

LINCOLN GOLF CLUB (Inc)



RULES

Effective as at February 2015

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1. NAME AND OBJECTS:

The name of the Club shall be "Lincoln Golf Club Incorporated" and the objects of the Club shall be to provide for the members thereof a golf course and other grounds together with a club house and other facilities for recreational purposes and all things incidental to the above objects and its funds are to be applied to these purposes.

2. REGISTERED OFFICE:

The Registered Office of the Club shall be at the Club House, Boundary Road, Lincoln.

3. CONSTITUTION:

The Club shall consist of those members who have been elected or may from time to time be elected in accordance with the Rules.

4. ADMISSION OF MEMBERS:

Each candidate for membership shall be proposed by one financial member and seconded by another financial member and the election of the candidate as proposed shall be by vote of the Management Committee. Each application for membership shall be in writing, signed by the applicant, the proposer and seconder, and shall be forwarded to the Secretary and then considered for approval by the Management Committee. Should four or more votes be recorded against any application that application shall be declined. On the election of a new member, the Secretary shall furnish the member with a copy of the Rules of the Club. No newly elected member shall participate in any of the privileges of the Club until the subscription and entrance fee have been paid. No candidate whose application has been declined shall again be proposed for membership within a period of twelve months.

5. ENTRANCE FEE:

The Management Committee shall be empowered to impose such entrance fee as it may think fit and from time to time to alter the amount of such entrance fee as it may think fit.

6. CLASSIFICATION OF MEMBERS:

Members shall be of the following classes and shall pay annual subscriptions as may from time to time be decided by a General Meeting of the members:

- (a) Full Active Members who shall be eighteen years of age and over and shall be entitled to all the privileges of the Club.
- (b) Junior Members who shall be under eighteen years of age on the first day of December.
- (c) Honorary Members who must have been either Full Active or Junior members for not less than five years (or such lesser periods as the Committee may decide) immediately preceding the date upon which the Committee approves their change of membership to this class. Such membership shall be available on conditions to be decided at the Committee's discretion and shall include the entitlement to use the Club House but shall not entitle them to use the Course except on payment of the appropriate green fees.

- (d) A Life Member:-
 - (i) Shall have had at least twenty-five years of Club Membership.
 - (ii) Shall be at least 65 years of age and be a current member at the time the Life Membership is proposed.
 - (iii) Must have contributed significant service to the Club.
 - (iv) Be held in high esteem by members.

Nominations shall be in writing to the Secretary at least six months prior to the Annual general Meeting and be accompanied by a record of the nominee's service to the Club and those nominations shall be moved and seconded by two present active members.

Nominations will be considered first by the Management Committee and if accepted (such acceptance being in the sole discretion of that Committee) will then be put to the Annual General Meeting for election by the Members. A Life Member will not be liable for further payment of subscriptions.

- (e) Other classes of membership for which the appropriate subscriptions shall be fixed by the Management Committee.

7. RESIGNATION OF MEMBERS:

A member may resign from membership of the Club by giving notice in writing to the Secretary of intention to resign, by paying such subscriptions or fees as the Management Committee shall determine as being due in the circumstances and by having such notice of resignation accepted by the Management Committee. Any member giving written notice of resignation to the Secretary during the currency of a playing year, but after the Annual General Meeting shall be liable for the subscription for the whole of such year save that the Management Committee may, in case of removal of residence or sickness or for any other sufficient cause, remit such portion of any subscription or fees as it may in its absolute discretion decide upon.

8. CLUB YEAR AND ANNUAL SUBSCRIPTION:

The financial year of the Club shall begin on the 1st day of August and end on the 31st day of July of the following year. The Annual subscription shall become due on the 1st day of November of each year. If any member fails to pay the Annual Subscription by the 1st day of February the following year the member shall be deemed to be unfinancial and shall not play in any competition until the subscription is paid. The Management Committee shall have the power to remove that member's name from the list of members but the member shall remain liable for the amount of the subscription.

Should any member during any financial year change membership classification the member shall pay by way of subscription or have refunded such sum as the Management Committee shall decide.

A member on paying the subscription is thereby held to have submitted to the Rules of the Club and on that condition only is entitled to enjoy the privileges of the Club.

