



Constitution

1. Title

- 1.1. The name of the Club shall be Kinvara Bay Sailing Club (KBSC) hereinafter referred to as the Club.

2. Objectives

- 2.1. The Club is a family orientated club whose purpose is to promote, enable and accommodate sailing activities, both on and off the water. The Club endeavors to pursue this in a safe, social and enjoyable atmosphere that is open and inclusive of all levels and abilities of members.
- 2.2. The Club shall operate as a non-profit making club.
- 2.3. The Club shall maintain affiliation to the Irish Sailing Association (ISA).

3. Management

- 3.1. The business and affairs of the Club shall be managed, in accordance with this Constitution, by an Executive Committee to be elected by members at the Annual General Meeting (AGM).
- 3.2. Changes to the Club Constitution may be made by the Executive Committee but must be adopted by members at an AGM (see Section 4) or an EGM (see Section 5) to take effect.
- 3.3. The Executive Committee shall consist of the Officers and between three and five Ordinary Members.
- 3.4. The Executive Committee shall hold periodic meetings.

- 3.5. The quorum for an Executive Committee meeting shall be five voting members.
- 3.6. The Executive Committee shall consist of, but is not restricted to: Commodore, Secretary, Treasurer, Safety Officer, Child Protection Officer and between three and five Ordinary Members.
- 3.7. The Executive Committee shall manage and regulate the affairs of the Club and shall make such rules and regulations governing the activities and use of facilities of the Club as they think fit.
- 3.8. The Executive Committee may appoint an Ordinary Member to deputise for an Officer who is temporarily unable to perform his/her duties or for a position left unfilled after an AGM.
- 3.9. Should a member of the Executive Committee resign during their term of office, the Executive Committee may appoint an Ordinary Member to fulfil their duties for the remainder of the term.
- 3.10. The Executive Committee may appoint Sub-Committees from members or non-members of the Club to consider or act upon specific objectives. Sub-Committees report to the Executive Committee.
- 3.11. The Commodore, or in his/her absence another Executive Committee member, shall chair Executive Committee meetings and General meetings.
- 3.12. The Executive Committee has the ability to co-opt Ordinary Members on to the Committee as necessary.

4. Annual General Meeting (AGM)

- 4.1. An Annual General Meeting (AGM) of the Club shall be held on a date set by the Executive Committee each year and is chaired by the outgoing Commodore.
- 4.2. Notice of the AGM shall be sent to each Ordinary Member by email (as specified on their most recent membership form) at least two weeks before the appointed date by the Secretary.
- 4.3. Notices of motions and nomination of members to the Executive Committee must be made to the Secretary by email at least seven days before the date of the AGM.
- 4.4. Nominations to the Executive Committee should have the consent of the person nominated.
- 4.5. Nominations need to be seconded on the night of the AGM.
- 4.6. Where there are no prior nominations for a post, nominations may be taken at the AGM.

- 4.7. The order of business at an AGM should include presentation of Commodore's report and Treasurer's report; motions notified and election of Executive Committee members.
- 4.8. Voting at the AGM shall be according to the membership category (see Section 7.4).
- 4.9. Executive Committee members shall retire at each AGM and may offer themselves for re-election.
- 4.10. Accidental failure to deliver notice of a general meeting to a member or members shall not affect the validity of the general meeting.
- 4.11. Voting shall be by show of hands, or by secret ballot if proposed and passed in a motion to do so on the night.
- 4.12. Executive Committee members shall be elected individually by vote of the Ordinary Members present at the AGM and shall hold office until the next AGM. Any Ordinary Member may be elected as a member of the Executive Committee.
- 4.13. Members unable to attend a general meeting may vote on the agenda by emailing or writing to the Secretary prior to the meeting or by proxy vote referred to the Secretary before the meeting.
- 4.14. If the number of candidates nominated for any office exceeds the number of vacancies to be filled at the AGM, appointments to that office shall be by secret ballot. In the event of an equality of votes the Commodore shall have the casting vote.
- 4.15. Minutes of all general meetings shall be kept by the Secretary and be made available to all members.

