

# CLAUDELANDS ROVERS SPORTS CLUB (INC)

## CONSTITUTION

Notice of changes to Constitution accepted at AGM 25 February 2021.

This constitution has been based on the SportNZ template for a sports club's constitution. This means there has been some updating of the language used, the wording changes have not been documented unless the meaning of that wording has also changed. "Rules" are now listed as "Items".

### Rules that have been removed.

Rule 6: Headquarters

Rule 7: Colours

Rule 10: Sub-committees. The role of sub-committees is covered in a policy, however the creating of sub-committees is still covered in the 'new' constitution.

Rule 13: Duties of Officers

Rule 26: Regulations

### Changes

Item 5: Membership. Options will be Ordinary, Social, Junior and Life Members.

Item 11: Officers. Executive Committee will be President, Secretary, Treasurer and 3 of the following – Men's Club Captain, Women's Club Captain, Youth/Junior Rep, Men's Rep, Women's Rep.

Item 15: Subscriptions. Subscriptions to be set within 2 months of the AGM. The signatories to the Club's account will be any two of President, Club Captains Treasurer and Secretary, providing they are not in a personal relationship.

Item 16: Financial Year. The financial year will be January 1 to December 31.

Rule 19: Suspension. Now covered in Item 9: Termination.

Rule 20: Expulsion. Now covered in Item 9: Termination. Revoking Life Membership added.

Rule 22: Annual General Meeting. Now covered in Item 13.1. The AGM is to be held within four (4) months of the end of the financial year. It is to have fourteen (14) days written notice. An agenda is set.

Rule 23: Special General Meeting. Now covered in Item 13.3. An SGM can be requested in writing by no less than ten (10) financial members.

Rule 25: Voting. Now covered in Item 14. A secret ballot can be carried out if requested by ten (10) or more financial members.

Rule 29: Pecuniary Gain. Now covered in Item 4.

# CLAUDELANDS ROVERS SPORTS CLUB INCORPORATED

## CONSTITUTION

AGM 25 February 2021

### 1. NAME

- 1.1. The name of the Club is Claudelands Rovers Sports Club Incorporated, hereinafter referred to as "the Club".

### 2. OBJECTS

- 2.1. To foster and promote the game of Association football.
- 2.2. To provide opportunities for involvement in football both on and off the field for the benefit of our local community.

### 3. ATTAINING OBJECTS

- 3.1. The Club shall be empowered to do all things necessary which are incidental to and necessary for the attainment of the Objects of the Club.

### 4. PROPERTY OF THE CLUB

- 4.1. The Club must apply all property and income of the Club towards the promotion of the Objects or purposes of the Club.
- 4.2. No part of that property or income is to be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those Objects or purposes.

### 5. POWERS OF THE CLUB

- 5.1. To acquire, hold, deal with, and dispose of any real or personal property.
- 5.2. To open and operate bank accounts.
- 5.3. To invest its money
  - 5.3.1. in any security in which trust moneys may be invested; or
  - 5.3.2. in any other manner authorised by the rules of the Club.
- 5.4. To borrow money upon such terms and conditions as the Club thinks fit.

- 5.5. To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit.
- 5.6. To appoint agents and employees to transact any business of the Club on its behalf for reward or otherwise.
- 5.7. To build/construct/erect/maintain/alter and repair any premises building or other structure of any kind, and to furnish equip and improve the same for use by the Club.
- 5.8. Accept donations and gifts in accordance with the objects of the Club.
- 5.9. Print and publish any information by any media including newsletters, newspapers, online or leaflets for promotion of the Club.
- 5.10. Provide gifts and prizes in accordance with the objects of the Club.
- 5.11. Organise social events for Members and the promotion of the Club.
- 5.12. To enter into any other contract the Club considers necessary or desirable.

