

CONSTITUTION OF THE BARNSTORMERS MODEL FLYING CLUB 2017*

1. NAME

The name of the club is the BARNSTORMERS MODEL FLYING CLUB (or any similar name decided upon by simple majority vote at an AGM) hereafter referred to as 'the Club' .

2. AFFILIATION

The Club shall be affiliated to The South African Model Aircraft Association (hereafter referred to as SAMAA) and shall observe and be subject to the constitution, rules and regulations of that body.

3. HEADQUARTERS AND ADDRESS OF CLUB

The headquarters of the club shall be at the Barnstormers flying field adjacent to the R25 Tembisa / Bapsfontein Road

4. OBJECTIVES OF THE CLUB

4.1.

To provide and foster a safe and happy flying venue to its members to practise their sport.

4.2.

To promote, foster and advance model aircraft building and flying amongst its members and the public in general.

4.3.

To promote, foster and advance model aircraft sport in all its disciplines.

4.4.

To retain its Sports Club status as far as its relationship and dependence on the Ekurhuleni Metropolitan Municipality Sport and Recreation Liaison Committee is concerned for the specific purpose of remaining eligible for occupation of the grounds where the club is situated.

5. POWERS OF THE CLUB

The club shall have all those rights as is bestowed by law upon a person of full legal standing.

6. GAIN, TRADING AND INCOME

The Club is not formed for gain and any income received shall be used solely for purposes of achieving its objectives.

The Club or its members in their capacity as members shall not be engaged in any activity or transaction which has as its objective the financial gain of any person, business or institution other than the Club. The income and property of the Club shall solely be used for the pursuit of the Club's objectives. No member may use the Club or its premises for personal gain or to conduct business of any nature.

7. COMMITTEE

7.1.

The management and control of the Club shall be vested in its Committee consisting of a:-

7.1.1. Chairman

7.1.2. Vice-Chairman

7.1.3. Treasurer

7.1.4. Secretary

7.1.5. Chief Safety Officer

7.1.6. Public Relations Officer

7.1.7. Co-opted member/s if required by the Committee*

7.2.

The foregoing officers shall be members of the Club and shall be elected at the Annual General Meeting of the Club. These offices shall be held from the date of appointment thereto until the close of the next Annual General Meeting.

7.3.

A Committee member's seat shall fall vacant if such a member fails to attend three consecutive meetings of the Committee, resigns, dies or ceases to be a member of the Club or is disciplined by the Club. The Committee may fill any vacancy so arising by appointing a Club member of its choice to such vacant position. In this eventuality such a member appointed by the Committee will hold office for the remainder of the term of office of the member he replaced.

7.4.

The Committee may co-opt club members to the Committee or any Sub-Committee as it deems necessary.

8. DUTIES OF THE COMMITTEE

It shall be the Committee's duty to manage the club, its premises, its assets, its activities and safety of its members and members of the public. To this end the Committee shall have all powers required in law to fulfil its duties.

9. TRUSTEE

The Chairman of the Club for the time being shall be the Trustee of the Club and its property. The Chairman shall be entitled to sue and accept service in the name of the Club. The Chairman shall account and be held liable to members for all Club assets. The Chairman shall only deal with Club assets upon such directions given to him by the Committee from time to time.

10. INDEMNITY AND RESPONSIBILITY

10.1.

All office bearers and members of the Club shall be indemnified by the Club in respect of any legal liability incurred while on club premises or whilst acting on behalf of the Club provided they acted in accordance with instructions given by the Committee or the rules of the Club or SAMAA.

10.2.

Every member of the Committee shall be indemnified by the Club in respect of any expenses incurred on behalf of the Club whilst acting reasonably within the scope of this office and it shall be the duty of the Committee to make good all such expenses incurred out of Club funds.

11. MEMBERSHIP

11.1.

Membership shall be open to any person but subject to the rules of the Ekurhuleni Metropolitan Municipality Sport and Recreation Liaison Committee that the club will insure that the majority of its members reside, attend school or work within the Ekurhuleni Metropolitan Municipality Sport and Recreation Liaison Committee.

11.2.