9. MEETINGS:

(a) Annual General Meeting

The Annual General Meeting of members shall be held at the Club House or such other place as the Committee shall from time to time determine, not later than the 31st day of October in each year. Notice of such meeting together with the Annual Report, Annual Accounts and Balance Sheet shall be posted to members at the last known address of each member at least ten days before such meeting.

(b) Special General Meetings

A Special General Meeting shall be convened whenever ten percent of members request it in writing duly signed by all petitioners or whenever the Committee considers it necessary so to do. Notice of such meeting shall be posted to members at the last known address of each member at least ten days before such meeting. The business at such special meetings must be confined to the subject or subjects nominated in the Notice of Meeting.

At all general meetings each active and financial member and each Life Member present shall be entitled to one vote on every motion exercised in person. All voting shall be by show of hands or, if the Chairman or any three financial members present shall so require, by secret ballot. In the event of the votes being equal the Chairman of the meeting shall be entitled to the casting vote. At any Annual or Special General Meeting ten percent of the number of financial and Life Members shall form a quorum.

10. OFFICERS AND MANAGEMENT COMMITTEE:

The Officers of the Club shall consist of the President, Vice-President, Immediate Past President, Secretary, Treasurer, Men's Captain, Men's Vice-Captain, Ladies' Captain and Ladies' Vice-Captain. These Officers together with six other members shall constitute the Management Committee. The Officers and elected members of the Management Committee shall be confined to members who have been financial members of the Club for at least two years. Life Members are eligible for election.

It shall be permissible for one person to hold more than one office except the offices of Secretary and Treasurer.

In the event that a Treasurer or Secretary cannot be found within the Club membership the Management Committee shall have power to appoint a person who is not a member of the Club.

11. ELECTION OF OFFICERS AND MEMBERS OF MANAGEMENT COMMITTEE:

Not more than two weeks prior to the Annual General Meeting or at the Annual General Meeting, the men shall elect a Men's Captain and a Men's Vice-Captain and the ladies shall elect a Ladies' Captain and a Ladies' Vice-Captain.

The names of the members willing to act as these Officers, together with those of their proposers and seconders shall be posted in the Club House not less than fourteen days before the Annual General Meeting in each year. If the names proposed be in excess of the number provided for in Rule 10, an election shall be held. The election may be held at the Annual General Meeting, a special meeting of the men or ladies, or with voting taking place under the direction of a suitable non-committee returning officer during official club playing days over the seven days prior to the Annual General Meeting. The Management Committee shall decide which of the options shall be used, appoint a Returning Officer if necessary, and approve the date of any meetings at which an election is to be held.

The remaining officers of the Club and the members of the Management Committee, except the Immediate Past President, shall be elected at the Annual General Meeting and shall continue in office until their successors are appointed. The Club Captain shall be either the Men's Captain or the Ladies' Captain and shall be elected from these officers at the Annual General Meeting.

The names of the members willing to act as these Officers, together with those of their proposers and seconders shall be posted in the Clubhouse not more than twenty one days and not less than twenty four hours before the Annual General Meeting in each year. If the names proposed be in excess of the number provided for in Rule 10, an election shall be held. Any vacancy occurring during the year shall be filled by the Management Committee. The Club may by resolution at a Special General Meeting remove any Officer or member of the Committee before the expiration of their period of office and may by resolution appoint another person to the position. Any person appointed as replacement shall be subject to retirement from the position when the balance of the term of the replaced Officer or Committee Member has been served.

Mid-week, Junior, Summer and Honorary Members shall not be eligible for election as Officers of the Club or as members of the Management Committee.

12. MANAGEMENT COMMITTEE:

The management and control of the affairs of the Club shall be vested in the Management Committee which shall have all the powers of the Club not expressly required to be exercised by the Club in General Meeting or in any other manner provided by these Rules. The Management Committee:

- (a) May in accordance with these Rules make, alter or rescind regulations with regard to the Course, the Club House and other facilities and all Club competitions.
- (b) Shall inform members of all regulations and amendments made by it and the same shall be binding on every member of the Club.
- (c) Shall make a report to the Annual General Meeting on the state of the Club generally.

