

# Adopted/Ratified BELIZE CYCLING ASSOCIATION CONSTITUTION



25<sup>th</sup> October, 2006

# THE BELIZE CYCLING ASSOCIATION CONSTITUTION

The Belize Cycling Association, Founded 10 March, 1928, Belize City, Belize.

The present Constitution is enacted in accordance with the Association's Regulations, and has full binding powers on all license-holders (the Association's Committees, Commissions and athletes).

## § 1 IDENTITY PURPOSE

### Article 1.

1. The Association shall be called "The Belize Cycling Association" (BCA in abbreviation).
2. This is a non-governmental association with a non-profit making purpose.
3. The registered office is in Belize City, at a place fixed by the Executive Committee. The Management Committee reserved the right to transfer the registered office to another District.

### Article 2.

**The purposes of the BCA are:**

- a) to direct, develop, regulate, control and discipline cycling under all forms;
- b) to promote cycling at all levels;
- c) to encourage and develop friendly supportive collaboration by all organizations, their leaders and athlete

### Article 3.

**The BCA will carry out its activities in compliance with the principle of:**

- a) equality between all the members and all the athletes, license-holders and officials, without racial, political, religious, or other discrimination;
- b) compliance with the Olympic Charter in everything to do with the participation of cyclist in Olympic Games;
- c) the non-profit making purpose: the financial resources shall be used only to pursue the purposes set forth in this constitution;

## § 2 MEMBERS

### Article 4

## **Article 6 UCI Constitution**

1. *As members, the federation shall comply with the constitution and regulations of the UCI, as well as with all decisions taken in accordance therewith. Likewise, they shall have the Constitution, Regulations and Decisions of the UCI complied with all persons concerned.*
2. *The Regulations of the UCI shall be incorporated in the corresponding regulations of the federation.*
3. *The Constitution and Regulations of the federations shall not run counter to the Constitution and Regulations of the UCI. In case of divergence, only the Constitution and Regulations shall apply. The Constitution and the Regulation of the federation must contain an express clause that in case of divergence with the Constitution and Regulations of the UCI, only the latter shall apply.*

*The foregoing paragraphs shall apply in observance of the mandatory legal provisions in the country of the federation concerned.*

1. The members of the BCA shall be accepted by the Congress as being the representatives for the sport of cycling in general. There shall be three classes of members:

The membership of the Association shall be divided into and consist of the classes described. A member of BCA is a person who is a member of one or more classes of the membership establish by these Regulations: Associate Lady and Gentlemen Members; Ordinary and Honorary Members.

- a) **Ordinary Members** – Gentlemen and Lady Cyclist registered in accordance with the Rules and Regulations of the Association shall be eligible as candidates for Ordinate Membership.
- b) **Associate Members** – Gentlemen and Ladies, inclusive of past and non-cyclists shall be eligible as candidates for Gentlemen and Ladies Associate Members.
- c) **Honorary Members** – The Executive/Management Committee shall have the power to elect such persons as Honorary Members as it may deem advisable in the interest of the Association for such period as it may consider proper.
- d) **The question of the criteria is:** for the selection of honorary members are to be determined by the membership body.

## **Article 5**

1. All new persons eligible for membership shall apply on such form as prescribed by the Management Committee and such applications shall be subject to approval of the Committee.

## **Article 6**

### **MEMBERSHIP CONTRIBUTION**

1. Each member shall pay an annual membership contribution, the amount of which shall be fixed by the Executive Committee on a proposal of the Management Committee.
2. The subscription license fees are:

	TYPE OF LICENSE	ANNUAL FEE
1	Youth Basic	10 – 16 years:
2	Basic Membership	
3	Domestic (All riders)	
4	Officials	
5	Mechanics	
6	Coaches	
7	One Day License Fee	

3. Annual contribution shall be payable in respect of a full year ending 31<sup>st</sup> December and shall be paid no later than 31<sup>st</sup> December in such year.
4. All Honorary Members are exempted from paying the contribution.

## § 3 DISTRICT ASSOCIATION

### Article 7

1. Districts Affiliates shall be grouped together into District Associations, an administrative unit and integral part of the BCA.
2. There shall be four (4) District confederations:
  - Northern Confederation
  - Western Confederation
  - Central Confederation
  - Southern Confederation
3. Each Affiliate shall belong to the confederation in which geographical region their residence lies.

