

Tennis for Everyone



clubview
tennis
club

CTC Constitution

2016/10/01

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1. Introduction

This document, known as 'THE CONSTITUTION of CLUBVIEW TENNIS CLUB, is the authorisation according to which the Club is managed. This replaces all previous constitutions.

2. Name and Address

2.1 The Club is named 'CLUBVIEW TENNIS CLUB' hereinafter referred to as the 'Club'.

2.2 The Club is situated in Edinburgh Road, Clubview East, with the following postal address:

168 Edinburgh Avenue, Clubview East, Centurion, 0157

3. Tennis Courts and Facilities

The tennis courts and facilities used by the Club are leased from Tshwane Municipality. The club is committed to honour the conditions as set out in the lease agreement with the City of Tshwane.

4. Objectives

The club has the following objectives:

- To generally improve participation in tennis by making the courts available, in a controlled manner, to non-members and in particular to children.
- To offer to its members the best opportunity to play, improve and enjoy their tennis.
- To function as an affiliated member of GAUTENG NORTH TENNIS ASSOCIATION (GNTA) and TENNIS SOUTH AFRICA (TSA). To support and observe the objectives, rules and regulations, Code of Conduct of the said institutions.

5. Membership

5.1 Requirements

Membership, subject only to the following, is open to any person:

- That preference is given to persons residing in the Centurion municipal area.
- That the prescribed conditions for membership application, and its approval, are complied with.
- That the method of play and the conduct of the applicant are acceptable to the Club and comply with club rules and guidelines.
- That the applicant is considered to be in "good standing" which includes that:
 - The applicant does not have any unpaid membership fees at a previous club.
 - TSA or GNTA does not provide any reason for not accepting the applicant.

5.2 Application for Membership

5.2.1 Prior to approval of membership, the applicant must have the opportunity to study the Constitution, and must have completed the prescribed application form.

5.2.2 During the time in which an application is being reviewed, the applicant may play as visitor at the Club until such time that management has approved or rejected the application. Visitor's fees are payable during this period.

5.2.3 Upon approval of the application, and within thirty (30) days, the applicant must pay the following fees in full:

- affiliation fees according to the payment requirements of TSA and GNTA
- membership fees for six (6) months in advance.

5.3 Duration of Membership

5.3.1 Membership starts on the date that the applicant's application is approved (subject to 5.2.3).

5.3.2 Membership automatically continues until it is terminated as per 5.4

5.4 Termination of Membership

5.4.1 Membership can be terminated in one of the following ways:

- Notice by member: A member may terminate membership by giving 30 days' written notice of termination of membership. The following applies:
 - The member is liable for membership fees during the notice period.
 - Membership fees paid in advance and exceeding the amount due for the period of membership must be repaid to the member within 30 days after the end of the notice period.
 - Membership fees due must be paid in full within the notice period.
 - Failure to comply with the requirement to pay fees due may result in the person's name being forwarded to GNTA to be recorded as an unregistered player.
 - During the notice period the member retains full membership rights and is included in counts of membership numbers for all official purposes.
- Notice by the Club: The club may terminate the membership of a member by delivery of a written notification of termination by the Management Committee. The following applies:
 - The notice of termination must be preceded by a warning in writing to the member, giving reasons as to why the Management Committee is contemplating the termination of membership.
 - Thirty (30) days grace must be granted to the member during which time he/she may respond to the warning notice.
 - The member, personally, has the right to plead his/her case before the Management Committee or to request, in writing, that the case appears before a special general meeting.
 - Any complaint by a member against another member, which may result in the termination of membership, must be put in writing to the Management Committee.

5.4.2 The following are grounds for the termination of membership through Notice by the Club:

- Constant or deliberate transgression of the rules of the Club as contained in the Constitution or as compiled by the Management Committee within the stipulations of the Constitution.
- Conduct that negatively affects the well-being and enjoyment of other members or visitors or put the good reputation of the Club at risk at the Club or at any other club where the member is representing the Club.
- Termination of the member's registration at GNTA or TSA.

