of the people of Knysna.
- 4.2.2** We aim to address poverty and economic imbalances in our town through improved infrastructure, clean governance and effective service delivery, thereby making our town an attractive destination for tourists, investors and residents alike.
- 4.2.3** We aim to ensure that the administration of the municipality is composed of qualified, competent, honest and reliable officials who are appointed and promoted lawfully and on merit.
- 4.2.4** We subscribe to the principle of custodianship of the unique natural assets and rich biodiversity our town and planet has been endowed with and will strive to protect these assets and our planet for the benefit of future generations.

- 4.2.5** We aim to protect the cultural and heritage assets as well as the sense of place of our town, Knysna.

4.3 Values

We believe in ***Dignity, Equal Opportunity, the Rule of Law and Accountability.***

In particular, we believe the following:

4.3.1 Dignity

- 4.3.1.1** Our residents should live with dignity and should have access to basic services such as water, sanitation and electricity.
- 4.3.1.2** Our residents should feel safe.
- 4.3.1.3** Our youth should grow up in a caring society and be provided with access to proper education, sports facilities and protection from abuse and neglect.
- 4.3.1.4** Our women have a right to protection against abuse and should not be subjected to unfair barriers in providing for their families.
- 4.3.1.5** Our elderly and disabled are equally entitled to live with dignity when they are no longer able to serve their communities.

4.3.2 Equal Opportunity

- 4.3.2.1** Equal opportunities for all should be provided in a reasonable, fair and viable manner. We believe that this will be achieved by giving our young access to education and training, whilst those adults who find themselves unable to find employment as a result of the injustices of the past, should be given access to affordable training to enhance their skills and their ability to earn a living.
- 4.3.2.2** We believe that a culture of work and effort should be created to enable all residents of Knysna to perform at their best levels.
- 4.3.2.3** We oppose discrimination against any person based on race, culture, religion, sex, sexual orientation or any other grounds.

4.3.3 Accountability

- 4.3.3.1** Our public representatives will be guided by the laws of the land and the will of their constituents when voting on matters in Council.
- 4.3.3.2** We believe that transparency is paramount and therefore, constituents must be given regular feedback and must be provided access to information in all but the most extreme cases where countervailing interests must prevail.
- 4.3.3.3** We will monitor our public representatives to ensure that they act in accordance with our values and that they account properly to their constituents on a regular basis.

5. LEGAL IDENTITY & PERSONA

- 5.1 The Party is an "*universitas personarum*", an independent legal *persona* or entity, distinct from the individuals who compose it, with the capacity to acquire rights of property, incurring obligations, suing or being sued in its own name, of having perpetual succession and performing all lawful activities authorized by this Constitution as well as all lawful activities normally associated with a legal entity.

5.2 No member or structure of the Party shall be liable or answerable for the debts, engagements, liabilities or obligations of the Party, provided that where such debts, engagements, liabilities or obligations were incurred by the unlawful conduct of a Party member or structure, or by the conduct of a Party member or structure in breach of this Constitution or the Code of Ethics and Conduct, such member or Party structure may be held liable by the Party for any damage or loss (including legal fees) incurred by the Party.

6. MEMBERSHIP

6.1 Membership of KIM shall be open to any resident or ratepayer of Knysna who subscribes to this Constitution provided that:

- 6.1.1** he/she is at least 16 years of age and a citizen or permanent resident of the Republic of South Africa;
- 6.1.2** he/she applies for membership in writing on the prescribed application form;
- 6.1.3** he/she pays the prescribed membership fees for the period applied for;
- 6.1.4** he/she is not a registered member of any other political party, provided that the EXCO may approve membership in, or support of, another political party for purposes of participation in Provincial and National Government elections.

6.2 Application for membership:

A person will be admitted as a member of the Party, if their application is approved by the Executive Committee ("EXCO"). In the case of an unsuccessful membership application, the applicant has the right to appeal to the Appeal Committee.

6.3 Registered membership:

- 6.3.1** Membership of the Party is valid for annual periods, ranging from one (1) year up to five (5) years, as selected by the member.
- 6.3.2** Membership of the Party must be renewed within thirty (30) days of the expiry of the relevant terms of membership, by completion of a new membership application, together with payment of the required membership fee.
- 6.3.3** A member of the Party shall acquaint him/herself with the contents of the Constitution of the Party and shall agree to abide by the provisions thereof by signing the membership application.

