



*Investing in our future.*

**SAFA  
OVERBERG  
DEVELOPMENT  
TRUST**

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# The Constitution of the SAFA Overberg Development Trust.

(Draft # 1)

## Article 1: Name

The Trust hereby constituted shall be known as the SAFA Overberg Development Trust, abbreviated as SODT.

## Article 2: Colours and Emblem

The colours of the SODT will be prime colours are black, white and yellow; secondary colours are blue and green.

The emblem is a black silhouette figure of a soccer player, with the letters SODT, running vertically inside the figure.

The SODT slogan will be “Investing in our Future.”

## Article 3: Area of Jurisdiction

The area of jurisdiction of the SODT will be within the boundaries of the Overberg Municipal region.

## Article 4: Registered Address/ Headquarters

The registered address and headquarters of the SODT will be in Caledon.

## Article 5: Objectives of the SODT

The objectives of the SODT are as follows:

5.1 To administrate the funds generated by the SODT to benefit, develop and market the SAFA Overberg Region.

5.2 To manage the development of football in the Region by ensuring its members adhere to its financial contribution agreements.

5.3 To reduce the running costs of member Clubs in the Region, by subsidizing their expenses toward the Region for participation.

5.4 To contribute to the alleviation of the Region’s financial burden in achieving its goals.

- 5.5 To determine and ensure activities/ marketing/ improvements in the Region are performed.
- 5.6 The transparent and effective use of funds to the benefit of all its members.
- 5.7 Appointment of service providers for the SODT members and its own functionality; including the scrutiny, negotiations and agreement processes instituted on the service providers.
- 5.8 Determining the level and amount of benefits to be provided to its members.
- 5.9 Ensure the funeral policy plan service is administered fairly and without prejudice.

## Article 6: Membership

- 6.1 For an individual to become a member, he/she will have to complete a Membership Application Form and submit it to the Board for adoption.
- 6.2 A member will remain a member for the duration of the period he pays his monthly membership affiliation fee to the SODT.
- 6.3 Membership can also be acquired when signed up under the Club Affiliation undertaking.
- 6.4 The Club Affiliation Undertaking is for a member Club who provides SODT membership to its registered players through its monthly affiliation fee to the SODT. The Club Affiliation Fee is determined on the baseline figure of thirty (30) individual members contributions.
- 6.5 Club Affiliation Undertakings to the SODT will be considered for approval by means of signed completion of a SODT Club Affiliation Form; Letter of Good Standing of its residing LFA; and endorsement letter of the Region.
- 6.6 Starting members can be appointed as honorary members of the SODT, after their continued contributions are acknowledged.

## Article 7: Management

The management of the SODT will be determined through the following office bearers.

Founding members will maintain their Directorship positions for life.

- 7.1 **Director of Finance: (Founding Member)**

7.1.1 The position of a founding member of the SODT.

7.1.2 Responsible for all financial matters of the SODT.

7.1.3 In conjunction with the Chairperson of Administration, responsible to draft 12 and 24 month budget for the SODT, presenting it to the Board for approval.

7.1.4 Approval of all claims presented and administered through the office of the Chairman of Activities.

7.1.5 Ensure financial registers are in order for the financial audit at the end of every year, and have the audited financial report presented to the Board for adoption and approval.

7.1.6 Ensure that all signatories present their financial statements on a monthly basis before the Executive Committee.

7.1.7 Keep records from the Chairman of Administration on monthly income and expenditures; and any other financial activities; and account to the Board and SAFA Overberg REC on a quarterly basis.

7.1.8 Oversee all Trust activities.

7.1.9 In conjunction with the Director of Activities, have overruling powers in matters that will bring the SODT into disrepute, or ensure its collapse or failure. Also has the mandate to call emergency meetings to be held at any time.

## 7.2 **Director of Activities: (Founding Member)**

7.2.1 The position of a founding member of the SODT.

7.2.2 Responsible for overseeing all SODT activities/ functions/ events/ fundraisers.

7.2.3 Oversee the creative/ branding/ image of the SODT, in line with the directives of SAFA Overberg.

7.2.4 Oversee that all SODT scheduled meetings and events/ functions occur as required per mandated constitution.

7.2.5 Oversee and manage all requests to secretaries in line with activities/ fundraisers/ concepts of development for guidance and ensuring the SODT mandate is fulfilled.

7.2.6 Responsible for the implementation of development principles of the SODT and SAFA Overberg, to ensure the region grows to the capacity it can fulfil its mandate effectively.

7.2.7 Ensure that attempted activities are financially viable options in generating funds for the SODT.

7.2.8 Have the mandate to introduce competitions/ tournaments within the Region to develop/ give exposure to our talent and broaden our horizons; with the aim of generating funds/ generating exposure/ generating excitement.

7.2.9 In conjunction with the Director of Finance, have overruling powers in matters that will bring the SODT into disrepute, or ensure its collapse or failure. Also has the mandate to call emergency meetings to be held at any time.

