

## **Constitution and Bylaws of Deer Brook Swim & Tennis Club**

### **Article I: NAME**

The Deer Brook Swim and Tennis Club (hereafter referred to as the "Club") shall be incorporated under the laws of the State of New Jersey as a not-for-profit organization. The Swim & Tennis Club is permitted to operate on land owned by the Deer Brook Civic Association and shall be constrained by the Deer Brook Civic Association's Constitution and Bylaws.

### **Article II: PURPOSE**

The Club shall provide leisure and recreational facilities, primarily swimming and tennis, and conduct social activities for its members. The Club may sponsor a Swim Team to promote a competitive and recreational environment for children.

### **Article III: MEMBERSHIP**

#### Section 1:

Any homeowner of Deer Brook who has paid annual Association dues can be a Club member. However, membership in the Club is not limited to Deer Brook home owners.

#### Section 2:

Members must purchase bonds from the Club and pay annual Club membership fees. Requests for membership must be in writing with an application of membership filed with the Director of Membership.

#### Section 3:

A lessee of a Deer Brook home may become an associate member in the Club at the request of the homeowner provided the homeowner holds a bond in the Club. Such request shall be in writing to the Director of Membership. The associate member will be entitled to all rights of the Club usually granted to the homeowner.

#### Section 4:

Total Active Club membership shall not exceed 275 active members in good standing. Any increase in active Club membership beyond 275 must be approved by a vote of both the Club membership and the Association membership. Temporary increases beyond 275 may be approved by the Executive Committee provided the number does not exceed 285.

#### Section 5:

A priority waiting list of all applicants will be established once the membership limitation is reached. This priority waiting list will be divided into three (3) categories. One will be for Deer Brook homeowners; the second for Medford Township residents and the third for residents of all other communities. Membership will first be offered to all the Deer

Brook residents, followed by Medford Township residents and finally residents of other towns. Membership will be offered on each list in the order in which membership applications are received by the Director of Membership.

Section 6:

Deer Brook homeowners who move into Deer Brook after the membership year has begun will be given an opportunity to join the Club at any time during the first year of the residence. Bond purchase, under the then prevailing payment schedule, and initiation fees shall be paid in full. Club membership fees shall be prorated if the new resident joins during the pool season.

**ARTICLE IV: BONDS, INITIATION FEES AND MEMBERSHIP FEES**

Section 1:

All members are required to purchase a non-interest bearing bond from the Club. The amount of the bond and payment schedule are to be determined by the Executive committee (hereafter referred to as the Committee and defined in Articles V and VI).

Section 2:

All new members of the Club are required to pay an initiation fee. The amount for such fee will be determined by the Committee.

Section 3:

All members of the Club are required to pay their annual membership fees and any assessed late fees by April 15 in order to be an active member and use the facilities. The amount for the membership fees shall be determined by the Committee and shall be based on the projected revenues, expenses and financial plans of the Club. A portion of the annual membership fees paid by Deer Brook residents shall be dedicated to Association activities. This amount should be equal to the dues paid by Association members.

Section 4:

Late fees shall be assessed to Club members who have not paid their membership fees by March 1.

Section 5:

Although it is the intent of the Club to maintain a sound financial standing, it may be necessary for the Committee with the approval of the membership to assess special fees to cover emergency or unusual situations.

Section 6:

The membership year of the Club shall be from March 1 to the last day of February. The budget year shall be the same as the membership year.

Section 7:

Membership bonds are not transferable and must be sold back to the Club. Any member desiring to sell his/her bond shall notify the Director of Membership in writing of their intention to do so. Once received the member's name shall be put on a waiting list. This list will constitute the priority for bond repurchase. Depending on the financial condition of the Club, payment of bonds being repurchased will be made by November 30, one calendar year after written notification. The bond holder shall surrender the original bond as a condition of repayment. If it is lost, an affidavit waiving all rights to future repayment of this bond will be required. Bonds will be repurchased at the original purchase price.

## **ARTICLE V: ORGANIZATIONAL STRUCTURE**

### Section 1:

The legislative body of the Club shall consist of Elected Officers and at-large Representatives. This body is called the Executive Committee (the Committee) and shall plan, organize, direct or conduct any activities necessary to the purpose of the Club. All members of the Executive Committee must be members of the Club.

