



**Kiwanis**<sup>®</sup>

California-Nevada-Hawaii District

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## **2016-2017 Policy Committee Meeting**

May 4, 2017 4:00 p.m.

### **AGENDA**

1. Welcome
2. Governor's remarks
3. Sub-Committee Reports
  - a. Violations of District Policy (Section 111)
  - b. Financial (Section 201)
4. Other items
5. Adjournment

## Roadmap to Section 111 changes:

111, 1st para - In 111 first para, the Ad Hoc committee is to be made up of no less than 4 persons. I think we need to eliminate ties - it should be made up of no less than 5 persons, and include each of the identified members as set forth with one additional appointment required.

111, 2d paragraph - shifts final responsibility for determining existence of potential criminal activity from Laws & Regs to District Secretary, with advice from L&R. Frankly, I have a question about liability for defamation for making any such communications to club & division officers by anyone. Any thoughts? Also, what obligation does District have to report potential criminal violations to law enforcement authorities? Just sayin'...

111.1 - end of first para. - specifies content of initial notice to violator. Should we reserve right to keep name of complaining party secret at this (or any) stage?

end of 2d para. - new requirement for formal report to district secretary with findings.

3rd para. - completely rewritten, so ~~strikeout of existing section~~ and rewritten section follows, with new language underlined. Also, rather than asking Ad Hoc comm. to write a 'summary' of the 'results of the investigation' for delivery to violator, just requires the preliminary report already in existence to be delivered to violator. Saves a step.

4th para. - new - pure administrative procedure - can keep or not. For those that care, Kenneth Culp Davis was my instructor for Administrative Law (worst class ever).

111.2 A - new time limit on delivery of 'verdict.'

## 111 Violations of District Policy

All complaints regarding alleged violations of District Policy shall be filed in writing with the Governor and the District Secretary at the District Office. 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 ~~four~~ five Kiwanians, none of whom shall be from the alleged violator(s) division. The Ad Hoc Committee shall be composed of ~~no less than~~ one person from the Policy 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.

Any potential criminal matter shall be referred by the Governor to the District Secretary, who may request guidance from the Laws and Regulations Committee and/or its chairman. If the District Secretary determines that the complaint involves potential criminal liability on the part of the alleged violator(s), the District Secretary who shall give notice of such alleged activity to the member's alleged violator(s) club president, club secretary, Lieutenant Governor of the Division, Trustee of the Region and the Policy Committee chairman.

### 111.1 Notice, Investigation and Hearing Requirements

No further action shall be taken in the event the Governor determines that no official action is warranted. Should the Governor determine that official action is necessary, the Governor shall notify the District Secretary in writing of such determination. The District Secretary shall, within five (5) days, send a written notice to the alleged violator(s) of the receipt of the complaint and the determination by the Governor to appoint an Ad Hoc Committee to investigate the allegations contained in such complaint. The initial written notice sent to the alleged violator(s) shall contain a brief summary of the original complaint, including a reference to the section or sections of District Policy that were allegedly violated. In addition, the written notice shall have as an attachment a full and complete copy of any written complaint(s) that initiated the disciplinary proceedings herein referenced.

The Governor shall, within five (5) days after making such determination, appoint ~~an~~ the Ad Hoc Committee. The Committee shall have forty-five (45) days after its appointment to investigate the circumstances of the alleged violation and determine whether a formal hearing is warranted. (6/12) At the conclusion of this 45 day period, the Ad Hoc Committee shall prepare a written preliminary report detailing the findings made as the result of the investigation, and either a finding that a formal hearing is warranted or a finding that no such hearing is warranted.

~~If a formal hearing is deemed warranted by the Committee, the Committee shall have twenty (20) days in which to conduct the hearing and present its report to the Governor. The chairman of the Committee shall notify the Governor and District Secretary of the Committee's decision to hold a formal hearing. The District Secretary shall promptly give notice to the alleged violator(s), of the time and place of the hearing and shall provide the alleged violator a preliminary summary of the results of the investigation. The chairman of the Ad Hoc Committee shall determine whether the hearing shall be in person or one conducted by teleconference, weighing the time constraints and geographical location of all involved persons. Should the alleged violator(s) not be available for the scheduled hearing, a one-time continuance of no more than 30 days may be granted upon agreement by a majority of the Ad Hoc Committee members. Any continuance of a hearing shall automatically extend the time requirement for investigation and completion of the hearing by an equal amount to the time granted in the continuance. (8/11)~~

If a formal hearing is deemed warranted by the Committee, ~~t~~The chairman of the Committee shall notify the Governor and District Secretary of the Committee's decision to hold a formal hearing, providing to them a copy of the preliminary report referenced above. ~~T~~The Committee shall have twenty (20) days after the delivery of the Ad Hoc Committee's report to the Governor in which to conduct the hearing and present its final report to the Governor. The District Secretary shall promptly give notice to the alleged violator(s) of the time and place of the hearing and shall provide the alleged violator a copy of the preliminary report summary of the results of the investigation no less than five (5) days in advance of that hearing. The chairman of the Ad Hoc Committee shall determine whether the hearing shall be in person or one conducted by teleconference, weighing the time constraints and geographical location of all involved persons. Should the alleged violator(s) not be available for the scheduled hearing, a one-time continuance of no more than 30 days may be granted upon agreement by a majority of the Ad Hoc Committee members. Any continuance of a hearing shall automatically extend the time requirement for investigation and completion of the hearing by an equal amount to the time granted in the continuance.

