



Tauranga City AFC Constitution

4 November 2024



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CLUB CONSTITUTION

1. Name

- 1.1. The name shall be Tauranga City AFC Incorporated ("the Club").

2. Objects

- 2.1. The objects for which the Club is formed are to:
 - 2.1.1. Foster, administer and encourage the game of Association Football in Tauranga for all ages and for the benefit of our community.
 - 2.1.2. Promote, encourage, regulate and protect the interests of the Club members.
 - 2.1.3. Promote good fellowship between teams, clubs and encourage co-operation amongst the Club members.
 - 2.1.4. Develop, implement and manage a Strategic Plan for the Club.
 - 2.1.5. Manage sub-committees to operate areas of the Club.

3. Membership

- 3.1. The Club shall be affiliated to the Number Three District of New Zealand Football, operating as the Waikato Bay of Plenty Football Federation or WaiBOP ("the Federation"), and shall conform to the Federation's rules and regulations.
- 3.2. Every application for membership to the Club shall be made by annually completing the application forms for the Club and the Federation (if any).
- 3.3. The Club shall maintain a record of members (whether electronic or hard-copy or both) and all personal information shall be maintained in accordance with the Privacy Act 1993, or any subsequent relevant legislation governing private information.
- 3.4. No person indebted to another football club at the time of application shall be admitted to the Club. The Executive Committee may suspend or terminate any membership if subsequent information reveals such debt in accordance with clause 4.
- 3.5. Subscription fees, as determined in accordance with this Constitution, of every member shall be due on the commencement date of each playing season and payable by the date set each year by the Executive Committee. The date for payment will be communicated to the member at the time of enrolment.
- 3.6. If a subscription is not paid by the prescribed time notified by the Executive Committee, the membership shall be suspended until such time as the subscription has been paid in full. The membership may be terminated in accordance with clause 4.



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- 3.7. All members of the Club shall be bound by this Constitution and entitled to all advantages and privileges of membership.
- 3.8. A member that is registered as a player at another football club shall comply with the rules of the Federation relating to transfers and shall complete and submit the necessary transfer forms to transfer to the Club.
- 3.9. The Executive Committee has the right to refuse membership to the Club.
- 3.10. Membership to the Club is for one calendar year from 1 January – 31 December. Membership categories include:
- Playing Member: Any player in the relevant calendar year that has paid their subscription fee (“Playing Member”).
 - Social Member: A non-playing person who has paid their subscription fee and been approved by the Executive Committee for membership.
 - Honorary / Life Member (as described in clause 3.11.4).
 - Committee Member: Any person performing a role on the Executive Committee or any sub-committees.
 - Club coaches approved by the Executive Committee.
- 3.11. Honorary / Life Membership
- 3.11.1. Anyone having rendered outstanding services to the Club or to the game of Association Football in general, may be elected as an Honorary / Life Member of the Club.
- 3.11.2. Any Member may nominate a member to become an Honorary / Life Member by submitting the nominee’s name to the Executive Committee for pre-approval no less than fourteen (14) days prior to an Annual General Meeting or Special Meeting.
- 3.11.3. If the Executive Committee approves a nominee, the nominations will be sent out to the Club members prior to any Annual General Meeting or Special Meeting. Members of the Club shall be asked to vote on whether to admit the nominee as an Honorary / Life Member at the next Annual General Meeting or Special Meeting (as the case may be).
- 3.11.4. A Honorary/Life Member shall be entitled to all privileges of membership and shall not be required to apply for new membership each year nor pay a subscription fee.



