

# **CLEVEDON CRUISING CLUB INC.**



## **CONSTITUTION, RULES AND BYLAWS**

**REVISED 2013**

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# CONSTITUTION

## CLEVEDON CRUISING CLUB INCORPORATED

### RULES

#### **1. TITLE**

The title of the Club is "Clevedon Cruising Club Incorporated" and hereafter referred to in these rules as The Club.

#### **2. PENNANT**

The Club's pennant shall be a white background with a gold anchor in the top right hand corner and blue lower half feature of three wave crests depicting "CCC". Along the bottom white wording "Clevedon Cruising Club".

#### **3. OBJECTS**

To encourage launch cruising, yachting and boating generally and such other purposes connected with aquatics and the welfare and development of the club, as members shall from time to time deem necessary or expedient.

#### **4. MEMBERSHIP**

The Club shall consist of owners of Moored and trailer Boats, Family Members, Associate Members, Honorary Members, and Honorary Life Members, hereinafter referred to and included in the term "Members".

##### **4.1 Members:**

The number of members shall be unlimited. However, the Committee has the right to refuse any membership, as it deems necessary, without redress. Membership of the club does not automatically confirm mooring rights, and any member requiring moorings shall apply to the committee in writing. Applications will be taken in strict order of receipt. The Members of the Club shall be such persons as are now or hereafter registered as: -

##### **4.2 Honorary Life Member:**

Any lady or gentleman for sufficient reason may, if nominated by the Committee for that purpose, be elected at any General Meeting an Honorary Life Member of the Club. Honorary Life Members shall be entitled to the privileges of the Club and eligible to vote and bear office and shall be subject to expulsion under these rules.

##### **4.3 Honorary Member:**

The Committee shall have the power to invite and admit as Honorary Members; Officers of Her Majesty's Navy, Army, and Air Force, Foreign officers and members of recognised Yacht Clubs and any lady or gentlemen whom the Committee may think it desirable to admit, and such honorary members shall be entitled to the use and privileges of the club premises for such a period as the Committee shall determine.

Honorary Members shall be amenable to the rules, Regulations and By-laws of the Club. No Honorary Member shall be permitted to entertain or introduce any visitor into the Clubhouse except with the consent of the Committee. Honorary members shall not be entitled to vote or be eligible for office.

##### **4.4 Family Member:**

A member of either gender who is the spouse of a Moored Boat Member or a Trailer Boat Member or the child under the age of 18 years of a Moored Boat Member or Trailer Boat Member shall be deemed to be a family member.

##### **4.5 Moored Boat Member:**

A member of either gender who owns a Moored Boat or a Trailer Boat in excess of 6 metres shall be deemed to be Moored boat members may upon payment of the current Moored Boat Member's fee become Moored Boat Members.

##### **4.6 Trailer Boat Member:**

A Member of either gender who own a Trailer Boat under a length of 6 metres shall be deemed to be Trailer Boat members and may upon payment of the current Trailer Boat Member's fee become Trailer Boat Members.

##### **4.7 Associate Member:**

A Member of either gender who is engaged in the activities of the Club and may upon payment of the current Associate Member's fee become Associate Member. Associate Members have no voting rights. Should an Associate Member wish to become a full member either Moored or Trailer Boat Member, the member shall pay the entrance fee as applicable, less subscriptions previously paid as an Associate member.

##### **4.8 Absentee Member:**

A member over the age of 18 years of either gender who is unable to engage in the activities of the Club as  
a) He/she is about to leave or having left New Zealand or  
b) Is residing a distance of more than 250 km from the Clevedon District  
may, on giving notice to the Committee, have the members name placed on the list of absentee members free of subscription until the members return, provided that otherwise the member has complied with the rules; and shall be re-admitted on payment of subscription for the current year without ballot or entrance fee, provided the member does so within three months of the member's return. Should return be after 1<sup>st</sup> February, the member shall only be liable for a half-year's subscription.

## **5. NOMINATION AND ELECTION OF MEMBERS:**

A candidate for Membership must be proposed by one member of at least 3 years membership and seconded by another of 3 years membership to both of whom he must be personally known. The candidate shall be balloted for by the Committee. No person who has been struck off the Membership Roll for non-payment of subscriptions, fees, or dues shall be eligible for re-election until such subscriptions, fees, or dues shall have been paid in full. A candidate who has been successful at the ballot shall not be put up again for election until a period of six months has elapsed after his rejection.

