

# CONSTITUTION OF THE ELKINS PILOT'S CLUB, INC.

## Article I – NAME

The name of this organization shall be the ELKINS PILOT'S CLUB.

## Article II – PURPOSE

This organization shall be a non-profit organization, and the purpose for which it is organized is as follows: To stimulate an interest in aviation, to provide authorized persons an opportunity to engage in flying as a recreational activity, and encourage and develop skills, aeronautics, navigation, mechanics and related aeronautical science.

## Article III – MEMBERSHIP

The membership of this organization shall consist of persons who subscribe to the purposes set forth above, and who shall have such further qualifications, not inconsistent herewith, as the By-Laws may prescribe. The manner of admission of members shall be such as the By-Laws may from time to time prescribe; provided applicants for membership must have reached their fifteenth birthday or hold a valid FAA rating.

## Article IV – DURATION

The term for which this organization is to exist shall be perpetual or until otherwise legally dissolved. Upon dissolution of the Club, three (3) members shall be designated as trustees who shall liquidate the assets thereof as soon as practicable and pay all existing debts and liabilities in proportion to the final available capital including any money rightfully due to members as refunds or salaries in accordance with the regulation of the Club. Any remaining assets after all debts and liabilities are satisfied shall be donated to an appropriate non-profit or charitable organization dedicated to or associated with aviation.

## Article V – OFFICERS

The affairs of this organization shall be managed by the following officers, a President, a Vice-President, a Secretary and a Treasurer. The officers or membership, pursuant to the By-Laws, may from time to time as determined by the needs of the organization, create such other appointments, officers, or positions as deemed appropriate. The officers shall be elected or appointed at such time, for such terms and in such manner as the By-Laws may prescribe.

## Article VI – QUORUMS AND MEETINGS

The quorum for all membership meetings shall be at least twenty (20) percent of the active club membership of all in good standing. This organization shall meet monthly at a date and time

proscribed within the By-Laws. Special meetings may be called by the President at any time upon notice to members.

#### Article VII – LIABILITY

Adequate and proper insurance shall be at all times carried to protect the membership from liability and damages.

#### Article VIII – BY-LAWS

The By-Laws of this organization shall be made, altered or rescinded by a majority vote of attending members at any meeting which shall be certified to the Secretary of State, as required by Law.

#### Article IX – AMENDMENTS TO CHARTER OR CONSTITUTION

The charter of Incorporation and this Constitution may be amended, as set forth in the By-laws, by resolution of a majority vote of the total membership.

### BY-LAWS

#### SECTION I – DESCRIPTION

The organization shall be a non-profit organization and none of its net income or net worth shall inure to the benefit of any of its members. In the event of dissolution, any property belonging to the Club shall be disposed of as directed by the three (3) designated trustees.

#### SECTION II – MEMBERS

A. The membership of the club shall consist of “regular” members and “associate” members.

1. **REGULAR MEMBERS:** Applicants for regular membership must be nominated by members in good standing. A unanimous favorable vote from the membership present at any meeting shall be required for acceptance for new members. An applicant balloted for and rejected by the club must wait three (3) months before presenting a new application. A rejected applicant shall have their application fee returned by the Club. Student members are defined as regular members who are in the process of obtaining a private pilot’s certificate. All student members shall have their use of the club aircraft confined to dual instruction and solo flying under the direct supervision of an instructor pilot approved by the club membership and the student member shall be listed on the club insurance policy.

2. ASSOCIATE MEMBERS: Persons with an interest in aviation may apply for an associate membership. An associate member has no voting rights and may not utilize club aircraft.

B. Members shall be considered in good standing until otherwise removed by a majority vote at any meeting.

C. Any member in good standing may hold elective office.

D. Regular members attain voting rights after 3 months of club membership except for student members who attain voting rights after 6 months of club membership.

### SECTION III – FLYING REGULATIONS

Federal aviation regulations, standard operating procedures, good flying practices and any other regulations deemed necessary by the members of the Club shall be adopted and have the same force and effect as if published as a part of these By-Laws.

### SECTION IV – DUTIES OF OFFICERS AND MEMBERS

A. It shall be the duty of all officers to conduct the activities of the Club in an efficient and business-like manner and to safeguard the interest of the Club at all times.

B. The President shall preside at the meetings of the Club, appoint all committees, acting as an ex-officio member thereon and perform all other duties as properly pertaining to his office.

C. The Vice-President shall preside at all regular and special meetings in the absence of the President. He shall be available to assist the President in any manner as required. In the event of the absence of both the President and the Vice-President at any regular or special meeting a chairman shall be chosen by the members present to preside at such a meeting.

D. The Secretary shall keep official records of this organization, including minutes of regular and special meetings; shall establish and maintain a list of all members including names, addresses, residences and business telephone numbers; shall attend to general correspondence, notifying new members of their election to the Club and their responsibilities as members; collect all dues, which are to be turned over to the Treasurer; and notify members in delinquent status.

