

Tralee Bay Swimming and Social Club

CLUB CONSTITUTION

1. Name

1.1 The Club shall be called the Tralee Bay Swimming and Social Club (TBSSC).

2. Objects and Powers

2.1. The main object of the Club is to promote, encourage and facilitate sea swimming, water safety and social activities for the entire membership of the club in a safe, friendly and inclusive environment.

2.2 The Club, acting by the Executive Committee shall, but without limitation, have the following specific powers:

- To acquire, hold, deal with and dispose of property both real and personal,
- To open and operate bank accounts;
- To invest the Club's money in any securities in which trust money may be invested or in any other manner as authorised by these rules or by the members in General Meeting;
- To borrow money on such terms and conditions as the Club thinks fit;
- To give such security for the discharge of liabilities incurred by the Club, as the Club thinks fit,
- To appoint agents and employees to transact any business of the club on its behalf for reward or otherwise,
- To build, construct, erect, alter, repair, renew and replace any buildings or structures of any kind and to fit out, equip and improve same;
- To accept donations and gifts in accordance with the objectives of the Club;
- To carry out all such fundraising activities as deemed necessary to enable the Club to attain its objectives;
- To provide gifts and prizes in accordance with the objects of the Club;
- To organise social events for the Members and the promotion of the Club;
- To enter into all such contracts as the Club considers desirable for the purposes of the objects of the Club;
- The setting out of the Club Powers above is intended to be illustrative and not conclusive in nature.

3. Structure

3.1 The Club shall consist of an Executive Committee and Ordinary Members. The management of the club shall, save as otherwise herein provided, be vested exclusively in the Executive Committee. The Executive Committee shall be elected annually at the Annual General Meeting (AGM). The Executive Committee shall consist of eleven (11) officers, namely President, Vice-President, Chairperson, Vice Chairperson, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, PRO, Safety Officer, Social Activities Officer and ordinary executive committee members not exceeding fifteen (15).

4. Membership

4.1 Membership of the club is open to all individuals on payment of an annual membership fee. Families and children are welcome in the club but anyone under the age of 18 must join under "family membership". All members will have access to the Club Constitution and a copy of the club rules and other information as appropriate.

4.2 The annual membership fee will run according to the financial year, January 1st to December 31st. The annual membership fee shall be a reasonable amount decided by the

members at the AGM. The annual membership fee shall not be set at an amount as would discourage applicants by reason of financial burden. An annual family membership fee shall also be available. Only paid up members shall be eligible to take part in club activities. New members can join the club at any time but membership will only be valid until December 31st of each year.

4.3 No member shall obtain remuneration, profit or gain from the Club, except in connection with transactions in the normal course of his or her business or profession.

4.4 It shall be the duty of every member to acquaint him/her self with the Constitution/Rules of the Club and to abide by them. Pursuant to the provisions of section 34 (1) (b) of the Civil Liability Act 1961 members waive all their legal entitlement to claim against a fellow member or members, Officer or Officers, Executive Committee Member or Members, any compensation for personal injury, loss or damage, howsoever caused. Members swim at their own risk.

4.5 Any member shall forthwith cease to be a member if he or she gives written notice of his / her resignation to the Secretary.

4.6 Members are obliged to be respectful of other members in the club. No abuse, bad language or other inappropriate behaviour will be tolerated. The Executive Committee may, at their discretion, refuse to accept, or withdraw membership from any member at any time if that member is found guilty, subsequent to due process, of inappropriate behaviour. In such cases any member reported to the committee, in writing, for serious misconduct, breach of rules or bringing the name of the club into disrepute, shall be written to by the Secretary. The Secretary will set out the charges and the member will be given the opportunity of a personal hearing to defend him/herself. The member charged may be accompanied by another member. If the complaint is not satisfied then an independent arbitrator may be appointed. All complaints will be investigated without delay and records of same shall be kept by the Secretary. The Executive Committee shall have the power to deal with all reports, complaints, disputes and grievances that may arise concerning the members or affairs of the club.

5. Standing Orders/Rules of Procedures

- **Major Business.**

5.1 No a) alteration in the Constitution or Rules, b) undertaking of any significant new objects or c) disposal of club property of greater than €3,000 in value, may be carried out unless a Special General Meeting is first called to inform the members and to obtain their consent.

5.2 No addition, alteration or amendment shall be made to the provisions of this Constitution for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.

- **Meetings**

5.3 The Club shall hold an Annual General Meeting (AGM) of the Members in each calendar year not later than the 1st day of March. The purpose of this meeting shall be to receive reports on the activities and finances of the Club from the out-going Officers, to elect the Officers and Executive Committee for the succeeding year, to approve the annual membership fee for the succeeding year, and to deal with any other business pertinent to the Club.

5.4 In addition to the AGM the Executive Committee may call a Special General Meeting from time to time to inform the Members of specific issues of concern to them.