- (d) Shall fill a vacancy created by any member of the Management Committee who has been absent without leave from three consecutive meetings and whose seat has been declared vacant, or for any other reason is no longer a member of the Management Committee by:-
 - (i) appointing the highest polling unsuccessful nomination for the Management Committee from the previous Annual General Meeting or;
 - (ii) holding a by-election giving 14 days notice for nominations and with voting to take place during official club playing days over the following seven days. The Management Committee shall appoint a suitable non-committee returning officer.

At any Management Committee Meeting seven members shall constitute a quorum.

Except as provided in Rule 9 notices posted in the Club House on behalf of the Management Committee shall be considered sufficient notice to members.

13. THE POWERS OF MANAGEMENT COMMITTEE:

(1) Subject to the provisions of sub-clause (2) and sub-clause (3) hereof and in addition to and not in limitation of the general powers of the Management Committee conferred or implied by these Rules it is expressly declared that the Management shall have the following powers and duties:-

- (a) to employ and dismiss salaried officials and servants of the Club;
- (b) to purchase or acquire for the Club any land or interest in land at such prices and generally upon such terms and conditions as they think fit and to give and execute mortgages over the lands purchased or acquired for the balance of purchase moneys upon such terms and conditions as the Management Committee shall think fit;
- (c) to purchase or construct and maintain buildings, fences, machinery and other works as they may consider necessary for the use of the Club, and to lease or accept leases of any land, easements or tenements including the right to surrender and accept the surrender of any lease, and to sell any property of the Club other than land upon such terms and conditions as they shall think fit;
- (d) to borrow or raise money upon mortgage of the real and personal property of the Club, or any parts thereof, or upon debentures or mortgage debentures, charging the whole or part of the assets of the Club, and to execute mortgages to secure any debentures or mortgage debentures or to borrow money from bankers or other persons with or without security;
- (e) to enter into all such negotiations, contracts and agreements in the name or on behalf of the Club as they may consider expedient for the purposes of the Club, provided such negotiations, contracts and agreements are not in conflict with any other Rule;

- (f) to invest and deal with the funds of the Club in such a manner as it shall think fit;
- (g) to appoint any members of the Club to a sub-committee for any specified purpose. At least one member of each sub-committee shall be a member of the Management Committee. No sub-committee shall have any control over expenditure, except so far as the same may be specially given to it by the Committee. The Committee may alter the membership of a sub-committee.

Sub-committees so set up shall include a Ladies' Sub-committee and a Men's Sub-committee. The Ladies' Captain and Vice-Captain shall be ex-officio members of the Ladies' Sub-committee and the Men's Captain and Vice-Captain shall be ex-officio members of the Men's Sub-committee.

- (2) Should the Management Committee wish to expend from the Club funds any sum in excess of two percent of the previous year's subscription income for the purchase of either land or shares or to sell any land or shares for any consideration, such purpose or sale shall first be approved at a General Meeting of the Club called for that purpose.
- (3) Any income, benefit or advantage shall be applied to the objectives of the Club.

No member of the organization or any person associated with a member shall participate in or materially influence any decision made by the organization in respect of the payment to or on behalf of that member or associated person of any income, benefit, of advantage whatsoever. Any such income shall be reasonable and relative to that which would be paid in arms length transaction (being open market value)

The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

14. EXPULSION OF MEMBERS:

The Management Committee may cancel the membership of any member whose conduct, in the opinion of the Management Committee, is such as to render such member's continued membership undesirable or likely to endanger the reputation, good order or welfare of the Club, provided that such member:

- (a) shall have been notified in writing of the charge against the member and shall have been given an opportunity to reply to same, and;
- (b) shall have a right of appeal to a General Meeting of the Club within fourteen days of being notified of the cancellation of membership provided the member has given notice in writing to the Secretary applying for a review of the Committee's decision, in which case such member shall be entitled to attend such General Meeting and be heard in support of the application but shall not be entitled to vote on the question of the cancellation or reinstatement of membership.

In the event of the expulsion of any member, the name of such member shall be

removed from the list of members of the Club and such person shall cease thenceforth to belong to the Club or to have any claim of any nature against the property of the Club or any member or officer thereof and no claim for refund of subscription paid during the year of expulsion.

