



Articles of Association and
By-Laws of the Newark
Bluefins Swim Team

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NEWARK BLUEFINS SWIM TEAM BY-LAWS

ARTICLE I: NAME

This organization shall be known as the Newark Bluefins Swim Team, and shall hereinafter also be referred to as the "Swim Team".

ARTICLE II: ARTICLES OF ASSOCIATION

The organization exists as a voluntary, unincorporated group of its members. These Bylaws, as from time to time amended, shall be deemed to be the Articles of Association.

ARTICLE III: MISSION STATEMENT

The Newark Bluefins Swim Team is dedicated to continuous improvement promoting personal growth by dedication to our swimmers and families. Our efforts involve ensuring dignity with an emphasis on professionalism and integrity.

Our mission is to reliably, collaboratively, professionally and continuously improve personal excellence and team performance without losing sight of our original goal to provide a positive, warm, fun, and nurturing environment for all our swimmers and their families.

We build trust and teamwork in our swimmers by efficiently disseminating and maximizing instruction as well as to collaboratively pursue distinctive goals while continuing to progressively streamline life-lesson alignments promoting personal growth.

ARTICLE IV: VISION STATEMENT

While team success is a primary tenet, the Newark Bluefins Swim Team strives for personal growth in each of our swimmers. Through integrity, dedication, and discipline, we strive to help build strong, confident, and positive athletes in a family-oriented positive environment.

ARTICLE V: OBJECTIVES AND PURPOSE

Section 1. The Newark Bluefins Swim Team is a non-profit organization whose mission is to engage swimmers in a competitive program by teaching proper technique and encouraging skill development in a supportive team environment. Notwithstanding any other provisions of these articles, the purposes for which the organization is organized and operated are exclusively charitable, educational and to foster national or international amateur sports competition within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future Federal Tax Code.

Section 2. The purpose of the team is to sponsor competitive and developmental swimming events and activities in Newark, CA and between other community swimming pools in the greater East Bay Area: to develop in the children affected by this program a love for the sport, advanced aquatic skills, teamwork, and the principles of good sportsmanship. The team will be a member of the East Bay Swim League, a nonprofit organization. The team

may sponsor activities that are consistent with the purpose of the team as set forth above. The team shall be a nonprofit organization.

Section 3. Notwithstanding any other provisions of this document, the purposes of the organization will be limited exclusively to exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or corresponding section of any future Federal Tax Code.

Section 4. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Sections 1, 2 and 3 of Article VI of this document. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from Federal Income tax under section 501(c)(3) of the Internal Revenue Code or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code.

ARTICLE VI: TEAM ADDRESS

The principle address of the Newark Bluefins Swim Team shall be:

Newark Bluefins
P.O. Box 672
Newark, CA 94560

Or another address recommended and approved by the Executive Board.

ARTICLE VII: MEMBERSHIP

Section 1. Membership is required by all participants. A registered swimmer on the Swim Team shall be referred to as a member. The member's parents/guardians shall be referred to as a parent member, together they shall be referred to as a member family. Membership to the team shall be available to persons living within and around the Newark community. No person shall be denied membership on the basis of sex, racial origin or physical address. For safety purposes, all potential swimmers must be able to demonstrate that they can meet the basic requirements set forth by the coaching staff before they are granted membership. Membership is conditional upon abiding by the rules, regulations and etiquette of NEWARK BLUEFINS SWIM TEAM. The Executive Board reserves the right to dismiss any member that does not abide by said rules, regulations and etiquette. All fees and obligations must be current to maintain membership.

Section 2. Membership in the SWIM TEAM implies a commitment to serve the team in a variety of capacities including, but not limited to, volunteering at competitions and events and serving on SWIM TEAM committees.

ARTICLE VIII: OFFICERS

Section 1. The elected officers of the team shall be comprised of:

- President,
- Vice President,
- Treasurer,
- Secretary,

Non-elected members include:

- Meet Director,
- Volunteer Coordinator
- and up to three Members at Large

Ex officio non-voting members may include:

- Past Presidents or other elected officers.
- One representative of the coaching staff

Only one parent or guardian of a swimmer on the team shall be eligible for election to one of the above positions. These officers shall be referred to as the Board. Positions may be split among no more than two individuals. Officers will serve a two-year term or until all business from that season is completed, not to exceed two consecutive terms in the same position. The time necessary to finalize all activities from the previous season shall be no longer than two months from the election of the next Board. At this time, all activities and responsibilities will be transferred to the new Board.

Section 2. Under no circumstances shall any Board member(s) receive monetary payment in any form from the SWIM TEAM for management services rendered. However, by a majority vote of the voting members, the registration fee may be waived for one swimmer of their immediate family. If a position is shared, the board may elect to award each a waiver for registration fee. The members in question may not vote on this issue nor be present when the vote is cast.

Any member of the Board involved in an activity that is determined by a majority vote from the Board members to be detrimental to the SWIM TEAM will be removed from the Board. The Board will select a replacement in accordance with these Bylaws.

