

**CONSTITUTION OF
THE HAMILTON AQUATIC CLUB**

ARTICLE 1 – NAME

The name of the Club is THE HAMILTON AQUATIC CLUB (HAC)

The Hamilton Aquatic Club is incorporated in the Province of Ontario 1976, # 279896 as a non-profit charitable organization affiliated with Swimming/Natation Canada with charitable #0495234-80-10.

The official Club colours are gold and black.

ARTICLE 2 – PURPOSE

The purpose of the Hamilton Aquatic Club is to provide a training program for competitive swimming for all participating members.

ARTICLE 3 – OBJECTIVES

1. To provide competitive swimming programs for all levels and all ages.
2. The programs provided are aimed at:
 - assisting each participant in achieving their own level of competence and excellence,
 - promoting, fostering and teaching self development, leadership and sportsmanship through competitive swimming,
 - creating a healthy environment which will promote physical, mental and social growth for all members,
 - creating, initiating and promoting social as well as physical activities by which team spirit is developed and enhanced.
3. To encourage a spirit of partnership within the community in promoting swim programs.
4. To partner with community organizations in planning and implementing swim meets and facilitating the training of coaches and officials.
5. To partner with the Hamilton-Wentworth Aquatic Club (HWAC) in promoting the sport of swimming.
6. To involve all parents in a positive way that will help achieve the Club's objectives.
7. To live up to Swimming/Natation Canada's ideals, principles and rules to the best of our abilities.
8. To provide coaching leadership which will make possible all of the above.

ARTICLE 4 – MEMBERSHIP

A "member in good standing" is defined as: an individual or family whose accounts are up to date or one who has made satisfactory payment arrangements , as deemed by the Board of Directors, and is meeting the requirements of said arrangements.

There will be three classes of membership:

1. VOTING MEMBERS:
 - a) parents or guardians of participating swimmers in good standing;
 - b) participating swimmers of 18 years or over in good standing;
 - c) persons who have provided outstanding assistance and/or service to the Club and have been selected by the Board and confirmed by a majority vote at a General Membership Meeting. These members shall henceforth be known as "Honourary Life Members".
 - d) the Head Coach;
 - e) one representative of the local municipal government may be invited to be a voting member.

2. ASSOCIATE MEMBERS

- a) Those persons interested in furthering the objectives of the Hamilton Aquatic Club and who are approved by the Board. Such persons shall be eligible for election to the Board of Directors.
- b) All coaches (with the exception of the Head Coach).

3. PARTICIPATING MEMBERS

Members who are actively engaged in the swimming program within the Club. These members must be registered with the Administrative Assistant in accordance with the membership requirements.

4. RESIGNATIONS

- a) Members shall resign in writing and the resignations shall be effective at the end of the month in which the resignation is received by the Administrative Assistant, and upon acceptance by the Board once it is affirmed that all accounts have been settled. Refunds will be made according to the Refund Policy as outlined in the Registration package.
- b) Any member may be requested and/or required to resign by an affirmative vote of the majority of the members of the Board. This vote may be challenged and the member reinstated by a majority vote at a General Membership Meeting.

ARTICLE 5 – BOARD OF DIRECTORS

1. The Board of Directors, henceforth known as the Board, is the governing body of the Hamilton Aquatic Club and shall consist of the President, Vice-President, Treasurer, Secretary, Head Coach, Administrative Assistant, and six to eight Directors. The Head Coach and Administrative Assistant are non-voting members, and the President shall cast a vote only in the event of a tie. At the request of the Board, a person from the Municipal Government may also be a non-voting member of the Board.

2. The Members of the Board shall be elected for a two year term at the Annual General Meeting.

A person from the Municipal Government may also be appointed to the Board

The “term” begins in September after the Annual General Meeting and ends following the Annual General Meeting two years later.

3. Half of the elected members of the Board shall retire at the end of the fiscal year, but shall be eligible for re-election if otherwise qualified, at the Annual General Meeting.

The “fiscal year” of the Club shall begin on the first day of July each year and end the last day of June the following year. The Annual General Meeting will be held at the beginning of the swim season.

4. The voting Members elect persons to sit on the Board at the Annual General Meeting. The Board, by consensus, determines the position each Director shall fulfil on the Board.

