

# **PORIRUA CITY UNITED SOFTBALL CLUB (INCORPORATED)**

## **Constitution and Rules**

- 1 The name of the Club shall be the “Porirua City United Softball club” (Incorporated) hereinafter referred to as the “The Club” and registered office of the club shall be situated in the Porirua area at such place as it is from time to time determined.
  
- 2 **Objects**  
The objects of the club shall be:
  - (a) to foster and encourage the playing of softball
  - (b) to provide means of management and control of the club
  - (c) to consider and discuss all questions affecting the interest of the Club and members of the Club
  - (d) to purchase, take upon, lease, hire or otherwise acquire and hold, real and personal property, rights and privileges which the club may deem necessary or convenient to any of the foregoing objects
  - (e) to construct, maintain and alter any buildings or works necessary or convenient to the attainment of any of the foregoing objects
  - (f) to sell, lease, mortgage, change or otherwise dispose of any property of the club and to grant such rights and privileges thereover as the club may from time to time think necessary and proper
  - (g) to borrow money by way of bank overdraft or otherwise to give such security over all and any of the assets and property of the club as is deemed necessary and proper
  - (h) to invest the funds of the Club upon such securities and in such manner as is authorised by the Rules
  - (i) to raise money by subscription or any other means and to grant rights and privileges to subscribers
  - (j) to do all things as are incidental or conducive to the attainment of the above objects, or any of them.
  
- 3 **Membership**  
Membership of the Club shall consist of:
  - (a) Life members
  - (b) Players
  - (c) Honorary members.
  
- 4 **Life Membership**  
May be conferred on any person in recognition of special services to the Club. Life members shall be elected only at an Annual General meeting. Each nominee shall be proposed by at least two members and the nomination shall be delivered to the Secretary not later than fourteen days before the date of the holding of the Annual General Meeting, all nominations shall be on the recommendation of the Executive. Before such nominee shall be elected a Life Member, he or she must receive a majority of at least three fourths of the

votes of those members who are present at the Meeting and entitled to vote upon such nomination.

- 5 A Life Member shall upon election, be entitled to all rights and privileges of full membership without payment of an annual subscription or any special payment for such membership.
  - (a) Each Life Member shall be entitled to receive without payment of a subscription ONE honorary membership card for use by the Life Member's partner.
- 6 **Players**

A playing member shall, upon election be entitled to represent the Club in any team engaged in the game of softball for which he/she may be selected and to all rights and privileges of the club. He/she shall also become subject to the rules and regulations of the Club.
- 7 The annual subscription payable by playing members shall be set from time to time by the Executive.
- 8 Playing membership of the Club shall cease on either of the following groups:
  - (a) by resignation
  - (b) by dismissal.
- 9 A playing member may, providing that all arrears and dues up to the date of the holding of the next Annual General Meeting have been paid to and acknowledged by the Club, resign his/her membership by giving seven days before the date of the holding of the next Annual General Meeting.
- 10 A player member shall be liable to dismissal from the Club should he/she infringe any rule or regulation of the Club, or neglect or refuse to pay monies or dues owing to the Club, or for misconduct, or for any other good reason.
- 11 Honorary Membership may be conferred on any person on the payment of an annual subscription to be decided by the Executive. An Honorary Member shall be issued an Honorary Membership Card, signed by the Club Treasurer.
- 12 The privileges of an Honorary member shall be:
  - (a) to speak at any General Meeting of Members of the Club
  - (b) to vote on any motions presented at any General Meeting of members of the club
  - (c) to be eligible for election to the Executive of the Club.
- 13 The privileges of an Honorary Member shall exist to and including the date of the next Annual General Meeting of members of the Club, when upon membership shall cease, but may be renewed on payment of a further annual subscription.

