

## Voting Options for New OCA Constitution

Vote 1: Should payment of Management Committee members be permitted for activities beyond their Management Committee responsibilities?

**Option 1** (as in constitution draft):

5.8.1 In exceptional circumstances, Management Committee Members may be remunerated for activities undertaken outside of their elected duties and responsibilities (as defined the Management Charter in 12.1), where they are deemed the most appropriate person to do so. In such circumstance, the Management Committee must first approve such an agreement based on a cogent motivation and report such agreement and the reasons for this decision to the members of the Association at the next Management Committee meeting and at the next AGM when financial statements are presented.

**Rationale:** The clauses do not allow Man Comm members to be paid for being on Man Comm. They allow Man Comm members being remunerated for exceptional activities undertaken separate to being on Man Comm. There are potentially circumstance where such work that would need to be paid for could be done more easily or efficiently or urgently by a Man Comm member. There are multiple checks and balances on this: i) there must be exceptional circumstances with a cogent motivation; ii) must be Man Comm approval beforehand; iii) the decision must be reported at the next Man Comm meeting; iv) reported at next AGM.

**Option 2**

Delete 5.8.1 entirely

**Rationale:** ManComm members can be paid for being on ManComm, with very little control over which activities they would be paid for or how much. This is despite this position having always been exercised on a voluntary basis in Obs (and in most civics around town)

Vote 2: Should we retain membership eligibility for non-resident property owners?

**Option 1 (as in constitution draft):**

**6. MEMBERSHIP**

6.1 The membership shall be open to all persons 18 years and older in the following categories:

- a) A resident within the Area as defined under clause 2.1.
- b) A business within the Area as defined under clause 2.1.
- c) A Nonprofit organisation as defined in terms of the Nonprofit Organisations Act operating within the Area as defined under clause 2.1.

6.2 Members in categories (b) and (c) constituted as legal persons must nominate a natural person, being either the owner, director, manager, or employee, as it deems fit to act as its authorised representative; such authorised representative shall be entitled to attend, speak and, with reference to members in good standing, vote at any Special or Annual General Meeting.

6.3 Where the authorised representative identified above in terms of clause 6.2 (business owner/representative or Nonprofit organisation representative) is also a resident of Observatory, he or she may also exercise their rights as an individual member in terms of clause 6.4 provided they are in good standing with the Association.

6.4. Members Rights...

... etc

**Rationale:** Non-resident landlords do not actively participate in the OCA. The aim of participative democracy is to maximise participation by those most affected by what happens in Obs. In theory, non-residents could wield undue influence on the direction of the Civic, if in sufficient numbers, but not be present to see the consequences of decisions.

**Option 2 (as alternative):**

6.1 The membership shall be open to all persons 18 years and older in the following categories:

- a) A resident within the Area as defined under clause 2.1.
- b) A business within the Area as defined under clause 2.1.
- c) A Nonprofit organisation as defined in terms of the Nonprofit Organisations Act operating within the Area as defined under clause 2.1.
- d) A non-resident owner of a property within the Area as defined under clause 2.1.

6.2 ... (unchanged) ...

6.3 ... (unchanged) ...

6.4 A non-resident owner of more than one property within the Area as defined under clause 2.1 is entitled to a single membership and cannot claim membership in proportion to the number of properties owned.

6.5. Members Rights... (unchanged)

etc.

... and add new clause under voting procedure at meetings

20.7 Property owners who are members may only be allowed one vote, irrespective of the number of properties they own, subject to Clause 7.3.

**Rationale:** Non-resident property owners/landlords may have a valid interest in the well-being of the area. However, limiting non-resident property owners to a single membership may limit the extent to which a wealthy speculating property owners can influence decision-making in the OCA without commitment to Observatory and is a check and balance on this risk.

Vote 3: Should the Man Comm have the discretion to reduce or waive membership fees for persons unable to afford payment?

**Option 1 (as in constitution draft):**

7.6 Residents may apply to have their membership fee waived or reduced by the Association. The Management Committee may at their discretion agree to a waiver or reduction in fees if a resident is unable to afford the membership fee. Such a decision should be minuted in a duly constituted Management Committee meeting.

**Rationale:** There may be circumstances where a person eligible for membership may not be able to afford the membership fees set by the AGM. To ensure inclusivity, the Man Comm should have the discretion to accept a member with reduced fee or a waived fee. The onus is on the resident to motivate they are unable to pay. This mechanism avoids class elitism.

**Option 2 (as alternative):**

Delete 7.6 entirely

**Rationale:** The provision is too vague and does not indicate criteria for waiving fees. This means there is very little control and could result in preferential treatment for some.

Vote 4: Should existing members be allowed to renew membership without proof of address?

**Option 1 (as in constitution draft):**

8.6 Renewal of existing membership can take place at the AGM on payment of the appropriate fee without requirement for proof of residence.

**Rationale:** Existing members have already produced proof of address when first registering. It will be less of a barrier to getting members to renew membership if they did not have to hassle with proof of address.

