



# Richards Bay Country Club Constitution

(As amended in October 2018)

To be read in conjunction with the lease agreement  
between the RBCC and the City Council, City of uMhlatuze

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### Office Bearers

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**1. Name of the Club**

The name of the Club is Richards Bay Country Club

**2. Definitions**

**2.1 Bylaws:** The Rules and regulations as set out in Annexure A of this constitution which are to be read in conjunction with the Constitution.

**2.2 Club website:** [www.rbcc.co.za](http://www.rbcc.co.za)

**2.3 Club:** Richards Bay Country Club

**2.4 Executive Committee / ExCo:** Richards Bay Country Club Executive Committee as described in section 13.2 of this constitution

**2.5 HOA:** Home Owners' Association

**2.6 Member:** Shall be any person as described in section 6 of this Constitution

**2.7 Municipality:** City Council, City of uMhlatuze

**2.8 President:** Shall be the official elected at an AGM as per section 17.3.g.ii

**2.9 SDT:** Sports Development Trust

**2.10 Subsections:** Shall be those recognized in terms of section 20

**2.11 Treasurer:** Shall be the person nominated by ExCo as per 13.3

**3. Objectives of the Club**

The Club shall hold the following as its aims and objectives and shall strive to fulfil these aims and objectives at all times:

**3.1** To promote and develop sport and recreation in the City of uMhlatuze.

**3.2** To provide its members with affordable sports and leisure facilities in a people friendly environment that provides fun and relaxation with family and friends, where people matter and values count.

**3.3** To enter into arrangements or contracts with any person, Club or body for the promotion of sport and recreation for mutual benefit.

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#### 4. Ownership and Responsible Officers

- 4.1** All movable and immovable property of the Club shall be held in the name of the Richards Bay Country Club.
- 4.2** Except as otherwise provided herein, all documents relating to the Club's movable and immovable property which may require to be signed by or on behalf of the Club shall be signed by the Executive Committee members duly authorised by a resolution of the Executive Committee or of a General Meeting of the Club.
- 4.3** The Club may not give any cash or kind to its members or office bearers, except for bona fide services rendered or goods supplied to the Club. At the discretion of the Executive Committee the Club may give benefits in kind to its Members or Office Bearers who have made exceptional contributions to the Club. All goods and services received, together with the benefit granted in return must be quantified and recorded in a Register
- 4.4** The Club will continue to exist even when its membership changes and there are different office bearers.
- 4.5** Members or office bearers of the Club do not have rights over Club property.

#### 5. Legal Capacity

- 5.1** The Club is a voluntary organisation and shall be a legal person and an entity separate from its members. The liability of the members shall be limited to the amount of their unpaid annual subscription for a current financial year as well as any other monies owing by a member to the Club.
- 5.2** The Club shall be the owner of its own assets and shall be entitled, in its own name, to:
- Act as Plaintiff, Defendant, Applicant or Respondent in any legal proceedings involving itself
  - Acquire any fixed or movable property and to undertake any legal proceedings involving such property
  - Manage its own affairs and business
  - Accept and receive gifts and contributions of any kind
  - Invest any funds it may possess, but only with registered financial institutions as defined in Section 1 of the Financial Institutions (Investments of Funds) Act, 1984 and in securities listed on a licensed stock exchange as defined in the Stock Exchange Control Act, 1985 (Act No. 1 of 1985)
  - Conclude loans of any kind and to give any security that may be necessary for this purpose
  - Rent any fixed or movable property.

#### 6. Membership – Classes

##### 6.1 Ordinary Members

##### Office Bearers

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Any person over the age of eighteen years may, subject to the approval of the Executive Committee as hereinafter provided, and who subscribes to the values of the Club, shall be eligible for membership of RBCC.

Any such person shall apply to be registered in terms of one of the following categories of ordinary members.

- a) Ordinary Members
- Family
  - Property Owner
  - Single
  - Student
  - Junior / Student
  - Senior
  - Country
  - Temporary
  - Corporate

#### **6.1.1 Family Membership**

Family membership shall comprise of husband, wife and their bona fide children under the age of eighteen years. The husband and wife shall have all the rights and privileges as would be conferred on ordinary members. Their children shall have all the rights and privileges as would be conferred on junior members.

#### **6.1.2 Property Owner Membership**

In terms of the Mzingazi Golf Estate Property Sale Agreement every property owner must be, and remain a member, in good standing, with the Richards Bay Country Club for the duration of property ownership. Properties sold will be subject to a clearance certificate issued by the Richards Bay Country Club. The Property membership shall comprise of husband, wife, and their bona fide children under the age of eighteen years. The husband and wife shall have all the rights and privileges as would be conferred on ordinary members. Their children shall have all the rights and privileges as would be conferred on junior members.

#### **6.1.3 Single Membership**

Any person is eligible for membership as a single member.

#### **6.1.4 Student Membership**

Full time student, dependant on a parent.  
Part time student e.g. while doing an apprenticeship.

