

**The
Tuxedo Tennis Club
Constitution
and
By-Laws**

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Forward

The Constitution and By-Laws of the Tuxedo Tennis Club contain instructions for the administration and financial management of the Club.

These rules have been compiled from a transcript of the previous Tuxedo Tennis Club Constitution and By-laws (undated), and rules approved at the Club Special Meeting and the Club Annual General Meeting (AGM) held during the 2004 season. A number of additional rules have been included to guide the relationship of the executive / members / employees / contractors into a friendly social and recreational environment.

It shall be the constant endeavour of both the volunteer executive and all members to improve the facilities to encourage their fullest possible use and to manage of the finances of the Club for the benefit of the entire membership.

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Introduction

1. The Constitution and By-Laws of the Tuxedo Tennis Club consists of two chapters, as follows.

A - Chapter 1 – The Constitution

The “Constitution” is the physical make-up in which the structure of the Club is organized and describes the fundamental principles that determine the power and duties of the people in it.

B – Chapter 2 – By-Laws

The “By-Laws” are the written instrument embodying the rules adopted by the organization chiefly to govern its members and the regulation of its affairs.

2. The following acronyms are used in this document:

A – TTC:..... Tuxedo Tennis Club
B – TCC:..... Tuxedo Community Centre
C – AGM:..... Annual General Meeting

3. A copy of the Constitution and By-Laws can be found in the clubhouse upon request to the staff.

4. This document was ratified at the Special Meeting of October 4, 2005.

Chapter 1

The Tuxedo Tennis Club

Constitution

CONSTITUTION

1. Name

The name of the organization shall be referred to as The Tuxedo Tennis Club (TTC) hereafter called “the Club”.

2. History

The tennis facility was initially constructed by the Town of Tuxedo in the years of 1968/1969 and operated under the jurisdiction of the Tuxedo Community Centre, (TCC). Following an amicable, but unrecorded separation, the Club was formed and the first Constitution and By-Laws written during 1986 when TTC rejoined TCC. TTC and TCC later severed their relationship. . The Club operates utilizing a City facility on City property.

3. Tuxedo Tennis Club and City of Winnipeg Relationship

The Club, in its role of a user of City property for recreational purposes has the responsibility to maintain permanent liaison and fully co-operate with the City of Winnipeg. A valid, negotiated document in the form of an agreement or permit shall always be in place to meet City By-Laws as well as to protect the best interest of, and the operation of, the Club.

4. Purpose of Operation

The purpose of the Club shall be to administer the tennis facilities as a non-profit organization run by volunteers and staff paid by the club with the highest possible quality of recreational and social activities for all members with the aim of encouraging community participation.

5. Objectives

The objectives of the Club shall be to:

A – Plan, develop and implement tennis programs to attract the general public to become members of the Club;

B – Develop an Annual Operating Budget that forecasts revenues and expenses in accordance with basic book keeping practices, clearly identifying every line item. The budget shall be established and respected with the aim of meeting Club objectives with no operating deficit. The budget shall receive executive approval at the start of the operating year;

C – Develop and implement a feasible and affordable Capital Expenditure Program for the upkeep and improvement of the existing facilities and the inclusion of new projects in response to the needs of the membership;

D – Administer the funds available to the Club and maintain financial records throughout the Club fiscal year. A copy of the financial statement shall be made available at the Annual General Meeting. An itemized financial statement shall be presented at the first winter executive meeting for approval;

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E – Keep all members informed of executive decisions by maintaining a record of the current Constitution and By-Laws and the minutes of all previous year meetings;

F – Liaise and co-operate with other tennis organizations as required for the enhancement of the Club's objectives.

6. Tennis Manitoba Association

The Club membership in Tennis Manitoba shall be reviewed annually by the executive.

7. Membership

Membership in the Club shall be by paying an annual fee as annually set and approved by the executive within the Club's operating budget and by completing, in full, the membership application form as approved by the executive. Membership shall be open to any resident of Manitoba. A membership may be revoked for just cause by an executive committee decision following a detailed written complaint presented by an employee and/or a regular Club member. The Club reserves the right to restrict the maximum number of members eligible to join the Club.

8. System of Governing

A- The administration and the finances of the Club shall be managed by the members of the Club's Executive Committee duly elected by the majority of members present at the AGM. All matters shall be decided democratically upon the will of the majority of the membership.

B – Members of the Executive Committee shall be volunteers and shall not receive any monetary compensation, nor shall they receive special privileges of any kind.

