

RED DEER SILVER SHARKS MASTERS SWIM CLUB CONSTITUTION

Adopted at the Executive Meeting of March 9th, 2006 according to the decisions made at the Annual General Meeting of March 9th, 2006.

ARTICLE 1: NAME

This club shall be known as RED DEER SILVER SHARKS MASTERS SWIM CLUB hereinafter referred to as "Masters".

ARTICLE 2: NATURE OF CLUB

Masters shall be a community-oriented swimming club, comprising, in general, residents of the City of Red Deer, Alberta and District. Masters shall operate in accordance with the rules of SWIMMING NATATION CANADA, and be affiliated with SWIM ALBERTA, of which it shall be a member.

ARTICLE 3: OBJECT

The object of Masters shall be to promote fitness and recreation through swimming, using competition only for those who wish to participate to measure their achievement level. Masters' swimming program, therefore, will promote individual development at various levels of swimming.

ARTICLE 4: QUALIFICATION FOR MEMBERSHIP

Membership in Masters may be gained, and is maintained by:

- a) complying with, and meeting, the conditions for membership as prescribed in the By-Laws; and
- b) payment of fees as levied in accordance with the By-Laws.

ARTICLE 5: CONSTITUTION AND BY-LAWS

This Constitution and the By-Laws hereto appended, cancel and replace all previous Constitutions and By-Laws, and shall be binding on all members of Masters.

ARTICLE 6: OFFICERS

The Officers of Masters shall include the members of an Executive Committee, Coaches, and all appointed Committee heads, and, with the exception of the coaching staff, shall be members in good standing.

ARTICLE 7: EXECUTIVE COMMITTEE

The Executive Committee shall consist of a President, the immediate Past President, and other officers as specified in By-Law #7, and shall be chaired by the President.

Election of officers shall be in accordance with the By-laws. In the event of one person holding more than one position on the Executive Committee, that person shall be entitled to one vote.

The Executive Committee shall manage the affairs of Masters in accordance with the Constitution and By-Laws. Their responsibility shall include the hiring and supplying of job description and administering of Masters' employees, the managing of all Masters financial affairs, the controlling of all properties owned by Masters and the entering into contracts generally.

The Executive Committee shall prepare revisions to the Constitution and By-Laws as necessary, for ratification by the membership.

ARTICLE 8: FINANCING AND BUDGETING

The financial burden of Masters shall be shared on a fair and equitable basis amongst the members. The Executive Committee, in accordance with the By-Laws, shall prepare an Annual Budget and revisions thereto as required, for ratification by the membership.

Annual Financial Statements shall be prepared by the Treasurer /Financial Officer and audited by one member on the Executive and a general member and presented to the membership for acceptance.

The books and records of Masters may be inspected by any member of Masters at the Annual General Meeting.

Each member of the Executive shall at all times have access to such books and records.

ARTICLE 9: GENERAL MEETING

An Annual General Meeting (AGM) shall be held each year in the spring. In addition to other business that may be transacted, the reports of the Executive Committee members shall be submitted to the membership for acceptance. Thereafter the election of the Executive Committee members for the forthcoming year shall take place.

On request in writing from two members of the Executive Committee or from eight or more members, the President shall call and conduct a Special General Meeting within 15 days of that request.

The rules for calling, conducting and recording the General Meetings shall be prescribed in the By-Laws. Notwithstanding, no business shall be transacted at the General Meeting unless a quorum of at least twenty percent of the swimmers is represented at the meeting.

Meetings of the Executive shall be held as often as may be required, but at least once every three months, and shall be called by the President.

ARTICLE 10: CHANGES TO THE CONSTITUTION

The Constitution of Masters can be changed at the General Meeting in accordance with the By-Laws. At least two-thirds of the eligible votes cast are necessary to affect a change.

ARTICLE 11: CHANGES AND ADDITIONS TO THE BY-LAWS

The rules for changing By-Laws or adding By-Laws are the same for changes to the Constitution, except that only a simple majority of the eligible votes cast is required.

By-Laws shall be invalid to the extent that they are contrary to the Articles of the Constitution.

BY-LAWS OF RED DEER SILVER SHARKS MASTERS SWIM CLUB

BY-LAW #1 - SESSIONS AND GROUPS

- a) The club year shall be from mid September to the end of April.
- b) The fiscal year of Masters shall coincide with the club year.
- c) In accordance with the Constitution, the election of the Executive Committee members for the forthcoming year shall take place at the Annual General Meeting in the spring. During the period from the election to the commencement of the club year, the Executive Committee members-elect shall familiarize themselves with the operation of Masters, shall assist the outgoing Executive Committee, and shall review as necessary the Annual Budget for the forthcoming year.
- d) The membership may be divided into different groups, where specific fees and times for swimming are generally applicable for membership in a group, for the majority of the club year. Short-term swim programs, such as trials, or seasonal swim programs, such as during the summer, shall not constitute distinct groups.