6.4 Suspension or Termination of Membership.

- 6.4.1** Membership of the Party shall be suspended or terminated in the following instances:
 - 6.4.1.1** By written resignation, submitted to the Party.
 - 6.4.1.2** If the member fails to renew his/her membership within thirty (30) days of the expiry of his/her term of membership.
 - 6.4.1.3** A member shall be automatically suspended if he/she is charged with a criminal offence listed in Schedules I and II of the Criminal Procedure Act 51/1977 pending final judgment in criminal proceedings. If a member is found guilty of such crimes, such member is automatically expelled from the Party.
 - 6.4.1.4** If the Disciplinary Committee and/or the EXCO suspend or terminate the membership following a disciplinary process set out in Clauses 14 to 20.

7. ELECTION OF EXECUTIVE COMMITTEE

- 7.1** The Party shall be managed by an Executive Committee (“the EXCO”), consisting of no fewer than five and no more than ten members, as determined at the relevant Annual General Meeting (AGM) and who shall be elected at the AGM.
- 7.2** Any paid-up member of the Party may make him/herself available for election.
- 7.3** Nominations in writing for candidates for election to the EXCO, with the names of proposer and seconder and acceptance of nomination by the candidate, must be received by the Party no fewer than 7 days before the AGM. Notice of the closing date for nomination of candidates for election to the EXCO must be sent to members no later than fourteen days before the AGM. In the event that fewer than ten nominations have been received and accepted prior to the General Meeting, the EXCO may permit candidates to be nominated and seconded and the acceptance of nominations at the meeting.
- 7.4** Voting for the members of the EXCO shall be in terms of the procedures set out in Clause 21.6.
- 7.5** Following the election of the EXCO, the Chairperson will be elected at the AGM.
- 7.6** Nominations in writing for candidates for Chairperson, with the names of proposer and seconder and acceptance of nomination by the candidate, must be received by the Party no fewer than 7 days before the AGM. Notice of the closing date for nomination of candidates for Chairperson must be sent to members no later than fourteen days before the AGM.
- 7.7** Voting for the Chairperson shall be in terms of the procedures set out in Clause 21.6.
- 7.8** The Chairperson and members of the EXCO shall be elected for a period of 12 months. Any serving EXCO member shall be eligible for re-election, and does not require re-nomination, providing that willingness to stand for re-election is confirmed in writing.
- 7.9** The EXCO shall within 10 days after its election elect from its members a Deputy Chairperson, General Secretary, a Deputy Secretary and a Treasurer to hold office until the EXCO meeting following the next AGM.
- 7.10** The positions of Chairperson and Deputy Chairperson shall not be held for longer than six (6) years in any continuous period.
- 7.11** Subsequent to an election, the EXCO may nominate and at a subsequent meeting co-opt persons to fill any vacancy arising through resignation or other cause.
- 7.12** In the event transpiring that the EXCO consists for a period of time of fewer than five members, the actions of the EXCO shall nevertheless be lawful subject to sufficient additional members being co-opted or appointed within a period of 90 days from the date upon which the number of the EXCO members fell below five.

8. POWERS OF THE EXECUTIVE COMMITTEE

- 8.1** The EXCO may perform such acts as are necessary to accomplish the objectives of the Party and which may be lawfully accomplished by an *universitas personarum*. Without in any way limiting the generality of the foregoing, such powers shall include but not be limited to the following:
- 8.1.1** the operation of banking accounts with all powers required by such operations;
- 8.1.2** the investment and re-investment of monies of the Party not immediately required, in such a manner as may from time to time be determined by the EXCO;

- 8.1.3** the making of, entering into and carrying out of contracts or agreements for any of the purposes of the Party;
- 8.1.4** the employment and payment of agents, employees and any other persons or entities;
- 8.1.5** the right to sue and to defend actions in the name of the Party and to appoint legal representatives for this purpose;
- 8.1.6** the levying of a subscription payable by members as provided in Clause 6.1.2 hereof;
- 8.1.7** the appointment of any sub-committee with members drawn from the EXCO and other persons, under the chairmanship of an EXCO member, and granting such powers to it as may be considered necessary;
- 8.1.8** the appointment of the chairperson and members of the Disciplinary Committee;
- 8.1.9** the appointment of the chairperson and members of the Appeal Committee;
- 8.1.10** the selection of candidates for Public Representatives to contest elections or by-elections;
- 8.1.11** the referral of a charge of misconduct against any member to the DC for investigation.

