

EAST KOOTENAY MINOR HOCKEY ASSOCIATION CONSTITUTION AND BYLAWS

CONSTITUTION

(Revised: May 14, 2018)

ARTICLE 1 - NAME

The name of the Society is the "East Kootenay Minor Hockey Association".

ARTICLE 2 - PURPOSES

The purposes of the Society are:

- a) To foster and encourage the sport of amateur hockey, to develop healthy, good citizens as well as to develop an atmosphere which will stimulate and encourage players in Minor Hockey in the East Kootenay Zone.
- b) To promote and encourage the formation of male and female leagues within the East Kootenay Zone.
- c) To maintain a uniform set of playing rules, as laid down by the Canadian Amateur Hockey Association(Hockey Canada) and amendments covered by the British Columbia Amateur Hockey Association. (BC Hockey)

ARTICLE 3

The operation of the Society will be chiefly carried on in the City of Cranbrook in the Province of British Columbia.

ARTICLE 4

The Society shall be carried on without purpose of gain for its members and any profits or other accretions to the Society shall be used for promoting its purposes.

Article 5

This Society shall be affiliated with the British Columbia Amateur Hockey Association (BC Hockey). This Society shall observe all laws, rules and regulations by which BC Hockey is governed.

ARTICLE 6 Dissolution

In the event of winding up or dissolution of the Society, any funds of the Society remaining after the satisfaction of its debts and liabilities shall be given or transferred to such organization concerned with social problems or organization promoting the same purpose of this Society, as may be determined by the Members of the Society at the time of winding up or dissolution, and if effect cannot be given to the aforesaid provisions, the such funds shall be given or transferred to some other organization; provided that such organization referred to in this paragraph shall be a charitable organization, a charitable corporation, or a charitable trust recognized by the Canadian Revenue Agency from time to time in effect.

BYLAWS

(Revised: June 23, 2021)

BYLAW 1-INTERPRETATIONS

In these By-Laws, unless the context otherwise requires:

- a) “Officers” mean the officers of the Society.
- b) “Directors” means the Minor Hockey Associations Presidents or their representatives.
- c) “Society Act” means the Society Act of the Province of British Columbia from time to time in force and all amendments to it.
- d) “BC Hockey” refers to the British Columbia Amateur Hockey Association.
- e) “HC” refers to Hockey Canada.
- f) “MHA” refers to Minor hockey Association.

Words importing a male person include a female person and vice versa.

In these By-Laws, wherever submission of a notice, declaration, or other formal communication is required, such notice, declaration or communication may be transmitted by mail, email or facsimile.

BYLAW 2- MEMBERSHIP

1. Terms under which a person may be admitted to the Society:

- a) The Society’s membership shall be composed of all MHA in the East Kootenay Zone and by persons currently serving as Officers of the society. Any Minor Hockey Association in the East Kootenay Zone may apply for membership in the East Kootenay Minor Hockey Association, provided that the applicant is registered with BC Hockey.
- b) Membership shall be decided only at the Annual General Meeting by a simple majority vote by member associations in attendance.

- c) Application for membership shall be made in writing and directed to the Secretary at least two weeks prior to the Annual General Meeting.
- d) The initial registration fee to the East Kootenay Minor Hockey Association will be Ten Dollars (\$10.00) and must accompany the application for membership. The \$10.00 fee is to be refunded if the application is rejected.
- e) The Board of Directors shall determine the day in each year when the membership fee from each member shall be paid.

2. Rights of Members:

The subscriber to this Constitution and these By-laws shall have the same rights as any other member.

3. Duties of Members:

It is the duty of each member, in order to remain in good standing in the Society, to comply with the By-laws of the Society and pay, when due, the membership fee for the current year.

BYLAW 3- TERMINATION OF MEMBERSHIP

1. Conditions Under Which Membership in the Society Ceases:

- a) Any member who desires to withdraw from membership in the Society may notify the Board of Directors in writing to that effect and on receipt by the Board of Directors of such notice; the member shall cease to be a member.
- b) A member shall cease to be a member if he, she or it fails to pay the annual membership fee on the due date.
- c) A member, group member and/or its delegate may be expelled from the Society by a special resolution of the members passed at the Annual General Meeting or Special Meeting called for that purpose.
- d) A member may be suspended or expelled for willful violation of the Constitution, By-laws or for any serious breach of the Regulations or Policies.
- e) Where a member is suspended or expelled, the member shall forfeit all rights and privileges as a member of this Society until such time as the said member is reinstated as a member in good standing.
- f) The member who is the subject of the proposed resolution for expulsion shall be given an opportunity to be heard at the Annual General or Special Meeting before the resolution is put to a vote. The vote shall be by ballot.

