

**BYLAWS  
OF  
TIGERSHARK AQUATICS**

**ARTICLE I  
OFFICES**

**Section 1. Registered Office.** The Tigershark Aquatics shall at all times maintain in the State of Michigan a registered agent, whose business office shall be the registered office of the Tigershark Aquatics.

**ARTICLE II  
PURPOSES**

**Section 1. Nature of Corporation.** The Tigershark Aquatics nonprofit corporation formed under the Internal Revenue Code of 1986, which is organized and shall be operated in accordance with the meaning and provisions of Section 501(c)(3) of the Internal Revenue Code and the regulations issued thereunder.

**Section 2. Primary Purposes.** The Tigershark Aquatics is organized exclusively for charitable and educational purposes to foster amateur sports competition. Our mission is to promote swimming in the greater Allegan area. Tigershark Aquatics firmly believes that the dedicated pursuit of improved levels of physical fitness encourages and supports development of social, behavioral, and academic skills, and this belief is the foundation on which the team builds its programs and methodology. Tigershark Aquatics and its community partners are committed to providing programming to all interested individuals regardless of race, color, religion, sex, national origin, age, disability, genetic information, ability level or ability to pay.

**ARTICLE III  
BOARD OF DIRECTORS**

**Section 1. General Powers.** The Board of Directors shall have the general power to manage and control the affairs and property of the Tigershark Aquatics, up to and including hiring and termination of employees, and shall have full power, by majority vote, to adopt rules and regulations governing the action of the Board of Directors. Each member shall have one vote. Motions by board members can be used to accomplish business for anything not specifically addressed in the bylaws.

**Section 2. Number, Election, and Term of Office.** The Board of Directors shall consist of no less than four (4), and no more than nine (9), members. Directors are to be active members age 18 or older or parents or guardians of active members of Tigershark Aquatics. Election to the Board of Directors shall be by majority vote of Qualified Voting Members, which shall occur, except in the case of filling vacancies, at each annual meeting thereof. Each Director shall hold office for a term of two (2) years and thereafter until his successor is elected and qualified. Elections for President, Vice President and two of the four at large directors will be held on even

years. Elections for Secretary, Treasurer and other two remaining at large directors will be held on odd years, to eliminate the chance of a complete board replacement in a single year.

**Section 3. Officers.** The Board of Directors may consist of a President, Vice-President, Secretary, Treasurer and such other officers as it may consider appropriate with such duties as it may prescribe. In addition to the officers, two board members shall be the, Allegan Varsity Head Coach and Tigershark Aquatics Head Coach, the remaining three director positions will be At Large Directors.

**Section 4. Vacancies.** Any vacancy occurring on the Board of Directors prior to the expiration of a term shall be filled by an election by Qualified Voting Members, during a special or general membership meeting. A Director so elected to fill a vacancy shall hold office for the unexpired term of his predecessor in office. The Board has the power to fill or leave unfilled, until the next election, all vacancies occurring on the Board, including those created by an authorized increase in the number of directors.

**Section 5. Annual and Regular Meetings.** The Board of Directors shall hold an annual meeting in the month of August at such time and place as the Board of Directors shall by resolution prescribe. The Board of Directors may by resolution prescribe the time and place of such other regular meetings. All general meetings are open to any and all interested persons.

**Section 6. Special Meetings.** Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors. The person or persons authorized to call special meetings of the Board of Directors may fix any reasonable date, hour, and place, for holding any special meeting of the Board called by them.

**Section 7. Notice.** A regular meeting of the directors may be held without prior notice. Notice of any special meeting of the Board of Directors shall be given at least three (3) days in advance thereto by written notice delivered personally or sent by mail, facsimile or other means of electronic transmission to each Director at his address as shown in the records of the Tigershark Aquatics. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at and the purpose of any annual meeting of the Board of Directors need not be specified in the notice or waiver of notice of such meeting.

**Section 8. Quorum and Proxies.** A majority of the total number of Directors in office shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If less than a majority of the Directors are present at said meeting, the President can call the meeting to order to satisfy the bylaw requirement that the meeting is held, then announce no quorum is present and adjourn the meeting. Proxies shall not be permitted.

**Section 9. Manner of Acting.** The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Bylaws.

**Section 10. Compensation.** Directors as such shall not receive any stated salaries for their services but may be reimbursed for reasonable expenses. Nothing herein shall be construed to preclude any Director from serving the Tigershark Aquatics in any other capacity and receiving compensation therefor.

