



**CONSTITUTION
OF
CAPE MULTISPORT
CLUB
(CMC)**

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1. DEFINITIONS AND TERMS

The following definitions and terms are used in the text of this Constitution; they shall have the meaning which is hereby ascribed to them:

"Constitution"	shall always stand for the Constitution of Cape Multisport Club
"Club"	shall always mean the Cape Multisport Club
"Chairperson" "Secretary" "Treasurer" "Captain" "Development Officer" "Newsletter Editor" "Social Secretary" "Membership Secretary"	shall always mean the Committee, as specified, of the Cape Multisport Club.
"AGM"	shall stand for Annual General Meeting
"Committee"	shall stand for any committee of the Club.

2. NAME

The name of the Club shall be the **Cape Multisport Club (CMC)**

3. CLUB COLOURS

- 3.1 The Club colours shall be red, black, grey, and white with the logo displayed prominently.
- 3.2 It is mandatory for all members to wear Club colours for all events entered and organised in accordance with the rules and regulations of each discipline which the club caters for.
 - 3.2.1 At all official ASA road running, cross country and track & field events the club top and pitch black shorts or tights are required to be worn.
- 3.3 As far as possible, the Club colours shall not be worn in conjunction with other colours or brands which can create confusion or clash with sponsor requirements.
- 3.4 Members shall at all times have responsibility to protect and honour the Clubs sponsors in accordance with the decisions taken and agreements entered into by the CMC Committee.

4. AIMS AND SOLE OR PRINCIPLE OBJECTIVES

The sole or principal object of the Club is the provision of social or recreational activities and amenities or facilities for its members.

- 4.1 Other aims and objectives of the Club shall be to:

- 4.1.1 Foster, encourage, improve, control and manage the different sports disciplines it caters for, in all their forms, in the area under its control and jurisdiction;
 - 4.1.2 Hold, arrange and/or assist in arranging competitions in the various disciplines;
 - 4.1.3 Fulfil the accepted objectives of its different sports disciplines.
 - 4.1.4 Work in harmony with the different provincial bodies, where applicable.
- 4.2 Ways and means of achieving the aims and objectives shall include:
- 4.2.1 Affiliating to the appropriate provincial governing body of the particular discipline;
 - 4.2.2 Providing suitable grounds, premises, facilities, equipment and other conveniences necessary for the practising of the various disciplines;
 - 4.2.3 Acquiring in all legal manner of means such property, both movable and immovable, as may be required to achieve the aims and objectives of the Club.

5. MEMBERSHIP

- 5.1 Full membership may be granted by the Committee upon application. The following documents are required:
 - 5.1.1 the CMC membership form;
 - 5.1.2 an endorsement by a proposer and seconder who are full members in good standing; and
 - 5.1.3 Membership fee confirmation.
- 5.2 On admission to the club of a new member the Secretary, or designated person of the Committee, shall notify such person and furnish him/her with the CMC website address where access to the Constitution of the Club, the Code of Conduct and Communication Policy.
- 5.3 The Constitution, by-laws, and regulations of the Club, including any amendments thereto, shall be binding to every person admitted to have membership of the Club, notwithstanding that such person may not have received a copy thereof.
- 5.4 A Club member may belong to more than one club, namely a standalone swimming club, cycling club, as long as that discipline's association's rules are kept at all times, this excludes WPA / ASA associated clubs. It is the responsibility of the member to ensure that both CMC and the discipline's association's rules are met at all times.
- 5.5 If point 5.4 above applies, the member is required to wear CMC colours for sanctioned events as the primary club of the member.

6. MEMBERSHIP FEES

Annual membership fees, excluding any licence fees as determined by the relevant Provincial body, shall be determined annually at the AGM. Membership fees are payable in full, or as otherwise, decided by the Treasurer on renewal (by 31 January of each year) or registration of membership.

7. RESIGNATION OF CLUB MEMBERSHIP

Any member wishing to resign his/her membership shall do so in writing to the Secretary of the Club. Such resignation will be effective from the date of dispatch of such a letter. Any such member shall be required to remit forthwith any outstanding amount in respect of overdue membership or other fees or purchases and will not be entitled to a refund of a pro rata portion of his/her annual membership fees for the current year.

8. HONORARY MEMBERSHIP

- 8.1 Honorary membership shall be granted by the CMC Committee on recommendation and final approval of the residing Chairperson.
- 8.2 An Honorary member may be approached to assist the committee when required in an advisory role, and may be approached to fill a role on the committee, if required.
- 8.3 An honorary member who elects to leave CMC, to join another club, will lose the status of a CMC honorary member.