BYLAW 4- MEETINGS OF MEMBERSHIP

1. Month of the Annual General Meeting:

The Annual General Meeting shall be held no later than May 30 of each year at a place within the boundaries of the East Kootenay Minor Hockey association within the Province of British Columbia and on a day to be fixed by the Board of Directors.

2. Notice for Annual, General and Special Meetings:

Every notice of an Annual, General or Special Meeting of the society shall state the nature of the business of the meeting and such notice shall be given to every member no less than fourteen days before such Annual, General or Special Meeting.

3. The Manner in which Notice is to be Given:

a) Notice of any Annual, General or Special Meeting shall be given to every member, either by email, facsimile, or regular mail. The non-receipt of a notice by any of the members entitled to receive notice does not invalidate proceedings at the meeting.

b) The Board of Directors, or any two members of the Board of Directors, or ten percent (10%) of the membership, but in no cases less than two members of the Society may call a Special Meeting of the Society for any purpose.

c) Any persons calling for a special meeting of the membership of the Society shall be responsible for the administration and preparation of the meeting.

d) The rules of procedure at an Annual, General or Special Meeting shall be determined by the Board of Directors, or if any member objects, the Roberts' Rules of Order shall apply.

4. Quorum for Annual, General and Special Meetings:

A quorum for the transaction of business at any Annual, General or Special Meeting of the Society shall be fifty percent (50%) of the membership as they appear on the membership rolls, but never less than three members.

5. Voting Rights of Members:

a) Only individual members of the Society can vote at any meeting of the members of the Society.

b) Each member of the Society shall be entitled to one vote.

c) The local association shall designate the individual carrying the vote.

- d) The President of the East Kootenay Minor Hockey Association shall vote only as a deciding vote.
- e) At all meetings of the Society, voting shall be by show of hands, unless the meeting decided upon a ballot.
- f) Decisions shall be by the majority of the votes cast.
- g) There will be no proxy votes allowed.

BYLAW-5 - DIRECTORS AND OFFICERS

1. Directors:

The first Directors of the Society shall be the subscribers to this Constitution and these By-laws. These Directors shall all retire at the first Annual General Meeting. Thereafter, the number of Directors shall be determined at the first Annual General Meeting, but in no event shall the number of positions on The Board of Directors be less than four in number.

2. Appointment of Directors:

- a) The Directors of the Society shall be appointed by each member of the Society effective September 1 of each year, and shall hold office until the next Annual General Meeting.
- b) Meetings of the Directors may be called by the President, or by two or more members.

3. Duties and Powers of the Directors:

The management and the administration of the affairs of the Society shall be vested in the Directors. In addition to the powers and authority given by the By-laws or otherwise expressly confirmed upon them, the Directors may exercise all such powers of the Society and do all such acts on its behalf as are not by the Societies Act or any of these By-laws required to be exercised or done by the Society at an Annual General Meeting or Special Meeting and the Directors shall have full power to make such rules and regulations as they deem necessary, provided that such rules and regulations are not inconsistent with the Constitution of the Society and these By-laws.

4. Directors' Meetings:

- a) The Directors shall determine their own procedure and quorum.
- b) A resolution in writing signed by all the Directors personally shall be valid and effectual as if it has been passed at a meeting of the Directors duly called and constituted.

5. Directors' Remuneration:

No Director shall receive remuneration from the Society for his or her duties unless such remuneration is approved by a majority vote of the members at a meeting of the members of the Society.

6. Removal of Directors:

- a) Directors shall cease to hold office upon their ceasing to be members of the Society.
- b) Five percent (5%) of the members, but in no case less than two members, can require the Directors to call a Special Meeting of the members of the Society for the purpose of removing any member of the Board of Directors and/or substituting a new member in that position.

7. Officers of the Society:

The Officers of the Society shall consist of the President, Vice- President, Secretary/Treasurer, plus other such officers as may be determined at a meeting of the members of the Society. The position of secretary/treasurer will be considered one position unless voted upon at the Annual General Meeting to separate them into two (2) positions.

