



KERN COUNTY HOCKEY CLUB BYLAWS

A California Nonprofit Corporation

Adopted summer, 1997

First Amendment April, 1999

Second Amendment May, 2003

Kern County Hockey Club
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Bakersfield, Ca 93398-0873

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KERN COUNTY HOCKEY CLUB BYLAWS

ARTICLE I - NAME

Section 1.01. Name. The name of this corporation shall be the Kern County Hockey Club (KCHC), referred to herein as "the Club." The official team name of all teams playing for the Club shall be the "Bakersfield Dragons". .

ARTICLE II - OFFICES

Section 2.01. Principal Office. The principal place of business of the Club shall be within Kern County, California and it shall be reported to the Secretary of the State of California through the filing of an annual Statement of Domestic Nonprofit Corporation [California Secretary of State Form *SIO* 100].

Section 2.02. Annual Filings. A copy of the annual Statement of Domestic Nonprofit Corporation shall be mailed to the Secretary of the California Amateur Hockey Association and to the USA Hockey Registrar for California each year at the same time it is filed with the California Secretary of State.

ARTICLE III- PURPOSES & PHILOSOPHY

Section 3.01. Purposes. The purposes of the Club shall be as follows:

- a. To provide recreational, athletic and educational opportunities for youth under 18 years of age to learn the skills and to play the game of ice hockey, consistent with the principles established by USA Hockey, the National Governing Body for the sport of ice hockey under the Amateur Sports Act of 1986, and the California Amateur Hockey Association, designated affiliate of USA Hockey, as amended;
- b. To create, implement, modify, and end ice hockey programs under policies, principles, rules and regulations established by USA Hockey, the California Amateur Hockey Association, the Southern California Amateur Hockey Associations, and such league or other cooperative ice hockey venture to which the Club may choose to belong;
- c. To encourage and foster participation in the sport of ice hockey at all levels of age and ability;
- d. To develop character and sportsmanship among all players for the betterment of their physical and social well-being;
- e. To operate the Club consistent with the purposes of a public benefit, nonprofit corporation organized under Internal Revenue Code Section 501 (c)(3) and the non-profit corporation laws of the State of California; and
- f. To remain non-profit, nonsectarian and nonpartisan. The Club does not contemplate pecuniary gain or profit to any member and is organized solely for nonprofit purposes. No substantial part of the activities of the Club shall be devoted to carrying on propaganda or otherwise attempting to influence legislation or to become involved in any political activities. No part of any net earnings or assets of the Club shall inure to the benefit of any member or any other individual.

Section 3.02. Philosophy. The philosophy of the Kern County Hockey club is derived from the USA Hockey's "PHILOSOPHY" as set forth in the USA Hockey Annual Guide. As such, the Club subscribes completely to USA Hockey's:.

- a. "Code of Conduct" for Administrators, On-Ice Officials, Coaches, Parents, Players and Spectators. (Enclosure1).
- b. Athlete Bill of Rights (Enclosure 2).
- c. Zero Tolerance Policy (Enclosure 3).
- d. Sexual Abuse Policy (Enclosure 4).
- e. Screening Policy (Enclosure 5).
- f. Physical Abuse Policy (Enclosure 6).

ARTICLE IV - OTHER ORGANIZATIONS

Section 4.01. USA Hockey Preeminence. The Club shall abide by and act in accord with the Articles of Incorporation, Bylaws, Rules and Regulations, Playing Rules and decisions of the Board of Directors of USA Hockey, and such documents and decisions shall take precedence over and supersede all similar governing documents and/or decisions of the Club. The Club shall assist USA Hockey in the administration and enforcement of the provisions of the Bylaws, Rules and Regulations, Playing Rules and decisions of the Board of Directors of USA Hockey, within and upon its Members and within its jurisdiction, and agrees to be guided by the core values of USA Hockey as set forth in the Affiliate Agreement with USA Hockey. Nothing contained herein, however, shall be construed to delegate the duties or responsibilities of the Club's Directors or Officers to USA Hockey, its officers, directors, agents or employees, nor shall this provision be construed to prevent the Club from implementing rules, policies or procedures which may be more stringent than those of USA Hockey, provided that such rules, policies and procedures do not conflict with those of USA Hockey.

Section 4.02. California Amateur Hockey Association (CAHA) Preeminence. In the event of any conflict of these Bylaws with the bylaws of CAHA, the bylaws of CAHA shall take precedence.

Section 4.03. Southern California Amateur Hockey Association (SCAHA) Preeminence. In the event of any conflict of these Bylaws with the bylaws of SCAHA, the bylaws of SCAHA shall take precedence, unless membership in SCAHA is terminated by either party.

Section 4.04. Indemnification. The Club shall indemnify and hold harmless each of USA Hockey, CAHA, and SCAHA, and their respective Boards of Directors and each member thereof, their respective Executive Committees and each member thereof, their respective councils and committees and each member thereof, and all other elected, appointed, employed or volunteer representatives of any of USA Hockey, CAHA, or SCAHA from any and all claims, liability, judgments, costs, attorney's fees, charges and expenses whatsoever arising from the acts and omissions of any or all of USA Hockey, CAHA or SCAHA, except to the extent (i) that USA Hockey, CAHA or SCAHA or the aforementioned representatives of any of them caused such claims, liability, judgments, costs, attorney's fees, charges or expenses by intentional neglect or default, or (ii) that such acts or omissions were the direct result of compliance with the Articles of Incorporation, Bylaws, Rules and Regulations, Playing Rules or decisions of the Board of Directors of any or all of USA Hockey, CAHA or SCAHA.

ARTICLE V – MEMBERSHIPS

Section 5.01. Classes of Memberships. There shall be two classifications of membership, Regular and Associate, who shall together constitute and be designated as the General Membership of the Club.

Section 5.02. Regular Membership. A Regular Membership shall be held by each family who is in good standing and who has one or more children participating in the Club's program. Each family shall be entitled to only one (1) vote regardless of the number of children active in the program. All Regular members, as a condition of membership in good standing, shall be required to be members in good standing of SCAHA.

Section 5.03. Associate Membership. An Associate Membership may be granted by the Board of Directors to any individual who provides services to the Club's program as that program is annually established by the Board of Directors. The term of an Associate Membership shall be for no longer than one (1) year and shall be reconsidered each year at the annual membership meeting.

Section 5.04. Voting Power. Regular and Associate Members shall have an equal vote and right to participate in the affairs of the Club. Each Regular and Associate member shall be entitled to one (1) vote on matters brought before the general membership at the annual membership meeting, or at such other meeting specifically referred to herein. Each member shall be notified no less than fifteen (15) days in advance of such meeting.

Section 5.05. Proxy Voting. Proxy voting shall not be permitted by the general membership.