The members of the Ad Hoc Committee and the alleged violator(s) may present evidence at the hearing as they see fit, including, but not limited to, witness testimony and documentary evidence. The Ad Hoc Committee may accept or reject any evidence presented at the hearing, at their sole discretion. The hearing shall be limited in duration to one calendar day, unless the Ad Hoc Committee votes by a majority to extend the hearing for one or more additional day(s).

#### 111.2 Report of the Ad Hoc Committee (8/11)

A. ~~At the conclusion of its investigation and/or formal~~ the hearing process, the Ad Hoc Committee shall ~~provide the Governor and District Secretary with~~ prepare a written report of its findings and recommendations. This report shall be provided to the Governor and District Secretary no more than 15 (fifteen) days after the conclusion of the hearing.

# FINANCIAL

## 205. Investments of Funds (6/00)

- A. The Finance Committee shall review the District procedure for the investment of funds. (6/00)
- B. Investment of funds shall be permitted for a term not to exceed four years in savings accounts of banks or savings and loan associations, United States government or agency obligations, mutual funds and other appropriate money instruments. Such investments will be made taking into consideration the probable time that such funds will be used, rate of return, liquidity, and safety of the funds. (6/00)
- C. A subcommittee consisting of the District Secretary/Executive Director, the District Treasurer, and the Finance Committee Chairman, shall have the authority to select financial institutions, purchase and/or sell securities and/or reinvest proceeds from the sale or maturity of securities in accordance with Section 207(B). (6/00)

## 206. Pledge of Securities

Upon the recommendation of the Finance Committee and with the approval of the Board of Trustees, the District Secretary and Treasurer may pledge as collateral for any loan, any security, bond, savings account or other District asset.

## 221. Revenue

### 221.1 Receipt of Funds

All funds received shall be deposited in regular commercial accounts by the District Secretary. A deposit receipt and transmittal details shall be filed for review by the District Treasurer. (8/07)

## 222. Membership Fees

The District Finance Committee shall recommend annually the amount of ~~the New Member Add Fee, the annual General Fund Per Capita dues, the International Convention Fund, District Convention Fund, Cal Nev Ha subscription fee~~ and dues for members of newly admitted clubs needed to balance the budget. (6/06)

### 222.1 Dues

In accordance with the District Bylaws, Article XV, the total ~~annual per capita dues~~ shall be based on each club's annual membership report to Kiwanis International as of September 30 of each year and shall be due annually on October 1 and payable by November 30. covering the General Fund, International Travel Fund, District Convention and Cal Nev Ha subscription shall be billed annually. All clubs will be billed annually for honorary members receiving the Cal-Nev-Ha publication. (6/06)

### 222.2 New Member Add Fee

In lieu of a pro-rata ~~capita~~ dues, the District shall charge a ~~New Member Add Fee~~. The amount of the new member add fee shall be determined each year by the District Finance Committee. (6/06)

222.3 Newly Admitted Clubs

Newly admitted clubs shall be billed for dues as determined by the Board of Trustees. No new member add fee shall apply to charter members. (6/06)

222.4 Non Meeting Clubs

Clubs that are on a non-meeting status shall not be billed for dues or other membership costs. When such club returns to a meeting status, dues and membership costs will be billed commencing with the next billing cycle. (8/07)

271.1 Costs - Convention Site and Selection Committee

The cost of meetings of the Convention Site and Selection Committee shall be charged against the District Convention budget or Mid-Year Conference budgets depending upon the primary purpose of such meeting.

271.2 Costs - Governor's Cabinet and Parliamentarian

The Governor shall recommend a total amount to be budgeted for reimbursement to cover such costs as office expense, telephone, postage, travel meetings, convention expense. The distribution of these funds need not be in the same amount to each person; the actual amount of each reimbursement to be at the discretion of the Governor.

271.3 Costs – Service Leadership Programs (SLP) Committees (08/10)

Travel expenses for Service Leadership Programs (SLP) Regional Advisors to attend Board meetings (Winter Board, May Board and Summer Board) shall be as follows:

A. The District shall reimburse Regional Advisors for airline transportation from Regions 6, 9, 14, 15, 16 and 17 to Board meetings held at the Kiwanis Professional Center. The District shall reimburse Regional Advisors from Region 18 for airline transportation to all Board meetings. (08/10)

~~B. Said reimbursement for Regional Advisors shall be capped at a \$150 for Regions 6, 9, 14, 15, 16 and 17 and \$600 for Region 18. (08/10)~~

~~B.~~ The District shall only provide reimbursement for transportation and housing to one Regional Advisor or Assistant Regional Advisor for every four students per region per meeting. (08/10)