

BYLAWS, LV DVG AMERICA

ARTICLE I

NAME AND OPERATING PRINCIPLES

1. The name of the Organization is LANDESVERBAND DVG AMERICA (LV DVG America).
2. LV DVG America is a non-profit corporation organized under the laws of the State of Colorado. LV DVG America is organized exclusively for social and recreational purposes, competition and competitive events within the meaning of Section 501(c)(7) of the Internal Revenue Code or the corresponding provision of any future federal law.
3. These purposes include to:
 - A. Promote and organize working dog sport activities within North America as set forth by Deutscher Verband der Gebrauchshundsportvereine ("DVG").
 - B. Protect and advance the interests of working dogs by encouraging sportsmanlike competition at working dog trials and tests.
 - C. Support working dog sport activities under the rules of DVG and FCI.
 - D. Disseminate information about working dogs through print and electronic media.
 - E. Conduct a championship trial annually to qualify an LV DVG America representative to the DVG championship trial.
4. LV DVG America will abide by and be subservient to all rules, regulations, and laws of DVG, and its governing organizations.
5. LV DVG America's mission statement--

LV DVG America is dedicated to promoting and protecting working dog sport activities in North America. Founded on March 11, 1985, LV DVG America and its member clubs advocate for the rights of all dog owners and promote responsible dog ownership.

ARTICLE II

MEMBERSHIP AND DUES

1. LV DVG America has only one type of member – individuals who are members of DVG and who are also members in good standing of an LV DVG America club.
2. Members are subject to the Articles of Incorporation and by-laws of LV DVG America, its mission statement and policies, and the laws, rules, and regulations of DVG and the Verband für das Deutsche Hundewesen ("VDH" – the German Kennel Club).
3. LV DVG America and DVG dues must be submitted as specified by LV DVG America and DVG. The Board of Directors sets annual dues based on dues set by DVG and by budgets prepared for LV DVG

America by the Treasurer and approved by the Board. Assessments to any club are based on the number of members in the club.

4. LV DVG America has jurisdiction over its Regions and DVG clubs within its regions.

5. DVG must approve terminating any DVG club in LV DVG America. A club may be terminated by LV DVG America only on the following grounds:

A. Disbandment of the club.

B. Withdrawal of a club. Clubs may withdraw only at the end of a calendar year, with notification to LV DVG America by Sept. 15.

C. Expulsion for material or repeated violations of DVG or LV DVG America bylaws and policies or failing to stop or curtail training activity in violation of DVG, VDH or Federation Cynologique International ("FCI") training policies.

6. All applications for individual or club membership with DVG must be submitted through the Region and then through the Membership Officer of LV DVG America. No person may be denied membership status because of race, color, religion, sex, national origin, or sexual orientation.

7. Individuals may belong to more than one club in LV DVG America. However, members must specify through which club they will vote and receive any benefits of LV DVG America, such as publications.

8. No individual may join, or continue their membership, in LV DVG America or its clubs who has been demonstrated to have engaged in activities involving, supporting, perpetuating, or relating to animal cruelty, animal abuse, or dog fighting or who has engaged in activities which are not considered to be in the best interest of the LV, Regions, or clubs.

ARTICLE III

REGIONS

1. LV DVG America is divided into four regions or Kreisgruppen (KG), West, Midwest, North, and Southeast. The Board may change which states or provinces belong to each region, but may not divide any state or province into more than one region. The Board may realign the boundaries of a region by a simple majority vote, without the consent or ratification of the general membership or any region. However, any existing club affected by a change in regional boundaries may elect to remain with its original region.

2. Regions develop their own bylaws and operating procedures, and elect their own officers. Regional bylaws must be approved by LV DVG America and by DVG.

3. Each region is represented on the board by a Regional Delegate. The delegate is selected by the region following its own procedures and certified to the Board as representing that region.

