

**J/105 Fleet One
2008 – 2009 Season Rules Proposal**

The Executive Committee has prepared a rewrite of Article 3 of our Fleet One Articles of Association for approval by the Fleet. The genesis of the rewrite was the recognition that, because of changes in the national Class Rules adopted over the past several years, our Fleet Rules and the Class Rules had gotten unintentionally out of sync. In addition to a number of non-substantive document organization and clean-up changes, the following summarizes the most significant of the substantive changes (marked in bold, below) introduced in the rewrite:

3.2.3 If a J/105 that is berthed or usually stored within 60 miles of San Francisco Bay competes in a Season Championship event, all of its Owners shall be Active Members of the Fleet.

Discussion: Under our existing Articles the Fleet had no way to force a locally-based J/105 that participates in our season championship events to join the Fleet. The proposed provision will remedy this.

- 3.3.2 A Qualified Substitute Driver of a yacht shall mean a Group 1 competitor (as determined by ISAF) who is either:
- (a) A member of the immediate family (child, parent, spouse, or sibling) of the yacht's Owner or
 - (b) A **“Long Term Shipmate” (as defined below) and friend of the yacht's primary Owner/Driver who, because of a legitimate extenuating circumstance that causes the yacht's primary Owner/Driver to be unavailable (e.g., an unavoidable and significant health, family or business commitment) is driving with the advance permission of the Executive Committee, whose permission shall be sought with reasonable advance notice.**

Discussion: The Class Rules provide for a qualifying Long Term Shipmate to drive any event for any reason, with no notification of competitors or local fleet officers required. The existing Fleet One rule provides that if the boat's primary driver is unable to drive a race for any reason, a qualified alternate driver can drive simply by notifying the Fleet Captain in advance of the race.

The Executive Committee believes that the J/105 Class is fundamentally an Owner/Driver class, and as such, a Long Term Shipmate should only be permitted to drive if an Owner has a legitimate extenuating circumstance that will prevent their participation in the event. Under the proposed rule, an Owner with such a circumstance will need to obtain the approval of the Executive Committee prior to the event.

- 3.4.3 A “Long Term Shipmate” of an Owner is an individual who:**
- (a) during the immediately preceding 12 months, sailed with the Owner on at least 6 race days (whether or not on a J/105), and**
 - (b) during the immediately preceding 24 months, sailed with the Owner on at least 18 race days and in 50% of all sailboat races in which the Owner competed (other than races sailed in dinghies).**

Discussion: This definition now conforms to that of the Class Rules. The participation test of our existing rule required simply “at least six races in the preceding 12 months on the boat.” Since this could conceivably be accomplished with only two race days, the Executive Committee believes that the Class Rule formulation is more appropriate.

- 3.11 In the case of a boat 100% owned by a naval or maritime academy or full time college or university that is eligible to compete in intercollegiate racing...**

(See below for full text of proposal)

Discussion: Class Rule 3.11, which allows participation in J/105 events by naval or maritime academies and full time college programs, was recently added. With this proposed rule change, Fleet One would adopt the same provision.

The full text of the revised section of the Articles is below, along with comments relating the new text to the existing Articles.

Article III. Membership and Crew Eligibility
(Replaces Class Rule 3 in its entirety)

