

**MOKU 'O HAWAII'**  
*Outrigger Canoe Racing Association*



**2021 Bylaws**

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**MOKU ‘O HAWAI‘I OUTRIGGER CANOE RACING ASSOCIATION  
2021 BYLAWS**

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**MOKU ‘O HAWAI‘I  
OUTRIGGER CANOE RACING ASSOCIATION BYLAWS  
2021 PROPOSED REVISIONS**

**ARTICLE I**

Name

This organization shall be known as the **Moku ‘O Hawai‘i Outrigger Canoe Racing Association** (hereinafter MOH).

**ARTICLE II**

Purposes

Section 1 The object of MOH shall be to promote, encourage, maintain and perpetuate authentic Hawaiian canoe racing, and foster the preservation of the Hawaiian Koa Canoe and its components of Hawaiian woods in the State of Hawai‘i, and to participate nationally and/or internationally wherever possible.

Section 2 MOH shall promote and encourage community participation in the combined culture, science, tradition and protocol of the Hawaiian Koa Canoe and canoe racing activities.

Section 3 MOH is organized exclusively for charitable and educational purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code.

Section 4 MOH does not discriminate against race, color, religion, creed, sexual orientation or gender, nor does it tolerate sexual harassment, and shall otherwise comply with the Civil Rights Act of 1964 and related amendments.

Section 5 MOH shall not participate in any political campaign on behalf of any candidate for public office. However, the Board of Directors (hereinafter BOD) may authorize activities that attempt to influence legislation on issues that impact MOH, which may threaten the health and or safety of MOH or its members.

**ARTICLE III**

Membership

Section 1. New clubs applying for membership in MOH shall have a minimum of sixty (60) paddling members, shall be considered by MOH for membership only if the formation of a new club does not weaken any existing club in a specified geographical area and does not exceed 10 paddlers or 5% from any one (1) club.

Section 2. No club shall be eligible for membership in MOH unless said club has at its disposal racing equipment, which conforms to the specifications set forth in the current Racing Rules of MOH.

Section 3. No club shall be eligible for membership unless it has been in existence for at least two (2) months prior to membership application, and unless it is a legal entity registered with the Department of Commerce and Consumer Affairs, State of Hawai'i.

Section 4.

- a. MOH will mandate all member clubs of MOH to race in Koa Canoes in all regattas sanctioned, approved, and/or sponsored by MOH.
- b. Use of fiber-glass/non koa open class canoes in long distance races shall be at the discretion of the sponsors and shall also be subject to MOH certification.

Section 5. All applications for membership in MOH

- a. shall be typewritten;
- b. shall be addressed to the Secretary;
- c. shall include the name and address of the applying club;
- d. shall include the names of the club's officers and directors;
- e. shall include a current copy of the club's Bylaws;
- f. shall not have more than ten (10) paddlers legally transferred from current member clubs for the new racing season, i.e. 2020 etc.;
- g. shall be accompanied by a payment for the current MOH initiation fees and current annual dues; and
- h. shall be referred to the Membership Committee, Race Director, Race Secretary and Treasurer who shall determine the applicant's qualifications and submit their findings to the BOD for its consideration and final action.

Section 6. The initiation fee for clubs applying for membership shall be One-Hundred Fifty Dollars (\$150) and is due and payable when the membership request is submitted.

Section 7. Clubs applying for membership shall submit their application no less than two (2) months preceding the annual meeting. Final voting on acceptance shall be done at the annual meeting after the Membership Committee has reviewed the application.

Section 8. All member clubs of MOH shall maintain:

1. At least 20 registered-paid paddlers in the Hawaiian Canoe Racing Association (hereinafter HCRA) data system;
2. Must pay their yearly dues to both MOH and HCRA by the established deadlines set forth in their respective Bylaws;
3. Must complete in at least three (3) regattas during the current season
4. Follow the current Race Rules and Bylaws of MOH in order to maintain active status with MOH;
5. If the above points are not met, the club shall be considered inactive and will not have voting privileges in MOH for one (1) year. If this continues for a second (2<sup>nd</sup>) year, the club will automatically lose its membership in MOH.

Section 9. The annual dues shall be Fifty Dollars (\$50) for each member club. These dues shall be used for incurred operating expenses by MOH. All dues for the next year are payable to the Treasurer no later than the November annual meeting preceding that year. Dues for new members shall become payable upon application.

