

Niagara Erie Youth Sports Association, Inc.
Constitution and By-Laws

ARTICLE 1 TITLE

The name by which this League shall be known by is: Niagara Erie Youth Sports Association, Inc. (NEYSA).

ARTICLE 2 PURPOSE

This Association is designed to encourage athletic endeavors in the youth of Western New York, as well as to promote the physical, moral and mental development of children by providing the means through which each individual child can receive education and instruction in football, cheerleading and other sports. The purpose of setting up this program is to develop a sense of fair play, honest and fair competition and true sportsmanship, with no discrimination toward race, creed, color or gender. This Association supports the principle of sports for each interested and eligible child. This Association does not advocate tryouts that promote the idea of offering the sport to only those more gifted children in the community. This Association encourages its members to continually strive to increase the membership and finances of each member organization so that every interested and eligible child has the opportunity to participate with the Association.

ARTICLE 3 OFFICIAL MAILING ADDRESS

The official mailing address of the Association will be the address of the current Secretary. All correspondence to the Association must go to the official mailing address and/or the email address of the current Secretary in order for that correspondence to be distributed accordingly.

ARTICLE 4 MEMBERSHIP

1. Membership of the Association shall consist of organizations that are non-profit and exist and are formed for the purposes consistent with Article 2 of this Constitution and By-Laws. Member organizations agree to abide by and adhere to these Constitution and By-Laws as well as any rules and regulations set forth by the membership, which will consist of a Board of Commissioners.

2. Current member organizations that are in good standing (all outstanding fees/fines paid) must submit to the Executive Board of Directors, at the time the franchise fee is paid, the following information:

- a. Proof of incorporation
- b. Names, physical and email addresses and phone numbers of all Officers and Commissioners
- c. Names, physical and email addresses and phone numbers of all Head Coaches and Cheer Coordinators and the division each are associated with
- d. Sponsorship of a team and/or organization

ARTICLE 4 MEMBERSHIP (cont.)

3. When a new organization is seeking a franchise with the Association, the applying organization shall make an application to the League by submitting a franchise application and shall have satisfied the Board of Commissioners that it is in substantial compliance with and will comply with the provisions of the words of the Articles of this Constitution and Bylaws and the Association Rules and Regulations. This franchise shall be contingent upon a favorable report by the Membership Committee Chair. A franchise shall be granted to the new organization upon a two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting. A new franchise cannot be voted on after the June meeting of the current preseason to allow for the statistician and scheduling committee's time to complete the preseason duties. Franchise votes after this time will be for the following season.

4. Each individual organization that had been granted a franchise with the Association from the previous year and are current and in good standing, shall have their franchise application voted on at the December meeting. Each applying organization's franchise application will be accepted only if there is a two-thirds (2/3) majority vote, in the affirmative, of the Board of Commissioners present at the January meeting. All franchise application voting shall be conducted via secret ballot and the Secretary, Membership Committee Chair with one other Commissioner shall review, tally and report the voting results.

The secret ballot will list all of the existing member organizations with a column listing a Yes and No vote. Marking the column with the word Yes accepts the member organization's application. Marking the column with the word No and a valid reason to deny listed within the "Comment Section" denies the application. Only one vote per member organization for each applying organization can be made.

The "Comment Section" is provided in order for each voting organization to list any valid reason(s) why they are voting No for an individual member organization. A valid reason must be provided to support the negative vote and to allow the member organization the opportunity to address the reason(s) given on the secret ballot.

If an organization's franchise application is not accepted by a majority vote at the December meeting and a valid reason(s) is given for the negative vote, then the denied organization shall have 15 days to address the reasons for the failed vote to the satisfaction of the Association and a re-vote shall occur. The re-vote will be by secret ballot and there must be a two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting to accept the applying organization's re-application. If the franchise application is not accepted at the re-vote, the applying organization will not be admitted to the Association for that upcoming season. The denied organization may apply for admittance for the following season as long as they comply with the requirements of Article 4 #3.

Renewal application forms will be provided by the Association at the November meeting. No organization shall participate in any manner in the Association unless the renewal application is submitted to the Association. The Association shall consider all individual renewal applications at the December meeting of the Board of Commissioners.

5. The amount of the franchise fee to be paid by each organization, for each team within their respective organizations, shall be established by the Board of Commissioners at the January meeting of each year and shall be payable on or before March 1st of that year.

ARTICLE 4 MEMBERSHIP (cont.)

