

CAPE BOAT AND SKI-BOAT CLUB CONSTITUTION

Amended 11th February 2009

1 NAME:

The name of the club shall be the **Cape Boat and Ski-Boat Club**.

2 HEADQUARTERS:

2(a) The headquarters of the club shall be situated at **Rumbly Bay, Miller's Point, district Simon's Town**.

2(b) The postal address shall be that as decided by the committee when circumstances demand, and shall then be notified promptly in writing to club members and public.

3 AIMS:

The aims for which the club was founded and is committed to, are as follows:

3(a) To promote amateur sport fishing amongst all boat anglers in accordance with the sporting codes of our local governing associations and international practice, and to encourage healthy competition in the sport of boat angling.

3(b) To promote safety at sea and to liaise with the authorities in the making of rules and the enforcement thereof, and to make members and visitors aware of the scope of current safety legislation as well as changes in legislation.

3(c) To foster the sustainable continuity and improvement of our fish resources.

3(d) To assist and guide the government nominated fisheries environmental authority in making policy and encourage members to conform to the requirements of legislation.

3(e) To regulate the manner of fishing by our members and encourage them to conform to local, national and internationally accepted methods, and to make members and visitors aware of current regulations.

3(f) To purchase, lease or acquire by donation, grant or other legal means, movable or immovable property that will be beneficial to members, sea going sportsmen and women and sport boat anglers in general.

3(g) To improve boating facilities wherever possible.

4 MEMBERSHIP:

Note: That for the purpose of this constitution where the word "**He**" is used, this nomenclature applies in all places to mean a natural born person and the club has no recognition, nor indication, of either male or female sex or race, colour or creed of any applicant or member. **Cape Boat and Ski-Boat Club** has always been and will continue to be non-racist, non-sectarian and non-sexist in terms of the laws of the land.

4(a) The members of this club shall consist of amateur sport anglers and amateur divers operating from craft at sea. Notwithstanding the above, this clause shall not apply to professional fishermen and charter boat Owners/Skippers who have been long time members and were in good standing at **1st April 2005**.

4(b) All members are bound by the club constitution and club **Bye-Laws**. It is the member's duty to keep the club informed of their changes of address, phone no, e-mail and place of employment.

4(c) The spouse and minor children of a member in good standing shall enjoy the privileges of a member but have no voting rights.

4(d) There shall be the following classes of member:

4(d)(1) **Foundation Members:**

Those members who are in good standing and who joined the club before the first **AGM**. They are entitled to a **75%** reduction of annual subscriptions.

4(d)(2) **Honorary Life Members:**

Those members who have been granted this status by a unanimous vote by the committee for outstanding service to the club. These members are exempt from paying future subscriptions

4(d)(3) **Life Members:**

Those members who pay in one lump sum an amount equal to ten times the annual regular subscription and shall then be exempt from paying future annual subscriptions.

4(d)(4) **Honorary Members:**

Individuals who have been nominated by the new committee after the **AGM** and are exempt from paying an annual subscription for one year by reason of their contribution to the club. This status endures until the next **AGM** only. These members shall have no voting rights.

4(d)(5) **Country Members:**

Persons whose main residence is more than **100km** by road from **Rumbly Bay** shall enjoy a one third reduction of the annual subscription.

4(d)(6) **Student Members:**

Children of members and non members who have left school and are aged between **18** and **25 years** and are not yet self supporting. They are expected to fish in competition where possible and generally assist where practical around the clubhouse. In return they have a discount of **80%** of annual subscription. They have no voting rights. Upon being self supporting or over the age of **25** they are entitled to apply for full membership with no joining fee and must then pay normal annual subscriptions.

4(d)(7) **Special Members:**

Those members who have over **30 years (THIRTY YEARS)** of unbroken membership and are over the age of **65 (SIXTY FIVE YEARS)** can elect to pay **R150.00 (ONE HUNDRED AND FIFTY RAND)** a year and continue to enjoy the rights of a member, but shall have no vote.

4(d)(8) **Normal Members:**

Those persons who have been nominated, proposed and accepted into membership of the club by the committee and are fully paid up members for the current membership financial year.

4(d)(9) **Temporary Members:**

Open to persons who wish to use the facilities of the clubhouse for a temporary period, for example during a December holiday. Applicants must qualify in terms of **Clause 4(a)** above and application must be made in writing to the committee for approval. The weekly or monthly subscription shall be that as laid down by the committee from time to time and is payable in advance with the application. This class of membership has no voting power, nor special launching privileges outside this window period, and can be revoked at no notice by the committee.