**Section 11. Informal Action.** Any action may be taken without a meeting of the Directors if a consent in writing or electronic communication setting forth the action so taken shall be signed by all of the Directors.

**Section 12. Resignation; Removal.** (a) A Director may resign from the Board of Directors at any time by giving notice of his resignation in writing addressed to the President or Secretary of the Tigershark Aquatics or by presenting his written resignation at an annual, regular, or special meeting of the Board of Directors. (b) Except as otherwise provided by law, at any meeting of the Board of Directors called expressly for that purpose, any Director may be removed, with or without cause, by the vote of a majority of the Directors then in office.

**Section 13. Responsibilities.**

- a. To maintain an active swim program.
- b. To collect Tigershark Aquatics membership fees and conduct fundraising activities.
- c. To assist in competitive swimming meets scheduled for the Tigershark Aquatics members
  - i. To provide trained officials for timing, judging and starting.
  - ii. To provide “host” and other subsidiary meet functions.
  - iii. To provide and maintain meet record keeping and award functions.
  - iv. To provide for periodic recognition of performances and achievements by the swim team and its members through publicity announcements, award meetings, and other.

**ARTICLE IV  
REGULAR COMMITTEES**

**Section 1. Purposes.** The Board of Directors may establish such regular committees to assist it in the performance of its duties as it considers appropriate.

**Section 2. Number, Election, and Term of Office.** The number of members of each regular committee shall be determined by the Board of Directors. Members of each regular committee shall be elected by the affirmative vote of a majority of the Board of Directors and shall serve until resignation or removal by the affirmative vote of a majority of the Board of Directors.

**Section 3. Officers.** The President may designate from among the members of each regular committee a Chairman and Vice Chairman of such committee, and such other officers as the President may determine. The Chairman, Vice Chairman, and any other officers of each such committee shall have such duties as the President prescribes.

**Section 4. Vacancies.** Vacancies in the membership of any committee shall be filled by the

Board of Directors.

**Section 5. Quorum.** Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at the meeting at which a quorum is present shall be the act of the committee.

**Section 6. Rules.** Each committee may adopt rules for its own government not inconsistent with the Bylaws or with rules adopted by the Board of Directors.

**Section 7. Powers.** Each regular committee shall have such powers as the Board of Directors may grant it consistent with law, the Constitution, and the Bylaws.

## **ARTICLE V OFFICERS AND AT LARGE DIRECTORS**

**Section 1. Officers and At large Directors.** The Officers of the Tigershark Aquatics shall be a President, Vice President, Secretary, Treasurer, and such other Officers as may be elected in accordance with the provisions of this Article. Not more than one office may be held simultaneously by the same person. The Officers and At Large Directors of the Tigershark Aquatics shall be elected by a majority vote of Qualified Voting Members at the organizational meeting and at every annual meeting of the Board thereafter, except that new offices may be created and filled at any meeting of the Board of Directors.

**Section 2. Nomination.** Nominations for officers and directors of the Tigershark Aquatics are to be made by ballot nominations delivered in person or via mail (i.e. electronic or postal services). Nominations will be accepted during the month of July. A member should know beforehand if the person he/she wishes to nominate is both eligible and willing to serve.

The secretary is responsible for mailing/providing a nominating ballot to each member, with instructions on how to fill it out. After the members mail back or turn in the nominations, the secretary composes the slate ballot containing all nominations, by director position, from which the Qualified Voting Members vote.

**Section 3. Election.** After the nominating process is closed, Qualified Voting Members must vote on the proposed candidates. Qualified Voting Members must fulfill the minimum requirements.

Qualified Voting Member requirements are as follows:

- He/she is an active member age 18 or older of Tigershark Aquatics or any parent or guardian of an active member of Tigershark Aquatics. An active member of the Tigershark Aquatics is one who has participated at least six (6) months in a consecutive twelve (12) month period prior to the applicable voting meeting.
- He/she is a parent or guardian that has volunteered for at least 50% of the available volunteer hours in a consecutive twelve (12) month period prior to the applicable voting meeting.

- He/she has attended at least 2 board meetings in a consecutive twelve (12) month period prior to the applicable voting meeting.

Qualifications will be tracked by the Vice President.

**Tigershark Aquatics** elections will be performed by individual ballot vote or utilizing an electronic voting method. A slate ballot will be provided listing the names of all the candidates, with room for further nominations or write-ins. When no candidate receives a majority vote for a particular office, voting members must continue to vote until someone is elected. The secretary will be appointed as the teller. Teller should be appointed because of their accuracy and dependability.