9. MISCONDUCT OF MEMBERS (DISCIPLINE)

- 9.1 Should any member, in the opinion of the CMC Committee, be guilty of:
 - i. committing any wilful breach of the Constitution, Code of Conduct, regulations or by-laws of the Club; or
 - ii. improper, dishonest, unsportsmanlike or unseemly conduct or of conduct prejudicial to the interests of the sponsor/s and its brands or of the Club within or outside the bounds of the Club;
 - iii. fail to make payment of moneys due to the Club after due notice;
 - iv. conduct in any way offensive to members;

- v. introduce into the Club any person whose presence therein shall be prejudicial to the interests or the reputation of the Club, or objectionable to the members.

9.1.1 The Committee shall have the power to:

- i. Expel such member; or
- ii. suspend such member or deprive him/her of any or all of the rights, benefits and advantages of his/her membership during such time or period as the Committee in its absolute discretion may deem fit and advisable; or
- iii. Call upon such member in writing through the Secretary to resign, and if he/she fails to resign within seven (7) days of the date of such request, or expel such member; or
- vi. Call upon such member to a Disciplinary Hearing before the Committee members comprising Chairman or Vice Chairman, Discipline Captain, secretary and two Honorary members, and there explain his/her conduct, and should such member fail to appear when called upon, to suspend or otherwise deal with such member in terms of this clause of the Constitution.

9.2 Any decision of the Committee in terms of Clause 9.1 shall be notified to the member concerned in writing.

9.3 Any member who is expelled or suspended or otherwise dealt with by the Committee in terms of this clause, shall have the right to appeal against the decision of the Committee within fourteen (14) days of the date of such notice to a Special General Meeting, which shall be convened forthwith upon his/her notifying the Secretary in writing of his/her desire to that effect. However, the fact that any such decision of the Committee as herein contemplated shall be under appeal shall not have the effect of suspending the operation of such decision pending the hearing of the appeal.

10. OFFICE BEARERS

10.1 The Club shall have a flat structure of management. The general affairs of the Club shall be managed by this Committee democratically, who are elected for one year service from 1 April to 31 March.

10.2 The CMC Committee shall have the following members:

10.2.1 Chairperson

10.2.2 Vice Chairperson

- 10.2.3 Secretary
 - 10.2.4 Treasurer
 - 10.2.5 Media Liaison Officer
 - 10.2.6 Fundraising & Marketing Officer
 - 10.2.7 Membership Secretary (may be outsourced)
 - 10.2.8 Runners Captain
 - 10.2.9 Cycling Captain
 - 10.2.10 Triathlon Captain
 - 10.2.11 Trail Run Captain
- 10.3 Members of the Committee shall be elected annually at the Annual General Meeting of the Club.
- 10.4 All Committee members must be fully paid-up members of the Club and have been a CMC member for at least one calendar year.
- 10.5 Any Committee member absenting himself/herself from two consecutive meetings of the Committee without prior leave of absence having been obtained from any Committee member shall cease to be a member of the Committee.
- 10.6 The Committee shall have full power and authority to do any act, matter or thing that can or may be done by the Club, except such matters that are by this Constitution reserved to be dealt with at a General Meeting of members. However, any by-laws or regulations instituted by the Committee shall become valid only after ensuring that such by-laws and regulations are not in conflict with this Constitution.
- 10.7 If any vacancies occur in the committee during its year of office, the Chairperson shall have the power to fill such vacancies for the remainder of the year.
- All decisions by the Committee are to be made democratically, with the Chairman having the swing vote, if required.

11. POWERS OF THE CMC COMMITTEE

The powers of the CMC Committee shall be to:

- 11.1 administer on a day-to-day basis the assets and liabilities of or accruing to the Club for the purpose of defraying, if necessary, normal running expenses of the Club or for financing facilities for the benefit of members;
- 11.2 raise money, in such a manner, as the Committee will think fit and in particular by means of subscription;
- 11.3 advance, invest and deal with the Club's money with such person(s) or institution(s) and/or upon such investments or securities that may from time to time be determined by the Committee;

- 11.4 appoint any subcommittees for the purpose it may deem necessary to further the aims and objects of the Club and to receive, consider and deal with all reports of such subcommittees;
- 11.5 appoint Club representatives for the various facets of the relevant disciplines and empower them to represent the Club at any meeting of the facet they represent;
- 11.6 prepare or instruct the preparation of an Annual Report, Financial Statements and Balance Sheet for submission to the AGM;
- 11.7 secure the fulfilment of any contracts or engagements entered into by the committee;
- 11.8 in the name of the Club, institute, conduct, defend, compound or abandon any legal proceedings by or against the Club, or its Officers, or otherwise concerning the affairs of the Club and also to compound or allow for payment or satisfaction of any debts due, and of any claims or demands by or against the Club;
- 11.9 refer any claim or demand by or against the Club to arbitration, and to perform or refuse to perform the award;
- 11.10 sell, lease, alienate, or otherwise dispose of the whole or part of the movable property of the Club as it may think fit with the consent of the members at a Special General Meeting called for that purpose. The consideration therefrom, must be applied, in such a manner and to such purpose as it may think most advantageous to the Club;
- 11.11 enforce the rules of the various national and provincial bodies of the different sports codes it caters for;
- 11.12 co-opt any member of the Club who, by reason of special qualifications, is able to assist in the management of the Club;
- 11.13 expel or suspend any member of the Club for conduct detrimental to the interest of the Club in accordance with Section 9, or to refuse to accept any application for membership without assigning any reason therefore;
- 11.14 Submit a biannual report on the Club's activities to the sponsor/s (if applicable).

