CONSTITUTION

OF

HELDERBERG HARRIERS

1. NAME

The name of the club is Helderberg Harriers.

2. DEFINITIONS

In this Constitution, unless the context indicates otherwise –
(a) athletics means track and field, road running, race walking and cross-country running;
(b) club means the club duly constituted in terms of this Constitution;
(c) member means a member as defined in paragraph 7 of this Constitution;
(d) day means a calendar day;
(e) notice means by ordinary post to the last address of the member provided to the Secretary and notice shall be deemed to have been given two days after the date on which the notice is posted;
(f) words in the singular include the plural, and words in the plural include the singular, where the context so indicates.

3. LEGAL PERSONALITY

(a) The Club shall have a legal personality and shall, through its authorised representatives –
(i) have an independent existence;
(ii) be entitled to acquire, encumber or dispose of movable or immovable property;
(iii) be entitled to enter legal transactions and to institute or defend legal proceedings.
(b) The Club shall continue in existence notwithstanding changes in the composition of its membership or office-bearers.

4. OBJECTIVES

The objectives of the Club are the following:

(a) To develop and foster the sport of athletics amongst its members and the community.
(b) To encourage its members to participate in athletics at all levels.
(c) To provide facilities to enable members to participate at all levels in athletics.
(d) To represent the interests of its members at all levels of athletics.
(e) To promote non-racialism and combat unfair discrimination in athletics

5. MEANS OF ACHIEVING THE OBJECTIVES

In order to achieve its objectives, the Club –

(a) will be affiliated to Western Province Athletics and be subject to all its rules and regulations;
(b) may be affiliated to any body if such affiliation could assist it in pursuing and attaining its objectives;
(c) may organise athletics events;
(d) may employ such persons as are appropriate to the needs and resources of the Club;
(e) may enter into any contracts and/or acquire such assets which will serve the purpose of achieving those objectives.

6. ASSETS OF THE CLUB AND NON-PROFIT OBJECTIVE

(a) The Club shall not engage in any transaction with a view to the pecuniary gain or profit of its members.
(b) No members shall have any personal claim on the income or property of the Club or make any profit out of her or his membership, save where such member is also a duly appointed and salaried employee of the Club.
(c) The Club shall conduct its financial affairs through a banking account.
(d) Any member must declare any personal interest in any contract entered into or business undertaken by the Club.

7. MEMBERSHIP

(a) Any person who subscribes to the objectives of this Constitution and who agrees to abide by the rules and regulations of the Club may apply for membership of the Club.
(b) An application for membership, or for renewal of membership, shall be submitted to the Membership Secretary for approval
(c) Any member wishing to resign from the club shall do so by notifying the Membership Secretary of his intention in writing or via electronic media. Nevertheless, such a member will remain a member of the club for a period of seven days after the date communicated. He/she shall remain liable to the club for any amount which is due by him/her and will not be transferred to another club on the ASA system or removed from the ASA system while any fees or property of the club are outstanding.
(d) The club has four membership categories:

i. Senior membership: Members who are older than 18 years (as at 1 January) and the primary or only member of a household
ii. Junior membership: Members who are 18 years or younger (as at 1 January)
iii. Family membership: An adult member of a household, where another adult already has senior membership (wife, husband, life-long partner, adult children).
iv. Social membership: Family or friends (typically non-runners) who want to participate in club functions and have access to club communications at no extra cost.

8. GENERAL MEETINGS OF THE CLUB

(a) A General Meeting of the Club may be either the Annual General Meeting or a Special General Meeting.
(b) All meetings of the Club shall be presided over by the Chairperson of the Club.
(i) In the absence of the Chairperson, all the powers and duties of the Chairperson shall devolve on the Vice-chairperson and if the Vice-chairperson too is absent, the said power and duties shall devolve on a committee member elected by the remaining members of meeting, during such absence.
(ii) The presiding officer at any meeting shall have both a deliberative and a casting vote.

9. QUORUM FOR GENERAL MEETINGS OF THE CLUB

(a) The quorum for a General Meeting shall be fifteen members, or ten percent of the membership of the club in good standing, whichever is the lesser.
(b) In the absence of the required quorum at any meeting, the meeting shall be adjourned. Notice shall thereafter be given to all the members of the club of the date and time on which the meeting shall be reconvened, which shall not be less than seven days and not more than 21 days after the meeting at which a quorum was not reached. When the meeting reconvenes, it shall conduct all business which was on the agenda for the initial date regardless of the existence or not of a quorum.