8.2 Powers and functions of the Chairperson

The Chairperson shall:

- 8.1 be the Leader of the Party;
- 8.2 promote the vision of the Party in a manner that reflects the common interests and consensus of the membership;
- 8.3 convene, facilitate the Party's meetings and check minutes before they are circulated to the members;
- 8.4 monitor and evaluate projects and
- 8.5 prepare annual reports.

8.3 Powers and functions of the Deputy Chairperson

The Deputy Chairperson shall in the absence of the Chairperson perform the same duties as that of the Chairperson.

8.4 Powers and functions of the General Secretary

The General Secretary shall:

- 8.4.1 communicate decisions taken by the Party;
- 8.4.2 ensure that members carry out their tasks and duties;
- 8.4.3 promote awareness about the Party;
- 8.4.4 carry out project implementation and
- 8.4.5 keep records of all communication.

8.5 Deputy General Secretary

The Deputy General Secretary shall in the absence of the General Secretary perform the same functions as that of the General Secretary.

8.6 Treasurer

The responsibilities of the Treasurer shall be:

- 8.6.1 Finances;
- 8.6.2 Banking;
- 8.6.3 financial record keeping and
- 8.6.4 auditing financial statements.

9 CONDUCT OF EXCO MEETINGS

- 10.1 The EXCO shall meet regularly to conduct the affairs of the Party, provided however that the EXCO shall meet at least every quarter of a financial year.
- 10.2 The quorum for an EXCO meeting shall be 60% of its members, present personally or by proxy.
- 10.3 The Chairperson shall preside at all meetings and shall be responsible for the orderly conduct of meetings, provided that in the event that the Chairperson is unable to be present at a meeting, the Deputy-Chairperson shall preside at the meeting.
- 10.4 The EXCO may, at its discretion, enlist from time to time supernumeraries for their expertise in certain matters, who shall not however have voting power.
- 10.5 Special Meetings may be called by the Chairperson or, in his absence, the Deputy-Chairperson, and shall be called if so requested by three members of the EXCO.
- 10.6 Any member of the EXCO who fails to attend three consecutive meetings without justifiable leave of absence agreed by the EXCO shall forfeit his/her office.
- 10.7 The General Secretary shall ensure that an agenda (together with all supporting documents) is circulated to EXCO members at least five (5) days prior to an EXCO meeting and that minutes of that meeting are circulated to the EXCO members no more than ten (10) days after each meeting.
- 10.8 Resolutions shall carry by a simple majority of members of the EXCO present at a Committee Meeting. In the event of a tie, the Chairperson shall have a casting vote.
- 10.9 A resolution adopted outside of a meeting of the EXCO and signed by all the members of the EXCO shall be valid and effective as if it had been taken at a duly constituted meeting of the EXCO. Such resolution shall be noted at the next meeting of the EXCO and recorded in the minutes of that meeting.
- 10.10 Any member of the EXCO, having any financial, personal or business interest in any matter under discussion, must declare such interest and recuse him/herself from such discussions by the EXCO and any vote thereon.
- 10.11 No member of the EXCO or any sub-committee shall be entitled to use his/her position on such committees to promote his/her financial and/or business interests, or to use it for such purposes.

11 TERMINATION OF MEMBERSHIP OF THE EXECUTIVE COMMITTEE

- 11.1 The EXCO may terminate the membership of any person who is no longer qualified to be a member or who fails to renew his membership within thirty (30) days of the expiry thereof.
- 11.2 An EXCO member shall cease to hold office if:
 - 11.2.1 by notice in writing to the EXCO he/she resigns his/her office;

- 11.2.2 he/she becomes of unsound mind or becomes physically incapable of exercising his/her duties;
- 11.2.3 he/she surrenders his/her estate as insolvent or his/her estate is sequestrated or assigned to his/her creditors;
- 11.2.4 he/she is convicted by a competent court of any criminal offence which involves dishonesty;
- 11.2.5 a competent court discharges him/her from an office of trust because of misconduct;
- 11.2.6 a competent court convicts him/her on any charge and sentences him/herto a prison term without the option of a fine;
- 11.2.7 he/she joins another political party without the approval of the EXCO;
- 11.2.8 by resolution of a General Meeting of the Party he/she is removed from his/her office.