ARTICLE IV OFFICERS

1. Board members consist of four Regional Delegates, President, Vice-President, Secretary, Treasurer, OfG (OfG -- Obmann für Gebrauchshundesport - National Training Director), LRO (Leistungsrichter Obmann -- Judges' Chairman), and the National Membership Officer, each of whom has one vote in board matters. All officers are elected in accordance with these bylaws, and hold office for a term of 2 years.
2. All board members must be members in good standing of DVG and citizens or legal residents of the United States or Canada.
3. The president presides at all meetings of the board and the general membership, and has the duties and powers normally associated with the office of president in addition to those particularly specified in these by-laws. The President signs contracts on behalf of and as a representative of LV DVG America and is not individually liable.
4. The Vice-President has the powers and exercises the duties of the President if the President is absent or incapacitated, including signing contracts. The Vice-President assumes the office of President for the unexpired term in case of the President's removal, resignation, death, or inability to serve. The Vice President also performs those duties which may be assigned, from time to time, by the President or the Board.
5. The Secretary keeps a record, electronically or otherwise, of all meetings of the board and the general membership and provides them to the board members, clubs, and Regional presidents within 30 days of any meeting. The Secretary is responsible for the correspondence of LV DVG America, notifying regional presidents and board members of meetings, maintaining a roll of the names, addresses and, if possible, emails and telephone numbers of individual members, and carrying out other duties prescribed in these bylaws and by the Board. The Secretary attests to the President's or Vice President's signature on contracts.
6. The Treasurer collects all moneys due to LV DVG America by the regions and moneys due to DVG by any individual member. The Treasurer deposits the funds in a depository satisfactory to the Board or required by DVG, but only in the name of LV DVG America. Expenditures of funds may be made only under authority granted by the Board. The Treasurer maintains the books of LV DVG America and makes them available to the Board. Checks over \$5000.00 require the signature of two officers. At every regular meeting of the board the Treasurer reports the condition of the finances and every item of receipt or payment not previously reported. At the annual general membership meeting the Treasurer presents a financial statement of all moneys received and expended by LV DVG America during the previous fiscal year.

The Treasurer arranges for an annual review of the financial books every year. This review may not be performed by any person or company that has any relationship, personal or business, with the Treasurer. The Treasurer maintains an accurate dues roll of all individual DVG members residing in LV DVG America to comply with the requirements of DVG.
7. The LRO is the Director of Trials and Judges, under the authority and requirements of the laws and regulations of DVG. The LRO must be qualified to hold that office under the laws and regulations of DVG.

8. The OfG chooses the helpers for the national championship trial and presides over the helpers at that trial. If the National OfG cannot attend the national championship the hosting KG OfG presides. The OfG also performs other functions of the position required by the laws and regulations of DVG or as may be assigned from time to time by the Board. The position of OfG may be held by any qualified specialist. The OfG must be a certified helper and a certified training director.

9. The Membership Officer sends out all renewal notices, forwards all membership applications to DVG, sends all funds submitted with members' forms or other paperwork to the Treasurer, and performs other duties assigned by the Board.

10. No elected officer may hold more than one office concurrently, except that the LRO and OFV offices may be held by the same person. If one person holds both offices, he or she may cast only one vote.

11. President, Vice-President, Secretary, Treasurer and National Training Director (OfG) are limited to 3 consecutive terms but may run again after a break of at least one full term.

12. The President may appoint assistants to the Secretary and Treasurer with the approval of three quarters of the Board.

13. The President, Vice-President, Secretary, or Treasurer may be removed from office in any of the three following ways:

A. The remaining board members determine by unanimous vote that the officer has failed or is unable to perform the functions of his or her office.

B. Any seven board members may request the removal of any one or more of these officers by requiring a special election to be held for the office.

C. A simple majority of the member clubs in good standing of LV DVG America may request that the Board hold a special election to replace any officer for actions contrary to the welfare of LV DVG America, the membership of LV DVG America, or DVG. The Board has no discretion to approve or disapprove of a special election in this case. In any special election, the ballot must include the incumbent officer and any other nominations made by any region.

14. If the office of President becomes vacant, the Vice-President fills the position for the unexpired term. If any other elected office becomes vacant, the Board, by majority vote, fills the office at the next regular meeting of the Board. The person appointed to fill the vacant position serves until the end of the term or until the next general membership meeting, whichever comes first. If the membership meeting comes first, the office will be filled by a special election at that meeting and the person elected will serve until the end of the original term. If any appointed office becomes vacant, the President appoints someone to fill that position at the next regular meeting of the Board. This appointment requires approval of three-quarters of the Board. The appointed officer serves until the end of the term.