C – Duties of members of the Executive Committee shall be reviewed annually and be defined in the Constitution and By-Laws.

D – The fiscal year, defined in the By-laws of the Club, shall be established to facilitate the approval of the operating budget and the financial statement within the same accounting period.

E - As needed, replacement of executive members mid-season may be done with volunteer club members appointed by the president and executive to serve in an acting capacity until the next AGM or a special meeting, when they may be democratically elected.

9. Club Executive

An executive committee responsible to the Club membership-at-large shall administer the Club. This committee shall be elected from the regular membership at the AGM, with the exception of the Past President

10. Election of Executive

All elected positions of the executive shall be for a period of two years and become official through nominations and/or volunteers. All nominated and/or volunteers shall have a minimum of one full tennis playing season as TTC member to be eligible for

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election. Nominees for every position of the executive, with the exception of the President, shall be submitted by a Nominations Committee for a vote by the members present at the AGM, with the nominated individual obtaining the most votes being appointed to the executive position. The President shall not vote except in the case of a tie, in which case the President shall vote to break the tie.

11. Functions of the Executive Committee

The function of the Executive Committee shall consist of the following positions:

- A – President
- B – Vice-President
- C – Treasurer
- D – Secretary
- E – Membership/Marketing
- F – House and Grounds
- G – Past President
- H – Members-at-Large

12. Executive Committee Duties and Responsibilities.

The duties and responsibilities of the executive shall be as set out in the Policies and Procedures of the Club. Paragraph 2 of the By-Laws contains the conditions governing the tour of duty of a committee member.

13. Special Committees

The President may establish, from time to time, special committees called “Ad Hoc Committees” for non-recurring duties for special purposes. Each Ad Hoc Committee must have one or more members and the chairperson shall be appointed by the President. All participating members shall be active regular members of the Club with the ability and expertise to contribute to the specific tasks in the specific required time frame. Findings and recommendations of the Ad Hoc Committee must first be reported to the President who may ask the chairperson to brief the Executive Committee.

14. Meetings

- A – All Club meetings shall be convened under the chairmanship of the President (or Vice President in his/her absence).
- B – Executive meetings shall be convened at least twice at January through April. The majority of Executive Members must be present to form a quorum. Dates will be set by the President based on availability of Committee Members and completion of reports to be included on agenda.
- C – Special Meeting(s) of the membership may be convened by the President to discuss a specific item of interest that requires a vote of the general membership. A notice of Special Meeting to include the item(s) of interest shall be posted on the notice board in the clubhouse at least 15 days in advance of the date of the meeting and the employees requested to remind members of the date, time and location of the meeting. The agenda for the Special Meeting shall be published in advance as soon as practicable, and it shall be adhered to.

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D – The Annual General Meeting (AGM) shall take place between Nov.1 and Nov. 15, with all members to receive notice 15 days in advance. The purpose of the AGM will be to report to the membership on club activities, finances and issues during the past season, elect new executive if required, get direction from the membership, and develop new plans and objectives for the Club.

15. Conduct of Meetings

Club meetings shall be conducted under “Roberts Rules of Order” unless otherwise stated in the Constitution. All motions or other matters for discussion raised at a Club General Meeting shall be voted upon by members, 18 years and older, present and shall be decided by a majority vote. In case of a tie, the President will vote to break the tie.

At AGM – all members, 18 years and older, vote on issues.

Members, 18 years and over, may be granted additional votes if they present to the executive upon arrival at the AGM, signed proxies from other members authorizing them to vote on their behalf.

At Executive meetings, only Executive Members vote.

At a special Club members meeting, (usually one issue), the members vote to give guidance to the executive.

16. Expenditures

The Executive Committee will regulate the income and expenditures of the Club and shall be responsible to the general membership for the efficient management of the Club funds.

17. Properties and Equipment

The House and Grounds Executive Member will maintain an inventory of fixed assets, properties and equipment as stated in corresponding duties and responsibilities.

18. Amendments to Constitution

A – To be considered at the Annual General Meeting, proposals for the amendment of the Constitution by either the deletion or the addition or modification to any shall be submitted to the President in typewritten form (original and a copy) by August 1st, supported by the signatures of 5 members in good standing. A summary sheet (original and copy) indicating precisely the amendments proposed is also requested.

B - Motions proposing amendments to the Constitution shall be publicized and be available to all members at least two weeks, preferably one month, in advance of the meeting at which they are to be considered.