### Article 8

1. All district confederation shall promote the development of cycling in their respective communities and shall inform the BCA of problems concerning cycling specific to their district.
2. They shall submit to the Management Committee of the BCA proposals for activities at the District level, and in particular as regards:
  - a) Drawing up of the District calendar of cycling events;
  - b) Organizing and planning the training courses for commissaires and technicians;
  - c) Organizing district championships
3. District Confederations shall draw up the regulations concerning the organization of cycling activities.

### Article 9

1. Each district confederation shall be organized administratively in such a way as to ensure the proper execution of its task as well as the participation of the federation in the operations of the BCA.

2. For that purpose, the district confederations shall establish a district secretariat and adopt rules of procedure in strict conformity with the Constitution and Regulations of the BCA and UCI.  
The rules of procedure shall provide for, in particular:
  - a) At least one general meeting of the confederation every four (4) years;
  - b) An executive committee and a president elected democratically every four years by the general meeting;
  - c) The method of designation of voting delegates of the BCA Congress in accordance with Article 16.
3. The election of the president and the executive committee shall take place within a seven-month period preceding 1 April of the year in which the BCA Management Committee is elected. The confederations will inform the BCA of the identity of the president and the representatives in the week of their election.
4. The Management Committee of the BCA can establish standard rules of procedure for the district confederations.

#### **Article 10**

Regulations and decisions of the district confederations may be cancelled by the Management Committee of the BCA, either ex officio or at the request of a federation, in case of non-conformity with the Constitution and regulations of the BCA.

## **§ 4 CONGRESS**

#### **Article 11**

The Congress is the general meeting and the highest authority of the BCA.

#### **Article 12**

1. The statutory Congress shall be held annually.
2. The Management Committee may convene extraordinary Congresses. The Management Committee must convene an extraordinary Congress within two (2) months of a request submitted to the Management Committee in writing by one quarter of the federations, stating the reasons and the agenda.
3. The date and venue of each Congress shall be specified by the Management Committee.

#### **Article 13**

1. The Congress shall have the following exclusive powers and duties:
  - a) Alternation of the Constitution and dissolution of the association;
  - b) To transfer the registered office to another district;
  - c) Admission, expulsion of confederations, without prejudice to Article 25, d;

- d) Setting the annual amount of contribution on a proposal from Management Committee;
  - e) Election of the President of the BCA and nine other member of the Management Committee;
  - f) Dismissal of the member of the Management committee of the BCA;
  - g) Appointment of the Public auditor, on a proposal from the Management Committee and his dismissal;
  - h) Appointment of the Appeals Board on a proposal from the Management Committee;
  - i) Approval of the rules of procedure before the Appeals Board.
2. In addition, the congress shall each year decide on:
- a) the Management report of the Management Committee;
  - b) the auditor's report on the accounts;
  - c) the annual accounts of the previous year;
  - d) the budget for the following year;

#### **Article 14**

1. Notices convening the Congress shall be sent to the District Federations at least sixty days before the date of the Congress. The notices shall indicate the date, the time, and the place on the Congress as well as the agenda. Should the case arise, they will be accompanied by the full text of proposals to amend the Constitution and the list of candidates for presidency and the Management Committee.
2. Notice covering the statutory Congress shall moreover be accompanied by:
  - a) the report of the Management Committee;
  - b) the accounts and the budget;
  - c) the auditor's report;

#### **Article 15**

1. The agenda shall be drawn up by the Management Committee.
2. A district wishing to include one or more items in the agenda of the Congress, or to put a question to the Management Committee, shall submit its draft proposals stating the reason on which they are based of text of the question to the registered office of the BCA at least ninety days before the date of the Congress.
3. With exception of altercations to the Constitution, and question on the agenda of the Congress at the request of two confederations.
4. Except in cases where the preceding point applies, no vote shall be taken on any question which is not on the agenda.

#### **Article 16**

1. Members shall exercise their voting rights through the agency of 15 delegates in all appointed among each District confederation. Each delegate must be a member of a federation of the confederation concerned.

2. The total number of voting delegates shall be 15 distributed among District confederations as follows:

Northern (Corozal & Orange Walk):	3 delegates
Central (Belize):	6 delegates
Western (Belmopan & Cayo):	3 delegates
Southern (Stann Creek & Toledo):	3 delegates
3. Each voting delegate shall have one vote.

### **Article 17**

1. The identity of voting delegates must be communicated to the President of the Congress at the opening of the congress.
2. A voting delegate may not vote as a proxy for another delegate.
3. Voting delegates shall not be appointed from the members of the BCA or a District confederation.