12. DISCIPLINARY COMMITTEE (“DC”)

- 12.1 The EXCO must at its first ordinary meeting after each AGM elect the Chairperson of the Disciplinary Committee (“DC”), as well as five (5) additional people, of whom at least two must have legal qualifications and experience, to serve on the DC. A member of the DC must preferably be a member of the Party.
- 12.2 The DC must develop rules for the selection of panels to hear matters. A panel must consist of three persons, of whom at least one must be legally qualified. Three (3) members, of whom at least one (1) is legally qualified, constitute a quorum for a panel. The Panel must be chaired by a legally qualified person.
- 12.3 The DC must determine its own rules and procedures for investigations and hearings, which must be approved by the EXCO and may not be in conflict with the constitution of the Party, provided that the rules of natural justice must at all times be adhered to.
- 12.4 No adverse finding may be made against any member unless the member has been fully informed of every allegation against him/her and has been given a reasonable time and the opportunity to rebut the allegations and has been given the opportunity to submit evidence of mitigating factors.
- 12.5 Members against whom disciplinary action is taken are entitled to legal representation, at their own cost.
- 12.6 Disciplinary hearings should be open to the public, unless the panel determines that it is in the interests of justice to hear the proceedings or part thereof *in camera*.

13. POWERS AND FUNCTIONS OF THE DC

The DC has all the powers as are necessary to deal with complaints referred to it by the EXCO justly and expeditiously and may:

- 13.1 conduct an investigation to determine whether a public representative should be removed from office on the grounds of dishonesty, incompetence, inefficiency or incapacity;
- 13.2 recommend to the EXCO that a member under investigation be temporarily suspended from taking part in any or all of the activities of the Party, pending the outcome of an investigation and/or a disciplinary enquiry;
- 13.3 determine the date for the consideration of the matter and advise the parties thereof;

- 13.4 hear evidence, accept exhibits and call for papers and documents;
- 13.5 hear argument by and on behalf of all parties with a direct interest in the matter and
- 13.6 make recommendations or give a decision.

14. FINDINGS BY DC AND COMPETENT SANCTIONS

- 14.1 The DC may find that a member is guilty or not guilty of the offence or offences with which he/she has been charged.
- 14.2 In the event that the finding is one of guilty, the DC may recommend that:
 - 14.2.1 the membership of the member be terminated;
 - 14.2.2 the membership of the member be suspended for a specified period;
 - 14.2.3 the member be suspended from any position in the Party or from holding any position in future or for a specified period or that all or any of the privileges of a member be suspended;
 - 14.2.4 the member be cautioned;
 - 14.2.5 the member be ordered to obtain professional assistance for anger management or any assistance that may remedy the conduct of the member.
 - 14.2.6 the member may be fined an amount not exceeding the amount determined by the EXCO from time to time payable upon such terms and conditions as the committee may recommend;
 - 14.2.7 the member be ordered to render a period of service, including but not limited to, service to the community or to the Party;
 - 14.2.8 the member be removed or suspended for a specified period from any executive position he/she holds in a council. Provided further that in the event that the person fails to comply with the penalty so imposed, his/her membership shall terminate immediately without further notice;
 - 14.2.9 the member be prohibited from holding an executive position in a council for such period and/or on such terms and conditions as the DLC deems fit;
 - 14.2.10 the member be removed from a public representative position and/or prohibited from holding a position as a public representative for the Party in future or for a specified time period.
 - 14.2.11 any penalty recommended by the DLC may also provide for the suspension of the penalty for a specified time period and on such conditions as the DLC may deem fit.
 - 14.2.12 the DC must report its findings and recommendations to the EXCO within seven (7) days thereof.

15. DECISIONS BY THE DISCIPLINARY COMMITTEE

Subject to the appeal mechanism referred to in clause 16, the decision of the DC is final.

16. APPEAL

16.1 The decisions of the DC are not subject to appeal and its findings must be implemented, provided that any member and/or public representative who has been found guilty by the DC may appeal against the findings of the DC to the Appeal Committee.

16.2 A written appeal must be lodged with the Chairperson of the EXCO within fourteen (14) days after the member has been informed of the decision.

