

HEARST COMMUNITY CURLING CLUB

BY-LAW NO. 5

Being a By-law to implement the Letters of Patent of the Hearst Community Curling Club and to revoke By-law No. 1 and amendments thereto.

WHEREAS the Executive of the Hearst Community Curling Club deems it advisable to consolidate and make current the by-laws and amendments thereto of said Club with respect to the implementation of the Letters of Patent of said Club and the constitution of its membership, elections, the executive, duties and responsibilities thereof and other related matters,

NOW THEREFORE, BE IT ENACTED by the Executive of said Club, and ratified by its Members as follows:

SECTION ONE  
NAME

- 1.01 That this By-law shall be known as the "Constitutional By-law" of the Hearst Community Curling Club.

SECTION TWO  
INTERPRETATION

- 2.01 THAT the following definitions shall apply for the terms and words used herein:

- (a) CLUB shall mean the organization and premises known as the Hearst Community Curling Club.
- (b) EXECUTIVE shall mean the President and Directors duly elected by the Members.
- (c) LEAGUE FEES shall mean monies paid for curling and participating as a member of a team in a curling league organized and recognized by the Club.
- (d) MEMBERS shall mean all persons who pay league fees for curling.
- (e) SOCIAL MEMBERS shall mean all persons who pay a fee for the privilege of attending Club events, but do not pay league fees.

- 2.02 Words importing the singular include the plural and vice versa, words importing the masculine gender include the feminine gender and the neuter gender.

SECTION THREE  
BUSINESS OF THE ORGANIZATION

- 3.01 THAT the Hearst Community Curling Club is an incorporated, non-profit and voluntary organization of the Members, who elect amongst themselves an Executive to conduct the affairs of the Club

- 3.02 Until changed in accordance with the laws of the Province of Ontario, the head office of the Club shall be at the Town of Hearst, in the District of Cochrane, in the Province of Ontario and at such location therein as the Executive may from time to time determine by resolution.
- 3.03 Until changed by resolution of the Executive, the corporate seal of the Club shall be in the form impressed hereon.
- 3.04 The fiscal year of the Club shall be from the first day of September until the thirty-first day of August of the following year.
- 3.05 Deeds, transfers, assignments, contracts, obligations, certificates and other instruments may be signed on behalf of the Club by two (2) persons, one of whom holds the office of President or Vice-President, and the other of whom holds the office of Treasurer, Secretary, or any other office created by by-law or by resolution of the Executive. In addition, the Executive may from time to time direct the manner in which and the person or persons by whom any particular instrument or class of instruments may or shall be signed. Any signing officer may affix the corporate seal thereto.
- 3.06 The banking business of the Club shall be transacted with such banks, trust companies or other bodies corporate or organizations as may from time to time be designated by or under the authority of the Executive, such banking business or any part thereof shall be transacted under such agreements, instructions and delegations of power as the Executive may from time to time prescribe or authorize.

#### SECTION FOUR MEMBERSHIP

- 4.01 Membership shall be open to all individuals without discrimination, who pay the required fees as established from time to time by the Members at the Annual General Meeting.
- 4.02 Two (2) categories of Membership shall be recognized and shall be afforded certain privileges as follows:
- (a) MEMBERS shall enjoy full privileges of the Club and shall be entitled to attend and to address the Annual General Meeting and Special Meetings of the Club. Only those Members 18 years of age and older shall be entitled to vote at said meetings and shall be further eligible for election as a Director and/or Officer of the Club; and
  - (b) SOCIAL MEMBERS shall enjoy full privileges of the Club, but shall not be entitled to vote at the Annual General Meeting and Special Meetings of the Club nor be eligible for election as a Director and/or Officer of the Club.
- 4.03 There shall be no other type of membership.

SECTION FIVE  
MEMBERSHIP FEES

- 5.01 Members shall pay fees for playing in the curling leagues, as may be established from time to time by resolution duly carried by a two-thirds majority of the eligible voting Members present at the Annual General Meeting or a Special Meeting of the membership.
- 5.02 All league fees shall become due and payable on or before the 31st day of December for that fiscal year of the Club. No member shall be considered to be in good standing who is in default of payment of his/her league fees for the year.
- 5.03 League fees shall be made payable to the Hearst Community Curling Club and shall be submitted to such person as may be designated by the Executive to receive and record the payment of fees.
- 5.04 Social Members shall pay fees for enjoying the full privileges of the Club, except as previously specified herein, as may be established from time to time by resolution duly carried by a two-thirds majority of the eligible voting Members present at the Annual General Meeting or a Special Meeting of the membership.

