

# **The Ballenger Creek Recreation Council Constitution**

## **Article I - Name**

- Section 1. The name of this organization shall be the Ballenger Creek Recreation Council, hereafter referred to as "BCRC".
- Section 2. The BCRC shall be and hereby is affiliated with the Frederick County Division of Parks and recreation in accordance with the laws and agreements governing public recreation in Frederick County and the State of Maryland and is subject to those laws and agreements, in-so-far as they affect and prescribe the functions of the local organization.

## **Article II - Purpose**

- Section 1. The purpose of the BCRC shall be to develop a well-rounded recreation program opportunity for the people of the community; to effect proper coordination of all agencies and organizations in the community interested in recreation; to help finance, publicize, and evaluate year-round programs of recreation for all age groups; to exercise all the powers conferred upon the BCRC by the Frederick County Government or any agency thereof.
- Section 2. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.
- Section 3. Notwithstanding any other provision of these articles, this organization shall not carry on any activity which is not permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law.

## **Article III - Membership**

Membership of the BCRC will be open to any individual residing in Frederick County, 18 years or older, who supports the objectives, rules, and regulations of the organization.

## **Article IV - Officers**

- Section 1. The officers of the BCRC shall consist of a President, a Vice President, a Secretary, and a Treasurer. These officers will form the Executive Body, the Board of Directors.
- Section 2. The officers of the BCRC will be elected by ballot from a majority vote of the BCRC members present at the Annual Meeting. A Nominating Committee will be appointed at least two months prior to the Annual Meeting, and nominations will be taken at least one month prior to the Annual Meeting.

Section 3. The term of office shall be at least one year. If no nominations are available at the time of elections to fill an office, an officer may be appointed by the Executive Body until a nomination becomes available. This appointment is subject to the appointee's acceptance.

Section 4. The duties of the BCRC officers will be as follows:

President: The President shall preside at all meetings of the members, have general supervision of the affairs of the BCRC to preserve the order and enforce the by-laws of the association. The President shall sign or counter-sign all certificates, contracts, and other instruments of the council as directed by the Executive Body and approved by the County. The President shall perform all other duties as are incident to their office, or are required of them by the BCRC to include appointing chairpersons for all committees, and voting in the event of a tie.

Vice President: The Vice President shall assist the President and assume the President's duties in his or her absence. If a vacancy in the Presidency occurs during the normal term of office, the Vice President shall assume the duties of that position until the vacancy is filled by Executive Body appointment. The Vice-President shall have responsibility for all BCRC registration activities and processes.

Treasurer: The Treasurer shall have custody of all funds of the BCRC and shall keep a full and accurate account of receipts and expenditures of all BCRC monies and also be charged with the responsibility of maintaining a bank account in the name of the BCRC. The Treasurer shall disburse the BCRC funds in payment of the just demands against the BCRC, or as may be ordered by the BCRC's Executive Body, taking proper vouchers for such disbursements. The Treasurer shall sign all checks issued by the BCRC, and see that the President signs such checks. The BCRC Treasurer will submit monthly and year-end financial records to the Division of Parks and Recreation.

Secretary: The Secretary shall issue notice of all meetings. He or she is responsible for taking all meeting minutes and maintaining a permanent record of them. The Secretary shall issue a copy of meeting minutes to the Division of Parks and Recreation for each BCRC meeting. The Secretary shall be responsible for all council correspondence and other duties as required by the council. Keeping attendance records and time records of each meeting as well as reporting such records to BCRC members.

Section 5. In the event an officer fails to perform that officer's duties or is absent under one of the following conditions:

- A) Without notice for 2 consecutive meetings; or
- B) With notice for 4 consecutive meetings;

That office shall be deemed vacated unless the Executive Body makes an exception. Any vacated office, whether by the above means or by resignation, shall be filled by Executive Body appointment until the next regularly scheduled Annual Meeting. Any person who has been appointed to a vacated office is eligible to serve the term of the office if elected into it following the appointed term.

