



## **CONSTITUTION OF THE KERRY AREA BASKETBALL BOARD**

### **1. TITLE**

Basketball in the context of this Constitution for the Kerry Area Basketball Board (hereinafter referred to as the "KABB") includes all activities involved in competition, development, officiating and governance of the sport of basketball within remit of the KABB. The governing body for Basketball in Ireland shall be called Basketball Ireland (hereinafter referred to as the "BI"). KABB is recognised by BI as the official provider of club competition in the Kerry Basketball Area.

### **2. OBJECTIVES**

The objectives of the KABB shall be:

- (a) To encourage, promote, develop, manage and control basketball.
- (b) To provide competition to the highest level.
- (c) To administer the funds of the KABB.
- (d) To make, maintain and publish rules and regulations for the proper running of the KABB. To ensure these rules are in accordance with BI regulations and in line with FIBA playing regulations.
- (e) To implement regional strategic plans associated with the KABB.
- (f) To do all such other things as may be necessary or conducive for the attainment of the above objectives.

### **3. MEMBERSHIP**

- (a) Membership of the KABB, other than as defined in Section 4, shall be open to any club wishing to participate in the game of basketball. Any such club shall agree to be bound by the Constitution of the KABB.
- (b) Membership shall be by subscription through the appropriate channel as defined in Section 6.
- (c) A board will be constituted from the existing membership of BI clubs in Kerry. Where membership of the KABB falls below 8 clubs the remaining clubs may each affiliate to an adjoining County Board as may be convenient to the clubs concerned.
- (d) No club which is a member of the KABB shall play in any fixture against another Irish club or school or third level college unless that club or school or third level college is also a member of BI, without prior permission of the Executive Committee.
- (e) Each member club shall forward to the General Secretary of the KABB by 31<sup>st</sup> July each year, the name, postal address, email address and telephone number of its Honorary Secretary to whom all correspondence shall be sent.

### **4. HONORARY LIFE MEMBERS**

Honorary Life Membership of the KABB may be conferred on persons whose services to the KABB are such that entitle that person to that distinction. Nominations shall be submitted in writing to the Executive KABB for consideration. If such nominations are approved at the Executive KABB meeting then the member clubs will be notified immediately prior to the Annual General Meeting.

### **5. SUB COMMITTEES**

- (a) Sub committees of the KABB may be authorised by the KABB from time to time.
- (b) Sub committees shall be governed by the rules and constitution of the KABB.

## 6. MEMBERSHIP FEES

- (a) Each club shall pay annually to the KABB such fees as may be determined at the AGM in the preceding season.
- (b) Each club shall pay annual fees to the KABB as determined by the AGM the previous season to arrive no later than the 31<sup>st</sup> September in each new season.
- (c) The Executive Committee shall have the power to discipline and/or fine any club for late payment. The Executive Committee will exclude from fixtures those clubs who are not members by the agreed closing date.

## 7. OFFICERS

- (a) The Officers of the KABB shall all be volunteers and may include: the Chairperson, Vice-Chairperson, Secretaries, Treasurer, Public Relations Officer, Children's Officer, Administrators and other officers as elected or agreed by the clubs at the AGM.
- (b) Where a position is left vacant after the AGM or in the event of resignation or death of an officer the KABB Executive shall have the power to co-opt officers.
- (c) All officers shall each be elected for one year at the AGM and shall be eligible for further one-year periods to a maximum of three consecutive years in the same position **with the exception of the children's officer**.
- (d) Any vacancy arising amongst the Officers of the KABB shall be filled as soon as may be practical by an appointment by the Executive and the person so appointed shall hold office until the next AGM.
- (e) The Chairperson shall chair KABB Meetings. In his/her absence, the Vice-Chairperson shall chair such meetings. In the absence of both at a KABB meeting a chairperson shall be elected from those present and entitled to vote at KABB meetings.
- (f) The KABB shall indemnify each of its Officers, officials and employees, when acting in good faith, against claims by third parties for liabilities arising out of their official duties for, or on behalf of, the KABB.