Section 5.06. Cumulative Voting. Cumulative voting shall not be permitted.

Section 5.07. Obligations of Membership. As a condition of membership, each member shall acknowledge receipt of and be in agreement with these Bylaws and the "Rules and Regulations of the Kern County Hockey Club - A Player Parent Handbook", otherwise known as Rules of the Club (Rules). Each member and their respective player shall return a signed copy of the Rules to be kept by the Club's secretary. Such Rules shall be considered to be part of these Bylaws as Appendix "N".

Section 5.08. Rights and Duties of Members.

- a. Unless the Club provides a reasonable *alternative*, a Regular or Associate Member may inspect and copy the record of the names and addresses of the general membership, at a reasonable time, on five (5) days written notice to the Secretary of the Club stating the purposes for which the inspection and copying is requested. The corporation may petition the Superior Court to set aside such a demand under procedures set forth in Corporations Code 6331 or to limit the inspection rights under 6332.
- b. Regular and Associate Members shall on written demand and tender of a reasonable charge be entitled to receive from the Secretary of the Corporation a list of the names and addresses of members entitled to vote for election of Directors. The demand shall state the purpose of the request and the list shall be made available no later than ten (10) business days after receipt of the demand.
- c. All complaints and grievances by members shall be disposed of fairly and equitably in accordance with procedures approved by the Board of Directors. Such procedures shall specifically provide a member with a method of appealing any decision to the Board of Directors or a committee thereof.
- d. Any Regular Member is subject to suspension and/or termination by the Executive Committee for any act hazardous to the safety of any player, official or spectator, or for any act of gross misconduct reflecting unfavorably on the Club. The suspended member

may appeal his suspension by written notice to the Board of Directors. The Member, or his designated representative, shall be present at the meeting of the Board to present his appeal. The decision of the Board shall be final.

ARTICLE VI - FEES & DUES

Section 6.01. Annual Fees. An annual fee shall be paid per player for miscellaneous expenses of the Club. The annual fee shall be determined by the Board of Directors. There shall be no annual fee charge to or paid by an Associate Member unless such member also holds Regular membership.

Section 6.02. Seasonal Fees. Seasonal fees will be assessed by the Club per player for the rental of practice and game ice, and the officiating of games.

Section 6.03. Manner of Payment. The manner and method of payment of the annual and seasonal fees shall be established by the Board of Directors.

Section 6.04. Assessments. The Board of Directors may, in its discretion, assess such additional fees as may be necessary, prudent and proper for the operation of the affairs of the Club.

Section 6.05. Delinquent Fees. Fees shall be payable by the first of each month and shall be delinquent if not paid by the 10th of each month. Members whose dues are delinquent, may, at the discretion of the Board of Directors, be suspended from membership. In the event of such suspension from membership, all of the children of such members shall be refused participation in the programs of the Club. The Board of Directors at its regular scheduled meetings shall review all such suspensions from membership.

Section 6.06. Financial Agreement. All Members shall submit an executed financial agreement with their letter of intent and deposit.

ARTICLE VII - DIRECTORS

Section 7.01. Officers as Directors. Each Officer elected, or appointed by the Board of Directors, shall be a Director of the Club, and shall be entitled to one (1) vote on matters brought before the Board.

Section 7.02. Team Directors. In addition to those Officers elected to the Board of Directors, each team participating in the Club's program shall be represented by one Director on the Club's Board of Directors who shall be nominated by the team and approved by the executive committee. The team coach or assistant coach shall not serve on the Club's Board of Directors. Each such designated Director shall be entitled to one (1) vote on matters brought before the Board. If the team representative named as a Director is unable to attend a Board of Directors meeting, written proxy voting shall be accepted. If a Director as described in this section 7.02 is also a Officer of the Club and there is no other representative present from a team at a Board meeting as described in Section 7.02, then that Director shall have only one vote.

Section 7.03. Number of Directors. The number of Directors shall be the total of those Directors elected by the General Membership appointed by the Board, and designated by the constituent teams of the Club. In no event shall the number be less than five (5) nor more than nine (9). A definite number may be fixed by a duly adopted amendment to this Bylaw duly adopted by the vote or written consent of a majority of the General Membership entitled to vote; provided, however, that an amendment reducing the minimum number of directors to a number less than five (5) cannot be adopted if the votes cast against its adoption at a meeting, or the shares not consenting in the case of an action by written consent, are equal to more than sixteen and two thirds percent (162/3%) of the outstanding shares entitled to vote thereon. No reduction of the ,authorized number of directors shall have the effect of removing any director before that Director's term of office expires.

Section 7.04. Term of Office. The term of office for Directors described in Section 7.02 shall be until their successors have been duly appointed, normally from -June to May. :

Section 7.05. Advisory Directors. The President of the Club may, from time-to-time, assign and appoint committee chairpersons for management of those committees that the Board of Directors deems necessary to transact and facilitate the business and/or activities of the Club. These chairpersons may serve on the Board of Directors but shall not be entitled to vote on any matter coming before the Board.

Section 7.06. Meetings of the Board. The Board of Directors shall have no fewer than four (4) regular meetings between the months of June and May of each year which shall be fixed by resolution of the Board immediately following the May annual meeting. The Board may hold such other special meetings as it shall in its discretion determine are necessary and appropriate. Notice of any special meeting shall be made by first class mail no less than five (5) days prior to the scheduled special meeting or personally or by telephone no less than forty-eight (48) hours prior to the scheduled special meeting. Any Director who attends a regular or special meeting shall be deemed to have waived any irregularity in the giving of notice thereof.

The Order of Business at any regular meeting of the Board shall be as follows:

1. Meeting called to order.
2. Reading and approval of the minutes.
3. Reports of Officers and Committees.
4. Old Business.
5. New Business.
6. Adjournment.

a. The Board of Directors shall report to its General Membership, at least once each year at the annual membership meeting, any actions or policies adopted by the Board of Directors. Notice of the annual membership meeting shall be given to all members no less than fifteen (15) days in advance of the holding of the meeting which shall be open to any and all members.

Section 7.07. Board Action by Unanimous Written Consent Without a Meeting. Any action required or permitted to be taken by the Board of Directors may be taken without a meeting, if all members of the Board individually or collectively consent in writing whether before or after such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Board. Such action by written consent shall have the same force and effect as a unanimous vote of the Board of Directors.

Section 7.08. Board Meetings by Telephone Communication. Subject to the provisions of these Bylaws regarding Notice and Quorums, Directors may participate in a meeting through use of conference telephone communications equipment so long as all participating in such meeting can hear one another. Participation in a meeting pursuant to this section constitutes presence in person at such a meeting.

Section 7.09 Removal for Cause and Without Cause.