If an organization has not submitted and paid the franchise fee by March 1st of that year, the Treasurer of the Executive Board of Directors for the Association shall notify the organization immediately. The organization will have a thirty (30) day grace period in which to make the franchise fee payment. If the organization does not make the franchise fee payment within the grace period, forfeiture of the non-paying organization's membership may occur if there is a two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting. The organization will be considered not to be in good standing until which time the franchise fee is paid and will not be allowed voting privileges until the franchise fee is paid.

6. The franchise period shall be from March 1st of one year until March 1st of the following year. However, new organizations may join the Association at any time provided the new organizations meets the requirements of Articles of this Constitution and Bylaws and the Rules and Regulations of the Association.

7. All member organization requests for new teams must indicate a team nickname and team colors. The nicknames and colors must not be in use by any other existing team. If there is a conflict in nicknames and/or colors, the team with the most continuous seniority will prevail. Any member organization requesting to change team nicknames and/or colors must submit the request to the Board of Commissioners. The request will be granted upon a majority vote of the Board of Commissioners present at a duly constituted meeting or electronically, provided there is no conflict with any other organization.

8. No member organization can have other teams in other leagues or membership ties with any other league without a two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting.

ARTICLE 5 BOARD OF COMMISSIONERS

1. The control, governing, management and regulating of this Association shall be entirely vested in the Board of Commissioners.

2. Each member organization shall be entitled to send two persons from their organization to the Association meetings. Each member organization shall be entitled to elect or appoint up to two persons (Commissioner and Representative) to serve on the Association Board of Commissioners with one vote per member organization. The elected or appointed persons' name(s) shall be submitted in writing to the Association for approval and designated as the Representative for that member organization. Approval will be granted upon a majority vote of the Board of Commissioners present at a duly constituted meeting.

3. In the event the member organization's Commissioner and Representative cannot attend a meeting or other Association sanctioned event, they may appoint an organization representative to appear on their behalf.

If a member organization accumulates two (2) consecutive unexcused absences, the member organization will lose voting privileges for the next meeting attended and be levied a \$50.00 fine.

ARTICLE 5 BOARD OF COMMISSIONERS (cont.)

4. The Board of Commissioners shall approve, publish and provide whatever publications, documents or other materials as may be required or recommended to promote the Association and for the guidance to the membership, participants or other interested parties.

5. All bills and invoices must be submitted to the Treasurer for review. All disbursements must be approved for payment by the Board of Commissioners by a majority vote by those in attendance at a duly constituted meeting.

6. A majority of members of the Board of Commissioners shall constitute a quorum at any duly constituted meeting or by email notification and request and a majority vote cast by those present at a duly constituted meeting or who responds to the email request shall govern, except where otherwise noted in this Constitution and By-Laws.

ARTICLE 6 ELECTIONS

Nominations for the Executive Board shall be made at the October and November meeting. Nominations will be accepted from the floor with a written or verbal consent of the nominee at the time of the nomination. Exceptions to this rule are as follows:

- a). If the nominee is not able to be present for the nomination at the meeting, due to an excused absence, then the secretary will contact the nominee via text or e-mail immediately. The Nominee will have no more than 7 days to accept the nomination via written or electronic consent that will be presented to the Board of Commissioners at the meeting held for the Elections in December.
- b). If only one nominee is presented from the floor, and the nominee is not present to consent, then the President will ask for further nominations for the position, in an effort to fill the position with a consented nomination, before the November meeting is adjourned.
- c). A current Officer can submit in writing, prior to the Election Nomination meetings, their consent for Nomination to continue their current Officer position in the following year.

If no consented nomination exists for any Executive Board officer at the time of Elections in the December Meeting, or if a position is vacated by resignation or other reason during the league year, then at the next duly constituted meeting the Board of Commissioners will nominate and elect a replacement for that position. The same nomination consent will be required as noted above, but the acceptance of the nomination must be completed before the meeting is adjourned, to allow for the position to be filled by voting in the same manner and timely fashion, as the December election process.

The nominations for the Executive Board officers are as follows:

President
Vice President
Treasurer
Secretary
Statistician

Elections of nominated persons will occur at the December meeting. All elections will be conducted via secret ballot with a majority vote to elect the Executive Board officers. In the event of a tie, another ballot shall be cast. Vote counting shall take place at the December meeting with the current President appointing person(s) to count the ballots. If there is only one nominee for a given position, the Secretary shall cast one ballot for that nominee to be elected.

