

Draft

# Constitution of Athletics and Cycling Masterton Incorporated

## 1. Name

The name of the club is Athletics & Cycling Masterton Incorporated.

## 2. Definitions and Interpretations

Club means Athletics & Cycling Masterton

Member means a person whose has completed the application form and paid the current year's subscription.

AGM means Annual General Meeting

SGM means Special General Meeting

## 3. Objectives

(a) To organise and conduct harriers, cycling, athletics and other sporting codes that may join in the future in Masterton, Wairarapa and the wider community.

(b) To encourage these sporting codes as a life recreation.

## 4. Colours

The club's colours must include red, green, white and black.

## 5. Affiliations

The club shall be affiliated to and bound by the rules and regulations of the respective national bodies for each sporting code.

## 6. Membership

Membership shall be open to all persons sympathetic to the general objectives of the club on completion of the application form and payment of the annual subscription.

## 7. Grades of membership

There shall be the following grades of membership:"

- a. Active: members who physically participate in athletic/cycling pursuits
- b. Non-active: members who wish to support the physical and social activities of the club.
- c. Life: life membership may be conferred on any person for special services to the club through the agreement of 2/3 financial members attending an AGM. Notice of proposed life membership shall be included in the notice of the AGM.

## 8. Cessation of membership

(a) Any member may retire from membership by giving the secretary notice in writing to that effect.

(b) The committee may be 2/3 majority to suspend or terminate membership for misconduct or breach of the club's rules.

(c) Membership ceases if the annual subscription has not been paid within 3 months of the due date.

## **9. Membership list**

A list of the financial members of the club shall be held and maintained by the treasurer.

## **10. General Meetings**

### **(a) Annual General meeting**

An Annual General Meeting (AGM) shall be held once in a calendar year, normally within 3 months of the end of the club's financial year. The date of this meeting must be publicly advertised at least 10 days prior. Notice must also be given on the club's website and any social media platforms and these should include the name of any proposed life member, any proposed changes to the constitution and any notices of motion already received.

The meeting will be chaired by the club president. If the president is not available, then the club chair will preside. Non financial members can attend and may speak at the discretion of the president. The quorum for an AGM shall be 10 members.

The business of the (AGM) shall include:

- i. Presentation of the annual (president's) report.
- ii. Presentation of the annual financial statements
- iii. The election of officers. Nominees must be proposed and seconded by current financial members. If a vote is required, this will be by secret ballot. The president will appoint scrutineers. Only current financial members are eligible to vote. The result is determined by simple majority.
- iv. Notices of motion. Notices of motion may be received from the floor on the day, but their acceptance for consideration is at the president's discretion. Voting will be by show of hands unless a motion for a secret ballot is passed. The result is determined by simple majority.
- v. To set subscriptions and levies for the new financial year
- vi. Such other business as the president allows.

### **(b) Special General Meetings (SGM)**

(i) A Special General Meeting may be called by the club committee or by a written request by at least three financial members of the club. A SGM is to be publicly advertised at least 10 days in advance. Such notice must be repeated on the club's website and any social media platforms and must include the reason for the meeting and any notices of motion already received.

(ii) The conduct of an SGM shall be in accordance with the procedures outlined for an AGM as above.

## **11. Officers and committee.**

The club shall have the following officers as elected by the AGM: Officers serve for one year initially, but can be re-elected at subsequent AGMs. All officers must be current financial members.

- a. A president who presides over the AGM and any SGMs and is the official spokesperson for the club.
- b. A chair who presides over each committee meeting. In the chair's absence, the president will take the meeting.
- c. A secretary who conducts the club's correspondence and keeps minutes of all meetings.
- d. A treasurer who shall keep proper financial records and receive bank (in one of the main trading banks) and account for club funds and make authorized payments on its behalf.
- e. One delegate from each section as a representative of that code. These delegates shall be elected or appointed by each section as appropriate.

The committee has the power to co-opt additional members for specific purposes, and to replace any officers who resign during the operative year.

The president and the chair are to be from different sections of the club to maintain balance.

The quorum for a committee meeting is 4 members.

## **12. Alterations or amendments to the constitution**

- (a) The constitution can be amended only by vote at an AGM or SGM convened for that purpose.
- (b) Any proposed alterations must be included in the notice of meeting for the AGM or SGM as above and also on the club's website and social media platforms.
- (c) Alterations can be approved by a 2/3 majority at the AGM or SGM.
- (d) No addition or alteration of the objectives, personal benefits or winding up clauses shall be made which affect the nonprofit deduction. The provisions and effect of this clause shall not be removed from this document and shall be included and implied in any document replacing this document.

## **13. Financial**

- (a) The annual subscription for the current year shall be set at each AGM. The subscriptions will be due at the beginning of the 'Sporting Year' for each code.
- (b) The financial year is 1 April to 31 March in the subsequent year.
- (c) The treasurer shall present to the AGM a comprehensive financial statement for the previous year in accordance with current accounting standards, with a written report from a suitably qualified person who is not a member of the committee, or an immediate relative. In accordance with historical practice, no 'Statement of Cashflow' is required.
- (d) The club has the power to borrow or raise money from time to time by the issue of debenture, bonds, mortgages or other security founded or based on all or any of the property

and/or rights of the club or without such security and upon such terms as the committee sees fit.

(e) The club may purchase, take on lease, or in exchange, or on hire, or otherwise acquire hold, mortgage or dispose of any real or personal property rights or privileges which the club thinks necessary or expedient for the purpose of attaining its objectives or promoting its members' interests.

(f) The committee may deposit in and withdraw from any bank or invest or reinvest club funds on such terms as it shall think fit.

#### **14. Personal benefit**

(a) Any income, benefit or advantage shall be applied to the objectives of the club

(b) No member or associated person may derive any income, benefit or advantage from the club except where that income or benefit is for the provision of services to the club rendered in the normal course of business and charged at no more than accepted current market rates.

(c) No member of the club or a close associate shall participate or materially influence any decision made by the club in respect of the payment to or on behalf of that member or associated person of any income benefit or advantage whatsoever.

(d) The provisions and effects of this section shall not be removed from this document and shall be included and implied in any document replacing this document.

#### **15. Winding up**

(a) If the club is completely inactive in any year, it shall be deemed to be in recess. After three years in recess, the club shall be wound up.

(b) A 2/3 majority of current financial members at a General Meeting called for this purpose, may resolve that the club be wound up.

(c) All obligations and liabilities of the club must be met prior to winding up.

(d) Any remaining assets of the club shall be donated by equal division, to the relevant national sporting bodies.

(e) The winding up, meeting of liabilities and distribution of assets shall be administered by the then current committee.

(f) These clauses may not be added to, altered or rescinded without the written approval of the Department of Inland Revenue.

#### **16. Disputes**

(a) Any party affected by any dispute in relation to the actions of the club shall use best endeavours to settle the dispute through amicable consultation. This should be within 14 days of the notification in writing to the Committee Chair of the existence and details of said dispute.

(b) If no settlement can be reached by the above means, a review shall be undertaken by an independent arbitrator to be agreed upon by the parties in dispute.

(c) Decisions made by the arbitrator in respect of the dispute shall be accepted by all parties in good faith.