

**Stuttgart Ski Patrol
Southern Region, European Division
National Ski Patrol System**

Bylaws

WHEREAS, there is in existence the National Ski Patrol System, Inc., a federally chartered, non-profit charitable corporation of which the Stuttgart Ski Patrol is one of its duly qualified components; and

WHEREAS, the Stuttgart Ski Patrol (hereinafter Patrol) desires to form a governing body to function as officers (hereinafter Officers) for this Patrol; and

WHEREAS, the Patrol recognizes and agrees that the National Ski Patrol System, Inc. (hereinafter NSP) is sovereign, as opposed to divisions and subdivisions thereof, and that this Patrol operates under and by virtue of the bylaws, corporate structure, and policies of the NSP; and

WHEREAS, the Patrol shall operate under the jurisdiction of the Commander, 6th Area Support Group, Unit 30401, APO AE 09107-0401, hereinafter referred to as the approval authority, and

WHEREAS, this Patrol does not intend to abrogate or usurp any of the authority of the NSP, or to promulgate any bylaws, policies, rules, or regulations, which might conflict with or tend to be argumentative with or interfere with the uniform application of the NSP bylaws or its directives, or to infringe or diminish the effect of the single corporate status of the NSP, and therefore nothing herein should be interpreted as being done, or which might be done, which would indicate that this Patrol is disassociating itself from the NSP, and anything herein which might in anyway be so interpreted, shall be stricken and held for naught.

NOW, THEREFORE, the NSP bylaws and directives as they now exist, or may hereafter be amended, as applicable to this Patrol, are made a part hereof, as if fully set forth and incorporated herein, to include, but not limited to, the NSP purpose clause, the definitions, organization, and administration procedures, the elective procedures for the Patrol Representative, and the qualifications for ski patrollers and ski patrol officers. These bylaws are for the conduct of the Stuttgart Ski Patrol only, and should not be construed to override, supersede, or diminish the authority of the NSP.

**ARTICLE I
DUTIES OF OFFICERS AND MEMBERS**

A. OFFICERS.

1. The Patrol Representative. The Patrol Representative is responsible for all activities of the Patrol. The Patrol Representative provides the leadership and direction of all activities; appoints members to positions of responsibility as required; establishes annual training and attendance requirements for active status; submits patroller status reports and changes to the European Division and NPS offices; directs the annual awards program; and approves purchases up to one hundred dollars (\$100) for the

Patrol. The Patrol Representative is a non-voting member of the Patch Ski Club Board of Directors: this responsibility may be delegated to another active member.

2. The Assistant Patrol Representative. The Assistant Patrol Representative assumes duties as the Patrol Representative in the absence of the Patrol Representative. Duties include: promoting recruitment, training (if required), advertising, and ski safety programs; ensures patroller training and refresher requirements are met. The Assistance Patrol Representative performs other duties as assigned by the Patrol Representative.

3. The Secretary. The Secretary is responsible for all secretarial matters to include: preparing agendas and minutes for each patrol meeting; provides information copies of all patrol documentation to all patrollers and line officers in the European Division; provides necessary documentation to the 6th ASG Commander (approving authority), as required; prepares and updates the Patrol's written directives; tracks patroller attendance; maintains the Patrol roster's; maintains the Patrol's records and historical data.

4. The Treasurer. The Treasurer is responsible for all financial/treasury matters; maintains the Patrol's bank account(s); maintains accurate accounting of all monies in the treasury; provides financial reports to the membership and financial statements to the 6th ASG Commander DCA (Private Organizations); prepares registration forms for submission to the European Division and NSP national offices no later than 01 December of each year. The Treasurer must have Status of Forces Agreement (SOFA) status.

5. The Outdoor Emergency Care (OEC) Coordinator. The OEC Coordinator is responsible for all OEC matters; manages the training of OEC candidates and refresher training for the patrollers; conducts OEC and CPR training; maintains OEC and CPR records; advises the Patrol Representative on remedial training, candidate qualifications, and recommends patrollers for OEC Phase II instructor training.

B. ELECTED OFFICERS.

1. The Patrol Representative is the only elected officer.

a. Elections will be held during the monthly patrol meeting in May.

b. Nominations for the Patrol Representative will open 1 March and will close 30 April.

c. A valid election quorum will consist of a simple majority of the total membership.

d. Absentee ballots may be submitted by phone, mail or E-mail to the Election Representative after nominations have closed and before final ballots are counted.

2. The Patrol Representative will appoint an Assistant Patrol Representative who may, also, serve as the Patrol's Training Officer.

3. Under emergency situations, where no Patrol elected or appointed officers are available, the Southern Region Director, or the European Division Director, NSPS may appoint a temporary or acting Patrol Representative.

4. Removal/Replacement of Officers or members.

a. The Stuttgart Patrol Representative can be removed before a subsequent annual election under the following conditions:

- 1). At the direction of the European Division Director, NSPS.
- 2). By a two-thirds vote of the officers superior to the officer being removed.
- 3). By vote of the Stuttgart Ski Patrol membership.

