

BASEL DRAGONS JUNIOR CRICKET CLUB – CONSTITUTION



Updated 16th February 2015, 21st March 2014, 8th March 2013. Constitution legally decided 6th May 2011.

The hereinafter description of persons applies equally to both men and women. To simplify the constitution the male form is used. "Member" when considered as eligible and voting member means a representative of a family from a Junior Player member (art. 3 lit. a).

1. Title

The Association shall be called the "Basel Dragons Junior Cricket Club", hereinafter abbreviated to BDJCC and shall be based in Basel, Switzerland.

2. Objectives

The objectives of BDJCC are:

- a. To encourage and promote junior cricket in the best traditions of sportsmanship.
- b. To be associated to Cricket Switzerland, hereinafter abbreviated to CS, and to support CS in its endeavour to foster junior cricket in Switzerland.
- c. To release players, if requested by CS, to allow them to play for the National side in international matches.
- d. To be a solely Junior Club run and administrated by the parents/legal guardians of the BDJCC junior player members. Therefore only parents/legal guardians of junior players have a voting right at AGM/EGM and can be elected into the committee.
- e. A transformation of the Club cannot be forced on the members (art. 74 ZGB).

3. Membership and categories (art. 70-73 ZGB)

Memberships are given in different categories. Voting right and eligibility into the committee are reserved only for the parents/legal guardians of the BDJCC member category Junior Player to make sure BDJCC remains a Junior focused Cricket club.

Membership start can be allowed at any time of the year. A membership can end through resignation and exculpation as well as by dissolution of the club. Resignation of membership is by law in force at an end of a calendar year with deadline of six months. Exculpation of a member is allowed without any explanation from the club side according to art. 72(1) ZGB.

The committee is responsible for membership administration, decisions of entries and resignation/exculpation.

a. Membership category Junior Player

The Junior Player membership of BDJCC is open to all juniors from age 7 - 17 years (beginning in the year of 7th birthday until the day before 18th birthday) having an interest in and/or wishing to play cricket irrespective of their level of skill. The membership expires without further ado before 18th birthday. Irrespective of the number of BDJCC Junior Player members per family parents/legal guardians have one vote at the AGM/EGM. The voting

right is transferable among the parents/legal guardians. Multiple voting right for one person

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is not allowed. As BDJCC is a solely junior club, parents/legal guardians play an active supporting role and are responsible for growth and existence of the club. Therefore, in a moment of need, the committee can appoint parents/legal guardians to take over tasks.

b. Membership category Non playing

This membership category is open to interested cricket loving adults (from age 18 on) who would like to support the club voluntarily with coaching or any other club related activity. This membership category is called "non-playing" and has no voting right and cannot be elected into the committee.

c. Membership category Passive

A passive membership category of BDJCC shall be open to individuals at all age who want to support the club without taking over any duties and rights. There is in particular no right of vote at AGM/EGM and no eligibility into the committee.

4. Subscriptions / Membership fees (art. 71 ZGB)

Subscriptions are the main income to run the Club. For all membership categories member fees are requested.

The BDJCC annual member fees are determined at the Annual General Meeting, hereinafter abbreviated to AGM, and - except the Passive member category fee -thereafter reviewed every year.

For Junior Players/Non playing Members joining after the beginning of the year, fees are payable on a pro rata basis (by semester).

a. Membership category Junior Player

Paid subscriptions allow junior members to participate at training and matches and their parents/guardians to vote at the AGM/EGM and to be part of the committee. If the subscription for the following year is not paid by end of November, and after e-mail reminders from the Treasurer during November and December requesting payment with deadline end of December the membership fee is still not paid, the membership and therefore the right to attend trainings, playing in matches and voting at assemblies is dropped with immediate effect (1st of January). The suspension will be communicated in mail writing.

b. Membership category Non playing

The membership fee is set at 20% of the full playing membership category. The 'non playing' membership is renewable annually as with the Junior Player membership.

c. Membership category Associate Member

The annual fee is 20 CHF. The Passive member fee can be paid each year or for several years at once. Example: 2 years = 40 CHF; 5 years = 100 CHF. In any case the AGM decides to extend Passive member fees, already paid fees are not affected by fee increases.