5.4.3 A member can be reported to GNTA for blacklisting under the conditions and using the process below:

- If a member is in arrears with regards to any fees due and fails to, within 21 days of notification by email and registered or hand-delivered letter by the Management Committee, either (1) make a full payment or (2) reach an agreement regarding payment with the Management Committee; and
- The Club notifies the GNTA of failure to pay or reach an agreement; and
- GNTA sends the member email and a registered letter requesting payment to be made; and
- The member fails to comply with the payment requirements set by GNTA; and
- GNTA notifies TSA.

5.5 Honorary Members

5.5.1 Honorary membership, on grounds of the following, may be granted to members or former members of the Club:

- With uninterrupted and impeccable membership at the Club for a period exceeding twenty (20) years.
- In gratitude for many years of service to the Club.

5.5.2 Recommendations for membership must be submitted to the Management Committee for decision during an Annual General Meeting. A motivation for the proposed granting of honorary membership must accompany the prescribed notices of the AGM and the agenda for the AGM must include the item. Such membership may only be granted provided there are no votes against the motion.

5.5.3 Honorary members are exempt from payment of membership fees and enjoy all benefits of membership.

5.5.4 Honorary membership is terminated at a general meeting and on recommendation of the Management Committee when it appears that the honorary member(s) have no further interest at the Club. The procedures regarding motivation, notice and voting as in 5.4.2 apply except that a normal majority is sufficient to accept a motion of termination of honorary membership.

5.6 Membership and Fees

5.6.1 Membership fees are payable when a member joins (according to requirements in 5.2.3) and periodically thereafter, depending on the payment period (according to 5.6.2) selected by the member.

5.6.2 Membership fees are payable:

- Annually; or
- On a 3 month basis; or
- On a 6 month basis

5.6.3 Annual Affiliation fees to TSA and GNTA are payable in full upon being Invoiced.

5.6.4 Affiliation fees are determined by TSA and GNTA and payable in full, irrespective of when a member joins.

5.6.5 Proposals for changes in membership fees must be presented for approval at the AGM or on a Special General Meeting.

5.6.6 Proposals for the introduction of any Special Levies must be presented for approval at the AGM or a Special General Meeting.

5.7 Restriction of Number of Members

5.7.1 The number of members, excluding honorary, weekday and junior members, is limited to twenty (20) per court.

5.7.2 The number of honorary members is limited to five (5).

5.7.3 Permission to be absent

A member, who cannot make use of the Club's facilities for longer than two (2) consecutive months, may apply in writing to the Management Committee for exemption from membership fees for the relevant period to a maximum of six (6) months. If the period of absence exceeds the period for which exemption from membership fees was granted, the member may re-apply for exemption.

6. Club Financial Year

6.1 The club financial year extends from 1 April to 31 March.

6.2 The Club's annual programme is compiled to fit in with that of the GNTA.

7. Official Club Days

7.1 Saturdays and Wednesday nights are the official club days. On these days the courts are reserved for organised play and use of the court under the control of a member of the management committee. The start and end times for official club days are set by the management committee. Members are however, on any other day, entitled to make unofficial use of the courts and facilities.

7.2 The Management Committee may introduce requirements and systems for booking courts.

7.2.1 These requirements must be:

- fair and reasonable
- clearly communicated to members
- allow all members fair and reasonable use of the courts

7.2.1 The booking systems must be:

- clear and easy to use
- reasonably accessible to all members.

8. Management of the Club

The responsibility for the management of the Club is vested in the members and is executed by the following:

- The Annual General Meeting (AGM) where members bring out their votes in order to ensure that the Club is being managed in accordance with the Constitution.
- Special General Meetings, when urgent matters arise that require approval/decision by the members and which cannot stand over until the AGM.
- The Management Committee elected by the AGM to handle the general management of the Club. Due to a change in the time of year in which the AGM is held when this amended constitution comes into effect, the Management Committee selected at the AGM of 2016 will serve until the AGM of 2018. Thereafter Management Committees will serve terms of approximately 12 months between AGMs, unless replaced at SGMs before expiry of their term.

