

BYLAWS OF MONTICELLO SWIM CLUB, INC

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BYLAWS OF MONTICELLO SWIM CLUB, INC

Organization Name

The name of the organization shall be Monticello Swim Club, Inc., doing business as Monticello Swim Club. It may be referred to as “Club”, “MSC” or “Organization” in this document.

Mission Statement

The mission of the Monticello Swim Club is to provide each swimmer with the opportunity to reach his or her full potential. The Club is open to swimmers aged 6-99 years of age to use the sport of swimming as a vehicle to teach the following values to all of its members: discipline, leadership, sportsmanship, physical fitness, goal setting, and excellence.

Purpose

The Monticello Swim Club will operate as a year-around competitive swimming program, which will enable the swimmers to progress into competitive swimming at the local, state and national levels in accordance with their respective abilities and desires. The Monticello Swim Club is organized to support the sport of swimming by teaching children and adults the fundamentals of competitive swimming, fostering relationships between the swimmers, parents and coaches, and to promote values of discipline, leadership, sportsmanship, physical fitness, goal setting, and excellence. The Club will also engage in activities, which are related to the furtherance of its principal purpose.

ARTICLE I: OBJECTIVES AND BASIC POLICIES

Section 1: The MSC shall strive for the improvement and promotion of competitive swimming, the swimming program of USA Swimming and in particular, Minnesota Swimming, Inc. (MSI).

Section 2: The Club shall strive for the establishment and maintenance of a competitive swimming program that promotes good sportsmanship, physical and mental conditioning for competitive swimming, and team spirit.

Section 3: The Club shall strive to develop competitive swimmers for their respective mental, physical, and emotional betterment.

Section 4: Basic Policy

- Organization shall be noncommercial, nonsectarian and nonpartisan.
- No commercial enterprise and no candidate shall be endorsed by it.
- Neither the name of the Organization nor the name of its Officers in their official capacities shall be used in any connection with a commercial concern.
- Neither the name of the Organization nor the name of its Officers in their official capacities shall be used with any partisan interest.
- Neither the name of the Organization nor the name of its Officers in their official capacities shall be used for any purpose other than the regular work of the Organization.

Section 5: Disbursement of Funds

Upon the dissolution of the organization, and after paying or making provisions for payment of all liabilities of the organization, the Board of Directors shall distribute any net assets to Minnesota Swimming, Inc, to be used exclusively for educational or charitable purposes under Section 501©(3) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future U.S. Internal Revenue Law).

ARTICLE II: MEMBERSHIP AND DUES

Section 1: The general membership shall consist of the Head Coach, and two classes of membership: (1) Regular members and (2) Competitor members. Regular members shall be defined as the parents or legal guardians of Competitor members. Competitor members shall be those swimmers who are members of the Club team. Member must remain in good standing. "Good standing" is defined as, (1) having a valid MSC registration on file, (2) All MSC fees are paid in full.

Section 2: All coaches, swimmers and their parents/guardians agree to abide by the rules, policies and procedures established by the Monticello Swim Club general membership, the Club Board of Directors, and the coaches. Swimmers must be approved by the Head Coach. Swimmers must have parent/guardian's permission to swim with the Club. Swimmers must conform to Club rules and regulations in the best interest of water safety and Club functions. The Head Coach, in communication with the Board of Directors, reserves the right to initiate and conclude any action regarding the expulsion of a swimmer from the club in order to insure these objectives.

Section 3: Dues/Fees

- A. Each swimmer is required to pay an annual MSI fee for insurance prior to swimming. Uninsured swimmers will not be allowed to swim, for the protection of the club.
- B. Dues/fees shall be payable at the beginning of each term; any other arrangements must be made in advance with the Treasurer.
- C. Club expenses will be paid from dues/fees.
- D. Swimmers needing financial assistance will be considered for scholarship funds, if available. Only applicants who have filled out the necessary paperwork will be considered.

Any changes in dues/fees shall be proposed by the Head Coach and Board of Directors, and voted upon by the BOD prior to implementation.

Section 4: Voting Members The Head Coach and any Regular member in good standing may be present, serve on committees and otherwise fully participate in the activities of the MSC. Any member of the community directly affiliated with the Monticello Swim Club is welcome to attend meetings convened by this organization. The success of Monticello Swim Club depends not only on the Board of Directors, coaches and swimmers, but also on the active participation of parents/guardians in the activities of the Club.

Article III: Meetings

Section 1: There shall be a monthly meeting of the MSC general membership.

