

# CONSTITUTION OF THE KAISERSLAUTERN KINGFISH SWIM TEAM

## ARTICLE I – NAME AND PURPOSE

Section 1. The name of this private organization (PO) will be the Kaiserslautern Kingfish Swim Team, hereafter referred to as the Team or the Kingfish. A Parents' Association shall govern the Team. The Team and the Parents' Association shall comprise of a single private organization pursuant to the provisions of the Air Force Instruction (AFI) **AFI 34-223, Private Organization Program**, 30 November 2010, and Army Regulation (AR) 210-22, Private Organization on Department of the Army Installations. The information contained in this constitution is intended as a request to establish and operate this private organization on Ramstein Air Base (AB), Germany, and Baumholder Military Installation, Germany.

Section 2. The purpose of this organization is to promote the enjoyment of swimming, in general, and competitive swimming activities, specifically, for eligible members of the Kaiserslautern Military Community (KMC), to include the Baumholder Military Community. Individual members will have no proprietary interest in the Team but will derive benefits exclusively through participation in, or patronage of, the activities for which the Team is established. **The Kingfish will conduct itself in a manner that is free of any form of discrimination and provide equal opportunity and treatment for all members regardless of age, race, religion, color, national origin, disability, ethnic group or gender.**

## ARTICLE II – GENERAL PROVISIONS

Section 1. The Kaiserslautern Kingfish Swim Team operates on Ramstein Air Base only with the consent of the installation commander. Operation is contingent on compliance with the requirements and conditions of all Air Force regulations.

**Section 2. The members are jointly and severally liable for organizational debts in the event the organization's assets are insufficient to discharge liabilities and their understanding of the liability must be documented.**

**Section 3. All members or employees of the private organization who will have contact with children under the age of 18 in DoD-operated, contracted, or community-based programs that are used to supplement or expand child care or youth services must submit to background checks. Any members or employees of the private organization who do not undergo the background check will be ineligible and cannot participate in such events. Any members who fail a background check will be ineligible and cannot participate in such events.**

**Section 4. POs must prominently display the following disclaimer on all print and electronic media mentioning the PO's name confirming that the PO is not part of the DoD: —THIS IS A PRIVATE ORGANIZATION. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS.**

Section 5. The Kaiserslautern Kingfish Swim Team operates in the Baumholder Military Community with the consent of the Director, IMA-E, or the USAG Hessen commander.

Section 6. The information contained in this Constitution is intended as a request to establish and operate this private organization on Ramstein Air Base (AB), Germany, and Baumholder Military Installation, Germany.

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### **ARTICLE III- OFFICERS AND GOVERNING BODY**

Section 1. The administration of the Kaiserslautern Kingfish Swim Team shall be conducted by the Board. The Executive Council is comprised of the President, Vice-President, Secretary, and Treasurer. These officers shall perform the duties specifically provided for herein, and in the attached By-Laws, and also those duties usually incident of their offices. The term for each position of the Board will be for one year. In the event that a Board member cannot fulfill a complete year of commitment, a special election will be held to fill the vacated office.

The Board shall comprise of the following elected positions from members of the Parent's Association:

- a) President
- b) Vice President
- c) Secretary
- d) Treasurer (Must have SOFA status)
- e) Meet Director
- f) Head Official
- g) Member at Large
- h) Member at Large
- i) Fundraising Chairperson
- j) Head Coach (non-voting)
- k) Statistician (non-voting)

Section 2. Names of candidates for elected offices shall be submitted by a special Nominating Committee appointed by the President at the January Parent's Association meeting. During the meeting nominations will also be accepted from the floor. Floor nominations will only be allowed if the candidate is present and verbally accepts, or has given previously written acceptance. Further, only one family member per family can serve as a voting member on the Board. Each candidate will submit a biography to be eligible to run for office if a position is contested. The biographies will be posted on the team website or Facebook page for the membership to review.

Section 3. Voting for the new Board shall occur at the February Parent's Association Meeting with a quorum of 51% of the Board Members and 30% of the Parent's Association present. Voting shall be by secret ballot. Only one vote per member family is permitted. Member family must be in good standing. Candidates receiving a majority of the votes will assume the new office after the annual banquet and all post-season activities are complete. Should no candidate receive a majority, a new vote will be accomplished. Off-season voting can be conducted as necessary to ensure a fully operational Board is on hand to conduct business for the upcoming season. 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 at least seven days. The majority of the Board (51%) must be in agreement with the procedure of gathering and tallying electronic votes. Procedure for gathering and tallying votes are defined in the By Laws.

