

NELSPRUIT MARATHON CLUB

P.O. Box 2300
Nelspruit
1200

"Going the Distance"

Posbus 2300
Nelspruit
1200



CONSTITUTION

1. NAME

1.1 The club will be known as NELSPRUIT MARATHON CLUB, hereinafter called the Club

1.2 The Club will have its own legal personality and carry its own legal liability.

DEFINITIONS

1.3 Members: All persons that have subscribed to the Club, have paid all subscription monies in full.

1.4 Club Year: The period from 1 September of any given year to 31 August of the following year.

1.5 Management: Consists of the Members as set out in Paragraph 7.

1.6 Honorary Members: Members as approved by management and the Annual General Meeting in accordance with the approved criteria procedure.

1.7 Social members: Persons that have paid subscriptions to the Club but are not licensed with the Mpumalanga provincial road running governing body.

2. GOALS

2.1 The goals of the club are to manage, build and promote the interests of the Members.

2.2 To promote athletics in general and road running in particular in such a way that it is in accordance with the rules and regulations of Athletics South Africa.

2.3 To uphold the regulations regarding amateur status and the right of Members to participate in terms of such regulations.

2.4 To ensure that no religious, political, racial or other discrimination is allowed in road races under its control.

2.5 To promote road running, especially among the residents of Nelspruit and surrounding areas.

2.6 To exercise any functions with regards to the promotion of road running that may be required under the circumstances.

2.7 To obtain and receive funds on behalf of the Club, and to undertake and meet financial obligations for, or in connection with, the execution of any of the duties or activities of the Club.

3. PROMOTION OF GOALS

In order to achieve the above objectives, the club is entitled to, amongst others, perform the following:

3.1 Acquisition and / or creation of suitable grounds, buildings, equipment and other facilities required for the hosting and organizing of amateur races.

3.2 Entering into negotiations and execution of contracts and agreements as may be necessary for the promotion of races.

- 3.3** Investigating any offence or irregularities regarding the constitution of the club and of ASA, and to initiate appropriate actions.
- 3.4** Hosting annual Club Championships over such distances as may be determined from time to time by the Management and sponsorships permitting.
- 3.5** Hosting and presenting time trials over distances as prescribed by the Management from time to time.
- 3.6** Awarding honorary colours, trophies, medals and certificates as determined by the Management, within the framework of such conditions as apply and as may be amended from time to time.
- 3.7** To work with other clubs and organizations to promote road running in Nelspruit and surrounding areas.
- 3.8** Subject to the provisions of the Management, to levy and collect fees and to acquire sponsors to reach the identified prescribed goals.
- 3.9** To elect patrons, honorary presidents, vice presidents, honorary chairpersons and honorary Members, provided that any nominations be submitted and motivated, as per the approved framework , at the Annual General Meeting.

4. COLOURS

- 4.1** The colour of the running vest will be royal blue. The full emblem of the Club will be displayed on the back and / or front of the vest through printing or embroidery
- 4.2** The shorts will be old gold or nearest available colour.
- 4.3** No stripes are allowed on the running vest or running shorts.

4.4 Tracksuits, t-shirts, golf shirts, caps or any other Club clothing accoutrements will be as determined and accepted by the Management in consultation with members.

4.5 No badges of any kind are allowed on the official Club clothing, except as prescribed by ASA.

4.6 Any change to club colours may only be made at an Annual General Meeting or Special General Meeting, if affirmed by a two-thirds majority of members present at such a meeting.

5. MEMBERSHIP

Admission as a Member of the Club is subject to the following:

The Nelspruit Marathon Club welcomes all to join the club as members in line with the prescribed membership requirements.

5.1 Members must be registered with the Mpumalanga provincial road running governing body, by whichever name it is known at the time, and Athletics South Africa.

5.2 Social members do not require registration as prescribed under Paragraph 5.1, but must have paid Club subscription monies in full.

5.3 All applications for membership are subject to the approval of the Management.

5.4 Application for membership must be submitted annually, in writing on the prescribed form.

6. MEMBERSHIP FEES

6.1 Annual membership fees are payable in full, in advance.

6.2 Annual membership fees for any given year will be determined and approved at the last Annual General Meeting of the previous year.