5. Extraordinary General Meeting (EGM)

- 5.1. By resolution of the Executive Committee, or by a signed request from one quarter of the Ordinary Members of the Club, the Secretary will within one month from date of notice convene an EGM by emailing a notice to all members giving time, date, place and objective of the EGM. The email address used to notify Ordinary Members is as specified on each members most recent membership form.
- 5.2. Voting at the EGM shall be according to the membership category and follows the same voting procedure as an AGM.

6. Duties of Executive Committee Members

- 6.1. Commodore

- The Commodore sets the overall Executive Committee agenda (consistent with the views of members), helps the Executive Committee prioritise its goals and keeps the Executive Committee on track by working within that overall framework.
- Shall chair Executive Committee, general meetings and direct their activities.
- Shall report to the members at the AGM on the affairs of the Club.
- Represents the club at official functions and acts as a facilitator for club activities.
- Acts as casting voter on proposals discussed in the Executive Committee.
- Ensure compliance with all regulatory authority policies.

6.2. Secretary

- Shall convene all general and Executive Committee meetings and provide the agenda and minutes for same.
- Conduct the correspondence and keep all non-financial records of the Club for five years; keep members informed by email and social media of club events and notices.
- Manage Club communication through mobile, email, website and social media.
- Perform such other duties assigned to him/her by the Executive Committee.

6.3. Treasurer

- Shall be responsible to the Executive Committee for the receipt and disbursement of all monies due or owing by the Club.
- Keep an accurate record of all receipts and invoices.
- Compile and maintain an inventory of all Club property.
- Ensure that the Club is adequately insured.
- Report to and advise on the financial affairs of the Club as required.
- Bring to the notice of the Executive Committee members whose annual subscriptions are outstanding.
- Prepare a report for presentation at the Annual General Meeting.
- Perform such other duties as may be assigned to him/her by the Executive Committee.

6.4. Safety Officer

- The Club Safety Officers main role will be for the promotion of safety and safe practices, for those involved in club activities.

- Shall conduct risk assessments for each activity within the club and encourage the Club to adopt policies for the management of risks on and off the water.
- Shall ensure that the Club has a Safety Statement as per ISA guidelines
- Communicate safety information as advised by the ISA
- Encourage the Club to carry out annual safety audits and reviews of Policy Documents
- Educate club members about safety awareness.
- Promote and organize safety related training courses within the club.

6.5. Child Protection Officer

- Overall role of the Child Protection Officer is to create a child and youth centred ethos around the clubs youth activities in line with the Club's Child Protection document.
- Shall influence policy and practice in relation to young people and children and will prioritize the needs of the junior membership.
- Shall ensure that children are aware of how to make their concerns known and encourage appropriate involvement from parents, guardians and adult leaders.
- Be accessible and approachable for all children and youth within the Club; ensure that all members know who the Child Protection Officer is and how to contact them.
- Perform such other duties assigned to him/her by the Executive Committee.

6.6. Ordinary Members

- Actively participate in Executive Committee meetings and provide assistance in the management of the Club as required.
- Ordinary Members may be allocated responsibility for different functions of the Club as required.
- Perform such other duties assigned to him/her by the Executive Committee.

7. Membership

- 7.1. Annual club membership runs from 1st January to 31st December of the year. Any member joining midterm will be liable to the full subscription. Membership is at the discretion of the Executive Committee who reserves the right to refuse, or in certain circumstances terminate, membership.
- 7.2. Should circumstances arise which would require the suspension or expulsion of any member, power to that effect shall be vested in the Executive Committee. This right

may be exercised at an Executive Committee meeting called to consider the matter. The member complained of shall be afforded the opportunity of a hearing at the Executive Committee meeting. Two weeks' notice of the meeting will be provided by email to the email address as specified on member's most recent membership form. The passing of a resolution to suspend or expel a member requires the support of three quarters of the Executive Committee members present at the meeting. Any member expelled in accordance with the rules shall forfeit all rights or claims upon the Club or its property or funds as he/she would have had by reason of membership, apart from any monies advanced to the Club funds in excess of his/her normal subscription and fees.