9. Annual General Meeting (AGM)

9.1 Date

The AGM must be held within two (2) months after the end of the club financial year.

9.2 Constitution

The AGM is properly constituted provided the following requirements are complied with:

9.2.1 Agenda Items

- Any member eligible to vote may ask that a discussion point, other than those that form part of the prescribed agenda (see 9.7), be put on the agenda.
- All requests for discussion points to be put on the agenda must be in writing and reach the Management Committee within one (1) month of the end of the financial year.
- Where the discussion points relate to changes to the constitution, it must be in the form of a motion that clearly states the following:
 - Exact wording of the change(s), including the old wording (where applicable) and the new wording (where applicable).
 - Motivation for the proposed change.

9.2.2 Notice

- A written notice (where written includes electronic forms of communication) must be sent to all members at least 21 days before the date of the AGM to inform them of the AGM.
- The notice must be sent to the members using the primary mode of communication with members.
- The notice must be sent to the primary address for communication with members. The addresses to be used are as captured on membership application forms, transferred the Club members database and updated upon written requests by members.
- The type a primary mode of communication with members is determined by the Management Committee and may change from time to time, depending on circumstances such as prevalent technology and practicality.
- The accidental omission to address notices to any member shall not nullify the proceedings of any meeting.
- The notice of the AGM must contain at least the following:
 - Notice that the AGM will be held.
 - Time, date and place of the meeting.
 - Copy of the financial statements to be presented for approval by the AGM.
 - Agenda
 - Copy of all special motions and supporting documents.
 - Copy of all proposed changes to the Constitution, if any, with the exact wording of the change(s), including the old wording (where applicable) and the new wording (where applicable) and the motivation for the proposed change(s).
 - Proxy form and requirements for use of proxy votes as per this constitution.
- A written notice of the meeting stating the following must be displayed on the Club notice board for at least the last 21 days leading up to the AGM:
 - Notice that the AGM will be held.
 - Time, date and place of the meeting.
 - Agenda
 - Information of how to obtain copies of the supporting documentation.

9.2.3 Quorum

A quorum is present when one of the following conditions is met:

- If the total number of members eligible to vote is less than sixty (60), at least 12 members eligible to vote must be present in person or via proxy.
- If the total number of members eligible to vote is sixty (60) or more, at least 20% of members eligible to vote must be present in person or via proxy.

If a quorum is not present at the designated start of the meeting, the meeting adjourns for 30 minutes. If, after the adjournment, a quorum still does not exist:

- The meeting must determine a date for a future meeting, which must be within four (4) weeks from the date of the meeting.
- The minutes of the meeting must reflect the facts regarding presence, lack of quorum and the date set for the future meeting.

If a quorum is not present at the reconvened meeting within fifteen minutes of the appointed time, the members present, including those represented by proxy, shall be deemed to constitute a quorum for that meeting.

9.2.4 Agenda

The agenda for the meeting must be sent to members when the notice of the meeting is sent and must be made available to all attendees at the meeting.

9.3 Right to Vote

9.3.1 All members and honorary members over 16 years of age have the right to vote and take part in discussion at the AGM with the following exclusion:

- Members who owe money to the Club equivalent to more than their membership fees for three months are not allowed to vote or take part in discussions.

9.3.2 A member eligible to vote (as per 9.3.1) may, by way of a signed document to the chairperson, authorise another member who is eligible to vote, to vote on his behalf (issue a “proxy”) under the following conditions:

- The proxy must clearly state the full names of the member and the member authorised to vote on his behalf.
- The proxy must be clearly signed by the member authorising another member to vote on his behalf.
- The proxy must reach the chairperson of the meeting before the start of the meeting and must be present at the meeting.
- The Management Committee may, but do not have to, prescribe the format of the proxy.
- A member eligible to vote and present at the meeting may not hold more than three (3) proxies to vote on behalf of other members.
- If a member eligible to vote and present at the meeting has received more than the allowed number of proxies, he must decide unilaterally which proxies to present and represent, within the limit allowed.
- Proxies are not transferable.