Section 2: Special meetings of the MSC general membership will be held when determined necessary by a majority vote by the MSC Board of Directors. The time and place shall be determined by the Chairman.

Section 3: April Monthly Meeting, which may occur at the Annual Spring Banquet, shall include the Election of Officers for the next term.

Section 4: The Chairman of the MSC or his/her designee shall preside over each membership meeting.

Section 5: Any action required or permitted to be taken at a meeting of the Officers of the Organization (including the Amendment of these Bylaws) or of any committee may be taken without a meeting if all of the Officers and the members of the committee consent, in writing, to taking the action without a meeting and to approving the specific action. Such consents shall have the same force and effect as a unanimous vote of the Officers of the Organization or of the committee as the case may be.

Section 6: Officers of the Organization may participate in a meeting through use of conference telephone or similar communications equipment, including email.

Article IV: Board of Directors

Section 1: The Officers are the policy-making body and may exercise all the powers and authority granted to the Organization by law and these bylaws and may be referred to as “Board of Directors”, “BOD” or “Board” in this document.

Section 2: The seven (7) Officers of this Organization shall be:

1. Head Coach - Appointed position
2. Chairman
3. Vice-Chairman
4. Secretary
5. Treasurer
6. Two At-Large Officers

Section 3: The voting members of the BOD shall be comprised of those members appointed and those elected by the general membership. All candidates shall be members in good standing. To be nominated as an Officer of the MSC, a person shall have been a member of the MSC for a minimum of six (6) months. Each officer shall serve a term of three-years, to begin Sept. 1st. Officers may only serve a maximum of two consecutive terms. Officers shall hold office until a successor is duly elected and qualified. Officers shall be eligible for reappointment. All BOD members must be a Head Coach or parent/guardian of a MSC swimmer in good standing. Only one member from a swimmer’s family may serve on the BOD. The Board of Directors should equally represent the different communities that the Club represents.

Section 4: Nomination and Election of BOD Members. The nomination and voting process will be administered by an Election Committee, appointed by the Head Coach and Chairman. It shall be composed of members in good standing. The BOD election process shall allow staggered elections of two newly elected Officers each year. This will provide the Board with continuing, experienced members, as well as new, incoming members to govern the Club’s operations. At the April Monthly Meeting, the Regular membership shall elect the new officers by majority vote. There will be no proxy voting. Prior to the April Monthly Meeting, any Regular member can become a candidate for the next year by submitting to the Election Committee a brief statement of their desire to become an officer. Statements shall include the candidate’s wishes to be elected to and a brief statement of why they want to be elected. These statements will be compiled and distributed to the members along with details and deadlines of the election procedures. Each Regular member will be entitled to cast one vote. The two candidates receiving the highest number of votes cast shall be declared elected. If no candidate is named and/or elected for any office, the incoming and outgoing BOD shall solicit and appoint an officer. The consent of any such appointee shall be obtained prior to any such appointment.

Section 5: Term of Office. BOD members shall serve until their respective successor has been elected or appointed, but any BOD member may be removed with or without cause by a 2/3 vote of the full membership of the MSC BOD. If the Head Coach has failed in a material and serious degree to observe the rules of conduct of the corporation or has engaged in conduct materially and seriously prejudicial to the interests and purposes of the corporation, the BOD by 2/3 vote may hold a special 2/3 vote of the Regular membership to remove the Head Coach. BOD members may resign by providing written notice to the MSC Chairman one month in advance of their effective resignation date. Vacancies will be filled by persons selected by majority vote of the remaining BOD until a replacement can be elected by the Regular membership. A special meeting of the Regular membership is not required to fill vacancies so long as at least four elected members remain on the BOD. If and when only three or fewer elected members of the BOD remain in office, the BOD must order a special meeting be held within 30 calendar days and the BOD shall have no further authority to act until said vacancies have been filled by the Regular membership.

Section 6: Duties of Officers All Officers are required to attend Monthly Meetings, Special Meetings, and other meetings as requested. The Board of Directors shall annually elect from among the Directors a Chairman, Vice-Chairman, Secretary and Treasurer. A majority vote of the Board shall be necessary for the election of officers. No Director shall hold more than one office at any time.

A. Chairman:

- Prepare agendas in cooperation with the Head Coach and Secretary prior to regularly scheduled meetings.
- Communicate tentative agenda to Secretary for distribution to members.
- Convene meetings throughout the year.
- Preside over meetings throughout the year.
- Facilitate group discussions.
- Call for chairs and/or members for committees.
- Review minutes of previous meetings.
- Work closely with the Head Coach in matters that relate to the MSC.
- Make presentations to various groups if requested.
- Orientate incoming Chairman.
- Plan the annual MSC calendar with the Head Coach.