- 3.1. An “Owner” is a person who (i) legally owns 100% of the yacht or (ii) is a Group 1 competitor (as determined by ISAF) who is at least a one-third partner in terms of financial investment in the purchase of the complete yacht and the cost of its operations.
- 3.1.1. Each Owner shall be an ‘active member’ or an ‘associate member’ of the J/105 Class Association (as defined in the Class Constitution, and for purposes of these Articles, a “J/105 Class Member”).
- 3.1.2. If a J/105 is owned by more than one Owner, the Owners shall prove ownership to the satisfaction of the Executive Committee by providing any related documents including, but not limited to, a DMV Title or Certificate of Documentation, a partnership agreement, a written and signed contract stating percentages of ownership and ongoing financial contribution.
- 3.2. Membership and dues.
- 3.2.1. An “Active Member” of the Fleet shall be an Owner who complies with the rules proscribed in these Fleet Articles and whose annual Fleet dues have been paid.
- 3.2.2. An “Associate Member” is a family member, crew or other individual supporting the Fleet with annual dues.
- 3.2.3. If a J/105 that is berthed or usually stored within 60 miles of San Francisco Bay competes in a Season Championship event, all of its Owners shall be Active Members of the Fleet. “Season Championship” events shall be those events indicated as such on the Fleet web site.
- 3.2.4. A proposal for the forthcoming year’s annual Fleet dues for each membership class shall be prepared by the Fleet Captain and Treasurer based on the projected Fleet expenses for the ensuing year. Such proposal shall be adopted by a majority vote of the Active Members.
- 3.2.5. In the event that there are two or more Owners of a boat, the annual dues for the first owner shall be as provided for above and for each subsequent owner the annual dues shall be \$25.

Comment [Excom1]: Same as existing Fleet Rule 3.3

Comment [Excom2]: This clarifies that the term “Active Member” which is used throughout our rules (for election and governance issues) refers to members of our fleet, not the national class.

Comment [Excom3]: The intent of this new language is to force local competitors to support the fleet.

3.3. The “Driver” of a J/105 is defined as the person who, excepting for momentary absence due to personal or shipboard needs, steers the yacht during the 5 minutes prior to and including the start, until the finish.

3.3.1. A Driver of a J/105 shall be:

- (a) An Active Member or an Associate Member, and
- (b) One of its Owners or a Qualified Substitute Driver (as defined below)

Comment [Excom4]: This provision was added to more closely parallel the Class Rules and to draw attention to the Fleet’s Associate Membership program. This provision now applies to a Substitute Driver, who needs to become an Associate Member (\$25 annual dues) of the Fleet.

3.3.2. A Qualified Substitute Driver of a yacht shall mean a Group 1 competitor (as determined by ISAF) who is either:

- (a) A member of the immediate family (child, parent, spouse, or sibling) of the yacht’s Owner or
- (b) A “Long Term Shipmate” (as defined below) and friend of the yacht’s primary Owner/Driver who, because of a legitimate extenuating circumstance that causes the yacht’s primary Owner/Driver to be unavailable (e.g., an unavoidable and significant health, family or business commitment), is driving with the advance permission of the Executive Committee, whose permission shall be sought with reasonable advanced notice.

Comment [Excom5]: These concepts are all expressed in existing Fleet Rule 3.4 and CR 3.4.

3.3.3. A “Long Term Shipmate” of an Owner is an individual who:

- (a) during the immediately preceding 12 months, sailed with the Owner on at least 6 race days (whether or not on a J/105), and
- (b) during the immediately preceding 24 months, sailed with the Owner on at least 18 race days and in 50% of all sailboat races in which the Owner competed (other than races sailed in dinghies).

Comment [Excom6]: The Class Rules define a Driver as an Owner or a Long Term Shipmate of an Owner. The ExComm believes this fundamentally to be an Owner/Driver class, and as such, Long Term Shipmates should only be permitted to drive if an Owner has an extenuating circumstance preventing their participation.

3.3.4. For races other than a one-design day race, or for one-design races greater than 25 nautical miles in length, crew members are permitted to helm the boat. The intent and spirit of this rule is that a Driver (as defined in this rule) shall be the principal driver and shall drive the boat the majority of the time.

Comment [Excom7]: This is the definition verbatim from CR 3.4.

3.4. For Season Championship events, crew members on a yacht shall not include any Group 2 competitor or any Group 3 competitor, except in the former case, with the permission of the Executive Committee, whose permission shall be sought with reasonable advanced notice. Notwithstanding the foregoing, representatives of J Boats may race on a temporary basis with new Owners in order to familiarize them with the boat.

Comment [Excom8]: This provision already exists in our Fleet Rule 3.4.3. It does not exist in the Class Rules.

Comment [Excom9]: No change from current Fleet Rule 3.5.