9.3.3. Valid proxies are included in the consideration of the number of members present for the purpose of determining if a quorum is present.

9.4 Chairperson

The Chairperson of the Management Committee acts as chairperson of the AGM. In his absence the vice-chairperson stands in and, should he be absent, a committee member.

9.5 Voting Procedure

9.5.1 All decisions are made by a majority vote.

9.5.2 The presiding officer may institute systems and procedures to enable the easy identification of members who are eligible to vote and their proxies to facilitate issuing of ballot papers (if used) and counting of votes by show of hands.

9.5.3 Voting takes place by a show of hands provided there are no objections, in which case sealed ballot papers are used.

9.5.4 If voting for Management Committee members takes place by a show of hands, nominees may be requested to leave the room.

9.5.5 In case the votes are equally divided, the chairperson has, in addition to his own, the casting vote.

9.6 Election of Management Committee

9.6.1 The Management Committee comprises of 7 members.

9.6.2 Before the meeting at which the Management Committee is to be elected, the then current Management Committee may appoint a maximum of two (2) of its current members to serve ex officio on the Management Committee to be elected. This decision must be put in writing and presented to the AGM at the start of the procedure to elect the Management Committee.

9.6.3 The Chairperson is elected first.

- An ex officio member of the new Management Committee may be nominated as Chairperson, in which case he will be included in the set of candidates for voting. If he is not elected Chairperson, he will remain on the new Management Committee as ex officio member.
- If there is only one candidate, he is elected.
- If there are two (2) candidates, the candidate with the most votes is elected.
- If there are more than two (2) candidates, a candidate is elected if he receives 50% plus one (1) of the votes casted. If no candidate obtains this majority, another round of voting will be held in which only the two candidates with the highest number of votes in the first round participates.

9.6.4 The rest of the Management Committee is selected after the Chairperson has been selected:

- The number of Management Committee members to be elected is: Seven (7) minus one (1) (Chairperson) minus number of ex officio members.
- Each member eligible to vote may bring out a number of votes equal to the number of Management Committee members to be elected.

9.6.5 The functions and portfolios of the new Management Committee, except for the Chairperson who is elected by the AGM, is assigned by the new Management Committee as soon as practically possible after the AGM and according to the requirements at the time and the attributes of the Management Committee members. These assignments may be changed during the term of the Management Committee.

9.7 Procedure Arrangements

9.7.1 The chairperson and secretary of the meeting remains in this capacity for the duration of the meeting, except if they have to be temporarily replaced during voting on positions for which they have been nominated.

9.7.2 The chairperson of the meeting will give the newly elected chairperson an opportunity to address the meeting towards the end of the proceedings.

9.7.3 The meeting secretary must compile the minutes of the meeting as soon as practically possible after the AGM and hand over the minutes to the new Management Committee.

9.7.4 Unless otherwise stated in this document, the usual procedure arrangement for a meeting shall be applicable during the AGM.

9.7 Agenda

The following matters will be tabled during the AGM:

- Approval of the Minutes of the previous AGM and any general meetings held afterwards.
- Issues arising from the above-mentioned Minutes.
- Management Committee's annual report.
- Financial report.
- Election of the Management Committee.
- Amendments to the Constitution, when applicable.
- Any specific issues of which proper notice was given in terms of Clause 9.2.1 and 9.2.2, when applicable.

- Suggestions for honorary membership in terms of Clause 5.4, when applicable.
- General issues, provided that no issue is discussed that according to the majority of members present, needed prior notice in terms of Clause 9.2.1 and 9.2.2.

10. Special General Meeting

10.1 The Management Committee may call Special General Meetings for a specific purpose, which includes effecting amendments to this Constitution. Only those issues as set out in the notice given of the meeting, may be discussed.

10.2 A Special General Meeting must be called following written notice by at least five (5) members. Such a request must be addressed to the Management Committee and should include a clear explanation as to the reasons why the meeting is requested.

10.3 The same procedural arrangements as were prescribed for the AGM will apply, where applicable, to a special general meeting.