There shall be two classes of membership:-

11.2.1. Honorary Life Members who shall be persons voted in as such in the past and henceforth nominated by majority vote of the Committee and elected by majority vote at the next Annual General Meeting. Persons nominated as Honorary Life Members shall be those considered worthy of special recognition for services to the Club or for outstanding achievement in the sport. An Honorary Member shall be entitled to vote as an Ordinary Member.

11.2.2. Ordinary Members who shall be persons voted in by the Committee pursuant to making application on the prescribed form to the Committee, paying his yearly membership fee and showing proof of current SAMAA membership. An Ordinary member shall be entitled to vote at Club Meetings.

11.3.

Membership of any class does not and shall not give any member any right, interest, claim or demand to any club assets, but shall confer upon a member only a voting right at Club Meetings and the privilege of participating in and enjoying the facilities provided by the Club, of entering in and upon the Club's premises and using same in accordance with the rules laid down by the Committee from time to time.

11.4.

Each member's liability shall be limited to his unpaid subscriptions or any other monies he might owe the Club.

11.5.

All members shall abide by the Club's Constitution, Club Rules issued by the Committee, SAMAA Rules and Regulations and Regulations laid down by Ekurhuleni Metropolitan Municipality Sport and Recreation Liaison Committee

12.1. APPLICATION FOR MEMBERSHIP

Application for membership shall be made on the form prescribed from time to time and shall be considered by the Committee at its first meeting after the receipt of application and until acceptance by the Committee has been conveyed to the applicant he shall not have any voting rights. All fees pertaining to membership (both Club and SAMAA) shall be paid with the application and if not successful shall be refunded.

12.2.

The Committee shall have complete and absolute discretion to accept or decline any application for membership.

13. LAPSING OF MEMBERSHIP

Membership will lapse:-

13.1.

Upon failure to pay membership fees within 30 days from the date upon which they become due.

13.2.

Upon failure to pay SAMAA membership fees within 30 days from the date upon which they become due.

13.3.

Upon the members death

13.4.

Upon the member' s suspension by SAMAA

14. REPRIMAND, SUSPENSION OR EXPULSION OF A MEMBER

The Committee may act in terms of this clause pursuant to a complaint received or by its own volition.

14.1.

Whenever by majority vote of its members the Committee is of the opinion that the behaviour or conduct of a member has been harmful, prejudicial or injurious to the objectives, interests, good order, safety ,relationships between members or character of the Club, the Committee shall have the power to:

14.1.1.

Reprimand such a member in writing

14.1.2.

Suspend such a member from all privileges of membership for a period not exceeding three months in cases where in the opinion of the Committee his conduct was not sufficiently serious to justify expulsion. A member who has been suspended shall not be entitled to be reimbursed his membership fee for the period of any such suspension.

14.1.3.

Expel a member who shall thereupon be debarred from all privileges of the Club.

14.2.

Before deciding to suspend or expel a member, such member shall be entitled to a fair hearing by the Committee.

14.3.

A member who has been suspended or expelled shall have the right to appeal against his suspension or expulsion to the members of the Club at a Special Meeting called. Such appeal must be lodged by the member within fourteen days of having received notice of such suspension or expulsion with the Chairman or Secretary who shall immediately take steps to convene a Special general Meeting.

The fact that such a decision of the Committee is under appeal shall not have the effect of suspending the operation of such a decision pending hearing of the appeal. At the appeal hearing the case against the member shall be put by one member of the Committee on behalf of the Committee to the meeting and the member shall thereafter be given an equal opportunity to defend himself in person. To reverse the decision of the Committee will require a two thirds majority vote of the members with voting rights present. The vote shall be taken by ballot.

15. MEMBERSHIP FEES

Yearly membership fees payable by all members and the date of such payments shall be determined from time to time by the Committee.

16. POWERS OF COMMITTEE

16.1.

The Committee shall have full power and authority to carry out all or any of the objectives of the Club.

16.2.