(a) A simple majority must petition, in writing, for a special election.

(b) An affirmative 2/3 majority vote of the membership is required to remove a Patrol Representative.

(c) Members must be present to vote.

(d) The vote will be taken within one week after presentation of the petition to the Patrol Representative.

b. If the Patrol Representative resigns or is removed from office, the Assistant Patrol Representative will assume duties of the office until the next scheduled patrol meeting, where a new Patrol Representative will be elected.

C. APPOINTED OFFICERS AND SPECIAL COMMITTEES.

1. The following appointments will typically be made by the Patrol Representative, as required. The normal term for such appointments is one year, corresponding to the election term of the Patrol Representative.

- a. The Assistant Patrol Representative.
- b. The Secretary.
- c. The Treasurer.
- d. The Outdoor Emergency Care (OEC) Coordinator.

2. Special committees may be formed by the Patrol, and /or Patrol Representative, as needed. Following creation and staffing of a special committee, the committee's first task shall be to create a formal scope of responsibility statement for the task. The committee's scope of responsibility statement is subject to approval by the Patrol at the next regularly scheduled meeting. The Patrol Representative shall appoint Patrollers to the special committees, for the duration of the committee. Upon completion of committee objective, as defined in the scope of responsibility statement, the special committee shall be dissolved.

D. PATROLLERS.

1. All patrollers (members) of the Patrol will conduct themselves in a manner that reflects favorably on the Patrol and the NSP. Patrollers will support and participate in Patrol activities; complete annual refresher training requirements; advise the Secretary and Patrol Representative of address changes, phone number or location; pay annual dues in a timely manner; and attain credit for a minimum of then (10) patrol days each year.

2. Patrollers may be suspended or removed from Patrol Membership for:

- a. Failure to meet NSPS standards.
- b. Conduct detrimental to the NSPS.

3. Before taking action to remove a patroller or officer from the Patrol, the Patrol Representative will direct the formation of an investigative committee of no less than three (3) active patrollers to investigate the circumstances and make a recommendation to the Patrol Representative. The final determination rests with the Patrol Representative.

ARTICLE II **MEETINGS**

A. Regular Patrol meetings will be held monthly, and will typically be scheduled on the second Thursday of the month.

B. The location and time of the monthly meeting will be promulgated in advance to the membership by the Patrol Representative via email.

C. Copies of approved minutes and financial statements will be submitted to the approval authority, as required.

D. A quorum is required for the election of officers, constitutional amendments, removal of elected officials, or patrol expenditures in excess of \$100.

E. *For meetings or activities conducted on U.S. military or government facilities, the Patrol agrees to reimburse the Army for utility expenses incurred by the organization, unless such use is incidental.*

ARTICLE III **APPEAL OF DECISIONS**

A. Any registered member of the Patrol, who may feel himself aggrieved by a decision, ruling, directive, policy statement, or other proclamation of a superior officer or officers, shall have the right of appeal, following the procedure set forth in Article X.a., of the NSP Bylaws, as they are now in force, or

may in the future be amended. This right of appeal shall remain unabridged and the party taking the appeal shall not be threatened, intimidated, or coerced as a result of having taken his or her appeal.

B. This Patrol adopts as its appeal process the said Article Xa of the NSP Bylaws, as currently in force, or as in the future may be amended.

ARTICLE IV
PROCEDURES AND AMENDMENTS

A. Parliamentary procedure at all Patrol meetings or committee meetings shall be governed by Robert's Rules of Order.

B. Any business brought before Patrol meetings will require a simple majority of those present and voting, for that item of business to pass or fail.

ARTICLE V
FISCAL YEAR

The fiscal year of the Stuttgart Ski Patrol shall be the same as, and coincide with the fiscal year of the European Division and NSP (July-June).

ARTICLE VI
REVENUE

A. The revenue of the Patrol will consist of income derived from dues, donations, and monies from such revenue-producing activities as may be approved by the Patrol.

B. All revenue-producing activities shall be sponsored and conducted in accordance with the provisions of USAREUR Private Organizations and Fundraising Policy upon subsequent approval of the approval authority.

C. Annual dues for the membership shall be established by the European Division Board of Directors. Current dues, which may be changed by the Board at any time, are \$55, of which \$35 are submitted to the National organization and \$20 are retained by the Division. Membership dues are payable by 1 December each year and are not refundable. A late fee of \$10.00 is assessed for late membership dues.