BY-LAW #2 - GENERAL MEETING

- a) Notice of a General Meeting, in writing and/or email shall be given to all members as least five days in advance of such a meeting. The notice shall give the proposed agenda, date, place, and time of the meeting. If the agenda included a proposed change to the Constitution or By-Laws, the proposed changes shall be presented in full as part of the Notice.
- b) One vote shall be allowed to each member present at the meeting.
- c) Twenty-five percent (25%) of all members in good standing shall constitute a quorum at a general or special meeting. Fifty percent (50%) of all Executive members shall constitute a quorum at an executive meeting.
- d) All General Meetings shall be conducted as nearly as possible in accordance with parliamentary procedure. "Roberts Rules of Order" shall be considered the final authority.

BY-LAW #3 - ELECTION OF EXECUTIVE COMMITTEE

- a) A nominating committee, chaired by the Past President shall prepare a slate of consenting candidates for the positions of the Executive Committee, as defined in By-law #7, excluding the position of Past President.
- b) The election for each position shall be by secret ballot or show of hands. To be elected, a candidate shall receive the largest number of votes cast by the members present. Vice-Presidents shall be members of, and elected by, their respective groups if distinct groups exist.

- c) The Past President shall conduct the election of Executive Committee members, assisted by two impartial scrutineers.
- d) Vacancies arising in the Executive Committee during a club year shall be filled by appointment by the remaining members of the Executive Committee, such appointment to have effect for a duration not exceeding the remaining of the club year.

BY-LAW #4 - CONDITIONS FOR MEMBERSHIP

a) ELIGIBILITY

Membership may be granted to an applicant provided:

- that the applicant can demonstrate a level of swimming ability and general conduct judged by the Coaches to be commensurate with the entry into Masters Swim program;

- the applicant is informed that swimming is a strenuous activity. It is the applicant's responsibility to seek medical advice if desired by the applicant, coach or President.

- that a SWIM ALBERTA form is completed by the applicant to the Masters Registrar;

- that an applicant is of a minimum of 18 years of age.

- that a maximum of fifty (50) registrants has not been achieved in each group. If the maximum has been reached, the applicant's name and contact information will be added to a list of prospective members and the date noted.

b) OBLIGATIONS

Swimmers shall be required to maintain good conduct and discipline at practices, swim meets, Masters functions and wherever representing Masters as individuals or in a group.

BY-LAW #5 - FEES

- a) Upon ratification of the Annual Budget, the Executive Committee shall set the annual fee and methods of payment.
- b) General fees shall be levied to cover the following costs, to the extent that they are not covered by grants and other revenues:
 - coaching costs;
 - club equipment and facility costs (eg. pool rental); and

- other Masters expenses as authorized by their Executive Committee.
- c) In addition to the above General Fees, member shall be liable for their share of their Meet Entry Fees, and any travel and accommodation costs for out-of-town meets.
- d) Refunds shall be issued as follows:
 - any fixed charge, e.g. for SWIM ALBERTA, is refundable for any reason until the end of the first two weeks of the program (in September, or in January for new members starting then)
 - swimming charges for September to December are fully refundable until the end of the first two weeks of the September program. After that, prorated refunds will be issued for specific reasons only
 - swimming charges for January to the end of April are fully refundable until the end of the first two weeks of the January program. After that date, prorated refunds will be issued for specified reasons only
 - refunds may be issued for special programs such as a summer swim on a case by case basis
 - specified reasons for refunds include medical reasons and relocation out of the area
 - other reasons or exceptions may be allowed by the executive on a case by case basis
 - prorated refunds will reflect the number of complete months remaining
 - all requests for refunds must be made in writing or email to the Executive Committee.

BY-LAW #6 - DISCIPLINE AND EXPULSION OF MEMBERS

- a) Any member demonstrating actions detrimental to the interest of Masters, or any member who shall violate the Constitution, By-Laws or regulations, may be disciplined or expelled by a two-thirds vote of the Executive Committee at any meeting. The Executive Committee shall forward to the member complained of, a copy of the charges preferred, and reasonable opportunity shall be afforded such a member to answer the charges. A member against whom charges have been preferred, may be represented at any meeting in good standing with Masters.
- b) Discipline for the pool area shall be established and administered by the Coaches.

BY-LAW #7 - ORGANIZATION

- a) The management of Masters and all its affairs and property shall be entrusted to and vested in the members of the Executive Committee, which shall consist of:
- President;
 - Vice Presidents - one from each Group;
 - Secretary;
 - Treasurer/Financial Officer
 - Registrar;
 - Past President;
 - Team Managers – one from each Group;
 - Meet Director
 - Equipment Manager
 - ;
 - Communications Officer and
 - Social Director.
- b) Excepting Past President, Officers may be required to perform more than one role.
- c) Deeds, transfers, licenses, contracts and engagements on behalf of Masters shall be signed by the President or person designated by the President of the Executive Committee. All cheques, bills of exchange, or other orders for payment of money, notes or other evidences of indebtedness issued in the name of Masters shall be signed by the Treasurer/Financial Officer or President.
- d) A term of office shall be one (1) year.
- e) Remuneration: Coaches shall be paid according to their contracts.
- f) An Executive member shall be entitled to swim at any Masters swim time.
- g) Otherwise, unless authorized at any meeting and after notice for same shall have been given, a member of Masters shall not receive any remuneration for his services.
- h) The Executive shall have the right to spend an amount at their own discretion each year as deemed necessary to support Masters activities. This amount shall not exceed twice the amount of a full membership.