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4. Termination of Membership

- 4.1. A member may terminate their membership by delivering written notice to the Club Secretary.
- 4.2. The Executive Committee shall have the power to suspend or terminate the membership of any member of the Club for:
 - 4.2.1. A subscription fee being unpaid and overdue.
 - 4.2.2. A member owing a debt to another football club pursuant to clause 3.4.
 - 4.2.3. False or inaccurate statements made in the member's application for membership of the Club.
 - 4.2.4. Breach of any rule, regulation or bylaw of any governing body.
 - 4.2.5. By any act of misconduct as defined by clause 23.
 - 4.2.6. For unbecoming behaviour while on Club grounds or representing the Club that brings the Club into disrepute as determined by the Executive Committee (in its sole discretion).
 - 4.2.7. Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal as per the process set out in clause 23.
 - 4.2.8. Anyone ceasing to be a member of the Club shall return to the Club any property of the Club in that member's control.

5. Copies and Alterations

- 5.1. This Constitution shall be type-written or printed together with the certificate of incorporation and kept in the custody of the Club Secretary and made available to members of the Club.
- 5.2. This Constitution shall not be altered, amended or rescinded except by the following procedure:
 - 5.2.1. At a Special Meeting by a resolution passed by members present and able to vote.
 - 5.2.2. Any proposed motion to amendments to this Constitution shall be signed by at least ten (10) members and given in writing to the Club Secretary pursuant to clause 26 and accompanied by a written explanation of the reasons for the proposal.
 - 5.2.3. At least seven (7) days prior to the Special Meeting any amendments will be communicated to all members of the Club.



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- 5.2.4. When an amendment is approved by a Special Meeting, the Executive Committee shall advise the change with the Registrar of Incorporated Societies in accordance with the Registrar's required procedure. No amendment shall take effect until the amendment has been accepted by the Registrar.
- 5.2.5. No addition to or alteration of clause 2 (Objects), clause 27 (Pecuniary Gains) and clause 28 (Dissolution) shall be made which affect the tax exempt status. 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.

6. Executive Committee

- 6.1. The governance of the Club shall be vested in the Executive Committee.
- 6.2. Nominees for the Executive Committee shall be made in writing fourteen (14) days prior to the Annual General Meeting. Any person nominated should have a seconder and accept the nomination in writing.
- 6.3. The Executive Committee shall comprise of a maximum of seven (7) members.
- 6.3.1. Five (5) members elected by the club membership for terms of two years, such that two terms expire each year.
- 6.3.2. Appointed at the first Executive Committee meeting, and communicated to the club membership thereafter:
- A Chairperson, that must be an elected Executive Committee member.
 - A Secretary, that may be an elected Executive Committee member or an external appointment without voting rights.
 - A Treasurer, that may be an elected Executive Committee member or an external appointment without voting rights.
- 6.4. The Executive Committee may appoint two (2) additional Executive Committee members with voting rights for a specified term until the next Annual General Meeting.

7. Termination / Resignation

- 7.1. A member of the Executive Committee may resign by giving notice in writing to the Club Secretary.
- 7.2. A member of the Executive Committee shall be deemed to have resigned if:
- 7.2.1. The member is absent for three consecutive meetings without the permission of the Executive Committee; or
- 7.2.2. The Executive Committee member's Club membership is terminated pursuant to clause 4.



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- 7.3. Where a member of the Executive Committee resigns before the end of their term:
- 7.3.1. The Executive Committee may appoint one (1) additional Executive Committee member with or without voting rights at its discretion until the next Annual General Meeting.
 - 7.3.2. The vacant position will be voted for at the next Annual General Meeting for the remainder of the original term, maintaining two (2) terms expiring each year.

8. Officer Vacancies

- 8.1. If any of the positions elected in clause 6. are vacant prior to the Annual General Meeting, the Executive Committee may at its sole discretion, appoint a replacement to act until the next Annual General Meeting. Where a vacant position is filled from the Executive Committee's number, then the Executive Committee shall be entitled to act until the number of Executive Committee members is increased back to five (5) at the next Annual General Meeting.