10.4 If a situation arises where there isn't a functional Management Committee, any five (5) members may call a SGM with the only purpose of electing a new Management Committee. The following procedures will apply:

- Notice as per the 9.2.2 with the following exception:
 - If the members do not have access to the member database, notices on the notice board will suffice for giving notice.
- Quorum requirements as per 9.2.3 with the following exceptions:
 - If the members do not have access to the member database, the quorum will be ten (10) members.
- Eligibility to vote as per 9.3 with the following exception:
 - If the members do not have access to the member database or do not have information available to ascertain eligibility to vote, all people claiming to be members and claiming to be eligible to vote, will be considered eligible to vote.
- The members calling the meeting will appoint a chairperson and a secretary for the meeting from amongst themselves.

11. Management Committee

11.1 Committee Members

11.1.1 The Management Committee, elected during the AGM, consists of a Chairperson and 6 other members of which up to two (2) may be ex officio members (as per 9.6.2)-

11.1.2 The Management Committee will, during their first meeting, assign functions and portfolios to the members of the committee. These assignments may be changed by the Management Committee during the course of its term, should it be required.

11.1.3 A committee member who, for three (3) consecutive meetings, is absent without apology, forfeits membership as committee member.

11.1.4 The Management Committee may fill any vacancy that becomes available on the committee during the year.

11.2 Responsibility

The Management Committee is responsible for the following:

- The general management of the Club's activities.
- The management of finances.
- The maintenance and improvement of courts and facilities.

- The management of assets and supplies.
- The maintaining of a strong membership.
- The compliance with responsibilities related to membership at GNTA and the participation in GNTA activities.
- The appointment of a convener for the Selection Committee.
- The registering of teams, in consultation with the Selection Committee, for GNTA league matches.
- The development of the standard of tennis played by the Club.
- The promotion of the image and morale of the Club.

11.3 Powers

In order to execute his responsibilities, the following powers, subject to the regulations contained in the Constitution, are delegated to the Management Committee:

- To grant or discontinue membership.
- To implement rules regarding the organisation of the Club's activities.
- To adjust member's subscription and visitor's fees.
- To enter into agreements with Tshwane Municipality regarding the hiring of tennis courts, the improvement or expansion of facilities, and the maintenance of facilities and grounds.
- To incur expenditure to the benefit of the Club and to invest the money at recognised banks or investment institutions.
- To represent the Club at the GNTA.
- To, in a controlled manner, make the courts and facilities available to non-members, either for a fee or free of charge, according to judgement of the Management Committee.
- To enter into agreements with suppliers, sponsors and advertisers to the benefit of the Club.
- Make decisions, implement systems, rules and procedures for the day to day operation of the Club.

11.4 Committee Meetings

11.4.1 Regulations

The Management Committee will meet as required, but will have at least one regular meeting every two (2) months. At regular meetings the following regulations are applicable:

- In the absence of the Chairperson another member acts as chairperson according to a system decided upon by the Management Committee at its first meeting.
- A quorum consists of a minimum of four (4) members.
- All decisions are made by a majority vote.
- Proper minutes of meetings must be kept and distributed to committee members as soon as possible and at the latest before the next meeting.

11.4.2 Agenda

The Management Committee sets its own agenda. Members of the committee must receive the proposed agenda for a meeting before the meeting.

11.5 Ad-Hoc Meetings

11.5.1 The Management Committee may gather on an ad-hoc basis in order to address issues that cannot stand over to the next regular meeting.

11.5.2 The following rules are applicable during an ad-hoc meeting:

- A quorum consisting of the at least three (3) members.
- Decisions must be unanimous.
- Minutes must be kept as for regular meetings and presented for approval at the next regular meeting.

11.6 Dysfunction of Management Committee

11.6.1 If the number of members of the Management Committee falls below the number required for a quorum for a regular committee meeting or the committee is unable to function properly, the remaining and/or functional members of the committee are authorised and obliged to, within five (5) days of these conditions becoming evident, call a Special General Meeting, to be held within 30 days of the notice being given, with the only purpose of electing a new Management Committee. The notice requirements for SGMs are applicable.