i) DUTIES OF THE EXECUTIVE COMMITTEE MEMBERS

1. President

- prime representative and spokesperson of the members and responsible for co-ordinating all activities of Masters;

- chairman of Executive Committee and General Meetings;

- negotiates contractual arrangements with the Coaches and other employees of Masters;

- advises and assists the Coaches in their dealings with elected officers, appointed officers, and other members;

- ensures that members meet membership regulations outlined in the Constitution, By-Laws and elsewhere;

- with the concurrence of the rest of the Executive Committee, appoints all committees deemed necessary to assist in the operation of Masters and is an ex-officio member of all committees;

- votes while presiding at a meeting only when necessary to resolve a tie;

- signs contracts and agreements on behalf of Masters as defined in B above;

- provide and review with each member of the executive-elect with a copy of the Constitution and By-Laws;

- review at least annually a written coaching policy with each coach covering, but not limited to, expected hours of work and remuneration, including pay for absence and for meets; and

- may prescribe additional duties to any other member of the Executive Committee.

2. Vice-Presidents

- assume the duties and powers of the President, on a rotation basis, as determined by the Executive Committee, during the President's absence or inability to exercise his or her duties and powers; and

- are responsible for all non-financial committees, as assigned by the Executive Committee.

3. Secretary

- establishes, operates and maintains systems and procedures designed to meet the requirements of the Constitution and By-Laws; and

- has the power to appoint an assistant or assistants.

4. Treasurer/Financial Officer

- is responsible to the President for the management of the financial affairs of Masters;
- keeps full and accurate accounts of all receipts, disbursements, assets and liabilities of Masters in proper books of account, and documents supporting those accounts;
- deposits and invests all monies and other valuable effects in the name of, to the credit of, and to the best advantage of Masters, in such bank or banks as may from time to time be designated by the Executive Committee; Bank account shall be established with the Treasurer/Financial Officer and President both having signing authority;
- at each meeting of the Executive Committee, provides a statement of the financial condition of Masters;
- at the Annual General Meeting, submits the following financial reports:
 - an audited financial report of the previous fiscal year;
 - an interim financial report covering the current fiscal year to date, as well as a projection for the remainder of the current fiscal year; and
 - the Annual Budget for the next fiscal year, as approved by the Executive Committee;
 - signs cheques in the name of the Masters as defined above; and
 - has the power to appoint an assistant Treasurer or Treasurers to assist him/her in his/her duties

5. Past President

- acts as chairman of the nominating committee cited in By-Law #3; and
- provides counsel and assistance to the other Executive Committee members as requested, such as in the selection, recruiting and appointment of committee members.

6. Registrar

- to insure that all applicants meet all the requirements for membership as stipulated in the Constitution and have paid all assessed fees;
- to promptly register all new members with Swim Alberta;
- to maintain the club registration with Swim Alberta;
- to maintain a list of prospective members and to fill available spaces with persons from the list using priority policies as established by the Executive, up to a maximum registration set for each group;
- to arrange for refunds for withdrawing members as per club policy;
- to maintain a record of fees collected, refunds provided and current membership;

- to provide the Executive with periodic reports on membership;
 - to provide a membership list to coaches, Executive and general membership of the club;
- and
- to maintain information concerning the reasons for member arrival and departure from Masters.

7. Team Managers

- organizes and submits all entries for meets involving Masters swimmers; and
- is responsible for collecting entry fees for meets

8. Meet Director

- is responsible for the planning, organization and delivery of all sanctioned swim meets hosted by Masters.

9. Communications Officer

- is responsible for the planning, printing, production and delivery of the Masters' Newsletter.

10. Social Director

- is responsible for the organizing of social events for Masters members.

j) DUTIES AND PRIVILEGES OF COACHES

- contracted by Red Deer Silver Sharks Masters Swim Club, reporting to the Masters Executive Committee through the President or his/her nominee;
- is responsible for the development, implementation and submission to the Executive Committee of a comprehensive recreational, conditioning and competitive swimming program;
- is accountable to the Members, through the Executive Committee, for all administrative and other duties as directed by the Executive Committee;
- may attend Executive Committee General Meetings except where the Executive deems is not appropriate;
- each coach is responsible for implementing his or her own program, accommodating feedback from swimmers; and
- Coaches shall be considered honorary members of Masters. Where coaches meet the membership requirements of Red Deer Masters and Swim Alberta, Masters shall register the coaches with Swim Alberta as club members. Coaches have the privilege of swimming in practices (space permitting) and in meets as members of Masters.
Coaches are NOT entitled to vote at any General Meetings.

BY-LAW #8 DISSOLUTION OF THE ORGANIZATION

If, for what ever reason, it becomes necessary to dissolve (wind down) Masters, any remaining assets after all debts and liabilities have been completely removed, shall be given to a registered charity chosen by the Executive.