### Section 2:

The Elected Officers shall serve for a term of one calendar year and they may succeed themselves. There is no restriction to the number of terms an individual may serve as an Elected Officer. The President, Vice President, Treasurer and Director of Membership of the Club shall also hold the same position with the Deer Brook Civic Association. The following are elected officers of the Club:

President (DBCA)	Vice President (DBCA)
Recorder	Treasurer (DBCA)
Director of Membership (DBCA)	Director of Pool Operations
Director of Sports	Booster Club Director
	Social Director

### Section 3:

Each elected officer and at-large representative is entitled to one (1) vote at all Committee meetings. The President using his vote only in the case of a tie.

### Section 4:

The appointment of at-large representatives will be based on a 20:1 ration or major portion thereof of the Club membership. The number of Civic Association representatives will be in direct proportion to Civic Association membership in the Club.

## **Article VI: ELECTED OFFICERS**

### Section 1:

The following are the general duties and responsibilities of the Elected Officers. These responsibilities are not all inclusive and can be modified as necessary by the President of the Club.

#### Section 2:

The President shall be the chief executive officer and shall preside at all meetings of the Club. He/She shall see that all necessary committees are appointed and all officers are performing their duties and responsibilities. The president shall be an ex officio member of all committees.

#### Section 3:

The Vice President shall be responsible for capital improvement planning, program development and any necessary revisions to the Constitution of the Club. The Vice President in the absence of the President shall preside at all meetings, act in his/her stead and appoint committees with the President's approval for the business and social interest of the Club.

#### Section 4:

The Recorder shall prepare minutes of all meetings and present these at the following meeting for approval. He/She shall establish and be custodian of all official and permanent records, shall send notices and agendas of meetings, shall perform other duties as requested by the President. The Recorder shall work with the membership and appoint the following standing committees: 1) Deer Tracks 2) Swim and Tennis Club Directory.

#### Section 5:

The Treasurer shall maintain supervision of receipts and custody of disbursements of all Club funds, shall maintain accurate records and receipts of all finances and shall prepare a current accounting of revenues and expenditures for each meeting. Said records shall be reviewed yearly by an independent auditor, who is also responsible for preparing an annual tax return and an accounting report on revenue and expenses for the previous year. The financial records of the Club shall be reviewed monthly by another Board member and yearly by a financial committee of Club members appointed by the President exclusive of officers. Monthly bank statements and financial records are reviewed by a paid independent accountant. Two signatures will be required for transfers from investment account(s) to the business checking account. The Treasurer shall prepare an annual budget and a projection of capital expenditures for review and approval by the Committee. He/She shall be responsible for the collection of dues, guest fees, and other incoming funds. The Treasurer and all other check signers shall be bonded in an amount equal to the maximum annual bank balance of the Club.

#### Section 6:

The Director of Membership shall be responsible for all Association membership records including family name, addresses, children, ages and geographic area. The Director of Membership is also responsible for the preparation and distribution of all statements for Club dues. He/She shall maintain the Club membership waiting list. The Director of

Membership shall also maintain records for bond repurchases as well as provide revenue and bond repurchase forecasts to the Treasurer for annual budget preparation.

Section 7:

The Director of Pool Operations shall be responsible for the operation and maintenance of the physical plant and property of the Club. He/She shall be responsible for recommending the hiring of all staff including the swim club manager, life guards and coaching staff as well as recommending salaries for the staff. All employment recommendations shall be subject to the approval of the Committee. The Director of Pool Operations shall evaluate, recommend and oversee all repairs, renovations and improvements necessary for the operation of the Club and the welfare of its members. He/She shall prepare a forecast of all operational and capital expenditures for the Treasurer to be included in the annual budget. The Director of Pool Operations shall ensure that the swim team philosophy and coaching objectives are being met. He/She shall also ensure that the Club rules and regulations and job descriptions are current.

Section 8:

The Director of Sports has the overall responsibility of coordinating all sports activities of the Club. He/She shall organize and direct the activities of the tennis program, including tennis ladder, leagues, tournaments, clinics and youth development program and shall ensure the tennis rules are kept up to date and followed. The Director of Sports shall appoint the committees as deemed necessary for the recreation of the Club members. These could include, but not be limited to, tennis, softball, volleyball, golf, basketball and family recreation subcommittees.