4(e) A member may introduce a specific guest to the club no more than **6 (SIX) times** in any **calendar year** provided that the guest is not a close family member or significant other. Details of guest's name and residential address must be entered into the visitor's book on each visit and signed for by the introducer who is responsible for the guest's behavior.

4(f) Members must be in possession of their membership card at all times when on the premises or attending a meeting or function and must produce it on request by a club official or committee member.

4(g) Paid up member owners of surveyed boats are entitled to free launching at the **Rumbly Bay** facility. They will be issued with a yearly launching permit in their and the boats name. Should he not have the launching permit in his possession when entering the launch area he will have to pay the normal full public price at the gate. Paid up members will be able to use these permits on behalf of the owner to launch the boat specified on his launch permit if he is not present. Owners of boats who have not paid their membership fees for that year will have to pay the public launching fee as applicable at that time.

5 **Applications for Membership:**

- 5(a) Application for membership shall be made on the official Club form with a Proposer and Seconder by members of the club in good standing as his referees. This form must be completed in full and be accompanied by the prescribed joining fee, plus the applicable annual year's subscription at that time and two recent passport size photographs of the applicant. Failure to comply with any of the above will result in the application not being presented to the committee for consideration. Completing the application form indicates that the applicant is fully conversant with the terms of the **CBSC** constitution and **Bye-Laws**, and by the act of signing the application he agrees that if elected he will abide by them.
- 5(b) The applicant may be required to appear before the committee and/ or present himself at a club meeting.
- 5(c) Admittance to the club of a new member shall be decided by the committee by a majority vote.
- 5(d) Should a potential member's application be rejected, he shall have the right to appeal and may request a hearing by the committee and must be accompanied by his two referees.
- 5(e) Should this rejection be re-enforced after this appeal hearing, this decision must be treated as final. At committee discretion the joining application fee the applicant paid may be refunded to him and no further correspondence shall be entered into. The pre paid annual subscription will be refunded.

6 **SUBSCRIPTIONS:**

- 6(a) Proposed changes to the annual subscription and initial joining entry fee implemented by the committee shall be ratified at the **Annual General Meeting** or at a **Special General Meeting** specially called for this purpose. At a **Special General Meeting** only the subjects on the meeting agenda may be discussed, and only fully paid up members may attend this meeting and vote.
- 6(b) The annual subscription is due and payable on the **first day of January in each year**. Any member who has not paid his subscription in full within **3 (THREE) months** of this date – (i.e. 1st April) – shall not be in good standing and will be advised by the treasurer and automatically be suspended from club membership and lose all the rights and privileges of membership.
- 6(c) Overdue annual subscriptions after **31st January** may have interest charged at the rate of **Prime** as charged by **Standard Bank, plus 5%**.
- 6(d) A member may approach the treasurer before the cut off date and make acceptable arrangements to pay off the annual subscription plus interest over a negotiated acceptable period.
- 6(e) A person who has been suspended for non-payment may make representation to the committee who may at their discretion grant him re-admission to the club without his having to pay the laid down application fee, subject to the full subscription arrears plus interest if any being paid in full.
- 6(f) A member wishing to tender his resignation from the club shall give notice in writing to the secretary and must be in good standing with his annual subscription up to date prior to the annual general meeting. Should this not be the case, the committee can refuse to accept this resignation, and at its discretion be entitled to demand that arrears subscriptions be paid, alternatively empowered to levy a cancellation fee of **3 (THREE) months** subscription in advance before releasing the applicant.

7 **MEETINGS:**

- 7(a) **General Meetings:** At least **10 (TEN) times** a calendar year there shall be a general meeting open to all paid up members and their guests, at which club business and current general subjects can be discussed and decisions taken. Various committee portfolio members may report back and gather club opinion guidance and ideas.
- 7(a)(1) The time date and venue will be circulated to members at least **14 (FOURTEEN) days** prior to the meeting. Members will be responsible for their guests who must be officially signed in prior to the meeting and introduced to all present at the start of the meeting. An agenda will be circulated. Guests will have no right of speech unless permitted by the committee member chairing the meeting.

7a)(2) There must be a quorum of at least **20 (TWENTY) members** present and signed in on the attendance register to legitimize a general meeting.