#### **6.1.5 Junior Membership**

Any person under the age of eighteen years and who is not already a member by virtue of a family membership shall be eligible for membership as a junior member.

***Rules on junior and student membership:***

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- a) A person, who was previously a junior member by virtue of **Family Membership**, is not required to pay the entrance fee, provided he/she joins immediately on becoming 18 years of age.
- b) A full-time student, who was previously a junior member under a **Family Membership**, is not required to pay the entrance fee.
- c) A member ceases to be student when:
  - he/she is no longer a full-time student or
  - he/she becomes independent from his/her parents who are members of the Richards Bay Country Club.
- d) Part time student e.g. apprenticeships must submit proof of their apprenticeship contracts.

Any exceptions to the above must be approved by the Executive Committee.

#### **6.1.6 Senior Membership**

A person retired from his/her normal occupation 60 years and over. Proof may be required by the ExCo that such a person qualifies.

#### **6.1.7 Country Membership**

Shall be confined to any person eligible as an ordinary member but whose permanent residential address is outside a 50 km radius of the Richards Bay Country Club

#### **6.1.8 Temporary Membership**

The Executive Committee may, at its sole discretion offer temporary membership to the under-mentioned persons:

- a) Persons resident outside a 50 km radius of the Richards Bay Country Club for a period not exceeding three months during one calendar year.
- b) Persons resident inside the fifty km radius of the Richards Bay Country Club for a period not exceeding one month after which period such person shall make formal application for ordinary membership.
- c) Members of Clubs with which the Club has entered into a reciprocity membership agreement, provided that such person does not reside within 50 km of the Richards Bay Country Club.
- d) Persons whose permanent residence is outside a 50 km radius the Richards Bay Country Club and who is transferred to City of uMhlathuze to complete a major capital project in the area.
- e) A bona fide participant in any match, competition, or sport for which he/she has paid the prescribed fee. This applies to the period for which the fees have been determined.

The temporary members mentioned in clause a), b) and d) shall pay a subscription as determined by the Executive Committee from time to time, and such subscriptions shall include a premium in lieu of the entrance fee.

Temporary members mentioned in clause c) shall produce satisfactory credentials.

#### **6.1.9 Corporate Membership**

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A group of members not less than 15 who already operate under constitution of voluntary membership to a private Club established for such a corporate. Such applications will only be considered for a minimum of 15 members who are not already members of RBCC.

#### **6.1.10 Staff Members**

Any person in the employ of the Club or associated with the Club as professional player, full time contractor or otherwise, may, with the approval of the Executive Committee, make use of the facilities of the Club on such terms and conditions as the Committee may determine. Such persons shall be elected by the Executive Committee as such and shall remain members only for as long as they are in the employ of the Club or associated with the Club. Staff members do not pay entrance fees and or annual subscriptions unless the Committee decides otherwise. This privilege may be withdrawn by ExCo at any time

## **6.2 Honorary Membership**

### **6.2.1 Honorary Members: Life**

Any member of the Club who has conferred some special benefits on the Club or who has rendered outstanding service to the Club shall be eligible for election as a life member, provided that he or she is nominated by the Executive Committee and elected as such by a majority of at least-two-thirds of the members present at an Annual General Meeting of the Club. Not more than four such members can be elected in any one calendar year.

### **6.2.2 Honorary Membership: Temporary**

The Executive Committee may from time to time confer honorary membership for such limited time as it may determine upon the following classes of persons:

- a) Any person who merits such distinction by virtue of holding some public office or having conferred any special benefit on the Club.

## **7. Membership: Rights, Responsibilities and Obligations**

### **7.1 Members acknowledge and agree that:**

- a) This Constitution forms a contract between each of them and the Club and that they are bound by this Constitution and the Regulations.
- b) They shall comply with and observe this Constitution and the Regulations and any determination, resolution or policy which may be made or passed by the Executive Committee or other entity with delegated authority e.g., Club Manager
- c) By submitting to this Constitution and Regulations they are subject to the jurisdiction of the Club
- d) The Constitution and Regulations are necessary and reasonable for promoting the Objects of the Club
- e) They are entitled to all benefits, advantages, privileges and services of Club membership.

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- 7.2 Temporary members and junior members shall have no right to vote at any meeting of the Club, or hold any position of office.
- 7.3 Any member who has not renewed his/her subscription to the Club within sixty days of due date shall automatically cease to be a member provided that the Executive Committee may at its discretion reinstate such member upon payment of outstanding subscriptions.
- 7.4 Any member desiring to resign from the Club shall submit a letter of resignation to the Manager, and provided that he/she has fulfilled all his/her obligations to the Club, shall be released from membership by the Executive Committee.
- 7.5 A member may be expelled, suspended or otherwise dealt with as hereinafter provided.

