



MOSSSEL BAY TOURISM DIRECTIVE
MEMBERSHIP

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Definition of a Member and of Membership

In terms of the Memorandum of Association for Mossel Bay Tourism no 2002/022284/08 dated 27th February 2006, a member is defined as follows:

Article 3.1.11 - “member” means a member of the Company as more fully set out in article 7.

In corporate legislation, a member is generally defined as (1) the subscriber to a firm's memorandum of association (or articles of incorporation) who is deemed to have agreed to become a member of the firm, and whose name is entered in the firm's register of members when the firm is registered (or incorporated), and (2) every other person who agrees to become a member of the firm and whose name is entered in the firm's register of members.

Article 7.2 states that “membership of the Company shall be open to any person wishing to join the Company and approved as a member by the board”.

Article 7.6 further states that “no person elected in terms of article 7.3 shall become a member unless and until his name has been entered into the register of members”.

Summary of Content

- Any person subscribing to the memorandum of Association, and accepted by the Directors of Mossel Bay Tourism, can become a member of the organization. It therefore follows that such applications be submitted to the Board for

approval. This function can be delegated to the Chief Operations Officer. Should grounds be found to refuse admittance, a full report must be submitted to the Board of Directors for a deviation resolution.

- Membership is vested in a person/product owner and not the institution/business or establishment.
- Membership is not transferable in terms of the Memorandum of Incorporation, and cannot be transferred to another owner.
- The Memorandum of Incorporation does not make mention of “Outside Members” and further does not stipulate that members must operate within the Greater Mossel Bay Municipal Area. It then follows that persons/owners of an establishment outside the Mossel Bay Municipal area, can apply for membership of Mossel Bay Tourism. Such applications and accepted members do not qualify for the same benefits as municipal members, but also pay a reduced membership fee.

Requirements for Membership according to the Memorandum of Incorporation

Article 7 in the Memorandum of Incorporation states;

- 7.1 As contemplated in item 4(1) of Schedule 1 of the Act, the Company has members, belonging to one class of members, namely voting members.
- 7.2 Membership of the Company shall be open to any person wishing to join the Company and approved as a member by the board.
- 7.3 The board may be resolution in its sole discretion:
- 7.3.1 elect any person as a member;
 - 7.3.2 refuse to admit any person as a member;
 - 7.3.3 suspend or terminate the membership of any member if such person in the assessment of the board failed to adhere to the provisions of this Memorandum causing the Company losses or damages or acted contrary to the interests of the Company, and the members of the board shall not be obliged to give reasons for a resolution in terms of this article.
- 7.4 The rights and obligations of a member shall be personal and shall not be transferable and every member shall-
- 7.4.1 to the best of the ability of such member further the object and interest of the Company; and
 - 7.4.2 observe all rules made by the Company or the directors.
- 7.5 Should a member wish to withdraw from the Company he shall give written notice to the Company at its registered address of his intention to do so, and he shall cease to be a member 30 (thirty) days after receipt by the Company of such notice: Provided that the termination of a person's membership shall not absolve him from any liabilities due and owing to the Company or any other unfulfilled obligations towards the Company.
- 7.6 No person elected in terms of article 7.3 shall become a member unless and until his name has been entered into the register of members.
- 7.7 The following details must be contained in the member register:
- 7.7.1 Natural person: Full name, surname and identity number of members.
 - 7.7.2 Corporate member: Registered name of entity and registration number as well as the full name, surname and identity number of natural person as its representative.
 - 7.7.3 Change of representative must be done in writing immediately or in the event of an Annual General Meeting

taking place at least ten (10) days prior to said meeting.

- 7.7.4 The member register must be open for inspection at all times
- 7.8 The directors may provide for the issue of a membership certificate; which certificate shall be in such form as may be prescribed by the directors. The Company shall maintain a membership register.
- 7.9 No member ceasing to be a member of the Company for any reason shall, nor shall any such member's executor, curators, trustees or liquidators, have any claim upon or interest in the funds or property of the Company, but this article shall be without prejudice to the rights of the Company to claim from such member or the estate of such member any sums due from such member to the Company at the time of such person so ceasing to be a member.
- 7.10 Each corporate member shall nominate a natural person as its representative and such a member representative shall be eligible for appointment to the board of directors of the Company.
- 7.11 A corporate member shall in writing notify the Company of its member representative and may in writing replace its member representative, whereupon any such person shall, if he was a director, at the time of such replacement be deemed to have resigned from his position as a director of the Company.

Resolution regarding the sub classification of Members

It is the resolution of the Board of Directors` that "Voting members" will furthermore be broken down into the following categories;

Category 1 | One Owner – Single Business

Subcategory 1.1 | Single Owner – Accommodation 1 – 10 rooms

Subcategory 1.2 | Single Owner – Accommodation 10 – 49 rooms

Subcategory 1.3 | Single Owner – Accommodation 50+ rooms

Subcategory 1.4 | Single Owner – Venues (Conference & Events)

Category 2 | One Owner - Multiple Businesses

Category 3 | Friend of Mossel Bay Tourism (Individuals only)

Category 4 | Informal Trader and or Emerging Entrepreneur

Category 5 | Members residing outside the Mossel Bay Municipal Area

Requirements for Membership over and above the Memorandum of Incorporation

- Proof of all legal documents and or permits be filed with any new membership application. This shall include permission from the Mossel Bay Municipality to operate a business from a residential property should a valid zoning permit not be available.