9. Powers of the Executive Committee

- 9.1. The Executive Committee may:
 - 9.1.1. Administer the finances, appoint bankers, direct the opening of bank accounts for specific purposes, apply for funding and invest funds of the Club.
 - 9.1.2. Borrow monies to further the objects of the Club.
 - 9.1.3. Approve fees and subscriptions payable by all members and decide such levies, fines and charges as deemed necessary and advisable, and to enforce payment thereof.
 - 9.1.4. Adjudicate on all matters brought before it which in any way affect the Club.
 - 9.1.5. Form and appoint any sub-committees as required for a specific purpose(s).
 - 9.1.6. Employ or contract services from a person(s) to carry out certain duties as required by the Club on a volunteer or paid basis.
 - 9.1.7. Call for a Special Meeting following the procedure outlined in clause 13.2.



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10. Club Staff

- 10.1. The Executive Committee may appoint staff required to effectively organise and administer the activities of the Club.
- 10.2. Appointed staff of the Club will report to the Executive Committee unless otherwise instructed by the Executive Committee.

11. Executive Meetings

- 11.1. A quorum of the Executive Committee shall be a majority of the Executive Committee.
- 11.2. Questions arising at any meeting of the Executive Committee shall be decided by a majority of votes by a show of hands or if required a ballot. In the case of a hung vote, the Chairperson shall (in addition to their own vote) cast the deciding vote.
- 11.3. The Chairperson or a majority of the Executive Committee may at any time summon a meeting of the Executive Committee.

12. Annual General Meetings

- 12.1. The Annual General Meeting of the Club shall be held not later than 31 December each year.
- 12.2. Any member who wishes to have business considered at an Annual General Meeting as General Business shall give written notice with details to the Club Secretary no less than fourteen (14) days prior to the Annual General Meeting.
- 12.3. No other business other than outlined in the notified agenda shall be considered at an Annual General Meeting unless a resolution to discuss such business is agreed by the Executive Committee.
- 12.4. The Club Secretary shall, not less than Twenty One (21) days before the date of the Annual General Meeting, give written notice of the Annual General Meeting to members which specifies the location, date and time of the meeting, and an agenda, by:
 - 12.4.1. Sending notice of meeting to each member's last known email address or postal address; and
 - 12.4.2. Posting the notice of meeting on the Club's website and social media.
- 12.5. Fifteen (15) or more members of the Club shall constitute a quorum. If after 30 minutes a quorum is not present, the meeting shall be adjourned for one week to the same place and time. No notice is required to be given for the subsequent meeting. If at the subsequent meeting there is no quorum, the members present shall be competent to discharge the business of the meeting.



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12.6. The agenda at the Annual General Meeting shall be:

1. Apologies
2. Minutes of previous Annual General Meeting.
3. Chairperson Report
4. Club Financial Report
5. Election of Executive Committee
6. Election of Patron
7. Election of Life/Honorary Members
8. Notices of Motion
9. General Business

12.7. No later than fourteen (14) days following the annual General Meeting, the Club Secretary shall:

- 12.7.1. Inform the Federation of any changes to the Executive Committee and their contact details.
- 12.7.2. Make available the minutes of the Annual General Meeting to members of the Club on request.
- 12.7.3. Inform Incorporated Societies and any governing bodies of changes to the Executive Committee and their contact details.

13. Special Meetings

- 13.1. The Executive Committee can be directed by a minimum of any fifteen (15) members of the Club to call a Special Meeting for the Club.
- 13.2. A request for a Special Meeting must be made in writing to Club Secretary.
- 13.3. The Club Secretary shall, not less than seven (7) days prior to the Special Meeting, send notice of the Special Meeting to members to their last known email address specifying the location, date and time of the meeting with full details of the business for which the Special Meeting has been called.
- 13.4. No other business shall be dealt with at the Special Meeting.
- 13.5. A quorum of the Special Meeting shall be a majority of the Executive Committee and fifteen (15) or more members of the Club. If after 30 minutes a quorum is not present, the meeting shall be adjourned for one week to the same place and time. No notice is required to be given for the subsequent meeting. If at the subsequent meeting there is no quorum, the members present shall be competent to discharge the business of the meeting.