#### Section 4. Duties and Powers

- a. The Board will recommend policies, supervise programs, approve meets and participation in events, rule on membership, enforce the charter, and take action to resolve all grievances, complaints, and suggestions submitted by the Parents' Association and all other items incidental to good operation of the organization. The ultimate authority to hire and terminate the Head Coach and any or all assistant coaches, paid or voluntary, lies with the Board.
- b. The President shall preside over meetings of the Kaiserslautern Kingfish. The President shall call special meetings of the membership, supervise all elections, and appoint committees as necessary, and shall prescribe the respective functions of the said committee.

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- c. The Vice President shall assume the duties of the President in the President's absence. The Vice President is also charged with enforcing private organization rules.
- d. The Secretary shall advertise all Kaiserslautern Kingfish meetings at least three duty days prior to the meeting. The Secretary will maintain written minutes of all meetings. Minutes shall be available to all members upon request. This office will also maintain the files containing all written documentation associated with the private organization, to include current charter, membership roster, and meeting notes/minutes.
- e. The Treasurer shall receive deposits, maintain a record, account for all funds of the Kaiserslautern Kingfish, and prepare a monthly statement on the financial status of the organization. The Treasurer has the authority to disperse funds. The Kaiserslautern Kingfish's fiscal year will begin on 1 April and end on 31 March of the following year. The Treasurer will render a full and complete financial statement to the members at the monthly meetings. The books of the Treasurer will be audited as required. The Kaiserslautern Kingfish will conduct an annual audit by an accountant (a CPA is not required) if the organization's gross annual revenues exceed \$100,000. If the organization's gross annual revenues exceed \$250,000 a CPA will conduct an annual audit. Costs of all audits will be the responsibility of the organization. Regardless of gross revenue, the Treasurer will also provide an annual financial statement to the Resource Management Flight Chief. The Treasurer will be responsible for compliance with all applicable federal, state, and local tax laws. The Treasurer is responsible for filing the appropriate form(s) with the appropriate authority if the organization qualifies for tax exemption.

#### ARTICLE IV - MEMBERSHIP

Section 1. Membership in the Kaiserslautern Kingfish is open to all personnel assigned to the Kaiserslautern Military Community and the Baumholder Military Community. To be considered a member of the Kaiserslautern Kingfish one must read the PO constitution and bylaws and sign a membership roster. Each page of the membership roster will include the following statement: **"By signing this membership roster, I acknowledge that I have read the constitution and bylaws and that as a member of the Kaiserslautern Kingfish I am jointly and severally liable for this organization's debts."**

Section 2. Members will have equal opportunity to seek office in the organization. Membership in the Kingfish will be open to NATO military and civilian personnel and their dependents in the KMC and Baumholder military communities. At least 51% of the team members must have SOFA status. Team membership shall be in accordance with the Team's By-Laws.

Section 3. The President will be the presiding senior member at all regular meetings and shall conduct the meeting IAW Robert's Rules of Order.

Section 4. Members, as well as elected officers, are to conduct themselves in a highly professional manner at all times and are to represent this organization through deeds and words, which exemplify the goals and mission of this organization.

Section 5. Members who do not conduct themselves in a highly professional manner, who fail to exemplify the goals and mission of the organization, and/or who conduct themselves in a manner that could harm the organization or its members may be removed from the organization. The determination of whether a member should be removed from the organization will be made by the Executive Council. Before this determination is finalized, the member shall be notified of the charge(s) against him or her in writing and shall have five (5) business days to respond and submit matters to the Executive Council. Members who need more time to respond may request additional time from the Executive Council. The President of the Executive Council, or Vice President in the President's absence, shall have complete discretion to determine if additional time is warranted and, if so, how much additional time should be given to the member to respond. Once the member has

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had a chance to respond as outlined above, final determination will require a majority vote from the Executive Council and the outcome will not be subject to appeal. All members are strongly encouraged to notify the Executive Council about any questionable member activity.