## **6. INTERPRETATION**

- 6.1. In these rules and any regulations made thereunder, unless repugnant to the context, the singular shall import the plural and the plural shall import the singular. The Club shall mean the Claudelands Rovers Sports Club (Inc); Committee shall mean the committee as set up under Rule 11 hereof; Association shall mean Waikato, Bay of Plenty Football Federation or consequent governing body.

## **7. MEMBERSHIP**

- 7.1. Membership shall be open to any person who wishes to further the interests of the Club.
- 7.2. The Executive Committee or General Meeting of members may refuse to honour the membership of any applicant without giving reason therefore.
- 7.3. The Club shall maintain a digital record of members in which shall be held names, addresses, telephone numbers and email addresses plus any other information as shall be required by the Club from time to time, of all persons who are members.
- 7.4. The record of members shall be maintained in accordance with the Privacy Act 1993, or any subsequent relevant legislation governing the information contained therein.
- 7.5. Each person admitted to membership shall be;
  - 7.5.1. Bound by the Constitution, policies and By-laws of the Club.
  - 7.5.2. Liable for such fees and subscriptions as may be fixed by the Club.
  - 7.5.3. Entitled to all advantages and privileges of membership, with the exemption of Item 7.6.3.2 relating to Junior Members.

7.6. Membership Categories:

**7.6.1. ORDINARY MEMBER**

Any person who is a financial member of the Club is entitled to hold any office and enjoy the privileges of the Club.

**7.6.2. SOCIAL MEMBER**

Persons other than ordinary members who are interested in promoting the Club, but who do not wish to participate in the playing activities of the Club, may become a Social Member.

**7.6.3. JUNIOR MEMBER**

7.6.3.1. Any person under the age of 18 years as at the 1st of January of the playing year may become a Junior Member.

7.6.3.2. Junior Members shall have no voting rights nor be entitled to hold any office.

**7.6.4. LIFE MEMBERSHIP**

7.6.4.1. The Executive Committee may elect any member who has given outstanding service to the Club Life Membership.

7.6.4.2. Any member may nominate a person to the Executive Committee for consideration for Life Membership.

**7.6.5. AFFILIATED CLUBS OR TEAMS**

A club or team desirous of becoming an affiliated club or team must take application in accordance with the by-laws of the Club. Such application must be lodged with the Secretary on or before a date as determined by the Executive Committee of the Club. Each affiliated club or team shall appoint or elect a delegate as his or her representative to meetings of the Executive Committee.

7.7. The Executive Committee shall appoint a member of the Executive Committee to maintain an up to date register of members of the Club.

7.8. All members memberships, excluding Life Members, shall at the 31st of December of the playing year be deemed to have lapsed.

7.9. A member may at any reasonable time inspect the records and documents of the Club.

**8. SUBSCRIPTIONS**

8.1. The annual subscription of members shall be fixed within two (2) months of the Annual General meeting of members in each year and shall there upon become immediately due and payable.

8.2. No member whose subscription is in arrears for more than five (5) months shall be entitled to take part in the activities of the Club but this shall not absolve them from liability for payment.

## **9. TERMINATION OF MEMBERSHIP**

- 9.1. Any person's membership may be terminated by the following events:
  - 9.1.1. Resignation
  - 9.1.2. Expulsion
  - 9.1.3. a member's annual membership fee remains unpaid after eight (8) months falling due;
- 9.2. The Executive Committee shall have the power to suspend or expel any member of the Club for:
  - 9.2.1. Any of the events in Item 9.1
  - 9.2.2. False or inaccurate statements made in the member's application for membership of the Club.
  - 9.2.3. Breach of any rule, regulation, policy or by-law of the Club including those in the New Zealand Football Code of Conduct and the Club's Members Protection Policy.
  - 9.2.4. Any act detrimental to the Club.
- 9.3. After having undertaken due inquiry;
  - 9.3.1. Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of that General Meeting shall be final.
- 9.4. Revoking of Life Membership.
  - 9.4.1. Any life member who is found to have breached the terms in Item 9.1 and/or 9.2 may have their life membership revoked.
  - 9.4.2. Revoking of a Life Membership must be by unanimous decision of the Executive Committee