In particular but without prejudice to this general authority, the Committee shall have power and authority:-

16.2.1.

to make, vary and repeal regulations for the better conduct of the Club;

16.2.2.

to appoint such Committees and Sub-Committees as may be found necessary for the efficient administration of the Club for any special purpose and to delegate thereto such of its powers as it may deem desirable. Sub-Committees shall report back to the Committee;

16.2.3.

to supervise the investment of the funds and assets of the Club and the depositing of Club funds in a Bank, or approved financial institution selected by it;

16.2.4.

to ensure that all cheques and other negotiable instruments shall be signed by not less than two persons, one of whom shall be the Treasurer and the other the Chairman or Vice-Chairman, none of whom shall be related;

16.2.5.

to take such disciplinary action in terms of this Constitution as may be necessary;

16.2.6.

to seek the view of members upon any matters by means of a questionnaire, referendum or ballot;

16.2.7.

to perform all acts and deeds and do all things as are consistent with this Constitution;

17. DUTIES OF OFFICERS

17.1 CHAIRMAN AND VICE-CHAIRMAN

It shall be the duty of the Chairman and the Vice-Chairman:-

17.1.1.

To further the interests and prestige of the Club at all times and to ensure that the provisions of this Constitution and any regulations framed there-under are complied with and that all decisions of the Club in General Meetings and of the Committee are carried into effect;

17.1.2.

The Chairman shall preside at all meetings of the Club and of the Committee, and in his absence the Vice-Chairman, if present, shall preside. If the Chairman and Vice Chairman are both absent, the members present shall appoint from amongst their number, a member to preside at such a meeting and the person so appointed shall exercise the powers and functions which could have been exercised by the Chairman if present;

17.1.3.

The Chairman or in his absence the Vice-Chairman shall, at the Annual General Meeting, report on the activities of the Club during the past year;

17.1.4.

The Chairman or in his absence the Vice-Chairman shall represent the Club at all meetings with third parties especially meetings of the Ekurhuleni Metropolitan Municipality Sport and Recreation Liaison Committee and SAMAA. If the Chairman and Vice-Chairman are not able to attend such a meeting a member of the Committee shall be appointed to attend and so appointed shall exercise the powers and functions which could have been exercised by the Chairman if present;

17.1.5.

The Chairman and Vice-Chairman shall be ex-officio members of any committees or sub-committees appointed in terms of this constitution.

17.2. SECRETARY

It shall be the duty of the Secretary:-

17.2.1.

to attend all general meetings of the Club and all meetings of the Committee and to maintain a correct record of the proceedings and decisions taken thereat. In the event of the Honorary Secretary being unable to be present at any meeting he shall ensure that the minute books, correspondence, etc., required at the meeting are handed to the Chairman or a member of the Committee prior to the meeting. In such event the meeting shall nominate one of its members to act as Secretary at the meeting;

17.2.2.

subject to the control of the Committee, to receive and conduct the correspondence of the Club;

17.2.2.1.

to ensure that all notices required by this Constitution are properly given;

17.2.2.2.

to maintain up-to-date, a Register of Members and their addresses;

17.2.2.3.

to ensure proper control of the Club's documentation and archives ;

17.2.2.4.

on relinquishment of his/her office, to hand all books and records to his/her successor.

17.3. TREASURER

It shall be the duty of the Treasurer:-

17.3.1.

to attend all general meetings of the Club and all meetings of the Committee. In the event of the Treasurer being unable to be present at any meeting, he shall ensure that the financial books and any financial statement or report required at the meeting are handed to the Chairman or a member of the Committee prior to the meeting. In such event it shall be the duty of the Secretary to inform the Treasurer of all decisions relating to financial matters taken at the meeting;

17.3.2.

to maintain up-to-date, proper books of account reflecting the Club's financial transactions and to reflect adequately the financial position of the Club;

17.3.3.

subject to the control of the Committee, to administer the finances of the Club;

17.3.4.

to collect and bank expeditiously all monies owing to the Club and to disburse monies due by the Club without undue delay;

17.3.5.

to keep the Committee informed at all times on the general financial position of the Club;

17.3.6.

to prepare a report on the financial transactions of the past financial year for presentation at the Annual General Meeting.

17.3.7.

to keep a register of all Club assets and control such assets.

17.3.7.

upon relinquishment of his/her office, to hand all books and records to his/her successor.

17.4. MAINTENANCE OFFICER

It shall be the duty of the Maintenance Officer:-

17.4.1.

To maintain the Club' s facilities

17.4.2.

To maintain the Club' s assets

17.4.3.

