

# CONSTITUTION OF THE WIESBADEN SWIMMERS' PARENTS ASSOCIATION

## ARTICLE I NAME, LOCATION, AND AUTHORITY

The name of the organization shall be the Wiesbaden Swimmers' Parents Association, hereafter referred to as the WSPA. The WSPA shall govern the operation of the Wiesbaden Wahoos Swim Team, hereafter referred to as the Wahoos. The WSPA and the Wahoos shall comprise a single private organization pursuant to the provisions of Army Regulation (AR) 210-22, Private Organizations on Department of the Army Installations. The information contained in this Constitution is intended to establish and operate this private organization within the United States Army Garrison (USAG) Wiesbaden Military Community.

## ARTICLE II OBJECTIVE

The objective of the WSPA and the Wahoos is to promote the enjoyment of competitive swimming, for eligible members of the Wiesbaden Military Community ages 6 - 19. To this end, the WSPA and the Wahoos strive to develop competitive swimmers, and promote good sportsmanship, physical fitness, teamwork, self-discipline, and respect for athletic rules and regulations in a positive environment.

## ARTICLE III MANDATORY STATEMENTS

Section 1. This organization is established in accordance with Army in Europe Regulation (AE Reg) 210-22, Private Organization and Fundraising Policy, as mandated by USAREUR Regulation. This organization is not an instrumentality of the United States, is self-sustaining, and may not receive financial assistance from the U.S. Army, appropriated (APF) or non-appropriated funds (NAF).

Section 2. This organization operates and exists on a military installation only with the consent of the Approving Authority. This consent is contingent upon compliance of the organization with the requirements and conditions of AE Reg 210-22. Failure to comply with cited policy will result in dissolution of the Private Organization (PO).

Section 3. In no event will the Department of the Army or IMA-E/USAREUR assume any responsibility for this organization's actions and/or debts.

Section 4. All members are expected to read the Constitution and Bylaws upon joining the organization.

Section 5. In accordance with host nation laws, all members may be personally liable to creditors if the assets of the society are insufficient to discharge liabilities.

Section 6. This organization does not discriminate in membership on the basis of race, color, creed, religion, national origin, sex, or mental or physical handicap, and will not seek to deprive individuals of their civil rights.

Section 7. This organization will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the U.S. government.

Section 8. This organization agrees to reimburse the Army for any utility expense (unless it is incidental).

#### ARTICLE IV MEMBERSHIP

Membership shall be in accordance with the WSPA and Wahoos Bylaws and EFSL bylaws. Membership normally will be restricted to members of the U.S. Forces, DoD civilian employees and their family members (i.e., dependents or household members of the household of sponsors stationed in the USAG Wiesbaden, Germany Military Community), and U.S. Forces contract employees or employees of organizations granted status under Article 71, 72 or 73 of the NATO SOFA Supplementary Agreement (referred to as "ID card holders"). At least 51 percent of the members will have SOFA status. Membership of swimmers from the receiving state (i.e., Germany) is allowed as an exception to the EFSL Bylaws and is permitted within the ratios specified at paragraph 102.2 (1)(d) Exception 2.

#### ARTICLE V DUES AND FUNDRAISING

The primary sources of income will be dues paid by members and occasional command approved fund raising activities. All funds raised shall be used for morale purposes and operations of the Wahoos Swim Team. Neither the WSPA nor the Wahoos shall engage in any resale activities without the specific written authority from the USAG Wiesbaden, Garrison Commander.

Membership dues will be determined and assessed in accordance with the Bylaws of the WSPA and the Wahoos.

The Board shall carry over sufficient funds so that the new Board is not faced with immediate fund raising requirements. The actual carry over amount must be disclosed to the membership prior to the end of season banquet. Circumstances that prohibit a sufficient carry over amount must be presented and disclosed to the membership prior to the end of season banquet.

#### ARTICLE VI THE GOVERNING BODY

The WSPA shall be governed by a Board of Directors, referred to as the Board, comprised of seven elected officials: President, Vice President, Secretary, Registrar, Treasurer, and two (2) Member-At-Large positions. Elected officials will each have one vote. In addition, the Board will be assisted by non-voting associate and volunteer positions either as detailed in Bylaws or as the Board may determine. The Head Coach and Assistant Coaches may not hold elected positions on the Board of Directors while serving in a coaching role.

Powers and Duties - shall be discharged in accordance with *Robert's Rules of Order, Revised Edition*, and as delineated by the Bylaws. *Robert's Rules of Order, Revised Edition*, will govern in all cases where the parliamentary issue is not addressed in the constitution and bylaws. The WSPA secretary will maintain a copy.

## ARTICLE VII ELECTIONS

Section 1. Elections will be held annually. The term of office will be from 1 April to 31 March.

Section 2. Nominations - The President will appoint a Nominating Committee at least four weeks prior to the election at the End of Year Banquet. The names of candidates for elective offices shall be taken from a slate of candidates submitted by the Nominating Committee to the President. Each candidate will submit a biography to be eligible to run for office. Candidate biographies will be posted on the Wahoos website for a minimum of two weeks prior to the election to provide an opportunity for the Membership to review the biographies. Only one family member can serve as an elected member of the Board.

