

CONSTITUTION FOR FISH HOEK BEACH SPORTS CLUB

1 TITLE

The name of the Club shall be the FISH HOEK BEACH SPORTS CLUB and the headquarters shall be at Fish Hoek.

2 OBJECT

The object of the Club shall be the encouragement of amateur small boat sailing and other recreational water activities Fish Hoek Beach, including but not limited to surfskiing and SUP'ing.

3 MEMBERSHIP

Membership of the Club shall consist of persons duly elected to one or other of the following categories:

- A Ordinary Member
- B Honorary Member
- C Temporary Member
- D Country Member
- E Student Member
- F Junior Member

Ordinary Members

An ordinary member shall be a member who either resides, works or carries on his business, profession or occupation within a radius of 80 (eighty) km of Fish Hoek (incorporates member's family under the age of 18 (eighteen) years)

Honorary Members

The Club in Annual General Meetings may elect Honorary members who will be free from further subscriptions.

Temporary Members

The Executive Committee is authorized to admit temporary members to the Club at a monthly subscription specified in paragraph 1 of the Club Bye-Laws provided that no such member shall be entitled to remain as a temporary member for a period in excess of 6 (six) consecutive calendar months.

Country Members

A Country Member shall be a person who ordinarily resides outside the radius of 80 (eighty) km from the Club House in Fish Hoek. The conditions for the election of a Country member shall be the same as that of an Ordinary Member.

Student Member

Student Members shall be persons over the age of 18 (eighteen) years, and under 21 (twenty one) years, or who are bona fide students at a recognized educational institution. Any Student Member shall become eligible for Ordinary Membership at the commencement of the season following his or her 21st birthday or the date of the completion of his/her studies.

Junior Members

Junior Members shall be persons over the age of 7 (seven) years and under the age of 18 (eighteen) years. Any Junior Member shall become eligible for Student Membership at the commencement of the season following his/her 18th (eighteenth) birthday.

4 NOMINATION AND ELECTION TO MEMBERSHIP

Except where otherwise provided in this Constitution, candidates for membership shall be nominated as follows:

Every candidate shall be proposed and seconded by two Club members (other than members of the Executive Committee), to whom the candidate must be personally known.

The "Application for Membership Form", duly completed, together with the Entrance fee and subscription, shall be forwarded to the Secretary of the Club.

The candidate shall be introduced to one Flag Officer of the Club and two members of the Executive Committee before the date of ballot.

The election of members shall be vested in the Executive Committee who shall vote by ballot, two negative votes will exclude the candidate. The Honorary Secretary shall notify every candidate of his or her election. A copy of the Club's Constitution and Bye-Laws shall be forwarded to each member on his or her election. No candidate to whose proposal for membership has been rejected shall be considered for election as a member of the Club until the expiration of twelve months from the date of rejection.

The Executive Committee may cancel the membership of any member within six months of the date of election and such member shall not have the right to make any appeal whatsoever nor to demand the reasons for such cancellation of membership, but the subscription and entrance fee (if any) shall be refunded in full.

5 ENTRANCE FEES AND SUBSCRIPTIONS

All persons joining the Club, with the exception of members of other Yacht Clubs enjoying reciprocity terms by virtue of which entrance fees are waived, and previous members of the Club who were in good standing at the time of their resignation, shall be liable for an entrance fee on election.

Annual subscriptions shall be due and payable on the 1st day of August each year and notices to this effect shall be sent to members prior to that date.

Entrance fees and subscriptions shall be determined from time to time by the Executive Committee published in the Bye-Laws as provided in paragraph 10 of the Constitution. Members joining the Club during the course of the financial year shall pay a pro-rata proportion of the annual subscription calculated from the date of application for membership until the end of the financial year. Entry and membership dues shall be paid in full at the time of admission to the Club.

6 NON PAYMENT OF SUBSCRIPTION

If any member's subscription shall remain unpaid by the 31st October, he or she shall no longer be considered a member of the Club, and their names will be posted on the Club Notice Board.

Such defaulting members shall automatically cease to be a member of the Club unless and until he or she shall have furnished a satisfactory explanation to the Executive Committee which thereafter, upon payment of his or her of all arrears, reinstate him or her as a member.

7 RESIGNATION

Resignations must be submitted to the Secretary in writing. A member who fails to notify the Secretary of the Club before the renewal date for subscriptions shall be liable for the subscription for the ensuing year.