C - For constitutional amendments, all adult members from the past season are entitled to one vote. The vote may be submitted by signed letter, or properly documented letter indicating proxy for the holder of the letter. All unaccounted votes

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from the membership shall be assumed to be in support of the majority of the executive.

D - To become effective, the Constitution amendment motion shall receive the assent of no less than two-thirds of the members.

E – A complete description of the proposed amendment including the name of the originator shall be posted on the notice board in the clubhouse at least fourteen (14) days prior to the date of the Annual General Meeting at which the motion will be considered. The President may discuss the proposed amendment with the originator upon receipt but it must be tabled for a vote as presented.

Chapter 2
The Tuxedo Tennis Club
By-Laws

BY-LAWS

1. General

A - By-Laws are a set of rules which amplify the Constitution, are of an enduring nature and are applicable to all regular members, and their guest(s), to all club employees / contractor(s) / concessionaire(s) and to the members of the general public using the Club facilities for either lessons and/or recreational tennis play.

B - All members of the Executive Committee, shortly after being elected to their position, shall be given a copy of the Club Constitution and By-Laws.

C - All new regular members, upon joining the Club and being introduced to the facility, shall be encouraged to read these By-Laws. They can only be found within the Constitution and By-Laws binder located in the clubhouse and maintained in good condition by the Club staff.

2. Executive Members Appointment

A - Members of the Executive Committee are selected to serve on Club Committees as outlined in paragraphs 9, 10 and 13 of the Constitution. Members should not be coerced to serve since the functions of the position carry responsibility. It is the responsibility of every elected or appointed member to serve the committee to the best of his or her ability.

B - Normally, a candidate should be a regular member of the Club for a period of one complete tennis- playing season before being eligible to serve on committees. A member in his/her first year as a regular member may be asked, by the President, to serve on an ad hoc committee because of special expertise and/or ability that can be provided by the member. A member of a committee completing a first term on a specific committee position may be nominated or appointed to a different committee position, in which case, the procedures shall be in accordance with paragraph 10 and 13 of the Constitution.

C - The period of service for the Vice-President shall be two years commencing after the AGM and ending two years later after the AGM. On completion of the two year term, the Vice-President may succeed as the President for a two-year term if elected at the AGM, followed by the term of office in the Past President position. The President may be elected to serve additional terms.

D - The period of service for the remaining positions of the Executive Committee shall be two years commencing in late October after the AGM and ending the two years later after the AGM

E - Executive Committee Members are expected to attend all regularly scheduled meetings. Failure to attend three consecutive meetings, unless due to illness or special circumstances, may precipitate removal of the member from the committee by the President.

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3. Membership

A - The Club membership shall be for the period of one year commencing on April 1st. The memberships will be available in the categories of family, single adult and single junior, student, and one month.

B - A family membership shall include, husband, and/or wife, and children living in a common dwelling. Children under 18 years of age as of the opening day of the new season are included in the family membership whether living in the common dwelling or not. Children over 18 years of age as of opening day of the new season are included only if they live in a common dwelling with one or both parents.

C - Membership rates, guest(s) rates and rates for casual recreational players of the community will be set annually and approved by the executive committee as a component of the annual budget with the detailed breakdown included in the minutes of the meeting. Beginning August 1st of each year, the membership rates will be reduced to fifty (50) percent of the approved annual membership rates

D - An annual membership fee may be reimbursed, within the first 60 days of the playing season, to a member in good standing, due to illness or injury preventing the member from participating in club activities or enjoying the facilities on a casual basis for the remainder of the season. The request for refund must be submitted in writing to the President with detailed justification. The reimbursement amount will be calculated on a daily pro-rated formula. The request can only be authorized by the President.

4. Club Contractor and / Concessionaire

A- The Club shall hire contractor(s) / concessionaires(s) to provide services to the Club and/or the regular members within Club authorized programs and/or on individual member's request in accordance with the clause(s) agreed upon during negotiations between the Club representatives and the contractor / concessionaire. The agreement will be valid for the duration April to October inclusive. The President may appoint an Ad Hoc Committee to prepare the format of services required, the Club facilities availability, restrictions with regard to the contractor / concessionaire within the physical facilities as well as within the management of the Club and any other related issues. The agreed upon services cannot be a duplication of or contravention of any duties and responsibilities assigned to any member of the Executive Committee or any employee of the Club. All financial obligations and cash handling practices shall be clearly spelled out for the understanding of all parties involved. The President shall chair the negotiation(s) with the assistance of the Treasurer. The best interest of the Club and its members shall be the main objective prior to formalizing the requirements and selection of most suitable candidate.