Section 9:

The Booster Club Director has the overall responsibility for encouraging and ensuring active parent and children participation in the swim team program. He/She shall organize and coordinate the various activities associated with registration, spring warm-ups, swim meets, the swim team banquet and any other activities of the swim team program.

Section 10:

The Social Director shall see that a social committee is formed and a social calendar has been developed and approved by the Committee.

Section 11:

The At-Large Representatives are responsible for disseminating information to the membership and communicating the concerns of the membership to the Committee. The At-large representatives shall assist with membership activities and shall attend all meetings of the Executive Committee.

Section 12:

The recall of an Elected Officer may be initiated should the Committee or the membership for sufficient reason. Good reason may be a result of actions detrimental to the Club or consistent non-attendance at meetings. If a recall is necessary the following procedures are to be followed: it shall be necessary to first submit a petition for each action bearing signatures and addresses of ten (10) percent of the Club members in good standing. The petition shall not contain the signatures of any officers. Upon receipt of said petition, the President shall notify the membership in writing two (2) weeks prior to the meeting to discuss the issues. A secret ballot vote of the membership shall be taken and counted by the Recorder. A simple majority of the votes cast shall be required to effect an Elected Officer recall.

## **ARTICLE VII: MEETINGS**

### Section 1:

There are to be at least six meetings of the Committee in each fiscal year. Such meetings are required to conduct business deemed necessary for the operation of the Club. Such business shall include, but not limited to, financial, membership, social, operational and planning matters. The time and place of such meetings, as well as a planned agenda, must be issued at least seven (7) days prior to said meeting. Prior to the meeting, the President will solicit the members in attendance for discussion of matters not identified by the agenda. Any member of the Club in good standing may attend a Committee meeting and may have a voice upon permission of the presiding officer.

### Section 2:

A special meeting may be called by a majority of the Committee or by a signed petition consisting of fifteen (15) percent of the membership. At least 48 hours notice shall be provided to all Committee members.

### Section 3:

Quorums. No official business or voting may take place at a meeting without a quorum. A quorum consists of a simple majority of the Committee.

### Section 4:

Voting. Matters such as, but not limited to, changes in the amount of the bond, increases in membership fees and approval of major capital expenditures in excess of \$1,000.00, not deemed to be operational in nature, are to be voted upon by the Committee. Such vote passes when a majority of the Committee, constituting a quorum, vote affirmatively.

### Section 5:

#### Special Voting

Subsection (a). Major improvements within the confines of the existing swim and tennis facilities requiring significant expenditures must be put to a vote of the Club membership. Each member family shall have one vote. Such votes pass when a majority of the membership voting are affirmative.

Subsection (b). Any increase in membership, beyond the 275 limit, or major improvements to the facilities or on the common property owned by the Association, shall require a majority vote of the Club membership and the Association membership. Temporary increases beyond 275 may be approved by the Executive Committee provided the number does not exceed 285.

Subsection (c). The Deer Brook Civic Association must approve capital improvement plans of the Club which involve expanded or additional facilities. The Club must submit the annual capital budget to the Association by March 15 and the Association shall approve or deny these plans by April 15.

Subsection (d). Expansions or additions to existing facilities having a cost greater than \$10,000 are subject to the approval of the Deer Brook Civic Association's membership. Expansions or additions to existing facilities having a cost greater than \$1,000 but less than \$10,000 are subject to the approval of the Association Board of Directors.

## **ARTICLE VIII: ELECTIONS**

### Section 1:

Elections shall take place in October so as to allow sufficient time for the transfer of responsibility and records to the newly elected officers and at-large representatives.

### Section 2:

At least thirty (30) days prior to the election, the President shall appoint a nominating committee of five (5) members. This committee shall select a slate of candidates for each elected office. No current officer may be a member of said committee. Said committee will appoint a chairperson from their ranks.

### Section 3:

- a. Ballots containing the slate of officers approved by a majority of the elected officers and the nominating committee shall be sent to each member at least one week prior to the election. There shall be space provided for write-in votes and a time and place for the ballots to be submitted. The nominating committee will tabulate the results and make them known. An Officer is elected when he/she receives a plurality of votes of the ballots submitted. A record of the actual ballots shall be retained by the Recorder until the following election.
- b. The At-Large Representatives for Deer Brook shall be elected by Deer Brook residents who are Club members from the Association's Area Delegates.
- c. The At-Large Representatives for non-Deer Brook Club members shall be elected by the Club membership residing outside Deer Brook.

