

BY-LAWS OF THE DICKINSON DOLPHIN SWIM TEAM, INC.

**Change of Name and Registered Agent Amendment filed with the
Secretary of State, Bismarck, ND 58505, on September 2011**

**Revised By-Laws adopted by the Dickinson
Dolphin Swim Team, Inc. Parents' Club on April 13th, 2014**

Purposes for Revision

The 1985 by-laws were revised in order to accomplish the following purposes:

1. To change the name of the Dickinson Swim Team, Inc., to the Dickinson Dolphin Swim Team, Inc.
2. To change the name of the registered agent from an individual to the Dickinson Chamber of Commerce, a more permanent entity.
3. To more accurately describe the structure of the organization as it has evolved over time.
4. To outline more clearly the way the organization is currently functioning.
5. To be in compliance with requirements for 501©(3) tax exempt status.

The 1992 bylaws were revised in order to accomplish the following purposes:

1. To more accurately describe the structure of the organization as it has evolved over time.
2. To outline more clearly the way the organization is functioning.

The 2014 bylaws were revised in order to accomplish the following purposes:

1. To more accurately describe the structure of the organization as it has evolved over time.
2. To outline more clearly the way the organization is currently functioning.
3. To outline and clarify the role of Vice President and President.

The 2020 bylaws were revised in order to accomplish the following purposes:

1. To more accurately describe the structure of the organization as it has evolved over time.
2. To outline more clearly the way the organization is functioning.
3. To update language and other details to align with current terms and technology.

The 2026 bylaws were revised in order to accomplish the following purposes:

1. To more accurately describe the structure of the organization as it has evolved over time.
2. To clarify who is responsible for specific responsibilities.
3. To change the terms of office to create continuity and allow for successful board transition.
4. To change fiscal year dates to better reflect our annual financial schedule.

ARTICLE 1: NAME

The name of this organization is the Dickinson Dolphin Swim Team, Inc.

ARTICLE 2: ADDRESS

- 2.1 The mailing address for the transaction of the activities and affairs of the corporation is P.O. Box 881, located in the city of Dickinson, Stark County, North Dakota.
- 2.2 The registered agent for the corporation is the Dickinson Chamber of Commerce, 314 Third Avenue West, Drawer C, Dickinson, ND 58602-8203, (701)225-5115.

ARTICLE 3: PURPOSES AND OBJECTIVES

- 3.1 Nonprofit Corporation. This corporation is a nonprofit public benefit corporation (Federal ID #450356847) and is not organized for the private gain of any person, except that the corporation shall be authorized to pay reasonable compensation for services rendered. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.
- 3.2 Purposes. The Dickinson Dolphin Swim Team, Inc. is organized exclusively for the educational, recreational, and competitive purposes of fostering local, state, zone, and national amateur swimming competition as governed by USA swimming, 1 Olympic Plaza, Colorado Springs, CO 80909 (719)866-4578.
- 3.3 Philosophy. Competitive swimming affords a giant step toward rounding out developing young lives and gives boys and girls an opportunity to participate in a wholesome environment of competition, fosters fair play and sportsmanship, builds health and vigor, and teaches that to lose is not a disgrace, but that, as in life, when one has put forth his/her best effort and does not always win, he/she can lose with dignity and have the self-satisfaction of having done his/her best. Team effort is of utmost importance and the mediocre swimmer is just as important in his/her efforts as is the best swimmer.
- 3.4 Objectives.
 1. To promote and develop swimming for the benefit of swimmers of all abilities in accordance with the standards and under the rules prescribed by USA Swimming and the North Dakota Local Swim Committee (ND LSC).
 2. To promote social and emotional development.
 3. To provide a wholesome and worthwhile physical and recreational outlet.
 4. To offer opportunities to learn sportsmanship and team cooperation.
 5. To train for competition all swimmers who desire it and who abide by the rules and regulations of the organization.
 6. To create a large group of experienced swimmers with the increased skills and knowledge needed for USA programs.

ARTICLE 4: OPERATIONAL LIMITATIONS

Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law). The fiscal year of this corporation shall coincide with the calendar year (September 1 through August 31). The treasurer will serve as the registered agent for the club.

ARTICLE 5: NONPARTISAN ACTIVITIES

This corporation shall be nonprofit and nonpartisan. No substantial part of the activities of the corporation shall consist of the publication or dissemination of materials with the purpose of attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office, or for or against any cause or measure being submitted to the people for a vote.

