



**Orchid Isle**  
DOG AGILITY

## **ORCHID ISLE DOG AGILITY By-Laws**

### ARTICLE I

#### ORGANIZATION

1. The name of the organization shall be Orchid Isle Dog Agility.
2. The organization may at its pleasure by a vote of the membership body change its name.
3. The Club shall not be conducted or operated for profit and no part of any profits of remainder or residue from dues or donations to the Club shall inure to the benefit of any member or individual.
4. The Club will not assume responsibility for any loss, damage or injury to any person, animal and/or property. Members are encouraged to obtain personal liability insurance.

### ARTICLE II

The following are the purposes for which this organization has been organized: Through the sport of dog agility, 1) to promote fun and healthy recreational activity for dogs and their owners, 2) to promote responsible dog ownership and the development of working partnerships between dogs and their owners.

### ARTICLE III

#### MEMBERSHIP

Membership in this organization shall be open to all who agree to abide by the responsibilities of responsible dog ownership, and wish to support the sport of dog agility.

Membership categories and dues shall be determined by the Board of Directors and made public for interested participants.

Membership will be unrestricted to residence; however, the Club's primary purpose is to be representative of Hawaii County.

Each applicant for membership shall apply on a form as approved by the Board of Directors and which shall provide that the applicant agrees to abide by these by-laws and the Code of Conduct of the Club. The application shall state the name and address of the applicant and shall carry the endorsement of two Club members in good standing. Accompanying the application, the prospective member shall submit dues payment for the current year.

All applications are to be filed with the Secretary and each applicant's name is to be published to the membership before applicants are admitted to the club. Membership can be terminated by resignation upon written notice to the Secretary; but no member may resign when in debt to the Club. Dues obligations are considered a debt to the Club and they become incurred the first day of each fiscal year.

A membership will be considered as lapsed and automatically terminated if such members' dues remain unpaid 90 days after the first day of the fiscal year; however, the Board may grant an additional 90 days of grace to such delinquent members in meritorious cases. In no case may a person be entitled to vote at any Club meeting whose dues are unpaid as of the date of that meeting.

A membership may be terminated by expulsion for violating the Code of Conduct of the Club as provided in Article XII of these by-laws.

## ARTICLE IV

### MEETINGS

The Club's fiscal year shall run from the 1st day of January and end on the 31st day of December.

No less than one annual membership meeting of this organization shall be held at a time and place to be determined by the Board of Directors. Every member in good standing shall be notified, at least 10 (ten) days prior to the meeting, by way of contact information as it appears in the membership record, of the time and place of such meeting.

Officers and Directors shall serve for a term of two (2) years. The terms shall be designated as follows: President, Treasurer, and one or more Directors elected in odd-numbered years; Vice President, Secretary, and one or more Directors elected in even-numbered years. In the event that a Board member is unable to serve for the entire duration of his or her term, a special election may be held to fill the position for the remainder of the term.

Regular meetings of this organization shall be held at a site in Hawaii County, to be determined by the Board of Directors.

The presence of not less than 20% percent of the members shall constitute a quorum and shall be necessary to conduct the business of this organization.

Special meetings of this organization may be called by the President for the best interest of the organization. Notices of such meeting shall be mailed or emailed to all members at their addresses as they appear in the membership roll book at least ten

(10) days before the scheduled date set for such special meeting. Such notice shall state the reasons that such meeting has been called, the business to be transacted at such meeting and by whom it was called. At the request of 75% percent of the members of the Board of Directors or 75% percent of the members of the organization, the president shall cause a special meeting to be called but such request must be made in writing at least ten (10) days before the requested scheduled date.

No other business but that specified in the notice may be transacted at a special meeting without the unanimous consent of all present at such meeting.

## ARTICLE V VOTING

In preparation for the general election, the Board shall appoint three members to form an "Election Committee." One member of the Election Committee shall be a current Board member; two should be, if available, members not currently serving on the Board.

The function of the Election Committee is to:

- Identify members willing and able to accept nomination to office
- Nominate candidates for office at the general meeting
- Provide members with ballots for voting after nominations have been closed. Ballots may be distributed by hand, mail, or online.\*
- Receive ballots and count votes
- Certify and report the election results to the Board

\*Note: If the Committee uses online voting, paper ballots shall be available upon request for members who cannot or wish not to vote online. Online and paper-ballot voting shall be conducted and tallied in such a way that the voter's identity remains anonymous.