## **8 Membership: Admission**

- 8.1 Any person desiring to become an ordinary member of the Club shall complete and sign the written application form prescribed by the Executive Committee and have same signed by two members of the Club, one as proposer and the other as seconder. Such application form shall be posted on the Club Notice Board for at least fourteen days prior to the application being considered by Executive Committee. Any member desiring to oppose the election of such person, as a member of the Club shall submit a written objection to the Manager, which objection shall be treated in confidence by the Executive Committee. The Executive Committee shall at its next meeting after the expiration of the said period of fourteen days consider the application and any objections thereto and shall at its discretion by a majority vote, either accept or reject the application, or defer it for further investigations. ExCo's decision is final and binding.
- 8.2 All applications for membership shall be accompanied by the prescribed entrance fee, and the first year's subscriptions.
- 8.3 The annual fee entitles a person to membership of the Richards Bay Country Club. It does not entitle a person to membership of a particular sport subsection.
- 8.4 A registration fee is payable by each person wishing to join a particular sport subsection.
- 8.5 A pro-rata discount will apply to those persons joining during a year in respect of annual subscription e.g. 6 months remaining 50 % discount. This concession does not apply to entrance fee which is payable in full.
- 8.6 An application for Child or Junior Membership must be countersigned by a parent, guardian, grandparent, step-parent or sponsor of the applicant who will, by signing the application, accept responsibility for the conduct of and liability for any debts to the Club incurred by the Child or Junior Member.
- 8.7 A person whose application has been rejected shall not be eligible to re-apply for membership for a period of at least one year from the date of the rejection of his or

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her application. He / she shall not be entitled to any explanation for the rejection and any fees / subscriptions paid by him / her will be refunded.

## 9. **Membership: Guests**

Subject to such rules as may be determined by the Executive Committee from time to time, members may bring guests onto Club's premises provided that:

- a) The member introducing guests shall inscribe their names in the visitor's book immediately on arrival and shall sign opposite each entry.
- b) No member shall bring anyone onto the Club's premises who has been rejected, suspended or expelled as a member, or who has been barred by the Executive Committee from entering the Club's premises.
- c) Members introducing guests shall be responsible for the conduct of their guests.

## 10. **Entrance Fee**

- 10.1 A fee determined by the Executive Committee shall be payable as an Entrance Fee.
- 10.2 No pro rata discount will be applicable for new members joining during the course of the year.
- 10.3 The Executive Committee may determine concessions for certain groups of members from time to time.
- 10.4 The fee shall not be considered as income in the financial statements and shall be transferred directly to retained profit as a capital reserve.

## 11. **Subscription Fee**

- 11.1 The annual composite subscription fee for ordinary members shall be determined by the Executive Committee from time to time and shall be due on 01 October and payable by 30 November of each year.
- 11.2 The Executive Committee shall determine a pro rata discount for new members joining during the course of the year and concessions applicable to certain groups of members such as pensioners, etc.

## 12. **Registration Fee: Subsections**

Any member is entitled to register as a member of a Subsection and an annual registration fee shall be payable to the Club for the credit of that Subsection. This fee is to be determined by the Committee of the Subsection from time to time and approved by the Executive Committee.

## 13. **Management Structure**

The Club shall be managed as hereafter described and depicted on the organogram annexure hereto marked Annexure C.

### 13.1 **Club Management**

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The Executive Committee shall be responsible for the overall management and control of the Club

## **13.2 Executive Committee**

**13.2.1** The Executive Committee shall comprise of the following:

- The Club President elected annually at the Annual General Meeting
- The Presidents of the Golf, Squash and Tennis Subsections.
- Treasurer
- The Chairperson of the Sports Development Trust
- A representative of the Home Owners' Association
- The City of uMhlatuze' s nominated representative
- Club Manager

plus

- Additional members from the qualifying subsections elected at the Annual General Meeting nominated by a subsection based on the following criteria:
  - Total Subsection Membership: 1 – 100 – 0 additional Members
  - Total Subsection Membership: 101 – 200 – 1 additional Member
  - Total Subsection Membership: 201 > - 2 additional Members

**13.2.2** A Club Chairperson and Vice Chairperson shall be elected by the Executive Committee from the ranks outlined above and the Chairperson so elected shall hold office for a period of 2 years.

**13.2.3** Should any Sport President be elected as Chairperson of the Club he/she will relinquish his/her Sport Subsection and the Subsection will elect a replacement who will also serve on the Executive Committee. The person so elected shall serve for a period of 2 years.

**13.2.4** The Executive Committee shall deal with all matters at a monthly meeting, and, if necessary, special meetings will be held to settle urgent matters.

**13.2.5** Three days' notice of an ExCo Meeting shall be given to all members of the ExCo.

## **13.3 Nominations and powers of responsibility of the Club Management.**

- The Treasurer shall be nominated by the Executive Committee.
- The Municipal representative shall be nominated by the uMhlatuze Municipality.
- The Manager of the Club shall be responsible for the day to day management and operation of the Club. He/she shall be directly responsible to the ExCo Chairperson. All employees of the Club shall be directly responsible to the Club Manager.