ARTICLE 7 EXECUTIVE BOARD OFFICER'S DUTIES

1. The President shall preside at all meetings. The President shall appoint all committee chair(s) as he/she deems necessary. The President or, at his/her direction, the Secretary shall notify all members of the Board of Commissioners of scheduled meetings. The President shall oversee all complaints concerning the operation of all the games and teams and shall make a thorough investigation of all such complaints and render a decision regarding them. Further, he/she shall report all decisions to the Board of Commissioners. Such decisions shall be binding upon the Association, its members, participants and all others concerned unless the President's decision is vetoed by a two-thirds (2/3) affirmative vote from those Commissioners present at a duly constituted meeting. Said vote shall be a secret ballot.

The President may appoint administrative assistants (without voting privileges) as he/she may require to perform additional duties or provide assistance in certain areas.

The President may perform audits of member organizations, at his/her discretion, to ensure compliance with all Association's Constitution and By-Laws and Rules and Regulations. The audit results will be shared with the audited member organization(s) and/or the Association for review, correction and discipline (if any).

The President shall appoint an auditing committee of at least two Commissioners whose duty shall be to review the Treasurer's accounting documentation and submit, in writing, a statement of the condition of those documents to the Board of Commissioners. This must be completed no later than March 1st of that year.

2. The Vice President shall perform the duties of the President in his/her absence. Should the President resign, the Vice President shall assume the position for the remainder of the term.

3. The Treasurer is responsible for receiving and depositing in an accredited bank, all the funds accrued to the Association, maintaining and preserving accurate and adequate financial records of expenditures, receipts and other documentation and providing current financial statements at each duly constituted meeting and to promptly pay all bills and/or invoices due by the Association.

All checks, drafts and/or orders for the payment of money, shall be signed by two of the Executive Board officers. The Board of Commissioners shall have the authority to execute any instrument on behalf of the Association.

4. The Secretary shall record and maintain the minutes of the Board of Commissioners' meetings, answer all official correspondence, prepare the annual report, preserve and maintain the records of the Association and perform all associated duties with this office. The Secretary shall

receive all complaints concerning the operation of all the games and teams and provide those complaints to the President for review.

5. The Statistician will maintain all records pertaining to the players including assigning unique identification numbers. The Statistician will be responsible for recording and maintaining all team and game rosters for the Association purpose and will levy all fines pertaining to all operations. For these services, the Statistician will be paid \$10.00 per team as of the opening day of the Association play.

The Statistician will keep and maintain all final standings. For all of the above services, the Statistician will receive a stipend of \$150.00.

ARTICLE 8 SCHEDULING COMMITTEE

1. The Scheduling Committee shall consist of at least two (2) Commissioners appointed by the President. The Scheduling Committee shall draft the schedule and submit the schedule no later than that required in ARTICLE 16 - EFFECTIVE DATES - 2. Yearly Agenda. When the Board of Commissioners approve the schedule, it will be in effect for the current year.

2. The Scheduling Committee, upon request, may revise said schedule should conditions arise to render the original schedule unplayable or inequitable.

3. The Association tackle football and cheerleading season will begin on July 23, 2018 with the regular season games beginning on the last weekend of August and playing through and including Labor Day weekend.

4. The Association NFL Flag football season will begin on the Monday of the third week of April and playing through the third week of June.

ARTICLE 9 DISCIPLINARY ACTION/LOSS OF FRANCHISE

1. If any member organization is found guilty of any conduct which is detrimental to the best interests of the Association, its franchise may be revoked or its renewal application denied, after a thorough investigation by the Board of Commissioners.

2. Any grievance or complaint against any member organization must be submitted, in writing, to the official mailing address or electronically to the President and Secretary. If the written grievance or complaint is submitted, it shall consist of an original and two copies. The President shall retain the original and forward one copy to the offending member organization within ten (10) days of receipt and provide one copy to the Board of Commissioners prior to the next duly constituted meeting.

3. A committee, established by the President, shall conduct a thorough investigation of the alleged incident and report the findings to the President. The President will then make a determination of the validity of the grievance/complaint. If the grievance/complaint cannot be resolved on an informal basis, the President shall present the findings to the Board of Commissioners. The Board of Commissioners shall review all of the evidence presented and determine whether to dismiss or sustain the charges and determine the penalty, if any. If the Board of Commissioners decides to revoke or expel the member organization, it may only do so at the next duly constituted

meeting.

The offending member organization must be notified, in writing by the Secretary, at least fifteen (15) days prior to the next duly constituted meeting, in order to prepare their defense of the charges and present testimony at said meeting.

In order to revoke or expel a member organization, it shall require a two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting.