### **Article 18**

1. All proposals which fail to obtain the absolute majority of votes cast shall be rejected. In case of a tie, the proposal shall be rejected.
2. If the voting pertains to more than two possibilities, none of which obtained absolute majority, a second round of voting on the two possibilities with the best score in the first round.
3. A majority of two thirds of the entire delegates shall be required in the following cases:
  - a) expulsion of a member;
  - b) dissolution of the BCA;
  - c) amendment of the ConstitutionNevertheless, the disposition of Articles 6, 15, 17, and 26 of the present Constitution cannot be amended except by a majority of three quarters of the votes cast.
4. Abstention and null and void votes do not count.

### **Article 19**

1. In case of elections, each voter shall vote for as many candidates as there are vacancies. All other votes shall be null and void.

The candidates who obtain the largest number of votes shall be elected. In case of an equality of votes for the last position available, a runoff election of the tied candidates will be conducted by relative majority. In such a case, votes shall be cast for one candidate only, under penalty of the vote being declared void.
2. If the election is for only one vacancy, the candidate who receives and absolute majority of votes shall be elected. If necessary, a second round of voting shall be organized between the two candidates who received the highest number of votes in the first round.
3. If there is only one candidate for a position or if there are as many candidates as there as positions, the election is conducted without voting.

### **Article 20**

1. Voting is by a show of hands, or if requested by a voting delegate, by “roll call”.
2. Nevertheless, voting by secret ballot shall be used:
  - a) for the admission, suspension and expulsion of a member of the BCA;
  - b) for the election and dismissal of the President and members of the Management Committee;
  - c) the appointment of members of the Appeals Board;
  - d) at the request of seven voting delegates;

#### **Article 21**

1. All amendments of the items on the agenda must be made in writing, at the registered office of the BCA, at least thirty days before the date of the Congress. The text of the amendments shall be distributed at the beginning of the Congress at the latest.
2. The voting shall pertain first to the amendments, beginning by the last one, then on any amended proposal.

#### **Article 22**

The congress may decide that a proposal is to be submitted to a subcommittee appointed by the Management Committee, which shall draw up a relevant report. This proposal shall be included in the agenda of the next statutory Congress.

#### **Article 23**

1. Minutes shall be taken of every congress of the BCA.
2. The minutes shall be drawn up during the session by the office manager or a person appointed by the president of the BCA for that purpose.

#### **Article 24**

Unless otherwise decided by the Congress, the decisions of the congress shall be effective immediately.

## **§ 5 MANAGEMENT COMMITTEE**

#### **Article 25**

1. The BCA shall be managed by its Management Committee under the authority of the Executive Committee.
2. The Management Committee shall be vested with the most extensive powers as regards the management on the BCA and the regulation of cycling sports.

#### **Article 26**

1. Without prejudice to Article 24, the Management Committee shall, in particular:
  - a) propose the nomination of the Appeals Board and the auditor to the Executives;

- b) propose the amount of annual contribution to the Congress;
  - c) make up the budgets and annual accounts to be submitted to the Executives;
  - d) declare the suspension of members of the BCA, to be approved at the next Congress, in serious and urgent cases;
  - e) appoint the officer manager and treasurer of the BCA on a proposal from the Executive Committee;
  - f) decide on contracts to be signed with third parties;
  - g) engage staff;
  - h) lay down its own Rules and procedures;
  - i) establish the Drug Testing Regulations and other Regulations relating the sport of cycling in general;
  - j) set up and appoint the members of the subcommittees necessary to the proper functioning of the BCA;
  - k) appoint the commissaire;
2. The Management Committee shall lay down the condition of participation in cycling events. It may require the granting of licenses according to the procedures which it shall draw up or the payment of contribution fees.
  3. Infringement to the regulations and decisions shall be sanctioned in accordance with the regulations and procedures laid down by the Management Committee.

The following sanctions may be applied:

- a) warning
  - b) reprimand
  - c) fine
  - d) suspension
  - e) final exclusion
  - f) exclusion from one or more specific events
  - g) disqualification from a race
  - h) downgrading
  - i) penalties in time and/ or points
  - j) withdrawal of prizes
4. Difficulties concerning the interpretation or application of the Regulations of the BCA shall be settled by the Management Committee or, in an emergency, by the President of the BCA or his replacement, except for recourse to the Appeals Board.

The Management Committee may also delegate this power.

## **Article 27**

1. The Management Committee shall compose of the President of the BCA and five (5) other members elected by the Executive Committee as well as two (2) District Committee Presidents. Of the seven (7) elected members, at least four (4) shall belong to Belize City Committee.
2. The members intended in Paragraph 1 above can be joined by a maximum of two (2) co-opted members.
3. The Management Committee shall be renewed every four years. Outgoing members shall be eligible for re-appointment.

