



# **CAPE HELL DRIVERS MOTOR CLUB**

## **KAAPSE JAAGDUIWELS MOTORKLUB**

### **CONSTITUTION OF THE CAPE HELL DRIVERS MOTOR CLUB**

1. NAME

The Club hereby constituted will be called the Cape Hell Drivers Motor Club, abbreviated CHD, and hereinafter referred to as the "Club"

2. HEADQUARTERS

The Headquarters of the Club will be situated at the Killarney Racing Circuit or at such other place the Committee may appoint

3. CLUB YEAR

The Club year will commence on 1 July of every year and run for the following twelve (12) months, terminating on 30 June of the next year.

4. DEFINITIONS

4.1 "EXECUTIVE COMMITTEE" will consist of a Chairman, a Secretary, a Treasurer and a Vice-chairman assisted by a maximum of 3 additional members.

4.2 "YEAR" will be the period of twelve (12) months, starting on 1 July of every calendar year and terminating on 30 June of the following year

4.3 "MEETING" will mean either an annual general meeting, a special general meeting, a monthly meeting and entry meeting or any other meeting called by the Committee

4.4 "QUORUM" will mean a minimum of 40 members present at any general meeting, special meeting or annual general meeting.

4.5 "MEMBER" will mean any person who, according to the books and records of the Club is a paid-up member, or has the option to renew his/her membership as detailed herein.

4.5.1 Committee members as well as the officials appointed by the Committee will qualify for exemption in paying of any membership fees for the duration that they serve The Club and will carry full rights as if a paid-up member.

4.6 "HONORARY MEMBER" is a member who, at the discretion of the Committee, has earned such membership. An honorary membership will be free of charge, is not transferable and will be life-long unless suspended or terminated due to disciplinary action. A chairperson who served his full term (2 years) qualifies for honorary membership. An honorary member will carry full rights as if a paid-up member.

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## 5. OBJECTIVES

The objectives of the CHD will be to:

- 5.1 Promote oval track racing within the area of the Western Cape by determining rules for racing, the construction of a racing car and the organization of a series of races on its home circuit in order that a Club champion may be determined
- 5.2 Enhance and uplift the image and reputation of oval track racing within the greater motorsport fraternity and the public in general.
- 5.3 Engage in social activities amongst each other
- 5.4 Donate to charities and other institutions or individuals such funds as may be from time to time be decided by the members.
- 5.5 Arrange fund raising activities either as a Club or in partnership with other clubs or parties as the Committee may decide from time to time.

## 6 INCOME AND ASSETS OF THE CHD

- 6.1 A detailed Asset register will be kept.
- 6.2 The Club may pay a reasonable and market related remuneration to a member of the Club in the event of such member performing an agreed task for the Club.
- 6.3 The Club will not be obliged to pay any member for any services rendered to the Club, unless it is specifically so agreed. The acceptance of an entry to participate in a race organized by the Club will not be construed as an undertaking by the Club to pay such racing member for his services as a driver.
- 6.4 A member will however be entitled to be re-imbursed by the Club for any expenses paid by such member on behalf of the Club. Proof of such expenses must be provided and agreed upon in advance.

## 7. MEMBERSHIPS

### 7.1 Eligibility of membership

- 7.1.1 There will be no discrimination against any member or prospective member on the basis of race, language, sex, religion, colour or creed.
- 7.1.2 Membership will be granted to new members subject to their approval by the Committee, signing of the Code of Conduct and upon payment of the membership fee as determined from time to time.

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## 7.2 Rights of a member

### 7.2.1 Every member will:

- 7.2.1.1 Have the right to vote at a general meeting, special meeting or annual general meeting
- 7.2.1.2 Be issued with a copy of the Club Constitution and Code of Conduct. Signing of the membership application form serves as acknowledgement of having read and accepting the contents of the Constitution and Code of conduct and an undertaking to abide thereby.
- 7.2.1.3 Be entitled to the renewal of his/her membership upon completion of the appropriate renewal form and the payment of the membership fee as determined from time to time.
- 7.2.1.4 Have the right to wear any apparel identifying him or her as a member of the Club
- 7.2.1.5 Any member, with the written support of twenty five (25) other members, may at any time request that a special general meeting of the Club be held. Such request, which will detail the motion to be considered, will be in writing and will be handed to the secretary who will be obliged to arrange the meeting as set out herein.