7(a)(3) Minutes of the previous general meeting will be read, discussed altered if necessary and approved. The current proceedings shall be minuted.

7(b) **Annual General Meeting:**

The Club shall hold its annual general meeting as soon as it is convenient after the end of the **club financial year**, but before the **end of December**. This is the meeting where committee members are elected for the new club year, portfolio performance is reviewed and any other legal club business is discussed and proposals voted upon. Unless otherwise specified a simple majority of votes by club members in good standing attending the **AGM** will carry a proposal. Changes to the constitution require at least two thirds of the votes of those members present to be carried.

7(b)(1) Club members must be given at least **14 (FOURTEEN) days** notice in writing of this **Annual General Meeting**. The time date and venue must be advised. The agenda for this meeting must be included with the notice. Membership cards must be carried and produced if requested before being granted admission.

7(b)(2) **Form that AGM takes:**

(i) Prior to the meeting being opened an attendance register must be signed by all club members attending and their names checked against the list of paid up member. No proxies are allowed. Minutes must be taken by the secretary or in his absence by another club official approved by the members present.

(ii) Guests and non-members must be isolated from seating reserved for members to avoid confusion when voting by a show of hands. Alternatively voting papers will be issued only to those persons producing their membership cards.

(iii) Welcome to members by the Chairman and apologies noted from those absent. The Chairman will ensure that all legitimately present are satisfied that the notice of meeting was sent out correctly, that there is present a quorum of at least **35 (THIRTY FIVE)** paid up members who have signed the attendance register, and that guests are all identified, signed in as guests and isolated from the voting members.

(iv) Minutes of the previous **AGM** will be read by the secretary, or by resolution taken as read, discussed and amended if necessary prior to being voted as a true reflection of the previous **AGM**. Matters arising from these minutes may be discussed or by resolution accepted that they will come up under portfolio reports.

(v) Audited financial statements will be distributed, and interpreted by the Treasurer then thrown open to the floor for discussion. If found to be in order, the meeting will vote to accept the statements, alternatively to return them for further investigation.

Reports may also be presented by the following portfolio holders: Vice-Chair, Hon Secretary, Inshore and Offshore competitions, Public relations, Radio and Safety, Amenities and property, Entertainments, Conservation, Development and any other portfolio that may be requested to elucidate activities that affect the Club.

(vi) This is the forum to bestow Honorary Life Membership, if awarded, to Persons who have been granted this status by a unanimous vote by the committee for outstanding service to the club.

(vi)i The Chairman will present his annual report for short questions from the floor and then a vote for acceptance.

At this juncture there may be a break in proceedings and all the incumbent committee members will stand down. Incumbent committee members may nominate for a further term with the exception of the Chairman who may only serve for a maximum of **3 (THREE)** consecutive years.

After the break, a neutral referee takes the chair and distributes a list of all legally proposed candidates and the positions they stand for. This referee will oversee the voting procedure that can be done at his discretion either by a show of hands or secret ballot

- (viii) Any club member or incumbent who wishes to stand for a position on the committee may do so by submitting a completed nomination form available from the club secretary. This nomination form must be signed by a Proposer and a Secunder as well as a signed statement by the nominee that he understands what his duties will be and that he has the time to, and will carry out his duties efficiently. The Proposer, Secunder and nominee must all be club members in good standing.
- (ix) These nomination forms must have been returned to the club secretary at least **7 (SEVEN) days** before the **AGM** to be included on the list of nominees that will be made available at the **AGM**.
- (x) Auditors for the coming year must be appointed.
- (xi) To suggest to the incoming committee recommendations for candidates to be awarded honorary membership enduring for the ensuing year.
- (xii) Applicants who have nominated to fill the following portfolios on the club committee will be voted for: 1) Chairman, 2) Vice Chairman, 3) Hon Secretary, 4) Hon Treasurer, 5) Competitions/Records Officer Offshore, 6) Competitions/Records Officer Inshore, 7) Public Relations/Publicity, 8) Radio/Safety, 9) Amenities/property, 10) Entertainment, 11) Conservation/Environment, 12) A development officer, 13) At least two Additional members with no defined portfolios to assist the committee in the execution of their portfolios and to lend their expertise in the running of the club.

Note: All the above portfolios may solicit the help and assistance of another club member in the execution of his duties should it be required.

- (xiii) The new chairman may allow a general discussion to accept input and suggestions from the floor to clarify and accept suggestions for the year ahead. However, discussion can only be noted as a suggestion and as a guide for further discussion by the incoming committee.