17. APPEAL COMMITTEE

17.1 The EXCO must at its first meeting after every AGM elect an Appeal Committee ("AC").

17.2 The AC must consist of not more than five (5) members.

18. POWERS AND FUNCTIONS OF THE APPEAL COMMITTEE

18.1 The AC must hear appeals from members and/or public representatives against the findings of the DLC as well as appeals from unsuccessful membership applicants or prospective candidates who appeal decisions in respect of the nomination and selection of the candidate.

18.2 The AC must develop rules for the selection of panels to hear matters. A panel must consist of at least three persons, of whom at least one must be legally qualified.

18.3 The AC must determine the date for the consideration of the matter and advise the parties thereof.

18.4 The appellant is entitled to legal representation at his/her cost.

18.5 Appeal hearings should be open to the public, unless the panel determines that it is in the interests of justice to hear the proceedings or part thereof *in camera*.

19. FINDINGS BY APPEAL COMMITTEE

19.1 The AC may uphold or dismiss an appeal by an unsuccessful membership applicant or unsuccessful election candidate.

19.2 The AC may dismiss or uphold an appeal against a finding of guilty or part thereof or against a sanction or part thereof.

19.3 The AC may substitute a sanction or part thereof with any of the sanctions in clause 14.2.

19.4 With the exception of a recommendation of termination of the membership and/or the removal from office of a public representative, the decision of the AC is final.

19.5 The AC must report its findings to the EXCO within five (5) days.

20. TERMINATION OF MEMBERSHIP

20.1 A recommendation that a public representative's membership be terminated and/or he/she be removed from office must be confirmed by the EXCO.

20.2 The Chairperson of the EXCO shall inform the member in writing within five (5) days of the EXCO making a decision to terminate the membership and to remove him/her from public office.

- 20.3** The Chairperson shall within five (5) days of notifying the member send a written notification to the Municipal Manager, Speaker and the Independent Electoral Commission.

21. GENERAL MEETINGS

- 21.1** The Annual General Meeting (AGM) of members of the Party shall be held between 1 July and 30 September at a place, date and time fixed by the EXCO.
- 21.2** The balance sheet and revenue and expenditure statement for the previous calendar year shall be submitted to the AGM for ratification.
- 21.3** Fourteen (14) calendar days' notice shall be given to members for all General Meetings. Notice shall be given by publication in the Knysna-Plett Herald and the Action Ads, the Edge or any similar publications, radio media or social media platforms that are widely circulated within the geographical area of the Knysna Municipality. Members who have provided e-mail addresses to the EXCO shall be informed by electronic mail.
- 21.4** A quorum for all General Meetings shall be 15 members. If there is no quorum the meeting shall be adjourned to a time and place which the EXCO shall determine. At the adjourned meeting, 5 members shall constitute a quorum.
- 21.5** Special General Meetings may be called by the EXCO at the request of at least four EXCO members. The EXCO shall be obliged to call a Special General Meeting when requested in writing by no fewer than ten per cent (10%) of the members of the Party. The notice calling such a meeting shall be issued within 7 working days of the request and shall set out in full the names of the members calling for the meeting and the business to be transacted. Only such business may be transacted at the meeting.
- 21.6** Voting at all General Meetings may be held by either a show of hands or by the secret completion of *bona fide* voting papers, should this be determined by the Chairperson or requested by one third of members present. Save for motions dealing with amendments to the Party Constitution or termination of the Party, a simple majority vote shall prevail. Nevertheless, the Chairman shall endeavour to arrange that resolutions are worded in a way that will achieve broad consensus.
- 21.7** When voting for the election of members of the EXCO each member in good standing may vote for any number of candidates up to a maximum of ten.

22. MEMBERS VOTING RIGHTS

- 22.2** Only members of the Party who are up to date on payment of their membership fees shall be entitled to vote at any General Meeting.
- 22.3** A member of the Party shall be entitled to appoint a proxy to speak and vote on his/ her behalf at General Meetings. A proxy appointment must be in writing, signed by the member and delivered to the Secretary no fewer than twenty four (24) hours prior to the scheduled meeting.

23. FINANCE

- 23.3** The Party, through the EXCO, shall be empowered to raise funds from members or donors by way of subscriptions and/or other methods in order to conduct the affairs of the Party on a competent and sound financial basis.
- 23.4** All funds shall be deposited in a banking account opened in the name of the Party.