5. Committee (art. 69, 69a ZGB)

The business of BDJCC shall be administered by a committee (Executive). The committee's duties inwardly are organization and administration of the Club including finances,

memberships and sport matters. This includes strategic decisions for the benefit of the Club, submitting new projects and ideas for the AGM and implementing decisions of AGM/EGM, creating sub-committees if needed. Preparing and executing AGM/EGMs.

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The committee represents the Club outwardly especially to officials and CS and has the competence to contract. The liability of committee members towards the Club and third party is regulated in art. 398(1 and 2) OR.

a. Functions

The BDJCC committee members are: President, Secretary, Treasurer, Social Secretary and Coaching Coordinator.

b. Election

The committee members are elected at the AGM (exceptionally at EGMs) and shall serve a term of two years. They are eligible for re-election. Nominations have to be confirmed first at the AGM/EGM.

When a committee member resigns before the end of the term of office, this committee member shall inform the committee as early as possible and try to find a successor who can be presented for nomination. The resignation of a committee member before the term of office requires automatically an EGM be called within 3 months.

c. Committee member meetings

aa. The committee shall meet at least once per year. Additional meetings shall be summoned either by the committee or by a written demand by at least three committee members.

bb. The President shall chair all committee meetings, but in his absence a Chairman shall be elected by the meeting.

cc. The quorum shall be 3 committee members entitled to be present and voting. In the event of a tie, the President / Chairman shall have a casting vote.

dd. All decisions shall be carried by a simple majority of those present. ee. The BDJCC committee shall appoint any such sub-committees as it considers necessary.

ff. Bad conduct and / or bad sportsmanship on the field during the game shall be investigated and may be subject to disciplinary action. The committee shall decide on the action to be taken if it is deemed necessary.

6. Auditor (art. 69b ZGB)

As BDJCC does not meet the requirements of art. 69b (1-3) ZGB, the Club is free to organize the auditing according to art. 69b (4) ZGB. An Auditor shall be nominated and elected at the AGM as with the committee members. The Auditor can be a Club member with or without voting right or an external person. The Auditor shall serve no more than 5 consecutive years. When the Auditor resigns before the end of the term of office, he/she shall inform the committee as early as possible and try to find a successor who can finish auditing the finances of the year of resignation. This person has to be confirmed by the committee and can be re-elected at the following AGM / EGM.

7. AGM and EGM (art. 64-68 ZGB)

Highest authority in the Club is given to the assembly of all voting members (Legislative). The ordinary assembly is called Annual General Meeting / AGM; the extraordinary assembly is called Extraordinary General Meeting / EGM. The AGM is cognizant for issues that are not transferred to the committee. The AGM has the supervision over the Club.

According to art. 65 (3) ZGB the Club Assembly has the right to dismiss committee and sub committees when important reasons justify such an action.

a. Term AGM: The AGM shall be held no later than the 30th of March in each year.

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b. Term EGM: The Secretary shall summon an Extraordinary General Meeting (hereinafter abbreviated to EGM) of BDJCC, at either the request of the committee, or upon receipt of a written, signed requisition of 1/5 of the eligible voters of the Club.

c. Circular resolution: Written approval from ALL voting members over a request is considered equal to a decision at an AGM/EGM (art. 66[2] ZGB).

d. Written vote: The committee can appoint certain motions open for written voting. President and Secretary have to receive written votes at least one week before the AGM / EGM. Written votes cannot be used / are not valid for elections.

e. Invitation: At least 2 weeks' written notice of the AGM / EGM, specifying the business to be discussed, shall be given to each member. Secretary's report, Treasurer's report and Auditor's report and any other relevant business shall be circulated to each member along with the notification of the AGM.

f. Reports: Secretary's report, Treasurer's report, Auditor's report and any other relevant business, which shall be circulated to each member along with the notification of the AGM, shall be discussed and approved.

g. Election: The BDJCC office bearers (art. 5 lit. a) and an Auditor (art. 6) shall be elected/confirmed. New candidate proposals for President, Secretary, Treasurer, Coaching Coordinator and Social Secretary should have the agreement of the candidate and nominations must be with the Secretary 3 weeks' prior to the AGM.

h. Voting right: All paid up Junior Player members of the Club respectively their parents/legal guardians shall be entitled to attend the AGM / EGM and have one vote each per family. Multiple voting right for one person is not allowed (art. 3 lit. a).