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14. Proceedings at meetings

- 14.1. No Business may be transacted at a meeting unless a quorum is present.
- 14.2. The Chairperson shall take the chair at every meeting. If the Chairperson is not present within 30 minutes of the scheduled start, entitled members present can select a member from the Executive Committee to chair the meeting.

15. Voting at Annual General and Special Meetings

- 15.1. Voting on every motion submitted to the meeting, including the election of the Executive Committee in clause 6 and Officers in clause 8, shall be on a show of hands unless a ballot is demanded in accordance with clause 15.6.
- 15.2. Except where otherwise stated in this Constitution, a resolution shall be carried by a simple majority of members present and voting in favour.
- 15.3. Eligible members must be present to vote. No proxy votes will be accepted.
- 15.4. All members listed in clause 3.10 are entitled to one vote each.
 - 15.4.1. Junior & Youth members by way of their recorded guardian at the time of the player's registration. Any changes to the Junior & Youth member's guardian must be made in writing to the Club Secretary fourteen (14) days prior to the meeting. In the case of multiple members from the same family, each Junior & Youth member has their own vote (and may share the same guardian).
- 15.5. In the case of a hung vote, the Chairperson shall (in addition to their own vote) cast the deciding vote.
- 15.6. At a meeting a ballot may be demanded either before or after the vote is taken by a show of hands by:
 - 15.6.1. The Chairperson.
 - 15.6.2. Any member seconded by two (2) other members present at the meeting.
 - 15.6.3. The ballot must be taken immediately during the meeting as directed by the Chairperson. Any business other than that subject to the ballot may proceed after the ballot has been completed.



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16. Indemnity

- 16.1. Members of the Executive Committee and their appointed sub-committees shall be indemnified by the Club against losses and expenses incurred during the discharge of their duties, except as happened from their own wilful act, neglect or default.
- 16.2. No member of the Club can be held responsible for any injuries to any players in competitions arranged by the Club.

17. Delegates

- 17.1. Club delegates shall be appointed by the Executive Committee to represent the Club and cast votes on its behalf as required.

18. Colours

- 18.1. Primary club colours are Sky Blue shirt, Black shorts and Sky Blue socks. Alternate colours may need to be adopted with the approval of the Executive Committee.

19. Auditor

- 19.1. The Annual General Meeting shall elect or appoint a suitably qualified auditor(s).
- 19.2. The auditor(s) shall examine and audit all the books and accounts of the Club annually and have the power to call for all books, paper, accounts and receipts of the Club and report thereon to the Annual General Meeting.

20. Seal

- 20.1. The Seal of the Club shall be kept in the custody of the Club Secretary and shall be affixed to any necessary documents in the presence of Chairperson and one (1) member of the Executive Committee to append their signatures as witnesses.

21. Finance

- 21.1. The financial year of the Club shall commence on 1st October and conclude on the 30th September the following year.
- 21.2. The club's accounts shall have designated signatories which shall be the Chairperson, Treasurer and up to three (3) other named members with a minimum of two (2) signatories required for authorising expenditure.



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- 21.3. The Executive Committee shall ensure that a statement of financial performance and statement of the financial position, together with any other associated statements of the Club necessary to present a true and fair reflection of the finances of the Club, are prepared each financial year and made available at the relevant Annual General Meeting.
- 21.4. The Executive Committee may from time to time require additional reporting, including an income and expenditure statement, to be managed by sub-committees for the Club. The sub-committee shall provide regular reports to the Executive Committee.
- 21.5. The Executive Committee may from time to time require additional bank accounts opened and are authorised to do so and manage this on behalf of the Club.
- 21.6. All accounts due by the Club shall be paid after having being passed for payment at the Executive Committee meeting. When immediate payment is necessary, account/s shall be approved for payment by two (2) signatories of the Club and the action endorsed at the next committee meeting.
- 21.7. All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Executive Committee may determine.
- 21.8. A statement showing the financial position of the Club shall be tabled at each Executive Committee meeting.

