

# Montachusett Ski Club By-Laws

12/31/2010

August 1979  
Revised - September 1982  
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## **Article 1. Membership**

Section 1.01 There are four types of membership:

- 1) "Senior Member", any person of the age 65 and older.
- 2) "Single Member", any person of the age 18 or older that is not a dependant, as defined in Household Member.
- 3) "Household Member", any person residing in the Household of a senior or single member who has not reached their 18<sup>th</sup> birthday, or is between the ages of 18 to 22 and is a dependant of the senior or single member, i.e., full time student.
- 4) "Related family members", any person who is an immediate relative, consisting of a niece, nephew, or grandchild (inclusive), of a senior or single member and who is not a household member, and has not reached their 18th birthday.

Section 1.02 Membership must be renewed on a yearly basis by submittal of a completed Membership Form, which has been prepared and distributed by the Montachusett Ski Club (hereinafter, "the Club"). Payment of annual membership fees must be submitted concurrently with the completed membership form. The membership shall run from May 1<sup>st</sup> through April 30<sup>th</sup> of the following year.

Section 1.03 The Board of Directors ("B.O.D.") may confer the status of Honorary Member, with full membership privileges, upon such persons as it deems appropriate.

## **Article 2. Release of Liability and Covenant Not To Sue Agreement**

Every member must sign the said agreement before he/she can participate in any club activity every membership year as defined in Section 1.02. One (1) agreement is required for each adult member.

Any member under the age of eighteen (18) years must have a parent or legal guardian sign the said agreement every membership year as defined in Section 1.02. One (1) agreement is required for each child member.

All Honorary members must sign the said agreement every membership year as defined in Section 1.02. One (1) agreement is required for each Honorary Member.

Any guest participating in any club sponsored activity must sign the said agreement even if there is no intention of the party to join the club (i.e.

guest on weekend day trips). Once person has signed this agreement it will be on file for the membership year as defined in Section 1.02. One (1) agreement is required for each quest.

The Club Secretary or other club member duly appointed by the President will keep the signed copies of the said agreement on file for the membership year and this file must be used to verify eligibility to participate in any club sponsored activity by the activity coordinator.

Failure to sign the said agreement will result in refusal of this club to allow that person(s) to participate in the club sponsored activity. If the person(s) is a club member, then that member will be reimbursed his/her membership dues and will be removed from the club's roster.

## **Article 3. Fees/Finance**

- Section 3.01 The B.O.D. will set fees on an annual basis for the four types of memberships as defined in Section 1.01.
- a) Senior fees shall be discounted and will be less than Single Member fees.
  - b) Single Member fees shall be the standard annual fee as established by the B.OD.
  - c) Household members shall have no fee.
  - d) Related family members shall be discounted and will be less than senior fees.
- Section 3.02 Changes to membership fees shall be announced to the general membership not later than the third Thursday of March in the calendar year in which the fee change will occur.
- Section 3.03 Annual membership fees will be published on Membership Forms that have been prepared and distributed by the Club. The Forms will be available to the membership no later than the third Thursday in March directly preceding the start of the new membership year.
- Section 3.04 All membership fees must be paid prior to signing up for any trip.
- Section 3.05 The B.O.D. will set all trip and activity fees for non-member guests.
- Section 3.06 From time to time, there will be fund raising events run through raffles and/or club functions.

## Article 4. Government

Section 4.01 There will be four elected officers: President, Vice-President, Secretary, and Treasurer.

Section 4.02 The President shall:

- (a) Preside at all meetings.
- (b) Decide all points of order, making an effort to settle amicably points of dispute among its members.
- (c) Select committee chairpersons.

Section 4.03 The Vice President shall:

- (a) Assist the President in all duties of that office.
- (b) Preside in the absence of or at the request of the President.

Section 4.04 The Secretary shall:

- (a) Keep records of the regular meetings.
- (b) Send notices of the meetings.
- (c) Issue any other correspondence as directed.

Section 4.05 The Treasurer shall:

- (a) Be responsible for collecting all monies due this organization.
- (b) Pay all bills incurred by this organization.
- (c) Maintain records of all financial receipts and disbursements.
- (d) Maintain the club checking account and be responsible for the Trip Fund and the General Fund.

Section 4.06 There will be five (5) members on the Board of Directors.

- 1) The Board consists of four elected members who are serving a term of two (2) years, plus one member serving a term of one (1) year.

Section 4.07 The Board of Directors shall conduct the government and the operational affairs of the club.

- 1) The Board of Directors is subject to overrule by the voting membership, however, such action to overrule must have previous

notification in the club's publication and be supported by a majority at a general meeting.

Section 4.08 The Board of Directors shall:

- (a) Elect the Chairperson of the Board.
- (b) Determine what recommendations and proposals it shall bring before the general meeting, at which point, the general membership will vote on such recommendations.
- (c) Consider all recommendations and proposals of club members and make recommendations on such matters to be voted upon at the general meetings.
- (d) Carry out other business matters of the club delegated to the Board in these By-laws

Section 4.09 The Board of Directors and Officers shall vote together on all final trip destinations. A two thirds (2/3) vote shall carry. All other Board of Directors duties will remain the same in these By-Laws.

