

# KAISERSLAUTERN-WESTPFALZ SKI CLUB CONSTITUTION

## Article I -- GENERAL

SECTION 1: **General.** The Kaiserslautern-Westpfalz Ski Club will be subject to approval by the Commander, 26th Area Support Group, APO 09054. It will not be an instrumentality of the United States. It will be self-supporting and will not receive financial assistance from the US Army appropriated or non-appropriated funds (NAF). Neither the Department of the Army nor US Army, Europe will assume responsibility for club debts or liabilities.

SECTION 2: **Name and Location.** This club will be known as the KAISERSLAUTERN-WESTPFALZ SKI CLUB (hereinafter designated KWPSC) and will operate in the greater Kaiserslautern, Germany area. It will be a private organization established in accordance with the provisions of:

- a. Army Regulation (AR) 210-22, Organizations on Department of the Army Installations dated 22 October 2110
- b. United States Army, Europe and Seventh Army Regulations (AE) 210-22 Private Organization and Fundraising Policy date 2 DEC 2003

SECTION 3: **Document Availability.** A member may at any reasonable time inspect the records and documents of the club.

## Article II -- PURPOSE

SECTION 1: **Purpose.** The purpose of the KWPSC will be to provide ski trips and related activities to KWPSC members and their families and guests. In addition, KWPSC will promote goodwill, harmony, and friendship among club members and members of other ski clubs.

SECTION 2: **Non-Appropriated Fund Activities.** KWPSC will not engage in activities that directly compete with appropriated or non-appropriated fund (NAF) activities.

## Article III -- ACTIVITIES

SECTION 1: **Activities.** The KWPSC will organize and sponsor ski trips and present social events that encourage club member participation in the sports of skiing and snowboarding and promote camaraderie among members. It will also promote safety through proper skiing techniques. It will provide an atmosphere that encourages an exchange of ideas, references, and experiences involving all phases of skiing and snowboarding. It will provide other events and activities as suggested by the general membership and approved by the Board of Directors (hereinafter designated Board).

SECTION 2: **Club Calendar.** An annual club calendar will be established, approved, and published by the Board.

SECTION 3: **KWPSC Executive Powers Regarding Activities.** The KWPSC Board retains veto power of any suggestion(s) not in accordance with the stated purpose(s) of the club and either forbidden, forewarned, or discouraged by governing regulations.

## Article IV -- MEMBERSHIP

**SECTION 1: Membership.** Membership in the KWPSOC is voluntary and shall be on an annual basis subject to the payment of prescribed dues. The club recognizes reciprocal memberships from other military-sponsored ski clubs.

Each person admitted to membership shall be bound by the KWPSOC Constitution and By-laws, and become liable for such fees and subscriptions as may be fixed by the Board. Members are entitled to all advantages and privileges of membership.

**SECTION 2: Eligibility.** All members of the US Forces (i.e., civilian or military), their dependents (as defined in para 1(a), (b), and (c) Art 1, North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA)), and appropriate local nationals are eligible for active membership. The number of memberships extended to local nationals will not be more than 49 percent of the total membership.

This organization fully supports the USAREUR policy on equal opportunity on the basis of race, color, religion, national origin, or sex. This organization will not accept invitations from or participate in any activity or organization that does not conform to USAREUR nondiscrimination policy or that discriminates on the basis of race, color, religion, national origin, sex, or mental or physical handicap. Additionally, membership applications will be accepted for review and approved by the Board from other interested US citizens and local nationals who do not have I.D. card privileges. These additional memberships will be granted first to US citizens and then to others and will not exceed forty-nine percent of the I. D. cardholding general membership.

Honorary and Associate memberships may be presented in accordance with AE-210, and by the agreement and approval of the Board.

**SECTION 3: Guests.** Guests are defined as persons accompanying regular members to club outings and may be required to pay a guest fee of \$5 per trip or event. Honorary and associate members may not bring additional guests to any event or on any ski trip unless specific permission is granted by the chairperson of the event or the trip captain

**SECTION 4: Exceptions.** Requests for exceptions to the membership criteria will be made and presented in writing to the KWPSOC Board and voted upon at its regular session.

