

DANIDA

Pilot Project Kwaluseni
Annexure 6
Solid Waste Society Draft Constitution

28 March 2003

Job	001100	Prepd.	RL
Ref.No.	DANIDA ref: 129-0140	Checked	MTG
Edition		Appd.	BIH
Date	28-3-2003		

KWALUSENI SOLID WASTE SOCIETY

DRAFT CONSTITUTION

1. Name

The name of the co-operative society shall be :

KWALUSENI SOLID WASTE SOCIETY

in an abbreviated form to be known as **KSWS**.

2. Location

The KSWS shall operate and provide services within the boundaries of Kwaluseni Inkhundla and more specifically in Kwaluseni Chiefdom. Here the KSWS will commence its operations in zones G and H. Based on the success of the system and its financial recovery, the KSWS will gradually expand to provide services in other zones of Kwaluseni Chiefdom and, when finished here and if found feasible, it may eventually spread to the Chiefdoms of Hlane and Logoba.

3. Aims

To install and operate a sustainable and accountable solid waste collection system in Kwaluseni Chiefdom

Clause:

The KSWS may decide to undertake other activities/ventures than those linked to waste collection services. However, if so done, then the operational and financial elements of the waste collection system, must be undertaken as a fully independent venture.

4. Purpose

1. To design and maintain a waste collection system for the Kwaluseni Community which is affordable to community residents and which can recover its own cost through a user-pays principle.
2. To use profits gained, to maintain and expand the waste collection system into other areas of Kwaluseni Chiefdom and then, secondarily, to the other two Chiefdoms of the Kwaluseni Inkhundla.
3. Profits gained cannot be paid out to Society Members, but must be utilised to, firstly, consolidate and, secondly, expand waste collection system as outlined above.

4. To promote the KSWs towards landowners, and landlords in particular, in Kwaluseni for them to become paid up members of the Society.
5. To promote the waste collection system towards tenants and residents in order to foster improved waste management behaviour that would improve on community cleanliness and health.
6. To be the management structure through which the Kwaluseni Chiefdom and, later on, the entire Inkhundla can be accountable towards the current legislation on waste management.
7. To undertake fund-raising activities that will support the up-keep and expansion of the waste collection system.
8. To use the system as a means to offer employment opportunities for local residents.
9. If the environmental legislation prescribes a compulsory waste collection system for the Kwaluseni Inkhundla, then the KSWs would become a natural focal point to assure that through membership.
10. The KSWs shall be the only organisation tasked by the Kwaluseni Community to install and manage the waste collection system. The Waste Collection system shall be owned by the Kwaluseni Community, and the actions and the decisions taken by the Board and the Management Team must reflect this.
11. Landowners shall be liable for the timely payment of fees for waste collection services. Such services shall be charged by KSWs in accordance with the number of tenants residing on each particular plot.
12. Waste collection charges will be fixed and amended from time to time such that the waste collection system remains financially sustainable.
13. Landlords may at their discretion recover the cost of waste collection services from their tenant, but may not charge more than the direct cost that they have incurred.

5. Waste Collection System

In order to provide the least costly yet technically and financially sustainable solution for waste collection in Kwaluseni, a low technology waste collection system has been designed. Waste bins have been installed at plots in Kwaluseni. Tenants will place waste in plastic bags and drop these in the bins that have been provided by the KSWs. KSWs Waste Collectors will use hand-pulled carts to collect the waste from the bins to centrally placed bunkers. A Haulage Contractor will collect the waste from the bunkers and transport it to the Matsapha landfill. Landlords will pay monthly waste collection fees to a payment office located at Kwaluseni. A KSWs Management Team will undertake the day-to-day management of the system. The collection system is owned by the Kwaluseni community and managed on its behalf by the KSWs.

6. Membership

1. Membership of the KSWs is open to landowners of any sex who are over the age of 18 years having plots in the zones of the Kwaluseni Inkhundla serviced by the Society.
2. Full membership can be made compulsory, if the environmental legislation prescribes that a waste collection system must be established in Kwaluseni, e.g. through the declaration of a Waste Control Area.
3. The Society will work towards the achievement of a 100% membership by landowners (and their tenants) in serviced zones. This will assist in making the waste collection system financially sustainable and also in securing compliance by the Inkhundla to current environmental legislation.
4. Transfer of membership shall automatically take place to a new owner of a particular plot, but the new owner will be required to register with the KSWs.
5. The KSWs shall only in exceptional cases, and then only after all other possible options have been explored, take steps to expel a member. Once the compulsory waste collection system is introduced the service will be compulsory and service fees will be recovered through legal sanctions enacted through the Waste Regulations 2000 or whichever statute has jurisdiction at that time.
6. A non-refundable joining fee of **E 50.00** shall be due. The joining fee shall be revisited annually by the Board of the KSWs.
7. A monthly service fee of **E10.00 per household** shall be due. Each plot might have several households related to the household of the landlord and the households of the landowner or landlord. The service fee shall be revisited annually by the Board of the KSWs.

7. Powers and Responsibilities of the Society

The main powers and responsibilities of the Society are:

1. the Waste Collection System and any changes hereto
2. revisions of waste collection fees
3. revisions of membership fees
4. expansion plans for the waste collection system into other zones
5. maintenance plans and budgets
6. financial management incl. income and expenditures for the KSWs
7. annual budget and accounts
8. contracts with sub-suppliers and contractors
9. the Constitution for the KSWs and any amendments thereto
10. action to be taken towards non-complying members
11. standards for waste management for the participating zones
12. be the custodian for the assets and properties owned
13. Waste related community awareness and education activities in support of improved waste management practices.
14. Membership promotion.