- 14     **Membership General**  
Any member shall be liable to dismissal from the club should he/she infringe any Rule or Regulation of the club or neglect or refuse to pay monies or dues owing to the club, or for any other good reason.
- 15     Any breach shall be reported in writing to the Secretary of the Club whose duty it shall be to call a meeting of the Executive within seven days of the receipt of such reports. The Executive, after consideration of the matter may at its discretion call on the member to resign or dismiss or otherwise deal with the matter as it thinks fit. A motion of dismissal must have four fifths of the votes of the Executive.
- 16     Committee will be issued a membership card signed by the Treasurer. This card must be presented on request of a member of the Executive. Members unable to produce the current membership card may be refused admittance to the clubrooms.
- 17     No person shall use or permit to be used the Club name or associate any team of the Club with any activity for any reason without permission of the Executive.
- 18     No person or team may be permitted to raise monies in the Club's name without permission of the Executive.
- 19     **Annual General Meeting**  
The Annual General Meeting of the club shall be held not earlier than 1<sup>st</sup> May and not later than 1<sup>st</sup> October in each year at such place as the Executive may determine. Notice of such meetings and a copy of the Annual Report and Statement of Accounts shall be forwarded by the Secretary to each member not later than seven days before the date appointed for the holding of the meeting. A notice shall be placed in the local newspaper, advertising the date, place, time and business of the meeting. The notice shall be first advertised three weeks prior to such meeting. Remits and Notices of Motion in writing must be in the hands of the Secretary seven days prior to the meeting date.
- 20     Ten members present at an Annual General Meeting shall constitute a quorum.
- 21     **Order of Business**  
The order of business for the Annual General Meeting shall be:
- (a)     Apologies
  - (b)     Minutes of previous Annual General Meeting
  - (c)     Annual Report and Balance Sheet
  - (d)     Remits of Notices of Motion of which due notice has been given
  - (e)     Election of Officers
  - (f)     General Business

- 22 Election of Officers  
At the Annual General Meeting all offices shall be declared vacant and the election of officers for the ensuing year will take place in the customary manner.
- 22a All nominations for Executive must be in writing and in the hands of the Secretary not later than seven days prior to the date of the meeting.
- 22b All nominations must have a Mover and must be Seconded by at least one other Member.
- 22c Where only one nomination is received for a position at the time of the Annual General Meeting the nomination will be elected.
- 23 Officers of the Club  
The office of the Club shall consist of:
- An Executive Committee consisting of:
- (a) President
  - (b) Club Captain
  - (c) Assistant Club Captain (not more than two)
  - (d) Secretary
  - (e) Assistant Secretary (if required)
  - (f) Treasurer
  - (g) Assistant Treasurer (if required)
  - (h) Executive (not more than 10)
  - (i) School Children Convenor
- 24 Also a Patron and Vice Presidents (one or more) to be nominated and elected at the Annual General Meeting.
- (a) The Executive Committee shall elect from its members, a deputy who will takeover the functions of the President in the event of his/her absence.
  - (b) The Executive shall elect the delegates to Western Bays Advisory Board and delegates to the Wellington Softball Association and the Wellington Softball Umpires Association Annual General Meeting.
  - (c) The Executive shall elect as may sub committees it deems necessary.

#### Duties of Officers

- 25 President  
At all meetings the chair shall be taken by the President or in the event of his/her absence by his/her deputy, in the event of the absence of both, a Chairman shall be elected from those present. He/she shall preserve order and decorum during such meetings. He/she shall have a casting as well as a deliberative vote.
- 26 Club Captain  
The Club Captain shall have control over all teams of the Club and shall assist in the selection of teams in all grades at the commencement of the playing

season. It shall be the duty of the Club Captain or his/her Assistant(s) to visit each team on a playing Saturday at least once during the season.