- a. The Board may declare vacant the Office of a director for cause under Corporations Code 5221 by a majority vote of those directors present and voting at a duly held meeting at which a quorum is present or by unanimous written consent who has been declared of unsound mind or found to have breached a fiduciary duty to the Club by a final order of a Court of competent jurisdiction, convicted of a felony, or failure to attend fifty percent (50%) of the meetings of the Board.
- b. Except for nonattendance of fifty percent (50%) of the Board meetings, no director who is seated on the Board by designation pursuant to Sections 7.02 or 8.05 shall be removed without cause in the absence of the written consent of the designating group unless removed by his or her written consent.

- c. The Board of Directors shall have the authority to remove a director without cause by a vote of two thirds ($2/3$) of the directors present at a duly held meeting called for that purpose; provided that the director to be removed is first given written notice of such planned removal and an opportunity to appear and be heard on the issue of removal, unless such removal is for reason of physical or sexual abuse in which case no notice to the director to be removed need first be given, but the right to appear and be heard shall thereafter be granted.

Section 7.10. Resignation and Vacancies. Any director may resign effective upon giving oral or written notice to the President, the Secretary or the Board of Directors, unless the notice specifies a later time for the effectiveness of such resignation. If the resignation of a director is effective at a future time, subject to the rights of succession provided in these Bylaws, the Board of Directors may elect a successor to take office when the resignation becomes effective.

- a. Vacancies on the Board of Directors may be filled by a majority of the remaining directors, or if the number of directors then in office is less than a quorum by (i) unanimous written consent of the directors then in office (ii) the affirmative vote of a majority of the directors then in office at a meeting held pursuant to notice or waivers of notice, or (iii) a sole remaining director; however, a vacancy created by the removal of a director by the vote or written consent of the General Membership or by court order may be filled only by the affirmative vote of a majority of the General Membership represented and voting at a duly held meeting at which a quorum is present (which Associate and Regular Members voting affirmatively also constitute at least a majority of the required quorum), or by unanimous written consent of all Associate and Regular Members entitled to vote thereon. Each director so elected shall hold office until the next annual meeting of the General Membership and until a successor has been elected and qualified, or until his or her death, resignation or removal.
- b. A vacancy or vacancies in the Board of Directors shall be deemed to exist (i) in the event of the death, resignation or removal of any director, (ii) if the Board of Directors by resolution declares vacant the office of a director who has been declared of unsound mind by an order of court or convicted of a felony, (iii) if the authorized number of directors is increased or (iv) if the General Membership fails, at any meeting of the General Membership at which any director or directors are elected, to elect the full authorized number of directors to be elected at that meeting. The Board may declare a vacancy in the event a director fails to attend fifty percent (50%) of the Board Meetings.
- c. The General Membership may elect a director or directors at any time to fill any vacancy or vacancies not filled by the directors, but any such election by written consent as opposed to a vote, other than to fill a vacancy created by removal, shall require the written consent of the holders of a majority of the General Membership entitled to vote thereon. A director may not be elected by written consent to fill a vacancy created by removal except by unanimous written consent of the *entire* General Membership entitled to vote for the election of directors.

Section 7.11. Quorum. A majority of the authorized number of directors shall *constitute* a quorum for the transaction of business during the months of June through May. During the months of June through August, one-third ($1/3$) of the authorized number of directors shall constitute a quorum. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the Board Of Directors, subject to the provisions of Section 5233 of the Corporations Code disqualifying the count of an interested director or directors unless the Board shall approve, ratify or authorize the transaction. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

Section 7.12. Adjournment. A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place.

- a. If the meeting is adjourned for more than twenty-four (24) hours, notice of any adjournment to another time and place shall be given prior to the time of the next-scheduled adjourned meeting to the directors who were not present at the time of the adjournment.

Section 7.13. Compensation. Directors shall serve without compensation except that they shall be entitled to any reasonable and/or actual expenses in the performance of his or her duties in connection therewith.

ARTICLE VIII - OFFICERS

Section 8.01. Designation of Officers. The Officers of the Club shall be:

Past President	Registrar	Director of Managers
President	Convener	Director of Coaches
Vice President	Secretary	Director at Large
Treasurer	Director of Communications	

Section 8.02. Succession to Office. Succession to Office shall be as follows:

- a. The President shall, upon expiration of his term of office, serve as Past President of the Club for the two succeeding years. In the event that the President is unable or unwilling to serve as Past President, the office shall remain vacant.
- b. If for any reason the office of President becomes vacant during the term of the President, the Vice President shall complete any unexpired term of the President.
- c. If neither the Vice President nor the President is able or willing to complete the unexpired term of office of President, the Board of Directors may, by majority vote at a duly held meeting at which a quorum is present, elect a President who shall complete the unexpired term of office of President.
- d. For purposes of representing the Club at any cooperative or league meeting and casting a vote on any matter coming before the cooperative or league, the President, or in the absence of the President, the Vice President, Secretary or Registrar, in the forgoing order shall be entitled to appear, be heard and vote.

Section 8.03. Elected Officers. The Officers elected to the Board of Directors shall be:

- a. President
- b. Vice President
- c. Registrar
- d. Secretary

Section 8.04. Appointed Officers. The Board of Directors may appoint or elect:

- a. Director of Coaches
- b. Director at Large
- c. Treasurer
- d. Director of Managers
- e. Director of Communications
- f. Convener

and, such other Directors as the President shall recommend or the Board may deem necessary. The elected officers shall appoint the Treasurer. The elected officers, Past President and the Treasurer shall serve on the Club's Executive Committee.

Section 8.05. Manner of Election of Officers. The Nominating Committee shall consist of the Vice President, Secretary and the Registrar. The Vice President shall serve as the committee Chairperson. The committee shall begin soliciting nominations no less than thirty (30) days prior to the annual General Membership/Board of Directors meeting, to be held in May of each year. No less than ten (10) days prior to the annual General Membership/Board of Directors meeting, the nominating committee shall present to the Board, a written list of the elective nominees for President, Vice President, Secretary, and Registrar. Each nomination shall be accompanied by a statement from the person nominated of their acceptance to office if elected. Only those members who have completely fulfilled their financial obligations to the Club shall be eligible for nomination for office.

- a. In the event no elective office is contested, the General Membership shall be offered the choice to "approve" or "withhold" their vote for each elective nominee designated for office by the nominating committee. Failure of any Associate or Regular Member to return a ballot shall constitute approval of the nominee for each elective office. A majority of those votes cast by the General Membership for "approval" and received by the Secretary prior to the deadline shall be elected to office. In the event a majority of those votes cast by the General Membership "withhold" their vote for any elective office, the office shall remain vacant and shall be filled in the method and manner as provided for vacancies in office in these Bylaws.
- b. In the event there are any contested elective offices, the 'nominees for office receiving a majority of the votes cast by the General Membership prior to the deadline established for voting shall be elected to office.
- c. Nothing contained in this Section 8.05 shall preclude any; Regular or Associate Member from nominating a candidate for office from the floor at the annual General Membership/Board of Directors meeting and any such nominee shall be included on the ballot to the General Membership for election.
- d. The Team Managers shall be responsible for tallying the vote's cast at the annual General Membership meeting.