15. If an officer fails to fulfill the responsibilities of their office, they may not hold another position for one year.

16. Code of conduct: All members of the LV DVG Board must promote the above stated objectives, support the members of LV DVG America to whom they are accountable, respect all members of the LV,

promote good sportsmanship in their conduct, and conduct themselves to the best interests of DVG, the Organization, Region or any club within the Landesverband.

17. Compensation: Board members receive no salary for their services on the Board. However, elected LV Officers may be reimbursed for expenses incurred, up to a maximum, for performing required LV duties, including attending LV DVG America board meetings, the annual DVG Germany business meeting, and other events. Board members must provide receipts explaining their expenditures. See the LV Handbook for specifics on reimbursable expenses, amounts and forms.

ARTICLE V

CLUB YEAR, VOTING, NOMINATIONS, and ELECTIONS

1. LV DVG America's fiscal and official year runs from December 1 to November 30.
2. Voting by the Board is by a simple majority of those present physically, digitally, or electronically and eligible to vote, except where a greater majority is required by the other provisions of these bylaws. Voting by proxy is not allowed. A quorum of the Board consists of the President, or in the President's absence, the Vice-President, and at least five other Board members.
3. Voting at the annual general membership meeting is by member club, present and in good standing. A club's representative is the club president of record or another member designated in writing to the Secretary by that club's president. Voting at any general membership meeting is by simple majority with no quorum required. All club voting is based on each club's individual membership as of 60 days before the meeting, according to the records of LV DVG America. Alternately, the Board may decide to submit specific questions for decision by the members by written ballot, cast by mail. The ballots must be sent to the clubs within 30 days of the GM meeting.
4. Voting in any election for any elected officer is by written ballot in a form specified by the Board.
5. The Board may submit other specific questions for decision by the members either at the general membership meeting or at some other time, in a form specified by the Board.
6. President, Vice President, Treasurer, Secretary and OFV are elected as follows:
 - A. Each region may certify a slate of nominees for the offices to be filled. The slate must be submitted to the Secretary by December 1 of the year immediately preceding the election. Each region may submit only one slate of nominees and no slate may contain more than one candidate for each office. A region's slate may contain nominees from any region. No region is required to submit a candidate for any office. No person may appear as a nominee on the ballot for election who is not a member in good standing of LV DVG America and DVG as of January 1st of the year of election.
 - B. Regions develop their own process for developing a slate, but the process must be
 - Anonymous
 - Prevent cast votes from being changed
 - Prevent people from voting more than once

- Allow only authorized people to vote, to the extent possible

C. The Secretary compiles a list, by club, of all members who are active and in good standing, based on membership information as of January 1 of the year of the election.

D. The Secretary prepares a ballot in a form approved by the Board, showing all nominees appearing in alphabetical order according to last name. The ballot entry for the nominee for LRO and Membership Officer reflects the choice of "yes" or "no". The ballots are sent during the first week of January of the year of the election by a method approved by the Board. The Board specifies the election process but it must meet the same standards as the regional process for selecting a slate, listed in subsection B. Votes must be received by January 21.

E. Each club that is in good standing as of January 1 of the year of the election must hold an election in a club meeting and designate on the ballot how many of its members in good standing as of January 1st of the year of the election, as shown in LV DVG America's records, cast a vote for each candidate for office. The candidate for each office receiving the greatest number of votes is considered to have received all of the club's votes. The ballot must be completed and returned to the Secretary by midnight, January 21.

F. The Board chooses a representative to help the Secretary count the ballots. No ballots other than those received by the Secretary may be counted. No "write-in" candidates may be counted. Ballots must be counted and the results sent to the Board by January 28. A record of the vote must be retained for at least 5 years.

G. The Board reviews the election results at a special meeting by February 7. The meeting may be held electronically or telephonically. At the meeting the Board certifies the results of the election. The Secretary notifies the new officers and the club presidents by February 15. The new officers take office March 1.

H. If there is any run-off election, the existing officer continues in office until the runoff election results are certified by the Board.

I. Officers are elected by a simple majority vote of all the club votes for each office. If no candidate receives more than fifty percent of the club votes cast for that office, the Board arranges a run-off election between the two candidates receiving the greatest number of votes. The run-off election is conducted in the same manner as before, except that all ballots must be sent as soon as possible to be returned no later than March 5th of the year of the election, to be counted and certified by March 15th.