4. The President of the BCA shall be the chairman of the Management Committee.
5. The Management Committee shall elect two (2) Vice-Presidents from among its members by secret ballot.

### **Article 28**

1. Except in case of succession, the President and the nine other elected members of the Management Committee are elected at the same Congress. The election of the President shall be in accordance with Article 18.2, immediately before the election of the nine other members. The election of these nine other members shall be in accordance with Article 18.1 in such a way that the Management Committee will have at least seven elected members belonging to District federations, including, should the occasion arise, the President of the BCA. If need be article 18.3 shall apply.
2. The term of office of the Management Committee and of the President shall commence immediately upon the adjournment of the Congress that elected them. It shall come to an end upon the adjournment of the Congress that elects the new Management Committee.
3. The Management Committee shall be renewed every four years. Outgoing members shall be eligible for re-election.

### **Article 29**

1. The term of office of a member of the Management Committee shall come to an end by resignation, death, or dismissal by the Executive Committee. The Management Committee will continue to function with the same powers as through it was complete. The election of the successor of an elected member shall take place at the next Congress. The term of office of a president of a District confederation in the Management Committee shall also come to an end by the election of a new president by this confederation.
2. The president of a District confederation can be replaced as member of the Management Committee by a District representative elected for this purpose by the District confederation in question in the following cases:
  - (a) When this president, before taking office, resigns his membership of the Management Committee;
  - (b) When this president is elected President of the UCI;
  - (c) When this president retires from the Management Committee of the UCI or is dismissed but remains in office as president of the District confederation.

The continental representative will be replaced by the new president who will be elected by the continental confederation and who will assume himself the office on the Management Committee.

3. If the Management Committee has only six elected members or fewer, the election of the successors must take place as soon as possible, if necessary at an extraordinary Congress to be convened for this purpose.

4. Resignations can be only submitted with a notice period of at least ninety days, save for decision to the contrary of the Management Committee or of the Congress when the latter meets during the notice period.
5. If a member of the Management Committee is no longer a member of his district federation, the Management Committee will decide, at the request of this federation, if it will enter the vote on the possible dismissal of this member on the agenda of the next Congress.
6. The successor shall complete the term of the predecessor.

## **§ 6 EXECUTIVE COMMITTEE**

### **Article 30**

1. The routine and/or urgent business of the BCA shall be dealt with by an Executive Committee comprised of the President, the three Vice presidents and the member of the Management Committee in charge of Marketing.
2. In case of an equality of votes, the President shall have a casting vote.

### **Article 31**

In cases of extreme urgency, the president may take the decision alone. He shall inform the Executive Committee of these decisions at the next meeting.

### **Article 32**

The Executive Committee shall nominate candidates for treasurer and office manager of the BCA.

## **§ 7 PRESIDENT**

### **Article 33**

1. The President of the BCA shall chair the Congress of the BCA, and meetings of the Management Committee and Executive Committee.
2. He may, under his own responsibility, appoint persons with a function in cycling as official as delegates of the BCA to perform special assignments.

### **Article 34**

The President shall cite the persons and bodies who fail to comply with the Constitution and Regulations.

### **Article 35**

1. The president of a district association who is elected President of the BCA thereby loses his office of president of the district association. Similarly, if a district representative is elected President, he loses this office. The position on the Management Committee reserved to his district

- association will be assumed by a successor to be designated by this association.
2. If the President is absent or unable to attend, he is replaced by the Vice-President with the most seniority in office, in the event of the same seniority, the oldest in age.
  3. In the event of death, resignation or dismissal of the President, the Vice-President as intended in paragraph 2 shall fill the office of president until the next Congress.

## **§ 8 EXTERNAL REPRESENTATION**

### **Article 36**

The President shall represent the BCA in all circumstances, including at law, both as plaintiff and defendant.

### **Article 37**

The BCA shall be validity bound to third parties by the joint signatures of the President and treasure, or those of the President and a Vice-President.

## **§ 9 SUB-COMMITTEES**

### **Article 38**

1. The Management Committee shall set up sub-committees it deems necessary for the proper functioning of the BCA. It shall prescribe their sphere of activity and functioning and appoint their members.
2. In particular, a technical sub-committee, a medical sub-committee and a sub-committee on drugs used in sports shall be set up.
3. The term of office of a member of a sub-committee shall come to an end by resignation, death or dismissal by the Management Committee.