Section 8.06. Manner of Selection of Appointed Officers. No less than ten (10) days prior to the annual General Membership/Board of Directors meeting, the nominating committee shall present the appointed nominees for the positions of Director of Coaches, Director of Managers and Director at Large for the approval of the Board of Directors.

- a. At the May meeting of the Board of Directors, the General Membership annual meeting shall be held.
- b. At the June meeting of the Board of Directors, the Appointed Officers shall be chosen by a majority of Board members present at a duly held meeting at which a quorum is present.

Section 8.07. Term of Office. Except for the President who shall serve for a two year term, Elected and Appointed Officers shall serve for one (1) year, or until their successors are elected as herein provided, or as provided by law; provide, however, that Elected and Appointed Officers shall not be seated and assume office until the day following the annual May meeting. In the event the annual meeting is for any reason not held, the Elected and Appointed officers shall be seated on June 1st or upon vacancy of the office to which they are elected or appointed, which ever shall first occur. *

*Special Exception. All elected officers and the Treasurer shall serve a two (2) year term for the initial two (2) years of the Club's operation.

Section 8.08. Restrictions on Officers. Nothing contained in these Bylaws shall be construed as restraining any Elected or Appointed Officer from being re-elected or appointed for any term or number of terms. Nothing contained herein shall be construed as disqualifying any Elected or Appointed Officer from election or appointment to any office which he or she has previously held, subject to the order of succession provided in these Bylaws.

ARTICLE IX - GOVERNMENT

Section 9.01. Authority of the Board of Directors. The Board of Directors shall be the governing body of the Club, which may, by two-thirds (2/3) vote of the Board, delegate certain authority to the Executive Committee. The Board is subject to provisions of the California Nonprofit Corporations Code and any limitations in the Articles of Incorporation and these Bylaws relating to action required to be approved by the General Membership. The business and affairs of the Club shall be managed and all corporate powers shall be exercised by or under the direction of the Board of Directors, except where it so delegates to the executive committee. The Board may delegate the management of the day-to-day operation of the business of the corporation to the executive committee provided that the business and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board.

- a. It shall have responsibility for directing and managing all phases of the Club's program and to make such rules and regulations therefore, except where it so delegates;
- b. It shall have the responsibility and authority to enforce all by-laws, rules and regulations and policies of the Club, SCAHA, CAHA, USA Hockey and such league or other cooperative ice hockey venture to which the Club may choose to belong; and
- c. It shall direct and develop organization policies to further the purposes of the Club.

Section 9.02. Executive Committee. The Executive Committee consists of the Past President, President, Vice President, Treasurer, Secretary and the Registrar. The Executive Committee may include other positions as necessary. The Executive Committee shall:

- a. Carry out the day-to-day business of the Club.
- b. Perform all the duties of the Club between meetings of the Board of Directors.
- c. Carry out the directives of the Board of Directors as expressed at the annual meetings.
- d. Have jurisdiction over suspensions of teams, parents, spectators, officers, players, coaches and managers; adjudication of protests and lifting of suspensions.
- e. Make determination of all questions, taking of any action and meeting any situation involving the Club, not otherwise specifically provided for in the Articles of Incorporation, Bylaws, Rules and Regulations, or by the vote of the Board of Directors at the annual meetings.
- f. Have the responsibility and authority to enforce all the Bylaws, Rules and Regulations, and policies of the Club.

Section 9.03. Meetings of the Executive Committee. Meetings of the Executive Committee shall be conducted as follows:

- a. Meetings of the Executive Committee shall be called by the President.
- b. Meetings of the Executive Committee shall be presided over by the President, or in his absence, the Vice President.
- c. Notice of time and place of the Executive Committee meetings shall be given by the President or Secretary by written or verbal notice.
- d. Meetings will be conducted under Robert's Rules of Order, the minutes of which shall be reported.

Section 9.04. Restrictions on Authority of the Board. In the absence of the affirmative vote of a majority of the General Membership entitled to vote, the Board shall have no power to:

- a. Make any change in the number of directors specified in the bylaws [Corp. C. 5151];
- b. Amend the articles of incorporation or bylaws resulting in an extension of the term of a director beyond the term for which he or she was elected. [Sec. 5220];
- c. Amend these Bylaws to increase quorum requirements [Sec: 5512];

- d. Amend the articles of incorporation or these Bylaws to restrict, expand or repeal proxy voting rights [Sec. 5613];
- e. Amend or repeal a Bylaw or Article of Incorporation provision to authorize cumulative voting; and
- f. Make any change in a bylaw, which materially and adversely affects the rights of the General Membership as to voting.

ARTICLE X- DUTIES OF OFFICERS

Section 10.01. Past President. The duties of the Past-President shall be to serve as advisor to the President, provide guidance and assist him in the execution of his duties.

Section 10.02. President. The duties of the President shall be as follows:

- a. To preside at all meetings of the Board of Directors;
- b. To review with the Secretary the record of the proceedings of such meetings;
- c. To sign and execute all written contracts, conveyances and: obligations of The Club, subject to approval by and resolution of the Board of Directors;
- d. To enforce all the laws and regulations of the Club, SCAHA, CAHA, USA Hockey and such league or other cooperative ice hockey venture to which the Club may choose to belong;
- e. To call special meetings of the Board of Directors whenever he shall deem necessary or as provided by these Bylaws or by law;
- f. To act as liaison between any league or cooperative to which the Club may belong, SCAHA, CAHA and USA Hockey;
- g. To exercise the power of appointing committee chairpersons; and
- h. To be an ex-officio member of all committees created by or connected with the Club and to perform such other duties as pertain to his office that the Board may from time to time deem necessary.

Section 10.03. Vice President. The duties of the Vice President shall be as follows:

- a. To assume the powers and obligations of the President in his absence;
- b. To be chairperson of the Disciplinary/Review Committee;
- c. To assume such other duties as delegated by the President; provided, however, that nothing contained herein shall grant to the Vice President any duties not herein granted to the President under Section 10.02 hereof;
- d. To completely learn and review the current Rules and Regulations of the Kern County Hockey Club - A Player/Parent handbook published by the Club, SCAHA, USA Hockey Guidebooks and CAHA Member Handbooks. The Vice President shall be completely familiar with his duties and responsibilities in the Club and to be familiar with the philosophy and goals of the Southern California Amateur Hockey Association, California Amateur Hockey Association and USA Hockey in order to advance the philosophy and purposes of the Club.