E. The Treasurer shall receive dues from the Secretary; maintain proper records of income and expenditures in an accounting form open for audit at any time; and maintain a Club account in an approved depository; make an annual and monthly report of his official transactions; and perform all other duties as properly pertain to his office.

F. The duties of the members shall be to attend all meetings; to conduct themselves in a proper and fitting manner; to uphold the dignity of the Club at meetings and on the flying field; to be

alert and mindful of the Club's interest; to exercise due caution and safety in flying; and to observe all Federal, State, Local, Club and FAA flying rules and regulations.

## SECTION V – GENERAL FINANCES

A. All property, including aircraft and accessories, etc. purchased by the Club, purchased jointly by Club members, or donated to the Club shall be owned outright in the name of the Club.

B. In the event of any damage to any equipment belonging to the Club except where provided elsewhere in the Club regulations the following specific rules shall apply;

1. If any accident is caused through violation of Federal Aviation Regulations or local regulations the member at fault shall be responsible for the uninsured portion of the damages.
2. In case of an incident or accident, ground or air, a meeting will be called by officers of the Club to decide on the cause in question. If required, a Board of Inquiry may be formed of active members, along with any legal or technical experts deemed necessary, to investigate accidents, to penalize one or more members of the Club for violation of good flying practices and the power of suspension and/or expulsion for unsafe operations.
3. Any member may be liable to the Club for any damage resulting from their own carelessness or negligence.
4. In those cases where the member is found not to be at fault by the club, the club shall be responsible for all un-insured expenses to club equipment.

C. No member of the Club shall be authorized to make purchases in the name of the Club except by order of the officers.

D. Any member of the Club finding it necessary to purchase fuel, oil, or parts or to have any repair work performed on the equipment of the Club, in any emergency or on a cross-country may do so in their own name and upon presentation of a properly receipted bill for such sales and/or services, such bill having been approved by the officers, shall be reimbursed.

E. Compensation to officers or members of the Club for any services rendered may be made in a reasonable amount commensurate with the duties performed as determined by the Club membership.

F. Any member who is in arrears of any money due the Club for any reason whatsoever at the regular monthly meeting and who fails to make full payment at that time shall be, in the discretion of the Club, suspended and be denied the use of all Club equipment and the Treasurer shall take immediate steps to restrain that member from such use. The suspension in this case shall be automatically renewed each thirty (30) days by the Club and after ninety (90) days in this suspended status, the member shall be declared by the Club as resigned and shall forfeit all

interest, rights, privileges and shares until such time as the Club provides for its disposal, in accordance with the procedures described in the Charter and then returned only after all debts to the Club have been deducted.

G. The club shall maintain a primary bank account for the purpose of day to day operations and a second, interest bearing account. All withdrawals from the primary account shall be signed by the Treasurer. When funds in the primary account exceed a level to be determined by the club, the treasurer shall transfer those excess funds into the second, interest bearing account. Withdrawals from the interest bearing account shall require the signatures of two officers.

#### SECTION VI – INITIATION FEES, DUES AND DEPOSITS

A. An initiation fee shall be charged each new REGULAR and/or ASSOCIATE member, the amount of which shall be determined by the Club membership.

B. Membership dues shall be charged each member as follows:

1. Regular members shall pay monthly dues, the amount of which shall be determined by the Club membership.
2. Associate members shall pay annual dues, the amount of which shall be determined by the Club membership.

C. A member may place on deposit in the Club treasury an amount that member expects to be obligated for in any month, quarter or year.

#### SECTION VII – FLYING RATES

A. No person shall pilot an aircraft belonging to the Club unless that person is a member in good standing, in accordance with Section II of these By-Laws.

B. Charges for flying time shall be determined by the Club based on actual cost of operations.

#### SECTION VIII – ASSESSMENTS

Upon the recommendation of the Treasurer, such recommendation being based on actual costs of operation of the Club, the Club will revise any fees, dues, flying rates, etc. The Club has the right to assess the membership when it finds itself in adverse financial situations.

#### SECTION IX – MISCELLANEOUS

Each member of the club shall have read and agreed in writing to observe and abide by all the provisions of the Constitution, By-Laws, Flying Regulations and Standard Operating Procedures of this Club and to acquaint himself as thoroughly as possible with the local field rules of any and all airports or any field where the Club equipment is based and with Federal Aviation

Regulations and to observe them to the best of his ability before being finally accepted to membership in this Club.

#### SECTION X – CHANGES AND AMENDMENTS

A. Changes in or amendments to these By-Laws shall be presented at one meeting for discussion and may be effected at a subsequent meeting with a seventy-five percent (75%) favorable vote of the members present at a regular or special meeting of the Club.

B. Any change or amendment to these By-Laws shall be attached hereto and signed by the President. All active members shall then receive a copy of same. Each member shall also receive a copy of the Constitution, By-Laws and Articles of Incorporation