15. PATRON:

The Club shall have a Patron, the appointment of whom shall be in the hands of the Management Committee.

16. PRESIDENT:

The President shall be the Chief Executive Officer of the Club. The President shall be entitled to be Chairman of all meetings of members and of the Management Committee and also ex-officio a member of all sub-committees. In the President's absence from any meeting the Vice-President shall be Chairman or in the absence of the Vice-President also, those members present with power to vote shall elect their own Chairman. At any meeting, in addition to a vote as a member, the Chairman shall have a casting vote.

17. SECRETARY:

The Secretary shall:-

- (a) act as Secretary;
- (b) perform such duties in relation to the Club as the Management Committee may require;
- (c) conduct the correspondence;
- (d) have custody of the Common Seal, Title Deeds and other documents belonging to the Club;
- (e) keep a list of members with their addresses;
- (f) notify members of all General Meetings;
- (g) keep full and correct minutes of all Management Committee and General Meetings and shall produce them at all meetings;
- (h) attend to all matters concerning the administration of the Club and shall with the direction of the Management Committee control such staff as may be employed by the Club;
- (i) be competent to call a meeting of the Management Committee in the absence of the President and to call a meeting of any sub-committee upon the request of two members of the Management Committee or two members of the sub-committee concerned.

18. CLUB CAPTAIN:

The Club Captain shall be elected as set out in Clause 11 of these Rules and shall be responsible, under the direction of the Management Committee and in conjunction with the Ladies' and Men's Sub-Committees, for conducting the playing activities of the Club and shall cooperate with whatever sub-committee may be appointed to conduct the Club's affairs and generally shall maintain the discipline of the Club.

The Club Captain shall be an ex-officio member of all sub-committees.

19. TREASURER:

All moneys shall be paid to the Treasurer and the Treasurer's receipts shall be sufficient discharge. The Treasurer shall:-

- (a) be empowered to open a banking account in the name of the Club at a bank approved by the Management Committee into which account shall be deposited all moneys received for the Club and all operations thereon (except the endorsement of cheques or other bills of exchange lodged to the credit of the Club's account which may be done by the Treasurer alone) shall be by the Treasurer and one other member of the Management Committee or as the Management Committee may from time to time authorise;
- (b) submit to the Annual General Meeting a statement of the assets and liabilities of the Club as at the thirty first day of August together with an account of the income and expenditure and receipts and payments for the twelve months preceding such date, all statements to be audited by an Auditor elected by members in General Meeting;
- (c) have such statements submitted for audit at least fourteen days prior to the date of the Annual General Meeting;
- (d) furnish progressive monthly statements of the finances of the Club as required by the Management Committee and will generally keep proper and correct account of all the Club's financial activities and for this purpose shall have the right to attend meetings of all sub-committees.

20. AUDITOR:

The Auditor shall be elected at the Annual General Meeting of the Club. The Auditor shall audit statement of Assets and Liabilities and accounts of Receipts and Payments and Income and Expenditure and statement of Cash Flows as submitted by the Treasurer and report thereon to members. The Auditor shall be entitled to examine any of the Club's financial accounts, books, records and banking accounts and statements.

21. VISITORS:

The members may introduce visitors to the Club. Green fees payable by visitors shall be according to the scale decided by the Management Committee from time to time and a member introducing a visiting player is responsible for all payments for which such player becomes liable except that the President, Ladies' Captain and Men's Captain may entertain visitors at no charge for green fees.

In relation to the Club's liquor license, visitors accompanied by a member or alternatively a member of a Golf Club affiliated to NZ Golf are entitled to purchase and consume liquor in the Clubhouse.

22. RULES OF THE GAME:

The Rules of the Game as played by the Club shall be those of the Royal and Ancient Golf Club of St. Andrews except as they may be varied by the Local Rules of the Club.

23. ALTERATION TO THE RULES:

(1) No addition to or alteration or recession of the rules shall be approved if it affects the non-profit aims, personal benefit clause or the winding-up clauses. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

(2) No Rule shall be altered or repealed nor shall any new rule be added without the consent of the majority of the members present at an Annual General Meeting or a Special General Meeting. At least ten days' notice of such proposed alteration, repeal or addition shall be given to each member of the Club entitled to vote at such meetings in accordance with Rule 9 hereof.