Section 10.04. Secretary. The duties of the Secretary shall be as follows:

- a. To keep a record of the proceedings of the Board of Directors;
- b. To keep and maintain the Club's files and records and to provide copies thereof as may be required by law or by resolution of the Board of Directors;
- c. To receive and send such correspondence as shall be determined by the Board of

- Directors or by the President; and,
- d. To perform all other necessary duties as may be appropriate to this office, including those, which may by Board resolution be directed.

Section 10.05. Treasurer. The duties of the Treasurer shall be as follows:

- a. To create an annual budget;
- b. To oversee the receipt and collection of all funds owing to the Club;
- c. To oversee the deposit of all funds in appropriate Club bank accounts;
- d. To mail Reports as any be required under these Bylaws or as required by law.
- e. To oversee an accounting and record of the Club's receipts and disbursements;
- f. To supervise payment of the Club's bills as may be approved by the Board;
- g. To provide a list of delinquent members to the Board;
- h. To render a financial report on an annual basis to the General Membership or whenever called for by the Board or as required by law;
- i. To jointly, with the President, Vice President or such other officer as the Board may direct, sign all checks and drafts for and on behalf of the Club;
- j. To expend sums of no more than one hundred dollars (\$100.00) without consent of the Board of Directors;
- k. To do all other necessary acts as may be appropriate to this office; and
- l. To annually file such Reports as any be required with the State California, Registry of Charitable Trusts.

Section 10.06. Registrar. The duties of the Registrar shall be as follows:

- a. To ensure that every Club player is properly registered under the rules of any league or cooperative, SCAHA CAHA, and USA Hockey and that such registration is delivered to USA Hockey, CAHA, SCAHA and to any league Registrar or Tournament Committee prior to participation by a player in competition;
- b. To maintain a duplicate record of such registration;
- c. To collect registration fees;
- d. To process releases according to SCAHA, CAHA and USA Hockey rules;
- e. To process accident insurance claims;
- f. To provide a written list to the Board of current number of USA Hockey registered players no later than December 31st of each year and March 1st of each year; and
- g. To acquire such tournament or tour permits as may be required by SCAHA, CAHA, or USA Hockey rules and regulations.

Section 10.07. Convener. The duties of the Convener shall be as follows:

- a. To schedule all practice ice time and game schedules;
- b. To distribute such schedules to coaches and managers, as well as changes, as soon as possible;
- c. To submit available game ice slots for competition, subject to the Board approval.
- d. To provide ice slots for special Club activities, clinics, training sessions; and
- e. Such other duties as may be appropriate to this office.

Section 10.08. Director of Managers. The duties of the Director of Managers shall be as follows:

- a. To instruct and coordinate the activities and duties of the team managers; and
- b. To monitor the activities of the team managers and to assist them in the performance of their duties; and

- c. To conduct monthly meetings with the Team Managers.

Section 10.09. Director of Coaches. The duties of the Director of Coaches shall be as follows:

- a. To establish the coaching policy of the Club subject to the Board approval;
- b. To implement coaching policy to all coaches in the Club;
- c. To ensure that all coaches are certified by USA Hockey;
- d. To present the slate of coaches for all levels by August 1st for Board approval; and
- e. To organize clinics and training sessions subject to approval by the Board.

Section 10.10. Team Director. The duties of Team Director shall be as follows:

- a. To act as liaison between his or her team and the Board;
- b. To be a spokesperson for their team; and
- c. To communicate Board decisions and activities back to his or her team

Section 10.11. Director at Large. The duties of the Director at Large shall be broadly construed as follows:

- a. To develop and coordinate sponsorship and recruitment committees;
- b. To obtain financing for the Club's activities;
- c. To publicize and advertise the Club's activities; and
- d. To act as an ambassador for the sport of ice hockey and to further the competitive exposure of the Club's teams.

ARTICLE XI - LIABILITY OF OFFICERS AND DIRECTORS

Section 11.01. Limitation on Liability. The Club hereby consents and declares that each Officer and Director, members of all committees, and all elected or appointed officials in any capacity, shall be deemed to have assumed office or assignment on the express understanding, agreement and condition that each of them and his/her heirs, executors and administrators, estate and effects respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the Club from and against all liabilities, judgments, costs, charges and expenses whatsoever which such member sustains or incurs in or about any action, or suit or proceeding which is brought, commenced or prosecuted against him or her and in respect of any act, deed, matter or thing whatsoever made, done or permitted by him or her in or about the execution of the duties of his/her office and also from and against all other costs, charges and expenses which he or she sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his/her willful neglect, intentional wrongful act or fraudulent act.

Section 11.02. General Liability Insurance. The Club shall have the power to purchase and maintain insurance to the full extent permitted by law and as required by the applicable section of the Non profit Public Benefit Corporation Law of California, the purchase and maintenance of which is a prerequisite to preserving the protection provided for Officers and Directors by the applicable section of the non profit Public Benefit Corporation Law of California.

ARTICLE XII- MEETINGS

Section 12.01. General Membership Meetings. There shall be no less, than one (1) meeting of the General Membership per year, held at a time and place fixed by the Board of Directors.

Section 12.02. Special Meetings. The President and any five (5) Directors shall have the power to call special meetings at anytime by providing not less than ten (10) business days' prior written notice of the time and place of said meeting.

ARTICLE XIII - COMMITTEES.

Section 13.01. Chairpersons. Committee chairpersons shall be appointed from time-to-time at the discretion of the President in order to transact and expedite the business and/or activities of the Club.

Section 13.02. Standing and Temporary Committees. Committees may be classified as Standing Committees or Temporary Committees set up for a specific function.

Standing Committees shall be:

- a. Executive
- b. Nominating
- c. Rules & Regulations
- d. Disciplinary/Review (This committee shall be made up of the Executive Committee)

Temporary Committees shall be:

- a. Equipment Audit
- b. Finance Officials
- c. Tournament
- d. Community Relations/Media Liaison
- e. Team Photo
- f. Newsletter

Section 13.03. Committee Members. Committee members shall be appointed by the committee chairperson.

ARTICLE XIV SPONSORSHIPS FUND RASING. FINANCIAL AID AND SPONSORSHIP

Section 14.01. Solicitation of Sponsorships and Fund Raising.

