

BYLAWS OF THE PONY EXPRESS SWIM TEAM

NAME

The name of the organization shall be the Pony Express Swim Team, hereinafter referred to as PEST.

MISSION

The Pony Express Swim Team (PEST) offers a competitive swimming program for St. Joseph and the surrounding area. We provide an opportunity for all swimmers, regardless of age or ability, to reach their highest potential as both a person and an athlete, while developing a team that embraces the Olympic ideals of integrity, friendship and fair competition. We are committed to helping our swimmers grow in character, physical fitness and skill.

MEMBERSHIP AND VOTING

- A. Membership shall be limited to the following:
 - 1. The parents or guardians of a minor swimmer who is registered with USA Swimming (USS) and PEST and who has all dues and assessments paid in full;
 - 2. A swimmer who has reached the age of majority who is registered with USA Swimming (USS) and PEST and who has all dues and assessments paid in full;
 - 3. The head coach and all assistant coaches of PEST.

- B. Only one membership shall be available to each family regardless of the number of swimmers participating in PEST's swimming activities.

- C. The responsibilities of the members include, but are not limited to the following:
 - 1. To volunteer time to work meets and other fund-raisers as required;
 - 2. To not interfere with the Board of Directors and coordinators of the program and coaching of the swimmers;
 - 3. To recognize that the actions of the coaching staff are intended to be in the best interest of the team;
 - 4. To communicate concerns, criticisms and feedback to the appropriate individual, and at the appropriate time and place.

COACHES

- A. Coaches are either paid or volunteer staff positions and will be approved by and accountable to the Board of Directors upon recommendation of the Head Coach. Payment may be in salary or hourly wages and may include approved expenses.

- B. The Head Coach is in charge of all other coaches and brings recommendations on the hiring or disciplinary actions of assistant coaches to the Board of Directors.
- C. The Head Coach has the authority to dismiss any swimmer due to behavioral problems. A swimmer may be dismissed if behavior does not improve to an acceptable level after a period of suspension, and a meeting with the coach, swimmer, and his/her parents.

FEES

- A. Each swimmer participating in the program of PEST shall pay fees as may be set from time to time by the Board of Directors.
- B. The Board of Directors shall have the authority to levy additional assessments to be paid by the swimmer as deemed necessary.

MEETINGS

- A. PEST shall hold two meetings each year (spring and fall) of the entire membership at a time and place to be determined by the Board of Directors. The Board of Directors shall be elected at the spring meeting.
- B. Additional meetings of the organization may be called by the Board Chair or by a majority of the Board of Directors or by a petition signed by 25% of the membership.
- C. Written notice stating the time and place of any meeting herein shall be listed on the PEST website, www.pestswimming.com, not less than five days before the date of the meeting.¹
- D. Robert's Rules of Order shall govern the proceedings when not in conflict with these by-laws.

BOARD OF DIRECTORS

- A. All Board of Directors, hereinafter referred to as the Board, must meet certain standards of conduct and attention to his or her responsibilities to the organization, which are referred to as the Duty of Care, the Duty of Loyalty, and the Duty of Obedience.
 - 1. Duty of Care means that board members have exercised reasonable caution in making decisions.
 - 2. Duty of Loyalty ensures that board members put personal and professional interests aside for the good of the organization.
 - 3. Duty of Obedience means that board members are being true to the organization's mission and maintaining financial accountability of PEST.
- B. The Board shall be comprised of the following membership: Co-Founders, Board Chair, Secretary, Treasurer and at-large representatives. The Head Coach shall also be a voting member except in matters involving the salary, employment and discipline of the Head Coach. Board members must be past or current members of

¹ This paragraph was revised at the October 2, 2005, meeting to list the meetings on the website, rather than send an e-mail to all members.