22. Member Fees

- 22.1. The Executive Committee shall fix the annual subscription fees for playing and non-playing members after the Annual General Meeting in each year.
- 22.2. The annual subscription shall include capitation fees and such expenses as are necessary, to ensure the efficient administration of the Club.
- 22.3. Any member, who withdraws from the Club, may be entitled to a pro rata refund of any subscription fees/levy at the discretion of the Executive Committee. The said member will no longer be eligible to take part in any further games.
- 22.4. The Club will invoice for reimbursement any misconduct fees a member has incurred, unless otherwise agreed in writing by the Executive Committee.
- 22.5. The Club may invoice members for the replacement cost of any Club property provided on loan if not returned at the end of the season or deemed to have excessive damage.



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23. Misconduct

- 23.1. Where a member of the Club is alleged to have engaged in misconduct covered by the rules of the Federation or specific regulations covering a particular competition, the Club must conduct an investigation into the alleged misconduct. If the Club determines the alleged misconduct warrants further action, it shall conduct a disciplinary hearing and take action as appropriate within its own processes, guidelines and policies as set out from time to time by the Executive Committee.

24. Judicial Committee

- 24.1. Where a member of the Club is alleged to have engaged in misconduct, not covered by clause 23 in this Constitution, the Executive Committee may appoint a Judicial Committee of 3 of its number to investigate the allegation. The Executive Committee may co-opt any additional person or persons to the Judicial Committee that it considers necessary to consider the matter before it. The Judicial Committee shall advise the member of the allegation and ask the member for a statement which the Judicial Committee shall review within seven (7) days.
- 24.2. If the Judicial Committee determines in its discretion that the matter requires further action, then the Judicial Committee shall call a hearing inviting the member to be present and to make a submission. Following the hearing, the Judicial Committee will inform the member in writing within seven (7) days of the decision made at the hearing.
- 24.3. The member may appeal the decision to the Executive Committee within seven (7) days of the Judicial Committee decision. The Executive Committee must within fourteen (14) days of the appeal make a decision which may be to rescind, alter or increase the disciplinary action and advise the member within seven (7) days of the decision being made.
- 24.4. Any Executive Committee member who sits on Judicial Committee hearing must stand down on the appeal.
- 24.5. In the case of Junior & Youth Members, a legal guardian shall be included in the hearing and appeal process.

25. Complaints

- 25.1. How a complaint is made - a member or an officer may make a complaint by giving to the committee (or a complaints subcommittee) a notice in writing that.
- 25.1.1. States that the member or officer is starting a procedure for resolving a dispute in accordance with the society's constitution; and
- 25.1.2. Sets out the allegation to which the dispute relates and whom the allegation is against; and
- 25.1.3. Sets out any other information reasonably required by the society.



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- 25.2. The society may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that:
 - 25.2.1. States that the society is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - 25.2.2. Sets out the allegation to which the dispute relates.
- 25.3. The information given under subclauses 25.1.1 and 25.1.2. must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- 25.4. A complaint may be made in any other reasonable manner permitted by the society's constitution.
- 25.5. A person who makes a complaint has the right to be heard
- 25.6. A member or an officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- 25.7. If the society makes a complaint — the society has a right to be heard before the complaint is resolved or any outcome is determined; and
- 25.8. An officer may exercise that right on behalf of the society.
- 25.9. Without limiting how the member, officer, or society may be given the right to be heard, they must be taken to have been given the right if —
 - 25.9.1. They have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held);
 - 25.9.2. An oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - 25.9.3. An oral hearing (if any) is held before the decision maker; and
 - 25.9.4. the member's, officer's, or society's written statement or submissions (if any) are considered by the decision maker.
- 25.10. A person who is the subject of complaint has the right to be heard
 - 25.10.1. This clause applies if a complaint involves an allegation that a member, an officer, or the society (the respondent) —
 - 25.10.2. has engaged in misconduct or