## 8. ANNUAL GENERAL MEETING

The KABB shall hold an AGM not later than the 31st May in every year at a time and place to be determined by the Executive KABB. At this Meeting the following items shall be on the Agenda:

- (a) Apologies.
- (b) Roll call (to establish those entitled to vote).
- (c) Confirmation of the Minutes of the previous AGM.
- (d) Matters arising.
- (e) Annual Report of the Executive Committee.
- (f) Honorary Treasurer's Report with Audited Accounts.
- (g) Proposals for amendments to the Constitution of the KABB.
- (h) Election of Officers
- (i) Confirmation of Board Representatives on the Regional Committee and Area Boards Sub Committee.
- (j) Proposals for fixing of annual membership fees.
- (k) Ratification of Auditor(s).
- (l) General Business.

Notice of proposed changes to the Constitution of the KABB, resolutions and nominations for positions detailed under 8 (g), (h), (k) and (l) above shall be forwarded to the General Secretary so as to arrive not later than 30 days prior to the date of the AGM.

## 9. SPECIAL GENERAL MEETING

- (a) A Special General Meeting may be convened at any time by the Executive Committee or by a request in writing to the Chairperson signed by the Honorary Secretaries of at least two thirds of affiliated clubs.
- (b) The request shall include full written details of all business to be transacted at the proposed meeting. Upon receipt of the request, the Chairperson shall proceed to call a Special General Meeting within twenty-one (21) days of receiving the request giving at least fourteen (14) days notice of the meeting specifying the date, time and place.
- (c) No business shall be transacted at a Special General Meeting other than that which is specified in the notice calling for the meeting circulated beforehand.

## 10. ANNUAL AND SPECIAL GENERAL MEETINGS

- (a) The General Secretary shall give at least twenty one (21) days notice in writing of the AGM specifying the date, time and place of the Meeting and including the agenda and details of any resolution(s) being proposed.
- (b) The notice shall be sent to the Officers, Honorary Life Members, members of the Executive Committee and Honorary Secretaries of each club.
- (c) The Chairperson shall chair Annual and Special General Meetings. In his/her absence, the Vice-Chairperson shall chair the Meetings.
- (d) One third of registered members present and entitled to vote shall constitute a quorum.
- (e) Voting shall be by show of hands, unless twenty five (25) percent of those present and entitled to vote request a secret ballot.
- (f) Every resolution at Annual and Special General Meetings shall be decided by a simple majority of votes of those present, entitled to vote and voting except for resolutions concerning amendments to the Constitution (art 22). Except as provided in (g) below, no person shall cast more than one vote.
- (g) In the case of equality of votes, the Chairperson of the meeting shall have a second or casting vote.
- (h) All changes in the Constitution of the KABB and all resolutions passed at an AGM or Special General Meeting shall come into force immediately unless the Meeting shall decide otherwise.
- (i) There shall be no postal or proxy votes.

## 11. PROPOSALS TO ANNUAL GENERAL MEETINGS

Any proposal for a resolution for consideration, and voting thereupon, at any AGM shall be submitted in full, in writing, to the General Secretary. It should arrive with him/her not later than 30 days prior to the date of the AGM at which the proposal is to be considered and voted upon. The KABB will not accept proposals that will bring either the constitution of the KABB or rules of the KABB into disrepute or conflict with BI regulations or constitution.

## 12. ATTENDANCE AND VOTING ENTITLEMENT AT MONTHLY, ANNUAL AND SPECIAL GENERAL MEETINGS

Those entitled to attend and vote at Monthly, Annual and Special General Meetings shall be:

- (a) The Officers: All officers can attend Monthly, Annual and Special General Meetings and are entitled to one (1) vote in a KABB meeting and one (1) vote at an AGM or Special General Meeting. Members of the Executive Board can attend the executive meetings and are entitled to one (1) vote in executive meetings and one (1) vote as an officer in KABB meetings
- (b) AGM and Special General Meetings: A maximum of two (2) delegates from each club can attend such meetings and are entitled to one (1) vote each. Such delegates shall be nominated by their respective clubs and notified to the General Secretary seven days (7) prior to the AGM.