5. The Board has full authority to make decisions, to determine policy, to make appointments to committees and/or to create such committees that will best serve the interests of the Club. If any of these are duly challenged in writing by more than 15% of the voting members, the question shall be decided by a majority at a General Membership Meeting which shall be called within one month of the challenge. The Board must make notification of the Meeting in writing to all voting members at least ten days prior to the Meeting.

6. A majority of the Board, if it deems it necessary, may call a General Membership Meeting at any time. The Board must make notification of the Meeting in writing to all voting members at least ten days prior to the meeting.

7. The Board may fill interim or temporary vacancies on the Board. All interim appointments must be nominated and elected by a majority of the Board.
8. Any member in good standing may attend a Board Meeting with the prior approval of the President.
9. The Board will hold regularly scheduled meetings throughout the fiscal year.
10. Within the Board there will be an Executive Committee consisting of the President, Vice-President, Treasurer, and one other member to be determined by the Board at the first meeting of the year. The President and a minimum of two Executive Committee members may make interim decisions between Board meetings. These decisions must be ratified at the next Board Meeting.
11. No Director or Officer of the Hamilton Aquatic Club (HAC) shall be liable for acts or omissions of any other Director or Officer or employee of the HAC or for the loss, damage or expense suffered by the HAC through the insufficiency or deficiency of title to any properly acquired by order of the Board, or in respect of any deficiency of any security in or upon which any monies of the HAC shall be invested, or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any person with whom the monies, securities or judgement or oversight on his office in relation thereto or in respect of any other act or omission of a Director in his capacity as such causing loss, damage or expense, unless the same happen through his own neglect or default.
12. Every Director and Officer of the HAC and heirs, executors, administrators and estates, shall from time to time and at all times be indemnified and saved harmless by the HAC from and against all costs, charges and expenses that such Director and Officer sustains or incurs by way of action, suit or proceeding commenced against him in respect of any acts, deeds matters or things whatsoever made, done or permitted by him in or about execution of the duties of the office except such costs or charges or expenses which are occasioned by his own wilful neglect or default.

ARTICLE 6 – DUTIES OF THE BOARD

1. The Board is charged with the general management and supervision of the affairs and operations of the Club. It shall hold regular Board Meetings as Club affairs warrant. It shall prepare and suggest such regulation changes necessary to the continuing successful operation of the organization. Major changes in rules, regulations and non-budgeted expenditures from the Contingency Account (see Article 14) in excess of \$10,000. requires majority membership approval.
2. The Board shall be responsible for the hiring and termination of the Head Coach and confirm the selection of the assistant coaches prior to contracts being signed. The Board shall enter into contractual agreement, specifying remuneration, conditions of employment and termination with the Head Coach.
3. The President will preside at all General Membership Meetings and at all Board meetings. He or she shall, in conjunction with the Board, appoint members to committees. He or she shall call meetings of the Board, Executive Committee meetings and General Membership Meetings as necessary or as required by the Constitution. He or she shall vote on issues solely to create a majority. He or she shall automatically be a member of all committees. The President shall open all meetings. The President may delegate another Director to Chair any Meeting he/she feels is in the best interest of the Club Board.
4. The Vice President shall perform the duties of the President in his or her absence and other such duties as may be allocated.
5. The Secretary, or his/her designate, shall be responsible for keeping an accurate record of all proceedings and decisions at Board Meetings and General Membership Meetings. He or she, or a designate, shall give all notices, as required to be given, to members and the Board. He or she, or a designate shall be custodian of all books, papers, records, correspondence, contracts, membership lists and other documents belonging to the Club, with the exception of those required by the Treasurer.

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6. The Treasurer and an assistant shall handle the receipt and disbursement of the Club monies and shall maintain a record of Club finances and report this record to the Board and General Membership when called upon to do so. The Treasurer will prepare an annual financial report and have the books audited annually. All club members who are responsible for receipt or disbursement of monies must prepare financial statements as requested by the Treasurer. The Treasurer will prepare, co-ordinate, and monitor the budget. The Treasurer will be custodian of the Head Coaches' contract and pool contract(s).
 7. The Membership Chairperson, or his/her designate, is responsible for keeping an accurate record of all members and the collection of fees.
 8. The Head Coach is responsible for the swim program of the Club. He/she is responsible for the hiring and the assigning of responsibilities to the Assistant Coaches. The duties of the Head Coach are itemized in the contract agreement between the Head Coach and the HAC.
 9. The Member-at-Large acts as a liaison between the HAC and the HWAC in order to co-ordinate human resources and facilities.
 10. The Administrative Assistant is responsible to the Board. The duties of the Administrative Assistant are assigned and reviewed on an annual basis by the Board.
 11. The six to eight Directors shall be voting members of the Board and shall fulfil any duties assigned to them by the President and the Board.