Section 10. All canoe clubs on behalf of their registered paddlers, under the auspices of MOH, shall pay yearly insurance fees at the 1<sup>st</sup> BOD meeting of the calendar year.

Section 11. Inactive Membership:

Clubs in this category do not have to participate in the events of MOH. They will have to pay inactive dues of Twenty-Five Dollars (\$25). Inactive Membership is for One (1) year only. They may attend MOH meetings and events, but may not vote.

Section 12. Any Inactive club which seeks to change to Active Membership must pay any and all unpaid assessments, unpaid fines and or unpaid dues before becoming an Active Member. Any club on Inactive status may not reinstate until the next calendar year.

## ARTICE IV

### Management

Section 1. The powers of management of MOH shall be vested in the BOD, which shall transact the business of MOH at all meetings thereof.

Section 2. BOD shall be comprised of one (1) Director from each of the member clubs and the Officers of MOH.

Section 3. Members of the BOD shall hold office until their successors are duly elected and accepted by MOH.

Section 4.

- a. At the beginning of each calendar year, each member club shall submit to the Secretary of MOH in writing, their selection of one (1) Director and two (2) Alternates to serve on the BOD, with the authority to participate and vote on all matters before the BOD, said letter shall be signed by either the President or Secretary of the submitting club.
- b. At the beginning of each calendar year all member clubs will submit to the Secretary of MOH in writing, their current list of officers.
- c. If an elected club Director cannot attend a BOD meeting, it is his or her responsibility to notify the MOH Secretary via email or text no later than the night prior to the meeting, also indicating the currently registered alternate replacing them.
- d. Clubs with no authorized change of representation shall not be entitled to vote and will be subject to a Fifty-Dollar (\$50) fine for non-representation at a duly called meeting.
- e. No Director or Alternate representing one (1) club may serve as a Director or Alternate for another club.

Section 5. Each director shall at all times and on all questions be entitled to only one (1) vote, providing that said persons are present. In the event of a tie, the President shall be the tiebreaker. No proxies will be allowed at any meeting. No Officer of MOH shall be entitled to vote as a director of a member club.



Section 6. The BOD shall be empowered by a majority to remove from office any member of the BOD, who by neglect of duty or conduct tending to impair his or her usefulness as a member of the BOD, shall be deemed to have forfeited his or her position, providing that no member shall be removed unless he or she has been given at least a one (1) week notice that charges have been referred against him or her.

Section 7. The BOD shall have the right to establish from time to time such other fees, assessments and penalties as may be deemed necessary.

Section 8. The BOD and Officers will uphold the MOH Bylaws and Race Rules at all times and to the best of their ability as representatives of MOH.

## ARTICLE V

### Election of Officers and Non-Voting Committee Members

Section 1. The BOD shall elect a President, a Vice-President, a Secretary, a Treasurer and the two (2) HCRA delegates. Election of Officers and Delegates shall be held during the Annual Meeting.

Section 2. The terms of office shall be from January 1 to December 31 of each year, or until replaced.

Section 3. In the case of a vacancy in office, nominations for the replacement shall be made from the floor and voting shall take place at a duly called BOD meeting.

Section 4. A Race Secretary and a Race Director shall be appointed by the President and confirmed by the BOD at the annual meeting or as soon as possible thereafter. These positions may be filled by members of participating clubs and shall continue from January 1 to December 31.

## ARTICLE VI

### Duties of Officers

Section 1. The President will preside at all meetings and shall ensure that the will of the membership is faithfully executed. He or she will call all meetings and appoint all committees, subject to the approval of the BOD; will sign all official documents of MOH; will countersign all checks for the payment of bills upon approval of the BOD; will plan for the betterment of MOH and will be the official representative of MOH. He or she will also serve as ex-officio a member of all committees if organized, except the Nominating Committee, with no vote. He or she will appoint an auditor or auditors to check the books of MOH prior to the annual meeting. The President will have Association Race Secretary access to the HCRA web site "Paddler Data Base".

Section 2. The Vice President will assist the President in all of his or her duties and will perform the duties of the President in the absence of that officer, including the countersigning of checks. He or she will coordinate all committees, if organized, and report to the President and the BOD. He or she will also serve as ex-officio a member

of all committees, if organized, with no vote. The Vice President will have Association Race Secretary access to the HCRA web site “Paddler Data Base”.