ARTICLE 6: MEMBERSHIP

- 6.1 Qualifications. The membership of this corporation shall consist of:
1. Dickinson Dolphin swimmers, ages 5 -18+, who have current USA/NDLSC athletic memberships,
 2. Parents (or guardians) of a Dolphin swimmer,
 3. USA registered coaches of the Dickinson Dolphin Swim Team, Inc, and
 4. The immediate past president of the Executive Board even if s/he no longer has a child swimming.
- 6.2 Nondiscrimination. Membership is open to all persons as described in section 6.1 without regard to race, creed, color, sex, national origin, handicap, marital status, or age. The Dickinson Dolphin Swim Team, Inc. shall establish and maintain an atmosphere of respect for the individual regardless of economic status, physical or intellectual ability, race, creed, color, religion, sex, age, cultural differences, or political beliefs.
- 6.3 Dolphin Parents/Guardians: The Dolphin Parents shall meet at least semi-annually, in the spring and in the fall. The president of the Executive Board shall give verbal, electronic or written notification to each member in good standing at least 10 days prior to the meeting. Special meetings can be called by a majority vote of the Executive Board.
- 6.4 Quorum and Voting. A simple majority of the members of the Parents present and voting will be necessary to conduct business. Each parent (or guardian) in attendance has one vote.

6.5 Fees and Dues.

1. Each Dolphin swimmer must pay a combined USA and ND LSC Athletic Registration Fee as set by the national and state level organizations.
2. Each Dolphin swimmer must pay local seasonal or yearly fees as fixed by the Executive Board.
3. USA Non-Athletic registrations are required for all coaches, officials, and members of the Executive Board as set by USA and the ND LSC. (Non-Athletic registration is available, but optional, for other interested persons at their own expense.)
4. Fees and dues are payable after the try-out (Splash Week) period. After the try out period no swimmer will be allowed in the water until registration has been completed and fees are paid.
5. Scholarships for families in need may be available subject to budget availability. Application and approval process to be managed by the Executive Board.

6.6 Termination of Membership. Membership in the corporation shall be terminated as a result of

1. Resignation of the member,
2. Failure to pay dues or fees within the times set forth by the Executive board, or by the
3. Expulsion by the Executive Board determining that the member has failed to a serious degree to observe the rules of conduct of the corporation or in a way that seriously jeopardizes the interests and purposes of the corporation.
4. As per the disciplinary guidelines of the code of conduct.

ARTICLE 7: BOARD OF DIRECTORS

7.1 Function. The Board of Directors shall be the governing body of the corporation.

7.2 Composition. The Board of Directors is made up of 10 elected officers consisting of a president, vice-president, secretary, treasurer, four members-at-large, two athlete representatives and the past president, plus one representative from the coaching staff. All officers on the Board of Directors (with the exception of the athlete representatives) shall be at least twenty-one (21) years of age and be members of the corporation in good standing. The Executive Board consists of the President, Vice President, Secretary and Treasurer. Employees of the Dickinson Dolphins are ineligible to serve on the Board of Directors.

7.3 Terms of Office. Positions for the Board of Directors shall be elected at the spring parents' meeting and take office on May 1. Outgoing officers will serve until August 1,

allowing an overlap of three months to promote continuity of the Board. All elected officials will serve three year terms, with positions up for election tri-yearly as follows:

- Year A Positions: President, Member-at-Large 1
- Year B Positions: Vice-President, Secretary, Member-at-Large 3
- Year C Positions: Treasurer, Member-at-Large 2, Member-at-Large 4
- The past president will serve a one year term in an advisory role (if they so choose) following the completion of their presidency term. Officers shall have the privilege of serving additional terms if so elected. If a board position should become vacant during the course of the term, the remaining board members shall elect a replacement for the remainder of the term.

7.4 Quorum and Voting. Each officer has one vote except the President who votes only in case of a tie. The coaching staff has one vote regardless of how many coaches there are. A quorum shall exist when five Board Members are present.

7.5 Nominating Committee. The President of the Board of Directors shall receive all board position nominations to be placed on ballot. The ballot will be then approved by the Board of Directors. Candidates for President shall have had experience serving on the board if at all possible. Candidates for Treasurer shall have financial management experience if at all possible. The office of Past-President will be filled for one (year) term by the person vacating the office of President.

7.6 Nominations From the Floor. Any of the Parents present at the meeting to elect Board members may place names in nomination from the floor. If there are two or more candidates running for an office, the vote will be by secret ballot. Each Parent has one vote.

7.7 Executive Board Meetings. The Board of Directors will meet regularly once a month. The regular meeting day and time will be set by the Board and posted on the DDST website. Board of Directors meetings are open for Dolphin coaches or any Parent to attend. Special meetings may also be called by the President for the Board of Directors, Executive Board, or Parents of the swim team.