**Option 2 (as alternative):**

Delete 8.6 entirely

**Rationale:** Residents who have moved out of Observatory could, in theory, continue to retain membership if they wished, even though they no longer meet the eligibility criteria. They would be doing so in violation of the constitution. Note that clause 9.2.2 terminates membership when someone is no longer able to meet the membership criteria in 6.1, criteria that include being resident.

Vote 5: Should the Observatory Business Forum have a statutory place on the OCA Man Comm or should it be more general to existing partner organisations?

**Option 1 (as in constitution draft):**

11.7 There shall be a standing Sub Group called the Observatory Business Forum, comprising such portfolio holders as deemed necessary by OBF. Other portfolios for Sub-Groups shall be determined by the Association from time to time.

**Rationale:** The Business Forum is particularly important for OCA as it is intended to represent the voice of residents and businesses in Observatory.

**Option 2 (as alternative):**

11.7 The Observatory Neighbourhood Watch, the Observatory Improvement District and the Observatory Business Forum shall be entitled to nominate one member from their organisations to the OCA Man Comm. Other portfolios for Sub-Groups shall be determined by the Association from time to time.

**Rationale:** This creates the opportunity for the OBF to have a rep on the Man Comm along with OBSID and ONW but does not single it out for special treatment.

Vote 6: Should the co-opted members of the Man Comm be entitled to vote?

**Option 1 (as in constitution draft):**

12.2 The Management Committee may co-opt other members onto the Committee, to fulfil a specific role, as may be deemed necessary by the Committee. Such co-opted members will not have voting powers on the committee unless otherwise decided by the Management Committee.

**Rationale:** This is akin to a Working Group. The idea is that this gives Man Comm flexibility to deal with a particular crisis (eg. water). In this case, we don't foresee the Man Comm changing composition in the long-term but need someone to manage it for the OCA in the short term. It still allows Man Comm flexibility to afford co-opted members voting rights.

**Option 2 (as alternative):**

12.2 The Management Committee may co-opt other members onto the Committee, to fulfil a specific role, as may be deemed necessary by the Committee. Such co-opted members will have equal voting powers on the committee to elected members.

**Rationale:** What is the point of being on a Man Comm if you can't exercise influence over Man Comm decisions?

Vote 7: Should there be a limit on the term of office of a Man Comm member?

**Option 1 (as in constitution draft):**

18. ELIGIBILITY OF COMMITTEE MEMBERS FOR RE-ELECTION

At every Annual General Meeting, all the Committee Members shall retire from office, but shall be eligible for re-election.

**Rationale:** There is no mention of maximum term of office so a Man Comm member can remain that portfolio or move to another as long as he or she is elected at the AGM. Continuity of at least some member is important for organizational functioning.

**Option 2 (as alternative):**

18. ELIGIBILITY OF COMMITTEE MEMBERS FOR RE-ELECTION

At every Annual General Meeting, all the Committee Members shall retire from office, but shall be eligible for re-election. Management Committee members cannot be re-elected to a particular portfolio more than twice in consecutive years.

**Rationale:** This encourages the development of new leadership at least every three years.

**Option 3 (as alternative):**

18. ELIGIBILITY OF COMMITTEE MEMBERS FOR RE-ELECTION

At every Annual General Meeting, all the Committee Members shall retire from office, but shall be eligible for re-election, provided that the maximum continuous term of office on the Management Committee is 5 years.

**Rationale:** This encourages the development of new leadership.

Vote 8: Should proxy votes be permitted at an SGM and AGM?

**Option 1 (as in constitution draft):**

20.3 Members have to be present in person to vote unless a proxy process has been completed and accepted prior to the meeting.

20.4 Proxy Process:

20.4.1 If a member is unable to attend an SGM or AGM, he or she may nominate another member to be their proxy. In nominating a proxy, the member accepts that he or she is giving the proxy a general proxy which enables the proxy to vote however he or she sees fit on any matter at the meeting.

20.4.2 A proxy appointment must be in writing, include the name and signature of the member, of a witness and of the proxy.

20.4.3 The completed proxy must be delivered to the Secretary not less than twenty-four (24) hours prior to the scheduled meeting.

20.4.4 The secretary must verify the proxy as valid before voting begins and should inform the meeting of how many proxies have been received.

20.4.5 A proxy may be used to establish a quorum.

20.5 Every question submitted to a meeting shall be decided by a show of hands, except where a majority of members call for a secret ballot. The determination of a secret ballot may not be cast by proxy vote.

20.5.1 Where voting includes approved proxies, voting cards or their equivalents can be issued to the proxy indicating the number of votes the proxy holds.

**Rationale:** There may be circumstances beyond the control of a member which mean that he or she is not able to be present at a SGM or AGM. Without a proxy, they are deprived of their democratic right. A general proxy is the easiest form of proxy to manage. A limited proxy, whereby the proxy is given a mandate to vote in a particular way on a pre-circulated motion, requires more complex preparation and monitoring.

**Option 2 (as alternative):**

20.3 Members have to be present in person to vote. No proxy process is permitted.

20.4 and 20.5.1 are deleted.

**Rationale:** The principle is that if people are to participate in the Civic, they should be present to participate. Participation through proxy is a weaker form of democracy and may encourage undemocratic practice if abuses to generate an artificial majority for a particular decision