7.2.10 Oversee and ensure Annual Activity Report is submitted and circulated to all members.

7.3 **Chairperson of the Board: (Elected Member)**

7.3.1 Will be an elected person by the General Council with service tenure for five (5) years.

7.3.2 Will be responsible for chairing all SODT meetings and directing said meetings.

7.3.3 Forms part of the Emergency Committee and Management Committee, with the Directors and other Chairpersons.

7.3.4 Give direction in regard to decision making processes, and ensuring that the processes are handled fairly and transparently.

7.3.5 Ensure that all meetings are recorded accordingly and correctly.

7.3.6 Ensure that meeting protocols are observed and followed correctly.

7.4 **Chairperson of Administration & Treasurer: (Elected Member)**

7.4.1 Will be an elected person by the General Council with service tenure for five (5) years.

7.4.2 Will be responsible for all financial record keeping of all transactions within the SODT.

7.4.3 Will provide a monthly financial statement to the SODT Board at its monthly meetings.

7.4.4 Will work in conjunction with the Director of Finances in ensuring the transparency, accuracy and compliance as to all financial regulations are adhered to.

7.4.5 Will receive approved and endorsed claims for payment from the Board/ Emergency Committee/ Management Committee.

7.4.6 Will ensure that all financial reports are audited, in conjunction with the oversight of the Director of Finance.

7.5 **Chairperson of Activities: (REC Member)**

7.5.1 Will be an elected person of the REC with service tenure for five (5) years.

7.5.2 Will work in conjunction with the Director of Activities in regard to all activities/ events/ functions/ fundraisers and future developments.

7.6 **Secretaries for Theewaterskloof & Swellendam; Cape Agulhas & Gansbaai; Hermanus & Kleinmond (Appointed Member)**

7.6.1 Appointed member to ensure correct communication and correspondence to the representatives within the Theewaterskloof (TWK) and Swellendam; Cape Agulhas and Gansbaai; Hermanus and Kleinmond municipal areas.

7.6.2 Ensure that all members in the municipal area are informed of scheduled meetings; ensure all correspondence due to them is circulated.

7.6.3 Receipt of all claims and submissions for consideration; keeping record of all such communication by means of a register.

7.6.4 Submissions of all requests from members to the SODT Board for discussion and feedback.

7.6.5 Remuneration package to be determined by the Board, with the endorsement of the Directorship.

7.7 **Representatives for Clubs in SAB and RPD Leagues: (Elected Members)**

7.7.1 Will be an elected person by the representative clustered clubs with service tenure for two (2) and a half years.

7.7.2 All clubs within the respective municipal determined areas will identify a representative on the SODT Board.

7.7.3 The clubs will be clustered as follows, with representation breakdown:

- 7.7.3.1 2 x SAB League Reps: Swellendam & TWK
- 7.7.3.2 5 x SAB League Reps: Cape Agulhas & Gansbaai
- 7.7.3.3 2 x SAB League Reps: Hermanus & Kleinmond
- 7.7.3.4 2 x RPD League Reps: Swellendam & TWK
- 7.7.3.5 2 x RPD League Reps: Cape Agulhas & Gansbaai
- 7.7.3.6 2 x RPD League Reps: Hermanus & Kleinmond

7.7.4 They will address the interests/ concerns/ claims and enquiries of the clubs they represent in the municipal area they are elected.

7.7.5 They will also communicate the feedback received from the SODT in relation to the clubs in the municipal area they are elected from.

## Article 8: Date of Incorporation

The date of incorporation of the SAFA Overberg Development Trust is November 2018.

## Article 9: Legal Personality

- 9.1 The SODT shall be *universitas* with full legal personality including the rights to sue and be sued in its own name and to hold property in its own name.
- 9.2 No member or office bearer of the SODT shall have any rights to its assets, nor incur any liability for its obligations.

## Article 10: Powers of the SAFA Overberg Development Trust

The SODT will have the full power and authority to do any act, matter or thing as may be required to give effect to the aims and objectives to the SODT and the SAFA Overberg Region, subject to the working boundaries and mandate of the REC.

- 10.1 To open and operate a banking account and to draw, make, accept, endorse, sign, discount, execute and issue cheques and other negotiable documents.

10.2 To make rules that shall not be inconsistent with the provisions of this Constitution. The Rules of the SODT shall have the same authority and power as if they are incorporated in the articles of the Constitution.

10.3 To provide financial muscle to ensure the Regional football development programs can continue; and ensure its members are financially ensured.

10.4 To keep or cause to be kept a true account of all receipts, credits, payments, assets and liabilities of the SODT; and all other matters necessary for showing the correct financial state of affairs of the SODT. The accounts shall be kept in such books and in such manner as the Board of Trustees deems fit and to the satisfaction of the Director of Finances and Auditors.