B - The President shall delegate all authority in the hiring process, and all responsibilities to all his/her related tasks concerning club employees, should candidate(s) for employment or anyone employed by the club be family related. The President shall entrust his/her role to the Vice-President to ensure a transparent process.

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5. Hours of Operation

A - The Club shall provide its facilities to the community as early in the spring and as late in the fall as is practical based on weather conditions. The season opening and closing dates shall be decided by the Executive committee and advertised in the Club pre-season newsletter. At either end of the tennis season, during which time Club employees are not hired to provide supervision, the means of accessing the courts in fine weather shall be communicated to the members electronically (e-mail, web-site).

B - The Club executive shall, at a pre-season meeting, design procedures and control for the use of the Club courts during the periods when climate may be favourable to playing conditions and during which time Club employees are not hired to provide supervision. The courts shall be opened by a responsible regular member(s) designated by the President. The Club shall retain its authority to ensure proper use of the courts in keeping with the Club Constitution and By-Laws.

C - During the period of approved supervised operation, the Club facilities shall be open for play from 08:00 AM until thirty (30) minutes after the completion of play of the last members on court(s) at the end of the day but not later 10:00 PM.

D - Priority for court use shall be given to adult members on a daily basis until 10:30 AM, except during club organized/sponsored programs.

E - Priority will be given to adult members after 6 PM every day with the exception of club organized/sponsored programs.

6. Discipline

A - The Club may suspend the rights to use of its facilities for a one week period to individuals or families who disobey Club rules, damage Club properties or disrupt the enjoyment of others using the facilities. Such behaviour shall be reported immediately to the President, who in turn will take the necessary action based on the circumstances. The President will then inform the party in question should a suspension be warranted.

B - Membership may be withdrawn by the Club from those members who repeatedly and flagrantly disobey Club rules to the disruption of the enjoyment and rightful use of the facilities by other members. Withdrawal of membership will only be carried out after consideration of the facts by the Club executive at a regular or special Executive Meeting at which the member will be asked to appear. There will be no refund of the membership fee for the portion of the season remaining. Should a membership be withdrawn, the executive may also refuse to grant membership to the individual or family in the following year.

7. Use of Facilities by Non-Members

A - Non-members will be permitted to use Club facilities by paying a daily fee. The daily fee will be set annually by the executive.

B - Non-members will not be allowed access to the courts during the period of 5:00 PM to 10:00 PM, Monday to Friday inclusive, unless accompanied by a member. The

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staff on duty may allow exception(s) providing the courts are not sufficiently busy that Club members will be denied use of a court. Each non-member shall pay the daily fee in full, prior to being allowed on a court.

C - Non-members are not permitted to participate in any club tournaments or team tennis.

10. Dress Code

A - All players shall wear appropriate tennis attire.

B - All employees shall be dressed in appropriate tennis / sports attire corresponding to the type of employment while on duty.

9. Suggestions, Proposals and Complaints

A - Suggestions or complaints intended to improve Club operations or correct specific items are to be addressed to the executive member responsible for the subject matter or to the President. Suggestions may be made verbally or in writing.

B - Proposals are formal motions to the floor at a Club Meeting and may only be put forward by regular members in accordance with Appendix 4. Proposals with financial implications exceeding President's authority of expenditure shall be submitted in writing to the President in the form of a motion duly moved and seconded by two regular members. Proposals to be considered will be considered only when the two members concerned are present when the proposal is scheduled to come before a Club Meeting.

C - Complaints that are of a confidential nature, which could become derogatory, slanderous or reveal incompetence on the part of any employee shall be made in writing to the President.

D - Reasons for any proposals, suggestions and complaints, having been submitted in writing, being considered invalid shall be explained to the originator(s).

10. Responsibility for Personal Property

The Club shall not be responsible for the loss or damage of items of personal property introduced on the Club premises by a member, guest, an employee or any other individual. This applies at all times and under any circumstances.

11. Fiscal Year

The fiscal year shall be from January 1st to December 31st. The following criteria have been considered;

A – To allow a short period of time for the incoming Treasurer to become familiar with the financial procedures and status of the Club;

B – To allow sufficient time for the Treasurer to prepare the complete Annual Budget and submit same for approval at the March Executive Committee Meeting; and

C – To prepare an abbreviated Club financial statement and provide a well informed briefing as well as distributing copies of these statements at the AGM.

