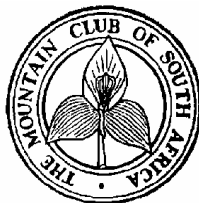


# **Constitution of the Free State Section of the Mountain Club of South Africa**

(as amended during the General Members' Meeting  
held on 16 October 2004)



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# CONSTITUTION OF THE FREE STATE SECTION OF THE MOUNTAIN CLUB OF SOUTH AFRICA

## ***I DEFINITION***

- 1.1 The Section is known as the Free State Section of the Mountain Club of South Africa, with Bloemfontein as headquarters, hereafter referred to as the Section.
- 1.2 The Section is affiliated to the Mountain Club of South Africa, hereafter referred to as the Mountain Club. The objectives of the Section are in agreement with the objectives of the Mountain Club while the stipulations of the Section's constitution are complementary to the stipulations of the Mountain Club's constitution as it stands and as it may be amended from time to time.

## ***II PURPOSE***

The Section is a non-profit making organisation formed exclusively to further the interests of hiking and mountaineering as a recreational sport (i) on a non-professional basis (ii) in a way that will make it accessible to all who are interested and (iii) will serve the interests of the community. The Section strives to promote the following:

- 2.1 to facilitate mountaineering and hiking excursions;
- 2.2 to acquire and expand our access to mountains and mountain regions;
- 2.3 to participate in the protection of the natural beauty and wilderness character of mountains and to help foster effective management in this regard;
- 2.4 to help in furthering the safety and training of mountaineers and hikers;
- 2.5 to organise search parties and rescue work in mountainous areas;
- 2.6 to further the study of mountains and their environment as well as to preserve historical and archaeological landmarks and the distribution of information regarding mountains and mountaineering.

## ***III ELECTION AND COMPOSITION OF THE COMMITTEE***

- 3.1 The Committee consists of (i) a chairperson, a secretary, a treasurer, the editor of *Billi* and at least two additional members chosen at the annual general meeting by means of secret ballot or a headcount by a show of hands; (ii) regional representatives nominated by the Committee, subject to need and availability.
- 3.2 The Committee appoints a vice-chairperson and a media liaison officer.

- 3.3 Positions becoming vacant during the interim period between annual general meetings can be filled temporarily until the election of a new committee at the next general meeting.
- 3.4 The Committee may co-opt additional members for specific tasks. Co-opted members will not have voting rights.
- 3.5 The maximum term of office of a chairperson or secretary will be three years, followed by a lapse of a further three years before any of them may be re-elected as chairperson/secretary.

#### ***IV RESPONSIBILITIES, AUTHORITY AND MEETINGS OF THE COMMITTEE***

- 4.1 As authorised representative of the Section, the Committee can act in all respects on behalf of the Section, inclusive of liaison with the Central Committee of the Mountain Club as well as other Sections and organisations, subject to the Constitution and the decisions of the members' meeting.
- 4.2 The Committee is responsible for drawing up the program of outings and meetings for a calendar year as well as the implementation thereof during the term of office.
- 4.3 The Committee must take note of guests attending outings with a view to possible recruitment of new members.
- 4.4 The Committee may grant or terminate membership of the Section in accordance with the Constitution.
- 4.5 If required the Committee advises the annual general meeting about subscriptions for new members, members and guests.
- 4.6 The Committee will report on its activities during the course of the year, including a financial report, at the annual general meeting.
- 4.7 Committee meetings will be held as required and at the discretion of the Chairperson.
- 4.8 The Chairperson is compelled to convene a meeting should three or more Committee members request it.
- 4.9 The Chairperson shall be entitled to an ordinary as well as a casting vote at Committee meetings.
- 4.10 Four members shall constitute a quorum.
- 4.11 Any member of the Committee (with the exception of regional representatives) shall forfeit his/her membership (i) on resigning from the Section or (ii) by being absent from two consecutive Committee meetings without permission.

- 4.12 Minutes will be held of all Committee meetings; such minutes will normally be available only to members of the Committee . A Committee can however decide to release minutes but then only pertaining to its own term of office.
- 4.13 If deemed necessary the Committee can request members of the Section to serve on subcommittees or as special representatives on behalf of the Committee. The composition of such subcommittees may be amended by the Committee as circumstances demand.

## **V MEMBERS**

- 5.1 The Section consists of (i) ordinary members, i.e. persons residing in Bloemfontein; (ii) country members, i.e. persons residing outside Bloemfontein; (iii) married couple members residing in or outside Bloemfontein; (iv) student and junior members.
- 5.2 Membership of the Section is granted by the Committee. Every application is considered on merit.
- 5.3 An application for membership will be a written submission by the applicant or by a Committee member at a Committee meeting.
- 5.4 To be considered, an applicant must (i) have been an active participant in the activities of the Section for at least three months; (ii) have taken part in at least three formal outings of the Section; (iii) be at least 15 years of age.
- 5.5 Article 5.4 is not applicable to signed up members from other Sections of the Mountain Club who apply for membership of the Free State Section, provided they submit a letter of confirmation and recommendation from the committee of their former Section.
- 5.6 A member accepted under 5.5 will not be required to pay membership fees for the year concerned, provided that he/she provides proof of having settled membership dues at his/her former Section.