## **Article VI - Meetings**

- Section 1. Regular Meetings of the BCRC shall be held as specified by the Executive Body; a notice of such meetings shall be published via newsletter, press release, public announcements, fliers, or any combination thereof, at least two weeks in advance of said meetings.
- Section 2. Special meetings may be called by the President or twenty-five percent of the BCRC membership, provided 10 days written notice is given to BCRC members; that notice will include the purpose of the special meeting.
- Section 3. The Executive Body is to oversee the day to day operations of the BCRC and to settle any disputes within the BCRC. The Executive Body will meet according to stipulations in the By-Laws.
- Section 4. The business transacted at a regular meeting of the BCRC shall follow the order established by Robert's Rules of Order, Current Version. Meetings shall follow the agenda specified: 1. Call to order 2. Reading of the minutes of the last meeting 3. Reading of the Treasury Financial Report 4. Committee reports 5. Old business 6. New business 7. Motion for adjournment

## **Article VII - Standing Committees**

Standing committees shall be formed as necessary at the direction of the Executive Body, to address affairs not specified in this constitution.

## **Article VIII -- Finances**

- Section 1. The BCRC will collect fees as follows: Registration fees (financial hardships will be discretely considered by the officers on a case by case basis) fund-raising, and donations.
- Section 2. The BCRC monies shall be deposited in the name of the BCRC in such bank or banks, as the Executive Body shall designate.
- Section 3. The fiscal year of the Council shall begin on the first day of July each year.

## **Article IX - Amendments**

The Constitution and By-Laws may be amended at any meeting specified by the BCRC. It may be amended by 2/3 votes of the members of the BCRC present at said meeting. Written notice of the amendment shall have been presented to BCRC members not less than 15 days prior to the said meeting. All amendments must be presented to the Division of Parks and Recreation prior to presentation to the BCRC.

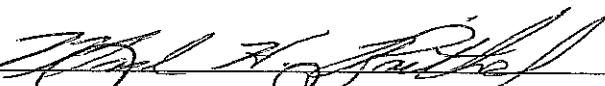

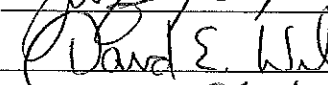
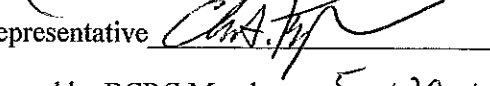
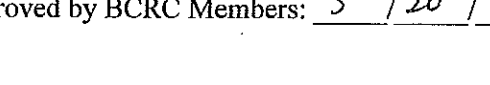
## **Article X - Dissolution**

- Section 1. If the BCRC decides to become inactive by not electing or appointing Officers to fill vacancies and remains inactive, all monies in the bank or otherwise due the BCRC will revert to the Frederick County Division of Parks and Recreation to be spent as it sees fit according to sections 2 and 3 below. If the BCRC's Executive Body has folded, this decision will be made by the last individual to hold the office of President.

Section 2. Upon dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future Federal tax code, or shall be distributed to the Federal, state, or local government for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction, in the county in which the principal office of the organization is then located, exclusively for such purposes.

Section 3. In the event of dissolution of the corporation, the residual assets of the corporation will be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future Federal tax code. Provided, however, that the corporation shall at all times so long as a mortgage on the corporation's property is held or insured by the Secretary of Housing and Urban Development have the power to convey its property to the Secretary of Housing and Urban Development or his nominee, for exclusively public purposes.

**Constitution Signatures:**

President		Date	5/20/08
Vice-President		Date	5/20/08
Secretary		Date	5/20/08
Treasurer		Date	5/20/08
County Representative		Date	5/20/08
Date Approved by BCRC Members:			5/20/08

# The Ballenger Creek Recreation Council

## By-Laws

### Article I Sites of Principle Operation

The principle operations for the BCRC will include, but not be limited to, the present Ballenger Creek, Carroll Manor, Hillcrest, Orchard Grove and Tuscarora Elementary School Districts, the Ballenger Creek and Crestwood Middle School Districts, and the Tuscarora High School District of Frederick County, Maryland with a courtesy boundary at Doubs Road with the Point of Rocks Recreation Council. The BCRC is recognized by the Frederick County Board of County Commissioners as a voluntary arm of the Frederick County Division of Parks and Recreation and will operate according to the advice of the Division. The BCRC shall be noncommercial, nonsectarian, and nonpartisan.