Note: The Chairman is empowered at all times at all meetings to exercise a normal deliberative vote, plus a casting vote when required.

- 7(b)(3) The committee has the right to co-opt additional members onto the committee when required after the **AGM**.
- 7(b)(4) Should the post of Chairman become vacant during the year, this position may only be filled if required at a **Special General Meeting** called for this purpose, otherwise this position will be taken by the Vice-Chairman with the sanction of a club general meeting.
- 7(b)(5) The recommended duties of the various portfolios are contained in the **Club Bye-Laws** that are available from the Secretary on request. These **Bye-Laws** can be changed during the year by a majority vote of the committee and communicated to club members at the next general meeting or contained in the next club communication to members for comment.
- 7(c) **Special General Meetings:**

A **Special General Meeting (SGM)** is called to discuss and take serious decisions regarding the future of the club or to handle extraordinary situations during the club year between **Annual General Meetings**. A **SGM** can be called for by the committee, or upon a written request by a club member to the secretary supported by at least **15 (FIFTEEN) members** in good standing with an explanation of what the subject of the meeting is to be, and the full wording of the proposal/proposals put forward. The club member calling for this meeting will pay in advance the expenses estimated to be incurred in organizing and holding this **SGM**.

 - 7(c)(1) The rules for calling and implementation of an **SGM** are the same as **Clause 7(b)(1), 7(b)(2), (i), (ii), (iii) and (iv)** above with the exception that the minutes of the previous **SGM** must be read and after necessary exceptions be accepted.
 - 7(c)(2) Only items on the agenda may be discussed and voted upon.
 - 7(c)(3) A simple majority of votes cast by members in good standing present at the **SGM** will carry a proposal unless previously specified by the committee on the agenda that a two-thirds majority of members present in good standing is necessary. Changes to the constitution must attract at least two thirds of votes cast to be carried.

7(d) **Committee Meetings, Committee Members, Power and Duties:**

The officers of the club, i.e. the committee, are elected annually at an **AGM**. Should a vacancy occur during the year, the committee has the right to co-opt a member to fill this position and should circumstances demand have the power to co-opt additional members to assist the elected committee in the execution of their duties.

Should a full complement of committee portfolio members not be elected at an **AGM** the previous serving members are expected to continue in office until a new officer is found to fill this vacancy.

Further, the committee has the right to appoint a professional club manager and support staff to their satisfaction.

The committee has the power to borrow money and to alienate club assets as security to facilitate borrowing money in the club name to be spent to the benefit the club and its members. Individual committee members are not liable in their personal capacities for the repayment of this debt.

Matters discussed at a committee meeting are to be treated as confidential unless otherwise ruled by the chairman.

The committee must inspect expeditiously each properly presented application for membership submitted and rule on acceptance of the proposed candidate. They may require the applicant and his referees to appear personally at a future committee or club meeting before making the decision.

7(d)(1) The committee must meet a minimum of **10 (TEN) times** a **year**. Committee members must be advised of the date, time and venue of the meeting at least **10 (TEN)** days before that meeting. Any member absent without a valid reason or apology for two consecutive committee meetings shall be liable to forfeit his position.

7(d)(2) The committee shall act at all times and in all matters to the best of their ability to represent the interests of the club. However no committee member may represent himself or make any public statement to the press or authority, or negotiate with any body in the name of the club unless he has expressly been given this authority by the committee.

7(d)(3) Committee members are indemnified in their personal capacities against all liabilities and legal proceedings incurred by them in the bona fide execution of their lawful club approved duties, except those actions that they incurred through their own neglect or default or unlawful and dishonest actions. Under these aforementioned circumstances legal action can be taken by the club against the perpetrator towards the recovery of money and damages to the club and its members.

7(d)(4) Minutes of the previous meeting shall be read or by resolution be taken as read and amended if necessary before being accepted as a true reflection of the previous committee meeting. The current meeting must be minuted.

7(d)(5) The treasurer and or club manager shall present the current financial statements for discussion. Changes in bank balances and stock levels must be tabled. Income from launching, staff matters, suggestions for improvements and maintenance must be on the agenda of the club manager or treasurer.

7(d)(6) All other portfolio holders and other committee members shall be given the opportunity to present their monthly report for discussion and decisions where required.

7(d)(7) There shall be at least 5 members of the committee present to make up the required quorum. No proxies are allowed and only those members present at the meeting may vote.