Section 6. Members may voluntarily leave the organization by submitting their resignation from the organization in writing. This written notice must be given to a member of the Executive Council or delivered to the organization during a meeting. Members will be automatically removed from the organization membership upon PCSing from Germany or permanently leaving Germany. Members may override this automatic removal by providing a written statement to the Executive Council that they wish to remain a member of the PO and understand that they may continue to be jointly and severally liable for organizational debts in the event the organization's assets are insufficient to discharge liabilities.

#### **ARTICLE V- ACTIVITIES**

Section 1. Fund raising activities will be conducted in accordance with appropriate guidance at all levels (base through DoD). These activities will be in direct support of the Kaiserslautern Kingfish Swim Team objectives listed in the Constitution and Bylaws. The appropriate approval for PO fund raising activities is the 86 AW/CC. During CFC or AFAF must be coordinated through 86FSS, 86AW/JA and then 86 AW/CC.

#### **ARTICLE VI - INSURANCE**

Section 1. The organization will maintain liability insurance unless waived by the installation commander IAW AFI 34-223. A copy of the insurance coverage and policy or a letter requesting a waiver will be forwarded through the base legal office.

#### **ARTICLE XI- NON PROFIT STATUS**

Section 1. The Kaiserslautern Kingfish Swim Team is organized and operated exclusively for pleasure, sport, and other non-profitable purposes, and no part its earnings shall contribute to the personal benefit of any member.

#### **ARTICLE XII - PRIMARY SOURCES OF INCOME**

Section 1. The Team shall not engage in any resale activities on the KMC without the specific written authority from the Commander, 86th Force Support Squadron, or without the prior approval of the Garrison Commander for the Baumholder Military Community. The primary sources of income will be paid by members and occasional command-approved fund raising activities such as Splash for Cash, car washes, bake sales, Christmas ornament sales, and other infrequent functions, and donations from recognized organizations. All funds raised shall be used for morale purposes and Team operations. The Board shall carry over no less than \$5,000 at the end of each season. The actual carry over amount must be disclosed to the membership prior to the end of season banquet. Circumstances that prohibit the minimum carry over amount must be presented/disclosed to the membership prior to the end of season banquet.

#### **ARTICLE XII – ADOPTION AND AMENDMENTS**

Section 1. This Constitution and Bylaws shall become effective upon adoption by an affirmative vote of the majority of the Parents' Association. A majority is defined as 51% of the Board and 30% of the Parents' Association. Voting must be conducted at a meeting specifically called for this

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purpose, and upon approval of the majority of the Board (51%) in agreement with the procedure of gathering and tallying such a vote. This Constitution and Bylaws are subject to review at any time but must be readopted at least every other year.

Section 2. Amendments to the Constitution must be approved by a majority of the Kaiserslautern Kingfish Parents' Association. Approved amendments shall be coordinated through the 86<sup>th</sup> Force Support Squadron and 86<sup>th</sup> Airlift Wing Office of the Staff Judge Advocate and are subject to approval by the Installation Commander **or delegation authority.**

Section 3. Amendments to the bylaws must be approved by a majority of the Kaiserslautern Kingfish Parents' Association. Approved amendments need not be subjected to further coordination.

#### **ARTICLE XIV – DISSOLUTION**

Section 1. The Kaiserslautern Kingfish may be dissolved with the vote of seventy-five (75%) of the general membership and three-fourths of the Board concurrence. It may also be dissolved by order of the Installation Commander. Funds contained in the treasury will be used to satisfy any outstanding debts, liabilities or obligations before they are allocated for any other purpose. **The remaining funds will be donated to the European Forces Swim League.** Notification of intent to dissolve will be submitted in writing to the 86 FSS/FSRLPO, Unit 32221, APO AE 09094-3221.

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Jim Bradford, President  
Kaiserslautern Kingfish Parent's Association

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(Date)

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Lauren Nelson, Vice President  
Kaiserslautern Kingfish Parent's Association

\_\_\_\_\_  
(Date)

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Jennifer Horner, Secretary  
Kaiserslautern Kingfish Parent's Association

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(Date)

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Jennifer Tittel, Treasurer  
Kaiserslautern Kingfish Parent's Association

\_\_\_\_\_  
(Date)

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