## **VI LIFELONG MEMBERSHIP**

- 6.1 Persons with at least a five year span of uninterrupted membership of the Section, can apply for lifelong membership.
- 6.2 An application under 6.1 can be accepted only if it is approved unanimously by the Committee.
- 6.3 On acceptance of a notification by the Secretary that a member has been accepted as lifelong member, he/she is required to make, , a once only payment of 10 times the ordinary membership fee within 30 days of notification.
- 6.4 Lifelong members pay no annual membership fees.

## **VII SPECIAL AWARDS**

- 7.1 A person who has been a member of the Section for 20 years is presented with a badge specially embroidered for this purpose.
- 7.2 A person who has been a member of the Section for 30 years is presented with a fitting item/award, engraved specially for this purpose.
- 7.3 Members who have made a special contribution to the Section and its activities over a number of years can receive a special award, known as the *Golden Billi Award*. This award consists of a certificate and a gold medal engraved specially for the occasion. Also see 8.1.
- 7.4 Nominations for-the *Golden Billi Award* are submitted to the Committee. Nominations are considered in accordance with the criteria laid down by the Committee.
- 7.5 The above-mentioned awards will be handed over to the recipients at a members' meeting of the Section or at a special function.

## **VIII HONORARY MEMBERS**

- 8.1 Members or selected non-members who have made a significant contribution to the Section can be nominated by the Committee as honorary members, subject to approval by a general members' meeting,
- 8.2 Honorary members are exempted from paying membership fees.
- 8.3 Non-members who become honorary members may not vote at meetings.

## **IX MEMBERSHIP FEES**

- 9.1 Membership fees, entry fees and guest fees are determined at the annual general meeting on recommendations by the Committee.
- 9.2 Membership fees are due annually on or before 30 April.
- 9.3 Non-members and guests older than 15 shall pay a nominal fee per outing, the amount to be determined periodically by a members' meeting on recommendation by the Committee.

## **X JOURNAL OF THE MOUNTAIN CLUB**

- 10.1 In accordance with a decision of the Central Committee of the Mountain Club, all members who have voting rights are compelled to subscribe to the *Journal of the Mountain Club* on the basis of one copy per issue per household.
- 10.2 Subscription to the *Journal* must be paid annually together with the annual membership fees.

10.3 Persons holding membership of more than one Section are required to specify at which Section they wish to pay for the *Journal*.

## **XI TERMINATION OF MEMBERSHIP**

11.1 A member can terminate his/her membership by means of a written notice to the Secretary.

11.2 The Committee can terminate the membership of anyone:

- (i) who has failed to pay his/her membership fees; and
- (ii) whose conduct, as judged by the Committee, is detrimental to the good name of the Mountain Club.

11.3 Persons whose membership is terminated under article 11.2 will not be allowed to participate in any of the activities of the Section or the Mountain Club.

11.4 Entry and membership fees of such members will not be refundable.

11.5 The Secretary will notify such a person in writing of his/her termination of membership.

## **XII NON-MEMBERS (GUESTS)**

12.1 Participation of a non-member in an outing/function can be refused by the Committee or the tour leader.

12.2 Inexperienced non-members will not, as a first outing, be allowed to participate in an outing with a duration of more than two days.

12.3 All non-members, with the exception of members from other Sections, will be required to pay guest fees and sign an indemnity form before participating in an outing.

12.4 Non-members, with the exception of children under 15 years of age, may participate in a maximum of 5 outings. After this, membership will be a prerequisite.

12.5 Non-members under the age of 15 must be accompanied by a parent or guardian.

12.6 Children under the age of 8 will be allowed to participate in outings of more than one day only if they have had previous hiking experience and **only** with the approval of the leader of the outing.

## **XIII MEMBERS' MEETINGS**

13.1 A general members' meeting will be held annually during the last quarter of each year.

- 13.2 The Secretary will notify each member of the meeting, in writing or by e-mail, at least fourteen days prior to the date of the meeting.
- 13.3 The following items must appear on the agenda each year:
- (i) Annual report
  - (ii) Financial report
  - (iii) Revision of membership, entry and guest fees
  - (iv) Election of new committee.
- 13.4 An extraordinary meeting can be convened by the Committee if at least 15 members submit a written request.
- 13.5 Subject to the stipulations of the Constitution, the members' meeting has the highest authority regarding matters of the Section.
- 13.6 All the resolutions of the members' meeting, with the exception of those concerning the Constitution, dismissal of Committee members or discontinuing the Section, are passed by a simple majority vote by members. The exceptions mentioned require a two-thirds majority.
- 13.7 One quarter of the members constitute a quorum.
- 13.8 Should a quorum not be obtained, but proper notice of the meeting has been given, the meeting may constitute without a quorum on condition that the decision(s) of the constituted meeting be sent by mail or e-mail to all members for approval or non-approval within 30 days.
- 13.9 The Chairperson, or in his/her absence the Vice-chairperson, presides over the ordinary members' meeting and has a normal vote as well as a casting vote should a tie of votes arise.