6.3 Membership fees for any given calendar year will be payable on or before 1 January of that year.

6.4 Members who join the Club during the course of any given year become Members for that year only when the required fees are paid in full. Management may take a decision to reduce annual membership fees on a Pro rata basis in such cases.

7. MEMBERS OF MANAGEMENT

Management shall consist of 13 members ie:

7.1 Chairperson

7.2 Vice-Chairperson

7.3 Secretary

7.4 Treasurer

7.5 Club Captain

7.6 Additional Member

7.7 Additional Member

7.8 Additional Member

7.9 Additional Member

7.10 Additional Member

7.11 Additional Member

7.12 Additional Member

7.13 Additional Member

Additional Members may be co-opted by Management at any time if necessary.

INDEMNITY – MEMBERS OF MANAGEMENT AND OFFICE BEARERS

The members of the Management and all Officers of the Club shall be indemnified in respect of any claims against the Club, the Committee or its members, both individually or collectively, arising out of their activities in their capacities as members and officers.

8. VOTING RIGHTS OF MANAGEMENT

8.1 Each Member of Club Management has only one vote

8.2 The Chairperson has the deciding vote when voting is tied.

8.3 Management meetings: Management will meet at such time and place as determined by the Management, as often as may be necessary, but at least 4 times per year after adequate notice is given and an agenda was compiled. Agendas must be circulated at least 7 (seven) days before the date of the meeting to all members on the Management.

9. RULES OF MANAGEMENT MEETINGS

9.1 At all Management meetings, the meeting will be chaired by the Chairperson, or in his/her absence the Vice-Chairperson, or in the absence of both, such Member as elected by the meeting.

- 9.2** Five members of the management will form a quorum.
- 9.3** Voting will be by way of a show of hands unless at least one third of the Members present request or accept a secret ballot.
- 9.4** The Chairperson has the deciding vote when votes are tied.
- 9.5** Voting by proxy is not permitted.
- 9.6** Minutes of the proceedings of all meetings will be taken, and the minutes of each meeting shall be circulated for inspection, and submitted for approval at the next meeting.
- 9.7** The agenda and minutes of each meeting are to be circulated to all Members of the Management.
- 9.8** Any vacancy on the Management must be filled by a co-opted Member appointed by Management.
- 9.9** Any Management Member who is absent for 3 or more meetings without an acceptable apology, will forfeit his / her position after consideration by the executive Management . Any Management member who is absent for 3 consecutive meetings will also forfeit his / her position after consideration by the executive Management
- 9.10** Members of the Club may only be elected to serve on the Management if they have been full Club Members for at least 12 calendar months preceding such election.
- 9.11** The secretary is an appointment made by Management with an honorarium payable as determined at the Annual General Meeting. Such person need not necessarily be a Club Member.

9.12 The Management controls and manages all financial aspects of the Club, and an annual audited statement of income and expenditure, together with the Chairperson's annual report will be presented to the Annual General Meeting. These reports shall be in writing. The audited statement of Income and expenditure may be available for inspection at the Club or Treasurer at least 7(seven) days before the AGM for inspection by members.

9.13 The Management controls all activities of the Club, but has the right to appoint ad hoc committees for specified periods, to fulfil specified functions, as and when required. The Management has the right to appoint representatives to serve on such committees and to delegate responsibilities. Such committees will remain under the jurisdiction of the Management and will report back to Management.

10. ELECTIONS PROCEDURES FOR THE MANAGEMENT

10.1 Nominations: Each nomination must be in writing and signed by the Proposer and one Seconder, both of whom must be Club Members. Each nomination must also be signed by the Nominee as formal acceptance of such a nomination. Nominations must be submitted to the secretary at least 24 hours before the start of the Annual General Meeting

10.2 The Nomination is invalid if the form is incomplete or incorrect.

10.3 Current management members are automatically nominated for their posts unless otherwise requested by themselves.

10.4 Members are elected by ballot at the Annual General Meeting.

11. POWERS AND DUTIES OF THE MANAGEMENT

The Management is the highest executive authority of the Club. Its rulings and decisions are final.

The Management has the authority to:

11.1 Obtain or receive any funds or donations which it considers can be used for the benefit and development of the Club.

11.2 Borrow monies or collect monies, at its discretion, that may be required for the benefit and development of the club.