**SECTION 5: Personal Injury and Loss of Equipment.** All members will be encouraged to purchase insurance at their own expense and will not hold KWPSOC liable. Upon payment of annual membership dues to the KWPSOC, the person and/or his family may not bring legal action against KWPSOC, its Board, or members, for any personal injury or loss of personal property that occurs.

**SECTION 6: Termination of Membership.** Membership in KWPSOC may be terminated as follows:

- a. Voluntarily, at the request of the member, provided the request is not timed to avoid personal debt(s) to the KWPSOC or to avoid other pending or assessed liabilities.
- b. Involuntarily, by majority vote of the Board, for member's actions that have become an embarrassment to the club or to any one of its members, or detrimental to anyone's health, welfare, or enjoyment of trips or KWPSOC events.

Anyone determined by the Board to be guilty of one of the above reasons for involuntary termination will be promptly notified by a Board member and suspended from all club functions for thirty (30) days pending a date of eventual dismissal. In the interim, trip or event monies on deposit will be returned under the same rules followed for cancellation and the member will be charged accordingly for loss to KWPSOC.

The suspended member will be allowed to present justification/explanation of the complaint against him/her either at the next meeting. If the Board accepts the appeal, membership will be reinstated and monies repaid by KWPSC.

In all cases, the decision of the Board, subject to veto by the general membership, is final.

#### **Article V-- OFFICERS AND ELECTIONS**

**SECTION 1: General.** No person shall hold more than one position on the Executive Board at any one time. A person shall cease to be a member of the Board at the conclusion of the Annual General Meeting which follows his/her election and he will be eligible for re-election. A quorum of the Board shall be half of its members plus one. If the President or First Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting. A member of the Board may lose his or her seat on the board for either of the following:

- a. Absence from three or more meetings without leave of absence.
- b. Found not to be a financial member.

**SECTION 2: Officers.** The governing body of the KWPSC will be known as the Executive Board and shall include the President, First Vice President (Trip Plans), Second Vice President (Trip Ops), Third Vice President (Membership), Fourth Vice President (Promotions), Secretary, and Treasurer.

**SECTION 3: Members-At-Large.** Member-at-large positions may be appointed by the President as approved by a vote of the Executive Board.

**SECTION 4: Elections.** KWPSC Executive Board elections will be held prior to 1 April each year. A simple majority of members present at the March general membership meeting shall constitute a quorum for a valid election. Specific duties of the Nominating Committee and the election procedures are outlined in the Bylaws of this organization.

#### **Article VI -- AMENDMENTS**

**SECTION 1: Amendments.** The Constitution and Bylaws are automatically amended to comply with directives of higher headquarters without submission to the general membership.

**SECTION 2: Self-initiated amendments.** This Constitution may be amended or altered at any regular meeting by a two-thirds vote of the active members present, provided a 30 days notice has been presented to the general membership.

#### **Article VII -- ANNUAL REVISION**

**SECTION 1: Annual Revision.** Thirty (30) days prior to the expiration of the current authorization, a written renewal request and two revised copies of the Constitution and Bylaws will be forwarded to CDR, 26th ASG, APO 09054. The Constitution and Bylaws must be reviewed by the incoming Board and signed and dated by the President and one other Board member. All previously published Constitution and Bylaws are considered rescinded upon approval and renewal.

#### **Article VIII -- DISSOLUTION OF THE CLUB**

**SECTION 1: Dissolution of the Club.** To dissolve the Kaiserslautern-Westpfalz Ski Club it will be necessary to dispose of all assets in excess of expenses and liabilities as recommended by a majority vote of members present at the general membership meeting after written notification for such dissolution and reasons thereto have been presented to CDR, 26th ASG, and to the general membership.

## **Article IX -- PARLIAMENTARY PROCEDURE**

SECTION 1: **Parliamentary Procedure.** The rules contained in Robert's Rules of Order, Revised Edition, shall govern in all cases to which they are applicable and which are not inconsistent with this Constitution and Bylaws. The president may appoint a parliamentarian to serve as a nonvoting member of the Board.