VOTING WITHIN THE BOARD

Issues arising at any meeting of the Board shall be decided by a simple majority of votes. Alternative voting procedures may be adopted at the discretion of the Board on specific issues. In case of equality of votes, the President shall have the casting vote. A declaration by the President (or in his or her absence, the Vice-President) that a resolution has been carried or defeated, and an entry into the Minutes, shall be evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such resolution.

EXECUTION OF DOCUMENTS

Deeds, licences, contracts, transfers and other documents on behalf of the Club shall be signed by any two of the following; President, Vice-President or Treasurer. Signing officers for bank accounts and cheques shall be any two of the following: Treasurer, President or Vice-President, or other members authorized by the Board.

ARTICLE 7 – QUORUM

1. Two thirds (2/3) of the current elected members of the Board, including a presiding officer, shall constitute a quorum for the transaction of the business at a Board Meeting.
2. A General Membership Meeting shall be considered to have a quorum if 15% voting members are present.

ARTICLE 8 – GENERAL MEMBERSHIP MEETING AND ELECTIONS

1. The Annual General Membership Meeting is to take place in the fall of each year. This meeting is to include the election of the Board of Directors as expressed in Article 5.
2. Meetings, other than the Annual General Membership Meeting, shall be at the call of the President. At the request in writing of any 15% of the voting members, the Secretary shall call a special General Membership Meeting. In such event, ten days notice is required, the notice setting out the time, place and purpose of the Meeting.
3. Only voting and associate members may attend a General Membership Meeting without Board approval.

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4. At all General Membership Meetings every question shall be decided by a simple majority of the voting members present, by a show of hands, except in respect of elections or in situations where ballot voting is specifically requested by a voting member, providing a quorum is present. A declaration by the chairperson of the Meeting that a resolution has been carried or not carried, and an entry to that effect in the Minutes of the Club, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such resolution. In the case of an equality of votes, the Chairperson shall be entitled to a casting vote.
 5. All meetings shall operate under Roberts Rules of Order. If a conflict occurs between the Constitution and Roberts Rules, the Constitution shall over ride.

ARTICLE 9 – AFFILIATIONS

The Hamilton Aquatic Club is affiliated with the Hamilton-Wentworth Aquatic Club, Swimming/Natation Canada and Swim Ontario. The Board is empowered to affiliate the Club with any body, public or private, for the purpose of furthering the objectives of the Club. It is the only body that is empowered to affiliate or disassociate with any or all of these three existing groups.

ARTICLE 10 – FEES

Fees for all levels of members shall be established by the Board and approved at the Annual General Membership Meeting for the following fiscal year. The members shall be notified of the dues or fees and the payment schedule. If the dues or fees are not paid within 60 days of the date of such notice, the member who is in default of dues or fees shall be liable to have his or her membership revoked.

In case of resignation, a member shall be liable for payment of any dues or fees which became payable by him or her to the Club prior to acceptance of his or her resignation.

ARTICLE 11 – FISCAL YEAR

The Fiscal Year of the Club shall begin on the first day of July each year and end the last day of June the following year.

ARTICLE 12 – MEMBERSHIP PARTICIPATION

It is a duty and Club requirement of all members to make themselves available for their fair share of job assignments. It is necessary for members to become familiar with, and involved in the internal operation of the Club. It is necessary that members participate in fundraising and also to become knowledgeable about swimming competitions, meets, etc., and hence be able to help officiate at same.

ARTICLE 13 – AMENDMENTS

Proposed amendments to the Constitution shall be voted upon at the Annual General Membership Meeting or at a Special General Membership Meeting. A copy of the proposed amendments shall be mailed to each voting member ten days prior to the time of such a meeting, together with notice of the time and place of such a meeting.

ARTICLE 14 – CONTINGENCY ACCOUNT

The excess revenues at the end of the fiscal year shall be placed in a Contingency Account.