ARTICLE IX: DUTIES OF OFFICERS

Section 1. President: The president shall have general management and control of the business of the Board and shall perform such duties as ordinarily pertain to that office in overseeing the operation and activities of the team. The President shall preside at all meetings, workshops, activities, etc. of the Board.

Section 2. Vice President: The Vice President shall assist the President and, in the absence of the President, shall assume the duties of that office. The Vice President shall also be responsible for the Membership and Registration committee and the Meet Director.

Section 3. Meet Director. The Meet Director is responsible for the overall management of swim meets.

Section 4. Volunteer Coordinator: The Volunteer Coordinator shall assist the President and be responsible for the Solicitation committees and all volunteers for swim team activities.

Section 5. Secretary: The secretary shall prepare and sign the minutes of all meetings of the Board, and shall record such other resolutions, rules, procedures, etc., adopted by the Board. The Secretary shall incorporate the reports of the Treasurer and all committee chairmen into the minutes of the meeting at which presented. The Secretary shall distribute to the Board members all correspondence as may be necessary for the business or operation of the team. The Secretary shall also be responsible for the Communications and Publicity and the Technology committees.

Section 6. Treasurer: The treasurer shall be responsible for all funds of the team and shall deposit said funds in a bank approved by the Board. The treasurer shall keep full and accurate accounts and shall at each meeting report the status of the team's account. The treasurer shall pay all bills as provided under Article XV, Receipts and Disbursements. With input from the Board, the Treasurer shall develop a budget for approval at or before the end-of-the-year meeting.

Section 7. Members at Large: The members at large will represent general membership at board meetings, review scholarship applicants and assist at swim meets.

Section 8. Ex Officio Members: Ex Officio Members provide guidance and leadership and perform duties at the will of the board.

ARTICLE X: VOTING

Six (6) members of the Board shall constitute a quorum. Each officer in attendance at the Board shall be entitled to cast one vote in Board matters with the exception of Ex Officio Members.

ARTICLE XI: FUNCTIONS

The Board shall constitute the supreme governing body and shall be subject to the provisions of the bylaws. The Board will have full authority to act for and on behalf of the team in the conduct of its activities.

ARTICLE XII: MEETINGS

The executive meetings of the Board shall be held once a month on such dates and places as determined by the Board at a previous meeting. General meetings of all committee chairs and the Board will be held monthly from February through July. Additional meetings and workshops shall be held as provided for in the bylaws. For the purpose of conducting any meeting, a majority of the Board must be present to constitute a quorum. A meeting may be canceled by a majority of the Board in attendance or by a majority of the total Board at a separate time

ARTICLE XIII: REGISTRATION & REFUND POLICY

Section 1: A registration assessment in the amount determined by the Board each year shall be payable prior to the registrant participating in any team activities.

Section 2: Registration fee reductions or waivers may be awarded to families in need as approved by a majority of the board. Proof of hardship may be requested; such proof may include free or reduced lunch status granted by the swimmer's school district.

Families seeking fee reductions or waivers may be asked to perform additional volunteer tasks.

Section 3: The Newark Bluefins Swim Team refund policy states as follow:

Swimming Fees:

1. A refund for 100% of the swimming fees will be given in the first week of practice.
2. A refund of 75% of the swimming fees will be given within the first two weeks of practice.
3. A refund for 50% of the swimming fees will be given after the second week of practice and before the first dual meet.
4. There will be no refund after the first dual swim meet of the season.
5. Refunds will be processed 30 to 45 days after receipt of payment.

Bathing suit fees:

1. The swim suit fee will only be refunded before the team places swim suit orders. Once swim suits are ordered, refunds are no longer available.

The Board of Directors of the Newark Bluefins Swim Team holds the right to amend this policy or make exceptions on a case by case basis.

ARTICLE XIV: RECEIPTS AND DISBURSEMENTS

Section 1: Handling of Funds: The Treasurer shall receive, disburse and account for all funds of the team.

Section 2: Nominal Funds: The defrayment of normal operating costs up to \$100.00 per expenditure may be approved by the President and Treasurer, and require no other approval.

Section 3: Use of funds: Disbursements for items other than items in section 2 are to be planned and approved by the Board with a majority vote necessary for approval.

Section 4: Receipts: Operating funds may be obtained by team sponsorship, donations, registration assessments, concession, fund raisers, and advertisements approved by the Board. The amount and acceptance of funds as listed above must receive final approval of the Board.

Section 5: Budget: The Board shall develop and approve a budget during the first Board meeting of the swim season.

Section 6: Banking: The team's checking account will have three signatures on the signature card (Treasurer, Head Coach, and Other responsible person selected by the board). Two

signatures will be necessary on all checks generated for the team's business as described by these By-laws.

Section 7: Audit: The Treasurer's accounts shall be examined annually by an auditing committee composed of three members appointed by the President. The audit committee shall be selected at the End-of-the-year Meeting. The President and Treasurer cannot be members of the committee, as well as any other authorized signatory on the team's account. An audit report will be submitted to the Board President at least five (20) days after receipt of the final report.

Section 8: Dissolution: In the event the team dissolves, the Board will settle all outstanding liabilities and disperse all remaining funds and assets for the good of the team.