10. VOTING AT GENERAL MEETINGS

(a) Only paid-up members of the Club at the start of a General Meeting may vote at any General Meeting of the Club.
(b) Voting shall be by show of hands or, if the meeting so decides, by ballot.
(c) No voting may be effected by proxy.
(d) Voting by proxy shall be allowed provided the member wishing to bring out a proxy vote submits written authorisation for another member to vote on his behalf.
(e) Except where otherwise provided in this Constitution, all matters determined by vote shall be decided by a majority of those present.

11. ANNUAL GENERAL MEETING

(a) An Annual General Meeting of the Club shall be held as soon as possible in the first quarter of each year.
(b) Written notice of the date, time and place and of the agenda of an Annual General Meeting, including any motions to be tabled, shall be posted to all registered members of the Club at each member's address or via electronic media as known to the Club at least fourteen days before the date of the meeting. The non-receipt of such notice by a member shall not render the meeting invalid.
(c) The agenda for the Annual General Meeting shall include:
(i) The notice of the meeting
(ii) Register and apologies
(iii) Minutes of the previous Annual and Special General Meeting
(iv) Chairman's report and Treasurer's financial report

(v) Recommendations from the Committee
(vi) Amendments to the Constitution
(vii) Election of the President and Vice-President(s)
(viii) Election of the Committee
(ix) Appointment of an Honorary Auditor and Honorary Legal Adviser
(x) Motions from members
(xi) General

12. SPECIAL GENERAL MEETINGS

(a) A Special General Meeting shall be convened at the written request of at least a quorum of the members of the Club, as specified in Clause 9 (a), or by the Committee. The request to convene a Special General Meeting shall state the business to be considered at the meeting.
(b) Written notice of a Special General Meeting shall be posted to all registered members at each member's address or via electronic media as known to the Club at least seven days before the date of the meeting, stating the date, time, place and purpose of the meeting. No matters other than that which appears on the agenda will be dealt with at a Special General Meeting.
(c) Rules for the conduct of the Annual General Meeting shall apply *mutatis mutandis* to Special General Meetings.

13. CLUB PRESIDENT AND VICE-PRESIDENTS

(a) The Club shall appoint a President each year at the Annual General Meeting.
(b) The President may, at his own discretion, attend any meeting of the Club or the Committee.
(c) Vice-presidents may be elected by the Club from time to time.

14. TERM OF OFFICE OF COMMITTEE MEMBERS

(a) The Committee shall serve until the completion of the next Annual General Meeting.
(b) Any person shall cease to be a Committee member if:
(i) that member is excluded or suspended from the Club; or
(ii) that member tenders a resignation in writing and such resignation is accepted by the Committee; or
(iii) that member misses three consecutive Committee meetings without advancing good cause and/or without giving notice of such non-attendance to the Secretary.

15. FUNCTIONS OF THE COMMITTEE

(a) The functions of the Committee shall be the following:
(i) to convene meetings of the Club;
(ii) to deal with matters of urgency;

(iii) to appoint a member or members to represent the Club;
(iv) to co-opt any member of the Club to the Committee either generally or for a special purpose;
(v) to conduct, generally, the affairs of the Club;
(vi) to create and constitute such subcommittees as may be necessary for the better running of the affairs of the Club, which sub-committee shall report directly to the Committee;
(vii) to open such accounts as are necessary for the better conducting of the affairs of the Club and to nominate the members who are permitted to draw upon such accounts;
(viii) to make, amend and suspend rules and regulations for the Club in terms of Clause 22 hereof;
(ix) to recommend the annual subscription, if any, payable by the members of the Club;
(x) to maintain discipline within the Club, subject to Clause 18;
(xi) to employ coaches and/or other staff required for the furthering of the objectives of the Club.
(b) In the event of a vacancy on the Committee, the Committee may transfer the functions entrusted to the absent member to one or more of the remaining members of the Committee or to a co-opted member.