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- 25.10.3. has breached, or is likely to breach, a duty under the society's constitution or bylaws or the Incorporated Societies Act 2022; or
- 25.10.4. Has damaged the rights or interests of a member or the rights or interests of members generally.
- 25.10.5. The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- 25.10.6. If the respondent is the society, an officer may exercise the right on behalf of the society.
- 25.10.7. Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if —
- 25.10.8. The respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response and
- 25.10.9. The respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
- 25.10.10. An oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
- 25.10.11. An oral hearing (if any) is held before the decision maker; and
- 25.10.12. The decision maker considers the respondent's written statement or submissions (if any).
- 25.11. Investigating and determining a dispute
 - 25.11.1. The society must ensure that the dispute is investigated and determined as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution.
 - 25.11.2. Disputes must be dealt with under the constitution fairly, efficiently, and effectively.
- 25.12. Society may decide not to proceed further with complaint despite the clause 'Investigating and determining dispute' above, the society may decide not to proceed further with a complaint if —
 - 25.12.1. the complaint is trivial; or
 - 25.12.2. The complaint does not appear to disclose or involve any allegation of the following kind:



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- 25.12.3. That a member or an officer has engaged in material misconduct:
- 25.12.4. That a member, an officer, or the society has materially breached or is likely to materially breach, a duty under the society's constitution or bylaws or the Incorporated Societies Act 2022:
- 25.12.5. That a member's rights or interests or members' rights or interests generally have been materially damaged:
- 25.12.6. The complaint appears to be without foundation or there is no apparent evidence to support it; or
- 25.12.7. The person who makes the complaint has an insignificant interest in the matter; or
- 25.12.8. The conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- 25.12.9. There has been an undue delay in making the complaint.

25.13. The Society may refer a complaint to —

- 25.13.1. a subcommittee or an external person to investigate and report; or
- 25.13.2. a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.

25.14. The society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

25.15. Decision makers - A person may not act as a decision maker in relation to a complaint if two or more members of the committee or a complaints sub-committee consider that there are reasonable grounds to believe that the person may not be —

25.16. impartial; or

25.17. able to consider the matter without a predetermined view.

26. Registered Address/Correspondence

26.1. The Club must at all times have a registered office to which all communications to the Club may be addressed.

26.2. All correspondence from members must be made in writing to the Club Secretary.

26.3. A response must be made by the Executive Committee, in the case of a complaint in accordance with clause 26.2, and for all other matters within fourteen (14) days either



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responding to the matter or setting a reasonable timeframe within which the Executive Committee will respond.

27. Pecuniary Gains

- 27.1. No member of the Club or any person associated with a member shall participate in or materially influence any decision made by the Club in respect of the payment to or on behalf of that member or associated person of any income, benefit or advantage whatsoever. Any such income paid shall be reasonable and relative to that which would be paid of a fair and proper remuneration for services actually rendered to the Club.
- 27.2. No part of the funds of the Club is used or be available to be used for the private pecuniary profit of any member, proprietor, shareholder, beneficiary, or associate of any of them.

28. Dissolution

- 28.1. The Club shall not be dissolved or wound up except by a special resolution of the members present and entitled to vote at a special meeting called for that purpose and at which no other business shall be transacted.
- 28.2. In the event of dissolution, the Executive Committee shall realise all assets of the Club and pay all the liabilities.
- 28.3. If upon a dissolution or winding up of the Club there remains, after the satisfaction of debts and liabilities, any remaining property, funds or assets, those properties, funds or assets shall be transferred and distributed to the WaiBOP Federation or its successors.

Signed on behalf of Tauranga City AFC

Name: Brendon McHugh
Role: Chairperson
Date: 4 November 2024

Name: Neda Espie
Role: Executive Committee
Date: 4 November 2024

Name: Heath Young
Role: Executive Committee
Date: 4 November 2024