11.6.2 If the Management Committee fails to act according to the requirements of 11.6.1, any five (5) members may call a Special General Meeting as per 10.4.

11.6.3 In the event of a dysfunctional Management Committee as per 11.6.1, the remaining and functional members of the committee continue to constitute a Management Committee and may continue to make decision required for day to day operation of the Club and to enable the Club to meet its existing obligation to GNTA, TSA, members and suppliers. It must act to protect the good name of the Club. It may not:

- Appoint new members to the Management Committee.
- Take any decisions of strategic or tactical nature.
- Take any decisions that will increase the financial risk and obligations of the club.
- Take any decisions that will be to the detriment of the future of the Club and its good standing in the tennis community.

12. Financial

12.1 Bookkeeping

12.1.1 Proper bookkeeping of all financial transactions must be done according general acceptable accounting practice for an organisation such as the Club.

12.1.2 Financial statements must be compiled and it and the books reviewed within four (4) weeks after the end of the financial year and provided to the Management Committee for compliance with 9.2.2.

12.1.3 The review of the books and financial statements (12.1.2) must be done by at least two (2) members of the Management Committee and two (2) members not serving on the Management Committee and a unanimous decision to recommend submission of the financial statements for approval is required before it is submitted for approval.

12.1.4 The Management Committee may have the books audited if it deems it necessary.

12.2 Restriction of Expenses

No single expense, exceeding 20% of the previous financial year income, may be incurred without prior authorisation at the AGM or at a Special General Meeting.

13. Visitors

Visitors may be invited to play at the Club on conditions as determined by the Management Committee.

14. Codes of Conduct, Policies and Rules

14.1 The Management Committee may propose codes of conduct, policies, rules and other requirements and may change these as required. This includes, but is not limited to:

- Member Code of Conduct
- Coaching Policy
- House Rules
- Fee Structure

14.2 The following codes of conduct, policies, rules and other requirements and changes to them are subject to approval at an AGM or SGM convened for this purpose and requires a normal majority vote to be approved:

- Member Code of Conduct
- Coaching Policy
- Membership Fee Structure.

14.3 Codes of conduct, policies, rules and other requirements and changes to them other than those listed in 14.2 may be instituted by the Management Committee without approval at an AGM or SGM.

15. Interpretation of and Deviation from the Constitution

15.1 All instances where the masculine form is used in the Constitution are also applicable to women.

15.2 In case of uncertainty or controversy regarding the meaning of a stipulation in the Constitution, the issue must be submitted to the AGM or a Special General Meeting for a ruling. Until such time, the interpretation as by the Management Committee applies.

15.3 If, at any time, it becomes impossible to comply with the requirements of this constitution, the following applies:

- The Management Committee or other members affected by the stalemate must take a course of action that will be as close as possible to the requirements set by the constitution and best reflects the spirit and intent of the constitution.
- The deviation of the requirements set by the constitution and the conditions requiring deviation from the requirements must be presented to the next AGM or SGM and ratification requested. Ratification requires an approval with a majority as required for the approval of changes to the constitution.

16. Amendment of the Constitution

16.1 The Constitution may only be amended at an AGM or at a Special General Meeting convened for this purpose.

16.2 An amendment is approved if it meets with the approval of a two thirds majority in members eligible to vote present, in person and through proxies.

16.3 Proposed amendments must include changes to the clause stating when the constitution (with the amendments) takes effect.

16.3 Suggestions for amendments must comply with the stipulations of clause 9.2.1 and 9.2.2 or clause 10.1 and 10.2 as applicable.

17. Date that the Constitution Takes Effect

17.1 This Constitution takes effect immediately upon approval at an Annual General Meeting on October 1, 2016 and will remain in effect until amended or replaced according to the requirements set out in this constitution.

17.2 Upon approval of this constitution, all deviations from previous constitutions, made in good faith and in the best interest of the Club as a whole, are ratified.

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Chairperson

Witnesses

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