## **6. RESIGNATION:**

A member wishing to resign from the Club shall give notice in writing to the Committee to that effect, and shall pay all arrears due up to the date of such notice.

## **7. CONDUCT:**

### **7.1 Suspension and Expulsion of Members:**

All members shall be amenable to the rules, Regulations and By-laws of the Club. If representations be made to the Committee that the conduct of any member either in or out of the club is injurious to the character or interests of the Club, the Committee shall hold an enquiry into the matter unless it shall be of the opinion that the representations are groundless or trivial. Such enquiry may be held either at the ordinary meeting of the Committee or at a Special meeting of the Committee summoned for the purpose, and may be adjourned from time to time as the Committee may decide.

The Committee shall require the member to attend any meeting at which the enquiry or any adjournment thereof is to be held, and shall in any case give the member an opportunity of being heard in his defence, and of being represented by counsel.

It shall be obligatory upon the member when summoned to attend any such meeting and appear before the Committee on the date notified to him and if he shall fail attend on such a date the Committee may in the members absence proceed with and complete the enquiry.

Having completed the enquiry the Committee if they find the member at fault may either:-

- a) Reprimand the member, or
- b) Suspend the member for any period not exceeding six calendar months. During any such period of suspension the member shall not be entitled to any of the privileges of the Club. If the Committee shall suspend the member they may order that notice of such suspension shall be placed on the Club Notice Board for a period not exceeding fourteen days, or
- c) Call upon the member to resign his/her membership.

In the case of suspension under (b) above, if the member shall so require by notice in writing delivered to the secretary within seven days of the date of suspension or in the case the member shall be called upon to resign under (c) above, if such member shall refuse or neglect to forward his written resignation within seven days THEN and in either such case it shall be the duty of the Committee to call a Special general Meeting of the Club to consider the question of suspension or expulsion as the case maybe. Fourteen days' notice (at least) shall be given of such a meeting and each such notice shall state the object of such a meeting.

The proceedings before any Special General Meeting convened for the purpose of dealing with a complaint against a member shall be by way of re-hearing and the decision of such Special General Meeting shall be final.

Such Special general Meeting may impose ant penalty or punishment which the Committee might have imposed or may expel the member from the Club.

Any resolution at such Special General Meeting shall require not less than three-fifths of the votes of those present and voting to carry it.

At any meeting of the Committee at which such enquiry is heard and at any such Special general Meeting, both the Committee and the member shall be entitled to place before the meeting such relevant evidence (whether of members or non-members) as they desire. The Chairperson of any such meeting may, if he/she shall think fit, admit as evidence statements not strictly evidence.

### **7.2 Expulsion of Honorary Members:**

The Committee shall have the power to revoke the admission of any Honorary Member without giving notice to such Honorary Member, and without assigning any cause.

## **8. OFFICERS:**

The Officers of the Club shall consist of a Commodore, Club Captain, Secretary, Treasurer (hereinafter called Flag Officers), two of whom shall be either a Moored Boat Member or a Trailer Boat Member.

### **8.1 COMMODORE:**

It shall be the duty of the Commodore to take command of the Club and preside at meetings of the Club.

### **8.2 CLUB CAPTAIN:**

It shall be the duty of the Club Captain to assist the Commodore in the discharge of his duties, and in his absence, to officiate in his stead.

### **8.3. SECRETARY:**

The Secretary shall write up the minutes of all Club and Club Committee meetings and produce them for confirmation at the next succeeding meeting. The Secretary shall receive and file all correspondence and present it for the consideration of the next Club Committee Meeting. The Secretary shall keep a permanent record of all Club activities of whatever nature and be responsible for the custody of all records and documents relating to the Club. The Secretary shall keep and maintain an up to date register of Club members. The Secretary may be granted an honorarium, which shall be determined by the Annual General Meeting.

### **8.4 TREASURER:**

The Treasurer shall receive subscriptions, fees and all other monies due to the Club and deliver receipts for same. The Treasurer shall bank all monies without delay and record all receipts and payments in a cashbook. The Treasurer shall receive and verify all accounts for payment and submit them to the Club Committee for confirmation. The Treasurer plus two nominated Officers of the Club will be authorised to operate the bank account and make payment. The Treasurer shall produce an Income and Expenditure Account, and a Balance Sheet for each year ending on 30th June. The Treasurer may be granted an honorarium, which shall be determined annually at the Annual General Meeting.