## 7.3 Conduct of a member

No member may:

- 7.3.1 Place any pit/party admission ticket in the possession of any unauthorized person
- 7.3.2 Be involved in any scheme or arrangement for admission to any function, meeting or racing event without payment of the prescribed entry fee.
- 7.3.3 Consume alcohol or any mind altering substance whilst he or she is involved in racing until the end of the race meeting.
- 7.3.4 Drivers will be responsible for the behavior of their pit crew. All members will be responsible for their family member's conduct that will conform to the contents of this constitution.
- 7.3.5 Any contravention of this sub-section by any driver's crew and pit members, or family members of a driver or any member will be deemed to be a contravention by the driver/member himself. See 8.7
- 7.3.6 Behave in a manner which may bring the Club in particular and /or motorsport in general into disrepute.
- 7.3.7 Use bad, unacceptable or defamatory language at any meeting of the Club.
- 7.3.8 Become involved in fisticuffs or any type of fighting at any meeting, race event or social function of the Club.
- 7.3.9 While wearing any form of insignia connected with the Club, be in contravention of this constitution or the Code of Conduct.

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## 7.4 Resignation

- 7.4.1 If a member wishes to resign, he/she must do so in writing and by giving the Committee one (1) calendar months' notice. In the event of a member resigning during a club year, the secretary of the Club will give such a member a release letter to be handed to any other club that such a member may wish to join
- 7.4.2 The release letter mentioned above will only be given to such a resigning member if there are no outstanding matters between such a resigning member and the Club which needs to be attended to.

## 8. DISCIPLINARY ACTION AND PENALTIES

- 8.1 The sole right to discipline any member for any infringement of this constitution or any bylaws in terms hereof will lie with the Committee and any sub-committee nominated by the Committee.
- 8.2 Any complaint against any member will be in writing and can be laid by the Committee or by any other member.
- 8.3 The complaint must be lodge within 7 working days of the incident. If the infringement took place at another venue the Committee can extend the timeframe in which the complaint must be lodge.
- 8.4 The Committee may of its own accord investigate, or cause to be investigated, any complaint against any member
- 8.5 The Committee may summons any member to appear before it for the purpose of a disciplinary hearing, which hearing may be held at such time, date and place as the Committee may indicate.
- 8.6 All driving offences by any driver at club, regional or national level will be dealt with by the race controllers and MSA.
- 8.7 All other offences will be dealt with by the Committee and Sub Committee.
  - 8.7.1 In the case of an offence by family members of the driver/members the Committee and Sub Committee will take the circumstances regarding the incident into account.
- 8.8 The Committee may impose any or more of the following penalties:
  - 8.8.1 A reprimand
  - 8.8.2 An order for the restitution of damage
  - 8.8.3 A fine
  - 8.8.4 A temporary or permanent suspension of membership
  - 8.8.5 A temporary or permanent ban from CHD activities
  - 8.8.6 Any of the above may by suspended on such terms as the Committee may deem appropriate.
- 8.9 Disciplinary hearing procedure
  - 8.9.1 Committee determines if complaint must be actioned and appoint a chairperson and members of the jury.
  - 8.9.2 Secretary sends written notification to all involved. Notification must include date, time, and venue as well as complaint that will be addressed.
  - 8.9.3 Inform parties that witnesses can be present, but they must inform the appointed Chairperson and give details of witnesses.

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- 8.9.4 Appointed Chairperson will chair the hearing
- 8.9.5 Members of the jury will decide on outcome of hearing after listening to both parties (and witnesses) input.
- 8.9.6 Secretary will inform all parties and jury members of outcome.
- 8.9.7 Outcome will be an agenda point at the next club meeting.

## 9. MEETINGS OF THE CLUB

- 9.1 There will be a monthly general meeting of the Club on such time, date and at such venue as the Committee may decide.
- 9.2 Notice of meeting will be send 48 hours prior to the meeting to all members.
- 9.3 Minutes of the meeting will be send within 15 days of the meeting to all members via E-mail.
- 9.4 An annual general meeting will be held no later than thirty (30) days after the year end.
- 9.5 A special meeting will be held within sixty (60) days after the year end to present *the* draft Annual Financial Statement.
- 9.6 The secretary will give notice, in writing, of the annual general meeting or of any special meeting to the members of the Club at least twenty one (21) days prior to such meeting.
- 9.7 The secretary will keep minutes of the meeting of the Club as detailed above. Such minutes will be kept in writing and will be available to any member of the Club at any monthly general meeting of the Club.
- 9.8 The treasurer will present a verbal statement of the financial affairs of the Club at any general meeting of the Club. The financials may be requested in writing by a Member to the treasurer in electronic format at which time the treasurer will forward such financials to the Member in a reasonable time frame.
- 9.9 The quorum required at any general meeting of the Club will be forty (40) members. No member will hold the proxy of more than two (2) other Club members to vote at any general meeting and any proxy thus held will be in writing. Should any voting take place the majority must be 50% + 1 of total number of members attending the meeting. See Appendix A
- 9.10 Any motion concerning the change to this constitution will be considered only at either the annual general meeting or a special meeting called for such purpose. Such a motion will be in writing and will detail the reasons for the motion.