12. MEETINGS

- 12.1 The CMC Committee shall meet every second calendar month.
- 12.2 All meetings of the CMC Committee shall be convened by written or verbal notice to be addressed to all members of the Committee at least five (5) days before the date of such meeting.
- 12.3 In cases of extreme urgency, the time allowed for the convening of a meeting may be reduced at the discretion of the Chairperson and two (2) Committee members, in which case members of the Committee may be summoned verbally either in person or by telephone to such a meeting.

- 12.4 Minutes of all Club meetings shall be recorded and confirmed at the next meeting of the relevant Committee. The minutes shall be circulated to all Committee members within one week after a meeting.
- 12.5 The quorum for a meeting of the CMC Committee shall be fifty (50) percent of its members, except in the case of an emergency meeting when those members present shall constitute a quorum. At each meeting the Chairperson shall have a casting vote in addition to his/her deliberative vote. In the absence of the Chairperson the members present shall elect a Chairperson for that meeting from their number.
- 12.6 Matters discussed at an emergency meeting shall be confirmed at the next Committee meeting.
- 12.7 The procedure at all Committee meetings shall be as provided for in this Constitution for General Meetings.
- 12.8 The minimum time to give notice of absence for any Committee meeting is twelve (12) hours.

13. ANNUAL AND SPECIAL GENERAL MEETINGS

There shall be two kinds of General Meetings namely:

1. Annual General Meeting
2. Special General Meeting

13.1 Annual General Meeting

- 13.1.1 The Annual General Meeting of the Club shall be held each year by the first quarter of the year. A notice of the date, time, venue and business to be transacted shall be sent to all members at least fourteen (14) days prior to the date of the meeting.
- 13.1.2 Notice of any resolution to be proposed at an AGM shall be included in the agenda of the notice convening such meeting. No resolution to be proposed by a member will be placed on the agenda of an AGM unless such proposal has been given in writing to the Committee at least seven (7) days before such AGM.
- 13.1.3 At the AGM the Committee shall present unaudited financial statements and a balance sheet for the preceding year, and shall also present a full report upon the activities of the Club for the preceding year.
- 13.1.4 An agenda of the following business and in the order given shall be dealt with at the AGM:
- 13.1.4.1 Opening and welcome.
 - 13.1.4.2 Reading of notice convening the meeting.

- 13.1.4.3 Attendance / Apologies.
 - 13.1.4.4 Reading and approval of the minutes of the previous AGM.
 - 13.1.4.5 Reading and adoption of the minutes of any Special General Meetings which may have been held since the previous AGM and dealing with matters arising therefrom.
 - 13.1.4.6 Chairperson's report.
 - 13.1.4.7 Financial report.
 - 13.1.4.8 Appointment of office bearers.
 - 13.1.4.9 Other matters for discussion.
 - 13.1.4.10 Merit awards.
 - 13.1.4.11 Conclusion.
- 13.1.5 Members with the following status in the club shall be prohibited from voting:
- 13.1.5.1 A member in arrears with his/her membership fee;
 - 13.1.5.2 A member under the age of eighteen (18) years; and
 - 13.1.5.3 A member under suspension of CMC
- 13.1.6 All matters arising at an AGM shall be decided by a majority vote.
- 13.1.7 The Chairperson of the Club shall preside at all AGMs. Should the Chairperson be absent, the CMC Committee present shall elect a Chairperson for that meeting.
- 13.1.8 The quorum for an AGM shall be 50 members or 10% whichever is the lesser. In the event of insufficient members attending for a quorum to be formed, the meeting shall be adjourned. Thereafter members shall be advised in writing of a new date and time, again giving at least fourteen (14) days prior notification. In the event of insufficient members attending the reconvened meeting after 45 minutes of the scheduled time of commencement, the members present shall be considered as a quorum for continuation of the business to be transacted.

13.2 Special General Meeting

- 13.2.1 A Special General Meeting of the Club shall be called:
 - 13.2.1.1 Upon a resolution to that effect by the Committee; or
 - 13.2.1.2 Upon receipt of a written request for such a meeting, signed on behalf of 50 members or 10%, whichever is the lesser of the members of the Club in good standing, and giving reasons for holding such a meeting.
- 13.2.2 The Secretary shall send out notices in writing to all Club members within seven (7) days of receipt of such request, giving venue, date and time and clearly stating the business of such a Special General Meeting.