#### ***XIV OUTINGS AND LEADERS***

- 14.1 A leader is assigned for every outing and he/she has the responsibility of acquainting himself/herself with the arrangements, the terrain and the route.
- 14.2 All members are entitled to participate in outings unless the size of the group is limited by the Committee, the leader or the circumstances.
- 14.3 The leader should make sure that all the guests sign the indemnity forms.
- 14.4 The leader should see that guest fees, and deposits where applicable, are collected and handed over to the Treasurer or Secretary.
- 14.5 The leader is responsible for transport, the route to be followed and place(s) to stay overnight.



- 14.6 The leader is responsible for making all the necessary arrangements for the safety of the group.
- 14.7 Members of the group must acknowledge the authority of the leader and are not to leave the group without notifying the leader.
- 14.8 After an outing, the leader compiles a report giving the names of participants and indicating those guests he/she considers suitable for membership.

## ***XV LEGAL ENTITY***

- 15.1 The Section is a legal entity that exists and functions independently of its members and accordingly possesses perpetual legal succession irrespective of any change in membership;
- 15.2 is sole owner of all its assets and funds, none of which belongs to the Mountain Club or any individual member of the Section;
- 15.3 is authorised to act in a court of law on behalf of any member of the Committee or Section concerning the aims of the Section;
- 15.4 restricts personal liability of a member of the Section to the recovery of his/her membership fees.

## ***XVI FINANCIAL MATTERS***

- 16.1 The Committee will maintain (a) bank account(s) at a registered bank in the name of the Section. The Treasurer will see to it that all income be deposited in the above-mentioned account as soon as possible after receiving it.
- 16.2 The Committee will ensure that proper bookkeeping and financial records are maintained in order to render a true reflection of the finances of the Section.
- 16.3 The end of the financial year of the Section is 31 December so that an audited financial report can be submitted to the general members' meeting in February the following year.

## ***XVII NON-PROFIT-SHARING CHARACTER OF THE SECTION***

The income and assets of the Section are utilised exclusively for promoting the objectives of the Section. No part of the income or assets of the Section shall be paid or distributed to any person (other than in the execution of normal activities of the Section) or to any member of the Committee, except as (i) reasonable compensation for services rendered to the Section; and (ii) refunding of actual expenses incurred in the interest of the Section and/or the Mountain Club.

## ***XVIII INDEMNITY***

- 18.1 Members and guests who take part in outings do so at their own risk. An outing comprises all actions from point of departure or home to point of return or home.
- 18.2 Minors and guests are required to submit a note of indemnity in this regard to the Section.
- 18.3 No member of the Committee or other office bearer of the Section will be held responsible for actions, receipts, negligence or any loss, damage or expenses resulting from the execution of his/her responsibilities or office, unless it can be ascribed to dishonesty on his/her part or failure to achieve the level of caution and efficiency that can reasonably be expected by law.

## ***XIX BADGES OF THE MOUNTAIN CLUB***

- 19.1 The official badge of the Mountain Club is registered in the name of the Mountain Club of South Africa and may not be utilised for commercial or other purposes by non-members.
- 19.2 The silver lapel badge of the Mountain Club as well as its cloth badges and Club ties can be bought by members as soon as membership has been granted.

## ***XX INTERPRETATION OF THE CONSTITUTION***

Should any doubt arise concerning the correct interpretation of this Constitution or of the regulations of the Section, the view of the majority of Committee members will be final and binding.

## ***XXI AMENDMENT OF THE CONSTITUTION***

- 21.1 This Constitution may be amended through a two-thirds majority at any members' meeting, provided that such amendment is not in conflict with the Constitution of the Mountain Club of South Africa.
- 21.2 Proposals for such amendments must be directed to the Secretary in writing, signed by the proposer as well as four other members as seconders.
- 21.3 Should an extraordinary meeting be called for this purpose, articles 13.4, 13.6, 13.7 and 13.8 will apply.

## ***XXII DISSOLUTION OF SECTION***

- 22.1 Provided the procedures described in articles 13.2 and 13.3 are adhered to, a two-thirds majority of members at a general or extraordinary meeting of the Section can decide to dissolve the Section.

22.2 In such an event, and after all financial and other obligations have been met, the Committee will be instructed by the members' meeting to donate any remaining assets to the Central Committee of the Mountain Club or to any other non-profit-sharing organisation that cherishes the same or similar aims as the Section.