To manage any contractors working on the Club' s premises

17.5. SAFETY OFFICER

It shall be the duty of the Safety Officer:-

17.5.1.

To ensure that all flying at the Club is safe and controlled in accordance with the SAMAA regulations,

17.5.2.

In order to perform his duties effectively the Safety Officer will have the following powers:

17.5.2.1.

Issue a verbal warning to any member who has broken a rule of the Code

17.5.2.2.

Issue a written warning to a member who has previously been verbally warned for a particular offence. Issuing of a written warning will immediately and automatically leave a member grounded and barred from flying until a disciplinary meeting has been convened by the Committee and a judgement has been passed.

17.6 PUBLIC RELATIONS OFFICER

It shall be the duty of the Relations Officer

17.6.1.

To arrange club events

17.6.2.

To manage the relationship between the Committee and members

17.6.3.

To manage the relationship between members

17.6.4.

Communicating to members by way of a monthly newsletter relevant matters relating to the Club and the sport

17.5. AUDITOR

17.5.1

At each Annual General Meeting an auditor who may not necessarily be a member, but shall hold adequate experience to discharge his duties, shall be elected and he shall audit the books of account, verify the assets of the Club, audit the annual accounts and balance sheet and report thereon 30 days after the Annual General Meeting

17.5.2.

No member of the Committee shall be eligible for appointment as auditor.

17.6. OTHER OFFICERS

The duties of any other officer appointed by the club or the Committee shall be laid down by the appointing body.

18. FINANCE AND ACCOUNTS

18.1.

The financial year of the Club shall be the twelve calendar months ending the last day of February in each and every year.

18.2.

No persons other than a person acting within the limits of any authority conferred upon him by this Constitution or by the Committee shall have the authority to give receipt for money or otherwise to enter into contract or arrangement having the effect of imposing any liability on the Club or in any other way pledge the credit of the Club.

18.3.

The books of account to be kept by the Treasurer in terms of Section 17.3.2 of this Constitution shall be open during normal business hours to the inspection of any member/member of the Committee.

19. MEETINGS

19.1. The Annual General Meeting

19.1.1.

The Annual General Meeting shall be held not later than three months after the close of the Club's financial year on a date and at a time and place to be determined by the Committee;

19.1.2.

It shall be competent for any member to request that an item in a proposal to amend, alter or add to the Constitution, be placed on the Agenda provided that such request is in the hands of the Secretary not later than fourteen days prior to the date of such meeting;

19.1.3.

A notice sent to all members at their address as per the Club's records stating the date, time and place of the Annual General Meeting and including any proposal to amend the Constitution shall be sent to all members not less than thirty days before the date of such meeting.

19.1.4.

The agenda for the Annual General Meeting shall be as follows:-

19.1.4.1.

Notice convening the meeting.

19.1.4.2.

Minutes of previous Annual General Meeting and of any Special General Meeting held since then.

19.1.4.3.

Matters arising from the foregoing Minutes.

19.1.4.4.

Chairman's Report for the year.

19.1.4.5.

Treasurer's Report for the current financial year and Audited Balance Sheet and Income and Expenditure Account for the previous financial year, signed by the Auditor confirming all is in order.

19.1.4.6.

Motions for the amendment of the Constitution as advised in the notice convening the meeting.

19.1.4.7.

Matters submitted by the Committee.

19.1.4.8.

Matters submitted by the Members.

19.1.4.9.

Election of Officers and Committee.

19.1.4.10.

Appointment of an Auditor.

No matter which does not appear on the Agenda may be discussed as part of the business of the meeting.

19.2. Special General Meetings

Special General Meetings shall be called:-

19.2.1.

by direction of the Committee;

19.2.2.

when required to consider any matter in terms of this Constitution and if held in terms of Clause 14.3, The Member will be stated.

19.2.3.

on a requisition (stating clearly in detail the purpose of the meeting) signed by not less than ten members.

A notice stating the date, time and place of such meeting and setting out the business to be transacted thereat shall be send to each member not less than thirty days prior to the date of such meeting.

A Special General Meeting required or requisitioned in terms of subsection 20.2.3. above, shall be convened within six weeks of the receipt by the Secretary of such requisition or of the information making such Special Meeting necessary.