24. INTERPRETATION OF RULES:

The decision of the Management Committee on the interpretation of these Rules or any matter not contained in these Rules, but pertaining to the Club, its property or interests shall be conclusive and binding on all members until revoked at a General Meeting. All members shall after election be bound by the Rules of the Club and by those of the New Zealand Golf Association to which the Club is affiliated. All members of the Committee are empowered to maintain discipline and ensure that these Rules and the regulations and by-laws made by the Management Committee from time to time are observed by members of the Club who must take all reasonable steps for the care and protection of the property of the Club.

25. WINDING UP:

A majority of the members of the Club present at a meeting called for that purpose may resolve that the Club be wound up as from a date to be named in such resolution. If upon winding up or dissolution of the organisation there remains after the satisfaction of all debts and liabilities any property whatsoever the same shall not be paid to or distributed amongst the members but shall be given or transferred to some other organisation or body having objects similar to the objects of the society, or to some other charitable organisation or purpose within New Zealand. Such resolution shall be confirmed at a subsequent General Meeting called for that purpose, and held not earlier than thirty days after the date on which the resolution so to be confirmed was passed.

26. CUSTODY AND USE OF THE SEAL:

The Club shall have a Common Seal which shall be kept in the custody of the Secretary and shall only be affixed to documents at a meeting of the Management Committee, or in pursuance of a resolution of the Management Committee, and the affixing of the same shall be attested by three members of the Management Committee.

The Common Seal shall be deemed to have been properly affixed if the affixing thereof purports to be attested by three members of the Management Committee notwithstanding any invalidity in the appointment of any member of the Management Committee or any irregularity in the meeting at which the same is affixed or in any other matter connected therewith. The signatures of the persons purporting to attest the affixing of the Seal shall be sufficient evidence that those persons are members of the Management Committee.

27. REPEALS AND SAVINGS:

All Rules existing immediately prior to these Rules coming into force are hereby revoked, provided that such revocation shall not affect the validity, effect or consequence of anything already done or suffered nor any existing office or appointment.

28. COMPLAINTS:

All complaints shall be made in writing to the Secretary. The Management Committee shall be responsible for reprimanding any servant or member of the Club should this be necessary. The Secretary shall reply in writing to any such complaint outlining the action taken.

ALTERATIONS OF RULES OF LINCOLN GOLF CLUB INCORPORATED

The following alterations to the Rules of LINCOLN GOLF CLUB INCORPORATED were duly assented to by a majority of the members present at a Special General Meeting of the Club held on Thursday the 7th day of November 1996:-

RULE 6 (CLASSIFICATION OF MEMBERS) pages 2 and 3 of the existing Rules of the Club is hereby amended by the deletion of the existing Rule 6(e) and the substitution of the following as such Rule 6(e):-

“(e) Other classes of membership for which the appropriate subscriptions shall be fixed at the Annual General Meeting.”

RULE 8 (CLUB YEAR AND ANNUAL SUBSCRIPTION) pages 3 and 4 is hereby amended so that the existing Rule 8 now reads as follows:-

“The financial year of the Club shall begin on the 1st day of August and end on the 31st day of July of the following year. The Annual subscription shall become due on the 1st day of November of each year. If any member fails to pay the Annual Subscription by the 1st day of February the following year the member shall be deemed to be unfinancial and shall not play in any competition until the subscription is paid. The Management Committee shall have the power to remove that member's name from the list of members but the member shall remain liable for the amount of the subscription.

Should any member during any financial year change membership classification the member shall pay by way of subscription or have refunded such sum as the Management Committee shall decide.

A member on paying the subscription is thereby held to have submitted to the Rules of the Club and on that condition only is entitled to enjoy the privileges of the Club.”

RULE 9 (MEETINGS) page 4 of the existing Rules of the Club is hereby amended by the deletion of the words “30th day of November” in the third line of that part of the Rule relating to Annual General Meeting and replaced by the words “31st day of October”.