8. Election of Officers:

The Officers of the Society shall be elected by the Directors from among the Directors at the Annual General Meeting of the Society. Members in good standing with their MHA but who are not Directors of the EKMHA may be nominated for positions as officers if they are in attendance at the EKMHA Annual General Meeting. Vacant officer positions may be filled at a regular monthly meeting if the nominated individual is present and receives a majority of votes from the Directors.

9. Duties and Powers of the Officers:

- a) **The President** shall be the Chief Officer of the Society. The President shall preside at all meetings. He (she) shall see that the general policy and purposes of the Society are carried out and generally supervise the business of the Society. The President shall be the Society's official delegate to the BC Hockey Annual General Meeting and will be the BC Hockey Minor Committee Member. The President shall have the power to suspend, fine and/or take other disciplinary action against a player, team official, team, league, association or official of a team, league or association found to have: displayed unsportsmanlike conduct, behaviour which could bring harm to others, bring discredit to the Society or to the game of hockey both on and off the ice; failure to comply with the Constitution, Bylaws, Rules and Regulations of EKMHA, BCH and HC.
- b) **The Vice-President** shall generally assist the President and shall, in the event of the absence or disability of the President, perform his duties and business of the Society. The Vice-President shall also chair the appeals committee, chair the East Kootenay Zone Committee (if appointed by

the East Kootenay Board), and act as an alternate for the President on the BC Hockey Minor Committee.

c) The Secretary shall:

- 1) conduct the correspondence of the Society
- 2) issue notices of all meetings
- 3) keep minutes of all meetings
- 4) have custody of all records and documents of the Society except those required to be kept by the treasurer
- 5) administer the exhibition, tournament, and league game schedules in the Hi Sports E-Games System

d) Treasurer shall:

- 1) keep such financial records, including books of account, as are necessary to comply with the Society Act
- 2) render financial statements to the directors, members and others when required
- 3) pay all accounts by cheques, which have been signed by the Treasurer and the President or designate

e) The other officers of the Society, if any, shall perform such duties as is determined by the membership. The Directors can delegate duties and powers to the other officers of the Society that are not inconsistent with any resolution passed by the membership, or inconsistent with these Bylaws or the Societies Act.

10. Officers' Remuneration

No officer shall be remunerated for being or acting as an Officer but an Officer shall be reimbursed for all expenses necessarily and reasonably incurred by him or her while engaged in the affairs of the Society. The expenses of the Society's Executive members on District business as approved by the President shall be borne by the Society on the following basis:

- a) If travelling by car, mileage will be \$.35 per kilometer
- b) If travelling by air is necessary, the most economical airfare plus transportation to and from the airport will be paid.
- c) When staying in hotels, payment will be paid for the actual room costs plus \$35.00 per day for meals, or by receipt, whichever is the lesser.

11. Removal of Officers:

Officers of the Society may be removed as Officers by a majority vote of the directors. Officers so removed shall remain members of the Board of Directors.

BYLAW 6- BORROWING POWERS

1. The Society, Directors and Officers shall have the power to borrow or raise or secure the payment of money in such manner as the Society shall think fit and without limiting the foregoing, the Society may issue debentures or debenture stock, perpetual or otherwise, charged upon all or any of the Society's present or future property, and to purchase, redeem or pay off any such security; provided that debentures shall not be issued without the authority of a special resolution of the Society. These borrowing powers are subject to the Society Act of British Columbia.

BYLAW 7- AUDITS OF THE ACCOUNTS OF THE SOCIETY

1. The Directors shall present before the members of the Society at the Annual General Meeting a Financial Statement showing the income and expenditure, assets and liabilities, of the Society during the preceding fiscal year; the said Financial Statement shall be signed by two or more members of the Directors.

BYLAW 8- THE SEAL

1. Custody of the Seal:

The seal of the Society shall be kept in the custody of the Secretary/Treasurer of the Society.

2. Affixing the Seal:

The seal of the Society shall not be affixed to any document or instrument unless authorized by the Directors and then only by and in the presence of such officers as the Directors may authorize and such persons as shall be authorized to affix the seal of the Society and shall sign every instrument to which the seal is affixed in their presence.

BYLAW 9- MAINTENANCE OF MINUTES AND OTHER BOOKS AND RECORDS

1. The Directors shall see that the minutes of members' meetings and minutes of Directors' meetings, and all other necessary books and records of the Society required by the Bylaws of the Society or by any applicable statute or law are regularly and properly kept.

