

BY-LAWS OF Magnolia Aquatic Club

ARTICLE I. NAME:

The name of the organization is the Magnolia Aquatic Club hereinafter referred to as MAC. MAC is a coach run organization and a part of the Magnolia Independent School District, with a booster club board that serves for MAC.

ARTICLE II. PURPOSE:

The purpose of MAC shall be to promote and develop swimming and diving for the benefit of eligible students of all ages and abilities, in accordance with the standards and under the rules prescribed by the Federation Internationale de Natation Amateur (FINA), UNITED STATES of AMERICA SWIMMING, INC. (USAS), GULF SWIMMING, INC. (GULF), and MAGNOLIA AQUATIC CLUB, (MAC).

ARTICLE III. MEMBERSHIP:

Section 1. Membership in MAC is open to all persons interested in participating in aquatic sports, in accordance with the Magnolia Independent School District's (MISD's) policy on the utilization of MISD facilities; and to all other persons who may qualify as a "member" as defined in Section 2(a) of this Article. Membership is granted immediately upon acceptance of payment of any assigned fees and monthly dues and registration of a team member or adult member. The Booster Club Board of Directors (BCBOD), as defined by Article IV, may deny membership to any individual or group of individuals for any reason not prohibited under state or federal law.

Section 2. Membership in MAC shall consist of a single class of members, but which class shall be divided into the following categories:

- (a) Member: Any parent, legal guardian, or other persons having custody of a MAC team member, or those persons responsible for a team member's assigned fees and monthly dues.
- (b) Team Member: Any MAC aquatic participant whose assigned fees and monthly dues are paid by a member as defined in Section 2(a) of this Article.
- (c) Adult Team Members: Any MAC aquatic participant 18 years or older who is personally responsible for all MAC assigned fees and monthly dues.

- (d) Non-swimming Member: Any member who has paid a non-athletic registration fee.

Section 3. Membership in good standing is maintained so long as assigned fees and monthly dues are paid in full on or before the 20th day of the month, all assessed fees are paid in full, and provided that the member abides by these By-Laws, and such rules as may be established by the BCBOD.

ARTICLE IV. FEES:

Section 1. All assigned fees and monthly dues will be reviewed and determined annually by the BCBOD. All assigned fees and monthly dues will be paid as presented in Article III, Section 3. Alternative arrangements of payments may be considered by the BCBOD at its discretion on a case-by-case basis.

Section 2. The term of the monthly dues shall be from September to August.

ARTICLE V. MEETINGS OF MEMBERS:

Section 1. Regular meetings of the members shall be held annually in the fall of each year under the chairmanship of the Executive Director (who is the head coach of the team), or in his/her absence, the President. If neither of these persons are present, the meeting may be chaired by a member appointed by the Board. Regular meetings will be held at locations to be determined by the BCBOD. A 10 to 30 day advance notice will be given to the members stating the agenda, date, time, and location of the meeting.

Section 2. Special meetings of the members shall be held when called by the Executive Director of the BCBOD, upon not less than ten (10) day notice to each member.

Section 3. A majority of the number of members of the BCBOD shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the members present and approved by the Executive Director at a duly held meeting at which a quorum is present shall be regarded as the act of the BCBOD and is subject to the Magnolia I.S.D. Administration approval. At general membership meetings, only members who are in good standing have the right to make suggestions, and to have the BCBOD consider motions to be voted on.

Section 4. There shall be no voting by proxy at general membership meetings.

ARTICLE VI: BOOSTER CLUB BOARD OF DIRECTORS:

Section 1. The affairs of MAC shall be managed by the Executive Director and by a Booster Club Board of Directors (BCBOD) consisting of five (5) members. Each Board member shall have one (1) vote. The number of Board members may be changed by amendment of the By-Laws of MAC. All decisions made by the BCBOD are contingent upon approval by the Magnolia Independent School District Administration.

Section 2. BCBOD members are appointed by the Executive Director each succeeding year, and Board members may serve successive terms. The new BCBOD will take effect at the October BCBOD meeting or the first BCBOD meeting following the annual fall membership meeting.

Section 3. A BCBOD member, who fails to attend three (3) consecutive regular meetings of the BCBOD, may have his office declared vacant by the BCBOD and a new member may be appointed.

Section 4. Removal of any BCBOD member will be at the discretion of the Executive Director.

Section 5. In the event of a vacancy on the BCBOD for any reason, such vacancy shall be filled by action of the Executive Director. Such an appointed member shall fill the unexpired term held by the vacating member.

Section 6. BCBOD members shall not receive compensation for service he/she may render on the BCBOD with the exception of the treasurer, who may be compensated for book keeping and other treasurer duties. However, a member of the BCBOD may be reimbursed for his or her actual expenses incurred in the performance of his or her duties, or may receive compensation if hired as a coach of the team.

Section 7. The members of the BCBOD shall have the right to take any action in the absence of a meeting which they could take at a meeting by contacting all BCBOD members by telephone, fax, or other mode of communication. Any action so approved shall have the same effect as though taken at a meeting of the BCBOD.

ARTICLE VII. DUTIES OF THE EXECUTIVE DIRECTOR AND BCBOD:

Section 1. The Executive Director with the support of the BCBOD shall exercise for MAC, duties, and authority vested in or delegated to this organization.