Section 9: Coaches Compensation. The board, by majority, shall set all coaches compensation. Coaches shall be paid twice during the season: before the first meet and at the end of the season in equal amounts. Coaches may also have registration fees waived for up to two (2) swimmers of their immediate family unless modified by the board.

ARTICLE XV: ELECTIONS

Section 1: Elections: Officers shall be elected bi-annually at a parents' meeting called by the president in conjunction with end of season activities. Prior to the meeting, all participating families will be notified. Each family participating the current season will have one (1) vote. Each swim family shall cast their vote by ballot at this annual end-of-season meeting.

Section 2: Nominations: The Board shall appoint a nominating committee to prepare a slate of officers at least two weeks prior to the end of season activities. The committee should not include any current Board members and shall be free from interference by the current Board. The nominating committee should solicit nominations from the team members. These nominations shall not preclude additional nominations from the floor during the annual meeting.

Section 3: Assumption of office: The newly elected Board will assume duties in accordance with Article IX.

Section 4: Replacement of President: In the event of the resignation of the President, the Vice President shall assume the position until the next regular election.

Section 5: Replacement of other officers: A vacancy of any elected office other than the president will be appointed by the Board.

ARTICLE XVI: COMMITTEES

Section 1: Standing Committees: Committees shall consist of a chairman approved by the Board and such other persons as are selected by the committee chairman. General meetings will be attended by all chairmen or designated representatives and report or bring up for discussion all matters relevant to such committee. Chairmen will not normally vote during meetings, but on such matters that the Board is evenly split on an issue the chairmen or designated representatives shall each have a vote on the issue being considered. The

ARTICLES OF ASSOCIATION AND BY-LAWS

NEWARK BLUEFINS SWIM TEAM

ADOPTED FEBRUARY, 2010

committees listed below are a suggested list and may be modified, altered, combined, etc., as each Board votes to best operate the team:

A. Membership/Registration: to handle the enrollment of new members, to actively recruit and respond to inquiries about membership.

B. Solicitation: to raise monies by various solicitation techniques necessary to operate the team.

C. Activities: to plan, organize, and administer the plans for facilities, pep rallies, awards banquet, and any other activity deemed necessary by the team.

D. Swim Meets: to be in charge of organizing the meet referee, officials, head timer, set-up crew, clean-up crew, ribbons, runners, timing system, stopwatches, and any other meet day necessities.

E. Concessions: to be in charge of all team concessions.

F. Technology: to be in charge of maintenance of website, team computer, and any other team technologies.

G. Communication/Publicity: to be in charge of weekly newsletter, updating website information, and release all publicity and news releases concerning the team. H. Clerk of Course: to be in charge of all meet information including entries, heat sheets, cards, scoring, and records (league and team).

Section 2: Special Committees: All other committees and chairmen shall be approved by the Board and other persons, selected by the chairman as necessary for the committee.

ARTICLE XVII: AMENDMENTS

Amendments to the by-laws may be made at any regular meeting of the executive Board by a majority vote of the voting Board members, provided such amendment is presented to the Board members in writing and has been read to the Board at a previous meeting

ARTICLE XVIII: SPECIAL MEETINGS

Special meetings of the team shall be called by the President or a majority of the Board members. Notification must be made by the President to each Board member at least five (5) days in advance of the special meeting date.

ARTICLE XIX: ORDER OF BUSINESS

Section 1: Normal Order of Business: The normal order of business shall be as listed. At regular meetings of the Board the order of business shall be:

1. Meeting called to order
2. Reading and approval of minutes of previous meeting
3. Report of treasurer
4. Reports of officers

5. Old business
6. New business
7. Announcements
8. Adjournment

Section 2: Rules: Unless otherwise agreed upon, Robert's Rules of Order Newly Revised shall be used for transacting business.

ARTICLE XX: CODE OF ETHICS

Section 1: General Behavior: It shall be considered improper and inconsistent with honorable and dignified behavior for any member of the team or adult:

- A. To conduct themselves in an unsportsmanlike manner on or near any team activity.
- B. To enter the pool area being used for a team activity while intoxicated or to bring alcoholic beverages to any team activity.
- C. To use obscene or abusive language during any team activity.
- D. To conduct themselves in any manner that can be considered detrimental to the best interests of the team.

Section 2: Violations: Anyone violating any of the above rules of ethics or intentionally disregarding any of these bylaws shall be subject to immediate expulsion of the team by vote of the Board. If any officer of the Board or committee chairmen is being considered for expulsion, such individual shall not participate in such vote.

Section 3: Grievances: Any grievance concerning the team or any reason associated with the team shall be directed to the President.

ARTICLE XXI: DISSOLUTION

Upon dissolution of the association, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provision of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated for such purposes.

Approved by Board Vote February 22nd, 2010

President, Beverly Tillman

ARTICLES OF ASSOCIATION AND BY-LAWS
NEWARK BLUEFINS SWIM TEAM
Secretary, Jody Montgomery

ADOPTED FEBRUARY, 2010