

NORTH HAYS COUNTY OPTIMIST FOUNDATION, INC.
NORTH HAYS OPTIMIST SPORTSPLEX
YOUTH SPORTS PRESIDENTS STANDING COMMITTEE BYLAWS AND AGREEMENT
(September 2010)

These are the Youth Sports Presidents Standing Committee (the Committee) Bylaws of the North Hays Optimist Sportsplex. These Bylaws will be maintained by the Optimist Club Youth Sports Director and approved by the North Hays County Optimist Club, a Texas non-profit corporation doing business as The Optimist Club of North Hays County (NHO), an affiliate of Optimist International.

Article 1
Name, Purpose, Location

1.01 Name. The name of this Standing Committee shall be the North Hays Optimist Youth Sports Presidents Committee (YSPC).

1.02 Purpose. The purpose of this Committee shall be to act as a liaison between the North Hays County Optimist Club and the multiple Youth Sports of North Hays Optimist Sportsplex. Each Sports program shall receive funds and contributions solely and exclusively for charitable purposes, including the use of a youth sportsplex and the provision of a sports organization and programs for the public. The members of the Committee will administer, expend, and use such funds and contributions solely and exclusively for said youth sports programs.

1.03 Primary Location. The primary location of the Committee and said youth sports programs shall be located at 2880 Goforth Road, Kyle, Texas 78640, County of Hays.

Article 2
Committee, Business and Composition

2.01 General Powers. The affairs of the Committee shall be managed by the North Hays County Optimist Club Board of Directors. The Youth Sports Director of the Optimist Board of Directors will be the direct liaison and committee chair of the Committee. All members of the Committee must be Optimist members and in good standing of North Hays County Optimist Club.

2.02 Number. The number of Committee members shall be six (6), including the committee chair. The number of members may be increased or decreased from time to time by amendment to these Bylaws, provided, however, the number of members of the Committee shall not be fewer than three (3). The COMMITTEE members shall be:

- North Hays Optimist Youth Sports Director (Chair – No vote unless tie)
- North Hays Baseball President (Committee Member) (Term Ends - Odd Year)
- North Hays Softball President (Committee Member) (Term Ends - Even Year)
- North Hays Pop Warner President (Committee Member) (Term Ends - Even Year)
- North Hays Pop Warner Cheer Coordinator (Committee Member) (Term Ends - Odd Year)
- North Hays Flag League Coordinator (Committee Member) (Appointed as needed)

2.03 Program President and Coordinator Election / Appointment. Upon the expiration of the term of office of a member, a successor to such member shall be elected or appointed by the Board of Directors of the North Hays Optimist Club to serve a term of office of two (2) years commencing on January 1 immediately following election or appointment, and ending on December 31 of the second year, or until a successor is elected or appointed and qualified to enter into the office as a member of the Committee.

2.03.1 Sixty days prior to expiration of the Program President(s) position, the Optimist Board will post online, upcoming expirations and nomination instructions. Requirements for the position(s) will be included.

2.04 Tenure. The terms of the committee members shall be staggered so that the term of two members shall terminate and two vacancies shall arise on the committee on December 31 of each calendar year. Each member may be elected to succeed himself or herself.

2.05 Business. The business of the Committee shall be to conduct the youth sports programs at North Hay Optimist Youth Sportsplex, in a manner acceptable by Optimist International and North Hays Optimist Club. Each sport will be responsible for managing, operating and facilitating their specific sport as outlined respectively in the Pop Warner Little Scholars Bylaws, PONY Inc. Bylaws, as well as the Bylaws created and amended by each youth sports program supporting each of the youth sports programs at North Hays Optimist Sportsplex.

2.06 Regular Meetings. A regular quarterly meeting will must be held on the first Sunday at 6:00 P.M. CST in the months of January, April, July and October of each year.

2.07 Special Meetings. Special meetings of the Committee may be called for a specific purpose by the Youth Sports Director and/or at the request of any two Committee members.

2.08 Notice of Special Meetings. Notice of any special meeting of the Committee shall be given at least two (2) days previously thereto by written notice delivered personally or sent by mail, electronic mail, or facsimile to each member at his or her address as shown by the records of the club. The purpose of the meeting must be stated and will be all that is addressed in the special meeting.

2.09 Quorum. A majority of the Committee members shall constitute a quorum for the transaction of business at any meeting of the committee.

2.10 Vacancies. Any vacancy occurring on the Committee and any directorship to be filled by reason of an increase in the number of members shall be appointed or elected by the Optimist Club Board of Directors. A President, Director or Coordinator elected or appointed to fill a vacancy shall be in place for the unexpired term of the predecessor in office.

2.11 Understanding of Bylaws. All members of the Committee are required to sign these Bylaws as a commitment to the understanding of such and ability to follow these Bylaws to the best of their abilities.

2.12 Conflict of Interest. Sport Program Board members including Sports Program Committee Members shall not be officers, (including but not limited to President, Vice President, Secretaries or Treasures), of any other Not – for - Profit association (or any potential association that would be could be considered a conflict of interest), without written request and approval from the Optimist Board of Directors. If a Program Board member is accused of such without proper approval it will be terms for immediate removal.

2.13 Compensation. Members shall receive no compensation for services as a member.

Article 3
Member Positions, Responsibilities

3.01 Members. The members and responsibilities of the Committee shall be;

North Hays Optimist Youth Sports Director (Chair) – Will act as a direct liaison of the Committee and Optimist Club, and will chair the Committee.

North Hays Baseball President (Committee Member) – Will be the co-facilitator and co-chair the Baseball/Softball Program Board, located at the North Hays Optimist Youth Sportsplex.

North Hays Softball President (Committee Member) - Will be the co-facilitator and co-chair the Baseball/Softball Program Board, located at the North Hays Optimist Youth Sportsplex.

North Hays Pop Warner President (Committee Member) - Will be the facilitator and chair the Tackle Football/Cheer Program Board, located at the North Hays Optimist Youth Sportsplex.

North Hays Pop Warner Cheer Coordinator (Committee Member) – Will facilitate the Cheerleading program located at the North Hays Optimist Youth Sportsplex, and will have a seat on the Tackle Football/Cheer Board.

North Hays Flag League Coordinator (Committee Member) - Will be the facilitator Flag Football Program, located at the North Hays Optimist Youth Sportsplex.

3.02 Election/Appointment and Term of Office. The members of the Committee shall be elected or appointed annually by the Optimist Club Board of Directors.

3.03 Removal and Resignation. Any Committee member elected or appointed by the Board of Directors of the Optimist Club may be removed by the Board of Directors of the Optimist Club with a majority vote whenever in its judgment it is the best interests of the Optimist Club, and Youth Sports Program that he/she is the President of.

Any Officer may resign at any time by giving written notice thereof to the Youth Sports Director, Optimist Secretary or Optimist President of North Hays County. Unless otherwise specified in the notice, the resignation shall take effect upon the receipt thereof, and the acceptance of the resignation shall not be necessary to make it effective.

3.04 Vacancies. A vacancy on the Committee because of death, resignation, disqualification, or otherwise; may be filled by the Optimist Board of Directors for the unexpired portion of the current term.

3.05 Multiple Positions. Program Board member may not hold more than one position on each Program Board. The exception would be the Treasurer/Secretary positions which may be held by one person.

3.06 Quorum. A majority of the Committee members shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Committee.

Article 4
Funds

4.01 Committee Funds. Typically, there shall not be any funds related to this Committee. Therefore, there shall be no account in place for the function of this Committee. In the event the Committee requires receiving funds for any reason, they shall be given to the Optimist Club Treasurer for deposit in the Optimist Club account and will be distributed as needed or as earmarked for.

4.02 Contribution to Optimist Club. Each Sports program will agree to contribute to the North Hays County Optimist Club, \$5.00 per participant, *per season played along with a true and accurate master roster of participants registered. These contributions and roster are required to be submitted by the first scheduled game of the regular-recreational season or that program is considered delinquent.

4.02.1 If contribution is not received by the North Hays Optimist Club Treasurer by the first scheduled game of the regular-recreational season, a \$2.00 per participant fee will be added to the initial \$5.00 contribution owed by the delinquent program.

4.02.2 A \$2.00 fine will be added to the contribution every 7th calendar day the contribution is not received, up to a \$15.00 per participant maximum contribution. (In essence, 28 calendar days past the original due date).

4.02.3 If contributions are not made by the delinquent program by the Close of Business of the 14th calendar day past the original due date, the Sports Program President will be placed on written/signed probation by the Youth Sports Director, until the end of that season. If the program continues to be delinquent by the end of the season, the Sports Program President will remain on probation until contribution is made.

4.02.4 If a program is late and placed into the delinquent status on its contribution for a season for any amount of time, the penalty fee will carry over to the next season of the same time frame (fall or spring).

4.02.5 If the contribution payment is late for a second season in a row, then an additional \$2 penalty will be assessed every 7th day beginning with the amount contributed from the previous delinquent season, not to be more than \$15.00 per participant contribution.

4.02.6 If the program is delinquent for two seasons of the same time, the Sports Program President in charge of the delinquent program will be disciplined by the North Hays Optimist Board of Directors, up to being terminated from their position.

**If Participant pays one time for two seasons, they are counted as participating in two seasons, and thus two separate contributions are warranted.*

4.03 Financial Responsibilities. Each Sports Program is responsible for maintaining the fiscal accounts of their program. Each program shall have a Treasurer as a board member who will have fiscal control of the sports account and must sign every check. The Sports President shall bring a current bank statement of their sports programs account to each Committee meeting.

4.03.1 Each Sports Program board that has an individual account specifically for their program must have written cash handling procedures; including deposit of all funds; to include but not limited to; cash, checks and credit cards.

4.03.2 All sports program checks should be signed by Sports program Treasurer and President.

4.03.3 In the event that it is the Treasurer position, an Optimist Board of Director WILL be appointed by the Optimist Board of Directors to hold the position for the program until a suitable replacement is found.

4.03.4 Sports programs should not borrow money from any source without the written approval of North Hays Optimist Board of Directors.

Article 5 Special Events

5.01 Special events. Defined as but not limited to; tournaments, jamborees, playoff games, fairs, fund raisers, or any function outside the typical and normal uses of the sports programs recreational season at North Hays Optimist Sportsplex property.

5.01.1 If a special event is required, desired and planned by a sport program, forty-five (45) days written request to the Youth Sports Director is required, including dates, times, space to be utilized. The Youth Sports Director will present the event to the Optimist board for approval. This can be done by email for quick response and the Sports President requesting the special event shall have a response in writing 30 days prior to the event from the Youth Sports Director.

5.01.2 Typically, as long as the space and time frames are available, events that appeal to the children will be approved.

5.01.3 It is agreed that all approved special events will be set up, maintained, cleaned and returned to at least it's original condition by the facilitating sport as soon as the event is completed.

5.01.4 If funds are accepted from the participants for the event, then negotiations will be made with the Optimist Board of Directors, to determine if a payment is required to the North Hays Optimist Club. In some cases a refundable deposit will be required, which will be returned when the event is over and the space is returned to at least its original condition.

Article 6
Disciplinary Procedures for all Youth Sports Programs

The following disciplinary procedures are to be utilized by all sports programs and their Board located at the North Hays Youth Sportsplex, and is under the responsibility of Youth Sports Presidents Committee, and ultimately the North Hays County Optimist Board.

6.01 The Sports Specific Board's Vice President shall have primary authority and responsibility for the Administration of discipline under their specific sport, at the NHO Sportsplex and/or NHO sponsored activities and for investigating allegations that the accused has violated NHO rules, regulations, or specific written orders and instructions issued by an administrative official of NHO.

6.01.1 If the accused is the Sports program President, Vice President or Treasurer, the Optimist Youth Sports Director shall have primary authority and responsibility for the Administration of discipline regarding that sports programs facilitator, at the NHO Sportsplex and/or NHO sponsored activities and for investigating allegations that the accused has violated NHO rules, regulations, or specific written orders and instructions issued by an administrative official of NHO.

If the Optimist Youth Sports Director has the primary authority and is considered the League Director due to the accused being one of the positions listed in 6.01.1, then he/she must follow the steps listed in 6.02 through 6.02.6 below.

6.02 The Sports Specific Board's Vice President or his or her appointee (League Representative) (i.e. respective League Directors, or Coaches Coordinator) hereto referred to as League Representative, will investigate the alleged violations.

6.02.1 During the investigation, if the accused is available, the League Representative will give the accused an opportunity to explain the incident.

6.02.2 If the League Representative concludes that the accused has violated an NHO policy, the League Representative will determine (**but not assess**) an appropriate disciplinary penalty.

6.02.3 The League Representative will put in writing and discuss his or her findings and his or her determination of an appropriate consequence with the accused in question if the accused is available. This shall give the accused an opportunity either to accept or reject the League Representative's decision.

6.02.4 If the accused accepts the League Representative's decision, the accused will so indicate in writing and waive his or her right to a hearing. The League Representative may then assess the disciplinary penalty, including, but not limited to, or a combination of the following; (*any disciplinary action greater than a-d below must be heard in a disciplinary hearing*)

- a. Suspension from the NHO Sportsplex for 1 game or 1 day.

- b. Suspension from coaching for 1 game or 1 day. Coach may attend games in the stands, but may not enter the field or act as a coach.
- c. Required to attend trainings, such as field maintenance or scheduling, prior to doing that task again.
- d. Verbal and/or written warning of infraction.

6.02.5 If the accused does not accept the League Representative's decision or does not waive his or her right to a hearing, a disciplinary hearing will be scheduled.

6.02.6 If the accused does not execute a written waiver of the hearing process, then the League Representative shall prepare a written statement of charges and of the evidence supporting such charges, including a list of witnesses and a brief summary of the testimony to be given by each, and shall send a notification of such charges and statement to the accused.

6.03 Program board member, coach, player or spectator Disciplinary Hearings may be necessary in those cases in which the accused disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial person (for example the Youth Sports Director) or committee to include Youth Sports Director (chair) who is not involved with the incident in any way, and two other Committee members not related to the incident in any way, hereinafter called the League Hearing committee.

6.03.1 If the Youth Sports Director is acting as the "League Representative" for any reason, the Optimist Vice President will substitute for him/her in these disciplinary procedures.

6.04 Immediate Interim Disciplinary Action may be necessary, if a League Hearing committee meeting is called. The Sports Facilitator's President, with the approval of the Youth Sports Director, (unless the accused is one listed in 6.01.1, then it would be the Youth Sports Director with approval by the Optimist Vice President), may take immediate interim disciplinary action, including suspension, pending a hearing against a accused for violation of a rule, policy or regulation of NHO if the presence of the accused poses a danger to another person, themselves or property or if an ongoing threat of disrupting the activities of NHO.

6.04.1 Hearings will be held under the same procedures, and will be held as soon as practicable after the disciplinary action has been taken, unless otherwise agreed to by the accused.

6.05 Except in those cases where immediate interim disciplinary action has been taken, the accused shall be given at least 48 hours written notice by the League Representative, or a designated appointee, of the date, time, and place for such hearings.

Upon a hearing of the charges, the League Representative has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with procedures adopted by the NHO, and that assure both parties (League Representative and accused) the following minimal rights:

- a. Both parties will turn in lists of witnesses, expected testimony, copies of documents, to the hearing chairperson, at least 24 hours prior to the hearing.

- b. Each party shall have the right to appear and present evidence in person.
- c. Each party shall limit its presentation to relevant evidence. The accused must attend the hearing if the accused desires to present evidence.
- d. The hearing may proceed notwithstanding the accused failure to appear.
- e. Both the League Representative and the accused shall have the right to question witnesses. All questions shall be limited to relevant evidence.
- f. **Accused Right to Challenge Impartiality.** The accused may challenge the impartiality of the hearing committee at any time prior to the introduction of any evidence.
 - (i). The Chair of the committee shall be the sole judge of whether he or she can serve with fairness and objectivity.
 - (ii). In the event a member of the hearing committee is challenged, a substitute will not be selected. An Optimist Board Officer along with the Committee chair will become hearing committee. If a hearing committee member chooses not to serve, the Optimist Board Officer will become the committee member.
 - (iii). The Optimist President is the only position that can be a sole source hearing committee. This tactic should only be utilized when absolutely needed.

6.06 **Determination of Hearing.** The hearing committee shall render a decision to both parties as soon as practicable as to the guilt or innocence of the accused and shall, if necessary, assess a penalty or penalties including, but not limited to:

- a. Dismissal or Suspension from the NHO Sportsplex for a given amount of time, from 1 game or 1 day to a lifetime ban.
- b. Dismissal from the Program Board for a given amount of time, up to a lifetime ban.
- c. Dismissal or Suspension from coaching for a given amount of time, from 1 game or 1 day to a lifetime ban. Coach may attend games in the stands, but may not enter the field or act as a coach.
- d. Required training, such as field maintenance or scheduling, prior to performing that task again.
- e. Verbal and/or written warning of infraction.

6.07 **Appeals.** Neither party may appeal if the hearing committee determines that the allegations against the accused are true but the only punishment assessed is verbal or written warning. In those cases, the determination of the League Hearing Committee is final. However, in all other cases, either party may appeal to the Optimist Board of Directors. Written notice of appeal must be received by the Optimist Vice President within 24 hours after receipt of the decision. An appeal is not simply a rehearing of the original case.

6.07.1 An appeal must be based on:

- a. Whether or not a fair hearing was afforded, including notice of the alleged misconduct, and an opportunity to present evidence;
- b. Whether or not the sanctions levied were appropriate to the offense;
- c. Whether or not the finding was supported by the evidence; and/or
- d. Whether or not new evidence is introduced that was not available at the time of the hearing.

6.07.2 Both parties, at the discretion of the Optimist Board of Directors, may submit written arguments, to support their positions.

6.07.3 In order for the appeal to be considered, the appealing party must submit all necessary documentation, including written arguments, when appropriate, to the Optimist Vice President within 24 hours after giving notice of appeal.

6.07.4 The Optimist Vice President may approve, reject, modify the decision, call a special meeting of the Optimist Board of Directors or remand the matter to the original hearing committee for reconsideration.

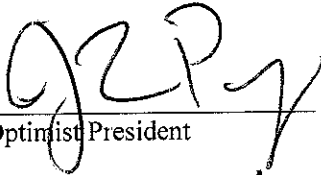
6.07.5 The Optimist Vice President shall respond to the appeal within 48 hours after all the documentation was received and all testimony was heard, or he or she may postpone a decision for good cause.

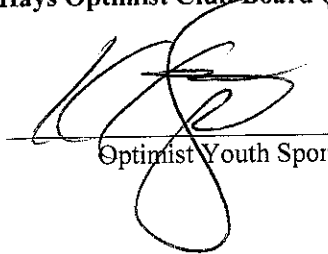
NOTE: After an appeal is heard and reviewed utilizing the process in 6.07, the matter will be closed and the determination is final.

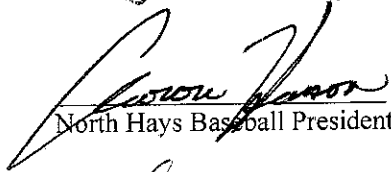
Article 7 Amendments to Bylaws

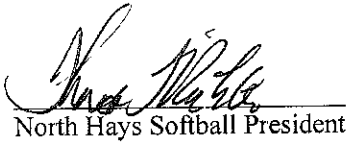
These Bylaws may be altered, amended, or repealed and new bylaws may be adopted by a majority of the Optimist Club Board of Directors present at any meeting. Committee members may recommend amendments or addendums to the Optimist Youth Sports Director, who will bring to the Optimist Board of Directors meetings for discussion and vote. If an immediate change is required, a Special meeting may be called of the Optimist Club Board of Directors.


ADOPTED OCTOBER 1, 2010 by the North Hays Optimist Club Board of Directors.


Optimist President


Optimist Youth Sports Director


North Hays Baseball President (Committee Member)

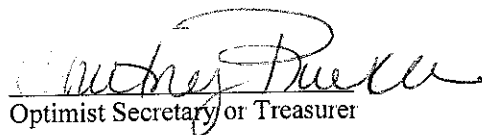

North Hays Softball President (Committee Member)


North Hays Pop Warner President (Committee Member)


North Hays Pop Warner Cheer Coordinator (Committee Member)


North Hays Flag League Coordinator (Committee Member)

ATTEST:


Optimist Secretary or Treasurer