- a. Solicitation of sponsorship on behalf of the Club must be made for the purpose of raising money for the Club's General Operating Fund only. Sponsors may designate a specific use of funds donated, but final authority to utilize available funds rests with the Board of Directors. Sponsorship money is to be used to defray costs and even though specific amounts of donations are published by the Board of Directors, proceeds are to benefit all members in the program;
- b. There shall be no sponsorship solicitation for use by a specific team only, unless approved by the Board of Directors;
- c. Sponsorship of individual players must be approved by the Board of Directors. Such approval shall not be withheld unless it appears that donation is being diverted from the General Operating Fund;
- e. Nothing in this section shall be taken to discourage Team Fund Raising events such as car washes, etc., proceeds of which may be used for the benefit and enjoyment of that team only;
- f. Failure of any member of the Club to comply with these: regulations shall mean immediate suspension of the member until the matter can be reviewed at the next scheduled meeting of the Board of Directors. Decision to suspend shall rest with The Executive Committee.

Section 14.02. Financial Aid. The guidelines for Financial Aid will be as follows:

- a. Before an application is accepted, it is mandatory that a player first apply for SCAHA financial aid. The deadline for SCAHA Financial Aid is October 15th.
- b. All players in receipt of Kern County Hockey Club financial aid are required to serve as a member on the fund raising committee.
- c. Fill out the application completely and legibly. An incomplete application and/or those submitted without all the required documentation will not be considered.

- d. Applications must be accompanied by your Federal Tax Return for the year prior to the current year.
- e. Applications must be returned prior to October 31st of the current playing season.
- f. Financial Aid forms may be obtained from the Secretary of the Club. All information will be kept confidential. See the Attached forms.
- g. Final determination of the amount if any of Financial Aid, rests with the Executive Committee and will be based on the number of qualifying applications as well as the amount of monitory funds available.

ARTICLE XV - PARLIMENTARY PROCEDURE

Section 15.01. Robert's Rules of Order. Robert's Rules of Order shall govern the conduct of the business of the Club except where otherwise provided herein.

ARTICLE XVI- AUDIT

Section 16.01. Audits. An audit shall be made of the books of the Club at the end of each financial year and at the end of each termination of the office of Treasurer. Such audit shall be conducted by a committee of three (3) appointed by the President.

Section 16.02. Annual Reports.

- a. The Board shall cause an annual report containing the information required by Corporations Code Sec. 6321(a) to the Directors of the General Membership no later than one hundred twenty (120) days after the close of the fiscal year. It shall be accompanied by either a report thereon of independent accountants or a certificate of an authorized officer verifying that the annual report was prepared without audit from the books and records of the Corporation. .
- b. The Board shall additionally furnish annually a statement of any transaction or indemnification described in section 6322(d) and (e) of the Corporations Code, if such a transaction or indemnification took place.

ARTICLE XVII - DISSOLUTION

Section 17.01. Distribution of Assets. In the event the Club shall dissolve, all of its assets shall be transferred to a trust, fund, foundation, corporation, or institution organized and operated exclusively for religious, education or charitable purposes under provisions of the California nonprofit corporation law and the Internal Revenue Code governing the disposition of assets of an exempt IRC Sec. 501 (c)(3) corporation.

ARTICLE XVIII - TRADEMARK PROTECTION AND CLUB RECOGNITION
AWARDS

Section 18.01. Use of Club Name and Logo. All use of the Club name "Kern County Hockey Club", team name "Bakersfield Dragons", and the Club Team Logo shall only be as allowed by the Board of Directors. Any unapproved use by Club members shall be subject to *review* by the Executive Committee and possible suspension and/or termination of membership.

Section 18.02. Club and Team Awards. All awards received or given to the Club or any Team within the Club shall be the sole property of the Club. This shall include, but not limited to: all banners, trophies, or other honors/awards as given for tournament, league, and post season play. Exception: Individual player awards are not applicable to this rule.

ARTICLE XIV - DISTRIBUTION AND AMENDMENTS TO BYLAWS

Section 19.01. Distribution. Each Regular and Associate Member of the Club shall receive a copy of these Bylaws and such other written information as the Club shall publish at the time of registration with the Club, and shall acknowledge receipt thereof in writing. ;

Section 19.02. Reporting. Upon adoption of these Bylaws, a copy certified by the Secretary of the Club to be true and correct shall be provided to:

- a. The Franchise Tax Board of the State of California pursuant to Revenue And Tax Code Sec. 23701; and
- b. The Registrar of Charitable trusts of the State of California, Office of the Attorney General.

Section 19.03. Amendment. These Bylaws may be amended or repealed by the Board of Directors unless the action would materially and adversely affect the rights of the membership to vote. Such amendment shall occur by presenting the amendment at a regular or special meeting. The approval of two-thirds (2/3) of the membership of the Board of Directors is required to pass the amendment. These Bylaws may also be amended at an annual membership meeting by including the amendment in the notice of the annual meeting and having the members vote on the amendment. Such vote shall be at least 51 % of the Club's total membership. The approval of two-thirds (2/3) of the votes cast is required to pass the amendment. .

ARTICLE XX - RESOLUTION OF DISPUTES

Section 20.01. Resolution of Disputes. It is the express purpose of this Article to establish a fair and orderly process for the resolution of disputes within the Club and to require all members of the Club to utilize that process. In the event a controversy or dispute arises regarding the construction, interpretation, or application of the Bylaws, Rules and Regulations, or decisions of the Board of Directors or the Executive Committee of the Club, SCAHA, CAHA, or USA Hockey, the dispute shall first be submitted to the Club's Executive Committee of this corporation, or its designee for resolution.

Section 20.02. Appeal.

- a. Any party disputing the decision of a person or committee established by the Board of Directors or the Club may appeal the decision to the Executive Committee of the Club. The appeal shall be considered by the Executive Committee at a Special Meeting or the next regularly scheduled meeting, whichever is sooner. The Executive Committee or the President may require a seven (7) day period to review the material prior to any meeting to review the dispute.
- b. Any party disputing the decision of the Executive Committee may, after a review by the Executive Committee, appeal the decision to SCAHA following the procedures set out in the SCAHA Bylaws and Rules and Regulations. SCAHA decisions may be appealed to CAHA *and/or* USA Hockey subject to the procedures in the USA Hockey Bylaws and other applicable USA Hockey Rules and Regulations.

Section 20.03. Sanctions.

- a. Each individual member, team, shall confine the resolution of disputes with the Club to the process described herein. Therefore, any recourse directly to SCAHA, CAHA OR USA Hockey, or the courts of any jurisdiction by any individual member, member team, local association, its agents or representatives before all of the procedures, rights, and remedies described in these Bylaws have been exhausted shall be deemed unethical conduct within the meaning of these Bylaws. Such a violation of these Bylaws and procedures shall subject the individual member, or member team and its agents or representatives to immediate suspension and disqualification.
- b. Sanctions imposed under this Bylaw shall be modified or removed only by a vote of the Executive Committee of this Club at a Special Meeting or a regularity scheduled meeting of the Executive Committee whichever occurs first.