SECTION SIX  
MEMBERS' ANNUAL GENERAL MEETING

- 6.01 The Members of the Club shall meet annually prior to the commencement of the curling season, to elect the President and members of the Executive; to receive the annual reports and financial statements; and such other reports as may be deemed necessary or appropriate; review membership fees; and to transact other affairs of the Club.
- 6.02 The Order of Business shall be as follows:
- (a) Adoption of the Minutes of the previous Annual General Meeting;
  - (b) Business arising from the Minutes;
  - (c) Report of the President;
  - (d) Report of the Treasurer;
  - (e) Election of the President;
  - (f) Election of other members of the Executive;
  - (g) Review of Membership Fees; and
  - (h) New business.
- 6.03 Elections and business shall be transacted by resolution of the Members as confirmed by a show of hands or written ballots. Voting by proxy shall not be permitted.
- 6.04 Resolutions shall be decided by a majority of the votes of the eligible Members present and voting (ie. a majority of the votes cast), except those resolutions pertaining to membership fees shall be confirmed by at least two-thirds of the votes cast.
- 6.05 Amendments to the By-laws of the Club shall require the assent of two-thirds of the eligible voting Members present and voting (ie. two-thirds of the votes cast).

- 6.06 No rule shall be suspended unless by unanimous consent.
- 6.07 The President of the retiring Executive shall act as Chairperson for the Annual General Meeting, and if not in attendance, then the Vice-President of said Executive shall act as Chairperson in his/her stead. Should neither be in attendance at said meeting, then the Members shall elect one of their number to act as Chairperson for the meeting.
- 6.08 The Chairperson shall have the same right as other eligible voting Members to vote on any question. In addition, should a vote on a resolution be tied, the Chairperson shall cast a second and deciding vote.
- 6.09 Notice of the Annual General Meeting shall be published through the local media a minimum of seven (7) days prior to the holding of said meeting or shall be delivered to the members by pre-paid first class mail a minimum of five (5) days prior to the holding of said meeting.

SECTION SEVEN  
MEMBERS' SPECIAL MEETINGS

- 7.01 The Members of the Club may meet from time to time as is deemed necessary to conduct the affairs of the Club.
- 7.02 Special Meetings shall be scheduled at the discretion of the President or at least one-half of the Executive.
- 7.03 The business of the Special Meeting shall be transacted by resolution as confirmed by a show of hands or written ballots. Voting by proxy shall not be permitted.
- 7.04 Resolutions shall be decided by a majority of the votes of the eligible Members present and voting (ie. a majority of the votes cast), except those resolutions pertaining to membership fees shall be confirmed by at least two-thirds of the votes cast.
- 7.05 No rule shall be suspended unless by unanimous consent.
- 7.06 The President shall act as Chairperson for the Special Meeting, and if not in attendance, then the Vice-President shall act as Chairperson in his/her stead. Should neither be in attendance at said meeting, then the Executive shall elect one of their number to serve as Chairperson for the meeting.
- 7.07 The Chairperson shall have the same right as other eligible voting Members to vote on any question. In addition, should a vote on a resolution be tied, the Chairperson shall cast a second and deciding vote.
- 7.08 Notice of the Special Meeting shall be posted on the Club premises a minimum of seven (7) days prior to the holding of said meeting or shall be delivered to the members by pre-paid first class mail a minimum of five (5) days prior to the holding of said meeting. Such notice shall also set out the purpose of the Special Meeting.

SECTION EIGHT  
EXECUTIVE

- 8.01 The affairs of the Club shall be managed or transacted by an Executive composed of the President and four (4) to eight (8) Directors willing to serve and duly elected by the Members at the Annual General Meeting.
- 8.02 Members of the Executive shall be elected for a term of two (2) years.
- 8.03 One-half of the members of the Executive shall constitute a quorum.
- 8.04 The Executive shall manage or supervise the management of the affairs and business of the Club. The powers of the Executive may be exercised at a meeting at which a quorum of Directors is present or by by-law resolution consented to in accordance with the laws of the Province of Ontario by the signatures of all the Directors then in office if constituting a quorum. Where all the Directors consent thereto, any Director may participate in a meeting of the Executive by means of conference telephone or other communication equipment, by means of which all persons participating in the meeting shall be deemed to be present at that meeting.
- 8.05 If a vacancy or vacancies shall occur in the Executive, the Members or the Executive shall forthwith appoint a qualified Member to fill such vacancy for the remainder of the term to be served. Should the Members or the Executive be unable to appoint a qualified Member to fill such vacancy, then the remaining Executive may continue to exercise its powers, with the necessary quorum being reduced by the number of vacancies.
- 8.06 The Executive shall meet at least monthly: the retiring Executive immediately before the Annual General Meeting, and the new Executive, immediately thereafter.
- 8.07 The Executive from amongst their number shall elect a Vice-President, Secretary and Treasurer.
- 8.08 The President, or in his/her absence, the Vice-President shall be Chairperson of any meeting of the Executive. If no such officer is present, then the Directors present shall choose one of their number to be Chairperson.
- 8.09 All decisions of the Executive shall be by resolution of the majority of the Executive present and voting, and the Chairperson shall cast a second and deciding vote in the case of a tie.
- 8.10 The Executive shall not be remunerated for the performance of their duties, but shall be reimbursed for reasonable and necessary out-of-pocket expenses incurred while transacting the affairs of the Association, as pre-authorized by the President or Vice-President on a case by case basis. Kilometre or mileage costs shall be in accordance with prevailing Provincial Government rates for Northern Ontario.