## **13.4 Municipal Representatives: Functions and Rules**

### **Office Bearers**

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- The Club acknowledges the Municipality or any organization formed by them for this purpose, as a controlling body and in recognition of this association the Municipality shall be entitled to nominate a representative to the post of Liaison Officer.
- To provide the Municipality with a means of ensuring the proper management and control of the Club and to provide a formal communication channel between the Club and the Municipality, the Municipality will elect a Town Councilor to serve on the Executive Committee.
- The Municipality representative shall have no voting power on any Executive Committee.

### **13.5 Subsection Management**

Each subsection shall be managed by a committee in terms of the Subsection Constitution.

### **13.6 Voting Power and ExCo Quorum**

**13.6.1** 50% plus 1 of voting members shall form a quorum.

**13.6.2** In the event of a quorum not being present within thirty minutes of the time fixed for the commencement of the meeting, the meetings shall stand adjourned to a date within ten days of the original meeting and at such adjourned meeting, of which notice shall be given to all members; the members present shall form a quorum.

**13.6.3** At committee meetings, the Chairperson, or, in his/her absence, any other member of the committee elected by the meeting for purpose, shall preside and, in the case of equality of votes, shall have a casting as well as a deliberate vote.

**13.6.4** Each member of the Executive Committee shall have a vote provided that the Chairperson shall have a casting as well as a deliberate vote and provided further that the Club Manager and Municipality Representative shall have no vote.

### **13.7 ExCo Vacancies**

In the event of an AGM failing to obtain the election of a President or Executive Member, the Executive Committee may co-opt a member to serve in any of these positions.

Without prejudice to the provisions for retirement by rotation the office of any committee member shall be vacated in any of the following events:

- If he/she becomes insolvent, suspends payments generally or files petition for the surrender of his/her estate.
- If he/she is requested in writing by his/her fellow committee members to resign.
- If he/she resigns his/her office by notice in writing to the committee.
- If he/she absents himself from three consecutive meetings of the committee without obtaining leave of absence.
- In the event of an elected member of the executive resigning or vacating office, the remaining members of the executive shall elect another member in his/her place. In the event of a President of a Subsection resigning or vacating

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office, the Subsection committee convened shall within one month appoint another person in his/her place, failing which the remaining members of the EXCO may co-opt a person in his/her place.

In the event of more than half of the elected members of the Executive resigning at or about the same time, a Special General Meeting of the Club shall be convened to elect new Executive Members, but the old members shall remain in office until conclusion of such Special General Meeting.

#### **13.8 Conflict of interests**

An Exco member shall declare his interest in any contractual, selection, disciplinary, or financial matter in which a conflict of interest arises or may arise. He shall, unless otherwise determined by the ExCo, absent himself from discussions of such matters and shall not be entitled to vote in respect of such matters. If the ExCo member casts a vote, the vote shall not be counted. In the event of any uncertainty as to whether it is necessary for an ExCo member to absent himself from discussions and refrain from voting, the issue should be immediately determined by vote of the ExCo. If this is not possible, the matter shall be adjourned or deferred.

### **14. Powers of the Executive Committee**

**14.1** The Executive Committee's primary responsibility is one of trusteeship on behalf of its stakeholders/members, ensuring that the legal entity, the Club, remains viable and effective in the present and in the future. ExCo's role includes determining the Club's strategic direction, core values and ethical framework, as well as key objectives and performance measures. A key critical component of this role is ExCo's ultimate authority and responsibility for financial operations and budgeting to ensure the achievement of strategic objectives

**14.2** The ExCo will, on an annual basis, undertake the following duties and responsibilities:

- a) Compile and present, to the Club members, an annual business plan and budget for the Club. Once approved by the Club members, this plan will direct the financial activities for the following year. Any deviation from this plan and/or budget will require Club member approval at a Special General Meeting.
- b) Acquire, by lease, purchase, donation or exchange, land and/or equipment suitable and necessary for the purposes and functions of the Club.
- c) Raise funds through borrowing of money by way of loans, debentures or mortgages of any property, movable or immovable, belonging to the Club.
- d) Approve such Rules, Regulations and Bylaws as it may deem necessary for the regulations of the affairs of the Club and its members and employees and for the proper and efficient management of the Club.
- e) Maintain and review the rules, regulations and Human Resources functions and manpower principles of the Club.
- f) Ensure the proper management of the Club based on sound business principles.
- g) Maintain and review disciplinary and grievance procedures for the members and employees of the Club.
- h) Appoint such Sub-committees and Disciplinary Committees as it may from time to time deem necessary and to define the functions and duties thereof.