### Article II Membership and Voting

- Section 1 The membership of this organization shall be open to 1) the parents or guardians of participants in BCRC activities; and 2) other interested persons at least 18 years of age, interested in supporting and promoting recreational activities and facilities in the BCRC Community, regardless of county of residence.
- Section 2 Any member who attends 50% of the general council meetings during an administrative year will be considered a Member in Good Standing and will be granted full voting privileges for a period of twelve months following the date of the fifth general council meeting attended.
- Section 3 Failure to attend three (3) consecutive regularly scheduled meetings shall be cause for members to lose voting privileges. Voting privileges will be resumed after attending three (3) of four (4) **consecutive** regularly scheduled meetings.
- Section 4 Each member of the BCRC in good standing shall be entitled to one vote.
- Section 5 Any member in good standing of the Council is eligible to hold an elective office.
- Section 6 It shall be the primary responsibility of members of the Council to safeguard and promote the interests and welfare of the Council, its members, and its activities, including willingness to serve on committees.
- Section 7 Only members with voting privileges may make nominations and motions. All persons attending the meeting may take part in any and all discussion.
- Section 8 No member of this Council shall have the right to take any action, make decisions, represent, or enter in to any agreement affecting the Council without consent of its Officers.
- Section 9 Members may be suspended or expelled upon satisfactory evidence of violation of these by-laws, or any other conduct which discredits this Council, provided the member has been given a fair hearing including reasonable opportunity to defend him/herself before the Executive Board. The member in question and all parties involved must be given timely and proper notification of a hearing
- Section 10 The Executive Board of BCRC has final authority over the admission of candidates to the membership.

**Article III      Officers and Executive Body**

Section 1      Each officer and Executive Board member shall be a member in good standing of the BCRC.

Section 2      The governing body of the BCRC shall be the Executive Board, which consists of the BCRC officers, and the appointed Athletic Directors.

Section 3      The BCRC officers shall be elected from its membership by a majority vote of the BCRC members present at the May annual membership meeting of each calendar year.

Section 4      The Executive Board at the March meeting will appoint a Nominating Committee composed of three members, nominations will be taken at the April meeting. Only those persons who have signified their consent to serve if elected shall be nominated. Nominations will be closed 14 days after the April meeting, and any changes in the slate of nominated officers must be announced no less than five days prior to the election meeting. If no nominations are available at the time of the elections, the incumbent officer may retain their duties until such time that the newly elected officers and the incumbent officers as the Executive Board, can appoint a willing nomination.

Section 5      These officers will take office June 1st. The term of office shall be for one year. Officers may serve consecutive terms.

Section 6      The officers of the BCRC shall appoint the Executive Board positions of Athletic Directors. The term of each appointed position shall be for one year. Athletic Directors may serve consecutive terms.

Section 7      All officers and Executive Board members, upon expiration of the term of office or in case of resignation, shall turn over to the president, without delay, all records, books, and other materials pertaining to their official duties, and shall return to the treasurer, without delay, all funds pertaining to their position.

**Article IV      Meetings**

Section 1      A regular meeting of the BCRC shall be held monthly on the third Tuesday of each month unless otherwise specified by the President.

Section 2      The location of the monthly meetings will be the Recreation Center at Tuscarora Elementary School.

Section 2      The regular meeting held in May shall be the Annual Meeting.

Section 3      A quorum for a BCRC meeting shall consist of a simple majority of the Executive Board present at a duly called meeting of the BCRC. No proxy votes may be cast.

**Article V      Standing Committees**

Section 1      The Executive Body shall form standing and special committees based on need or as directed by the BCRC Constitution or By-Laws.

Section 2      The officers shall appoint a chairman for any standing or special committee with the exception of the nominating and auditing committees.

Section 3      The president shall be a member ex officio of all committees except the nominating and auditing committees.

## **Article VI New Programs**

Section 1: Any individual or organization desiring to begin a new recreation program under the auspices of the council will be required to present to the Executive Board a proposal of their activity, including a proposed budget, facility requirements and the target market for the program. The program must be open to all members of the BCRC community who fall within the scope of the program. The Board will vote on approval of the new program and, if approved, will present the new program to the general membership at the next general meeting.

## **Article VII Athletic Directors**

Section 1 The BCRC Officers will appoint an Athletic Director for each council program. The Athletic Director shall be the primary representative of the program to the council.

Section 2 The Athletic Director shall organize as many volunteers as necessary to assist in the operation of the program. The Athletic Director shall prepare an annual budget for the program, make all deposits and request all disbursements. The Athletic Director shall keep an inventory of all program equipment.

Section 3 The Athletic Director shall insure that at least one representative of the program is present at all general meetings to present a report on the activities of that program.

Section 4 The Athletic Director shall preside at meetings of volunteers affiliated with the program on an as needed basis.