ARTICLE 8: DUTIES OF THE BOARD OFFICERS

8.1 President.

1. Call meetings of the Board of Directors and of the Swim Team Parents.
2. Prepare agendas and preside over meetings of the Board of Directors and Swim Team Parents.
3. Serve as an ex-officio member of all committees.

4. Appoint, with input and approval of the board, members and chairs of committees and other appointed positions.
5. Interview and hire with the help of other board members potential swim coaches. Make recommendations to the board regarding hiring prospective coaches.
6. Oversees a written agreement, subject to board approval, outlining terms of employment for each certified Dolphin coach.
7. Receive practices, meet schedules, and calendars from the Head Coach to be approved by the board.
8. Approve Head Coach schedule of coaches so that practices and swim meets are adequately supervised and comply with all USA regulations for USA liability and medical insurance coverage.
9. Ensures Head Coach prepares swim meet contracts and contacts the Team Manager to schedule meet sign-up dates. Convey this information to all Dolphin parents.
10. Maintain communication with and among swimmers, parents, and coaches, keeping them informed about the activities and affairs of the corporation.
11. Revise the Parent handouts with input and approval of the board. Ensure that Parent handouts are available to each Dolphin family upon registration of their swimmer(s). Ensure the Parent handouts are available on the website.
12. Be a signer on the bank account.

8.2 Vice President.

1. Perform all of the duties of the President in the event of his/her temporary absence or disability.
2. See that the books are audited at the close of each fiscal and a record of the same.
3. Work with the Treasurer to ensure all financials are in order and taxes are submitted.
4. Work with HC and Team Manager to ensure all board members are current with their USA registration and requirements.
5. Ensure each coach, parent and board member signs a code of conduct and other required policies.
6. Keep a list of DDST swimmers who have had significant accomplishments.

8.3 Secretary.

1. Record and keep custody of the minutes of all Board Meetings and Swim Team Parent meetings.
2. Keep a list of the standing rules current, as policies are adopted by the board.

3. Keep by-laws up to date and available for reference at all meetings a copy of the corporation by-laws and a current list of officers, committee members, and chairpersons.
4. Assist the President in revising the parent handbook and ensuring it is available to parents.
6. Assist the President in communicating information to swimmers, parents, and coaches.
7. Keep a copy of each medical release to be kept in a binder at the pool that is easily accessible for the coaching staff and to be taken to swim meets out of town.
8. Prepare a written agreement, subject to board approval, outlining terms of employment for each certified Dolphin coach.

8.4 Treasurer.

1. Receive all monies and keep accounts of all Dickinson Dolphin Swim Team, Inc. financial transactions.
2. Prepare a budget in the fall for the upcoming winter and summer seasons (September 1 through August 31) for approval by the Board of Directors.
3. Write and sign checks for all swim team expenses according to the budget and/or approval of the board.
4. Collect all timesheets (signed by the Head Coach) and submit them to the accountant for payroll.
5. Check the Dolphin P.O Box regularly and receive all team correspondence.
6. Purchase/order equipment and supplies (or delegate as needed) as authorized by the board.
7. Complete necessary paperwork for financial reports to the federal and state government. Comply with all legalities that apply to the corporation funds.
8. Present monthly financial statements to the Board of Directors.
9. Present books for audit at the close of the fiscal year.

8.5 Members-at-Large.

1. Attend Board of Director meetings, give input, and vote on matters under consideration.
2. Serve on Committees
3. Members-at-large shall assume responsibilities for Publicity, Advertising, Fundraising and Banquet/Awards.
4. Perform other duties as requested by the President or Vice President.

8.6 Past President.

1. The primary duty of the past-president is to ensure continuity in the operation of the corporation and the smooth transition of duties from the outgoing to the incoming officers.
2. Act as a resource for information requested by the board regarding the history of the affairs of the corporation.
3. Perform other duties as requested by the president.

ARTICLE 9: APPOINTED POSITIONS

9.1 LSC Representative. The local swim committee (LSC) representative attends all ND LSC meetings to give input and vote on behalf of the interests of the Dickinson Dolphin Swim Team, Inc. on matters under consideration. S/He will keep the Dolphin Board advised of all action taken that affects Dolphin activities. *It is recommended that the LSC representative be a member of the Board of Directors.*

9.2 Safety-Chair/Safe Sport Representative. The safety chairperson will keep board members, parents, and swimmers advised of competitive swimming safety guidelines and work to insure the general safety of all swimmers. S/He shall enforce USA approved warm-up procedures at home meets. S/He will process any reports of accidents that occur during Dolphin practices or home meets. S/He will be the contact person for the LSC on Safe Sport guidance and Rules and Regulation for Safe Sport Participation. *This position may be occupied by a member of the coaching staff.*

9.3 Officials Chair. The official's chairperson will encourage, organize, and manage the training and certification of individuals who are interested in officiating at swim meets. They may provide training and clinics on officiating, administer tests, and keep track of sessions apprenticed.