## **9. COMMITTEE:**

There shall be a General Committee hereinafter called “the Committee” consisting of the Flag Officers and eight other members. Of such other members at least three must be either a Moored Boat Member or a Trailer Boat Member.

### **9.1 Powers of General Committee:**

The General Committee shall have the management of the general affairs of the Club, except the expulsion of members and the making and alteration of rules.

### **9.2 Committee Meetings:**

Any member of a Committee, except an ex-officio member, who without leave of absence fails to attend three consecutive meetings, shall cease to be a member thereof.

### **9.3 Sub-Committee:**

The General Committee shall have the power from time to time to establish a social sub-committee, a house sub-committee, a sailing sub-committee and such other sub-committees as it shall from time to time deem necessary for the running of the club and the furtherance of its objects. The members of every such sub-committee shall be appointed by the General Committee and such members shall hold office for such time and have such powers and duties, as the General Committee shall decide. One member at least of every such sub-committee shall be a member of the General Committee.

## **10. ELECTION OF OFFICERS AND GENERAL COMMITTEE:**

The Flag Officers, the General Committee and the Auditor shall be elected annually at the General Meeting and should any office become vacant the Committee may elect a member to fill such a vacancy until the following Annual General Meeting. All such elections shall be by ballot.

### **10.1 Nominations for various Officers:**

Nominations of candidates for various elective offices may be made from the floor of the Annual general Meeting or by written nomination, both to hold equal status if a ballot is necessary. Written nominations must bear the signature of the proposer and seconder and the approving signature of the person nominated. Written nominations must be in the hand of the secretary prior to the commencement of the Annual General meeting.

### **10.2 Executive Officers:**

The Committee may from time to time appoint such executive officers as it shall think fit to carry out such duties as the Committee may determine. Such officers to hold office and be removable from office at the pleasure of the Committee.

## **11. AUDITOR:**

External Assurance reporting on the annual financial statements shall be only as and when required by the majority of committee members, or a majority of members at any constituted meeting. The level of assurance required, and the qualifications of the assurance provider, will also be determined at those meetings of the committee, or members, based on the purpose for obtaining an external assurance.” The use of internal assurance, being the written financial practices, procedures, and policies, and any governance requirements to show how those financial policies are applied and regulated in any year, may be communicated to the members, at any AGM, to give some assurance of financial integrity, in place of any external assurance.

## **12. FINANCE:**

Should the Committee at any time be of the opinion that the funds at their disposal are or will be insufficient to carry on the affairs of the Club, they shall call a general meeting and place the financial position before such a meeting and the majority of those present and voting either in person or by proxy at such meeting shall have the power by resolution to make a levy or call on the Ordinary Members. The notice convening such General Meeting shall state the amount of the proposed levy recommended by the Committee and the Meeting shall not have power to impose a levy or call in excess of that recommended by the Committee and stated in such notice. Notice of such levy or call shall thereupon be posted to all Ordinary Members.

The Committee may in its discretion remove from the list of members any ordinary members who fail to pay such levy or call within two calendar months from the date of such notice, but the Committee shall have power to reinstate such member upon payment of such levy or call or upon his giving to the Committee satisfactory explanation of his failure to pay.

Notwithstanding anything hereinbefore contained, the total amount of all levies imposed upon any member during any financial year shall not exceed the amount of the member’s subscription for that financial year.

## **13. ENTRANCE FEE AND SUBSCRIPTIONS:**

### **13.1 Entrance Fee:**

The Committee shall have power to fix the entrance fee from time to time. The entrance fee of each candidate must be paid before his/her nomination for membership can receive approval. Should the candidate fail to be elected, his entrance fee shall be returned.

The subscription is due on election, and if not paid within one month after election, such election may at the option of the Committee be declared null and void and the entrance fee declared forfeited to the Club. Any candidate, who was previously a member and voluntarily resigned shall not be required to pay an entrance fee on his re-election, provided he/she has on a previous occasion paid an entrance fee and the last period of membership was not less than three years duration.

### **13.2 Subscriptions:**

- a) The subscription payable by the various classes of members of the Club for each year shall be determined by the Annual General Meeting.
- b) No newly – elected member shall be permitted to use the Clubhouse or exercise any right or privilege of membership until his/her subscription shall have been paid.
- c) The financial year of the Club shall commence on the 1<sup>st</sup> day of July and shall end on the 30<sup>th</sup> day of June in each year. Any member failing to make payment of his/her subscription by the 1<sup>st</sup> day of October following the commencement of the financial year may at the discretion of the Committee be removed from the list of members.