Section 5: The duties of the Athletic Director or designee are:

1. Attend all league meetings, and enforce all league/association by-laws.
2. Schedule all sign-ups, notifying the secretary in advance to have flyers printed, if needed.
3. Establish all team rosters and submit them to the league as required.
4. Make recommendations for existing head coaches to remain or not. If recommendation for change is to be made; written notice is to be given to executive board, with reasons. A list of all head coaches is to be presented one month after the last sign up. Additions of head coaches due to new teams are to be presented as soon as possible.
5. May appoint new head coaches when a vacancy exists, until the next regular meeting.
6. Oversee all head coaches, assistant coaches, student coaches and team parents. Provide the secretary with a list of coaches which includes addresses and phone numbers.
7. Obtain all necessary leases and schedules of fields/courts.
8. Inventory all equipment at the close of their season, and initiate any action necessary in the handling of lost or damaged equipment.
9. Assure a registration/medical release form for each child is submitted prior to the first day of practice. If no form is submitted, that child CANNOT participate in any activities until submitted.
10. Handle everyday affairs of the sport.
11. Report on sport at the regular monthly General Board meeting. This should include a financial report each month, including income and expenses.
12. Inform coaches of requirement of background/certification check.
13. Assume oversight responsibility for the upkeep, distribution, and maintenance of all athletic equipment.
14. Arrange for and organize equipment storage facilities.
15. Maintain their sports website, if applicable.
16. Publish and enforce a Code of Conduct.

**Article VIII Coaches:**

Section 1 The Athletic Directors will select the coaches for their respective sports.

Section 2 Any individuals interested in becoming a Head Coach may be required to complete a Coaches Application form. Upon receipt of this application, the Athletic Director will conduct an interview to review the applicant's experience, qualifications, certifications, etc. and clarify the roles and responsibilities of the position.

Section 3 Coaches will be evaluated at the end of each season by the Athletic Director. This evaluation will include, but not be limited to, coaching ability, interaction with children and parents, cooperation with the Athletic Director with respect to equipment handouts and returns, attendance at BCRC monthly meetings, field maintenance, and prompt resolution to issues as they may arise.

Section 4 If a vacancy occurs during the season, the Athletic Director shall appoint a Head Coach.

Section 5: The duties of a head coach are:

1. All new coaches must complete a Criminal History Record Check.
2. Maintain a safe environment.
3. Accept responsibility for their team, assistant coaches, student coaches, and team parent.
4. Recognize and satisfy off field obligations including, but not limited to: timely communication with their coordinator, players and parents
5. Attend meetings as scheduled by the Athletic Director.
6. Completion of all related paperwork on schedule
7. Participate in support tasks, such as field maintenance, equipment issuance and evaluations.
8. Attend all practices and games or appoint a designee.
9. Choose assistant coaches and team parent(s). Assistant coaches must be approved by Athletic Director.
10. Assure that all medical waiver forms are with the team at all times.
11. Give a list of all team members to the Athletic Director.
12. Report directly to the Athletic Director.
13. Enforce Code of Conduct.

**Article IX Code of Conduct**

Section 1 Participants; i.e., players, coaches, fans and instructors of BCRC Programs must maintain the highest degree of sportsmanship at all times and be ever mindful that at no time will participants of BCRC Programs be allowed the privilege of continued participation in its programs if such high standards of conduct and sportsmanship are not maintained.

Section 2 Should participants' actions, words, or conduct be questioned by any of the following:

- (A.) Participants from other Recreation Councils
- (B.) Members of the BCRC
- (C.) Participants within the same Program of the BCRC Program
- (D.) Members of the BCRC Executive Body



Then the following procedure will be adhered to by the Board of Directors of the BCRC:

- 1.) The Athletic Director will request a written report within two (2) weeks of the incident from the following:
  - a. The individual(s) citing the incident and suggesting the unsportsmanlike conduct
  - b. The Recreation Council Site Leader (if applicable);
  - c. An Official, Referee, etc.;
  - d. That individual cited for unsportsmanlike conduct
- 2.) The Athletic Director will forward all written correspondence from the above to the President of the BCRC
- 3.) The President of the Recreation Council shall convene an Executive Board meeting with the Athletic Director and by majority vote of the Board may exercise any of the following actions:
  - a. Dismiss the Participant from any further participation in BCRC activities, or
  - b. Dismiss the Participant from further participation in the BCRC Program where such actions occurred, or
  - c. Suspend the Participant from further participation in BCRC Programs for one (1) calendar year, or
  - d. Suspend the Participant from further participation in the BCRC Program where such action occurred for one (1) calendar year, or
  - e. Conclude that the matter does not constitute unsportsmanlike conduct and let the matter be closed.