9.4 Team Manager. This a paid position responsible for the administration and management of the Dickinson Dolphins Swim Team.

ARTICLE 10: STANDING COMMITTEES

10.1 Recruitment/Retention/Publicity Committee. The purposes of the committee on recruiting, retention, and publicity are to attract potential Dolphin swimmers, build and maintain interest in swimming, and promote good morale among the members of the corporation. A member at-large on the Board of Directors shall coordinate the activities of this committee and be the liaison to the board, but a number of chaired sub-committees shall be formed to organize and carry out the activities assigned to this committee by the board. Among, but not limited to, possible activities are:

1. News releases (in addition to meet results) for the newspaper, radio, and TV,
2. Free try out Events (Splash Week)
3. Spirit at meets, esp. the state meet, and special awards
4. Photos for news releases, and the website
5. Update website and displays for team and community functions,
6. Planning awards functions.

10.2 Fundraising Committee. The purpose of the committee on fundraising is to obtain the funds necessary for the operation of the swim team and for the purchase of equipment. A member-at-large on the Board of Directors shall coordinate the activities of this committee and be the liaison to the board, but a number of chaired sub-committees shall be formed to organize and carry out the various fund-raising projects approved by the board. Each sub-committee chair shall keep an account of all expenditures and income associated with his/her assigned fundraiser, giving all bills and income to the treasurer, and reporting activities at least monthly to the board.

ARTICLE 11: AD HOC COMMITTEES

The Board of Directors may establish committees for special purposes as deemed desirable for the corporation. Each ad hoc committee chair shall report the committee's activities and progress to the designated board member at least monthly.

ARTICLE 12: PROPERTY

The title to all property, funds, and assets of the Dickinson Dolphin Swim Team, Inc. shall at all times be vested in the corporation for the joint use of its members, and no member or group of members shall have any severable right to all or any part of such property. The Board of Directors shall have complete control over the acquisition, administration and disposition of its property with consent of the ND LSC or USA, except that such property shall not be used for any purposes contrary to those of USA swimming.

ARTICLE 13: DISSOLUTION CLAUSE

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all the assets of the corporation to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes, and shall at the time qualify as an exempt organization under Section 501(c)(3) of the Internal Revenue Act of 1954 (or the corresponding provision of any future United States Internal Revenue law) as the Executive Board shall determine. Any such assets not so disposed of shall be disposed of by the District Court of the Country in which the principal office of the corporation has been located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE 14: AMENDMENTS TO THE BY-LAWS

Provisions of these by-laws may be amended by a simple majority vote of those present and voting at any regular or special meeting of the Parents, provided notice of the proposed amendments shall have been given in writing at the previous regular meeting or in writing to every member at least ten days before the meeting at which the amendment is to be acted upon.

ARTICLE 15: STANDING RULES

The Board of Directors will from time to time adopt standing rules that determine policies and procedures for the day-to-day operation of the corporation. Whenever appropriate, these policies and procedures should be explained in the Parents' handouts. Standing rules can be formulated, changed, or eliminated at any Board of Directors meeting by a majority of the officers in attendance and voting. (See Article 7.4, Quorum) The secretary shall maintain a current list of standing rules taken from the minutes as identified by the board.

History

A Certificate of Incorporation (#31410) was issued to the Dickinson Swim Team as a non-profit organization on December 17, 1979, by the Secretary of State, Bismarck, ND 58501.

The initial directors of the Dickinson Swim Team Inc. were:

Wilfred A. Mastel, 844 10th Ave. W., Dickinson
Kenneth G. Reed, 876 Senior Ave., Dickinson
Lawrence M. Munson, Box 472, Dickinson
Harvey L. Schmidt, 430 7th Ave W., Dickinson
Frank T. Lewis, 516 7th Ave. W., Dickinson

Wilfred A Mastel was named the registered agent. The address of the registered office of the corporation was 515 W. Villard, Dickinson, ND, 58601. It is presumed that by-laws were drawn up at the time as mentioned in the Articles of Incorporation. However, by-laws April 10, 1985 were in effect at the time of the present revision.