## **Article X -- EFFECTIVE DATE**

SECTION 1: **Effective Date.** This Constitution is effective upon approval vote of the general membership and the CDR, 26th ASG. It shall remain in effect until such time as it is revised, amended, or rescinded by a majority vote of the general membership at a meeting designated for such action.

# **BYLAWS**

## **Article I -- GENERAL**

SECTION 1: **General.** The Bylaws of the Kaiserslautern-Westpfalz Ski Club form Annex I of the club Constitution and are established to implement provisions of the Constitution. The Bylaws may be amended or rescinded by a simple majority of the active members present at a general membership meeting. Changes to the Bylaws do not have to be presented in writing to the general membership thirty days in advance of the vote.

## **Article II -- MEMBERSHIP FEE AND LIABILITY**

SECTION 1: **General.** The KWPSC is a nonprofit organization operating exclusively for the promotion and pleasure of skiing. Therefore, membership fees will be kept to the minimum required to meet operational and administrative expenses. Membership fees will be used exclusively to defray expenses incurred in holding meetings or social events, including providing publicity, or printing brochures, forms and posters. Membership fees will not be used to defray losses resulting from ski trips or club outings.

SECTION 2: **Membership Fees.** Payment of membership fees, in an amount designated by the KWPSC Executive Board, shall be made to the Treasurer or Third VP (Membership). Annual dues are effective from September 1 to August 31 each calendar year. There will be no prorated membership fee. Appropriate membership refund will be returned to any member who must leave the area because of military necessity. The member must submit sufficient proof of necessity in order to receive a refund.

SECTION 3: **Membership Liability.** All members, regardless of status, may be personally liable to creditors or KWPSC in accordance with the host nation laws if the assets of the KWPSC are insufficient to discharge all liabilities.

SECTION 4: **Board Liability.** The President shall be bonded in the amount of \$3,000, the Treasurer shall be bonded in the amount of \$4,000, and the Assistant Treasurer shall be bonded in the amount of \$2,000.

## **Article III -- PAYMENTS**

SECTION 1: **General.** Payments of membership fees or assessments will be made payable to the KAISERSLAUTERN-WESTPFALZSKI CLUB and be presented to the Membership Committee.

Payments for ski trips or other events will be made payable to the KAISERSLAUTERN-WESTPFALZ SKI CLUB and be presented to the trip captain, chairperson of the event, the Treasurer, Assistant Treasurer, or designated representative.

Trip captains may accept payment for membership fees only when a previous nonmember wishes to attend a trip taking place before the next general membership or sign-up meeting when memberships would usually be on sale.

#### **Article IV -- OFFICERS AND COMMITTEES**

**SECTION 1: General.** The KWPS Executive Board is responsible for the conduct of all business of the club and assumes its duties at the April general membership meeting. They will attend the transitional meeting of the Board with their authority commensurate with their duties and responsibilities. Term of office is 12 months.

**SECTION 2: Majority Vote.** A simple majority carries any item put to vote by either the Board or general membership, and all actions of the KWPS Board are subject to question or veto by the general membership at its regular monthly meeting.

**SECTION 3: Board Vacancies.** Board vacancies are filled by the President with approval of the Board. Normal succession may be IVP fills President, 2VP fills 1VP, etc., although any arrangement suited to the smooth and continued operation of the club may be suggested and voted. In such vacancies, no special notice is given. For election of a replacement officer, thirty days notice and ballot voting or show of hands may be used. These vacancies may be filled temporarily by the President.

#### **Article V -- BOARD DUTIES AND RESPONSIBILITIES**

**SECTION 1: General.** The elected KWPS Executive Board manages the club on behalf of the general membership. All board members will have one vote at Board meetings, with the President casting a vote only to break a tie.

**SECTION 2: President.** The President is responsible for ensuring that the club operates within the guidance of AR-210 and AE-210. He or she presides over all meetings of the club; administers the club program; represents the club in an official capacity; maintains external relations with various individuals and organizations; and shall be the official spokesman for the club. He or she approves non-elected officers' appointments, signs official copies of minutes, appoints the Assistant Treasurer, and identifies Ad Hoc members when needed.