The teller will ensure ballots are received by Qualified Voting Members only. The teller will count the ballots and write the total votes next to the candidate's name. Illegitimate ballots, those that have writing on them but are not readable are not counted.

**Section 4. Term of Office.** Each Officer and Director shall hold office for a term of two (2) years and thereafter until his successor shall have been duly elected and qualified. Regular terms should begin September 1 and end August 31 in the second year of the term.

**Section 5. Removal.** Any Officer or Director may be removed upon a majority vote of the Board of Directors, at any meeting called expressly for that purpose, whenever in its judgment the best interests of the Tigershark Aquatics would be served thereby.

**Section 6. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

**Section 7. Resignation.** Any officer who resigns is expected to effectively hand over responsibilities to newly elected officer filling their vacated office. To provide education or mentorship to new officer.

**Section 8. President.** The President shall be the chief executive officer of the Tigershark Aquatics and, in general, shall supervise and control all of the business and affairs of the Tigershark Aquatics. He may sign, with the Secretary or any other proper Officer of the Tigershark Aquatics authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments or documents which the Board of Directors has authorized to be executed; and he shall perform all such other duties as may be prescribed by the Board of Directors from time to time.

**Section 9. Vice President.** In the event of death, resignation or removal of the President, the person who serves as Vice President shall assume the office of President until the Board of Directors elects a successor to the President and shall perform all such other duties as may be prescribed by the Board of Directors from time to time.

**Section 10. Secretary.** The Secretary shall keep the minutes of the meetings of the Board of Directors; see that all notices are duly given in accordance with the provisions of the Bylaws or

as required by law; be custodian of the corporate records and seal; and perform such other duties as from time to time may be assigned by the President or by the Board of Directors.

**Section 11. Treasurer.** The Treasurer shall be responsible for the financial management of the Tigershark Aquatics and may be expected to carry out a number of duties. Typical duties of the Treasurer may involve:

- issuing receipts and promptly depositing all monies received
- making all payments and keeping accurate up to date records of income and expenditure
- to be the signatory on club checks
- to invoice groups or members for rentals - e.g. building, equipment, uniforms, etc.
- being fully informed about the financial position of the club at all times
- to steward budget preparation for the forthcoming year describing potential sources of income and expenditure, with assistance from the Board of Directors / Budget Committee, as appropriate.
- preparing and presenting financial reports during board meetings and for the annual report. The financial report should include the starting (from prior report) and ending balances of any accounts. Any money collected should be covered, and bills paid should be listed. A comparison to the budget should be provided.
- handling tax returns, if applicable. Coordination with accounting services for preparation of tax returns, as needed.
- to prepare annual financial accounts for auditing, and provide the auditor with information as required
- to ensure annual returns and statement of accounts are filed with the appropriate state and federal authorities
- perform such other duties as from time to time may be assigned by the President or by the Board of Directors.

**Section 12. Tigershark Aquatics Head Coach.** The Head Coach shall be responsible

- to set up practice schedules and assign swimmers to various practices.
- to enter swimmers in all meets and championships in events he/she deems necessary, either for the benefit of the swimmer or the teams.
- to motivate the team and to set up training techniques.
- to discipline the team during practices, meets, and trips.
- to obtain and set up a meet schedule so that all members of the team will be tested in various events prior to the championship season.
- to decide what meets the members of the team are going to attend other than scheduled events.
- represent Tigershark Aquatics at League board meetings.
- perform such other duties as from time to time may be assigned by the President or by the Board of Directors.

**Section 13. USA-S Delegate** An appointed board member will be responsible to represent Tigershark Aquatics to Michigan Swimming Incorporated, and such delegate shall continue to

represent until their successor is chosen and certified.

## ARTICLE VI

### CONTRACTS, CHECKS, DEPOSITS AND FUNDS

**Section 1. Contracts.** The Board of Directors may authorize any Officer or Officers, agent or agents of the Tigershark Aquatics, in addition to or in place of the Officers so authorized by the Bylaws, to enter into a contract or execute and deliver any instrument or document in the name and on behalf of the Tigershark Aquatics, and such authority may be general or confined to specific instances.

**Section 2. Checks, Drafts, and Similar Documents.** All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Tigershark Aquatics, shall be signed by such Officer or Officers and/or agent or agents of the Tigershark Aquatics and in such manner as shall from time to time be determined by resolution of the Board of Directors.