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- i) On recommendation of the Sub-committee, expel, suspend or otherwise deal with any member who is considered to have committed any willful breach of the Constitution, Rules, Regulations or Bylaws of the Club or of any Subsidiary Club, or to have been guilty of improper, dishonest or unsportsmanlike conduct, or who has failed, after having received due notice, to make payment of any subscriptions or other monies due to the Club or any Subsection, or who has conducted himself in a manner which is considered detrimental to the interest and reputation of the Club, provided that a member so expelled, suspended or dealt with shall have a right of appeal to the President whose decision shall be final and binding.
- j) Guide the policy of the Club and deal with all matters of principle.
- k) In order to ensure ExCo continuity, the outgoing Chairman shall ensure an orderly handover to the incoming Chairman.

**14.3** The ExCo may delegate functions by instrument in writing, create establish or appoint special committees, individuals and consultants to carry out specific duties and functions eg Job Description for Club Manager

**14.4** The ExCo will appoint a General Manager and on an annual basis, delegate responsibilities to the General Manager as outlined in the General Manager's job description.

## **15 Proceeding at Committee Meetings**

Business to be transacted at monthly ExCo meetings must include, but not limited to:-

- Subsection Presidents shall present a detailed report on the status, finances and activities of their relevant subsections.
- The Chairperson of the Sports Development Trust shall present a detailed report on the status, finances and activities of the Trust.
- The Chairperson's Representative of the Home Owners' Association shall present a detailed report on the status, finances and activities of the Association.
- The General Manager shall present a detailed report on the status, finances and activities of the Main Club, Halfway House, Functions, Restaurant, Driving Range and Pro Shop
- Any RBCC member may apply, via the General Manager, to attend an ExCo meeting.
- Any ExCo member may invite a RBCC member to attend an ExCo meeting.
- The minutes of meetings will be taken by the Secretary, or such person as the Executive Committee designates, and be held on file by the General Manager.
- The minutes of meetings shall be presented for confirmation at the following meeting. Upon confirmation, they shall be signed as such by the Chairperson of the meeting.
- All meeting minutes to be available to members on the Club notice board and website within seven days of confirmation.

## **16. Annual and Special General Meetings**

### **16.1 Date of meetings**

The Annual General Meeting of the Club shall be held during the last week of **November** in each year, and of the Subsections by the last week of **September** in each year, preferably in the Club House.

### **16.2 Notice of Meetings**

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On instruction by ExCo, a notice convening an Annual or Special General Meeting and specifying the business to be transacted shall be posted, by the General Manager, on the Notice Boards of the Club, and the Subsections, and published in the local press at least fourteen days prior to the meeting. The fact that such notice did not come to the attention of a member shall not invalidate the meeting.

### **16.3 Special General Meetings**

A Special General Meeting of the Club may be convened by the Executive Committee at any time, and shall be arranged, by the General Manager, within one calendar month of receipt of a requisition clearly specifying the business to be transacted and signed by not less than ten members and, if not so convened within such a period, may be convened by the requisitioners within one calendar month thereafter.

## **17. Proceedings at Annual and Special General Meetings**

### **17.1 Chairperson**

The Chairperson of the Club, or in his/her absence, the Vice Chairperson, or in the absence of both, any other member elected by the meeting for such purpose, shall preside at every Annual or Special General Meeting and, in the case of an equality of votes, shall have a casting as well as deliberate vote.

### **17.2 Quorum**

Twenty five members personally present and entitled to vote shall form a quorum at an Annual or Special Meeting. If no quorum be present within thirty minutes of the time fixed for the commencement of the meeting, the meeting shall, except in the case of a meeting convened upon a requisition of members, stand adjourned to a date within twenty-one days of the original meeting and at such adjourned meeting, of which ten days' notice shall be given to all members in the same manner as set out above, the members present then shall form a quorum.

### **17.3 Business to be transacted**

The business to be transacted at the Annual General Meeting shall be:

- a) To read the notice convening the meeting.
- b) To receive apologies for absence.
- c) To receive and confirm, with or without amendments, the minutes of the previous Annual Meeting and of any Special General Meeting held since the last Annual General Meeting.
- d) To deal with matters arising.
- e) To receive and consider the Executive Committee's Annual Report.
- f) To receive and consider the audited accounts for the previous year.
- g) To elect the following officials:
  - I. Honorary Life Members (if nominated by the Executive Committee)
  - II. President
  - III. Executive Committee members
  - IV. Auditor or auditors
- h) To consider any resolution or resolutions concerning the affairs of the Club:

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- I. Of which due notice has been given in writing by any member to the General Manager prior to the meeting.
- II. Proposed by Executive Committee.

i) To discuss matter of general nature concerning the Club.

All nominations for the election of the officials of the Club (except Honorary Life Members) shall be submitted to the General Manager not less than forty-eight hours before the time fixed for the Annual or Special General meeting at which an election is to take place and are to be displayed on the Club and Subsection notice boards. Such nominations shall be in writing and shall be signed by the respective proposers and seconders and also by the nominees to indicate that they are prepared to accept office.

#### **17.4 Voting**

Every proposal submitted to an Annual or Special General Meeting shall, in the first instance, be decided by a show of hands, and the declaration by the Chairperson of the result shall be conclusive. A ballot may be demanded by at least two members and shall be taken in such a manner as the Chairperson directs. Ballots should be counted by at least three people – two from the floor and one committee member.