J. The Board may by special ballot propose any issue which, in its discretion, it believes appropriate for a polling of the clubs or for which the bylaws require a vote of the membership. The Secretary distributes the question to the clubs in a manner approved by the Board.

7. Nominations for the office of LRO are submitted by the Faculty of Judges to the Secretary. The Faculty of Judges is made up of all currently licensed DVG judges in the LV. The LRO must notify all Faculty members at least seven days before a proposed meeting to select a candidate for LRO. The Faculty may meet telephonically, electronically, or in person to select the nominee. Any member of the Faculty may propose a candidate for nomination. All proposed candidates for LRO nominee must be members of the Faculty, must be a certified training director, must be an active judge, and must be nominated by a

majority vote of the Faculty. The Faculty must then certify the nominee for LRO to the Secretary by December 1 of the year immediately before the election.

A. If the LRO nominee does not receive an affirmation from a majority of the clubs, the Faculty of Judges must reconvene and nominate an alternate candidate, who will be voted on in a follow-up election.

8. The candidate for National Membership Officer is selected by the Board. The members affirm the Board's selection during the next general election.

9. Manner of Acting: Except as otherwise required by law or by the Articles of Incorporation, the act of the majority of the board members present at a meeting which a quorum is present is the act of the full board.

10. Resignation: Any board member of the organization may resign at any time by writing to the President or Secretary of the organization. The resignation of any director takes effect when the President or Secretary receives the notice, unless otherwise specified in the notice. The resignation is effective whether the board accepts it or not.

11. Compensation: Board members receive no salary for their services on the Board. However the Board may resolve to pay board members a fixed sum and expenses for attending a Board meeting or other functions required by the LV, such as the annual business meeting of DVG in Germany. The Board may advance board members funds to cover expenses at those meetings, but board members must provide receipts for those expenses.

ARTICLE VI

COMMITTEES

1. The Board, by majority vote, may appoint standing committees to advance the work of LV DVG America. The committee selects its own chair. Those chair-people and committees are subject to the final authority of the Board and have no power to obligate or bind the organization.

2. All appointed assignments end on January 1 of each year, unless extended by vote of the Board.

3. Any chair people, committee, or committee member appointed by the Board may be removed by majority vote of the Board.

ARTICLE VII

POWERS OF THE BOARD

The Board of Directors exercises all rights and privileges granted to them by these bylaws and the laws and rules of DVG. In addition, the Board determines and administers policy on all matters of national concern, and cooperates and communicates with the administrative officials and policy-making bodies of DVG in Germany. All powers not expressly granted to the Board by this Article are reserved to the member clubs.

ARTICLE VIII

MEETINGS

1. Except in emergencies, the annual general membership meeting of LV DVG America must be held with the LV Championship. The hosting club, with the approval of the Board, sets the time, date, and location. The Secretary must notify all clubs of the time, date, and location. Typically, there will be a 90 day notice for the general membership meeting, except for extenuating circumstances, but never less than 30 days' notice.

2. If neither the President nor the Vice President is available to preside at the general membership meeting, the president of the KG hosting the Championship presides.

3. The Board holds regular meetings at least every six months with one meeting during the same week as the annual general membership meeting. The President, or any two or more board members, may call a regular meeting at any time, if needed. Any board meeting, except that held at the annual general membership, may be held by telephone conference. The Board must receive five days written notice of any meeting.

4. The Secretary must notify the membership of all regular meetings at the same time the Board is notified. Whether the meeting is in person or by phone, members may observe but not speak at any regular board meeting unless their input is requested by the Board. If any regular board meeting is cancelled, the Secretary must notify the membership within 30 days of the reason.

5. The Board may hold executive sessions, which are not open to the membership, to address sensitive topics such as personnel and contracting decisions and to deliberate on complaints. The Board should receive at least five days' written notice of executive sessions, except when the notice period is waived by all board members. Any final votes on issues discussed in executive session must be made in a regular meeting open to members.

6. The Board may from time to time need to hold emergency meetings without five days advance notice. In those cases, whatever notice is provided to board members must also be provided to the members.