## **10. EXECUTIVE COMMITTEE**

- 10.1. Management of the Club shall be vested in the Executive Committee elected by the members at the Annual General Meeting and consisting of:
  - 10.1.1. President
  - 10.1.2. Secretary
  - 10.1.3. Treasurer
  - 10.1.4. Up to three (3) additional Committee Members to act as representatives for Junior/Youth, Men's and Women's players.
- 10.2. To be a member of the Executive Committee, a person must be a member of the club as per Item 7.
- 10.3. All Executive Committee members will adhere to the Conflict of Interest Policy
- 10.4. No person shall hold more than one (1) position on the Executive Committee at any one time. A person shall cease to be a member of the Executive Committee at the conclusion of the Annual General Meeting which follows his/her election and he will be eligible for re-election.
- 10.5. A quorum of the Executive Committee shall be half of its members plus one.

- 10.6. If the President or Club Captain is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.
- 10.7. A member of the management committee may lose his or her seat on the committee for either of the following;
  - 10.7.1. Absence from three or more meetings without leave of absence.
  - 10.7.2. Found not to be a financial member.
  - 10.7.3. Is terminated as a member as pursuant to Rule 9.

## **11. POWERS OF THE EXECUTIVE COMMITTEE**

- 11.1. The Executive Committee shall carry out the day-to-day running of the Club and shall have the power to:
  - 11.1.1. Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account.
  - 11.1.2. Fix the manner in which such banking accounts shall be operated upon, providing the Executive Committee passes all payments.
  - 11.1.3. Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof.
  - 11.1.4. Adjudicate on all matters brought before it which in any way affect the Club.
  - 11.1.5. Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members.
  - 11.1.6. Make, amend and rescind rules, policies and By-laws.
  - 11.1.7. Have the power to form and appoint any subcommittee/s as required for specific purposes.
  - 11.1.8. May at their discretion employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary.
  - 11.1.9. Should a vacancy occur on the Executive Committee during the season, the Executive Committee shall appoint a successor until the next Annual General Meeting.
  - 11.1.10. Appoint an officer/s or agent of the Executive Committee to have custody of the Club's records, documents and securities.

## **12. AUDITOR**

- 12.1. The Annual General Meeting shall elect or appoint an Auditor or Auditors.
- 12.2. The Auditor/s shall examine and review all the books and accounts of the Club annually, and have the power to call for all books, papers, accounts, receipts etc., of the Club and report thereon to the Annual General Meeting.

## 13. GENERAL MEETINGS

### 13.1. ANNUAL GENERAL MEETING

- 13.1.1. The Annual General Meeting of the Club must be held within four (4) months of the end of the Club's financial year.
- 13.1.2. The Secretary shall give at least fourteen (14) days' written notice of the date of the Annual General Meeting to financial members.
- 13.1.3. All fully paid financial members of the previous financial year may attend the Annual General Meeting.
- 13.1.4. The quorum at the Annual General Meeting shall be a minimum of ten (10) voting members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such a meeting there is no quorum those members present shall be competent to discharge the business of the meeting.
- 13.1.5. The agenda for an Annual General Meeting shall be;
  - 13.1.5.1. Opening Of Meeting
  - 13.1.5.2. Apologies
  - 13.1.5.3. Obituaries
  - 13.1.5.4. Life Memberships
  - 13.1.5.5. Confirmation of Minutes of previous Annual General Meeting
  - 13.1.5.6. Presentation of Annual Report
  - 13.1.5.7. Adoption of Annual Report
  - 13.1.5.8. Presentation of Treasurer's report and annual accounts
  - 13.1.5.9. Election of new Executive Committee and appointment of Auditor
  - 13.1.5.10. Vote of thanks to outgoing Executive Committee
  - 13.1.5.11. Business as brought to the meeting by the Executive Committee
  - 13.1.5.12. General business
  - 13.1.5.13. Closure

### 13.2. GENERAL MEETINGS

- 13.2.1. General Meetings may be called by the Executive Committee or at the request of the President and Secretary or on the written request of ten (10) voting members of the Club.
- 13.2.2. The Secretary shall give at least seven (7) days' notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.