11.3 To hear and consider all disputes between members and to pronounce a judgement.

11.4 Delegate its powers at its own discretion.

12. DISCIPLINARY COMMITTEE

12.1 The Disciplinary Committee shall consist of 3 members of Management appointed by the Management of the day.

12.2 The Disciplinary Committee has the right to act against any Member who is found guilty of misconduct, fraudulent or unsporting behaviour or any activity or behaviour which may bring the Club into disrepute.

12.3 The Disciplinary Committee has the right to admonish a member and to suspend membership for a specified period, including permanently.

12.4 The Disciplinary Committee must follow accepted and correct procedures

12.5 In case of a serious infringement, or a serious punishment being imposed, the Mpumalanga provincial road running governing body must be informed as soon as is practical.

13. FINANCE

13.1 All the finances of the Club will be managed by the Treasurer.

13.2 A cheque and / or savings account will be opened and operated at a recognised financial institution as approved by the Management.

- 13.3** Any two (2) of the Chairperson, Vice-chairperson, Secretary or Treasurer, or any other person if and as decided by the Management, has signing powers at the bank.
- 13.4** The Management may approve travel or accommodation expenses, or other expenses as deemed necessary.
- 13.5** All purchases or payments must be approved by the Management.
- 13.6** The 3 quotation system should be used for all procurements over R2000
- 13.7** The Treasurer will sanction payments for normal operating costs and any other expenses approved by the Management
- 13.8** Funds collected, or donations made or collected by any Member for the Club, must first be deposited in the Club account and may not be used directly by the recipient.
- 13.9** It is the responsibility of the Treasurer to ensure that all affiliation fees be paid annually as well as the registration of all members.
- 13.10** The Treasurer must report in writing on the Club's finances at every Management meeting.

14. MEMBER MEETINGS

- 14.1 Annual General Meeting (AGM):** A general meeting of all members will be held before the end of March of each year and shall be known as the Annual General Meeting.
- 14.1.1** Club Members must be notified of such a meeting in writing or electronically, at least 14 days before the designated meeting.
- 14.1.2** A quorum shall consist of at least 10 Club Members (this seems low, perhaps a percentage of membership should be considered) and at least half of the Management.

14.1.3 A Special General Meeting may be called by the Management on its own initiative or at the written request of at least 10 Members.

14.2 Special General Meeting: All meetings except Management meetings and the AGM will be called Special General Meetings

14.2.1 Club Members must be notified of such meeting in writing or electronically, at least 14 days before the designated meeting.

14.2.2 A quorum shall consist of at least 10 Club Members and at least half of the Management.

14.2.3 A Special General Meeting may be called by the Management on its own initiative or at the written request of at least 10 Members.

14.3 Voting

14.3.1 Voting rights will be awarded to all Members who are registered and are fully paid up for that year.

14.3.2 Each member over the age of 16 years has one vote per portfolio.

14.3.3 Voting by proxy may occur. Only 1 (one) vote per member is so allowed.

14.4 Quorum

14.4.1 No decisions may be taken at any meeting unless a quorum is present.

14.4.2 If there is not a quorum present at the appointed meeting, the meeting must be postponed for one week. If at the 2nd meeting a quorum is not present, then the members present shall form a quorum.

15 THE CONSTITUTION

15.1 Interpretation - a decision of the Management on the meaning, interpretation and application of any of the provisions of this constitution is binding and must be recorded in the minutes.

15.2 The Constitution may only be changed at an AGM or a special general meeting. Changes must have the approval of at least 75% of the members present to be accepted.

16. SELECTION COMMITTEE

Management will act as the selection committee.

17. INJURIES OR LOSSES

Nelspruit Marathon Club shall not be responsible in any manner whatsoever for any injury, damage or loss to any person or property suffered or sustained by any members of guests whilst on the Club's premises or during any of the Club's activities or while representing the Club in any way whether on the Club's premises or elsewhere

18. DISSOLVING OF THE CLUB

If the club ceases to function, the Club can be dissolved at a Special General Meeting through a majority decision of Members present. Upon dissolution, any available funds of the Club are to be divided amongst institutions or agencies dedicated to the promotion of sport.

Original constitution with changes approved at the Special General Meeting held at NELSPRUIT MARATHON CLUB.

Signed

Chairman

Date _____

Secretary

Date _____