Section 2. It shall be the duty of the Executive Director and BCBOD to:

- (a) Cause to be kept a complete record of all its acts and business affairs;
- (b) Supervise all officers, agents, employees, and independent contractors, of the organization to see that their duties are properly performed;
- (c) Determine all salaries for coaching and office personnel;
- (d) Prepare an annual budget;
- (f) Shall be responsible for presenting an annual financial statement to its membership once approved by Magnolia I.S.D. Financial Director.

ARTICLE VIII. MEETINGS OF THE BOOSTER CLUB BOARD OF DIRECTORS:

Section 1. Regular meetings of the Booster Club Board of Directors (BCBOD) shall be held at least once every month at such place and hour as may be fixed by the BCBOD.

Section 2. Special meetings of the BCBOD shall be held when called by the Executive Director of MAC, after not less than three (3) days' notice to each member of the BCBOD.

Section 3. All decisions of the BCBOD are subject to approval by the Executive Director and the magnolia I.S.D. Administration. If a majority vote is required, it shall be of those BCBOD members present, with a quorum being required. A quorum shall consist of three (3) appointed members of the BCBOD in attendance.

ARTICLE IX. OFFICERS AND THEIR DUTIES:

Section 1. The officers of MAC shall be an Executive Director, President, Vice-President, Secretary, Treasurer and an At-Large Member.

Section 2. Officers shall be appointed by the Executive Director at the annual Fall Membership meeting each year or the first BCBOD meeting following the annual fall membership meeting. Each officer of MAC shall be appointed annually by the Executive Director and each shall hold office for one (1) year

unless he shall sooner resign, or shall be removed, or otherwise be disqualified to serve. The new officers shall assume their duties at this time for the remainder of the term.

Section 3. The BCBOD, may appoint such other officers as the affairs of the organization may require, each of whom shall hold office for such period, have such authority, and perform such duties as the BCBOD may, from time to time, determine.

Section 4. Any officer may resign at any time by giving written notice to the Executive Director. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5. A vacancy in any office may be filled by appointment by the Executive Director. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 6. Any person may simultaneously hold more than one (1) office, if deemed appropriate by a quorum of the BCBOD.

Section 7. The duties of the officers are as follows:

(a) Executive Director. The Executive Director will serve as operator and head coach of the organization and is responsible for the business affairs of the organization. The Executive Director reports directly to the M.I.S.D. superintendent and is a permanent member of the Booster Club Board and shall represent MAC at all GULF Committee meetings and report back to the MAC Booster Club Board - discussion from those meetings. The Executive Director shall preside at all meetings of the Booster Club Board of Directors (BCBOD); shall see that orders and resolutions of the BCBOD are carried out.

(b) President. The President shall preside at all meetings of the Booster Club Board of Directors (BCBOD) in the absence of the Executive Director. He or she shall aid in the guidance of the organization and make suggestions and comments in how to best serve its members.

(c) Vice-President. The Vice-President shall act in the place and stead of the President in the event of his/her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him/her by the Board. The Vice-President in general shall perform the

duties assigned to him/her by the President and as agreed upon by the Board from time to time.

(d) Secretary. The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the members and of the BCBOD; serve notice of special meetings of the members and of the BCBOD; and shall perform such other duties as required by the Board.

(e) Treasurer. The Treasurer shall aid the Executive Director with the books and records of MAC; shall present a financial statement at each Board meeting, provide an annual financial statement to the membership.

(f) At-Large. The at large member serves as a consulting and voting member of the BCBOD.

Section 8. For the purposes of administration and normal operations, the staff and management of MAC, other than the BCBOD shall be as follows:

(a) One or more employee or independent contractor, depending upon the size of the team and staff needs; and

(b) An individual(s) for maintaining swim records (database) and billing.

ARTICLE X. HEAD COACH'S RESPONSIBILITIES:

Section 1. The Head Coach/Executive Director will be responsible for the direction of the program.

Section 2. The Head Coach's duties include, but are not limited to, the following:

(a) Organization of his/her team and its associated practices;

(b) Setting of minimum qualification for acceptance to aquatic team programs;

(c) Selection of assistants;

(d) Preparation of meet schedule in accordance with the GULF schedule and recommend participation at meets other than GULF Association USAS meets;

(e) Act as coordinator of pool scheduling matters; and

(f) Attend GULF committee meetings.

ARTICLE XI. COMMITTEES:

The Booster Club Board of Directors shall appoint such committees as deemed appropriate in carrying out its purpose.

ARTICLE XII. RECORDS:

The books, records, and accounts of the organization shall at all times, during reasonable business hours, be subject to inspection by any officer or member of the Board. The By-Laws of the organization shall be available for inspection by any member.

ARTICLE XIII. AMENDMENTS:

The By-Laws of MAC are hereby adopted by the Booster Club Board of Directors (BCBOD) and shall be amended or altered only by a unanimous vote of the members of the BCBOD.

ARTICLE XIV. CONDITIONS OF COMPETITION:

The conditions of competition in any swimming event, and the rules governing it, shall be those established by USAS and where its rules and regulations are not contrary to the rules of USAS.

ARTICLE XV. SANCTIONED ACTIVITIES:

In addition to regular practice training, "sanctioned events" shall be defined as challenge meets against other league teams, intra-team swim meets, and swim team social functions.

ARTICLE XVI. MISCELLANEOUS:

The fiscal and operating year of the Organization shall begin on the first day of September and end on the 31st day of August of every year.

Effective Date: September 8, 2009