### Section 4:

Should a permanent vacancy occur among the Elected Officers, the President shall, within fourteen (14) days, appoint a replacement to fill the unexpired term. Should the President and Vice President resign simultaneously, a special election shall be convened to fill these positions.

## **ARTICLE IX: STANDING RULES**

### **Swim Team Philosophy.**

The focus of the Deer Brook Swim Team is to furnish both a competitive and recreational environment directed toward the development of children at every age and skill level. Participation in the program should nurture an attitude of sportsmanship while providing a growth experience for swimmers.

### **Booster Club.**

A Booster club may be formed to support the activities of the swim team and encourage broad and active participation of Club membership for the Swim Team Program. The Director shall see that all necessary committees are appointed.

### **Revenue Producing Activities.**

All revenue producing activities, no matter their purpose, are to turn receipts into the Treasurer. Expenses for such activities shall be disbursed from the Treasury and are not to be taken from receipts. Revenue producing activities are defined, but not limited to, the following: Socials, garage and rummage sales, cake, bake or craft sales or any other fund-raisers and banquets. As a general rule, all socials and fund raisers are to be budgeted for at least "break even" or produce a profit. The Committee must approve, in advance, any activity that is budgeted to have expenses exceed revenue. Income from certain functions may be "earmarked" for a specific purpose, e.g.: Swim Team, and shall be approved by the Committee.

### **Rentals.**

The Clubhouse may be rented for business or social purposes during non-swimming season; however, such rental shall consider the quiet enjoyment of nearby residents and have a curfew of 1:00 AM. Association and Club members are to be given priority over Clubhouse rentals. Clubhouse rental rates are to be less for Association or Club members. The pool shall not be rented for private parties.

### **Balanced Budget.**

Each fiscal year a budget is to be prepared which shows projected revenues exceeding or equal to projected expenses from club operations and repurchases, e.g., a "balanced budget." Projected revenues are to include bond purchases. Projected expenses exclude major capital improvements in the facilities which shall be financed from reserves, loans, increases in membership, increases in fees and/or dues, and/or special assessments. The Committee may approve increases in bonds, dues or fees in order to insure a balanced budget.

**Insurance.**

The Club is required to maintain the following insurances and minimum coverages: Liability insurance at a minimum of \$1,000,000 per occurrence; Bond insurance on the Treasurer and other check signers equal to the maximum annual bank balances of the Club. The insurance coverages shall be periodically reviewed for adequacy by a registered insurance broker or consultant. Any such insurance shall be in the name of the Club and shall insulate the Civic Association from liability related to Club Activities.

**Deer Tracks.**

The Club is required to communicate major issues and activities to its members. The Deer Tracks is the major vehicle for that communication and as such shall be published a minimum of six (6) times each fiscal year. Special sections of the Deer Tracks are to be earmarked for Club matters and Association matters.

**Rules, Regulations and Job Descriptions.**

There shall be established Rules and Regulations concerning the operation of the Club and the conduct of its members. Job descriptions are to be developed and maintained for all employees of the Club.

**Tri-County Representative(s).**

A representative shall be appointed by the Booster Club and represent the Club at all Tri-County meetings and shall keep the Club informed of all communications regarding the swim programs, schedules and activities of the Tri-County Association. He/She shall advise the Committee and various groups of the areas needed to be in compliance with the regulation of the Tri-County Association.

**Conduct of Membership.**

Every member of the Club is expected to act in a civil, nonviolent manner, not inconsistent with the purpose of the Club. Upon notice, the Committee may, at its discretion, take disciplinary action against any member of the Club. Prior to imposing any disciplinary action the Committee shall give such person(s) an opportunity to be heard.

**Article X: CONSTITUTION, BYLAWS AND AMENDMENTS****Section 1:**

The Constitution and bylaws of the Club are to be distributed to each new member. Revisions to the bylaws are to be distributed to all members.

**Section 2:**

The Constitution and bylaws of the Club may be amended by a  $\frac{3}{4}$  vote of those voting provided at least twenty-five percent of the membership vote (except increases in membership and changes to Article VII, Section 5: Special Voting, which are to be

determined by a vote of the membership). Proposed amendments may originate from the Committee or be submitted to the Committee in writing and signed by thirty (30) members in good standing.