10.5 To appoint auditors to audit the finances of the SODT.

10.6 To inquire into the administrative and/or financial affairs of Members and, where necessary, to recommend corrective measures in this regard. If these measures are not implemented, to then put under administration to assist in getting back into right standing.

10.7 To appoint such committees, commissions, sub-committees upon such terms as it may deem necessary to give effect to its powers.

10.8 To suspend, fine, terminate membership or otherwise deal with any Member affiliated to the SODT, or any of its Members for infringing the Constitution, policies, principles, directives or resolutions of the SODT, or for engaging in acts of misconduct, improper practices, misdemeanour, acts of defiance, or for bringing the SAFA Overberg Region or SODT into disrepute.

10.9 Has the power to make ad-hoc appointments to further the purpose and goals of the SODT.

## Article 11: Finances

11.1 The SODT shall be operated on a non-profit basis, with the intent and purpose that its capital and income shall be applied solely towards the promotion of its objectives. No portion of the capital and/or income shall be paid or transferred directly or indirectly, by way of profit or distribution to any of its members or their office bearers or members, provided that nothing herein contained shall preclude the payment in good faith to a Member, or any person in the form of:

11.1.1 Reimbursement for actual costs, expenses and other commitments incurred on behalf of the SODT.



11.1.2 Where the SODT Board of Trustees, with the approval of the Directorship, make purchases that will benefit the SODT and the Region as a whole. (eg purchase of equipment/ property/ developmental tools)

11.1.3 Where the SODT Board of Trustees, with the approval of the Directorship, make payments to the SAFA Overberg regional account to alleviate its financial responsibilities to its members.

11.1.4 Where the SODT Board of Trustees, with the approval of the Directorship, engage and appoint training/ developmental companies/ providers for its members.

11.2 The financial year of the SODT shall close on the 31<sup>st</sup> of December of each year.

11.3 The signatories of the SODT bank account shall be any two of the three office bearers duly authorised by the SODT, one of which must be the Chairperson of Admin & Treasurer.

11.4 The financial resources of the SODT shall include, but not be limited to:

11.4.1 Monthly Membership Contributions, either Individual Affiliation or Club Affiliation;

11.4.2 Donations and sponsorships;

11.4.3 Interest on Bank Account;

11.4.4 Funds generated through fundraising activities, or any activity designed to produce a positive influx of financial proceeds to the SODT account.

11.5 The SODT is responsible for the payment of all service providers utilised; approved financial claims; monies due to members as determined by the SODT Board.

## Article 12: Meetings

12.1 The SODT board of trustees will hold meetings on a monthly basis, whereby claims/ benefits/ amendments/ developments will be discussed and minuted.

12.2 The quorum set for the meetings to be validated will be 50%, plus 1.

12.3 Minutes must be recorded of every meeting and circulated to all members within 7 working days for perusal and amendments.

12.4 Minutes must be adopted and seconded at every following meeting thereafter.

## Article 13: Amendments

- 13.1 Amendments can be made by the Board at any meeting, and introduce the changes within a determined timeframe.
- 13.2 Where amendments require a broader insight of its members, the Board has the right to communicate their intentions in writing to all its members, requesting feedback within a specific time frame. This feedback must be recorded in the next meeting, and the outcome of the decision made in relation to it.

## Article 14: Suspensions

- 14.1 A member may be suspended by the Board if he is found guilty of misconduct, criminal activity, or by bringing the SODT into disrepute.
- 14.2 Such suspended member must be informed in writing of the sanction, and including the processes and rectifications required for said suspension to be uplifted.

## Article 16: General Council

- 16.1 The General Council is the elective body who will appoint the Board, after its term has ended.
- 16.2 The General Council is made up from all its members and club affiliates.

## Article 17: Annual General Meeting

- 17.1 The Annual General Meeting will be held once a year where all members are invited to attend.
- 17.2 The Annual Financial Report will be presented.
- 17.3 The Annual Activity Report will be presented.
- 17.4 The elective process for the new board will be conducted at the AGM within the time frames required.

## Article 18: Dissolution

- 18.1 The SODT may be dissolved by resolution at a Special General Meeting, called solely for this purpose, and carries the support of 75% of the total number of votes which would have been capable of being cast if every member in good standing at the date of the SGM had been fully represented at that meeting.

18.2 Upon dissolution, the assets of the SODT shall vest in the SAFA Overberg Region Executive Committee.

18.3 The SAFA Overberg Regional Executive Committee shall deal with the monies of the SODT in any manner deemed necessary in line with its policies.

## Article 19: Indemnity

19.1 The Board of the SODT are indemnified against all losses. Charges, costs, damages, and all other expenses and liability they may incur or be put to concerning the *bona fide* execution of their duties as Board members of the SODT.

## Article 20: Adoption of the Constitution

20.1 This Constitution was adopted at the AGM in Caledon on 27 November 2018.

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Chairperson

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Secretary