**By-Laws of MoHo Gators**

**ARTICLE I NAME**

SECTION 1. The name of the organization shall be the "MoHo Gators”.

SECTION 2. The mailing address of MoHo Gators shall be: P.O. Box 166 Mount Horeb, WI 53572.

**ARTICLE II MEMBERSHIP**

SECTION 1. Membership

1. The membership shall be contingent upon payment of periodic registration and session fees, as determined by and within the time and on the conditions set by the Board of Directors (as set forth in Article VI), hereafter referred to as the “Board”.
2. No person may hold more than one membership or a fractional membership. The right of members to vote shall be determined as set forth in Article V.

SECTION 2. Qualifications for Membership

Membership consists of the parents or legal guardians of and living with minor children who actively participate in the MoHo Gators USA swimming program and/or Tri-County summer swim team.

SECTION 3. Termination of Membership

Membership shall terminate upon occurrence of any of the following events:

1. The resignation of the member,
2. The failure of the member to pay fees or dues, within the times set forth by the Board,
3. The determination by the Board that the member has failed in a material and serious degree to observe the rules of conduct of MoHo Gators or has engaged in conduct materially and seriously prejudicial to the interests and purposes of MoHo Gators.

**ARTICLE III PURPOSES AND POWERS**

SECTION 1. The purpose of MoHo Gators shall include the following:

**MoHo Gator’s Mission Components:**

**Tri-County**

To provide residents of the Mount Horeb school district a competitive, recreational swim team during the summer where a team atmosphere is at the core of each swimmers experience.

**USA Swimming**

To provide area swimmers a “goal oriented” swim team experience where character development is at the core of each swimmers experience. Swimmers are taught proper stroke technique that will help them succeed in a competitive swimming environment where dedication, discipline and developing one’s own sense of success is daily practice.

**Other Programs**

To provide water-based programs that intrigue, challenge, and invigorate each member. These programs can include but not be limited to masters swimming, swim lessons, water polo and water ballet.

**MoHo Gator’s vision statement:**

To provide quality swim opportunities with a goal oriented focus to swimmers who would like to participate, regardless of age and ability.

SECTION 2. The powers of MoHo Gators shall include the following:

1. The participation in swimming opportunities and competitions as the Head Coach and the Board shall determine to be in the best interests of MoHo Gators;
2. The solicitation and sale of advertising and sponsorship on team website, at team events, and elsewhere;
3. The retaining of such person, firms, or corporations as may be necessary in order to provide special services to MoHo Gators;
4. The operation of food concessions and the sale of swimming equipment and related supplies to its members and other persons; and
5. The authorization to engage in such other lawful activities as may be necessary to properly carry out the purposes of MoHo Gators and conduct its affairs.

**ARTICLE IV RIGHTS AND LIABILITIES OF MEMBERS**

SECTION 1. All MoHo Gators expenditures of $100 or more must be approved by a vote of the Board. Expenditures of less than $100 may be made with approval (written via e-mail or verbal) of two or more Board members. Exceptions to this rule include allowing the Head Coach to register swimmers with USA Swimming, payment of expenses associated with registering the team for meets and expenditures which fall under budgeted line items (e.g. concessions, pool rental, etc.).

SECTION 2. MoHo Gators Board of Directors will be protected by “Directors and Officers Insurance”, which will be financially supported by MoHo Gators.

**ARTICLE V MEETINGS OF MEMBERS**

SECTION 1. MoHo Gators shall hold a meeting of the membership annually for the purpose of reviewing the activities and financial affairs of MoHo Gators, electing a Board, and conducting other business. This meeting will be held at the end of the Tri-County summer season (late July, early August), in conjunction with the end of season banquet and parent meeting. The Board may also hold other special meetings of the membership as necessary to properly conduct the affairs of MoHo Gators.

SECTION 2. All meetings of members shall be held at a convenient hour and place designated by the Board. Notice of the meeting shall be given to all members not less than seven (7) days before said meeting, via US Mail or e-mail.

SECTION 3. At any meeting of membership attendance in person of at least twenty percent (20%) of the regular members shall constitute a quorum.

SECTION 4.