Membership categories of the Club shall be composed of:

1. Ordinary Member

- 1.1. Persons over 18 years of age on the 1st January of the year.
- 1.2. Ordinary Members (whose membership fees are paid to date) have full voting rights.
- 1.3. Every candidate for Ordinary Member must be proposed by a current Ordinary Member of the Club and must also be approved by a member of the Executive Committee. An application must be made using the prescribed membership form and forwarded with the membership fee to the Secretary. The Secretary shall refer it to the Executive Committee and the application form shall be subject to the approval of the Executive Committee. If not elected the membership fee (if paid) shall be returned to the candidate.
- 1.4. The election of any member under this rule shall be by ballot of the Executive Committee. The candidate must receive a favourable vote of not less than three-quarters of the members of the Committee present at the meeting. In the event of there being only a quorum, namely five members present at the meeting, then three votes shall be sufficient for the purpose of the election to membership, and the words "three-quarter of the members of the Committee present" shall be construed accordingly.
- 1.5. Any omission or inaccuracy in the particulars relating to any candidate shall render his or her application for membership void at the discretion of the Executive Committee.
- 1.6. The name of any candidate whose application for membership has been rejected shall not be considered for re-application for twelve months after the date of such rejection.

2. Family Member

2.1. Family Membership shall consist of an adult and their spouse/partner who shall be Ordinary members and the children (Junior Members) of that family who are 18 years of age or under on the 1st January of the year. Each Ordinary member as part of a Family Membership (whose membership fees are paid to date) has full voting rights. Junior Members have no voting rights.

3. Guest Members

3.1. Members may introduce guests in their own company to the Club subject to such restrictions and regulations as the Executive Committee may make from time to time.

3.2. A Member shall not introduce the same guest more than three times in one calendar year.

3.3. The Executive Committee shall at all times have the power of cancelling or curtailing the admission of a guest without citing a reason.

3.4. Persons (not members) taking part in any event organised by the Club will be deemed Guest Members for the duration of the event only and must abide by the rules of the Club and any other rules as set out in the notice of the event.

3.5. Guest members have no voting rights.

8. Subscriptions, Fees, Arrears & Debt

8.1. The annual subscription for each membership category shall be fixed for the year by the Executive Committee and shall be payable to the Treasurer on notification of admission to membership and a membership shall not commence until subscription is paid in full.

8.2. Subscriptions shall become due on the 1st January of the year and shall be paid by March 31st of the current year. Any subscription not paid by May 31st may be deemed as a resignation from the Club and the member may be struck off the list of members and be obliged to remove any equipment from the Club premises.

8.3. The Club will be entitled to remove and/or dispose of any equipment belonging to ex-members which is left on KBSC designated premises. One month's notice of this intention will be sent to the email address provided on the most recent membership form of the ex-member.

8.4. Any monies accruing from the disposal will be used to pay off any arrears in subscriptions owed to the Club and the balance can be claimed by the ex-member within four months of the notice. If not claimed the balance will be used by the Club to further all member sailing.

- 8.5. Arrears: If at any time any fees or charges payable to the Club by any member or former member or any other person shall be three months or more in arrears:
- 3.6. The Executive Committee shall be entitled to move the equipment to any other part of the designated club premises without being liable for any loss or damage to the equipment howsoever caused.
- 3.7. The Executive Committee shall be entitled upon giving one month's notice in writing to the member or former member, at his last known address shown in the register of members, to sell the equipment and to deduct any monies due to the Club from the net proceeds of sale before accounting for the balance (if any) to the member or former member.
- 3.8. Alternatively any boat that in the opinion of the Executive Committee cannot be sold may, upon such notice as aforesaid, be disposed of in any manner the Executive Committee may think fit and the expenses recovered from the member or former member. Any arrears shall be deemed to be a debt owing to the Club by the member or former member.
- 3.9. Further the Club shall, at all times, have a lien over members' or former members' or other persons equipment held on Club designated premises in respect of all monies due to the Club, whether in respect of arrears of boat park fees or subscriptions or otherwise.
- 3.10. If at any time any boat parking, equipment storage, utility charges or other fees or levies payable to the Club by any member be six months or more in arrears this will be considered reason for expulsion as laid down in these rules.
- 8.6. Debt: Any proposed expenditure or accumulated debt greater than €5,000 must have the majority approval of those Ordinary Members present at and EGM or AGM.