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- 9.11 Any motion containing a vote of no confidence in the Committee, or any individual member of the Committee shall only be considered at either the annual general meeting or a special meeting, for such purpose. Such a motion will be in writing and will detail the reasons for the motion.
- 9.12 All communication at any meeting of the Club will be done through the chairman and the Committee will be entitled to remove from the meeting any member who becomes disruptive or abusive.

## 10. MANAGEMENT

- 10.1 The members will elect a Chairperson, a Treasurer, and a Secretary together a maximum of four (4) additional members who will form the Committee.
- 10.2 The Executive Committee will elect a Vice Chairman from the 4 additional members to form part of the Executive Committee.
- 10.3 The term of office for the Executive Committee shall be for a period of two (2) years.
- 10.4 Eligibility for nomination to the Committee is subject to one (1) year prior membership of the Club.
- 10.5 Eligibility for nomination as chairperson requires prior experience of a minimum of one (1) year on the Committee of the Club.
- 10.6 Nominations, duly seconded, for members to the Committee, must be made at the last general meeting (June) prior to the annual general meeting. Nomination must be done on the CHD Nomination form. See Appendix B
- 10.7 Every person who is nominated for a position of the Committee will have the right to address the members at a general meeting prior to the election.
- 10.8 The election of the Committee will be monitored and conducted by a member of the Club as selected by a quorum of the active members.
- 10.9 Every nominee will be voted for by close ballot and become elected to the Committee on the basis that 50% plus 1 (majority) of the quorum for such a meeting. Should there be more nominations than the maximum of 7 serving positions then every nominee will be voted for and based on the principle of highest votes down.

## 11. TERMINATION OF DUTIES OF OFFICE BEARERS

- 11.1 The duties of the Executive Committee, or any member of the Committee, may be terminated by a successful vote of no confidence which may be tabled at a special general meeting after the required notice has been given. Such a motion will require a 50% + 1 majority of the quorum for such a meeting.
- 11.2 Committee members who fail to attend three (3) consecutive meetings of either the Club or the Committee without valid reason, may, at the discretion of the remaining Committee members, be relieved of
- 11.3 Should the Chairperson for whatever reason be relieved of his duties or resign, the Vice Chairperson assumes the Chairpersons role for the balance of term.

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## 12. DUTIES, RIGHTS, RESPONSIBILITIES AND POWERS OF THE COMMITTEE.

- 12.1 The Committee must meet at least once a month.
- 12.2 The chairperson will act as the chairperson of the meeting. If the chairperson does not attend a meeting, the Vice Chairman will chair the meeting. If both chairperson and vice chairman cannot attend the meeting, the meeting will be rescheduled.
- 12.3 Minutes will be taken at every meeting to record the Committee's decision. The minutes will be given to the Committee before the next meeting. The quorum required to make any decision at a meeting of the Committee will be at least 50% +1 of Committee Members.
- 12.4 The chairperson shall have a casting vote at any meeting.

The Committee shall:

- 12.5 Use their collective efforts and abilities and strive to reach the objectives of the Club as set out in this constitution and may co-opt any number of sub-committees to assist them in the discharge of their duties. The Committee will be the controllers of the Club's championship for driving members in respect of the classes which they in their absolute discretion may deem appropriate. They will have the authority to make driving and construction rule changes that are in line with the motor racing body the club is affiliated to. No rule changes will be allowed during the season unless it is done for safety reasons.
- 12.6 Determine the amount of the members' subscription and entry fees on an annual basis.
- 12.7 Insure the assets of the Club for the amounts they deem fit and will take all such steps as they in their absolute discretion may deem necessary to safeguard the Club against potential claims, however caused, resulting from the Club racing and other activities.
- 12.8 Manage the funds of the Club with the utmost care and diligence and will deposit funds into the Club's bank accounts without delay.
- 12.9 Open and maintain any number of banking accounts with a registered banking institution, which will have the Chairperson, Vice-Chairman, Treasurer and Secretary as signatories.
- 12.10 Be entitled to raise any funds from either the members of the Club or any institution to carry out the objectives of the Club.
- 12.11 Have the sole right to discipline any member for an infringement of this constitution.
- 12.12 Be authorized to enter into any agreement in respect of the staging of any oval track racing event.
- 12.13 Be authorized to negotiate and enter into any agreement regarding the rental of property for the purposes of staging racing events, holding meetings and holding social functions,
- 12.14 Be authorized to pay inter alia the expenses incidental to the staging of events, the purchase and replacement of equipment, the repair and maintenance of equipment, the necessary expenses of delegates to meetings of controlling