1. Eligibility to vote. The members eligible to vote shall be those members defined in Article II. There shall only be one vote per household for voting members. Such vote shall only be exercised by an adult and, in the event such adults fail to agree how such vote should be cast, then the vote shall be disallowed.
2. Manner of casting votes. Voting may be by voice, paper ballot or electronic ballot provided that any election of the Board of Directors may be by ballot if demanded by any voting member before the voting begins.
3. If a quorum is present, a majority of voting members represented at meeting or represented via electronic ballot is required, unless otherwise specified.
4. Voting in absentia. Members eligible to vote may vote in absentia in writing, at any time prior to the vote.

**ARTICLE VI BOARD OF DIRECTORS**

SECTION 1. Powers. The business and affairs of MoHo Gators shall be managed, and all powers shall be exercised, by or under the direction of the Board of Directors.

SECTION 2. Election of Board. A Board of Directors of six (6) shall be elected by and from the regular members of MoHo Gators at the annual membership meeting (defined in Article V, Section 1). Board of Director seat terms shall be for two year periods with a limit for each board member of two terms served. Board members whose term is expiring and who will be leaving the board are expected to assist in the board transition process as new members assume the duties associated with their position on the board. This may include, but not be limited to, attending board meetings as a non-voting member and meeting with new board members to assist them in understanding roles and responsibilities. Board seats becoming open in any year will be announced at the annual open house (April), and nominations shall be submitted to the Board by July 15. Candidates receiving the highest number of votes shall be elected to the Board. No Board member shall hold more than one (1) office at any time unless a Board member vacates his or her position unexpectedly. In the event a board position becomes open during a members elected term the board will determine the best avenue for filling that seat for the remaining duration of the term being vacated. During such a time the board position in question is vacant any interested Board members may fill the vacant position for a temporary time.

SECTION 3. Candidates for the Board

1. Only one family member may be on the Board at a time.
2. Candidates must be members in good financial standing.
3. Any person convicted of a relevant crime or any crime of any nature against a child will not be considered for a position on the Board. If this should occur while serving on the Board the person will step down immediately.

SECTION 4. Place and Notification of Board Meetings

1. Place of Meetings. Regular meetings of the Board may be held at any place convenient to all officers and designated by resolution of the Board.
2. Notice of Meetings. Notice of the time and place of regular or special meetings of the Board shall be given to each officer by one of the following methods: (a) e-mail; (b) by first class mail, postage paid; or (c) by telephone communication, either directly to the officer or to a person who would reasonably be expected to communicate such notice promptly to the officer. All such notices shall be given or sent to the officer's address, e-mail address or telephone number as shown on the records of the MoHo Gators.
3. Time requirements. Notices sent by first class mail shall be deposited into a United States mail box at least seven days before the time set for the meeting. Notices given by e-mail or telephone shall be sent or telephoned at least 3 days before the time set for the meeting.

SECTION 5. Duties. The duties of the Board shall include the selection of the place, setting the date, and making all arrangements necessary for holding meetings of the Board and the publication of whatever data the officers deem essential to the benefit of MoHo Gators. The officers shall have the power to adopt rules and regulations, and to alter and amend the same from time to time, for the conduct of the business and activities of MoHo Gators. The Board shall have the authority to generally conduct all of the lawful affairs of MoHo Gators. Each Board member will be asked to sign and follow the MoHo Gators “Statement of Principles on Ethical Behavior and Conflict of Interest” policy.

From time to time, as necessary, closed Board meetings may be held to review such topics as: salaries, personal issues, coach contract, coach evaluation, discipline issues, etc.

SECTION 6. Committees. The Board shall also have the authority to establish committees as may be necessary to further and promote the interests and activities of MoHo Gators. Such committees may be comprised of both Board members and other regular members. Committees will include, but not be limited to: Fundraising, Apparel, Socials, Volunteers, Concessions, and Swim Meets.

SECTION 7. Board Member Offices and Responsibilities

1. The Board of Directors of MoHo Gators shall consist of 7 members, 6 of whom must be members of MoHo Gators, plus the Head Coach.
2. Officers and positions on the board shall be decided at the initial board meeting held after the election at the annual membership meeting. Officers and positions of the board members shall be chosen by nomination and voting by the newly elected board.
3. The offices shall be those of president, vice-president, secretary, treasurer, membership coordinator and committees chair. The Head Coach shall also serve as a voting member on the Board in all club matters except such things as constitute a conflict of interest (coach’s contract, salary, chaperoning decisions, etc.). In such cases where the Head Coach does not vote, the majority vote will rule, and in the event of a tie, no decision will be made.
4. Any vacancy in the Board caused by death, resignation, or disqualification of an officer shall be filled by a majority vote of the remaining officers until a special meeting can be held.
5. Roles and Responsibilities.
   1. **President**