#### **17.5 Adjournment**

The Chairperson of a General Meeting may, with the consent of the majority of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at such adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

#### **18. Richards Bay Country Club representation on other forums**

The Executive Committee may designate certain office bearers to attend forum meetings such as the Sports Council run by the uMhlathuze Municipality

#### **19. Finance and Records**

**19.1** The financial year of the Club shall begin on the first day of October in each year and shall end on the thirtieth day of September in the next year.

**19.2** A set of books shall be maintained in such manner as to exhibit at all times the true and correct position of the state of the Club's finances as determined by GAAP. International Financial Reporting Standard for Small and Medium-sized Entities. All monies of the Club shall be paid into a bank appointed by the Executive Committee, and shall be drawn there from by cheque or electronic funds transfer (eft) signed by such persons as the Executive Committee may designate from time to time as prescribed section 19.3 below.

**19.3** Designated signatories for contracts and the bank accounts are:  
Club President

#### **Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

Club Chairperson  
 Club Treasurer  
 Club Manager

Two of the above are required to sign the financial matters related to the running of the Club.

- 19.4** Exco will approve all contracts.
- 19.5** The General Manager shall prepare detailed Financial Statements for financial year and such statements shall be signed and certified by the Chairperson and Treasurer of the Club and by the Club's Auditors and shall be presented to the Annual General Meeting of the Club.
- 19.6** The General Manager shall maintain a register wherein shall be entered the names and comprehensive contact details of all members, the dates of admission to membership and the dates of and reasons for their ceasing to be members. This register shall be open for inspection by members at All General Meetings of the Club and otherwise on personal application to the General Manager.
- 19.7** Retention of all documents shall comply with legal requirements

## **20. Subsections**

- 20.1** With the permission of the Executive Committee members may associate themselves together for the purpose of carrying on a particular game or sport. Such associations are herein referred to as Subsections. Subsections shall have their own constitution which shall be approved by its members and shall not be in conflict with the Club Constitution. No person who is not a member of the Club shall be a member or an official of a Subsection.
- 20.2** The Property Owner Members belonging to the Mzingazi Home owners Association will at all times be a subsection of Richards Bay Country Club.
- 20.3** The internal control and management of each Subsection shall be vested in a Committee elected by the members registered by that Subsection.
- 20.4** The Subsections Committees shall provide and maintain annual financial budgets and will be responsible for financial viability of their subsection.
- 20.5** Proposals for fund raising activities by subsections for the purpose of development of their sporting facilities will be submitted for approval to the Executive Committee. Accounts will be opened, indicating the net amounts collected by the subsections for this purpose. The Executive Committee will approve the timing of the expenditures of these amounts in accordance with the Club's needs. All other profits made by the subsections shall accrue to and be dealt with by the Subsection as it deems fit. Any losses incurred by a Subsection shall be borne by the Subsection.
- 20.6** ExCo may, after consultation dissolve a subsection if there is a lack of interest in the Subsection, lack of membership or the Subsection is no longer financially viable.

### **Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**21. Club's Responsibility**

The Club shall in no way be liable for any accident, injury, damage or loss to any member, official or guest, or the property of any member, official or guest.

**22. Club Colours and Badge - refer Annexure E.**

**22.1** The Club badge is defined as the Fish Eagle.

**22.2** The Club colours are defined as Olympia blue and Sunflower yellow.

**23. Liquidation, Winding-up or Re-construction of the Club**

**23.1** It should be noted that the Club facilities are constructed and held on land leased from the uMhlathuze Municipality. Any restrictions that the uMhlathuze Municipality may place on liquidation or winding-up will need to be observed.

**23.2** After Municipal guidelines are obtained The assets of the Club may be sold and the Club liquidated, wound-up or reconstructed by a resolution passed by a majority of not less than two-thirds of the members present and entitled to vote at a Special General Meeting, provided that at least one month's notice clearly specifying the business to be transacted at the meeting, shall have been given to all members and not less than thirty members shall be personally present at such meeting. Should the requisite number of members fail to attend, the meeting shall stand adjourned to the same day, time and place in the next following week and at such adjourned meeting the members present shall form a quorum. The accidental omission to send a notice of the meeting to any member or the non-receipt of such notice by any member shall not invalidate the meeting.

**23.3** If upon liquidation, winding-up or reconstruction the assets available for distribution are more than sufficient to pay the liabilities, the surplus shall not be paid to or distributed among the members, but shall be given or transferred to one other institution or Club having objects similar to the objects of the Club or to a recognised Welfare Organisation as determined at the Special General Meeting herein before mentioned.

**23.4** In the event of the Club being liquidated, wound-up or reconstructed the liability of members shall be limited to the amount owing by them to the Club in way of subscriptions or otherwise.