Section 3. The Treasurer will receive and have custody of all MOH funds, keep them in a bank approved by the BOD, and will then disburse such funds, not to exceed One Thousand Dollars (\$1000.00), as authorized by the BOD by check countersigned by the President or Vice President. The Treasurer will keep an accurate account of the finances of MOH and will render a written report at each regular and Annual Meeting, or wherever instructed to do so by the President. He or she may appoint an assistant to act on his or her behalf in the collection of money. The Treasurer will be the chairperson of the Finance Committee. The Treasurer will have Association Race Secretary access to the HCRA web site “Paddler Data Base”.

Section 4. The Secretary will keep an accurate and complete record of MOH, which will include the minutes of all meetings, the Bylaws, reports of Officers and committees; will conduct the correspondence of MOH and will give notice of all meetings. The Secretary will maintain the Archives of MOH and will perform such other duties as may be required by the BOD. The Secretary will countersign checks in the absence of both the President and Vice President. The Secretary will have Association Race Secretary access to the HCRA web site “Paddler Data Base”.

## ARTICLE VII

### Non-voting Committee Members

Section 1. The Race Secretary shall serve as the Head Recorder at all races, shall accept rosters, cards, releases and transfers, and shall be in charge of all forms needed for the operation of Regattas and Long Distance Races and shall provide all clubs with the final results at the end of each regatta or race. Prior to the first meeting of the calendar year an inventory of MOH assets pertaining to his or her position and a budget request for replacement or additional material, if required, will be submitted to the Finance Committee. The Race Secretary will have Association Race Secretary access to the HCRA web site “Paddler Data Base”.

Section 2. The Race Director shall serve as the Chairperson of the Race and Certification Committees and perform such other duties as required by the President. The Race Director shall provide an inventory of MOH assets pertaining to his or her position at the annual meeting. Prior to the first meeting of the calendar year a budget request for replacement or additional material, if required, will be submitted to the Finance Committee.

Section 3. One (1) HCRA Delegate from an East Hawai‘i club and One (1) HCRA Delegate from a West Hawai‘i club will represent MOH at HCRA meetings.

Section 4. The President may appoint additional MOH club members as non-voting Ad-Hoc Committee members.

## ARTICLE VIII

### Meetings

Section 1. The Annual Meeting of MOH will be held during the first weekend of November, or as soon after as possible.

Section 2. Regular meetings of the BOD will be held at least quarterly at the call of the President.

- a. Special meetings shall be called by the President or upon request of any combination of three (3) directors. A minimum of four (4) days notice stating the purpose of the special meeting with this being the only business conducted.
- b. Where the BOD deems it advisable, a BOD meeting may be held through teleconference or other electronic means, such as Zoom or Skype etc.

Section 3. Notice of the Annual Meeting will be mailed, or emailed, to all members no less than three (3) weeks prior to the date of the meeting.

Section 4. A quorum will be a majority of the Directors.

Section 5. Any member club failing to present an authorized Director or Alternate at a duly called or scheduled meeting will be subject to a fine of Fifty-Dollars (\$50) per meeting, said fine will be paid prior to the next meeting or the club forfeits its voting privilege. The Secretary must receive last minute changes of authorized Directors or Alternates from clubs in writing by email or text no later than the night prior to a meeting, also indicating the currently registered alternate replacing them.

## ARTICLE IX

### Committees and Special Appointments

Section 1. The following Committees may be assigned by the President if the need arises:

- |                  |               |               |
|------------------|---------------|---------------|
| a. Race          | d. Discipline | g. Finance    |
| b. Certification | e. Awards     | h. Nominating |
| c. Membership    | f. Publicity  | i. Bylaws     |

Section 2. The President may appoint Special Committees whose term of service shall be limited to the time required to execute their mission, or the term of the current BOD.

Section 3. Each Committee, if organized, shall be composed of at least three (3) members and not more than two (2) committees shall be comprised of one (1) member from each club.