* Presides at all Board meetings.
* Provides leadership to the Board, who sets policy and to whom the Head Coach is accountable.
* Personally represents the team or appoints a delegate where representation is deemed appropriate.
* Is a partner with the Head Coach in achieving the organization’s mission statement.
* Encourages the Board’s role in strategic planning, financial accountability, fundraising, and evaluation of the Head Coach and evaluation of the program performance.
* Helps guide and mediate Board actions with respect to organizational priorities and governance concerns.
* Evaluates the effectiveness of the Board.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.
  1. **Vice President**
* Attends all Board meetings.
* Oversees management of all summer Tri-County swim meets, including overseeing and organizing all personnel for home meets such as Head Official, Hy-Tek staff, Timers, etc.
* Has such powers and performs such duties as may be delegated to him/her by the President.
* Takes over as President if the President does not fulfill his/her term.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.
  1. **Secretary**
* Attends all Board meetings.
* Maintains all Board records, and ensures their accuracy and safety.
* Develops agendas for all Board meetings.
* Gives notice of meetings to the membership.
* Sees to it that all actions of the Board and / or committees are recorded in the minutes.
* Assumes responsibilities of the President in the absence of the President and Vice President.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.
  1. **Treasurer**
* Attends all Board meetings.
* Understands financial accounting for non-profit teams.
* Keeps the financial records of MoHo Gators.
* Gives monthly financial reports to the Board. Responsible for accounts payable/receivable including coordination of payroll processing.
* Prepares the budget, seeking Head Coach input, and submits it to the Board for approval.
* Oversees preparation and distribution of the annual audit, and answers Board members’ questions about the audit.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.
  1. **Membership Coordinator**
* Attends all Board meetings.
* Oversees Membership Account Manager Position whose duties include the following:
  + 1. *Maintains each swim family’s account. This includes maintaining an electronic running balance for each season. Posting deposits to their accounts and posting charges for registrations, meets, events swam, and other swim related fees.*
    2. *Provides information, answers questions and gives general support regarding account balances to new and existing members.*
    3. *Sends monthly statements to each family with a balance due.*
    4. *Sends reminder emails to monthly payment option users reminding them of the upcoming charge.*
    5. *Contacts accounts with credit cards that are going to be expiring.*
    6. *Makes Membership Coordinator aware of any family’s swim account that has large negative balance.*
    7. *Attends spring open house and fall registration to assist families with Swim Fund/Swim Account questions.*
    8. *Work with Membership Coordinator to set up monthly payment option for short course season.*
* Facilitates and organizes new and existing member registrations - in person and via Team Unify.
* Maintains all member records, including registration, waivers (insurance and concussion), and policies.
* Maintains the "MoHo Gator Handbook."
* Provides information, answers questions and gives general support about membership to potential, new and existing members.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.
  1. **Committees Chair**
* Attends all Board meetings.
* Acts as liaison to heads of the committees (fundraising, social, sponsorship, concessions and apparel) and Board members.
* Accountable for financial viability of each committee and works with treasurer to ensure budgets coordinate.
* Gives monthly updates / reports to the Board and has board weigh in on decisions as needed.
* Meets monthly or as necessary with committee heads to plan events.
* Meets pre summer season with concession heads to organize all purchases, donations and prep work needed to run summer home meets.
* Works on community outreach for team events, donations and sponsors.
* Works with VP and Membership Chair on volunteer and fundraising commitments.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.
  1. **Head Coach**
* Term determined and renewed at least annually, but more often if deemed appropriate by Board.
* Attends all Board meetings.
* Provides monthly reports of team to Board.
* Performs duties as outlined in Head Coach Job Description.
* Maintains the MoHo Gators website.
* Additional responsibilities as defined by the Board.
* Trains and mentors successor to assure smooth transitions. Returns all Board related materials.

SECTION 8. The presence of at least four (4) members of the Board shall be necessary in order to constitute a quorum for the purpose of conducting business at any meeting of the Board.

SECTION 9. Board members will be asked to attend meetings that could occur on a monthly or more frequent basis. Attendance is vital for the good of the Board. Board members who are not fulfilling their duties as outlined in Section 7, and/or are absent from three consecutive meetings are subject to removal from the Board by the majority vote of the remaining Board members.