PEST and must maintain their child's registration in good standing with the team throughout their tenure on the Board. The Board shall serve without compensation and will devote their time and efforts for the interests of PEST as defined by the by-laws. No board member may be the spouse or domestic partner of any of the coaching staff.²

1. **Board Chair:** Shall call and preside at all membership and Board meetings. Acts as liaison between PEST members and its coaches. Supervises all elections and performs all related duties necessary to ensure the successful operation of PEST.
2. **Secretary:** Keeps minutes of all Board and PEST meetings; gives notices of meetings; records votes. Shall be responsible for the notices and minutes of the Board meetings and of the meetings of members. Serves as registration chairman of PEST by processing all registration forms for members.
3. **Treasurer:** Responsible for administration of all financial functions of PEST, preparation of annual budget, tax returns and other reports. Responsible to PEST for seeing the books are in good order and are available for member inspection at any time. Disbursements shall be made only pursuant to authorization given by the Board. The treasurer shall be responsible for contacting members with outstanding fees.
4. **At-large:** Responsible for attending meetings and offering the opinions of the membership at large. Responsible for assisting other Board officers as needed.

C. Duties and Responsibilities of the Board:

1. All matters pertaining to PEST shall be presented to the Board for approval.
2. The Board shall ensure that PEST is properly administered and its funds safeguarded, establish a budget, approve all creditor relationships and ensure that all disbursements are for the purpose established when the Board authorized the expenditure.
3. The Board shall review financial statements and other reports by the Treasurer and take appropriate action thereon.
4. The Board shall have performed an annual review of the Treasurer's records and shall have filed Federal Income Tax returns and other reports prescribed by law.
5. The Board is responsible for overseeing the hiring, termination and disciplinary actions of the coaching staff.
6. The Board is responsible for establishing appropriate membership and practice fees to meet the objectives of PEST.

D. The election of officers shall be held at the spring membership meeting.

E. The Board, with the exception of the co-founders and the head coach, shall be elected for service by the members of PEST. The officers shall be nominated from

² At the October 2, 2005, meeting this section was amended to add the co-founder positions, eliminate the President position and to eliminate the restriction on the number of at-large board positions. An additional revision was voted to allow board members to be past or present PEST members in good standing. Under the previous bylaws, board members had to be current PEST members.

within the existing Board members and voted on by the Board. The officers shall serve for a term of two (2) years in that position and be eligible for re-election. The at-large members shall serve for a term of one (1) year and also be eligible for re-election. The co-founders, namely Sandy Burg and Andrea McKinley, as well as the Head Coach, hold permanent positions on the Board for as long as they are willing to serve, and therefore, they are not eligible for election. In the event of a vacancy for any reason during a term, the Board may appoint a PEST member to the Board as an at-large member, then, if necessary, fill a vacant office from within.³

- F. A majority of the Board constitutes a quorum, and any decision must have a majority vote of the Board.⁴
- G. The Board shall appoint such standing and special committees, as they deem necessary and advisable.
- H. The Board shall meet a minimum of six (6) times per year upon the call of the Board Chair. The entire membership shall meet two (2) times per year (spring and fall). Robert's Rules of Order shall govern the proceedings when not in conflict with these by-laws.
- I. Board meetings shall be open to members who may speak on issues, but may not vote, however, notice may be required in order to create an adequate agenda.
- J. All Board members shall sign a "statement of principles on ethical behavior and conflict of interest policy".

FISCAL MATTERS

The fiscal year shall run from August 1 through July 31. PEST shall have the status of a non-profit organization exempt from federal taxation under Section 501(c) (3) of the Internal Revenue Code to which contributions, bequests and gifts are tax deductible, or corresponding section of any future federal tax code.

DISSOLUTION

Upon dissolution of the corporation, the Board shall, after paying or making provisions for the payment of all the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation to the St. Joseph Chapter of the Special Olympics.

AMENDMENTS

These by-laws may be amended, repealed, or altered, in whole or in part, by a majority vote of the board.⁵

³ At the October 2, 2005, meeting this paragraph was revised to make the co-founders and head coach permanent positions on the Board, excluding them from elections.

⁴ At the January 16, 2006, meeting this was revised. Under the previous bylaws 2/3 of the Board constituted a quorum, and 2/3 were needed for approval.

⁵ At the January 16, 2006 meeting, this paragraph was revised from 2/3 needed to a majority needed.