- a. Race Committee shall consist of each MOH club's primary MOH Director to MOH BOD meetings and the pre-season Coach's and Official's clinic. No club shall have more than one (1) member on this committee. This committee shall preside at all races and/or regattas held under the sanction of MOH and shall insure compliance with the current racing rules of MOH.
- b. Certification Committee shall be composed of qualified individuals selected by

the BOD. They shall be responsible for certifying canoes in the possession of MOH clubs according to the specifications set forth by the current Race Rules of MOH and HCRA.

c. Membership Committee shall fully investigate and determine the qualifications of clubs applying for membership to MOH as specified in Article III, Membership, and report the findings to the BOD.

d. Discipline Committee shall investigate all acts by individuals, groups and/or clubs that are in violation of any of these Bylaws, Rules of Conduct, Code of Ethics and/or the current Race Rules of MOH. The committee shall report the findings to the BOD as soon as possible after the violation, with a recommended course of action. If a rule infraction is by a member club, that club representative shall refrain from voting but shall aid in the investigation. If necessary, a meeting of the committee shall be held at the racing site with the majority of committee members present. A majority shall consist of better than half the current committee members. In the event that a majority is not present, the Race Director, President and Secretary will constitute this committee. Non-racing infractions will be handled at an MOH BOD Meeting.

e. Awards Committee shall obtain costs and delivery dates for all awards pertaining to the MOH Aunty Maile Big Island Championships. No member of this committee shall obligate MOH in any way with out prior approval by a majority vote of the BOD. This committee shall assist in the delivery and distribution of awards as deemed necessary by the BOD.

f. Publicity Committee shall be responsible for all information regarding racing events and activities of MOH. Information shall be supplied to print and/or electronic media in a factual and accurate manner. Clubs may submit information to the publicity chair no less than two (2) weeks prior to an event.

g. Finance Committee shall:

1. Prepare a yearly budget of estimated income and expenditures for submission to the BOD prior to the first regatta of the year;
2. Submit other recommendations deemed appropriate to the BOD;
3. Investigate and determine fund raising project and possible grants;
4. Submit all records and recommendations to the BOD for final approval; and
5. Forward all requests for expenditures in excess of One Thousand Dollars (\$1000.00), to the BOD ensuring that no committee or individual obligates MOH without BOD approval.

h. A Nominating Committee shall be appointed by the Presiding Officer no less than two (2) months prior to the Annual Meeting. **The President shall not serve on this committee.**

1. The committee shall be charged with submitting at least one (1) candidate for each office to be filled at the Annual Meeting. These offices are President, Vice President, Secretary and Treasurer, if their terms are expiring.
2. This Committee is to review and nominate the most qualified candidates who have agreed to serve if elected.
3. The committee will submit a slate of candidates in writing no later than two (2) weeks prior to the Annual Meeting.

i. A Bylaws Committee may be appointed by the President. **The Chair need not be a Director of MOH, but must be a member of an MOH club.**

1. The committee shall be responsible for the revision of the Bylaws of MOH in accordance with “Roberts’ Rules of Order, Newly Revised”, current edition.
2. The committee shall continually review the Bylaws of MOH and propose properly worded revisions to clarify areas of misunderstanding, eliminate redundancies, bring into agreement with present day needs and practices, or cover other situations as required.
3. Proposed amendments for consideration by this committee shall be submitted in writing to the MOH Secretary no less than Sixty (60) days prior to the Annual Meeting.
4. Proposed changes to the Bylaws recommended by the committee shall be sent to all members of the MOH BOD no less than Thirty (30) days prior to the Annual Meeting for consideration to alter, amend, repeal, or adopt new Bylaws.

## ARTICLE X

### Order of Business

Section 1. The order of business shall be:

- a. Roll Call
- b. Reading and approval of minutes
- c. Treasurer’s report
- d. Communications
- e. Committee Reports
- f. Unfinished business
- g. New business
- h. Adjournment

## ARTICLE XI

### Bylaw Revisions and Amendments

Section 1. These Bylaws may be revised or amended by a majority vote of the Directors present at the Annual Meeting, provided they constitute a quorum of the current Directors.

- a. Proposed amendments for consideration by a member club shall be submitted in writing to the MOH Secretary no less than Sixty (60) days prior to the Annual Meeting.
- b. Written notice shall be given to all member clubs no less than Thirty (30) days prior to the Annual Meeting at which time the subject of “Proposed Bylaw Amendments” shall be included on the agenda.
- c. The BOD at a regular or special meeting shall have no power to rescind, alter or reverse the decisions of the Annual Meeting on all matters relating to the Bylaws of MOH.
- d. Any amendment(s), changes, revisions or deletions to these Bylaws will be effective after the Secretary attests to the adoption of the Bylaws by signature and date.