Section 4.10 All Officers, Board Members, and Chairperson(s) shall serve their office without remuneration.

## **Article 5. Election Procedures and Terms of Office**

Section 5.01 There shall be an Election/Nominating Committee. Nomination Application forms, as appropriate, shall be made available to any member desiring to run for elected office. Members can nominate other members. The Election/Nomination Committee shall also make known to the membership, at the meeting, the election procedures to be followed.

Section 5.02 One general meeting prior to the annual election meeting, applications for elective office must be received by the Election/Nominating Committee in order to become a candidate under the election procedures except as herein provided.

Nominations for each office will be closed after nominations for the given offices have been accepted from the floor.

In the event no member files a timely application, or is nominated for a given elected office, the Board shall nominate at least one person for that office.

Section 5.03 At the general meeting prior to the annual election meeting, the candidates shall be introduced to the membership. At this meeting, the floor shall be open for nominations for candidates for any elective office.

Section 5.04 Ballots will be handed out at the election meeting. Voting shall be a secret ballot, with the candidates receiving the majority vote to be elected. In the event of no majority, run-off elections between the two candidates receiving the greatest number of votes for the particular office shall be held. All ballots will be retained until the end of the next membership meeting.

Section 5.05 Each voting member shall have one vote for each elected position. Absentee ballots must be requested through the Nomination Committee and returned to Nomination Committee prior to the general election.

Section 5.06 Elections for Officers and Board of Director Positions

- 1) Elections shall be conducted in April of every calendar year, unless announced otherwise by the Board of Directors.
- 2) All Officers shall be elected to a one year term.
- 3) The election schedule shall facilitate the biannual rotation of all two-year Board of Director positions.
- 4) A maximum number of three Board members may be elected in any election year.
- 5) Election of Board members shall be conducted in accordance with the schedule below:
  - a.) Two Board members, who will serve a two-year term, shall be elected annually.
  - b.) Except as provided in Section 5.07(a); one Board member, who will serve a one (1) year term, shall be elected annually.

Section 5.07 Terms of Office

- (a) The past President, if he or she so chooses, will automatically become one of the five Board members following his or her term of office with full voting privileges for a one (1) year term. After one year of service on the Board of Directors, this position is open to an annual general election, unless filled by an outgoing President.

- (b) A vacancy in a Board position shall be filled by a Board of Directors appointment. The appointment shall be in effect for the remainder of the respective term of the vacated position.
- (c) Board members serving a two-year term shall not serve consecutive terms. Any member that has served a two-year term on the Board of Directors must wait until the next election period, (i.e., in the calendar year immediately following his/her term completion date) before seeking nomination for a subsequent term.

## **Article 6. Meetings and Procedures**

### Section 6.01 Time of Meetings:

The club shall meet approximately every third Thursday at 7:00 p.m., (no less than once a month) throughout the season. The Board of Directors shall meet at its own discretion.

### Section 6.02 Notice of Meetings:

A notice of the regularly scheduled membership meetings shall be sent to each member denoting the date, time, place, and special matters of interest and consideration.

### Section 6.03 Quorum:

- (a) At all general membership meetings, fifteen percent (15%) of the existing voting membership shall constitute a quorum for the transaction of business.
- (b) At all Board of Directors meetings, two thirds (2/3) of the members shall constitute a quorum

### Section 6.04 Voting:

Only those members, who have attained the age of 18, shall have the right to vote and shall be referred to herein as the voting membership.

## Section 6.05 Procedures:

Roberts Rules of Order shall be the final authority when controversies arise as to the procedures to be followed unless otherwise provided for in these By-laws.

## Article 7. Committees

Section 7.01 With the approval of the Board, the President shall form committees and appoint members and chairpersons not otherwise provided for in these By-laws.

## Article 8. Amendments

Section 8.01 The By-Laws of the Montachusett Ski Club may be amended by petition of the voting members as follows:

- (a) The specific language of the proposed amendment must be in writing.
- (b) The petition must be signed by ten percent (10%) of the voting membership & presented to the Board.
- (c) The Board shall verify the signatures at the Board Meeting held following receipt of the petition, and the petition shall be included in the minutes of the Board.
- (d) The Board shall cause to be published in the next issue of the club's publication or by written notice immediately following the Board Meeting at which verification was made.
  - 1) The specific language of the proposed amendment.
  - 2) That at least ten percent (10%) of the voting membership has signed the petition.
  - 3) That the signatures have been verified.
  - 4) That the petition was available for inspection.
  - 5) And the date of the general membership meeting at which the matter shall be considered.

- (e) The Officer presiding at the general membership meeting shall read the petition and initiate debate.
- (f) A hand vote will be carried out, requiring a vote of two-thirds (2/3) of the voting membership, whichever is greater for passage.
- (g) Unless otherwise specified in the amendment, the amendment will become effective immediately.