8. Organisation of the Society

The KSWS has been established in response to the unique population demography (e.g. many temporary residents etc.) of Kwaluseni and in response to the special requirements related to the establishment of a waste collection system in a peri-urban area located on Swazi Nation Land. The Society acknowledges that a special effort is needed to ensure that improved waste management practices are introduced in Kwaluseni. The Society has been organised in such a way that community ownership of the waste collection system and the importance of the Inkhundla in the provision of the service is acknowledged. The Society accepts that national legislation on waste management for undeclared areas is managed through the Office of the Deputy Prime Minister. In this context the following has been agreed:

The Members of the Society will be the *landowners* of the serviced zones of Kwaluseni.

A **Management Team** will be recruited to undertake the day-to-day duties and tasks associated with the operation of the waste collection system. The Management team will be composed of a *full time Project Supervisor* and a *full-time Public Relations and Administration Clerk*. The Management Team will be employed by the KSWS on the basis of approved job descriptions (attached hereto).

Waste Collection services will be undertaken by **Waste Collectors**, preferably recruited from Kwaluseni Chiefdom. They will be employed by the KSWS. Hauling of waste from bunkers to the Matsapha Landfill will be undertaken by a **Haulage Contractor**, preferably located in Kwaluseni Chiefdom. The KSWS will enter into a contract with the Haulage Contractor.

Payment for waste collection services shall be made to an office in Kwaluseni. The KSWS will enter into a contract with a **Receiver of Payments Contractor**.

It may be decided to establish an **Executive Committee (EXCO)** consisting of the Chairman of the Board, the Project Manager and the Treasurer. The EXCO shall meet more frequently (at least once a month). A fixed schedule of meetings must be prepared.

A **Board** consisting of the following members:

- 1 Inkhundla Representative (e.g. the Clerk)
- 2 Community Representative (e.g. 1 from the Inner Council and 1 Councillor) from serviced zones in Kwaluseni
- 4 paid up KSWS members

Board Membership shall be decided as follows. The Kwaluseni Ink-hundla will assign a member. The Headmen and Councillors will each appoint a member from each group to serve on the Board. The participating landowners will be notified of a meeting with the objective to elect 4 members to the Board. All Board members will have a one-year term of office.

The Project Supervisor will act as the Secretary to the Board and will together with the Treasurer (Vice-Secretary) undertake the required reporting and take minutes of meetings as agreed by the Project Supervisor. A Quorum for the Board Meetings shall be two thirds of the members.

The Board will at its first meeting constitute itself, elect a Chairperson, approve the Constitution and its schedule of meetings. The Board will also approve financial regulations for the KSWS including the assignment of financial authority.

Board Meetings shall be held once a **quarter**, with the fourth quarterly meeting being the **Annual General Meeting**. The agenda for the Board meetings shall include the following:

- Progress and Status Report from the Project Supervisor
- Financial Report from the Treasurer
- Any other business

The Board cannot take decisions (e.g. set a service fee for waste collection services that is too low for effective cost recovery) that will jeopardise the financial sustainability of the waste collection system.

9. Finances, Assets and Liabilities

The **Danish Government** has financed the initial cost of 2 bunkers, 2 collection carts and 200 waste bins. This grant has been made to the Kwaluseni Community and will be managed by the KSWS.

The **income** for the KSWS will come from: (1) membership joining fees and (2) monthly service fees paid by participating landowners and their tenants; (3) fines (if applicable) and (4) fund-raising activities. The **expenses** for the KSWS will include: (1) salaries for Management Team; (2) maintenance and depreciation expenses and (3) payment of Collection Contractors and the Haulage Contractor. The service fees shall be adjusted upwards as required to ensure that the **system recovers its costs**. The Treasurer will be responsible for the monitoring of the financial well-

being of the KSWs and report to the Board using the costing model developed by the SEA.

The **financial year** of the KSWs shall be from 1st March to 28th February the following year.

The KSWs will open a **bank account**. All income for the society shall be deposited into this account. All expenditures for the society shall be made from this account. The Board of the KSWs will decide on and approve the signatories to the account.

The books of KSWs shall be **officially and externally audited** once a year. Additional audits may be commissioned by the Board as required.

10. Dissolution and Liquidation

A Extraordinary General Meeting may be called to decide to dissolve the KSWs and if a majority of two thirds of the Board Members present at the Board Meeting called to evaluate the financial status of the KSWs vote to that effect. However, the decision taken cannot be in violation of the applicable environmental legislation where the area has been declared a Waste Control Area. In such a case the KSWs must follow the official channels to report failure to undertake its duties. If it is decided to liquidate the KSWs, then its assets must be sold to defray debts. If any surplus funds are realised, then a community meeting in the zones that have been participating (paying) in the scheme shall be called to decide upon its use.

11. Amendments of the Constitution

Proposals for amendments to the KSWs Constitution may be made to the Annual General Meeting only after these have been approved by a majority of three-quarters of the Board Members present. The proposed amendments will be delivered to the stakeholders for consultation and Board Members will be responsible for informing their constituencies of the proposed amendments. A Special General Meeting shall be called to take the final decision after consultation with the user community has taken place over a minimum period of 30 days.