



Nepean Masters Swim Club Constitution

Adopted at the Executive Meeting of November 11, 1984 according to the decisions made at the Annual General Meeting of May 8, 1984.

Revised: April 14, 1992, May 16, 1996, May 7, 1998, May 9, 2005.

ARTICLE 1: NAME

This club shall be known as NEPEAN MASTERS SWIM CLUB therein referred to as MASTERS.

ARTICLE 2: NATURE OF CLUB

Masters shall be a community-oriented not for profit swimming club, comprising, in general, residents of the City of Ottawa Ontario. Masters shall operate in accordance with the rules of MASTERS SWIM CANADA (MSC) and be affiliated with MASTERS SWIM ONTARIO (MSO), 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, and all appointed Committee heads, and, 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 contracting and overseeing of the facility rental and the contracting of coaching and lifeguarding services, 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 and a financial review shall take place by a registered third party accounting firm annually and to be reported to the members as part of the Annual General Meeting.

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 fifteen percent of the swimmers are represented at the meeting.

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 NEPEAN MASTERS SWIM CLUB

BY-LAW #1 - SESSIONS AND GROUPS

- a) The club year shall be from September 1 to August 31.
- 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

Notice of a General Meeting, shall be posted at the Walter Baker Pool Complex on the NMSC bulletin board and via general membership email access and shall be posted at 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) 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. 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.

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;
- that the applicant submit a medical report in a form acceptable to the Coaches;
- that an application form and waiver form are completed by the applicant to the Masters Registrar;
- that an applicant is of a minimum age to match the accordance of MSC.

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 MSO and MSC, 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 June 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

- no refunds shall be issued for special programs such as the summer swim

- 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 to the Executive Committee.

BY-LAW #6 - DISCIPLINE AND EXPULSION OF MEMBERS

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.

Members asked to leave Nepean Masters Swim Club for disciplinary reasons will be eligible for a prorated refund of club registration fees

b) Discipline Policy for the pool area shall be established and administered by the Executive Committee. The Coaches may identify areas of concern to the Executive Committee

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;
- Registrar;
- Past President;
- Equipment Manager;
- Meet Director;
- Newsletter Editor; and
- Public Relations Director,
- **Web Master**

b) 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 two of the three following members of the NMSC Executive members, 1) President, 2)Treasurer or 3) a designated alternate chosen by the Executive

e) DUTIES OF THE EXECUTIVE COMMITTEE MEMBERS

1. President

- prime representative of the members and responsible for co-ordination all activities of Masters; including but not limited to the following;
- chairman of Executive Committee and General Meetings;
- negotiates contractual arrangements with the Coaches and other contracted services including

lifeguards as required

- 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 contract with each coach covering coaching services as defined in the Coaching Contract,
- 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

- 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, President and a third designated alternate Executive Member chosen by the Executive all 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:
 - a financial review of the 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;
- co-sign 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 Masters Swimming Ontario;
- to maintain the club registration with Masters Swimming Ontario;
- 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 NMSC.

7. Meet Director

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

8. Newsletter Editor

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

9. Public Relations Director

- is responsible for the development, implementation and evaluation of a planned communication system to the Masters' publics (internal and external excluding the Masters' Newsletter).

10. Equipment Manager

- is responsible for the purchase and maintenance of all club equipment

11. Web Master

-The NMSC Website is to be representative of the NMSC Mission Statement

Web Master:-

- is responsible to the president of NMSC**
- is responsible for the development, implementation and maintenance of the NMSC club website, .**
- upload and/or create new web pages as required**
- maintain active website and off site backup archives of all web pages, images etc.**
- maintain website security**
- support club and swim meet registration programs including online payment methods**
- post club documentation as requested by NMSC executive**

BY-LAW #8 – COACHES CONTRACTS

The Coaches Contracts are to be reviewed and approved by the Executive Committee.