7(d)(8) The committee shall fix the dates and venues of all **General, Special General and Annual General Meetings** of the club and these details shall be communicated to club members in good time as required by this constitution.

7(d)(9) The committee has the power to make, alter and enforce **Bye-Laws** not inconsistent with this constitution as it deems fit for the regulation of the club and members. There **Bye-Laws** shall be binding on all club members and the club secretary shall be responsible for the publicizing of these **Bye-Laws** to members.

7(d)(10) **Disciplinary Procedures.**

The committee shall hear and rule on disputes between members should they occur and institute disciplinary procedures when required. The parties involved must make submissions in writing to the committee accompanied by statements of witnesses if available, presenting their cases within **14 (FOURTEEN) days** of the occurrence.

- 7(d)(10)(a) The secretary shall call a committee meeting to consider the matter within **14 (FOURTEEN) days** of receipt of the written complaint and full statements by all parties as well as all witnesses. The matters at hand will be discussed by the full committee and a special sub-committee consisting of **3 (THREE) or 5 (FIVE)** suitable committee members will be elected to hold a judicial hearing.
- 7(d)(10)(b) This judicial hearing will be called with at least **2 (TWO) weeks** notice where all parties and witnesses are instructed to be present. It is the duty of the accused to ensure that his witnesses are present. This judicial committee is empowered to hear the party/ies and witnesses jointly or separately as they wish and then consult or reserve judgment before finally ruling on the dispute.
- 7(d)(10)(c) This judicial committee has the power to expel or suspend a member from the club or rule he make reparations for his offence contingent on the ruling of the hearing as above with at least **3 (THREE) or 5 (FIVE)** votes of those committee members present agreeing. The person expelled/censured has the right of appeal at a special committee meeting called for at his expense. The decision of this committee meeting is final and no further correspondence may be entered into. Club members will be acquainted of this decision to expel or suspend the member.

8 **Legal Matters:**

The club shall be a legal persona with perpetual succession, capable of suing and being sued in its own name.

8(a) **Liability and indemnity.**

The liability of each member of the club and committee is limited to the amount residual in his annual subscription, unless the liability arises through his own fraud or dishonesty.

8(b) **Winding up.**

Should the committee or **25 (TWENTY FIVE) members** decide that the club should be dissolved, they shall call for a special general meeting to be held for the purpose of discussing the resolution and the final decision to wind up must be carried by a majority of at least **three quarters** of the votes cast by the members present, **provided that at least 2 (TWO) calendar months notice of such meeting shall be give to members specifying the object of the meeting.**

The Special General Meeting by a simple majority vote shall:

8(c) **If after the club is wound up and all debts and liability satisfied there remains any surplus, this shall be divided among all members in good standing and distributed to members currently in good standing based on the length of continuous membership of the club by each individual member, with the longer serving member receiving proportionately more than shorter.**

8(c)(1) **Appoint 1 (ONE) or more persons who shall be responsible for the dissolution of the Association (CAPE BOAT AND SKI-BOAT CLUB).**

8(c)(2) **then all the assets of the Association of whatsoever nature and whosoever, shall be distributed in terms of the requirements of the Commissioner of Revenue and/or the Income Tax (As Amended), to transfer the said assets of the Association of whatsoever nature and whosoever to any other recreational, and/or sporting body and/or to a public benefit organization as defined by the Income Tax (As Amended).**

8(d) **Interpretation: On any question of the application or interpretation of this constitution, the decision of the committee shall be final.**

- 8(e) Should any paid up member or associated official or angling body dispute the application, interpretation, enforcement or implementation of this constitution as noted in **Clause 8(d)** he/they can seek resolution by consulting a **Cape Town** based competent magistrate's court or recognized arbitration body in accordance with the prevailing **Rules and Procedures for the Resolution of Disputes in Sport**. The total expenses of both parties in this action will be born by the applicant. As provided in **Article 22** of the aforesaid rules, there shall be no right of appeal and such resolution shall be final and binding to both parties.
- 8(f) The *domicilium citandi et executandi* of the **Cape Boat and Ski-Boat Club** shall be at **Rumbly Bay, South of Miller's Point, district Simon's Town**.

9 Receiver of Revenue:

The **Council** undertakes to submit to the **Commissioner of Revenue** a copy of any amendment to the **Constitution of Cape Boat and Ski-Boat Club**.