**SECTION 3: First Vice President (Trip Plans).** The First VP assumes the duties of President in his/her absence; makes reservations for all ski trips; requests hotel brochures, area info, etc.; negotiates the contracts for bus transportation for all ski trips; sets the price for all ski trips; sends follow up letters on past successful ski trips for future bookings; drafts trip articles for inclusion in the annual KWPS book; presents update on trips status at Board and general membership meetings; monitors all trips and intercedes when necessary to insure smoothly running trips; notifies hotel of tentative count one month before trip, notifies hotel of final count 10-14 days before trip; and coordinates with trip captains regarding hotel room lists.

**SECTION 4: Second Vice President (Trip Ops).** The Second VP assumes duties of 1VP in his/her absence; recruits and selects trip captains; prepares trip folders; organizes sales of all trips at sign up meeting; stores and issues excess supplies to trip captains; provides/updates trip captain handbooks; and insures trip captain reports are completed and issued to treasurer and 1VP.

**SECTION 5: Third Vice President (Membership).** The Third VP assumes duties of 2VP in his/her absence; recruits new KWPS members; presents update of membership status at Board meetings; submits Membership Committee budget to the Treasurer as required; and is responsible for collection of all membership fees and transferring these monies to the Treasurer.

**SECTION 6: Fourth Vice President (Promotions).** The Fourth VP assumes duties of 3VP in his/her absence; has overall responsibility for social activities; develops effective public relations program,

including news releases, posters, banners, displays, etc.; publishes KWPSA trip guide; prepares club newsletters; and maintains the KWPSA scrapbook.

**SECTION 7: Treasurer.** The Treasurer handles funds and finances for the KWPSA; keeps financial records; pays bills and releases funds as so voted by the Executive Board; and presents a financial report to the Board quarterly or when asked to do so by the President; and forwards this report to the approving authorities. The Treasurer also maintains inventory of KWPSA-owned property.

**SECTION 8: Assistant Treasurer.** The Assistant Treasurer assumes duties of Treasurer in his/her absence and has authority to sign checks for KWPSA.

**SECTION 9: Secretary.** The Secretary is responsible for keeping accurate minutes of all meetings; acts as correspondence clerk; prints and distributes minutes for all meetings; and maintains a listing of the names, addresses and telephone numbers of all Board members and provides this updated copy quarterly, and upon change in Board officers, to the CDR, 26th ASG.

**SECTION 10: Committees.** Ad hoc committees may be established by the President as circumstances or the Constitution and Bylaws dictate.

## **Article VI -- ELECTION OF OFFICERS**

**SECTION 1: Election Meeting.** Elections for KWPSA Board will be held at the March general membership meeting. The following guidelines apply:

- a. December -- President appoints two or more members to serve as the Nominating Committee. Members of the Nominating Committee will familiarize themselves with the KWPSA Constitution and Bylaws.
- b. Mid-January --The Nominating Committee provides a list or proposed candidates to the President. Only nonqualified individuals will be deleted from the list of nominees. The Nominating Committee determines nominee availability and willingness to serve.
- c. February -- Nominees are presented to the general membership meeting and to introduce themselves. Nominees may make a campaign speech of less than 2 minutes. Nominations from the floor will be accepted.
- d. March -- Nominees are again introduced. Members are notified of the exact time, date, and place of elections and the slate of candidates.
- e. April -- Voting is conducted at the beginning of the general membership meeting. Voting is done via prepared secret ballots. New officers assume their duties at the April Board meeting. Absentee ballots will be available one week prior to the election. Each KWPSA membership (not local national, associate, honorary, or non-I.D. cardholders) will be entitled to the following voting rights: Single membership - one vote; Family membership - two votes.

## **Article VII -- EXPENDITURES**

**SECTION 1: Expenditures.** Expenditures will be limited to those required to support the club activities. All expenditures will be approved by the Board. All funds collected for membership fees will be used only to cover administrative expenses of the club. Funds collected in excess of those needed to pay trip expenses will be held in the KWPSA treasury for future use as determined by the Board and for the benefit of the members. Checks used to disperse funds will have auditable, adequate records and will require the signature of the President, 1VP, Treasurer, or Assistant Treasurer. This provides flexibility for the Board to carry on business in the absence of other Board members.