### **13.3 Members in Arrears:**

At the discretion of the Committee, no member who is still in arrears on the 31<sup>st</sup> day of October with his/her subscription, shall be entitled to the use of the Club's privileges or property, nor shall he/she be entitled to vote at any meetings of the Club, nor compete for any trophy offered by it or steer any yacht in any Club race until his/her subscription be paid.

### **14. POWER TO INVEST:**

The Committee may from time to time invest and reinvest in such securities and upon such terms, as it shall think fit the whole or any part of the funds of the Club, which shall not be required for immediate business of the Club.

The Committee may also determine the trading or savings bank or banks in which the funds of the Club are for the time being to be deposited and appoint the officers of the Club who are to be empowered for the time being to operate the account or accounts with such bank or banks.

### **15. POWER TO BORROW:**

The Club shall in addition to other power vested in it have power to borrow or raise money from time to time by the issue of debentures or by giving any other security based on all or any of the assets and/or rights of the Club, or without giving any other security based on all or any of the assets and/or rights of the Club, or without giving any such security, and upon such terms as to priority or otherwise as shall seem fit to the Committee who shall also be entitled to exercise the powers to borrow or raise money.

### **16. PERSONAL BENEFIT CLAUSE:**

No member or person associated with a member of the organisation shall derive any income, benefit or advantage from the organisation where he/she can materially influence the payment of the income, benefit or advantage.

Except where that income, benefit or advantage is derived from:

- Professional services to the organisation rendered in the course of business, charged at no greater rate than the current market rate; or
- Interest on money lent at no greater rate than the current market value.

### **17. MEETINGS:**

#### **17.1 Annual Meeting:**

The Annual General Meeting of the Club shall be held not later than the end of August in each year.

#### **17.2 Special General Meeting:**

A Special General Meeting may be called at any time by order of the Committee or on requisition signed by at least ten members, such requisition to state the object thereof.

#### **17.3 Notice of Meeting:**

Fourteen day's notice of an Annual or Special General Meeting shall be given to members by circular or otherwise stating the object and business of such meeting.

#### **17.4 Quorum:**

Twelve members shall form a quorum at all Annual and Special General Meetings, and five shall form a quorum at all Committee Meetings, and unless where provided by these rules to the contrary the decision of a majority of the vote recorded shall be binding. Provided nevertheless that if the Committee thinks fit a further notice may be given to the members as aforesaid fixing a later date for the said meeting and the number of members are present at the later meeting personally or by proxy shall deemed for all purposes to be quorum.

#### **17.5 Chairman:**

The Commodore, if present, shall preside at meetings of the Club, and in his absence, the Club Captain and in his absence, it shall be obligatory on the number who may be elected thereto by a majority of the members present, to take the chair.

#### **17.6 Casting Vote:**

The Chairman at any meeting of the Club or of a Committee or sub-Committee meeting, when there is an equality of votes, shall have a casting vote in addition to his/her own deliberate vote.

#### **17.7 Ballot:**

When a ballot is not expressly provided for by these Rules, all questions shall be decided by a show of hands, provided always that three members can demand a ballot.

#### **17.8 Informal Vote:**

Upon an election of a Committee the vote of a member shall not be informal merely because it records votes for a lesser number of candidates than there are vacancies.

#### **17.9 Proxies:**

All members may vote by proxy in all matters referred to in the notice calling the meeting. The instrument appointing a proxy shall be in writing signed by the appointer and must be in the hands of the secretary prior to the commencement of the meeting. No person shall be appointed a proxy who is not a member of the Club and entitled to vote.

### **18. MOORINGS:**

The Commodore, Club captain and Secretary or member nominated by the Committee shall be responsible for the administration of new members and the position of moorings. No moorings or positions in the river can be sold. Mooring chains and blocks etc. may be sold on riverbank. The member is required to maintain his/her mooring in sound condition, and to the requirements of the Mooring Committee.

## **19. COMMERCIAL FISHING:**

No Registered Fishermen are eligible to be elected to the Club nor retain membership to the Club.

## **20. LAUNCHES:**

A launch shall be deemed to be a vessel, whether propelled by internal combustion motor, sail or other power, which is kept, on a permanent mooring situated in the Wairoa River Mooring Area.