Membership Levies (fees)

Article 9 in the Memorandum of Incorporation states;

- 9.1 The board of directors shall from time to time determine the levies payable by members, which levies may vary according to the categories of membership.
- 9.2 No member shall be entitled to any of the privileges of membership of the Company unless and until he shall have paid every levy or other sum (if any) which shall be due and payable to the Company in respect of his membership thereof.
- 9.3 Should any person fail to pay any amount owing to the Company and fail to remedy such breach within the period determined by the board of directors –

- 9.3.1 the membership of such person may be summarily terminated;
- 9.3.2 such member shall not be entitled to attend, speak at or vote on any matter at a general meeting of the Company.

The following procedure must be followed for the collection of membership fees:

On the 15 of June annually a letter of renewal of membership be send out to all paid up members requested their intent to renew their membership. The membership directive must accompany these letters. An update of membership details must also be requested.

Upon confirmation of renewal the following will apply;

- A tax invoice be generated and submitted to the member for payment.
- Tax invoices must indicate that payment is required by the latest 31 August.
- During the months of July and August, the COO as well as the Membership Liaison must get a list of Debtors outstanding, to assist with the collection of outstanding monies.
- Statements should be sent on 30 days, 60 days as well as 90 days due or until payment is received in full.
- The contents of the resolution must be adhered to, as it is the only way to ensure that all member benefits are distributed fairly and outstanding debtors reduced.
- No outstanding membership fees can or will be written off, without the authority of the Board of Directors. A debtors list must be submitted monthly for consideration and approval of the Board of Directors.
- Mossel Bay Tourism will only accept the electronic transfer of funds for the payment of Membership fees.

Pro Rata Membership Levies (fees)

Members joining after 1 January of each year will only be liable for 50% of the annual membership fee.

Members wishing to join from 1 April will be charged 25% of the annual membership fee as well as 100% of the fee for the following financial year. Should the fee structure for the next financial year not be in place upon application the member will be invoiced the difference at the beginning of the next financial year.

Termination of Membership

Article 7 in the Memorandum of Incorporation states;

7.3 The board may be resolution in its sole discretion:

- 7.3.1 elect any person as a member;
- 7.3.2 refuse to admit any person as a member;
- 7.3.3 suspend or terminate the membership of any member if such person in the assessment of the board failed to adhere to the provisions of this Memorandum causing the Company losses or damages or acted contrary to the interests of the Company, and the members of the board shall not be obliged to give reasons for a resolution in terms of this article.

7.4 The rights and obligations of a member shall be personal and shall not be transferable and every member shall-

- 7.4.1 to the best of the ability of such member further the object and interest of the Company; and
- 7.4.2 observe all rules made by the Company or the directors.

7.5 Should a member wish to withdraw from the Company he shall give written notice to the Company at its registered address of his intention to do so, and he shall cease to be a member 30 (thirty) days after receipt by the Company of

such notice: Provided that the termination of a person's membership shall not absolve him from any liabilities due and owing to the Company or any other unfulfilled obligations towards the Company.

Members residing outside the Mossel Bay Municipal Area

It is common practice in the Tourism Industry, that businesses operating outside a municipal area do not enjoy the same benefits as normal members of the Local Tourism Office. Membership is also granted at a reduced fee. When considering this type of membership, the following criteria are important:

- Applicants must be active in the Tourism sector.
- Authorization for approval of membership must be similar to the procedure of members.
- Outside members do not have voting rights at AGM's or any other meeting of Mossel Bay Tourism.
- Outside members cannot be placed on Mossel Bay Tourism's website.
- Limited benefits for these members must appear on their application form and acknowledged by the applicant.

Membership fees for the period 1 July 2018 to 31 June 2019

Category 1 One Owner – Single Business	<input type="text"/>	R595 p.a.
Subcategory 1.1 Single Owner – Accommodation 1 – 10 rooms	<input type="text"/>	R595 p.a.
Subcategory 1.2 Single Owner – Accommodation 10 – 49 rooms	<input type="text"/>	R1000 p.a.
Subcategory 1.3 Single Owner – Accommodation 50+ rooms	<input type="text"/>	R2500 p.a.
Subcategory 1.4 Single Owner – Venues (Conference & Events)	<input type="text"/>	R1000p.a.
Category 2 One Owner - Multiple Businesses	<input type="text"/>	R2500 p.a.
Category 3 Friend of Mossel Bay Tourism (Individuals only)	<input type="text"/>	R200 p.a.
Category 4 Informal Trader and or Emerging Entrepreneur	<input type="text"/>	R300 p.a.
Category 5 Members residing outside the Mossel Bay Municipal Area	<input type="text"/>	R300 p.a.

Approved on 12 July 2018 by the Board of Directors.