## Article VIII -- REPORTS AND AUDITS

SECTION 1: **Financial Records.** The treasurer is responsible for all financial reports of the KWPSC. Records of membership fees and trip expenditures will be separate. The treasurer is at liberty to set up accounts, within reason, that best suit the needs of the club. The accounts will be kept up-to-date and be available at all Board meetings.

SECTION 2: **Reports.** As a minimum, the quarterly financial statement, IAW AE Reg 210, will be prepared and presented to the Board for approval and forwarded to CDR, 26th ASG. This report will bear the signatures of the president and treasurer of KWPSC.

SECTION 3: **Inventory.** The treasurer will maintain the inventory of KWPSC-owned property. A nonexpendable report is mandatory. An expendable report will be prepared at the discretion of the current Board. This inventory will clearly state, but will not be limited to item, source, cost, current location, guarantees/warranties, damage reports, repair record, and disposition.

SECTION 4: **Audit.** Financial records will be audited by an independent, nonaffiliated, and disinterested party(ies) at least annually and upon change of treasurer. The audit will, at a minimum, include the following: A thorough check to ensure that transactions were properly recorded and documented and that accounts posted are current. Verification that financial statements and reports are accurate and have been issued to the Board at least quarterly and forwarded to CDR, 26th ASG, IAW AE Reg 210. A cash count of all cash on hand, reconciliation of bank statement, a check for accounts receivable and reconciliation of accounts payable and other liabilities. The audit will be provided to the KWPSC Board and promptly forwarded to the CDR, 26th ASG, IAW AE Reg 210.

## Article IX -- COMPENSATION

SECTION 1: **Board Members:** Executive Board Members are authorized free KWPSC membership (no dues) for the year in which they serve as a board member. Board members are also authorized €200 credit toward club activities and trips for the year in which they serve.

SECTION 2: **Trip Captains:** Trip captains are not required to pay for the trip they lead.

SECTION 3: **Lift Passes:** Free lift passes received at ski slopes pursuant to group discounts will be distributed as follows: The first free pass goes to the Trip Captain. The second free pass goes to the Assistant Trip Captain. If no free passes are available Trip Captains and Assistant Trip Captains are responsible for the cost of their own ski passes.

## Article X -- CANCELLATIONS AND REFUNDS

SECTION 1. **Rationale.** The KWPSC assesses administrative charges when cancellations occur to discourage frivolous sign-ups and delays in elevating wait-listed members to the confirmed list. Members who sign-up for trips and then cancel often deprive other members of the opportunity to participate in club activities and may cause the KWPSC to incur non-refundable deposit expenses.

SECTION 2. **Deposits.** There is a €50 per person deposit required to sign-up for KWPSC trips.

SECTION 3. **Cancellation.** In the event that a member cancels a trip, the €50 deposit is non-refundable. Members should cancel directly with the Trip Captain (TC).

SECTION 4. **Trips Cancelled by the KWPSC.** All payments, regardless of costs incurred, will be refunded if the KWPSC Board of Directors cancels the trip or changes the trip dates or mode of transportation.

SECTION 5. **Exception.** Members may petition the BoD via their Trip Captain for waiver of cancellation fees under extraordinary or extenuating circumstances. Waivers based upon cancellations solely for the

convenience of the member shall not be considered. This exception provision applies only to KWPS- imposed cancellation fees. Expenses or penalties imposed on the club by vendors as a result of the member's cancellation are not waivable, although the KWPS will make every effort to reduce or eliminate such fees.

- a. The member must submit a written request via the Trip Captain for him/herself and any family members within 30 days of the trip departure date. The request must be accompanied with supporting documentation, e.g., emergency leave orders, TDY orders, and medical documentation.
- b. Each request for an exception to policy is unique. The BoD reviews the merits of each case based on the recommendation of the Trip Captain.
- c. Neither the Trip Captain nor any individual Board member may approve or guarantee a refund. Refunds will only be considered upon completion of the trip and after all expenses are reconciled.

**SECTION 5. Wait-list.** The Trip Captain will contact wait-listed members for elevation to the confirmed list. Once a confirmed slot is accepted, wait-listed members become responsible for fees due and are subject to this cancellation policy.