Section 20.04. Defraying the Cost of Disputes. In order to defray some of the costs associated with the Club resolving the dispute, the appealing party of the dispute shall forward a bond in the form of a certified check in the amount of one hundred dollars (\$100.00), made out to the Club, along with a written request for resolution. If the decision is in favor of the appealing party, the bond will be returned.

ARTICLE XXI- DISCIPLINARY ACTION

Section 21.01. Expulsion of a Player or Parent. The Club reserves the right to expel any player or parent for conduct it determines to be opposed to the Purpose and Philosophy of the Club.

Section 21.02. Code of Conduct. Players and parents are expected to exemplify the Code of Conduct as set forth in the USA Hockey Annual Guide, Violations of the above mentioned Codes may result in suspension or expulsion from the Club. (See Enclosure #1.)

CERTIFICATE OF SECRETARY

I hereby certify that I am a duly elected and acting Secretary of the Kern County Hockey Club, A California Nonprofit Public Benefit Corporation, and the above Bylaws, consisting of _____ pages, are the Bylaws of this Corporation as Duly adopted at a meeting of the Board of Directors held on _____.

In witness whereof, I have subscribed my name and affixed the seal of the Corporation this _____ day of _____ 1999.

Secretary

KERN COUNTY HOCKEY CLUB

ENCLOSURES

Administrators Code of Conduct

1. Follow the rules and regulations of USA Hockey and your association to ensure that the association's philosophy and objectives are enhanced.
2. Support programs that train and educate players, coaches, parents, officials, and volunteers.
3. Promote and publicize your programs; seek out financial support when possible.
4. Communicate with parents by holding parent/player orientation meetings as well as by being available to answer questions and address problems throughout the season.
5. Work to provide programs that encompass fairness to the participants and promote fair play and sportsmanship.
6. Recruit volunteers, including coaches, who demonstrate qualities conducive to being role models to the youth in our sport.
7. Encourage coaches and officials to attend USA Hockey clinics, and persuade your board members of the necessity to tour their training sessions. Make every possible attempt to provide everyone, at all skill levels, with a place to play. Read and be familiar with the contents of the USA Hockey Annual. Guide and Rule Books. Develop other administrators to advance to positions in your association, perhaps even your own.

Coaches Code of Conduct

1. Winning is a consideration, but not the only one, nor the most important one. Care more about the child than winning the game. Remember, players are involved in hockey for fun and enjoyment.
2. Be a positive role model to your players, display emotional maturity and be able to ensure the physical safety of players. Be generous with your praise when it is deserved; be consistent, honest, be fair and just; do not criticize players publicly; learn to be a more reflective communicator and coach; don't yell at players.
3. Adjust to personal needs and plans of players, be a good listener, never verbally or physically abuse a player or official; give all players the opportunity to improve their skill, gain confidence and develop self-esteem; teach them the basics.
4. Organize practices that are fun and challenging for your players. Familiarize yourself with the rules, techniques and strategies of hockey; encourage all your players to be team players.
5. Maintain an open line of communication with your players' parents. Explain the goals and objectives of your association.
6. Be concerned with the overall development of your players. Stress good health habits and clean living.
7. To play the game is great, to love the game is greater.

On-Ice Officials Code of Conduct

1. Act in a professional and businesslike manner at all times and take your role seriously.
2. Strive to provide a safe and sportsmanlike environment in which players can properly display their hockey skills.
3. Know all playing rules, their interpretations and their proper applications.
4. Remember that officials are "teacher." Set a good example.
5. Make your call with quiet confidence; never with arrogance.
6. Control games only to the extent that is necessary to provide a positive and safe experience for all participants.
7. Violence must never be tolerated.
8. Be fair and impartial at all times.
9. Answer all reasonable questions and requests.
10. Adopt a "zero tolerance" attitude toward verbal or physical abuse.
11. Never use *foul* or vulgar language when speaking with a player, coach or parent.
12. Use honesty and integrity when answering questions.
13. Admit your mistakes when you make them.
14. Never openly criticize a coach, player or other official.
15. Keep your emotions under control. Use only USA Hockey approved officiating techniques and policies.
16. Maintain your health through a physical conditioning program.
17. Dedicate yourself to personal improvement and maintenance of officiating skills.
18. Respect your supervisor and his/her critique of your performance.

USA Hockey Athlete Bill of Rights

Due Process- What is it?

- a. If you are suspended, fined or expelled from hockey, you would want:
- b. Notice, preferably in writing, of the specific offenses with which you are charged:
- c. An opportunity to defend your self and a reasonable time within which you are charged:
- d. The right to have counsel represent you if you wish;
- e. A hearing before a disinterested, objective body at a specific time under such circumstances as to give you full opportunity to present your defense; and
- f. Notice of how to appeal the decision if it is against you.

When and where can you be suspended?

- a. At a game;
- b. At a tournament; local, regional or national;
- c. After a game;
- d. At an off season sanctioned event upon discovery of a violation;
- e. For violations of player registration or team registration rules either USA Hockey or local league rules upon discovery of the violation;
- f. For violations of tournament rules, local invitational, regional or national upon the discovery of the violation;

Who can suspend you?

- a. A referee;
- b. A tournament discipline or grievance committee;
- c. A league, local association or USA Hockey Council that has jurisdiction over your hockey program;
- d. Affiliate or State Associations;
- e. USA Hockey Executive Committee; and
- f. USA Hockey Board of Directors.

Who can be suspended, fined or expelled?

- a. Players;
- b. Coaches;
- c. Administrators;
- d. Referees;
- e. Game Officials;
- f. Hockey associations, local, state or affiliate;
- g. Registered teams; and
- h. Allied members.

What can cause you to be suspended?

- 1. Violations of playing rules:
 - 1.1. Game Misconduct 404(d)
 - 1.2. Gross Misconduct 404(f)
 - 1.3. Match Penalty 405(c)
 - 1.4. Supplementary Discipline 410(a).

- 1.5. Assault of Officials 601(g) 1, or 601(j) 1; Suspensions resulting from violation of the above rules are not considered a "Local Suspension" for hearings provided in USA Hockey Bylaws. These rules are needed to properly supervise hockey games by the referees and other game officials; and are an exception to the Sports Act and the Constitution and Bylaws of the United States Olympic Committee.
 - 1.6. Other playing rules-Local or Regional;
2. Other Rule/Regulation violations;
 - 2.1. Violations of registration rules-local, district, affiliate, USA Hockey;
 - 2.2. Violations of player transfer rules;
 - 2.3. Violations of Special Sanction events; e.g. summer tournaments; Conduct unbecoming of the sport of ice hockey.

What is a hearing?