Nominations will be taken at the year-end Annual General Membership Meeting for all positions up for election. The president shall open each of those positions for nomination. Any member, including members of the Election Committee, may nominate another member in good standing for election to the position. Current Board Members may without limit be nominated to serve another term. All nominees who accept the nomination will be included on the ballot.

Ballots shall be sent by one of the above-mentioned methods within 3 days after the annual General Membership Meeting. Completed ballots must be received by the Election Committee within 14 days of the annual General Membership Meeting to be counted as part of the election process.

No person may be a candidate for more than one position.

Each member in good standing whose dues are paid for the current year shall be entitled to one vote at any meeting of the Club at which he is present. Proxy or absentee voting will be permitted at any club meeting or election at the discretion of the majority of the membership present and the Board.

## ARTICLE VI ORDER OF BUSINESS

1. Roll Call.
2. Reading of the Minutes of the preceding meeting.
3. Reports of Committees.
4. Reports of Officers. Old and Unfinished Business.
5. New Business.
6. Adjournments.

## ARTICLE VII BOARD OF DIRECTORS

The business of this organization shall be managed by a Board of Directors consisting of officers and board members at large of this organization. The majority of the directors elected shall be residents of the State of Hawaii and one must be a citizen of the United States.

The Board of Directors shall have the control and management of the affairs and business of this organization. Such Board of Directors shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the directors of such meeting.

A majority of the members of the Board of Directors shall constitute a quorum and the meetings of the Board of Directors shall be held quarterly on the Island of Hawaii at such date, place, and time as may be designated by the Board of Directors. Written notice of such meeting shall be sent via mail or email at least five days prior to the date of the meeting.

Each director shall have one vote and such voting may not be done by proxy; however, attendance at Board meetings via remote access is acceptable with the consent of all members of the Board.

The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary.

In-term vacancies in the Board of Directors shall be filled for the balance of the year by a majority vote of the remaining members of the Board, after which a special election may be held to fill the position for the remainder of the term.

The President of the organization by virtue of his office shall be Chairman of the Board of Directors.

A director may be removed when sufficient cause exists for such removal. The Board of Directors may entertain charges against any director. A director may be represented by counsel upon any removal hearing. The Board of Directors shall adopt such rules for this hearing as it may in its discretion consider necessary for the best interests of the organization.

## ARTICLE VIII

### OFFICERS

The officers of the organization shall be as follows:

\*President

\*Vice President

\*Secretary

\*Treasurer

\*Board Members at Large

- The President shall:
  - By virtue be Chairman of the Board of Directors
  - Preside at all membership meetings
  - Appoint all committees, temporary or permanent
  - See all books, reports and certificates required by law are properly kept or filed
  - Present at the annual membership meeting an annual report of the work of this organization
  - Have such powers as may be reasonably construed as belonging to the chief executive of any organization
  - Be one of the officers who may sign checks or drafts of this organization
- The Vice President shall:

In the absence or inability of the President become acting President of this Organization with all the rights, privileges and powers of the President  
Designates members to maintain club property  
Responsible for annual inventory report  
Be one of the officers who may sign checks or drafts of this organization

- The Secretary shall:  
Keep the minutes and records of this organization in appropriate books  
File any certificate required by any statute, federal or state  
Give and serve all notices to members of this organization  
Present to the membership at all meetings any communication addressed to as Secretary of the organization  
Submit to the Board of Directors any communications which shall be addressed as Secretary of the organization  
Attend to all correspondence of the organization  
Exercise all duties incident to the office of Secretary  
Be one of the officers who may sign checks or drafts of this organization
- The Treasurer shall:  
Have sole responsibility and custody of all money or securities belonging to this organization  
Monies to be deposited in a regular business bank or trust company a sum not exceeding \$10,000.00 and the balance of the funds be deposited in a savings bank except that the Board of Directors may cause such funds to be invested in such investments as shall be legal for a non-profit corporation in this state  
Render a written account of the finances to the Board of Directors  
And such report shall be physically affixed to the minutes  
Exercise all duties incident to the office of Treasurer

No officer shall for reason of her office be entitled to receive any salary or compensation, but nothing herein shall be construed to prevent an officer or director for receiving any compensation from the organization for duties other than as a director or officer.

## ARTICLE IX SALARIES

The Board of Directors shall hire and fix the compensation of any and all employees which they in their discretion may determine to be necessary for the conduct of the business of the organization.

ARTICLE X  
COMMITTEES

All committees of this organization shall be appointed by the President and their term of office shall be for a period of one year or less if sooner terminated by the action of the Board of Directors.