SECTION NINE  
DUTIES OF OFFICERS AND MEMBERS OF THE EXECUTIVE

- 9.01 Members of the Executive shall individually and collectively further the aims and objectives of the Club and the interests of the Members, by managing the affairs of the Club and initiating and pursuing matters of interest to the best of their ability, and are expected to volunteer such time as is necessary to accomplish this end.
- 9.02 No Member of the Executive may initiate or transact the affairs of the Club without the prior authorization of the Executive, except that day to day routine affairs may be transacted without such prior authorization.
- 9.03 The President shall ensure that the affairs of the Club are well managed, and shall preside at all meetings of the Executive and the Members. Subject to the approval of the Executive, the President may appoint such Officers and/or special committees and/or employ such persons as is deemed necessary by the Executive to conduct the affairs of the Club.
- 9.04 The Vice-President shall perform the duties of the President during the latter's absence, shall assist the President in the conduct of his/her office, and shall have such other duties as the Executive may prescribe.
- 9.05 The Secretary shall keep the minutes and records of all meetings of the Executive and Members as required, conduct the correspondence of the Club, communicate with the Members and others with respect to the Club's activities and accomplishments, and shall have such other duties as the Executive may prescribe.
- 9.06 The Treasurer shall keep proper accounting records and under the direction of the Executive, shall control the deposit of money, the safe-keeping of securities and the disbursement of the funds of the Club, and shall render to the Executive whenever required, an account of all his/her transactions as Treasurer and the financial position of the Club. He/she shall prepare and submit a financial statement of the Club to the Members at the Annual General Meeting, and shall have such other duties as the Executive may prescribe.
- 9.07 The duties of all other officers of the Club shall be such as the terms of their engagement call for or as the Executive may prescribe.
- 9.08 From time to time the Executive may vary, add to or limit the powers and duties of any officer.

SECTION TEN  
EXAMINATION OF FINANCIAL STATEMENTS

- 10.01 Before presentation of the Treasurer's report to the Annual Meeting, the Treasurer's records shall be examined by a competent member of the Club nominated at the previous Annual General Meeting. He/she shall not be a member of the Executive.

11.01 Upon dissolution of the Club and after payment of all debts and liabilities, its remaining properties and assets shall be distributed or disposed of by the Executive to non-profit organizations which carry out work solely in the Town of Hearst.

SECTION TWELVE  
AMENDMENTS

12.01 This by-law may be amended at the Annual General Meeting of the Members, provided each amendment is approved by two-thirds of the eligible Members present and voting at said meeting.

12.02 Amendments may be proposed by the Executive or from the floor at the Annual Meeting, without prior submission to the Members, provided that the unanimous consent of all Members present has been obtained.

SECTION THIRTEEN  
REPEAL OF BY-LAW NO. 1

13.01 That By-law No. 1 of the Hearst Community Curling Club and amendments thereto are hereby repealed.

SECTION FOURTEEN  
EFFECTIVE DATE

14.01 That this By-law shall come into force and take effect upon the ratification thereof by the Members at the next Annual General Meeting of said Members.

PASSED BY THE EXECUTIVE ON THE 8<sup>th</sup> DAY OF September, 1994.

Signed Paul-Emile Pion  
Paul-Emile Pion, President

Signed Marc Vaillancourt  
Marc Vaillancourt, Vice-President

Signed Janice Newsome  
Janice Newsome, Secretary

Signed Elsa Perman  
Elsa Perman, Treasurer

Signed René Gratton  
René Gratton, Director

AND RATIFIED BY THE MEMBERS ON THE 12<sup>th</sup> DAY OF September, 1994 AT THE ANNUAL GENERAL MEETING OF THE MEMBERS  
At The Annual General Meeting of the members.