## Article 9. Trip Policy

Section 9.01 Only members are allowed to sign-up for trips, up to the first membership meeting. Non-members will be allowed to sign-up after the first meeting.

### Section 9.02 Payment

- (a) A deposit is due at the time of sign up.
- (b) Payments preferred by check, but cash will be accepted if necessary.
- (c) A \$10.00 fee must be paid to the club for the late deposit payments for a multi-day trip(s). This fee will be collected before late payment is accepted:
- (d) Members have priority over non-members, until the cancellation deadline, when non-members may fill the vacancy for an additional pro-rated fee:

### Section 9.03 Cancellation (Weekend Trips):

- (a) The only means of canceling is to call the Trip Coordinator. Accommodation refund is subject to the policy of the area. For cancellations occurring after the cancellation deadline, a pro-rated fee will be assessed for any out of pocket expense to the club if a replacement is not found.

### Section 9.04 Cancellation (Day Trips):

- (a) Notification is required on the Wednesday before the scheduled weekend day trip.

### Section 9.05 No Shows:

- (a) A "No Show" is any person who has missed the bus for any reason.
- (b) Day trip "No Shows" will not be entitled to a refund.
- (c) "No Shows" on weekend trips will be subject to all out of pocket expenses to the club and/or members.

- (d) The minimum number of attendees for a bus trip shall be determined on a trip by trip basis by the B.O.D. The determination shall be made for the best interests of the Club's mission and purpose, which is to promote the sport of skiing by supporting and facilitating ski trips for the general membership. The determination of the B.O.D. will be based, first and foremost, on the economic feasibility of the trip. The final determination on the liability of the trip shall be made no later than seven days prior to the established departure date.

## Section 9.06 Fiscal Irresponsibility

- (a) Stop payment:  
Persons stopping payment for any check will immediately be cancelled from that and all future trips and will be charged the appropriate cancellation fee. Such actions will be cause for serious consideration by the Board of Directors for loss of membership rights.
- (b) Insufficient Funds:  
Any check returned for insufficient funds must be replaced with a money order, cash, or certified check. If this is not done by 6:00 p.m. the night before the trip's departure, the person will be cancelled from the trip and charged the appropriate cancellation fee. Service charges incurred by the club will be assessed and the member responsible.

## Section 9.07 Trip Cancellation:

If poor snow conditions or other unfavorable conditions cause cancellation of the scheduled trip, an alternate location will be selected if necessary arrangements can be made. At the time of the sign-up, it is assumed the member would be willing to go to an alternate area with alternate conditions. If a change is made and you fail to participate after indicating that you would, the regular cancellation policy applies.

The Winter Trip Committee will make their best effort to include cancellation/money back agreement due to situations beyond our control, such as bad weather, no gas, etc. with ski areas, hotels, and bus companies.

However:

**TRIP PARTICIPANTS MAY BE HELD LIABLE FOR ANY DEPOSITS OR EXPENSES, WHICH ARE NOT REFUNDED TO THE CLUB WHEN A TRIP IS CANCELLED.**

## Section 9.08 Appeals

All appeals of cancellation fees, no show costs, etc. will be reviewed by the Board of Directors if presented in writing within fourteen (14) days of the incident.

## Section 9.09 Winter Trip Committee

There will be five (5) Winter Trip Committee members appointed by the President, whose responsibility will be to plan and operate all ski trips and/or related functions.

The committee members will rotate the Winter Trip Chairperson responsibility for each trip and/or related functions.

The committee will, from time to time, either request or delegate additional help from Club Membership.

## Section 9.10 An adult member must accompany individuals under eighteen (18) years on all club activities.

## Article 10. Code of Conduct

Section 10.01 All individuals having been accepted into membership in the Montachusett Ski Club do hereby subscribe, without reservation, to the Code of Conduct and so solemnly agree that:

- (a) The image and good name of the club will be upheld at all times.
- (b) Will adopt a friendly spirit of cooperation with their fellow members and make every effort to help support club activities by volunteering their time and effort.
- (c) Will observe the highest standards of honesty.
- (d) Will directly or indirectly not be involved in the destruction of real and/or personal property.
- (e) Will be on time for all club activities, such as departing on trips and to and from ski areas.
- (f) Will not become drunk and disorderly and/or use any controlled substance considered illegal on club trips.
- (g) Will not use profane or abusive language.
- (h) Will conduct themselves in an orderly manner at all club activities.
- (i) Personal belongings will not be removed and/or relocated from any seat location by another member. Once a seat location has been selected, please use the same location for the duration of the trip, day and/or weekend.

Section 10.02 In the event terms under the Code of Conduct are not respected by a member, this misconduct will be brought before the Board, who will then decide on it's severity and what appropriate action should be taken. The Board has the authority to temporarily or permanently revoke his or her membership.

Section 10.03 If a membership has been permanently revoked, it will take a majority vote of the club to be reinstated. This can only occur if the club membership is open and it is the beginning of a new season.