ARTICLE 10 PLAYING RULES AND REGULATIONS

1. The Board of Commissioners shall create certain playing rules and regulations which, although separate and apart from this Constitution and By-Laws, shall be binding on all member organizations of this Association. If there is a conflict between this Constitution and By-Laws and the playing rules and regulations, this Constitution and By-Laws shall prevail.

2. The playing rules and regulations shall be proposed between the November and December meetings and voted upon at the January meeting with the following exception: the amending of playing rules and/or regulations may occur at any time throughout the year if the amendment is necessary for the good and welfare of the Association or member organizations and is subject to a majority vote of those present at a duly constituted meeting or by an email vote. Such proposed amendments must be provided to each member organization in advance of a duly constituted meeting or an email request or notification.

3. All newly created playing rules and regulations shall remain in effect for at least two (2) years. All "Good and Welfare" amendments shall remain in effect for the year for which they are intended and shall be documented by the Secretary as such.

ARTICLE 11 INTERPRETATION CLAUSE

In the event there is any conflict as to the meaning or interpretation of any article, section, subsection, paragraph, sentence, clause, phrase or word, the said meaning shall be determined by the Board of Commissioners. The determination shall be reduced to writing and appended to this Constitution and By-Laws and shall be binding upon all participants of the Association until overruled by the Board of Commissioners.

ARTICLE 12 DISSOLUTION CLAUSE

1. Dissolution of the Association may only occur upon a two-thirds (2/3) affirmative vote of the Board of Commissioners at a duly constituted meeting.

2. Upon the dissolution of the Association, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for public purpose. Any such assets not disposed of shall be disposed of by a court of competent jurisdiction in the county in which the principal office of the Association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE 13 ORDER OF BUSINESS

1. Meeting called to order
2. Introductions
3. Minutes of previous meeting (accepted as matter of course unless objected to or questioned). Motion not necessary
4. Treasurer's report
5. Committee report(s), if any
6. Unfinished business
7. New business
8. Good and welfare
9. Adjournment

ARTICLE 14 PARLIMENTARY AUTHORITY

"Roberts' Rule of Order" shall guide the proceedings of all meetings unless otherwise specified in this Constitution and By-Laws.

ARTICLE 15 AMENDMENTS

This Constitution and By-Laws may be amended by a two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting except as otherwise provided for in this Constitution and By-Laws. Written notice of the proposed amendments shall be provided to each member organization in writing or electronically prior to the next duly constituted meeting.

ARTICLE 16 EFFECTIVE DATES

1. This Constitution and By-Laws and all parts thereof shall be in effect immediately upon ratification of the two-thirds (2/3) affirmative vote of the Board of Commissioners present at a duly constituted meeting. All subsequent organizations joining the Association after that meeting, agree to abide by this Constitution and By-Laws.

2. Yearly Agenda

January	Establish franchise fees
February	No meeting unless pending issues
March	Franchise fees due - March 1 st
April	Preview upcoming season
May	Schedule referees
June	Member organization information provided
July	July 1 - Certificate of Insurance due

Commissioners/Head Coaches meeting
Season begins – July 23, 2018

August Scheduling committee for regular season schedule
 Regular season begins - last week of August

September Football and cheer season

October Football and cheer season
 Nominations for officers for the Executive Board

November Review season
 Franchise forms provided
 Nominations for officers for the Executive Board
 Playing rules and regulations proposal and discussion

December Elections of officers for the Executive Board
 Current franchises renewed if in good standing & pending member vote
 Playing rules and regulations proposal and discussion
 End of year get together to celebrate the season & Holidays

ARTICLE 17 NON-INVOLVEMENT CLAUSE

No part of the earnings of the Association shall inure to the benefit of any member organization, officer, commissioner or any private individual (except that reasonable compensation may be paid for services rendered to or for the Association) and no member organization, officer, commissioner or any private individual shall be entitled to share in the distribution of any of the assets upon dissolution of the Association.

ARTICLE 18 RESTRICTIVE LEGISLATIVE CLAUSE

No part of the activities of the Association shall be carrying on of propaganda or otherwise attempting to influence legislation (except as otherwise provided in Section 501(h) of the Internal Revenue Code, as amended, nor shall the Association participate in or intervene in any political campaign on behalf of or in opposition to any candidate for public office including the publication or distribution of statements.

ARTICLE 19 RESTRICTIVE PURPOSES AND ACTIVITIES CLAUSE

The Association is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations described under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Approved and Adopted on January 9, 2020