- (c) Monthly Meetings: A maximum of two (2) delegates from each club can attend such meetings and are entitled to one (1) vote each. Such delegates shall be nominated by their respective clubs.
- (d) If any nominated delegate(s) in (b) above cannot attend, they may be substituted, provided the name(s) of the substitute(s) are sent in writing to the General Secretary not later than 4.00 p.m. on the evening prior to the day of the scheduled meeting. Email is acceptable notification in this case.

### 13. FINANCE

- (a) The financial year of the KABB shall end at the end of each season as determined by the KABB calendar. The date to be agreed at the September meeting.
- (b) A Balance Sheet and Income and Expenditure Account shall be prepared in respect of each financial year as soon as possible after the end of that financial year and shall be audited by a suitably qualified Auditor(s) approved by the KABB and ratified annually at the AGM.
- (c) The accounts of the KABB will be closed for the fourteen (14) days prior to the AGM.
- (d) A copy of the audited accounts for the previous financial year shall be circulated to the Officers, members of the executive KABB, Secretaries of each Club, at least seven (7) days prior to the AGM.
- (e) The Treasurer shall be responsible for the current accounts, deposit accounts or other accounts as may be authorised from time to time in the name of the KABB. Cheques shall be dual signed by the Treasurer and either the Chairperson or Executive Secretary. Any proposed payment over €1000 and other documents relating to such accounts shall be presented at the next monthly KABB meeting.

### 14. EXECUTIVE COMMITTEE

- (a) The Executive Committee shall be governed by the KABB. The Executive Committee shall be responsible for defining the policies of the KABB and shall direct the Chairperson in this regard. The Executive Committee shall consist of seven (7) positions to include the Chairperson, the Vice Chairperson, an Executive Secretary, the Honorary Treasurer, the Children's Officer, with the two remaining positions to be filled by remaining board members. The President of BI or Executive Staff of BI may request to attend any Executive Committee Meeting of the KABB in a non-voting capacity. This request must be made to the Executive Secretary.
- (b) The Executive Committee shall have the power to fill any vacancy arising on the KABB during the year.
- (c) The Executive Committee shall meet at least six (6) times each year.
- (d) The quorum for meetings of the Executive Committee shall be four (4) members present and entitled to vote.
- (e) Every resolution validly proposed and seconded at the Executive Committee meetings shall be decided by a simple majority of those present entitled to vote and voting. Except as mentioned in (f) below, no person shall cast more than one vote.
- (f) In the case of equality of votes, the Chairperson of the meeting shall have a second or casting vote.
- (g) The Executive Committee shall hold at least two (2) meetings in each year to assist in identifying priorities and policy implementation for the next period. Dates for meetings of the Executive Committee shall be agreed at the first Executive Committee Meeting after the AGM and notified to the members of the Executive Committee. The quorum for meetings of the Executive Committee shall be four (4) members present.

## 15. POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

Subject to the overall authority of a General Meeting, the Executive Committee shall be responsible for the day-to-day operation of the KABB. The role shall include, but shall not be limited to:

- (a) Defining policy and development and ensuring they are carried out.
- (b) Ensuring the Chairperson effects the efficient administration of the KABB.
- (c) Appointing members to and removing members from Sub Committees as provided in the Constitution.
- (d) Keeping the financial position of the KABB under constant review, authorising overdrafts where necessary and approving and monitoring budgets.
- (e) Appointing or nominating members to represent the KABB on relevant BI Committees or relevant outside committees.
- (f) Appointing such Disciplinary and Appeals Committees as may be required.