RULE 10 (OFFICERS AND MANAGEMENT COMMITTEE) page 4 of the existing Rules of the Club is hereby amended by the insertion of the word “not” in the second paragraph of that Rule between the existing words “shall” and “be” so that such second paragraph shall now read:-

“It shall not be permissible for one person to hold more than one office.”

RULE 11 (ELECTION OF OFFICERS AND MEMBERS OF MANAGEMENT COMMITTEE) page 5 of the existing Rules of the Club is hereby amended by the addition of a new paragraph at the conclusion of the existing Rule 11 which new paragraph shall read as follows:-

“No member shall be eligible for election to the Management Committee while a salaried employee of the Club or until twelve months have elapsed from cessation of employment with the Club.”

RULE 12 (MANAGEMENT COMMITTEE) pages 5 and 6 is hereby amended by the addition of a new sub-clause 12(e):-

“(e) shall fill any vacancy of auditor occurring during the year.”

RULE 13 (THE POWERS OF MANAGEMENT COMMITTEE) pages 6 and 7 is hereby amended by the deletion of the existing sub-clause 13(2) and the substitution of the following replacement sub-clause (2):-

“Should the Management Committee wish to expend from the Club funds any sum in excess of \$10,000 either in cash or other credit arrangement firstly for the purchase or sale of any item of a capital nature including land, plant, equipment, additions or alterations to buildings, expenditure on course improvements or alterations other than maintenance, or secondly the engagement of any additional permanent employee(s), such sum(s) or appointment(s) shall first be approved at a General Meeting of the Club called for that purpose.”

RULE 17 (SECRETARY) pages 8 and 9 is hereby amended by the deletion of Rule 17(g) and the substitution of the following replacement sub-clause (g):-

“(g) keep full and correct minutes of all Management Committee and General Meetings and shall produce them at any meetings if called upon so to do. A member is upon request entitled to view or receive a copy of any such minutes.”

RULE 19 (TREASURER) pages 9 and 10 is hereby amended by the deletion of Rule 19(b) and the substitution of the following Rule 19(b):-

“(b) submit to the Annual General Meeting a statement of the Assets and Liabilities of the Club as at the end of the financial year of the Club together with accounts of the Income and Expenditure and Receipts and Payments and Statement of Cash Flows for each financial year, all statements and accounts to be audited by an Auditor elected by members in General Meeting.”

RULE 20 (AUDITOR) page 10 is hereby amended by the deletion of the existing Rule 20 and the substitution of the following replacement Rule 20:-

“The Auditor shall be elected at the Annual General Meeting of the Club. The Auditor shall audit statement of Assets and Liabilities and accounts of Receipts and Payments and Income and Expenditure and statement of Cash Flows as submitted by the Treasurer and report thereon to members. The Auditor shall be entitled to examine any of the Club’s financial accounts, books, records and banking accounts and statements.”

The above alterations to the existing Rules of the Club are hereby signed by three members of the Club as provided by sub-section 2 of Section 21 of the Incorporated Societies Act 1908.

.....Signature of Member

Ernest Lindley DALTON Full name of Member

.....Signature of Member

Trevor Edward EVANS Full name of Member

.....Signature of Member

Shona Marie MOORE Full name of Member

“A”

**ALTERATIONS TO LINCOLN GOLF CLUB (INC.) RULES
made on the 16th day of October 1997**

Rule 10:

Delete: Third paragraph: “Where one or more persons hold more than one office, the number of members on the Management Committee shall be increased so that there is a total of 15 persons on the Management Committee.”

Rule 11:

Delete: In the seventh line “less than fourteen days”

Substitute: “more than twenty one days and not less than twenty four hours”

Sentence to read: “The names of the members willing to act as these Officers, together with those of their proposers and seconders shall be posted in the Clubhouse not more than twenty one days and not less than twenty four hours before the Annual General Meeting in each year.”

We the undersigned being three members of LINCOLN GOLF CLUB (INC.) hereby certify that the above alterations to the Rules of the Club were made at a Special Meeting held on the 16th day of October 1997 and such alterations were in accordance with the Rules of the Club.

Signed: E.L. Dalton (President)

S.M. Moore (Secretary)

W.A. Moroney (Club Captain)