5.5 Not less than twelve (12) Ordinary Members acting in concert may call a Special General Meeting by giving notice in writing to the Secretary. Upon receipt of such notice the Secretary

shall as soon as practicable but in any event not more than 30 days of receipt of such notice, convene a Special General Meeting.

5.6 All members must receive at least seven (7) days notice in writing of an Annual General Meeting or a Special General Meeting. The notice convening the meeting shall state the business to be discussed. "Writing" includes e-mail, and other forms of electronic communication which may be in general use, including the Club's weekly notes in the local paper. Provided however, that if a member has not provided an email address or similar address for communication, the notice shall be sent by ordinary post to the last address supplied by the member to the Secretary.

- **Quorum.**

5.7 Six (6) members of the Committee shall form a quorum at each Executive Committee meeting. Ten (10) members of the Club shall form a quorum at a General or Special Meeting. If, within half an hour of the time appointed for the meeting to commence, a quorum is not present, the meeting shall be dissolved.

- **Ruling of Chairman**

5.8 The ruling of the Chairperson on any question under Standing Orders, or on any points of order or explanation shall be final unless challenged by not less than three (3) members and unless two-thirds of the members present vote to the contrary.

- **Officers and Executive Committee**

5.9 All Officers shall be elected by the Members meeting at the AGM. All elected officers will be automatic members of the Executive Committee. No person shall be elected to the office of Chairperson, Treasurer or Secretary unless he or she has been an active member of the club for at least 2 years.

5.10 The AGM shall elect the ordinary members of the Executive Committee. Membership of the Committee shall be for a period of one (1) year at a time. Outgoing Committee Members are eligible for re-election.

5.11 In the event of the death, incapacity or resignation of an Officer or Executive Committee member, the Committee may co-opt a member to act in replacement. The member so co-opted shall serve until the subsequent AGM.

5.12 The Executive Committee is responsible for the management of the Club and has the rights and duties set out below:

- The right to create sub-committees as and when required. Such sub-committees shall be given terms of reference by the Executive Committee. The chairperson of any such sub-committee shall be an elected member of the committee. All sub-committees shall keep minutes of their meetings which shall be available to the Executive Committee if required. Each sub-committee shall be established for a specific purpose and shall exist for a defined period. At least one member of the Executive Committee shall serve on each sub-committee in addition to its chairperson,
- The Executive Committee will have no power to enter into any contract whereby the members are personally responsible for the performance thereof. If the Club assets are insufficient to honour the terms of the contract with the supplier or provider of services, the members shall have no personal liability in respect thereof,
- That the members of the Executive Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club,

- **Voting**

5.13 Each Member shall have one vote in respect of every motion or election. Voting shall be by show of hands except where a two-thirds majority of the members present decide otherwise.

5.14 In that event, voting shall be by secret written ballot. In the event of a tie, whether the vote is by show of hands or secret ballot, the Chairperson shall have a casting vote.

- **Motions at AGM**

5.15 A Motion may be presented orally at the AGM. Nominations for Officers and membership of the Executive Committee may be proposed and seconded at the AGM.

- **Ordinary Activities**

5.16 The guidelines, rules and regulations governing the ordinary activities of the Club shall be as determined by the Executive Committee from time to time.

- **Income and Property**

5.17 The income and property of the Club shall be applied solely towards the promotion of its main objects as set forth in this constitution. No portion of the Club's income and property shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Club. No Officer shall be appointed to any office of the Club paid by salary or fees, or receive any remuneration or other benefit in money or moneys worth from the Club in respect of such office. However, nothing shall prevent any payment in good faith by the Club of:

- a) Reasonable and proper remuneration to any member, officer or servant of the Club (not being an officer) for any services rendered to the Club;
- b) Interest at a rate not exceeding 5% per annum on money lent by Officers or other members of the Club to the Club;
- c) Reasonable and proper rent for premises demised and let by any members of the Club (including any Officer) of the Club;
- d) Reasonable and proper out-of-pocket expenses incurred by any Officer in connection with their attendance to any matter affecting the Club;

5.18 Annual accounts shall be kept and made available to the Revenue Commissioners on request. An auditor may be assigned to review the club accounts at the end of each financial year.

- **Dissolution**

5.19 The Club shall be dissolved in the event that the number of members falls below ten (10). The Club shall also be dissolved on the resolution of a Special General Meeting of the members called for that purpose only. The resolution to dissolve the Club shall have the consent of two-thirds plus one member, of the members present at the Special Meeting called for that purpose.

5.20 If upon the winding up or dissolution of the club those members present at a special meeting will determine the securing or distribution to a worthy charity of any remaining club assets subsequent to dislodging of outstanding debts.

6. DECLARATION

6.1 Tralee Swimming and Social Club hereby adopts and accepts this constitution as the current fundamental rules and laws of the Club regulating the actions of its members.

Signed

Chairperson _____ Date _____

Secretary _____ Date _____

Treasurer _____ Date _____