**23.5** Except so far as Special General Meetings shall otherwise determine, the Executive Committee shall be the liquidators of the Club.

**24. Interpretation**

In case of doubts as to the interpretation of any of these rules, the Chairperson of any meeting shall be the final arbiter and his/her decision shall be binding upon the members.

**25. Alteration of Constitution****Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier



**25.1** This Constitution may only be altered by a resolution passed at an Annual or Special General Meeting.

**25.2** Details of any proposed amendment shall accompany the notice of meeting.

Agreed at Special General Meeting Signed at Richards Bay this \_\_\_\_ day \_\_\_\_\_ 20\_\_

**Signed: Chairperson :** \_\_\_\_\_ **Member number:** \_\_\_\_\_

**Signed: President :** \_\_\_\_\_ **Member number:** \_\_\_\_\_

**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**Annexure A**

**Bylaws**

Bylaws to be updated and maintained by ExCo

**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

## **Annexure B**

### **Honorary Membership**

#### **Honorary Membership: Life**

This type of membership has been bestowed on the following members:

Mrs JPJ Truter  
Mrs DW Fisher  
Mrs HS Hardwick  
Mrs E Andrews  
Mrs SH Hawkeswood  
Mr and Mrs JL van Zyl  
Mr and Mrs GS Engelbrecht  
Mr and Mrs RD Macpherson  
Mr DH Fraser  
Mr PG Gibson  
Mr JM Van den Berg  
Mr and Mrs J Terblanche  
Mr PG Goosen

#### **Honorary Members: Temporary**

In acknowledgement of the commitment to serve on ExCo, the selected office bearers are granted single annual membership to the Club.