2. Minutes of regular monthly meetings will be sent to each member of the Society prior to the next regular meeting.

BYLAW 10- INSPECTION OF RECORDS OF THE SOCIETY

1. The books and records of the Society shall be open to the inspection by the members at all reasonable times.

BYLAW 11- ALTERING THE CONSTITUTION and BYLAWS

1. The Constitution and Bylaws of the Society may only be amended at the Annual General Meeting of the Society.
2. Notice to amend the Constitution or any Bylaw or to introduce a new one shall be given in writing at a meeting of the Society previous to the meeting or circulated to the members no less than fourteen days in advance of the meeting at which it is intended to be considered.
3. Any resolution or motion except a special resolution shall be deemed passed, if a majority vote of members present vote in favour of such resolution or motion.

BYLAW 12- BRANCH SOCIETIES

31. At any Annual General Meeting or Special Meeting the members may by resolution set up a branch office consistent with the requirements of the Societies Act.

BYLAW 13 -APPEALS COMMITTEE and PROCEDURES

- 1) The Appeals Committee shall consist of the Vice President and two (2) other appeal panel members as chosen by the Vice President, who reside within the boundaries of the EKMHA. The Appeal committee shall be struck when an appeal is received by the EKMHA.
- 2) The duties of the Appeal Committee shall be to hear appeals of decisions made by the President of the Society, or of decisions made by a member of the Society.
- 3) The appeal Committee may uphold or modify any decisions made by a member of the Society.
- 4) Any MHA, league, team, player, off-ice official or any member of a MHA may appeal any decision of the Society's President or a decision made by a member of the Society.
- 5) Any appeal may be made of any decision that is contrary to the Constitution, By-laws, or Policies of the Society.
- 6) Any individual wishing to appeal a decision made by a MHA, league or team, must:
 - a) First appeal to the MHA and exhaust all levels of appeal as specified in the By-laws or Regulations or Policies of the MHA
 - b) If dissatisfied with the final appeal decision of the MHA in question, may then appeal the decision to the Society.
 - c) Upon receipt of an appeal, the President of the Society shall immediately notify the MHA, league or team in question of the appeal in writing. And the Appeal Committee shall be struck.

- d) Appeal the decision of the MHA, league, or team in question within fourteen (14) days of the original decision being made.
 - e) Appeal the decision in writing, outlining all particulars pertaining to the case.
 - f) Send a certified cheque or cash payment in the amount of two hundred and fifty dollars (\$250.00) payable to the EKMHA.
- 7) The Appeal Committee will review a decision or hear an appeal only under one or more of the following conditions:
- a) New evidence not used in the original hearing can be presented which may have an effect on the decision;
 - b) On Grounds that irregularities in the proceedings of the original may have caused an unjust decision;
 - c) On grounds that the decision of the original hearing was too severe;
 - d) On grounds that there is proof to establish that the decision of the original hearing was reached in an unjust manner.
- 8) The appeal shall be dealt with by the Appeal Committee within fourteen (14) days of its receipt, unless a mutual agreement is reached by both parties to extend the time. If the appellant has requested a personal appearance, the appeal shall be dealt with at the next scheduled monthly meeting. The decision of the Appeal Committee will be communicated to all parties within two (2) business days of the appeal hearing.
- 9) If the Appeal is dismissed or the decision is modified, the two hundred and fifty dollars (\$250.00) shall be retained by the Society. If the Appeal is upheld then the two hundred and fifty dollars (\$250.00) shall be returned to the appellant.
- 10) When an appeal hearing is granted all pertinent information supplied by both sides shall be made available, upon request, to all parties.
- 11) When an appeal is filed there is no stay of any suspension imposed that is the subject of appeal.
- 12) Any member who fails to exhaust the appeal procedures provided herein prior to resorting to external legal remedies shall be subject to a suspension at the discretion of the majority of the Officers of the Society.
- 13) A member may appeal the Appeal Committee decision to BC Hockey subject to BC Hockey By-law 8.
- 14) Decisions made under the Minimum Suspension Guidelines supplied by BC Hockey will not be considered for appeal.

BYLAW 14 - BOUNDARIES

- 1) The EKMHA Boundaries are set out in Appendix 1
- 2) The Boundaries of each MHA within the EKMHA are set out in Appendix 2

3) The map of each MHA is set out in Appendix 3