B. Vice-Chairman:

- Act as aid to the Head Coach and Chairman.
- Perform the duties of the Chairman in the absence of that Officer.
- Review the monthly bank statement with the Head Coach and Treasurer.
- Coordinate special projects as they arise.
- Oversee special events undertaken by the Organization.
- Oversee standing and special committees of the Organization
- Oversee programs undertaken by the Organization.
- Oversee fundraisers undertaken by the Organization.
- Orientate incoming Vice-Chairman

C. Secretary:

- Record proceedings and votes of MSC.
- Submit minutes of the monthly MSC meetings to the Officers and general membership prior to the next recurring meeting.
- Make necessary revisions to the monthly MSC meeting minutes and distribute to the general membership within two (2) weeks of the meeting at which the revisions were discussed.
- Assist the Head Coach and Chairman in handling any necessary correspondence.
- Maintain a current copy of MSC By-Laws and any other legal paperwork as directed by the BOD.
- Maintain roster of current members with assistance from the Treasurer.
- Assist with registration of new members.
- Orientate incoming Secretary

E. Treasurer:

- Receive all MSC monies collected.
- Deposit all monies received into appropriate MSC accounts.
- Keep an accurate record of receipts and expenditures.
- Make payments as authorized by the Head Coach, Board of Directors or the Budget.
- Present statements of accounts at each meeting and as requested.
- Review monthly bank statement with the Head Coach and Vice-Chairman.
- Position will have check signing privileges when directed by the Head Coach and Chairman.
- Maintain all required payroll and tax records and ensure reports are submitted to appropriate government agencies in a timely manner.
- Maintain and update Annual Budget
- Register MSC swimmers, with Secretary's assistance.
- Register MSI/USA swimming memberships for club, swimmers, and officers, as required, with Secretary's assistance.
- Prepare sanction financial report, and file with state office.
- Provide names of new members to Secretary for roster.

E. Head Coach

- To implement a competitive USA Swimming program that provides opportunities for school-aged children of all ability levels, novice through nationally ranked. It is the goal to host one to two Minnesota Swimming, Inc. sanctioned meet days throughout the year which gives the opportunity for home pool advantage to all swimmers, (Novice – C, B, A+). To implement a swim program which encourages each child to work towards the MSC mission, “To provide each swimmer with the opportunity to reach his or her full potential.” By providing practice and training opportunities appropriate to each child's needs.
- Set MSC Meet Schedule so that it meets the needs of the team and swimmers of all ability levels.
- Invite every eligible MSC swimmer to attend meets. Prepare/distribute listing of meets and signup dates. After sign-up, file computerized entry information and send to host team, along with fee summary and check. Keep a copy to file, and

- provide Treasurer a copy. Communicate registrations with swimmers by sending out a Meet Info Sheet to each participating swimmer. Keep records of all MSC swimmers times and distribute to each individual periodically.
- Assign MSC Coaching Staff to cover all meets on the MSC schedule which MSC has swimmer(s) attending. (Head Coach shall attend at least (1) C-Novice Meet and (1) B/C level swim meet during each season. It is the priority of the Head Coach to attend the highest level Championship Meet, when (2) or more meets occur during the same time period.)
 - Negotiate and build good relationships with Athletic Directors and Community Education Directors while securing pool time for MSC.
 - Fill out permits and/or Contracts necessary to secure use of facilities. Keep all contracts on file.
 - Make personal contacts needed to complete the MSI Bid Form (and any other necessary paperwork) to apply for meets MSC would like to host during the upcoming year. Obtain approval from Board before completing Bid Form. Complete or delegate all paperwork needed for meets to be sanctioned. Supervise pool set-up prior to each home meet.
 - Take attendance daily at swim practice and work with Treasurer to insure all swimmers are registered. Keep MSC Registration forms on hand during all MSC activities; a resource for emergency medical information.
 - Provide a disciplined and safe teaching environment for swimmers at practices and meets. Teach technical skills to each swimmer. Set practice schedule based on pool time available and active number of swimmers at each ability level. Assign coaches to practices based on availability, consistency and number of swimmers. Work with coaches to make a season plan, weekly plan, and what to work on with swimmers.
 - Meet with MSC parents/swimmers outside of swim practice by appointment.
 - Facilitate travel arrangements and hotel reservations for out-of-town meets, and team trips.
 - Be a good role model. Follow the American Swimming Coaches (ASCA) “Code of Ethics”.
 - Maintain certifications for all coaches: CPR, First Aid, Lifeguard Training and Coaching training.
 - Hire and dismiss assistant coaches.
 - Communicate with Directors to submit meet results to media outlets.
 - Communicate with Directors to help establish and maintain positive communication with swimmers and parents.
 - Communicate with Directors about short and long range goals for club.