13.2.3. The quorum at the General Meeting shall be a minimum of seven (7) voting members.

**13.3. SPECIAL GENERAL MEETING**

13.3.1. A Special General meeting of members may be called at any time by the committee or by a requisition signed by not less than ten (10) voting members.

13.3.2. The requisition shall be addressed to the Secretary and shall set out specifically the business for which a Special General Meeting is required.

13.3.3. Upon receipt of such a requisition the Secretary shall forthwith take the necessary steps to convene the meeting.

13.3.4. The notice to members of a Special General Meeting shall be the same as that prescribed for the Annual General Meeting.

13.3.5. At Special General Meetings, only the business set out in the notice convening the meeting shall be considered.

**14. VOTING**

**14.1. Voting powers at the Annual General Meeting and General Meetings:**

14.1.1. The President shall be entitled to a deliberate vote and, in the event of a tied vote; the President shall exercise a casting vote.

14.1.2. Each individual financial member present shall have one (1) vote.

14.1.3. For all contested officers at the Annual General Meeting the voting shall be by secret ballot.

**14.2. Voting powers at Executive Committee Meetings:**

14.2.1. The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.

14.2.2. Each individual committee member present shall have one (1) vote.

14.2.3. When demanded by ten (10) or more voting members, a secret ballot shall be held.

**15. FINANCE**

15.1. All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Executive Committee may determine.

15.2. All accounts due by the Club shall be paid by internet banking transfer after having being passed for payment at the Executive Committee Meeting

15.3. When immediate payment is necessary, account/s shall be paid and the action endorsed at the next Executive Committee Meeting.

15.4. The Treasurer shall not spend more than a set amount of Petty Cash without the consent of the Executive Committee, and shall keep a record of such expenditure in a Petty Cash Book.

15.5. A statement showing the financial position of the Club shall be tabled at each Executive Committee Meeting by the Treasurer.



- 15.6. A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.
- 15.7. The financial year of the Club shall commence on January 1 each year. The accounts, books and all financial records of the Club shall be reviewed each year.
- 15.8. The signatories to the Club's account/s will be any two (2) from the following, providing they are not in a personal relationship;
  - 15.8.1. President
  - 15.8.2. Club Captain(s)
  - 15.8.3. Treasurer
  - 15.8.4. Secretary
- 15.9. All property and income of the Club will apply solely to the promotion of the Objects of the Club. No part of that property or income shall be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those Objects.

#### **16. COMMON SEAL**

- 16.1. The common seal of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Executive Committee and in the presence of at least the President and two (2) members of the Committee, both of whom shall subscribe their names as witnesses.

#### **17. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS**

- 17.1. No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, Special General Meeting or General Meeting, called for that purpose.
- 17.2. Notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.
- 17.3. The Secretary shall forward such notices of motion to each Executive Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 17.4. Alterations to the policies or By-laws can be made only at Executive Committee Meetings, provided notice of the proposed alteration/s has been duly notified to Committee Members.
- 17.5. Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Executive Committee Meeting, as the case may be.

17.6. Within one month of the passing of a Special Resolution, the Secretary shall notify the Department of Consumer and Employment Protection, and the Director of Liquor Licensing of the amendment.

## **18. LIQUOR LICENCE**

18.1. Alcohol will be sold or supplied only in accordance with any licence held by the Club under the provisions of the Sale and Supply of Alcohol Act 2012.

## **19. DISSOLUTION**

19.1. If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed to:

19.1.1. Another incorporated club or association having objects similar to those of the Club; or

19.1.2. For charitable or benevolent purposes, which incorporated Club or purposes, as the case requires, shall be determined by resolution of the members.