8 CONDUCT OF MEMBERS

If any member shall have been found guilty of improper conduct by the Executive Committee, after due enquiries, the Executive Committee may by resolution, expel such member from the Club. The member may be given the opportunity to resign in a letter from the Club Secretary and if the member fails to resign within seven days of such a request, then the Executive Committee shall be entitled summarily to expel such a member.

The Executive Committee shall afford such a member a reasonable opportunity of disproving, explaining or justifying his or her conduct before taking action under this clause.

Any member so expelled may appeal against the decision of the Executive Committee by giving notice of his or her intentions to appeal to the Secretary within 10 days of his or her notification of such a decision.

Upon receipt of such notice, the Secretary shall call a Special meeting of the Club to consider such an appeal and the decision of such a meeting shall be final. It is not incumbent upon the Executive Committee to state reasons for an expulsion and no member shall have cause for action for alleged wrongful expulsion.

9 CLUB MANAGEMENT

The management of the Club shall be vested in the Executive Committee.

10 EXECUTIVE COMMITTEE

The Executive Committee shall consist of no less than 10 (ten) members, that is to say, no less than 3 (three) Flag Officers , Honorary Secretary, Honorary Treasurer and no less than 4 (four) other persons. If none of the Flag Officers elected to serve on the Executive Committee have served as Flag Officers on the retiring Committee, then the retiring Commodore shall serve on the new Committee as an additional member for one year.

The Executive Committee shall meet once every month and any member who fails to attend three consecutive meetings, not having obtained leave of absence, shall furnish a reasonable explanation or vacate his or her office. Unless otherwise provided in this Constitution, four shall form a quorum at any Executive Committee meeting and any decision shall be by the majority vote.

Any member of the Executive Committee having personal interest in any contract or financial dealing of the Club shall disclose such interest and shall be precluded from voting on the matter. Should such a member not disclose his or her interest he or she shall be deemed guilty of improper conduct.

The Executive Committee may fill any vacancy that may occur in its body during its year of office.

The Executive Committee shall have the power to transact all business of the Club which does not specifically, under this Constitution, require the sanction of a General Meeting, which specific provision is not provided in this Constitution. The Executive Committee shall have the power to make, amend and rescind Bye-Laws for the conduct of the Club provided such Bye-Laws are not in conflict with this Constitution. A copy of all such Bye-Laws shall be posted in the Club House for the information of members.

11 FLAG OFFICERS

The Flag Officers of the Club shall be as follows:

- (a) The Commodore;
- (b) A Vice-Commodore for each major club sporting discipline, involving no less than 20% (twenty percent) of the membership. The Vice-Commodore for each discipline shall chair the sub-committee concerning that discipline.
- (c) The Rear-Commodore House and Grounds, chairing the House and Grounds Committee.

Only persons that have served on the Executive Committee shall be eligible for Flag Office unless elected at an Annual General Meeting unopposed.

Should any Flag Office become vacant a Special General Meeting shall be called within 30 (thirty) days of the vacancy occurring to fill the office.

12 GENERAL MEETINGS

Annual General Meeting

The Annual General Meeting of the Club shall be held in the month of June each year. The Agenda of such a meeting shall be posted on the Club Notice Board fourteen days prior to the meeting. The Club's accounts shall be closed annually on the 31st May. The business of the Annual General Meeting shall be as follows:

- (i) Apologies
- (ii) Confirmation of Minutes
- (iii) Treasurer's Report
- (iv) Commodore's Report
- (v) Election of Office Bearers
- (vi) General

Any other business considered necessary by the Executive Committee.

Nominations for the office of Commodore, Vice-Commodores and Rear-Commodore and Committee members shall be in writing. Every nominee shall be proposed by a member and seconded by another member and shall signify his or her acceptance. Nominations shall be called for immediately prior to an election at a General Meeting. A quorum of any General Meeting of the Club shall not be less than 25 (twenty five) members.

Except where otherwise specifically provided in this Constitution, a decision or resolution at a General Meeting or Special General Meeting shall be by majority of those present.

Special General Meeting

The Executive Committee may, and upon requisition signed by no less than ten members, call a Special General Meeting of the Club. Any such requisition shall state the business for which a meeting is desired.

Not less than 14 (fourteen) days prior to any Special General Meeting a notice shall be posted on the Club Notice Board. Such notice shall state the business for which such a meeting is called and any decisions and resolutions shall be confined to the scope thereof.

A quorum shall be 25 (twenty five) Club Members.