- a. A meeting demanded by the suspended person, or required by the rules of either USA Hockey or a local organization, where the person or persons who have charged another with a violation of a rule or regulation must prove the rule violation, which has caused or required the suspension.
- b. A hearing is convened by a panel of at least 3 people (always an odd number) who will listen to the evidence presented by the party supporting the suspension, who has the burden of proving the violation. The violation must be proved by a preponderance of the evidence presented-- (more likely true than not true).
- c. The person charged may present evidence on his/her behalf, and may be represented by counsel;
- d. Any relevant evidence to the incident may be submitted. The Rules of Evidence that apply to judicial proceeding shall not apply to the hearing.
- e. The hearing body upon demand before the hearing shall record the full hearing, except its deliberations. It shall prepare written findings of what it determines happened and its decision within 5 business days from the date of the hearing. It shall then deliver its decision promptly thereafter to any person suspended and the suspending authority; and
- f. The hearing body may limit the time each side has to present its case, provided each side has equal time allotted to it.

Zero Tolerance Policy

1. In an effort to make ice hockey a more desirable and rewarding experience for all participants, the USA Hockey Youth, Junior and Senior Councils have instructed the Officiating Program to adhere to certain points of emphasis relating to sportsmanship. This campaign is designed to require all players, coaches, officials, team officials and administrators to maintain a sportsmanlike and educational atmosphere before, during, and after all USA Hockey-sanctioned games. Thus, the following points of emphasis must be implemented by all On Ice Referees and linesmen:
2. **Players**
 - a. A minor penalty for unsportsmanlike conduct (Zero Tolerance) shall be assessed whenever a player:
 - i. Openly disputes or argues any decision by an official.
 - ii. Uses obscene or vulgar language at any time, including any swearing, even if it is not directed at a particular person.
 - iii. Visually demonstrates any sign of dissatisfaction with an official's decision.
 - iv. Any time that a player persists in any of these actions, they shall be assessed a misconduct penalty. A game misconduct shall result *if* the player continues such action.
3. **Coaches**
 - a. A minor penalty for unsportsmanlike conduct (Zero Tolerance) shall be assessed whenever a coach:
 - i. Openly disputes or argues any decision by an official.
 - ii. Uses obscene or vulgar language in a boisterous manner to anyone at any time.
 - iii. Visually displays any sign of dissatisfaction with an official's decision including standing on the boards or standing in the bench doorway with the intent of inciting the officials, players or spectators. Any time that a coach persists in any of these actions, they shall be assessed a game misconduct penalty.
4. **Officials:**
 - a. Officials are required to conduct themselves in a businesslike, sportsmanlike, impartial and constructive manner at all times. The actions of an official must be above reproach. Actions such as "baiting" or inciting players or coaches are strictly prohibited. On-ice officials are ambassadors of the game and must always conduct themselves with responsibility in mind.

Enclosure #4

Sexual Abuse Policy

1. It is the policy of USA Hockey that there shall be no sexual abuse of any minor participant involved in any of its sanctioned programs, its Training Camps, Hockey Clinics, Coaches Clinics, Referee Clinics, Regional and National Tournaments or other USA Hockey events by an employee, volunteer, or independent contractor. Sexual abuse of a minor participant occurs when an employee, volunteer or independent contractor touches a minor participant for the purpose of causing the sexual arousal or gratification of either the minor participant or the employee, volunteer or the independent contractor. Sexual abuse of a minor participant also occurs when a minor player touches an employee, volunteer, or independent contractor for the sexual arousal or sexual gratification of either the minor participant or the employee, volunteer or independent contractor, if the touching occurs at the request or with the consent of the employee, volunteer or the independent contractor.
2. Neither consent of the player to the sexual contact, mistake as to the participant's age, nor the fact that the sexual contact did not take place at a hockey function are defenses to a complaint of sexual abuse.
3. Upon proof of violation of this policy, the Violator will be permanently banned or suspended from USA Hockey sanctioned programs and/or the programs of its Affiliate Associations.

Enclosure # 5

Screening Policy

1. It is the policy of USA Hockey that it will not authorize or sanction in its programs that it directly controls any volunteer or employee who has routine access to children (anyone under the age of majority) who refuses to consent to be screened by USA Hockey therefore he/she is still allowed to have routine access to children in USA Hockey's programs. Further, it is the policy of USA Hockey that it will require its affiliates to adopt this policy as a condition to its affiliation with USA Hockey.
2. A person may be disqualified and prohibited from serving as an employee or volunteer by USA Hockey if the person has:
 - a. been convicted (including crimes, the record which has been expunged and pleaded "no contest") of a crime of child abuse, sexual abuse of a minor, physical abuse, causing a child's death, neglect of a child, murder, manslaughter, felony assault, any assault against a minor, kidnapping, arson, criminal sexual conduct, prostitution, related crimes or controlled substance crimes;
 - b. Being adjudged liable for civil penalties or damages involving sexual or physical abuse of children;
 - c. Being subject to any court order involving any sexual abuse or physical abuse of a minor, including but not limited to domestic order or protection;
 - d. Had their parental rights terminated;
 - e. A history with another organization (volunteer, employment, etc.) of complaints of sexual or physical abuse of minors;
 - f. Resigned, been terminated or been asked to resign a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse of minors; or
 - g. Has a history of other behavior that indicated they may be a danger to children in USA Hockey,

Physical Abuse

- a. It is the policy of USA Hockey that there shall be no physical abuse of any participant involved in any of its sanctioned programs, its Training Camps, Hockey Clinics, Referee Clinics, Regional and National Tournaments or other USA Hockey events by any employee, volunteer or independent contractor.
- b. Physical abuse means physical contact with a participant that intentionally causes the participant to sustain bodily harm or personal injury. Physical abuse also includes physical contact with a participant that intentionally creates a threat of immediate bodily harm or personal injury. Physical abuse does not injure physical contact that is reasonably designed to coach, teach or demonstrate a hockey skill. Permitted physical conduct may include, but is not necessarily limited to, shooting pucks at a goaltender, demonstrating checking and other hockey skills, and communicating with or direction participants, during the course of a game or practice, by touching them in a non-threatening, non sexual manner.

Kern County Hockey Club

First Amendment May 1999

Section 7.03. Number of Directors. The number of Directors shall be the total of those Directors elected by the General Membership and designated by the constituent teams of the Club. In no event shall the number be less than five(5). A definite number may be fixed by a duly adopted amendment to this Bylaw duly adopted by the vote or written consent of a majority of the General Membership entitled to vote; provided, however, that an amendment reducing the minimum number of directors to a number less than five (5) cannot be adopted if the votes cast against its adoption at a meeting, or the shares not consenting in the case of an action by written consent, are equal to more than sixteen and two thirds percent (16 2/3%) of the outstanding shares entitled to vote thereon. No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

Kern County Hockey Club

Second Amendment May 2003