- 3.5. Unless otherwise specified in the applicable Notice of Race and/or Sailing Instructions, for one-design class races that are not Season Championship Events (e.g., “B” Season events, midwinter races, YRA events and other special races and regattas): (a) crew members on a yacht may include one Group 2 competitor or one Group 3 competitor and (b) the crew weight restrictions of the national Class Rules shall not apply.
- 3.6. No crew aboard may be compensated in any way or receive financial benefit for racing in a J/105 event under these Fleet Articles. However, a crew may occasionally accept reimbursement for reasonable out-of-pocket expenses of travel, living accommodations and meals necessary for participation in an event.
- 3.7. All sailing industry related persons who do not hold a valid, unexpired ISAF ruling that they are a Group 1 or a Group 2 competitor (which ruling is reflected on the ISAF website), shall be deemed to be a Group 3 competitor. Notwithstanding any ISAF ruling, the Executive Committee shall be the final authority in determining a competitor’s status within the spirit of the Class Rules and these Articles.
- 3.8. A person may charter a J/105 for one or more regattas, provided such person (the “Charterer”) is: (a) a J/105 Class Member and (b) otherwise an Owner of a J/105. In the case of a chartered J/105, all references in the Class Rules and these Fleet Articles to “Owner” shall be interpreted to refer to the Charterer and references to “100% Owner” shall be interpreted to refer to a Charterer only if he or she otherwise legally owns 100% of a J/105.
- 3.9. The Executive Committee shall be the sole interpreter of these definitions and their application.
- 3.10. Any Member may be suspended or removed by the Fleet by the Executive Committee for: (a) committing an unlawful act in relation to the Class or one of its Members; (b) any unsportsmanlike conduct contrary to the interest of the Members; or (c) intentional violation of the Class Rules or the rules proscribed in the Fleet Articles. A Member shall not be entitled to the return of any part of their membership dues in respect of any period for which he/she has been suspended or removed from membership.

Comment [Excom10]: No change in meaning from current Fleet Rule 3.6. Construction is specific to local events. Class rules have three levels of event, which is unnecessary for Fleet One.

Comment [Excom11]: CR 3.8 verbatim, formerly a part of Fleet Rule 3.6.

Comment [Excom12]: Same as CR 3.5

Comment [Excom13]: No change in meaning from existing Fleet Rule 3.8.

Comment [Excom14]: No change in meaning from our existing Fleet Rule 3.10

- 3.11. In the case of a boat 100% owned by a naval or maritime academy or full time college or university that is eligible to compete in intercollegiate racing under rule 11 of The Procedural Rules for Inter-Collegiate Competition (the "ISCA Rules") of the Inter-Collegiate Sailing Association of America (any academy, college or university that is so eligible is referred to as an "Academy"), the following shall apply:

Comment [Excom15]: Newly added to Fleet Rules to conform them to Class Rule 3.11

- 3.11.1. All crew members on an Academy boat, including the Driver, shall be full-time undergraduate students at that institution and must be eligible to compete in inter-collegiate racing and qualify under rule 12 of the ISCA Rules, except that (a) one crew member, other than the Driver, may be ineligible and not be a student, (b) the exception to ISCA Rule 12 contained in ISCA Rule 14(c) shall not apply and (c) in case of conflicts between these rules and the ISCA Rules, these rules shall govern.

The Driver shall be an Associate Member and shall be approved by the Executive Committee. The criteria for approval shall include lack of involvement with the sailing industry or coaching for pay and other criteria the Executive Committee deems relevant and that are consistent with the purposes of the Class Rules.

Notwithstanding ISCA Rule 12(f), all crew, including the Driver, shall be Group 1 competitors, except as provided for in Section 3.5 of these Articles. All crew shall hold valid ISAF rulings, which rulings are reflected on the ISAF website.

- 3.11.2. The Academy owning the boat shall be an Active Member of the Fleet, an active member of the J/105 Class Association and shall be considered the "Owner" of the boat for purposes of these class rules.
- 3.11.3. Rule 3.3.1 and the second sentence of Class Rule 7.1 shall not be applicable.