- 27 Assistant Club Captain(s)  
Shall assist the Club Captain in the execution of his/her duties.
- 28 Secretary  
The Secretary shall attend and record the minutes of the proceedings of all meetings of the Club and of the Management committee, and shall conduct the general correspondence of the Club. He/she shall keep a register of members and otherwise fulfil other duties pertaining to his/her office.
- 29 Assistant Secretary  
The Assistant Secretary shall assist the Secretary in carrying out his/her duties and shall carry out the duties of the Secretary in his/her absence.
- 30 Treasurer  
The Treasurer shall attend all meetings of the Club and of the Executive and shall collect and properly account for all subscriptions and other monies of the Club, and pay all accounts under authority of the committee. He/she shall keep an account of the income and expenditure of the Club and shall keep the book, regularly and properly written up, so as to enable him/her to prepare a statement of income and expenditure of the Club and a balance sheet for presentation to the Annual General Meeting or at any time as may be required.
- 31 Assistant Treasurer  
The Assistant Treasurer shall assist the Treasurer in carrying out his/her duties and shall carry out the duties of the Treasurer in his/her absence.
- 32 School Children's Convenor  
The School Children's Convenor shall have control over all school children's softball teams of the Club and shall assist in the selection of teams in all school children's softball grades at the commencement of the playing season. He/she shall be responsible to the Executive for all matters pertaining to school children's softball and shall represent the Club on the school children's zone committee.
- 33 Assistant School Children's Convenor  
The Assistant School Children's Convenor shall assist the convenor in all his/her duties.
- 34 The Executive committee shall have power to appoint a member of the Club to fill any vacancy in any office until the next Annual General Meeting.
- 35 Any Executive member missing three consecutive meetings without tendering a written apology will no longer be able to sit on the Executive.
- 36 At an Executive meeting five persons shall form a quorum.

- 37 Team selectors – the Executive Committee shall elect a panel of three, plus the Club Captain to select all teams in the Club.
- 38 Officer – no person shall be eligible for officer who is not financial with the Club or with any Club affiliated to New Zealand Softball Association.
- 39 Subscriptions – subscriptions shall be determined by the incoming Committee.
- 40 Unfinancial members – any player not having paid the balance of his or her subscription by the first playing Saturday of December of the current season shall be termed unfinancial, and shall be fined for their dues at the discretion of the Executive Committee.

#### Funds and Accounts

- 41 The General Funds of the Club shall be lodged at a Bank to an account in the name “PORIRUA CITY UNITED SOFTBALL CLUB (INCORPORATED)”. All payments from the account shall be made by cheque, signed by two of the three Treasurer, Secretary and President.
- 42 The Executive shall have the power to expand the funds of the Club in such a manner as it thinks conducive to the proper working of the Club affairs and in accordance with the Rules and Objects of the Club.
- 43 Any surplus funds belonging to the Club may be transferred to any account or invested in fixed deposit in any Bank carrying on business with New Zealand, at the discretion of the Executive. Such surplus funds shall be invested in the name of the PORIRUA CITY UNITED SOFTBALL CLUB (INCORPORATED). The Executive shall have the power to appoint two or more Trustees one of whom shall be the Treasurer, in respect of any funds invested under the provisions of the rule.
- 44 The accounts of the Club shall be made up to the 31 May in each year. The Treasurer shall cause to be prepared a statement of income and expenditure up to this date for the previous 12 months and a balance sheet of the Assets and Liabilities of the Club as at the date, such statement and balance sheet shall be audited and submitted to members at the next Annual General Meeting.
- 45 All monies raised or borrowed by the Club for any particular purpose may be invested in the name of the PORIRUA CITY UNITED SOFTBALL CLUB (INCORPORATED) the Executive shall appoint two or more Trustees one of whom shall be the Treasurer in respect of any fund invested under the provisions of this rule. The investment shall state briefly the purpose for which it has been made.
- 46 No team shall operate any bank account on their behalf without approval from the Executive. Any approval given must be on the condition laid down by the Executive.