7. At any meeting sanctioned by these bylaws, the most recent "Robert's Rules of Order, Newly Revised" generally govern parliamentary practice on all matters, unless expressed otherwise in these bylaws.

ARTICLE IX

DISCIPLINE

The LV America Board establishes and maintains disciplinary procedures consistent with the goals of the organization. The disciplinary procedures must ensure an orderly and consistent filing and investigation of grievances for conduct harmful to the interests of DVG, LV DVG America, a region or any club, major violations of the by-laws of any Region or LV DVG America, or major violations of the training rules of DVG. Detailed procedures can be found in the LV handbook.

ARTICLE X

GENERAL PROVISIONS

1. Loans to officers: The organization makes no loans to any officer or board member.
2. Gifts: The board may accept on behalf of the organization any contribution for the general or special purposes of the organization.
3. Waiver of Notice: Whenever the bylaws or the Colorado Revised Nonprofit Corporation Act require notice, the person(s) entitled to the notice may sign a written waiver of the requirement. In those cases, the waiver is the equivalent to giving notice.
4. In the event of a conflict between the Articles of Incorporation or the bylaws, then the bylaws will prevail.

ARTICLE XI

AMENDMENTS TO THE BY-LAWS

1. Amendments to these bylaws may be proposed by a majority vote of the Board or by a petition signed by twenty percent of the LV DVG America clubs in good standing.
2. For any proposed amendment, the Secretary must send out a written ballot by US mail, email, or electronic survey within 30 days of when the Board proposes the amendment, or of when the Secretary receives the petition from 20% of the clubs. The Secretary must receive responses within 30 days of when the ballot is sent.
3. Approval of an amendment requires a simple majority vote of the clubs in good standing at the time of the vote.
4. All amendments must be approved by DVG before being submitted to the membership for final approval.
5. Amendments become effective 30 days following approval by a majority vote of the clubs or approval by DVG, whichever is later.
6. Within 30 days of an amendment's approval, the Secretary sends written notice, including the text of the amendment to the presidents of the clubs and posts them to the DVG America website within 30 days of their approval date.

ARTICLE XII

DISSOLUTION

1. LV DVG America may be dissolved at any time by the written vote of at least two-thirds of the member clubs in good standing. DVG must approve the dissolution.

2. If LV DVG America is dissolved any assets remaining must be conveyed to an organization or organizations that are exempt under the requirements of Section 501(c) of the Internal Revenue Code and that generally promote the purposes which are enumerated in LV DVG America's Articles of Incorporation and these by-laws.

3. To identify appropriate recipient organizations, the Secretary asks the member clubs, in writing, to nominate eligible organizations, giving them at least 10 days to respond. The Secretary then sends a ballot to the clubs listing eligible recipients recommended by the Board or by 20% of the clubs, giving the clubs 21 days to respond by mail or fax. Each club can vote for only one of the eligible recipients. The assets of LV DVG America will be conveyed to eligible recipients apportioned by the percent of the club votes for each recipient.

ARTICLE XIII

DEFINITIONS

For purposes of these bylaws, the following terms have the meanings shown:

1. Region means those geographic areas described in Article III. It is the same as Local Association (Kreisgruppe).
2. Individual member means a person who is a member of DVG in good standing, as shown on the rolls of LV DVG America.
3. Club or member club means a local club, affiliated and in good standing with DVG.
4. Mail means regular USPS mail, email, or other delivery methods, as appropriate, unless specified otherwise in a specific provision.
5. Written notice means USPS mail, email, or other delivery methods, as appropriate, unless specified otherwise in a specific provision.
6. German titles and nomenclature may be changed from time to time by DVG. In that case, the changed nomenclature is incorporated automatically in these bylaws.

ACCEPTED AND ADOPTED by the Board of Directors of Landesverband DVG America and approved by a vote of the General Membership on February 5, 1984, as subsequently amended on June 16, 1985, October 11, 1985, June 25, 1987, May 13, 1988, June 27, 1992, May 6, 2005, June 13, 2008, June 13, 2009, and October 30, 2010. Complete revision of bylaws approved by a vote of the General Membership on September 21, 2013 and became effective on April 2, 2014. Minor revisions approved by a vote of the General Membership on December 31, 2014. Revisions to the voting provisions approved by a vote of the Membership on April 17, 2017.