## ARTICLE XII

### Liability of Officers, Directors and Agents

#### Section 1. Exculpation

No Officer, Director or Agent of MOH shall be liable for acts, defaults or neglects of any other officer, director or agent, or for any loss sustained by MOH unless the same has resulted from his or her own willful misconduct, willful neglect, or negligence.

#### Section 2. Indemnification

MOH shall indemnify Every Officer, Director or Agent against all reasonable costs, expenses and liabilities (including counsel fees) actually and necessarily incurred by or imposed upon him or her in connection with or resulting from any claim, action, suit, proceeding, investigation, or inquiry of whatever nature in which he or she may be involved as a party or otherwise by reason of his or her being of having been an Officer, Director or Agent of MOH, whether or not he or she continues to be such Director or Officer or Agent of MOH at the time of the incurring or imposition of such cost, expense or liabilities, except in relation to matters as to which he or she shall be finally adjudged in such action, suit, proceeding, investigation or inquiry to be liable for willful misconduct or willful negligence toward MOH in the performance of his or her duties as such Director or Officer. In the absence of such final Adjudication of the existence of such liability, the BOD and each Director and Officer may conclusively rely upon an opinion of legal counsel selected by or in the manner designated by the BOD. The foregoing right to indemnification shall be in addition to and not in limitation of all other rights to which such person may be entitled as a matter of law and shall inure to the benefit of the legal representative of such person.

## ARTICLE XIII

### Race and Racing Rules

Section 1. The BOD shall adopt the Racing Rules of MOH.

Section 2. Amendments and or changes to the Racing Rules may be made only at the Annual Meeting, providing each receives a majority vote of the member clubs present and voting.

- a. Proposed amendments for consideration by a member club shall be submitted in writing to the MOH Secretary no less than Sixty (60) days prior to the Annual Meeting
- b. Written notice shall be given to all member clubs no less than Thirty (30) days prior to the Annual Meeting at which time the subject of "Proposed Race Rule Amendments" shall be included on the agenda.
- c. The BOD at a regular or special meeting shall have no power to rescind, alter or reverse the decisions of the Annual Meeting on all matters relating to the Race Rules of MOH.
- d. No rule will be accepted exempting the Koa canoe from any race or regatta.

Section 3. BOD shall decide upon the dates, sites and conditions of all races and regattas sanctioned or sponsored by MOH; a race being a single competitive event, regatta being a

series of competitive events. Clubs shall keep the dates of their regattas and long distance races as usual every year, without having to request to sponsor a race/regatta. Notification for cancellation shall be in writing and shall be submitted to the Race Secretary and MOH President at the Annual Meeting. Any club cancelling an event will forfeit that date entirely. At such time of cancellation, any other club may request, in writing to the Race Secretary and MOH President, to hold an event on an available date. The Race Secretary shall be responsible for the yearly schedule.

- a. All MOH club sponsored canoe races and regattas are sanctioned and under the auspices of MOH.
- b. All member clubs of MOH are mandated to sponsor, or co-sponsor with another MOH club, a yearly regatta or long distance race. Failure to do so will result in a Fifteen-Hundred Dollar (\$1500.00) fine.
- c. Cancellations due to unforeseen circumstances shall not be subject to penalties.
- d. Long Distance races will be of 2 (two) miles or greater distance for paddlers 18 and over and 1 (one) mile for paddlers under 18.

Section 4. Clubs may request inactive status for one race season only. This request shall be in writing to the BOD of MOH who shall have the right of approval and/or disapproval. The only reason the request shall be approved is for hardship, i.e. financial reasons. Clubs receiving inactive status from the MOH BOD shall not have a vote in MOH BOD decisions during their inactive season.

Section 5. The MOH Racing Rules shall govern all races and regattas sanctioned or sponsored by MOH. In certain long distance races, where there is participation by canoe clubs from other islands, as well as mainland and foreign countries, the MOH club sponsoring such an event, may, if it chooses, run the event themselves, and not have it under the direction of MOH officials.