16. MEMBERS OF THE COMMITTEE

(a) The Committee shall consist of the following members:
(i) Chairperson, Vice-chairperson and Treasurer
(ii) Secretary and Membership Secretary
(iii) Men's Club Captain and Women's Club Captain
(iv) The Race Convenor
(v) Marketing and Promotional member

(b) Any vacancy on the Committee may be filled at a meeting of the Club or by co-option.
(c) A person co-opted to the Committee shall have all the rights, including the right to vote, of a Committee member.
(i) Co-opted persons may not exceed more than one third of the members of the Committee membership.
(ii) Only members of the Club may be co-opted to the Committee.
(iii) The term of office of a co-opted person shall not exceed that of the Committee.
(d) All positions on the Committee are honorary, unless any payment is expressly approved in advance by a General Meeting.

17. MEETINGS OF THE COMMITTEE

(a) All meetings of the Committee shall be presided over by the Chairperson. In the absence of the Chairperson, all the powers and duties of the Chairperson shall devolve on the Vice-chairperson and if the Vice-chairperson too is absent, then the said power and duties shall devolve on a committee member elected by the remaining members of Committee, during such absence.

(b) The Chairperson may convene a meeting of the Committee whenever she or he deems it necessary, or at the request of two of its members.
(c) Meetings of the Committee shall be held regularly, but not less than four times during any Committee's normal term of office.
(d) Notice of Committee meetings shall be given to all its members by the Secretary and the Secretary shall keep minutes of all meetings.
(e) The quorum for a meeting of the Committee shall be five members.
(f) Every decision of the Committee shall require a vote, with a simple majority of the members present voting in its favour. The Chairperson shall have a deliberative and a casting vote.
(g) In the event of a matter of urgency arising between meetings of the Committee, such matter may be attended to by the Chairperson, in conjunction with any or all of the Committee members affected by such decision; provided that any action or decision taken shall be ratified by the Committee at the next meeting of the Committee, failing which any decision taken shall lapse.
(h) In the absence of the required quorum at any Committee meeting, the business of the meeting may be conducted without the necessary quorum, provided that the minutes of the meeting are posted to all the members of the Committee within seven days of the meeting. Only such matters as are reflected in the said minutes shall be considered to have been dealt with by the Committee. If the said minutes are not posted timeously, the meetings shall be considered to have not been held and all decisions taken thereat shall be void.
(i) Any member of the Committee may within fourteen days object to any decision taken at a meeting where the required quorum was not present, in which event a meeting shall be held within fourteen days to reconsider that decision. In the event of the meeting not being held within fourteen days of the objection being received, the decision shall lapse. In the event of there again not being a quorum, the meeting shall be adjourned until such time as a quorum can be obtained.
(j) Any club member who wishes to have a serious grievance or concern addressed by the Committee, is entitled to attend a Committee meeting for the sole purpose of presenting and discussing his case, provided adequate notice of such request has been received by the Secretary.

18. DISCIPLINE

(a) Pursuant to the provisions of Clause 15 (a)(x) the Committee may suspend for any period no longer than two years, expel or fine any member of the Club found guilty of assaulting, harassing or interfering with any other member of the Club; disobeying any of the rules of the sport of athletics; conducting herself or himself in such a way as to wrongfully injure the interests of the Club or the sport of athletics; or to bring the sport of athletics or the Club into disrepute.
(b) Any fine imposed in terms of sub-clause (a) shall not exceed R1000
(c) Any member adversely affected by a decision made in terms of this clause may appeal against such decision to a General Meeting of the Club within seven days of the decision against which is being appealed. The Secretary shall then convene a meeting of the Club for the purpose of hearing such appeal.
(d) After exhausting all internal remedies, the said member may further appeal to any organisation to which the Club is affiliated, and which permits such appeals.

(e) All internal remedies and possible further appeals in terms of sub-clause (d) shall be exhausted before the said member may approach a court of law.

19. MEMBERSHIP FEES

(a) An annual membership fee payable by all members of the Club, except those members specified in sub-clause (b), may be fixed and varied by the Committee. This fee will exclude the purchase of the national licence for those members who choose to become registered athletes.
(b) Life members elected by the Club on the grounds of outstanding services to the Club or to the sport of athletics shall not be required to pay membership fees and their national licence fees will be paid by the Club.
(c) All membership fees levied shall be subject to the approval of the Club at the Annual General Meeting or a Special General Meeting.
(d) Any member who fails to pay the membership fee or any other debt to the Club within the time period laid down by the Committee shall be regarded as not being in good standing and shall cease to enjoy the rights of membership of the Club until such debt is paid.