- 47 Alteration to rules – no rules may be altered unless seven days notice in writing be given of the proposed alterations or amendment.
- 47a No new rules shall be made, nor shall any rules be altered or repealed except at an Annual or Special General Meeting of the Club.
- 47b Notice in writing of any proposed additions, amendments or alteration, signed by the proposer and seconder thereof shall be given to the Secretary not later than fourteen days before the date appointed for the holding of an Annual or Special General Meeting.
- 47c Every alteration to the Rules shall be in writing, signed and sealed in duplicate by at least three members of the Club, and the documents so signed and sealed shall be delivered to the Registrar of Incorporated Societies, accompanied by a Statutory Declaration made by a solicitor or at least one member to the effect that the said alteration has been made in accordance with the Rules of the Club.
- 48 Removal of officers – at a Special Meeting called for the purpose shall be competent for a majority vote to remove part or the whole of the Executive Committee and to elect others in their place.
- 49 Special Meeting – the President shall have the power to call a Special Meeting of the Club at any time that he/she deems necessary, for the purpose of Rule 48 or for any other matter and he/she shall act upon a written requisition of a meeting signed by not less than 10 members of the Club.
- 50 Inspection of books – any person having an interest in the funds of the Club may on giving reasonable notice in writing, to the Secretary or Treasurer, be permitted to inspect the books and records of the Club.
- 51 Dress
- (a) The colours of the Club shall be Dark Green, Gold and White with alternate strip colours including the colours of Grey and Black.
- (b) Members shall wear the Club uniform properly cleaned at all official games.
- 52 Auditors – at the Annual General Meeting in each year, one person who shall not be an Executive member shall be appointed to audit the accounts of the Club, and shall hold office until the next Annual General Meeting when he/she shall retire, but shall be eligible for re-election in the event of the office of Auditor becoming vacant during the year such vacancy shall be filled by a person appointed by the Executive.
- 53 The Auditor shall have the right of access at all time to the books, accounts vouchers and papers of the Club, and to require such information and explanations as he/she thinks fit for the proper performance of his duties.

- 54 Solicitor – the Executive shall appoint a Solicitor for any legal requirements of the Club.
- 55 Common Seal – the common Seal of the Club shall consist of the words “PORIRUA CITY UNITED SOFTBALL CLUB (INCORPORATED)” and shall be kept in the custody of the Secretary.
- 56 The Seal of the Club shall not be affixed to any instrument except by the authority of the resolution of the Executive and in the presence of the President and another of the committee and the President and such other members shall sign every instrument to which the seal of the Club is so affixed in their presence.
- 57 Exemption from payment of Annual Subscriptions – the following members shall be exempt from the payment of an Annual Subscription:
- (a) President
  - (b) Club Captain
  - (c) Secretary
  - (d) Treasurer
- 58 Mode of voting at General Meeting – decision on all matters at any General Meeting shall be by vote of the financial members present. Voting shall be by show of hands. In the event of equality of votes the person presiding may exercise a casting vote as well as a deliberate vote.
- 59 Winding up – the affairs of the Club may be wound up voluntarily under the subject to the following conditions:
- (a) Such winding up shall be effected only upon a resolution made and passed by a majority of those members who are present in person at a Special General Meeting of the Club, duly called in accordance with the provisions contained in these rules, which resolution shall be confirmed by a like majority of the members who are present in person at a subsequent Special General Meeting and held not earlier than thirty days after the date of the meeting at which such resolution was first passed. Notice of the Resolution and of the confirming Resolution shall be sent to the Registrar of Incorporated Societies by the Secretary.
  - (b) For the purpose of winding up the affairs of the Club, there shall be appointed by the meeting of such person or persons as it is thought fit to act as liquidator or liquidators and his/her or their remuneration may be fixed by the meeting.
  - (c) The winding up of the affairs of the Club shall be deemed to commence from the date on which the Resolution confirming such winding up is passed, and from that date the Club shall cease to carry out its objects except in so far as is necessary for the purpose of winding up.
  - (d) Upon the winding up of the club all monies and assets of the Club shall be given to the Blind Children and Crippled Children Association.

Signed \_\_\_\_\_  
(Secretary)

Signed \_\_\_\_\_  
(President)

Signed \_\_\_\_\_  
(Club Captain)