Section 6. The Queen Liliu‘okalani Long Distance Canoe race, sponsored by Kai ‘Ōpua Canoe Club, being of international stature, will be exempt from MOH Long Distance Race Rules with the exception of paragraph 3. Section A. Article XII of these rules and operate under HCRA Race Rules. Kai ‘Ōpua will appoint its own Race Director for this event.

## ARTICLE XIV

### Rules of Conduct and Discipline

Section 1. Rules of Conduct shall be drawn and approved by the BOD and are a part of the MOH Bylaws and Race Rules.

Section 2. Upon being proven to the satisfaction of the BOD that any member of a club belonging to MOH has accepted or offered money or other emolument for the purpose of corruptly influencing the result of a race, such person shall be forever barred from taking part in races or regattas that are sponsored and or sanctioned by MOH.

Section 3. Any alleged violation of the Bylaws, Rules of Conduct, or the Race Rules of MOH shall render a club or individual subject to disciplinary action at the discretion of the BOD. In such cases, the club or individual involved shall be given at least one (1) week written notice of the pending charge if that club did not have a representative at the

meeting where the action was decided. A meeting of the Discipline Committee shall be held at the racing site with the majority of the members present. A majority will consist of more than ½ (One Half) of the committee members.

Section 4. Any assessment authorized by the BOD and levied against any member club, or individual, shall be paid prior to the next sanctioned race/regatta. Any member club, or individual, failing to make said assessment payment prior as herein prescribed shall be suspended from further participation in the affairs of MOH until said assessment has been fully paid.

Section 5. Any club so suspended may, upon full payment of all unpaid assessments, be reinstated. Any club failing to make full payment of assessments within 60 days from the date of the assessment, shall forfeit membership in MOH.

Section 6. Claims of any violation of rules or conflicts between member clubs shall be referred to the BOD of MOH.

Section 7. Failure to comply with the Rules of Conduct and Discipline shall result in suspension or possible expulsion of clubs or individuals

## **ARTICLE XV**

### **Code of Ethics**

Canoe clubs have the responsibility to promote good sportsmanship among their paddlers, coaches, and members as part of their program. Good sportsmanship includes observance of the race rules as well as of the laws of the County, State, and Nation.

Violations of good sportsmanship includes situations such as when a canoe is deliberately rammed; when a disqualified crew deliberately interferes with an event or race; when a paddler assaults another person or uses abusive language in connection with an event, regatta or race; or when a law is knowingly violated in connection with a race or regatta.

Penalties for violations of the Code of Ethics may be imposed during a race by the Race Committee, or at any time by the Disciplinary Committee. Penalties are always subject to approval by the BOD; but pending such approval, any suspension of a paddler or disqualification of a crew shall stand. Penalties shall be a fine against the offending club, a suspension of the offending paddler, a disqualification of a crew, or any combination. Fines may be paid under protest. Fines must be paid by the canoe club and until paid (or promissory note in lieu of amount accepted by the Disciplinary Committee) the club may not enter any further event of a regatta on race day nor any future regatta or race.

## **ARTICLE XVI**

### **Parliamentary Procedure**

Section 1. Parliamentary procedure shall be in accordance with “Roberts Rules of Order Newly Revised”, when not prescribed by these Bylaws. These Bylaws shall be



implemented according to the provisions of Hawai'i Nonprofit Corporations Act, HRS Chapter 414D.

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**CERTIFICATE OF SECRETARY**

**OF THE**

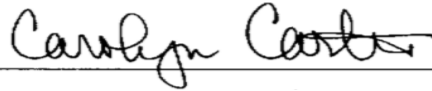
**MOKU 'O HAWAI'I OUTRIGGER CANOE ASSOCIATION (MOH)**

I, the undersigned, do hereby certify:

That I am the duly elected Secretary of MOH, a Hawai'i nonprofit corporation; and

That the foregoing Bylaws constitute the Bylaws of said Corporation as duly adopted by the Incorporator of said Corporation on the 14th day of November 2020.

IN WITNESS HEREOF, I have hereunto subscribed my name this 14th day of November 2020.

A handwritten signature in cursive script that reads "Carolyn Carter". The signature is written in black ink and is positioned above a horizontal line.

Carolyn Carter, Secretary of MOH

November 14, 2020