SECTION 10. Special meetings of the Board shall be held on the call of the president or a majority of the Board. All members of the Board shall be advised, either orally or in writing, as to the time and place of any such meeting. Notice shall be given at least three (3) days prior to the date of the meeting. Attendance at any meeting shall constitute a waiver of notice thereof.

**ARTICLE VII ANNUAL PERFORMANCE REVIEW OF HEAD COACH**

Section 1. The position of Head coach shall receive a performance review to occur annually or as the board sees fit. This review will be facilitated by two members of the board of directors chosen at the October board meeting and shall be completed and presented to the full board at the December board meeting. Board members selected to facilitate this review shall include a board member returning from the previous year as well as a newly elected board member to insure continuity in this process annually. The process for conducting the review will be determined by the board of directors but should include feedback from multiple layers of the organization if possible.

**ARTICLE VIII INDEMNIFICATION OF DIRECTORS AND OFFICERS**

SECTION 1. MoHo Gators shall indemnify any person made a party to any action, suit, or proceeding by reason of the fact that such person, or his successor or assign, is or was a director, officer, or employee of MoHo Gators against the reasonable expenses, including attorney fees, actually and reasonable incurred by such person in connection with the defense of such action, suit or proceeding. MoHo Gators may also reimburse to any such director, officer, or employee the reasonable costs of settlement of any action, suit or proceeding if it shall be found by a majority of the Board members that it was to be the interests of MoHo Gators that such settlement be made. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights to which such director, officer, or employee may be entitled apart from the provision of these by-laws.

**ARTICLE IX FISCAL YEAR and AUDITS.**

The fiscal year for MoHo Gators shall be from the first day of September to the thirty first day of August.

Procedural audits will be conducted on an annual basis through internal review by volunteer general members not currently on the Board of Directors. Financial audits will be conducted annually, with a committee made up of the Treasurer, incoming Treasurer, and at least one parent volunteer. The results will be shared with the Board of Directors.

**ARTICLE X CONTRACTS, CHECKS, NOTES, ETC.**

SECTION 1. Either the president or vice-president of MoHo Gators shall unless otherwise directed by the Board, sign all contracts and agreements authorized by the Board. The Treasurer or President shall sign all checks and drafts issued by the Team, or such other person as may be from time to time so authorized by the Board.

**ARTICLE XI STATEMENT ON SOLICITATION AND INFORMATION SHARING**

It is the policy of the MoHo Gator swim organization not to provide any information regarding its membership to any organization other than USA swimming for the purposes of solicitation, fundraising or general business. This information includes, but is not limited to, names, addresses, telephone numbers, email addresses, etc.

**ARTICLE XII NON-PROFIT STATUS**

SECTION 1. MoHo Gators shall, at all times, be operated on a non-profit basis for the mutual benefit of its members. No part of the earnings of MoHo Gators shall be for the benefit of, or be distributed to, its members, officers, directors, or any other private persons or corporations, except that MoHo Gators shall be authorized and empowered to pay reasonable compensation for services rendered and expenses incurred and to make payments in full furtherance of the purposes set forth herein.

**ARTICLE XIII TERMINATION AND DISSOLUTION**

SECTION 1. MoHo Gators may be terminated and dissolved upon the affirmative vote of at least two-thirds (2/3) of all regular members entitled to vote. In the event of such termination and dissolution, the Board shall after paying or making provision for the payment of all liabilities of MoHo Gators, distribute any remaining monies to a qualified 501(c)(3) non-profit organization.

**ARTICLE XIV AMENDMENT OF BY-LAWS**

SECTION 1. The power to make, alter, amend, or repeal these By-Laws is vested in the Board. The affirmative vote of a majority of the actual number of elected Board members shall be necessary to effect amendment or repeal of the By-Laws.

This document was made policy for the MoHo Gators Board on February 13, 2013

This document was amended by the MoHo Gators Board on June 10, 2015

Document Name: By-laws of the MoHo Gators Swim Team

Darin Smith\_\_\_\_\_\_\_\_\_\_\_\_\_, President

David Bennin\_\_\_\_\_\_\_\_\_\_\_\_, Vice-President

Sarah Best\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Secretary

Adrian Barta\_\_\_\_\_\_\_\_\_\_\_\_, Treasurer

Kevin Rozeboom\_\_\_\_\_\_\_\_\_, Membership Coordinator

Mary Seidl\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Committees Chair

Mike Hruska\_\_\_\_\_\_\_\_\_\_\_\_\_, Head Coach