Committees advance the work of the Club in such matters as agility training and trials.

ARTICLE XI  
DUES

The dues of this organization shall be paid yearly in accordance with the schedule of fees which shall be reviewed yearly by the Board. No member may vote whose dues are not paid for the current year.

ARTICLE XII  
DISCIPLINE

CODE OF CONDUCT:

The goals and purposes for which the Orchid Isle Dog Agility Club has been organized are: Through the sport of dog agility, 1) to promote fun and healthy recreational activity for dogs and their owners, 2) to promote responsible dog ownership and the development of working partnerships between dogs and their owners.

To meet these goals it is essential for self-governance that the Club have a well-defined Code of Conduct for its members and their dogs.

In the interest of safety for its members, their dogs, and others, the Club must take incidents of dog aggression very seriously. However, the Club is willing to assist members in overcoming minor aggression problems their dogs may have, providing that the safety and interests of other Club members and their dogs are not put in jeopardy as a result. Club members shall at all times be courteous and will conduct themselves in a manner that will not bring discredit to the Club of the dog sport of Agility. It is also expected that Club members' dogs will behave appropriately and not demonstrate undue aggression at any time.

The Club defines undue aggression as an unprovoked attack on another dog, animal or human, involving physical contact, whether injury occurs or not. Barking, growling, baring of teeth or lunging are undesirable and should be strongly discouraged, but are not considered undue aggression for the purposes of this Code.

## DEFINITION OF MISCONDUCT: CLUB MEMBERS

Misconduct shall include, but not be limited to, abusive and foul language; hostility to fellow club members, competitors, visiting judges, sponsors, hosts or spectators of agility events. Misconduct also includes inhumane treatment of a dog; demonstration of poor sportsmanship; and any other behavior that may result in an unfavorable opinion of the Club or the sport of Dog Agility.

## DEFINITION OF MISCONDUCT: DOGS

Misconduct includes acts of aggression toward another dog, handler, participant or spectator in any Dog Agility event.

## INCIDENTS OF PERCEIVED MISCONDUCT

Any person may allege misconduct of a person and/or dog to any Member of the Board. The complaint may be formal or informal. If informal, the Board Member may resolve a minor complaint by warning the defendant, if appropriate. If complainant or the Board Member believe an informal warning may not be sufficient, the incident will be investigated as a formal complaint.

Should the incident require immediate action, a Board Member may impose an immediate temporary suspension of the person and/or dog from the club event.

In all cases, the Board Member shall report the incident as soon as possible to the club president. If a temporary suspension was imposed, the President may stay or modify the suspension or leave it in place pending further action.

If the complaint is formal, the President shall appoint one or more persons to conduct an investigation of the alleged misconduct. An investigation report shall be prepared, in writing, and should include relevant photographs and statements from the complainant, defendant, and witnesses. The report shall be given to the President in a timely manner.

The President will review the report and, by a preponderance of the evidence, make a "preliminary finding" that the alleged misconduct is:

- Sustained- Misconduct occurred and the named person and/or dog committed the misconduct.
- Not-sustained- There is insufficient evidence that misconduct occurred
- Unfounded- The alleged incident did not occur or it occurred but was not misconduct



If the complaint is sustained, the President shall decide on a “proposed discipline” which may be:

- Expulsion- The person and/or dog is permanently prohibited from attending club event(s).
- Suspension- For a specified period of time or until specified conditions are met, the person and/or dog is prohibited from attending club event(s)
- Reprimand
- Training or warning

A letter describing the alleged misconduct with the preliminary finding and any proposed discipline shall be sent to the defendant and complainant. The letter will explain that if either party requests within 15 days, the complaint shall be referred to the Board of Directors for a hearing. If the request is not received, the preliminary finding will be final and any proposed discipline imposed.

If a hearing is requested within the 15 days, the President shall schedule a hearing as soon as convenient before not less than 3/4 of the Board of Directors. There, the Board shall review all documents and evidence and may hear testimony and ask questions they deem appropriate and relevant. After the hearing, the majority of the Board, by a preponderance of the evidence, shall make a finding as to the misconduct and, if sustained, impose discipline the Board majority feels appropriate. The Board’s decision shall be final.

All documents and reports shall be retained by the Secretary for at least 3 years.

## ARTICLE XIII

### AMENDMENTS

These By-Laws may be altered, amended, repealed or added to by an affirmative vote of not less than 60% percent of the members.

Amended date December, 2022