Only items that are stated in the notice convening the meeting may be discussed or transacted.

19.3. Committee Meetings

19.3.1

The Committee shall meet for the despatch of business as often as is necessary but not less than once every month, provided that the Secretary shall convene a meeting of the Committee immediately on receipt of a written request signed by at least three members of the Committee and setting out in full the purpose of the meeting.

19.3.2.

Not less than seven days' notice of all meetings of the Committee shall be given.

19.4.

The non-receipt by a member of a notice convening any meeting of the Club or Committee shall not vitiate the proceedings of such meeting.

20. QUORUMS AT MEETINGS

20.1.

Except where elsewhere provided the quorum at any:

20.1.1.

Annual or Special General Meeting shall be twenty members with voting rights;

20.1.2.

Special General Meetings shall be twenty members with voting rights and when in terms of 20.2.3 must include at least ten of the requisitioning members

in person;

21.1.3.

Committee meeting - one half of the full Committee.

21.2.

If at the expiration of twenty minutes after the scheduled time of commencement of the meeting a quorum is not present, the meeting shall:-

21.2.1.

If it is a Special General Meeting called on the requisition of members - be abandoned;

21.2.2.

In all other cases be adjourned for a further ten minutes on the same date and place, and at such adjourned meeting those members with voting rights present shall constitute a quorum and shall proceed with the business of the meeting and all decisions taken shall be binding.

21. VOTING

21.1.

At all general meetings of the Club every member vested with a vote in terms of Section 11 shall be entitled to one vote. Matters before such meetings shall be decided by a simple majority of the votes and voting except where a specific majority is required in terms of this Constitution, voting shall be by a show of hands unless three or more voting members demand that such voting be conducted by ballot. If a ballot is so demanded it shall be by secret vote. The result of the ballot shall be deemed to be a decision of the meeting at which the ballot was requested.

21.2.

At Committee meetings each Committee member shall have one vote. Matters before the Committee shall be decided upon by a simple majority of the votes.

21.3.

At all meetings of the Club or the Club Committee, the Chairman of the meeting shall, in the event of an equal number of votes cast for and against a motion, have a casting vote in addition to his deliberative vote.

21.4.

At all meetings of the Club, only votes of those members present shall be counted, and no voting by proxy shall be allowed under any circumstances.

22. AMENDMENT OF THE CONSTITUTION

22.1

No alteration, amendment or addition to this Constitution shall be made except at an Annual or Special General Meeting properly convened and then only if all of the Club's members with voting rights vote in favour thereof.

22.2.

A proposal to alter, amend or add to the Constitution may be submitted only:-

22.2.1.

by the Committee, or

22.2.2.

by a requisition signed by not less than ten members addressed to the Secretary.

22.3.

Any member with voting rights may propose an amendment, alteration or addition to this Constitution by submitting such proposal in writing and fully motivated, to the Secretary, who shall lay such proposal before the next meeting of the Committee. The Committee shall have discretion to determine whether or not the proposal will be submitted to a General Meeting.

23. DISSOLUTION OF THE CLUB

23.1.

Any proposal to dissolve the Club shall only be considered at a Special General Meeting convened for the purpose, and then only in terms of this section.

23.2.

No proposal to dissolve the Club shall be considered unless there are present all members with voting rights of the Club at the time of such proposals, of whom all members to vote in favour of such proposal.

23.3.

Once a decision to dissolve the Club has been taken in terms of this section, the Committee shall forthwith liquidate the affairs of the club and if there is any surplus of assets on realisation such surplus shall be disposed of to another body or bodies of similar interests in the manner prescribed by the Special General Meeting at which the decision to dissolve the Club was taken.

23.4.

A proposal to merge with any other Club shall be dealt with in the same manner as a proposal to dissolve the Club and the terms of such merger shall be approved at the Special General Meeting convened to consider the proposal to merge.

**This is the 1990 Barnstormers Radio Control Club Constitution adopted by the Club in 1991 and changed to make provision for a change of name to Barnstormers Model Flying Club and replacing the old Kempton Park Municipality Central Sport Liaison Committee with Ekurhuleni Metropolitan Municipality Sport and Recreation Liaison Committee. Adopted by majority vote 46/4 at the AGM 2017.*