## **Article X      Appeals Process**

### **Section 1**


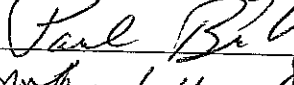
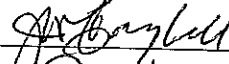
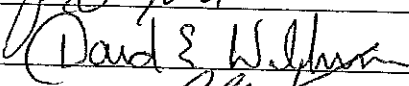
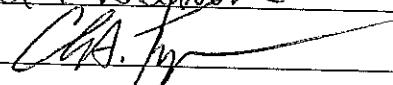
Should a volunteer, participant, parent of a participant or any interested individual disagree with a judgment or ruling made by an Athletic Director, that individual may approach the Recreation Council to seek a remedy for the problem. The following procedure will be followed:

1. The individual making the appeal must be certain that there is no chance that the ruling in question will be reversed at the program level.
2. The individual making the appeal must then submit a request for a hearing on the issue. This request must be in writing and must be directed to the Recreation Council Vice President.
3. The Vice President will hold a hearing of appeal with the Athletic Director, and individual(s). It is hoped that a solution will be found at this level.
4. Lacking an agreement by all parties concerned at the program level, the Vice President must present the written appeal to the President of the Recreation Council.
5. The President, satisfied that proper procedures have been followed, will decide either to call a special meeting of the Board or place the issue of the appeal on the agenda for the next Council meeting.
6. The President will make a reasonable attempt to assure that all parties are adequately represented at that meeting.
7. At that meeting, arguments by all parties involved in the matter will be heard.
8. It is then up to the Recreation Council to make a final decision on the matter. Only Council members in good standing and present shall be allowed to vote on the matter at the Council level.
9. Further appeal may be made in writing to the Frederick County Board of Recreation and Parks.

**Article XI Fiscal Policies**

- Section 1 The fiscal year shall be July 1st through June 30 th.
- Section 2 The Treasurer's report shall include the balance in all program accounts and the general fund.
- Section 3 Annually, the Council Treasurer will ensure preparation of the Council's tax return (Form 990) and submission to the IRS.
- Section 4 Every attempt should be made to deposit checks promptly, as a courtesy to the check maker and tool of efficient accounting. **All checks must be made payable to the Ballenger Creek Recreation Council, (BCRC)** and must be deposited along with all cash receipts into the Council checking account. When accepting checks, write the program name in the notation space for identification purposes in the event that a check is returned for insufficient funds.
- Section 5 When making a deposit, write the **Program Name** on the deposit slip.
- Section 6 Athletic Directors are authorized to purchase any necessary equipment, uniforms, supplies, etc. to operate the program. Keep any copies of vendor's invoices, register receipts, or timesheets and forward to the Council Treasurer for payment. Athletic Directors should retain copies of check requests and vendor invoices for their program records.
- Section 7 For certain types of expenditures (such as referee fees, refunds of program fees), a vendor's invoice will not be available. In these instances, the Council Treasurer may choose to mail the check directly to the payee.
- Section 8 Programs are charged an annual assessment to fund the general operating costs of the Council. The assessment is based on the number of registered program participants and is calculated by the **BCRC Treasurer** based on the coordinator's registration report. The current assessment is two dollars (\$2) per registrant.
- Section 9 Athletic Directors are responsible for formulating a realistic annual program budget and maintaining accurate records of all financial transactions (deposits, expenditures and a fund balance).
- Section 10 Programs must be self-sustaining unless otherwise authorized by the Council Board. Checks for expenditures beyond the program fund balance will not be issued without prior Board approval. The fund balance per the program's records should be reconciled with the balance per the Council Treasurer's report each month. Any discrepancies should be resolved with the Council Treasurer immediately upon discovery.

**By-Law Signatures:**

President		Date <u>5/20/08</u>
Vice-President		Date <u>5/20/08</u>
Secretary		Date <u>5/20/08</u>
Treasurer		Date <u>5/20/08</u>
County Representative		Date <u>5/20/08</u>
Date Approved by BCRC Members:		<u>5/20/08</u>