D. The Patrol does not engage in resale activities.

ARTICLE VII
FUNDS MANAGEMENT

A. In the event this Patrol, for any reason, should terminate, all funds, or other property belonging to this Patrol shall be used to first pay the debts and obligations of this Patrol, and any balance which will

remain shall be transferred and paid over to the treasury of the European Division, if it is then an organization which meets the requirements of the Internal Revenue Code Section 501(a) or 501(c)(3). If the Division organization does not meet such requirements, then such funds shall be paid to the NSPS, Lakewood, Colorado, if it is then an organization which meets the requirements of the Internal Revenue Code Section 501(a) or 501(c)(3). If the National organization does not then meet such requirements, then such funds shall be paid to the USAREUR Morale, Welfare, and Recreation Fund specifically for the benefit of the Youth Services Program. Such determination as to which organization shall receive said funds shall be at the pleasure of this Patrol. If there be any other assets not so disposed of, then a request shall be made of the applicable district court, or its equivalent, in the county in which the principal office of the Patrol is located, exclusively for the purpose of determining such organization, or organizations to which funds may be paid, as required by the Internal Revenue Service Code.

B. The Patrol Representative may authorize an officer or agent to enter into any contract or other instrument on behalf of this Patrol, and such authority may be general or confined to specific instances. Except as herein provided, or as authorized by the Patrol, no officer or agent other than the Patrol Representative shall have any power or authority to bind this Patrol by any contract or engagement or to pledge its credit or render it liable for any purpose or for any amount.

C. All checks, drafts, or funds of this Patrol, which may from time to time be received, shall be deposited promptly to the credit of this Patrol, in such banks, trust companies, or other depositories as the Patrol may designate.

D. The Treasurer shall maintain a journal and ledger of all financial transactions. A voucher with the receipt/purpose will support each.

E. Expenditures are limited to those required to support activities listed in the constitution. All expenditures will be submitted on a request form and disbursed by the Treasurer. The Patrol Representative is authorized the expend funds up to a limit of \$100. All expenditures exceeding \$100 will be brought to the Patrol membership for approval.

F. A petty cash system will not be used by the Patrol. All expenditures should be made form the Patrol's primary account via check.

G. Only the Patrol Representative and Treasurer shall have check-writing authority.

H. The patrol will provide, when required, tax returns and other documentation to the host nation tax agency.

I. The patrol will reimburse the Army for utility expenses unless the use is incidental.

ARTICLE VIII **BONDING**

A. When total cash on hand, cash in the bank, and saleable merchandise to which any elected officer of the organization has access exceeds \$500, that position will be covered by fidelity insurance, procured at organization expense, in an amount sufficient to provide full protection of assets.

B. A copy of the fidelity insurance will be submitted to approval authority.

ARTICLE IX **INSURANCE**

A. This Patrol does not sponsor events requiring liability insurance.

B. This Patrol does not provide life, accident, medical, or liability insurance to its members.

C. *The Patrol is covered under the Risks section of an underwriter's policy for the European Division Director who oversees all the European Division patrols.*

ARTICLE X **AUDITS**

A. Audits will be conducted by a disinterested person, who may be a patroller, annually in January, or whenever the Treasurer changes.

B. Reports of audits will be forwarded to the approval authority.

C. A corrective action reply by the Patrol Representative will be forwarded to the approval authority within 30 day after receipt of the audit.

ARTICLE XI **EMPLOYEES**

The Patrol does not have any employees.

ARTICLE XII **RESCISSION**

A. The constitution and bylaws shall be effective immediately after approval by the organization and upon subsequent written approval by the approval authority

B. Upon approval of the constitution and the bylaws, all previously published constitutions and bylaws will be rescinded.

ARTICLE XIII

INVALIDITY

Should any section, or provision of these bylaws be held invalid by any court of law, federal or state, or by any government, federal or state, or any subdivision thereof, or by any agency, or commission of any governmental unit, such holding shall not be construed as affecting the validity of any remaining article, section, or provision of these bylaws, it being the intent of the adopters that the valid portions of these bylaws shall stand, notwithstanding the invalidity of such article, section, or provision.

ARTICLE XIV RESTRICTIONS

- A. There is no official relationship between the Patrol's activities, official duties and responsibilities of DOD personnel who are Patrol members.
- B. The Patrol's constitution and bylaws must authorize all functions and expenditures. DoD personnel acting in an official capacity will not influence these choices.
- C. The Patrol will not be created, operated, or administered by DoD personnel acting in an official capacity or on behalf of an official purpose to evade restrictions on expenditures of appropriated and/or non-appropriated funds.
- D. The Patrol will not use or include in its title, logo, letterhead, name, seal, or acronym "DoD" or the name, abbreviation or seal of any military department or service. No member of, or participant in the Patrol's activities will use their military or DoD title, logo, letterhead, name, seal, or acronym in any manner in connection with the Patrol's activities.
- E. *The Patrol will not use the United States Postal Service (APO) or official mail. They may use the Intra-theater Delivery Service (IDS) with USEUCOM in accordance with Army in Europe Regulation 210-22, paragraph 10(d).*

ARTICLE XV RATIFICATION

Bylaws amended and approved by majority vote on May 13th, 2008.



Carl Schmitt
Stuttgart Patrol Representative