i. Chair: The BDJCC President shall take the chair at an AGM or an EGM, but in his absence a chairman shall be elected.

j. Décharge: The members shall discharge the committee members from the activities of the past year.

k. Simple majority: Except amendments and dissolution (art. 10 lit. d and 11 lit. a) motions at an AGM or an EGM shall be carried by a simple majority of the eligible voters. On certain motions eligible voters can send written votes. In this case those votes have to be added to the votes at the AGM / EGM. In the event of a tie, the President / Chairman shall have a casting vote.

l. Duty of vote-retaining: In case of art. 68 ZGB, each member is excluded from voting over a legal transaction or litigation between him/her, his/her spouses or a person related to this member in a direct line on one side and the Club on the other side.

m. Lawsuit: In case of an AGM/EGM decision that violates BDJCC constitution or law, this decision can be contested by a member that voted against before a court (art. 75 ZGB).

8. Finances

a. The BDJCC financial year shall be concurrent with the calendar year. b. The BDJCC shall be financed by subscriptions, donations and other means determined by the committee.

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- c. The Treasurer shall keep accurate records of the accounts and financial transactions of BDJCC. He shall prepare and present to the AGM a budget for the forthcoming financial year, and shall be responsible for keeping to the budget. He shall send the members their payment notice for subscription and check that members have paid by the due date otherwise he shall remind them. If the members do not pay after expiry of the term their membership drops with immediate effect (art. 4 lit. a).
- d. All expenses (e.g. tours, equipment, visiting teams, donations etc.) which exceed CHF 200 shall require approval by the full committee.

9. Application of Funds

- a. The income and property of BDJCC whencesoever derived shall be utilized solely towards the promotion of the objectives of the Club (art. 2).
- b. The Club Funds solely are liable for the Club responsibilities (art. 75a ZGB).
- c. BDJCC shall not secure the services of any salaried officers.
- d. Only the President and the Treasurer shall be authorized to sign on behalf of the Club with regard to any financial transactions.
- e. Services rendered to BDJCC by all those holding office shall be on a voluntary basis in the best interest of cricket and of the Club.
- f. BDJCC funds shall be used for:
- Match expenses (ground fees, balls and refreshments) and equipment -
 - Direct expenses with receipts (Club insurance, postage, stationary etc.) -
 - Other expenses approved by the committee.

10. Amendments to the Constitution

- a. Proposals to amend the constitution of BDJCC shall be submitted by either the committee or an eligible member or eligible members.
- b. Any proposed amendment to the BDJCC constitution shall be communicated in writing to the Secretary by first of January in any year or 6 weeks before an EGM. Any such proposal shall require the support of at least two additional eligible members.
- c. All amendments to the BDJCC constitution shall be circulated to members 2 weeks' before an AGM or an EGM at which they will be tabled for discussion.
- d. Any motion relating to proposed alterations of the BDJCC constitution shall be carried only if voted in favour by at least a two thirds majority at an AGM or an EGM by those present and entitled to vote.

11. Dissolution (art. 76-79 ZGB)

Dissolution of the Club can be induced by Club assembly decision, by law (insolvency, lack of committee members according to constitution) and court decision after law suit.

- a. Any motion relating to the dissolution of BDJCC shall require the consent of at least two

thirds of ALL those entitled to vote at an AGM or an EGM. Such a motion shall be submitted to the Secretary in writing by not less than three paid up eligible voting members and bear their signatures.

- b. In the event of the dissolution of BDJCC, the liquidation shall be effected by the committee or a sub-committee previously appointed for this purpose at an AGM or an EGM.
- c. The disposal or further use of the net assets, after meeting fully all payments and liabilities shall be applied to the furtherance of the sport or as may be decided at an AGM or an EGM prior to dissolution.

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12. Legal conformity

a. BDJCC relies on the Swiss Civil Code (Schweizerisches Zivilgesetzbuch / ZGB) art. 60 et seqq. and Obligationenrecht / OR. Chances in Swiss Law are applicable as soon as possible after receiving knowledge.

b. Considering fast and secure electronic communication, Data protection has to be respected according to Swiss federal law and the recommendation of The Federal Data Protection and Information Commissioner (www.edoeb.admin.ch).

Chris Clayton

President Basel Dragons Junior Cricket Club (BDJCC)

Bottmingen, 16th February 2015