Section 3. Voting - Voting for the new Board of Directors shall occur at the joint End of Year Banquet / Parents Meeting with a quorum of 50% of the membership. Only one vote per member family is permitted and the member family must be in good standing. Voting shall be by secret ballot. Votes of absent members must be made by submitting a sealed envelope to the Secretary prior to the annual election meeting to be cast with all other votes at the annual election meeting. The secretary, along with at least one person from the nominating committee, will tally the votes. Candidates receiving the most votes will assume the new office. If there is a tie, a revote will be conducted. The results will be sent to the general membership NLT the next day via e-mail.

Section 4. Should a vacancy occur on the Board of Directors due to resignation, transfer, or inability to serve for any other reason, the President may temporarily appoint an individual to fill the vacancy, subject to approval by the remainder of the Board. Within 30 days of the vacancy, an election will be held to fill the position. Off-season voting can be conducted as necessary to ensure a fully operational Board is on hand to conduct business. Off-season voting can be conducted electronically as long as information is provided to the membership 14 days prior to the voting period, and that the voting period is open for seven days. The majority of the Board must be in agreement with the procedure of gathering and tallying electronic votes.

## ARTICLE VIII MEETINGS

Section 1. Types - Board and Parents' Association meetings are the typical types of meetings that will be conducted.

- A. Parents' Association Meetings – There will be three general meetings called by the Board. One at the beginning of the season, another prior to the Championship Meet, and the third will be held in conjunction with the end of the season banquet. If necessary, additional meetings may be called by the Board during the regular swim season (August to February). The Board can also distribute information and solicit feedback from the membership using email and via the Team website.
- B. Board Meetings - shall be held monthly during the regular swim season (August to February). Meetings may be held more frequently, as called for by the President or by special request by a member of the Board. The dates and times will be announced at the Parents' Association meeting or via email. Attendance will be open to the general membership. The Board may recess to executive session for discussion, deliberation, voting, or the conduct of any other business deemed appropriate by the Board.

Section 2. Quorums – A majority of members of the Board must be present to conduct business at a Board meeting. For a Parents' Association meeting, 50% of the membership, in good standing, will constitute a quorum. For quorum and voting purposes, the number is based on only one vote per member family.

Section 3. Business

- A. Order of Business - business is conducted by acting on motions. A majority vote of the members present at a meeting is needed to pass a motion. Abstentions, proxy votes, and blank ballots are disregarded. In the event members are not able to attend a meeting, votes will be accepted by sealed envelope.
- B. The President reserves the right to limit discussion of any item brought before the Board at a meeting to a predetermined time limit and to call a special meeting of the Board to resolve issues requiring additional time or discussion.

ARTICLE IX  
AUDITS

The WSPA will arrange for an audit at least once every two years, at club expense, and at the change of every Treasurer, regardless of the time elapsed since the previous audit. An audit will be performed upon request of two-thirds of the membership, upon request of the Commander, and/or as directed by higher headquarters. Audits will be conducted IAW AR 210-22, paragraph 3-3.

ARTICLE X  
INDIVIDUAL PECUNIARY LIABILITY

Section 1. Members of the Team may become financially liable if the assets of the Team should fail to meet its obligations.

Section 2. Insurance, in the form of liability coverage, against personal injury and property damage claims, shall be secured to cover all sanctioned swimming activities and functions associated with the Team.

Section 3. Members of the Board who are authorized to write checks against the Team's checking account shall be bonded for an amount at least equal to the highest monthly balance in the account during the prior year.

ARTICLE XI  
DISSOLUTION OF THE ORGANIZATION

Section 1. Dissolution of the Wiesbaden Swimmers Parents Association may be accomplished by a majority vote of the total general membership in good standing or by the order of the Approving Authority.

Section 2. Upon dissolution of the organization, all material and the real assets remaining after payment of all liabilities of the organization will be donated as voted by the membership.

Section 3. The Approving Authority will be notified of the dissolution. Notice will include:

- A. A statement of dissolution dated and signed by this organization's President.
- B. A copy of the complete final audit report.
- C. A copy of the receipt(s) issued by the charitable organization to which residual assets were transferred.
- D. A copy of the Community Bank statement showing a zero balance.

Section 4. The Approving Authority is the Commander, USAG Wiesbaden.

## ARTICLE XII AMENDMENTS

Section 1. Proposed amendments to this constitution shall first be presented to the Board for presentation and approval by the membership at a general membership meeting. A majority of the total membership of the organization will approve amendments to this Constitution.

Section 2. Amendments to the Constitution and Bylaws made throughout the year will be forwarded to the Approving Authority. The letter reporting amendments will be signed by the President and the Secretary to indicate approval by the governing board and by vote of the general membership. Proposed amendments will not conflict with any Army Regulation or directive.

Section 3. The Approving Authority is the Commander, USAG Wiesbaden.

## ARTICLE XIII RATIFICATION

This Constitution was approved by majority vote of the members in good standing of the Wiesbaden Swimmers Parents Association on 13 JUNE 2012

President, WSPA



Secretary, WSPA