## 16. MINUTES

Minutes shall be taken of all proceedings of Monthly, Annual, Special General Meetings and Executive Committee Meetings and such minutes shall, upon questions put and a vote taken at the next meeting, be signed by the Chairperson of the meeting and when thus signed shall be conclusive evidence of the correctness of the entry. Adopted minutes shall be forwarded to BI and to each Club Secretary.

## 17. DISCIPLINE

- (a) In the event of any member club, player, coach, referee, umpire, table official or member of a member club being reported to the KABB for an alleged breach of the Rules and Constitution, or misconduct which is alleged to have brought the game into disrepute, the Executive Committee shall appoint a Disciplinary Committee of not less than three persons to enquire into the alleged offence if necessary.
- (b) If after fully investigating the alleged breach of misconduct and if the allegation is proven the Disciplinary Committee shall have the authority to expel or suspend the offending club, official, player, coach, umpire or member or to deal with the matter in such manner as the Committee considers fit. The decision of the Disciplinary Committee shall be conveyed in writing by the General Secretary to the offending club, player, coach, umpire or member within seven (7) days of the hearing.
- (c) Any club, official player, coach, umpire or member found guilty by the Disciplinary Committee shall have the right to appeal to a BI Disciplinary Committee on any decision or punishment imposed by the Disciplinary Committee but such appeal must be lodged in writing with BI and notified to the General Secretary of the KABB within fourteen (14) days of the notification of the decision of punishment. The decision of the BI Disciplinary Committee shall be final. The appeal must be heard within fourteen (14) days of its receipt by BI. No member of the Kerry Basketball Disciplinary Committee shall be a member of the BI Disciplinary Committee.

## 18. APPEALS

- (a) In the event of an appeal in a matter, **other than a disciplinary matter**, any member, club, official, player, coach, umpire or a member of any member club, wishing to appeal shall do so in writing to the General Secretary of the KABB.. The General Secretary who must receive the appeal within fourteen (14) days of the date of the notice of the original decision shall then convene an Appeals Committee.
- (b) The Appeal Committee shall consist of three (3) officers of the KABB who may be accompanied by advisors where necessary but it shall not include any person who has had a prior involvement in the matter being appealed. In the event of there not being three (3) officers eligible or available to form the Appeal Commission, the Chair of the Executive Committee shall have the power to select an appropriate person or persons to complete the Appeal Committee. The Appeal Committee shall meet within fourteen (14) days of the date of the receipt of the notice of the appeal.
- (c) The letter of appeal shall state the reason or reasons for the appeal and shall be supported by an appeal fee of €100. The appellant(s) shall have the right to be accompanied at the appeal hearing by a person or persons of their choice but the names and details of such person or persons must be included in the letter of appeal. In the event of the appeal being unsuccessful the appeal fee shall be forfeited to the funds of the KABB unless the Appeal Committee decides otherwise. The decision of the Appeal Committee shall be final and the relevant parties shall be notified of the decision in writing by the General Secretary within seven (7) days of the hearing.
- (d) The appellant has the right to appeal to BI.

## 19. CODE OF ETHICS AND GOOD PRACTICE FOR CHILDREN'S SPORT IN IRELAND

The KABB is bound by the Code of Ethics for Children's Sport in Ireland as set out by the Irish Sports Council and adopted by BI. The KABB shall appoint a Children's Officer to ensure best practise is upheld.

## 20. NOTICES

All notices are required to be given pursuant to this Constitution must be in writing and shall be deemed to have been received if either:

- (a) Delivered personally,
- or*
- (b) sent by ordinary pre-paid post to the last known address of the intended recipient.

In addition such notices may also be sent by either:

- (c) fax, on successful completion of the fax transmission;
- or*
- (d) email.

## 21. AMENDMENT TO CONSTITUTION

No amendments to the Constitution shall be made except by a resolution validly proposed and seconded at an Annual or Special General Meeting supported by not less than two thirds of those present, entitled to vote and voting.