## **§ 10 ADMINISTRATIVE SERVICE**

### **Article 39**

1. The administration of the BCA shall be placed under the direction of the President, assisted by an office manager.
2. The office manager shall be appointed by the Management Committee under contract on a proposal from the Executive Committee.
3. The office manager shall draw up the minutes of the BCA and the minutes of the Management Committee and the Executive Committee. He shall keep the Constitution and regulations up to date and see that they are duly published and distributed.
4. The Administrative Service shall assume the general secretarial services of the BCA and the secretariat of the Appeals Board. It shall also assume

5. The Administrative service shall be situated in Belize City at a place fixed by the Management Committee.

## **§ 11** **TREASURER**

### **Article 40**

1. The Executive Committee shall appoint a treasurer under contract, on a proposal of the Executive Committee. The treasure shall have been professionally trained in financial and tax matters.
2. The treasure shall carry out his duties under the supervision of and in cooperation with the President of the BCA. He shall assist the Administrative Service of the BCA.
3. The treasurer shall prepare BCA budget and draw up the annual accounts. He shall control revenues and expenditures. He shall have financial powers which may be delegated to him by the Management Committee.

### **Article 41**

1. The financial year of the BCA shall commerce on 1 January and closes on 31 December.
2. The resources of the BCA shall consist in particular of the contributions or fees of license-holders, sponsoring and royalties generated by sport activities.
3. Travel and accommodation expenses of members of the Management Committee and sub-committees with regards to the execution of their duties, shall be at the expense of the BCA.

## **§ 12** **FINANCIAL CONTROL**

### **Article 42**

1. On proposal from the Management Committee, the Congress shall appoint a public auditor for a period of four (4) years, His term of office shall be terminated exclusively by the Congress, which shall also approve the contract between the auditor and the BCA.
2. The Auditor shall be appointed two years after the election of the Management Committee.
3. The auditor shall be an independent company auditor established in Belize.
4. The auditor shall audit the accounts of the BCA, and draw up a relevant report to be submitted to the Congress.

## **§ 13** **APPEALS BOARD**

#### **Article 43**

1. An appeal Board shall be set up consisting of three members: a Chairman and two examiners.
2. On proposal by the Management Committee, the BCA shall appoint the Chairman and two examiners, as well as a first and second alternate for each of them.

#### **Article 44**

1. The Chairman and his two alternate shall be holders of a University law degree.
2. The members of the Appeals Board shall exercise no function in the BCA or a District Committee.

#### **Article 45**

1. The members of an Appeal Board shall be appointed for a term of four (4) years. They are irremovable. Their office comes at the end before this term only by death or resignation.
2. In case of vacancy, the management Committee shall proceed, if necessary, with a provisional appointment to be ratified by the BCA

#### **Article 46**

The Appeals Board shall have the jurisdiction over:

- a) appeals in cases provided for in the BCA Regulations against administrative, sporting and disciplinary decisions taken by the authorities of the BCA and District Affiliated Association;
- b) disputes between the authorities of the BCA, including the District Affiliated Associations;
- c) in other cases, disputes referred with the agreement of the interested parties;
2. The BCA and District Affiliated Associations shall refrain from disputes pursuant to Article 17.1 (b) to the state court or authorities and shall submit all such disputes for arbitration to the Appeals Board whose decision shall be final.

#### **Article 47**

1. The Management Committee shall regulate:
  - a) the functioning of the Appeals Board;
  - b) the proceedings in compliance with the right of the defense;
  - c) the expense of the proceedings and the fees of the members of the Appeals Board;
  - d) the suspensory effect of the appeals;
  - e) the execution of decisions pronounced by the Appeals Board;
2. The foregoing regulations, as well as their amendments, shall enter into force upon their approval by the Special General Meeting.

# § 14

# DISSOLUTION

## Article 48

1. The BCA shall be established for an indefinite period.
2. The issue of its dissolution shall be decided only by an extraordinary Congress.
3. The Management Committee shall convene the extraordinary Congress to deliberate on the possible dissolution of the UCI, either at the request of at least one fifth of the association pursuant to a decision taken from among its members of a majority of two thirds of the votes.
4. The Congress must represent at least two thirds of the voting delegates at the time of the voting. Dissolution shall be decided by a majority of two thirds of the votes cast.

## Article 49

1. The Congress which shall decide on the dissolution of the BCA shall appoint one or more liquidators. Otherwise, the liquidation shall be entrusted to the Management Committee. The Congress shall also decide on the use of the balance of the liquidation. If it should not, the balance shall be donated to an international charity. Under no condition shall said balance be distributed to the members of the BCA.
2. At the end of the liquidation process, the liquidators shall give account to Congress which shall declare the liquidation closed.