- 13.2.3 The date of such a Special General Meeting shall not be less than fourteen (14) days nor more than twenty-one (21) days from the date of dispatch of the notice convening such Special General Meeting.
- 13.2.4 The business of such a Special General Meeting shall be to deal with the specific business for which the Special General Meeting has been called. No business other than that for which the Special General Meeting has been called shall be dealt with at such a Special General Meeting unless agreed to by at least sixty-six (66) percent of the members present.
- 13.2.5 The quorum for a Special General Meeting shall be 50 members or 10%, whichever is the lesser of the Club members in good standing. In the event of insufficient members attending for a quorum to be formed, the meeting shall be adjourned for forty-five (45) minutes, after which the members present shall be considered a quorum for continuation of the business to be transacted.
- 13.2.6 Clauses 13.1.5, 13.1.6 and 13.1.7 pertaining to AGMs shall also pertain to Special General Meetings.

13.3 Procedures at General Meetings

- 13.3.1 At every General Meeting of the Club the members of the CMC Committee shall be entitled to one vote each with the proviso that no one member shall have more than one vote. The Chairperson of the meeting shall have a casting vote in addition to his/her deliberative vote in the case of an equal voting result.
- 13.3.2 Voting at all General Meetings, as decided by the Chairperson, shall be by a show of hands or by ballot paper.
- 13.3.3 Minutes shall be kept of the proceedings at all General Meetings of the Club and copies of such minutes shall be made available to all members of the committee and all Club members in good standing upon request, with copies being distributed at the first General Meeting following that meeting.
- 13.3.4 At an AGM, members of the outgoing Committee, provided they are willing to stand, are automatically nominated for the coming year.

14. FINANCE

- 14.1 The finances of the Club shall accrue in any of the following manners:
- 14.1.1 by membership fees.
 - 14.1.2 by gifts, grants, donations, sponsors and legacies.
 - 14.1.3 by interest on investments.

- 14.1.4 by profits on sales of refreshments at sports meetings, programs and other sales.
- 14.1.5 by profits made from organising races and events.
- 14.2 The Club shall have a two banking accounts, one being a Money Market account. The main bank account to have separate income and expense accounts for each subsection. All moneys accruing to the Club shall be deposited into this account which shall be in the name of the Club.
- 14.3 All moneys and other assets belonging to the Club shall be under the control of the CMC Committee of the Club.
- 14.4 As far as it is practical, all payments made on behalf of the Club shall be made electronically.
- 14.5 All expenses are to be approved by the Chairperson and another Committee member prior to incurring the expense, and these expenses are to be ratified at the next CMC committee meeting.
- 14.6 The Treasurer shall keep proper books.
- 14.7 Financial statements shall be submitted to each AGM and the Treasurer shall give a brief report on the finance of the Club at every meeting of the CMC Committee.
- 14.8 The Committee may order an audit of the accounts at any time.
- 14.9 The financial year shall be 1 January to 31 December of each year.
- 14.10 The financial statements as at end December will be reported to the members at the AGM, which is required to occur in the first quarter of the following year

15. AMENDMENTS OF THE CONSTITUTION

In the event of any "casus omissus" in the Constitution, any clause of this Constitution may only be amended by a two-thirds majority vote of members in good standing and present at an Annual or Special General Meeting called for that purpose.

16. HEADQUARTERS AND ADDRESS

The headquarters of the Club shall be the following: The current Chairperson's physical address and the postal address, e-mail address and telephone number(s) shall be determined by the CMC Committee from time to time and conveyed to all members.

17. DISSOLUTION

- 17.1 The dissolution of the Club may only be effected when a resolution supported by at least fifty (10) percent of the members in good standing and present at a Special General Meeting called specifically for this purpose is passed.

17.2 In addition to the items discussed in paragraphs 17.1 above and in order to comply with section 30A of the Tax for Recreational Clubs Act, the decision as to the disposal of the remaining assets must be limited to:

- Any other recreational club which is approved by the Commissioner under section 30A of the Act, or;
- A PBO formed, incorporated or established in the Republic as a company incorporated under section 21 of the Companies Act, or as a trust or an association of persons and, which has been approved by the Commissioner as a PBO under section 30(3) of the Act.

Changes to this Constitution were approved and the Constitution adopted at the Annual General Meeting held on 30 March 2017.

Chairperson : Charl Smit

Secretary : Ruth Masureik

ADDENDUMS TO THIS CONSTITUTION:

ADDENDUM 1 : Code of Conduct

ADDENDUM 2 : Disciplinary Code

ADDENDUM 3 : Code of Communication

ADDENDUM 4 : Membership fees