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- 12.15 bodies and other routine amounts due in respects of services rendered to the Club in addition to such donations as it may deem fit.
- 12.16 Be entitled to nominate the officials for all racing events as well as representatives to any controlling body at their absolute discretion.
- 12.17 Be entitled to appoint a public relations officer, a media relations officer and caterers at their absolute discretion. They will furthermore be entitled to determine the remuneration to be paid or receive as the case may be.
- 12.18 Be entitled to defend institute any legal action on behalf of the Club and may further authorize any member of the Committee to act on behalf of the Club. Such Committee member will exercise reasonable care whilst acting on behalf of the Club and will be obliged to keep the Committee fully informed of all proceedings.
- 12.19 The chairman or race organizer as appointed by the chairman will be in charge of every race event.
- 12.20 The Committee will ensure that there is a liquor license if needed.

### 13. ANNUAL GENERAL MEETING

- 13.1 The AGM must be held once every year in the month directly after the Club's year ends (July).
- 13.2 The Club should deal with the following business, amongst others, at its AGM
  - 13.2.1 Agree to the items to be discussed on the agenda.
  - 13.2.2 Record who is in attendance and who has sent apologies.
  - 13.2.3 Confirm that there is a quorum present per the Constitution.
  - 13.2.4 Read and confirm the previous AGM minutes with matters arising
  - 13.2.5 Chairperson's report.
  - 13.2.6 Treasurer's report
  - 13.2.7 Changes to the constitution that members may want to make.
  - 13.2.8 Elect new office bearers.
  - 13.2.9 General.
  - 13.2.10 Close the meeting.

### 14. REVENUE AND ACCOUNTING RECORDS

- 14.1 The Club will be run on a non-profit basis and all revenue earned will first be applied to the expensed of the Club (as detailed elsewhere in the constitution) an investments intended for proposed developments. The balance may be donated to charitable institutions as deemed appropriate. "Pay outs" to drivers will occur before any donations to charities.
- 14.2 The treasurer's job is to control the day finances of the Club. The treasurer will arrange for all funds to be put in a bank account in the name of the Club. The treasurer must also keep proper record of all the finances.
- 14.3 When funds are withdrawn from the bank account two members of which one must be the Chairperson or Vice-Chairman and the other one must be the Treasurer or Secretary will authorize such transaction.
- 14.4 The Financial year end of the Club ends on 30 June of every year.

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- 14.5 The Committee will appoint an Accounting Officer to perform a compilation of the financial year. The Accounting officer will provide an opinion based on information provided to them by the Treasurer as signed off by the Committee for submission.

15. NOTICES

- 15.1 Save as provided for in this constitution all notices to be given to members or the Committee will be given in writing. (SMS and E-mail)
- 15.2 Any changes in the rules relating to the racing activities of the Club will be in writing.

16. AMENDMENT OF THE CONSTITUTION

- 16.1 The constitution will only be amended by a motion tabled at an annual general meeting or a special general meeting
- 16.2 The quorum required at such a meeting will be forty (40) members
- 16.3 The motion will be carried by a 66% (two-third) majority of the members eligible to vote present at such a meeting
- 16.4 If no quorum will be present at a meeting scheduled for the tabling of a motion amending the constitutions such meeting will be adjourned for twenty one (21) days.
- 16.5 Should no quorum again be present at such a meeting the motion will stand over until a new special meeting has been arranged or the annual general meeting, whichever is soonest?

17. DISSOLUTION OF THE CLUB

- 17.1 The Club may be dissolved by a resolution to that effect taken at a special or annual general meeting, provided that the motion is carried by a two thirds majority of the members present at such meeting.
- 17.2 The Committee will appoint the auditors of the Club to attend to the dissolution of the Club who will distribute the assets after payment of all the liabilities of the Club to a similar club or to a charity(ies) at the discession of all the members