BY-LAWS

12. Finances and Accounting

A - All funds and securities of the Club shall be deposited for safekeeping in the name of the Club with a chartered bank, Trust Company or Credit Union. Deposit procedures for the Treasurer and employees shall be designed by the Treasurer within a detailed and comprehensive “Standard of Operating Procedures” to ensure a safe and secure handling of Club funds. A complete copy of these Standard Operating Procedures shall be kept in the clubhouse, signed by every employee as “read and fully understood” and easily accessed by the employees.

B - Club funds shall be accumulated only in an amount sufficient:

- (i) to meet continued operating obligations; and
- (ii) to establish an adequate reserve for;
 - (a) a replacement of the assets of the inventory;
 - (b) capital project outlay in accordance with a capital project program approved as an attachment to the Annual Budget; and
 - (c) emergency major repair expenditures.

C - Signing authority for all finance and accounting matters shall be as follows:

- (1) First responsible authority – The Treasurer
- (2) First alternate responsible authority – The President
- (3) Second alternate responsible authority – The Vice-President

13. Payment of TTC Membership, Guest and Tournament Fees

A - The annual membership fees shall be paid as per instructions provided in the pre-season newsletters mailed to all previous year members, and also available in the clubhouse.

B - Daily guest fees shall be paid to the staff on duty by the regular member upon entering the clubhouse prior to accessing the courts.

C - All tournament fees shall be paid to the staff on duty at the time of registration if made in person. Should registration be made by telephone, the payment shall be made to the staff on duty during the next visit to the clubhouse, or at the scheduled time of tournament play but prior to playing the first match of the tournament.

D - All payments shall be for an exact fee amount, annually approved by the executive. Individual(s) making the payment shall be given a receipt.

14. Club Expenditures

A - The Club funds or other assets may only be expended for the operation, social activities, development and improvement of the Club. The expenditures of the Club funds for the operations, social activities and basic maintenance shall be used in accordance with the Annual Budget as approved by the Executive Committee.

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B - Expenditure of Club funds for a capital procurement, or a non-recurring purpose shall be in accordance with the following limits;

- (i) not in excess of \$500.00 by the President
- (ii) not in excess of \$5,000.00 by the Executive Committee; and
- (iii) in excess of \$5,000.00 for any one item or project by vote at an AGM.

C - The executive shall explore opportunities for external funding to assist in the financing of projects.

D - Disbursement of Club funds shall be in accordance with generally accepted accounting practices.

- (1) Requests for payment of services shall be supported by written invoices setting out total charges for individually detailed services rendered;
- (2) Invoices covering charges for goods, i.e. prizes, trophies, food, and services shall be approved for payment in accordance with the signing authority described in paragraph 15C of these By-Laws; and
- (3) Payments of either contracts and/or invoices shall not be processed until proper prior approving process, through either Annual Operating Budget approval or the authority outlined in paragraph 17B of these By-Laws.

15. Banking

A - Club banking shall be carried out at a chartered bank in the close vicinity the Club facility to accommodate deposits by employees.

B - The Club Manager shall maintain a cash float of \$50.00. Any deficit in the \$50 float must be covered by purchase receipts for incidentals that may arise. The Treasurer is responsible to carry out regular unscheduled verification of the cash float.

C - There will be charge of \$25.00 against any cheque being returned by the bank for "Not Sufficient Funds". A period of fourteen days (14) will be granted for the member to fulfill his/her responsibility of making a cash payment to include the value of the returned cheque plus the \$25.00 fee. Failure to meet this obligation will be a cause for discipline in accordance with paragraph 8 of these By-Laws.

16. Loss or Damage to Club Property

A - An internal investigation of a loss or damage to Club property shall be conducted under the authority of the President. A member who is found responsible for a loss or damage to funds and/or property may be held financially responsible for reimbursement and could be a further cause for discipline in accordance with paragraph 8 of these By-Laws. The value of the loss or damage may require police investigation if viewed necessary by the Executive Committee.

B - Disposal of any Club property will be an Executive Committee decision taking the best interest of the club in consideration. At no time will a property be "given" to a member, but it may be purchased.

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17. Pets and the Club Facility

Dogs, cats or any other pet animals are not permitted on the premises at any time under any circumstances.

18. Amendments to By-Laws

A - Proposals for the amendment of the By-Laws by either the deletion, addition or modification to any part will be considered when submitted in writing by any regular member with the signed support of at least 5 club members to the President.

B- To become effective, a By-Law amendment motion shall receive assent of a simple majority of the executive members present at an Executive Meeting or a simple majority of the members at the Club's Annual General Meeting.