## **21. LAUNCH REGISTERED:**

Each member shall if so required by the Committee state in writing to the Committee the name, tonnage, measurement and private or house flag of every launch belonging to him/her for which he shall desire the privileges of the Club and the maker's name and dimensions of engine (if any) and such other particulars as the Committee may from time to time require. Such particulars shall be entered in the Club Register and no launch shall be entitled to any such privileges until such entry has been made.

## **22. ALTERATION TO RULES:**

Subject to clause 22.1 and clause 28.1. No addition, alteration or amendment or revision of these Rules shall be made except at a General Meeting and by a majority of three-fourths of the members present and voting either in person or by proxy. Notice of any proposed addition, alteration, amendment or revision shall be given to the members in circular convening the meeting.

### **22.1:**

No addition to, alteration or amendment to clause 16 shall be made except at a General meeting and by a majority of 9/10ths of the members present and voting either in person or by proxy. Notice of any proposed addition, alteration, amendment or revision shall be given to members in circular convening the meeting.

## **23. OMISSIONS:**

Any case occurring, not provided for by these rules shall be referred to the Committee, whose decision shall be final.

## **24. BY-LAWS:**

In the management of the general affairs of the club, the Committee shall have the power to make, alter or rescind By-laws not inconsistent with the Rules of the Club governing or providing the flying of flags and the use of the Club premises, hauling out area or Club equipment by members; conduct and behaviour of members, keeping of accounts, employment remuneration and duties of staff, visitors, Club property, lockers, or any other matter relating to the affairs of the club and members or the Clubhouse and the management thereof. Any By-laws made hereunder shall be posted on the Club Notice Board or recorded in a book kept for the purpose and deposited in the Club House.

## **25. INTERPRETATION OF RULES:**

The decision of the Committee on the interpretation or construction of any rule, by-law or regulation shall be final.

## **26. COMMON SEAL:**

The Common Seal of the Club shall be kept in the custody and control of the Secretary and shall be affixed to any Deed, document, writing or other instrument except pursuant of a resolution of the Committee and in the presence of two Committee Members who shall sign the document or instrument to which the seal is so affixed.

## **27. WINDING UP:**

In the event of the Club being dissolved by the registrar or being wound up, the surplus assets and funds after payment of the Club's liabilities and deductions of the expenses of winding up or dissolution shall be donated to the Clevedon School or if there shall be more than one school in the Clevedon district, then and in that event divided equally among such schools.

## **28. GENERAL:**

All resolutions passed at meetings of the Club shall be conclusive and binding on all members of the Club whether they shall have been present at such meetings or not, provided that such meetings be held in conformity with the rules of the Club and such resolution can only be revoked by a meeting of competent authority.

**28.1:** These rules are in substitute for all previous rules, additions and amendments thereto, which are hereby rescinded.

**28.2:** No addition to or alteration of Rule 27 Winding Up shall be approved without the Inland Revenue Department's approval.

The Clevedon Cruising Club has a formal agreement with the McKenzie family, which enables the Club to promote its boating activities from the McKenzie property. If members wish to peruse this document please contact Mr & Mrs McKenzie.

## **CLEVEDON CRUSING CLUB BY-LAWS**

### **4<sup>th</sup> March 1992**

That at no time may any vessel be left unattended on the jetty, except in exceptional circumstances especially overnight. Permission to do this must be obtained from the Club Captain.

That the length of vessels to have a maximum overall length of 40ft, except at the discretion of the Committee.

That boats be allowed three months out on hardstand, free of charge, and then a fee of \$50.00 weekly applies at the discretion of the Committee.

That all Trailer boats in excess of 18' 6" be limited to six boats in number and that they pay moored boat membership subscription and access fees.

That certain safety standards are required by all boats. VHF radio and licences, flares, lifejackets etc.

That it shall be a condition of membership that all moored and trailer boat applicants have a signed access agreement with Mr and Mrs S. McKenzie.

That no commercial operations be allowed from the Club premises.

No dogs, except on a leash, as per agreement with Mr and Mrs McKenzie.

### **9<sup>th</sup> September 2013**

Any member carelessly spilling oil or any other HAZARDOUS material on or around the Club Grounds including the rubbish skip, shall, at the discretion of the committee have their Club membership cancelled forthwith.

## **CONSTITUTIONAL AMENDMENTS**