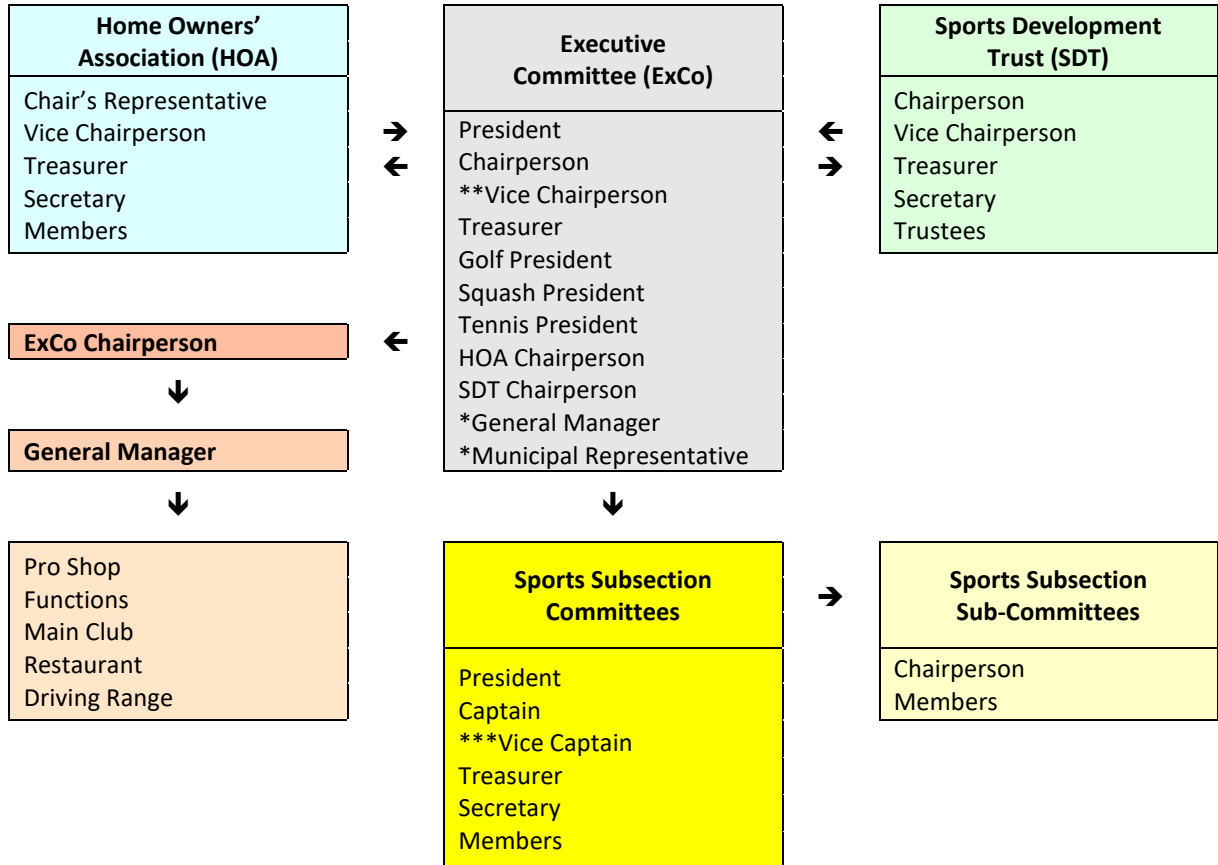
- Exco Members
- Approved Contractors

#### **Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**Annexure C**

**Management Structure**



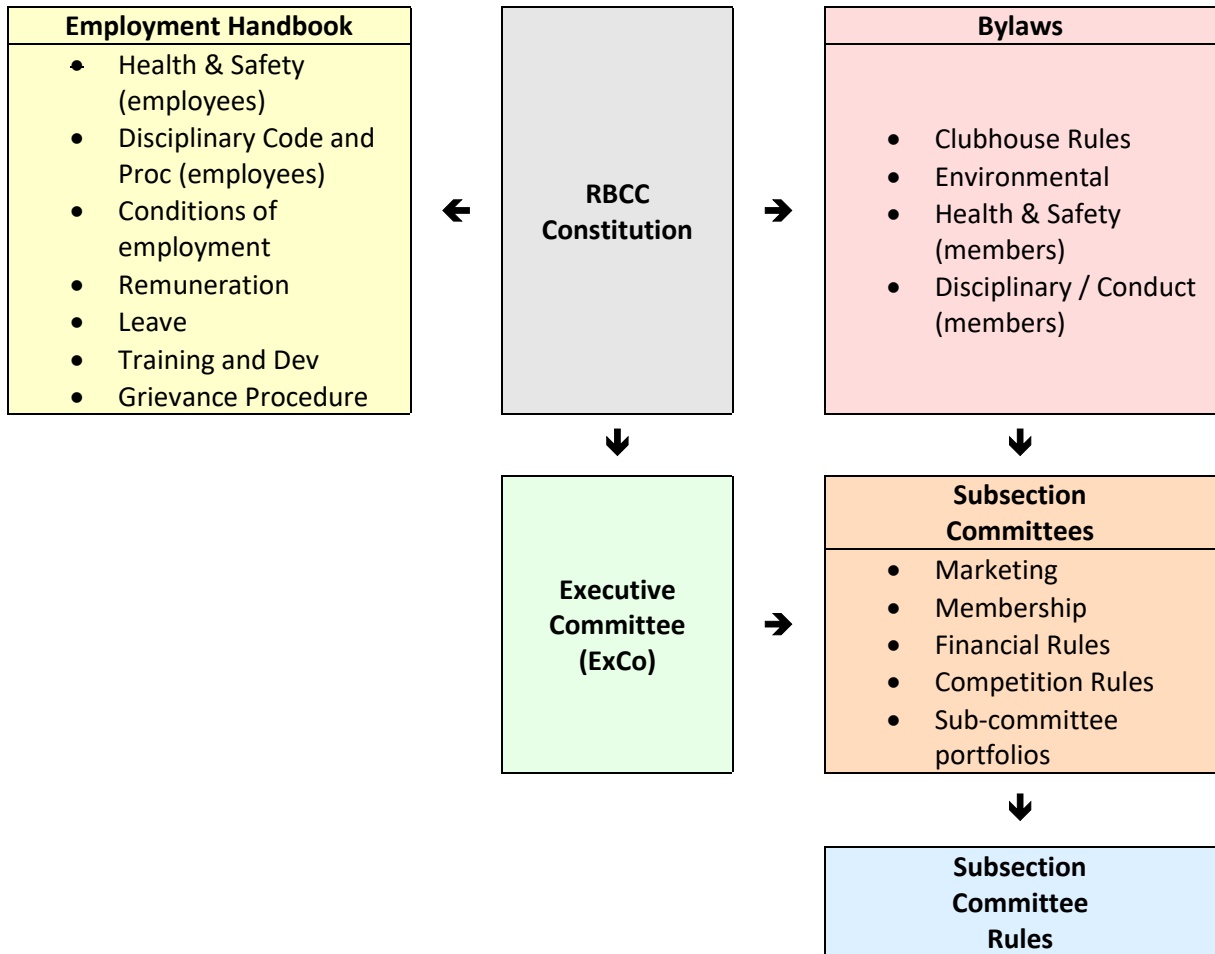
- \* Club Manager and Municipality Representative shall have no vote as per section 13.6.4.
- \*\* A Vice Chairperson shall be elected from within the ranks as per section 13.2.2
- \*\*\* A Vice Captain shall be elected from within the ranks – refer subsection constitutions.

**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**Annexure D**

**Club Governance Structure**



**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**Annexure E**

**Club Colours and Badge**

|                                       |  |
|---------------------------------------|--|
| Olympia Blue<br>#4ACDF7<br>74,205,247 | Sunflower Yellow<br>#F7E600<br>247,230,0 |
|---------------------------------------|--|

**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier



**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier

**Annexure F**

**Subsection Constitutions**

**Office Bearers**

**President:** B Smit | **Chairman:** T Coetzer | **Treasurer:** H Naicker  
**Members:** M Mostert, G Swarts, R du Toit, G Swart, M Olivier