F. At-Large Directors

- Arrange for publicity and media coverage with assistance of Head Coach
- Develop, update and maintain Monticello Swim Club Website
- Assist new swimmers and their families

- Develop and maintain club handbook with Head Coach assistance.
- Publish Newsletter/Flyers/E-newsletters
- Keep MSC Bulletin Board current at the Monticello Middle School pool.
- Any other duties as assigned by BOD

ARTICLE V: Parliamentary Authority and Procedures

Section 1: Roberts Rules of Order, Modern Edition, shall govern this Organization.

Section 2: Quorum and Voting. A quorum shall consist of at least five members of the MSC BOD. A quorum is required in order for the BOD to vote on issues and make decisions affecting the MSC. Once quorum has been established, a majority vote of those present shall be sufficient for all purposes, except as otherwise specified herein. Meetings attended by less than a quorum can discuss issues and exchange general information necessary for the continued operation of the MSC. Scheduled meetings of the BOD that consist of less than a quorum must also be documented by minutes.

Section 3: The fiscal year of Monticello Swim Club shall begin on September 1st and terminate on August 31st of the following year. The MSC will pay for all operational expenses using MSC funds. The MSC BOD will develop a budget for the financial operation of the MSC under the direction of the Head Coach and President by August 31st of each year. The Treasurer will maintain a progressive comparison between the original budget submission and actual financial developments. The Treasurer will provide the MSC BOD financial updates on a monthly basis. These updates shall be formally approved (or adjusted) by the MSC BOD.

Section 4: Required Committees

The Board of Directors shall have the authority to establish committees as may be necessary to further and promote the interests and activities of the Club. Such committees may be comprised of both Directors and other Regular members.

- (A) **Meets and Equipment Committee.** This committee shall obtain all necessary resources (personnel and equipment) required to conduct home and away swim meets. It shall also be responsible for setting up the pool for home swim meets and restoring the pool for general use after swim meets. It shall also facilitate special training opportunities for the swimmers.
- (B) **Fundraising/Concessions Committee.** This committee shall be responsible for the operation of fundraisers and concessions at home swim meets. The committee shall, with prior approval from the BOD, purchase supplies necessary for operation of the fundraisers and concessions. The Committee shall sell items in a manner designed to improve the financial stability and overall operation of the MSC.
- (C) **Social Committee.** This committee shall organize social functions to enhance the morale and community spirit of the MSC. It shall also be responsible for organizing an annual end-of-season awards banquet. The committee shall, after approval by the BOD and in coordination with the Head Coach, purchase awards for the banquet.

ARTICLE VI: Indemnification

Every member of the Board, officer or employee of the Organization may be indemnified by the Organization against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such members of the Board, officer or employee in connection with any threatened, pending or completed action, suit or proceeding to which she/he may become involved by reason of her/his being or having been a member of the Board, officer or employee of the Organization, or any settlement thereof, unless adjudged therein to be liable for negligence or misconduct in the performance of her/his duties. Provided, however; that in the event of a settlement the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the Organization. The foregoing right of indemnification shall be in addition and not exclusive of all other rights, which such member of the Board, officer or employee is entitled.

ARTICLE VII: AMENDMENTS

Section 1: Voting

These By-Laws may be amended or altered in any respect by a vote of two-thirds (2/3) of the Regular Members of the Organization present and voting at any Meeting of the Organization.

Section 2: Submission

All proposed amendments must be submitted in writing to the Board of Directors with the Article and Section numbers referenced.

Section 3: Publishing of Proposal

The Board of Directors is responsible for providing a written copy to members of the proposed amendment(s) at least ten (10) days prior to the Meeting at which the amendment(s) will be voted on.

ARTICLE VIII: TERMINATION AND DISSOLUTION

The Club may be terminated and dissolved upon the affirmative vote of at least two-thirds (2/3) of all Regular members entitled to vote. In the event of such termination and dissolution, the BOD shall, after paying or making provision for the payment of all liabilities of the Club, make a determination for the further disposition of any additional assets or net worth of the Club.

Approved and adopted by the Monticello Swim Club on the 20th day of May, 2008.

Signatures:

IN WITNESS THEROF, I have hereunto set my hand and seal this 20th day of May, 2008