**Section 3. Deposits.** All funds of the Tigershark Aquatics shall be deposited from time to time to the credit of the Tigershark Aquatics in such banks, trust companies or other depositories as the Board of Directors may select.

**Section 4. Gifts and Contributions.** The Board of Directors may accept on behalf of the Tigershark Aquatics any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Tigershark Aquatics. Such contributions, gifts, bequests, or devises shall be in conformity with the laws of the United States, the State of Michigan, and any other relevant jurisdiction.

## ARTICLE VII MEMBERSHIP

**Section 1. Inclusion.** The benefits and services of Tigershark Aquatics shall be made available to any person who desires to participate in the programs offered by Tigershark Aquatics Club and who is physically able to do so, regardless of gender, race, color, religion, sexual orientation, or national origin.

**Section 2. Membership.** There shall be one class of membership in Tigershark Aquatics, granted annually each fiscal year, consisting of the minor children and adults who participate in the programs offered by Tigershark Aquatics and the parents or legal guardians of and living with minor children who participate in the programs offered by Tigershark Aquatics Club.

**Section 3. Member in Good Standing.** No member shall be a member in good standing of Tigershark Aquatics unless that member has paid the applicable dues and fees, including any dues and fees outstanding from prior years, and remains current.

**Section 4. Active Membership.** Active membership in Tigershark Aquatics shall be limited to

each family who has paid fees for the current billing period. Only active members in good standing can participate in the programs offered by Tigershark Aquatics. Each swimmer athlete must also be a member of “USA Swimming.”

**Section 5. Membership Termination.** Membership shall terminate automatically if the requirements of (Article #) are not met or if the Board determines that a member has engaged in conduct materially and seriously prejudicial to the interests and purposes of Tigershark Aquatics Club. A Member may resign their membership at any time by written notice to the Membership representative, but the resignation will not be effective unless proper notice has been given and until all obligations to Tigershark Aquatics have been paid in full.

## **ARTICLE VIII DUES, FEES, PARTICIPATION**

**Section 1. Dues, Fees.** Dues and fees shall be established by the Board in such a manner to be sufficient to provide for the anticipated expenses of Tigershark Aquatics.

**Section 2. Payment of Dues.** The Board shall be responsible for establishing the annual payment schedule and the appropriate policies governing payment of said dues and fees.

**Section 3. Discounts.** The Board may offer discounted group training fees up to 100% for any member or set of members, for reasons of financial hardship or as an added benefit for coaches. Such discounts are to be approved by the President, Treasurer, and Head Coach of the Executive Committee. For financial hardship cases, no more than 5 scholarships per session can be offered. This discount does not affect a member’s status regarding active membership in good standing, as described in Article VI, sections 1-5.

**Section 4. Past Due.** If membership dues and fees remain unpaid for 15 days after they are due, the member in default shall receive notice.

**Section 5. Swim Group Changes.** Changes in Swimmer Group status- In the event that a group assignment is changed during the year, the resulting change in dues shall be computed on a pro-rated basis. Extra dues or fees shall be payable immediately. Excess dues or fees paid shall be promptly refunded.

**Section 6. Participation.** Participation-A quality program as conducted by Tigershark Aquatics Club requires active participation of all members in the hosting and staffing of swim meets at various levels of competition and in other Tigershark Aquatics activities. Membership carries with **it the obligation to participate in these activities.**

## **ARTICLE IX BOOKS AND RECORDS**

The Tigershark Aquatics shall keep correct and complete books and records of account and also shall keep minutes of the proceedings of its Board of Directors and committees having any of the

authority of the Board of Directors.

**ARTICLE X  
FISCAL YEAR**

The fiscal year of Tigershark Aquatics shall begin on the first day of September and end on the last day of August in each year.

**ARTICLE XI  
WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the law of Michigan or under the provisions of the Constitution or the Bylaws of the Tigershark Aquatics, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**ARTICLE XII**  
**AMENDMENTS TO BYLAWS**

The Bylaws may be altered, amended or repealed and new Bylaws may be adopted by majority vote of the Board of Directors present at any annual, regular or special meeting, if at least ten (10) days written or electronic notice is given of intention to alter, amend or repeal the Bylaws or to adopt new Bylaws at such meeting.

*This is a true, valid and complete copy of the By-laws of the Tigershark Aquatics as approved on \_\_\_\_\_, 2021.*

\_\_\_\_\_  
*President*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Vice President*

\_\_\_\_\_  
*Date*