Should no quorum be present on the specified date for a Special General Meeting, the Chairman shall postpone the meeting for a period of 14 days to be reconvened at the same place and time. Should there be again no quorum present, the meeting shall not proceed.

13 CHAIRMAN AT MEETINGS

In the absence of the Commodore, the senior Flag Officer present shall preside at any General Meeting. Should none of the aforementioned office-bearers be present, the Meeting shall appoint a Chairman. The Chairman shall have in addition to a deliberative, a casting vote in the event of equality of voting.

14 INTERPRETATION

If any question or dispute should arise at any meeting of the Club as to the interpretation or meaning of the Rules, the Chairman of such meeting shall give a ruling.

Any member present may object to such ruling whereupon the ruling shall be submitted to the meeting for final decision.

15 VOTING

Members shall be entitled to vote at any General Meeting of the Club. Voting shall be by show of hands unless any member requests that the vote shall be by ballot. Except where otherwise in those rules specifically provided, a decision or resolution of a General Meeting shall be by a majority.

16 MOTIONS

Any motion put at a General Meeting of the Club shall be proposed by a member and seconded by another member.

17 ALTERATIONS TO CONSTITUTION

No alteration to, addition to or deletion from this Constitution shall be allowed except by a majority of not less than two-thirds of members present at a General Meeting. No resolution involving any alterations to, or addition to or deletion from this Constitution shall be put to a General Meeting unless notice thereof shall have been posted on the Club Notice Board for a period of not less than 14 days immediately prior to such General Meeting.

18 BANK ACCOUNT

Monies received on behalf of the Club shall be placed to the credit of the Club at its bank or in any Savings Account or such Trust Funds or other Financial Institutions as may be acceptable to the Executive Committee from time to time.

All cheques drawn against the Club's banking account aforesaid shall be signed by any two of the following: The Commodore, Treasurer or the Secretary.

19 AUDIT

The Executive Committee shall appoint a qualified auditor to audit the accounts and Balance Sheet of the Club. Such Auditor shall not be an officer of the Club or a member of the Executive Committee.

20 IMMOVABLE PROPERTY

The Club shall have the power to acquire, own or dispose of immovable property.

The Club shall have the power to borrow money under security of property, immovable or movable, and to authorize the execution of such mortgage bonds as may be necessary to effect this purpose.

21 LEGAL PROCEEDINGS

The Commodore at the time being shall, when authorized to do so by the Executive Committee, take or defend any legal proceedings for or on behalf of the Club.

Service of any process upon the Commodore shall be deemed to be a service upon the club.

22 DAMAGE TO CLUB PROPERTY

A member shall be responsible for any damage done to Club property whether such damage is done by the member or any one or more of his guests.

23 CLUB LIABILITY

The Club shall not be liable for any property lost, stolen or damaged or mislaid on the Club premises nor shall the Club be responsible for bodily injury to any person while upon the Club premises.

24 TROPHIES

Floating trophies may be retained by their winners after presentation provided that a written guarantee to return the trophy or trophies is sent to the Secretary and approval of the Executive Committee is obtained. A record of all the trophies shall be kept by the Secretary in a book provided for that purpose.

25 CLUB FLAG

The Club Flag will be a pennant coloured orange and blue. The colours divided equally laterally from staff to fly. It will be flown orange colour upmost.

A rondell, coloured equally orange, white and blue with the letters F.H.B.S.C. in black across the white centre. The blue profile shows three breaking waves from left to right.

The rondell is positioned on the centre line of the pennant adjacent to the staff.

The Club colours will be orange, white and blue. The colour blue to be taken as a dark blue. (Midnight Blue).

26 RACING

All races shall be conducted in accordance within relevant association rules and any other regulations as contained in the Bye-Laws.

Only Club members or their guests may participate in Club races.

27 FUNCTIONS ON CLUB PREMISES

At the discretion of the Committee, the Club premises may be hired to members or to the public for functions, provided that this should not unreasonably restrict access to and use of, the Club by members. The Club Manager or a delegated Committee Member must be present in a supervisory role at each function.

28 VISITORS

No person may introduce a guest more than six times during one year.

No member shall introduce anyone to the Club premises who has been ousted as a defaulter in terms of Clause 6, No person who has been rejected as a member in terms of Clause 4 of this Constitution shall be introduced as a guest without the approval of the Executive Committee within a period of twelve months thereafter and no person who has been twice rejected shall be introduced as a guest thereafter.

29 DISSOLUTION OF CLUB

The Club shall be deemed to be dissolved if the membership falls below 20 (twenty).