9. Misconduct

9.1. Disciplinary Concern

- Any Member of the Club who infringes or violates the rules and regulation of the Club or whose conduct either on the Club premises or elsewhere is in the opinion of the Executive Committee derogatory to the Club or its members or injurious to the interests of the Club may be expelled from membership by the Executive Committee.
- No such expulsion order shall be made by the Executive Committee unless at least two-thirds of the members of the Executive Committee present shall vote in favour of such expulsion order.

- Before making any such expulsion order the Executive Committee shall offer the member whose expulsion is proposed the opportunity to attend before it to give an explanation or reason for his or her conduct or to give any undertaking that may be required. Two weeks' notice of the meeting will be provided by email to the email address as specified on the member's most recent membership form.

9.2. Dispute between parties

In the event of a dispute between parties an independent mediator will be appointed with the consent of both parties concerned. In the event of an irreconcilable difference a disciplinary committee will be formed in line with protocols defined by the Irish Sailing Association (ISA). In the event of continuing irreconcilable differences the following procedure will be followed:

1. The appointment of an appeals committee
2. ISA to appoint an external appeals committee
3. The National Sports Council to appoint an appeals committee
4. Judicial litigation

9.3. Child Protection Disclosure

In the event of a complaint involving suspected abuse or alleged criminal offence where there are reasonable grounds for concern, the designated Child Protection Officer will immediately instigate the procedure concerning disclosure as laid down in line with the code of ethics and good practice concerning children in sport.

The Commodore will be informed that a situation has arisen, and the relevant authorities will be informed. All notes concerning a disclosure will be held on a strictly confidential basis and handed over to the investigating authorities without haste.

A note of the incident will be kept on record by the Executive Committee for a period of five years.

10. Insurance and Safety

1. Members of the Club, their guests and visitors, use the Club facilities and equipment entirely at their own risk and the Club will not accept any liability for any damage to or loss of property belonging to members, their guests or visitors to the Club.
2. The Club will not accept any liability for personal injury arising out of the use of the Club facilities or equipment, or out of the participation in any event organized by the Club, whether sustained by members, guests or visitors,

whether or not such damage or injury could have been attributed to or was occasioned by the neglect, default or negligence of any of the officers, committee or members of the Club.

3. It is Club policy that all boats involved in club activity be insured. This is the responsibility of the boat owner and proof of insurance must be provided when asked. Boat owners are required to provide a copy of their certificate of insurance to the Executive Committee prior to participating in their first club event during the season.
4. It shall be the responsibility of all boat owners or skipper to ensure that any boat in their charge shall be seaworthy in accordance with class rules and/or Club bye-laws and shall obey any local harbour bye-laws.
5. The Executive Committee shall set in place insurance for the Club as a whole.
6. The Executive Committee shall have absolute discretion in the allocation of any facilities or equipment of the Club. Any member failing in the respect to comply with the instructions on the use of such facilities or equipment as given and made by the Executive Committee shall absolutely forfeit his right to such facility or equipment.

11. Winding-Up

If upon the winding up or dissolution of the Club there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the members of the Club.

Instead, such property shall be given or transferred to some other charitable institution or institutions having main objectives similar to the main objectives of the Club. Members of the Club shall select the relevant institution or institutions at or before the time of dissolution at a general meeting, and if and so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object.

Signed:
Commodore

Signed:
Secretary

Signed:
Treasurer

Date:

