



Kiwanis[®]
CALIFORNIA-NEVADA-HAWAII DISTRICT

Bylaws & Policy Committee – Agenda – July 28, 2020

1. Call to order
2. Roll call
3. Old business
 - a. None known
4. New business
 - a. Realignment committee policy changes (section 103)
 - b. Campaign ethics committee policy changes (section 191.5 and new 191.6)
 - c. Policy violation procedure changes (section 111)
 - d. Solicitation of Funds revision (section 110.5)
 - e. Additional new business -

103. Committee on Realignment

103.1 Function

To study the boundaries and sizes of the divisions and regions which make up the California-Nevada-Hawaii District and recommend to the Board of Trustees any necessary changes in boundaries, which will create new or realigned divisions or regions so as to conform to the Bylaws and Policies of the Cal-Nev-Ha District. ~~Geographical factors and number of members should be taken into consideration.~~ (3/08)

103.2 Composition

The Realignment Committee shall be composed of from ten to sixteen members including the Governor, Governor-elect and the District Secretary. Of the remaining members, no less than four members shall have served on the Realignment Committee within the last two years and one must be a Trustee. The Governor-elect shall make the selection of the chair from the current committee. (3/08)

103.3 Term and Appointment

The Realignment Committee shall be appointed by the Governor-elect for one year term beginning on the following October 1.

103.4 Meetings

The Realignment Committee shall function during the entire year and will [meet within the first quarter of the Kiwanis year](#) at such time and place as the Chair of the committee may designate, with a minimum of one (1) meeting per administrative year.

103.5 Proposals

Prior to submitting a change or realignment of divisions or regions in the District to the Board of Trustees, the Committee on Realignment shall study and consider the following factors: (3/08)

A. The number of clubs in each division or divisions in each region and its membership resulting from the proposed realignment. However, the minimum number of Kiwanis clubs a division shall be nine or the minimum membership shall be 250. (3/08)

B. Relative strength or weakness of each club or division resulting from the proposed alignment. (3/08) [This should be accomplished by consulting with the Lieutenant Governors and Division leaders in the affect divisions or clubs.](#)

C. ~~Past participation of each club or division in proposed realignment in division, District and International functions.~~ (3/08) [Requests from Divisions to be realigned due an increase/decrease clubs and/or membership.](#)

~~D. Past participation of each club in division leadership or each division in regional leadership. (3/08)~~ The impact realignment will have on one or more Region(s).

103.6 Preference for Realignment

To retain a reasonable number of divisions and regions in the District, and to minimize the financial cost incurred by the District for each division and region that exists, preference will be given to the realignment of clubs within existing divisions rather than creating a new division or region. (3/08)

Should there be a break in the numerical order of divisions or regions in the Cal-Nev-Ha District and a new division or region is created, then the new division or region shall be assigned the lowest division or region number not presently used in the numerical structure. (3/08)

103.7 Effective Dates of Changes for Realignment of Divisions or Regions

A. Any change which creates a new division or region, or realignment of clubs or divisions with existing divisions or regions shall become effective as set forth by the Board of Trustees, but no sooner than the October 1st following the approval of such realignment. (3/08)

B. After the approval of a new division, the Office of Lieutenant Governor-elect shall be filled for the next administrative year. Such election shall be in accordance with the Bylaws, Article XIII, and the election shall be by the representatives of the clubs in the new division. Similarly, the representatives of the clubs in the division to be retained shall elect their Lieutenant Governor-elect. The chair for such conference shall be the Immediate Past Lieutenant Governor who is a member of one of the clubs in the new division or the division to be retained.

C. After the approval of a new region, the Office of Trustee from said region shall be filled for the next administrative year. Such election shall be in accordance with the Bylaws, Article XI, and the election shall be by the representatives of the clubs in the new region. The chair for such conference shall be elected by the current Lieutenant Governors of the region. (3/08)

103.8 Cause for Dissolution and Realignment (1/00)

A. Any time the membership of a division falls below nine (9) clubs and less than two hundred and fifty (250) members, it shall be considered cause for dissolving and realigning that division.

1. Due to geographical isolation, some Divisions may be exempt from this policy unless they become in the opinion of the committee too large or too small to continue as a single division. A list of these Division shall be kept by the District office and reviewed by this committee once a year.

B. **At the direction District of the Board of Trustee**, when a division does not meet the minimum membership requirements as provided in subsection A above, the Realignment Committee shall cause a notice to that effect to be sent to the Governor with a copy to the current Lieutenant Governor of that division. Such notice shall contain a provision advising said division has been placed in a probationary status for a period of six (6) months, commencing with the date of the notice. At the end of the said six (6) months, if the membership of said division has not been brought either to nine (9) clubs or two hundred and fifty (250) members, the committee shall recommend to the District Board of Trustees a realignment plan for said division.

C. If at any time during the administrative year a region does not have a Trustee ~~or Trustee-designate, the region~~, it may be considered cause for dissolving or realigning that region. (3/08)

D. If at any time during the administrative year a division does not have a Lieutenant Governor ~~or Lieutenant Governor-elect, the division~~, it may be considered cause for dissolving or realigning that division.

E. **If in any year, a division does not have a Lieutenant Governor, that division will be subject to realignment regardless of the number clubs or size of membership.**

103.9 Division Geography and Realignment (2/07)

A. If a club can be serviced better by a neighboring division than the one the club is in currently due to geographic constraints; the Realignment Committee may consider moving the club to a neighboring division.

B. When a division is being considered for realignment, the Realignment Committee should consider local geography and may elect to not realign a division if the geographic considerations warrant no action.

Geographical factors include:

1. Physical barriers (mountains, oceans, deserts, etc.)
2. Extreme distances between clubs
3. Urban congestion which would make it difficult for a Lieutenant Governor to complete his/her duties.

103. ~~Committee on Realignment~~ **Realignment Committee**

103.1 Function

To study the boundaries, **number of members, number of clubs in good standing,** and sizes of the divisions and regions which make up the California-Nevada-Hawaii District and recommend to the Board of Trustees any necessary changes in boundaries, which will create new or realigned divisions or regions so as to conform to the Bylaws and Policies of the Cal-Nev-Ha District. ~~Geographical factors and number of members should be taken into consideration.~~

103.2 Composition

The ~~Realignment~~ Committee shall be composed of from ten to sixteen members including the Governor, Governor-elect and the District Secretary. Of the remaining members, no less than four members shall have served on the Realignment Committee within the last two years and two must be Trustees. The Governor-elect shall make the selection of the chair from the current committee.

103.3 Term and Appointment

The ~~Realignment~~ Committee shall be appointed by the Governor-elect for ~~one year~~**one-year** term beginning on the following October 1.

103.4 Meetings

The ~~Realignment~~ Committee shall function during the entire year and will meet at such time and place as the Chair of the committee may designate, with a minimum of one (1) meeting **during the first quarter of the** administrative year.

103.5 ~~Preference for Realignments~~ General Policies for Division and Region Organization and Structure

~~To retain a reasonable number of divisions and regions in the District, and to minimize the financial cost incurred by the District for each division and region that exists, preference will be given to the realignment of clubs within existing divisions rather than creating a new division or region.~~

- A. Divisions and regions should be organized so that the financial cost incurred by the District and the management effort required of the Lieutenant Governor and Regional Trustee shall be minimized to the extent reasonably possible.
- B. If the Committee recommends any realignment to the District Board, it is the preference of the District that the clubs affected be assigned to existing divisions, rather than creating new divisions or regions, to the extent reasonably possible.
- C. Should there be a break in the numerical order of divisions or regions in the California-Nevada-Hawaii District and a new division or region is created, then the

new division or region shall be assigned the lowest division or region number not presently used in the numerical structure.

103.6 Initiating Realignment Study

A. During October of each administrative year, the District Executive Director shall report to the District Governor and the District Board regarding any division that does not contain at least 250 members and/or 9 clubs in good standing. After receiving that report, the Governor may ask the Committee to review the issues regarding the number of members and/or clubs in any division that do not meet these minimums to determine whether realignment is warranted, but is not required to do so. The District Board may also make such a referral to the Committee by majority vote.

A.B. After either the referral by the Governor or the referral by the District Board, the Committee chair shall advise the division Lieutenant Governor and Trustee for the region including the affected division of the referral and invite the Lieutenant Governor and Trustee to assist the Committee in its review of the issues involved in the low membership and/or low number of clubs in good standing, although they shall have no vote. The Committee chair may also invite any other District Officer to participate in these discussions and committee meetings.

B.C. The Committee shall have 90 days after the referral by the Governor or the District Board to review the issues presented and make its recommendation to the District Board.

103.7 Factors to be considered in proposals for realignment

~~Prior to submitting a change or realignment of divisions or regions in the District to the Board of Trustees, As part of any review of division or region alignment, the Committee on Realignment shall study and consider the following factors:~~

- ~~A. The number of clubs in each division or divisions in each region and its membership resulting from the proposed realignment. However, a division must either have a minimum of 250 members or 9 clubs.~~
- ~~B. Relative strength or weakness of each club or division resulting from the proposed alignment.~~
- ~~C. Number of members and/or clubs in adjacent divisions which may offer opportunities to strengthen the affected division or region.~~
- ~~D. Past participation of each club or division in proposed realignment in division, District, or International activities.~~
- ~~E. Information provided by individual club members, Club officers, the division Lieutenant Governor and region Trustee.~~
- ~~F. If a club can be serviced better by a neighboring division than the one the club is in currently, due to geographic constraints, the Committee may consider moving the club to a neighboring division.~~

- G. When a division is being considered for realignment, the Committee should consider local geography and may elect to not realign a division if the geographic considerations warrant no action.
- H. Any other factors believed by the Committee to be germane to their decision, which shall be explicitly set forth as part of the Committee recommendation to the District Board.

While it is the preference of the District that each Division have at least 250 total members and/or 9 clubs, the Committee has the discretion to make recommendations to the District Board for division and region alignment that take into account the other factors set forth above even if the recommendation does not meet these numerical minimums.

103.8 Effective Dates of Changes for Realignment of Divisions or Regions

A. Any change which creates a new division or region, or realignment of clubs or divisions with existing divisions or regions shall become effective as set forth by the Board of Trustees, but no sooner than the October 1st following the approval of such realignment. (3/08)

B. After the approval of a new division, the Office of Lieutenant Governor-elect shall be filled for the next administrative year. Such election shall be in accordance with the Bylaws, Article VII, section 5, and the election shall be by the representatives of the clubs in the new division. Similarly, the representatives of the clubs in the division to be retained shall elect their Lieutenant Governor-elect. The chair for such conference shall be the Immediate Past Lieutenant Governor who is a member of one of the clubs in the new division or the division to be retained.

C. After the approval of a new region, the Office of Trustee from said region shall be filled for the next administrative year. Such election shall be in accordance with the Bylaws, Article VII, section 6, and the election shall be by the representatives of the clubs in the new region. The chair for such conference shall be elected by the current Lieutenant Governors of the region. (3/08)

103.~~8~~9 Cause for Dissolution and Realignment (1/00)

~~A. If a division does not have either nine (9) clubs or two hundred fifty (250) members, it shall be considered cause for dissolving and realigning that division.~~

~~B. When a division does not meet the minimum membership requirements as provided in subsection A above, the Realignment Committee shall cause a notice to that effect to be sent to the Governor with a copy to the current Lieutenant Governor of that division. Such notice shall contain a provision advising said division has been placed in a probationary status for a period of six (6) months, commencing with the date of the notice. At the end of the said six (6) months, if the membership of said division has not been brought either to nine (9) clubs or two hundred and fifty (250) members, the committee shall recommend to the District Board of Trustees a realignment plan for said division.~~

~~A.—~~

~~B.A. _____~~ ~~C.~~ If at any time during the administrative year a region does not have a Trustee ~~or Trustee-designate~~, it may be considered cause for dissolving or realigning that ~~r~~region. (3/08) ~~The Governor may refer any such matters to the Committee at such time as this condition arises, and the District Board may do so by majority vote.~~

~~D.~~ If at any time during the administrative year a division does not have a Lieutenant Governor ~~or Lieutenant Governor-elect~~, it may be considered cause for dissolving or realigning that division. ~~The Governor may refer any such matters to the Committee at such time as this condition arises, and the District Board may do so by majority vote.~~

~~C.B. _____~~ 103.9 Division Geography and Realignment (2/07)

~~A. If a club can be serviced better by a neighboring division than the one the club is in currently, due to geographic constraints, the Realignment Committee may consider moving the club to a neighboring division.~~

~~B. When a division is being considered for realignment, the Realignment Committee should consider local geography and may elect to not realign a division if the geographic considerations warrant no action.~~

191.5 Specifically prohibited activity

- A. Candidates shall not distribute any flyers, posters, cards, e-mails, social media posts, direct mail pieces via USPS or private carrier, or any other communications whether physical or electronic in connection with their candidacy that includes photographs or images of any District Officer, any paid employee of the California Nevada Hawaii District of Kiwanis International, or of any member of any SLP Club in the District. Such photographs or images could be misconstrued as an endorsement, which is specifically prohibited elsewhere in this section.
- B. Candidates, their campaign managers and campaign staff, and all those working on concert with the candidate, shall not retaliate for perceived or actual violations of these campaign policy guidelines by another candidate, nor shall they commit the same or similar violations to attempt to remedy the alleged violation. The sole remedy is to report the alleged violation to the District Secretary, as outlined herein.
- C. The District reserves the right to augment or supplement this listing of specifically prohibited activities at any time. The items enumerated above shall not be considered the exclusive list of prohibited activities.

191.6 Violations of Campaign Policies - Campaign Ethics Committee (02/99)

~~A. This committee will be appointed by the Governor and have at least five (5) members. The chairman will be named by the Governor. The committee will include a Chair, two (2) Trustees and two (2) Past Governors, none of whom should be a declared candidate for any office. (03/08)~~

- ~~A. B. Any person who observes what they believe to be a campaign policy violation shall file a written complaint with the District office. All complaints regarding alleged ~~campaign~~ violations of the campaign policies outlined above shall be delivered in writing to the Governor or District Secretary/Executive Director, in person or by mail or electronic delivery at the District Office and shall be signed by the witness to the alleged violation. The complaint regarding the alleged violation(s) shall provide specific details ~~(i.e.: - for example, the date, time, place, identity of those involved, and what was said or done.)~~ in violation of the campaign policies outlined above, referencing the specific violation and/or policy violated. Anonymous complaints will be rejected, and no further action will be taken with respect to them. (02/05)~~

~~C. The committee will investigate all alleged Campaign Policy violations, which it receives from the Governor.~~

- ~~B. Upon receipt of a written allegation of a violation of the campaign policies outlined above, the Governor shall appoint a Campaign Ethics Committee ("Committee"). This committee will have a minimum of five (5) members. The chairman will be named by the Governor, and shall be a member in good standing of any Kiwanis Club in the District. The committee will include a Chair, two (2) currently sitting~~

District Trustees and two (2) Past District Governors, none of whom should be a declared candidate for any office. If the allegations are made against the sitting District Governor, then all the powers and functions of the Governor outlined in this section shall instead be carried out by the Governor-Elect. A quorum for the ~~committee~~Committee will be four (4) members. Any abstention vote will be considered a “no” vote. ~~The committee~~

C. The Committee will conduct a preliminary investigation of all alleged campaign policy violations which it receives from the Governor within 10 days of the receipt of the written complaint. The Committee shall make an initial determination regarding whether to conduct a formal hearing regarding the alleged campaign policy violations. The Committee will report their findings in writing to the Governor. ~~(08/03)~~ as soon as is reasonably possible, but in no event later than 21 days after the receipt of the written complaint by the Committee. (08/03)

~~D. Notice of any committee meeting will be announced by the Governor or~~

D. If the Committee recommends conducting a formal hearing, or if the Governor instructs the Committee to conduct a formal hearing regardless of the recommendation of the Committee, the Committee, in conjunction with the Governor and the District Secretary, shall set a date for a hearing within 15 days of the written report to the Governor. Written notice of the hearing will be given by the District Secretary to each member of the Committee, the Candidate and, if applicable, the alleged violator(s). The Candidate and/or alleged violator(s) shall receive a copy of the complaint made against them at least one week before the day of the ~~meeting~~hearing and be permitted the opportunity to provide evidence in their defense, but shall not be present during the Committee deliberations. ~~(02/05)~~(02/05) The Committee will make a written report of its findings to the Governor within 5 days of the hearing and may recommend that the Governor take one of the actions outlined in section 191.5 E below. If the Committee is not unanimous in its findings, the Committee members in the minority may make their own report to the Governor.

~~E.~~

E. The Governor shall review the findings of the ~~committee~~Committee and take one or more of the following actions:

~~1.~~

1. No action based on no violation.

2. ~~2.~~ Acceptance of an oral or written apology from the candidate and/or violator(s).

3. ~~3.~~ A private reprimand given to the candidate and/or violator(s).

4. ~~4.~~ A public reprimand notifying the District Board and/or the delegate body of the individuals violating the campaign policies.

5. ~~5.~~ A written cease and desist order. (02/05)

~~F.~~

F. The Candidate, violator(s), or the Committee, each have a right to appeal ~~to the District Board of Trustees, from~~ the action to be taken by the Governor. to the District Board of Trustees. However, if the Committee wishes to appeal, it must do so by majority vote. If a District Board meeting is not scheduled prior to the end of the current or next District conference or convention, the right of appeal shall be to an ad-hoc committee appointed by the Governor and consisting of the Governor, the Governor-Elect, Immediate Past Governor, District Secretary/Executive Director, District Treasurer, at least two (2) Trustees and at least two (2) Past Governors. ~~(03/08)~~(03/08) The decision of the District Board of Trustees, or of the ad hoc committee, shall be final.

~~G.~~

G. The District Board of Trustees will be advised of the Governor's action at the next board meeting. (02/05)

111- Violations of District Policy

- A. All complaints regarding alleged violations of District Policy shall be filed in writing with the Governor and the District Secretary at the District Office. If the allegations are regarding the District Secretary, the complaint shall be filed with the District Governor and may be filed with the Governor Elect. If the allegations are regarding the District Governor, the complaint shall be filed with the District Secretary and may be filed with the District Governor-Elect. In addition, if the allegations are regarding the District Governor, any procedure to address the complaint that requires action by the District Governor shall instead be undertaken by the Governor-Elect.
- B. Upon receipt of the written complaint alleging such a violation, the Governor shall determine if such complaint requires official action and, if so, the Governor shall appoint an Ad Hoc Committee of no less than five Kiwanians, none of whom shall be from the alleged violator(s) division. The Ad Hoc Committee shall be composed of one person from the PolicyBylaws and Policies Committee, one District Trustee, one sitting Lieutenant Governor and one Past Governor. The Governor shall have the affirmative duty to appoint at least one additional member, and shall have the discretion to appoint a person who is a member of the Policy Committee or a District Trustee or a sitting Lieutenant Governor or a Past District Governor, or who may in the alternative be an active member in good standing of any Kiwanis Club within the District. However, the number of Ad Hoc Committee members shall always be an odd number. (8/11)
- C. Any potential criminal matter shall be referred by the Governor to the District Secretary, who may request guidance from the LawsBylaws and RegulationsPolicies Committee and/or its chairman. ~~(8/11)~~

SOLICITATION OF FUNDS

110.5

Alleged Violations

Any alleged violation of the provisions of the Solicitation of Funds Policies shall be made to the Governor and the District Secretary at the District Office —in writing, containing information pertinent to the allegation. (6/20)

~~A. If in the opinion of the Policy Committee a violation has occurred, the Chairman will notify the Governor.~~ The Governor will then initiate District Policy 111. (6/97)