- 23.5** Monies may be withdrawn from the accounts of the Association only upon approval by the EXCO or at least two of the following EXCO members: the Chairman, Vice-Chairman or Treasurer.
- 23.6** At the end of each financial year financial records prepared by the Treasurer shall be submitted for scrutiny to a Registered Accountant, who shall prepare the annual financial statements in Standard Accounting format. The statements shall be approved by the EXCO before submission to the Annual General Meeting for ratification.
- 23.7** The financial year commences on the 1st of July.

24. AMENDMENTS TO THE CONSTITUTION

- 24.1** Any alterations, additions, or amendments to this Constitution must be passed by a two-thirds majority vote of those present at a General Meeting or a Special Meeting of the Party.
- 24.2** Notice of any proposed alteration, addition, or amendment must be given in writing to members twenty-one (21) days prior to the AGM or Special Meeting.

25. AUTHORITY IN CASES OF URGENCY

- 25.1** Should a matter arise requiring immediate action by the EXCO and there is insufficient time available to call a meeting of the EXCO, the Chairperson shall, after consulting at least three other members of the EXCO, take such action as may be determined by him or her. The Chairperson shall report thereon at the next meeting of the EXCO to seek ratification of his/her action. The Chairperson shall recuse him or herself from the vote of ratification by the members of EXCO.
- 25.2** The Chairperson may appoint the Vice-chairperson to undertake this function if he/she is unable to do so.

26. PUBLIC REPRESENTATIVES

- 26.1** In the event of a general local election or a by-election within the constituency of Knysna, the Chairperson shall call for applications for Party members to stand as candidates in the election.
- 26.2** In the case of a by-election or in cases of urgency, the EXCO may approach one or more suitable candidates (as required) to stand and if the candidates accept, the process in Clauses 26.1 and 26.3 need not be followed, but the candidates have to comply with Clauses 26.3.1, 26.3.3 and 26.3.6.
- 26.3** Any Party member may apply to represent the Party as a candidate in such election by submitting a written application to the EXCO, which must include at least the following:
- 26.3.1** a curriculum vitae, setting out the applicant's work history, qualifications and experience in local government;
 - 26.3.2** motivation as to why he is suitable to represent the voters of the relevant ward and/or the Constituency as a whole; and
 - 26.3.3** a nomination, with the names of proposer and seconder and acceptance of nomination by the candidate.
- 26.3.4** The applications received will be considered by the EXCO, after which the EXCO shall conduct interviews with the applicants who qualify to represent the Party in accordance with this Constitution.

26.3.5 After all interviews have been conducted, a Special Meeting of the EXCO shall be convened by the Chairperson to decide on the candidate to stand for election.

26.3.6 The candidate approved by the EXCO must agree in writing to adhere to the provisions of this Constitution as well as all Codes adopted by the Party, before his approval as a candidate will become final.

26.4 Duties of a Public Representative

26.4.1 A Public Representative of the Party shall at all times:

26.2.1.2 adhere to the oath of office in terms of our National Constitution; and

26.2.1.3 strictly follow the provisions of this Constitution, including such Codes or Policies as may be adopted by the Party from time to time.

26.3 General

Elected public representatives shall organise themselves in a caucus and draw up Caucus Rules that shall be subject to this Constitution and approved by the EXCO.

27. PUBLIC STATEMENTS

Public statements on behalf of the Party, including social media posts, may be made only by the Chairperson, the Vice-Chairperson and a member of the EXCO who has been so authorised.

28. CORRESPONDENCE

28.1 Correspondence issued on behalf of the Party shall be on the Party's letterhead and shall be signed by the Chairperson or the Vice-Chairperson or a member of the EXCO who has been authorised to do so. Correspondence shall contain no reference to personal interests.

28.2 Letters written in connection with or in anticipation of litigation shall be signed by the Chairman or the Vice-Chairman.

29. TERMINATION/DISSOLUTION OF THE PARTY

29.1 The Party shall be wound up upon the passing of a vote conducted in secret by the casting of written ballots to that effect by not less than 80% of the paid-up members of the Party at, or subsequent to, a Special General Meeting specifically called to decide on the dissolution of the Party.

29.2 In the event of such a dissolution, all funds and property belonging to the Party, or held in trust on its behalf, shall forthwith be transferred by authority of the Special General Meeting to an Association catering for the benefit of the Ratepayers and/or Residents of Knysna.