20. FINANCIAL YEAR

The financial year of the club shall run from 1st January to 31st December each year.

21. CLUB COLOURS

(a) The club colours shall be a red and white vest/shirt and red shorts.

(b) CLUB COLOURS for men shall be a black blazer with a gold and silver wire pocket badge. The words "HELDERBERG HARRIERS" "HONORS" and the club emblem must appear. In addition, the reason for club colours must be inscribed in silver wire below the badge – i.e. "Hon. Life Membership" or "Standard Marathon".

(c) The Ladies shall receive a tracksuit with "HELDERBERG HARRIERS" embroided across the back and the emblem, honours and reason on the front.

(d) The full Club colours can only be awarded for the following reasons:

i. A full committee decision to award "Honorary Life Membership" for outstanding services to the club. No more than one member per year shall receive this award unless awarded to a husband and wife combination.
ii. Any fully paid member (after being a member for two years or more) shall receive full club colours after attaining a particular "running standard" as set out in Appendix A. The standard may be equalled or bettered. In the event of a member obtaining this standard BEFORE two years membership, the achievement will be recognised by the colours will only be awarded after two years of membership.

iii. If any member is selected to represent WPA on three or more occasions in any of the athletic disciplines, then that member shall receive full club colours subject to Rule 21(d) ii
iv. Any club member who is selected to represent a South African National side shall receive full club colours.
v. Any committee member serving on the Helderberg Harriers committee for a time of ten years or longer (broken or unbroken service) shall be awarded full club colours.
vi. Club Colours can only be handed over to the receiver at an Annual General Meeting.
vii. An Hon. Life Membership shall have the following privileges:
i. The annual subscriptions and license cost shall be for the club's account.
ii. An Honorary Life Member is entitled to attend any committee meeting of the club, providing prior notice has been given to the Chairman/Secretary.
iii. As the title implies – membership is for LIFE and a member thus deciding to join another club will automatically loose the "honour" and all members must be informed via the normal club media of that decision.

22. RULES AND REGULATIONS

(a) The Committee may make such by-laws for the Club as it deems to be in the interest of the better conduct of the affairs and management of the Club.
(b) The Committee may, in the interests of the Club, amend or suspend the by-laws.
(c) Any by-laws made by the Committee shall not be inconsistent with this Constitution.

23. INDEMNITY

a) The club does not hold itself in any way responsible or liable in any manner for any fatality or accident by any of its members, or persons engaged in the club activities, neither is the club responsible for any damage to or losses of personal property, which may occur before, during or after any pursuance of any of the club's activities.
b) The Committee shall sue or be sued in the name of the club and no member of the Committee shall be held personally responsible.

24. CONSTITUTION

(a) A copy of the Club's approved Constitution shall be saved in the Club's Cloud Drive
(b) Any amendment to this Constitution shall be considered only at a General Meeting of the Club in accordance with the provisions of this clause.
(c) Notice of such a meeting where an amendment to the Constitution will be considered must be given in accordance with clauses 11 (b) or 12 (b).
(d) Any amendment to this Constitution requires a vote in favour thereof of at least two thirds of the members present and voting at the meeting.

(e) After the amendment has been approved it shall signed by the Chairperson of the Club.

25. DISSOLUTION OF THE CLUB

(a) Should the Club be unable to achieve the objectives for which it was formed, the Committee shall call a General Meeting for the sole purpose of deciding whether to continue with the Club.
(b) At least fourteen days notice of such meeting shall be given, and the notice shall state the purpose of the meeting.
(c) At such meeting a decision to dissolve the Club may be taken if at least two thirds of the members present and voting, vote in favour of such a decision.
(d) Should such a decision be taken, the meeting shall appoint a receiver, who may or may not be a member of the Club, to wind up the affairs of the Club.
(e) Once the receiver has finalised the winding up of the Club, it shall cease to exist. Any assets remaining after all the Club's liabilities have been met, must be transferred to another non-profit organisation having similar objectives.
