

KENTUCKIANA BASEBALL UMPIRES ASSOCIATION, INCORPORATED

Post Office Box 37168
Louisville, Kentucky 40233
Federal ID# 61-1161322

CONSTITUTION AND BYLAWS

Adopted - 1986
Revised - 2000
Amended - 2006
Amended - 2007

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ARTICLE I - NAME

The name of this association shall be the **KENTUCKIANA BASEBALL UMPIRES' ASSOCIATION, INCORPORATED**, herein after referred to in this document as the "**Association**." Then Association is a not-for-profit corporation of the Commonwealth of Kentucky. Its principle address shall be: Post Office Box 37168, Louisville, Kentucky, 40233.

ARTICLE II - OBJECTIVE

Section 1

The objectives, for which the Association is established, include, but are not limited to, the following:

- a) To evaluate the standards of umpiring the game of baseball;
- b) To provide instruction and understanding of the rules and the proper interpretation of the rules which govern baseball;
- c) To assist the Kentucky High School Athletic Association (KHSAA) by providing qualified officials as high school baseball umpires; and,
- d) To provide instruction to new and experienced umpires in in order that they may have an opportunity to enhance their skills as umpires.

ARTICLE III - MEMBERSHIP

Section 1 - Classification of Membership

This Association shall consist of persons meeting the qualifications and guidelines approved by the Board of Directors and adopted by the membership. The classifications of membership are:

Active - an active member is one designated by the Association after that person has met the requirements of the KHSAA Board of Control, and this Association. Such members, having been determined to be in good standing, may be assigned to umpire KHSAA sanctioned baseball games.

Inactive – an inactive member is a person who was an active member in good standing who, but for legitimate reasons, may be unable to accept a schedule of games. Such members shall have provided a written request to the Board of Directors seeking inactive status. The member may, at a later date, request to have his/her active status reinstated upon proof that all KHSAA, and Association, requirements have been met and upon approval of the board of Directors.

Affiliate – an affiliate is a person, or business entity, who has demonstrated a special interest in promoting the stated objectives of the Association through material, or other, contributions toward the accomplishment of those objectives. Active, or inactive, members may make nominations for affiliate status. Nominations must be made in writing stating the basis for the nomination. The nomination shall be submitted to the Board of Directors, which shall present the matter to the membership for consideration. The membership may vote to accept or reject the nomination.

Honorary – an honorary member is a person who is not an active member of the Association, but one who the Association wishes to recognize as having made a substantial contribution to the Association, and/or, to umpiring in general. Nominations must be made, in writing, to the Board of Directors, stating the basis for such status. The Board of Directors shall present the matter to the membership for consideration and a vote to accept, or reject, the nomination.

Section 2 - Qualification of Membership

In order to qualify as an active member of the Association, a person must comply with all KHSAA requirements as listed in the most current issue of the KHSAA Handbook, and with all Association requirements. These requirements include attendance at Association meetings, as outlined in the Constitution and Bylaws, attendance at KHSAA mandated rules and mechanics clinics, and compliance with KHSAA mandated licensing requirements. Active members are required to carry liability insurance issued through a recognized insurance carrier, or through membership in an organization providing such coverage. Failure to meet these, or any other reasonable requirements adopted by the Association, shall be grounds for revocation, or denial, of membership in the Association.

Section 3 - Resignation

Any member may resign from the Association at any time by submitting a written notice to the Secretary of the Association. The Secretary shall present the resignation to the Board of Directors at the next regularly scheduled meeting of the Board. Resignation by an active member shall not relieve the member of his/her obligation to pay dues, assessments, or fees accrued prior to resignation. The Association may seek civil or other legal means, to satisfy such unpaid obligations.

Section 4 - Reinstatement

Former members of the Association may seek reinstatement by submitting a written request to the Board of Directors. The Board shall consider the request and vote to accept or reject it. The Association's Secretary shall respond, in writing, to the person seeking reinstatement and will convey the decision of the Board. If denied, the person seeking reinstatement may request to meet with the Board for the purpose of appealing the Board's decision. The person may present any facts or mitigating information for the Board to consider. The Board shall consider any mitigating information and shall render a decision on the request. The Board's decision shall be final.

Section 5 - Transfers

The Association, through its Board of Directors, shall consider applications from persons with umpiring experience who have recently relocated in the Louisville area. Such applications must be submitted in writing to the Secretary of the KBUA. The application should include information concerning the applicant's experience, former association membership, camps and clinics attended, and any other information deemed appropriate for consideration by the Board of Directors. The Association reserves the right to deny membership if the application is found to contain false, or misleading information. Acceptance as an active member in the Association may be withheld until the applicant meets all KHSAA licensing requirements. All appropriate fees, dues, and assessments must be paid to the Association before acceptance into the Association, and prior to being given a schedule of games by the Assigning Secretary.

ARTICLE IV - MEMBERSHIP MEETINGS

Section 1 - Meetings

The Board of Directors shall distribute a schedule of meetings and clinics to be held during a specified time period. The minimum number of meetings during any given calendar year shall be five (5). The President and Board of Directors shall set the agenda for each meeting. KHSAA rules and mechanics meetings shall be considered as regular Association meetings.

Special meetings may be called at the request of a majority of the Board of Directors, or at the request of five (5) active members. Such requests shall be made in writing to the Secretary of the Association, and shall state the purpose of the meeting and topic, or issue, to be discussed. The agenda of special meetings shall be limited to the issue for which the special meeting was called.

In order for the Association to conduct business at a regularly scheduled, or special, meeting a quorum must be present. A quorum is present when twenty percent of the active membership is present at such meetings.

Section 2 - Notification

The Association's Secretary shall provide written notice of all meetings. Such notice shall include the date, time, and location of the meeting. The notice shall also include information concerning the purpose of the meeting and topics to be discussed. Written notice of such meetings shall be mailed to the membership no less than fourteen days prior to the meeting date. Such notices will be sent to the most current address of the member as it appears on the Association's membership list.

Section 3 - Attendance Requirements

Active members shall be required to attend a minimum of 75 percent of the regularly scheduled membership meetings. KHSAA rules and mechanics meetings are considered to be regular membership meetings for the purpose of this section. Members who have KBUA, or NCAA game assignments, or who are attending recognized umpire-training clinics, may be excused from meeting attendance. Such members shall be marked as having attended the scheduled meeting for that meeting date. Members may make a written request to be excused from attending a scheduled meeting. Such requests shall be made prior to the meeting date, and must be submitted to the Board of Directors for consideration.

Section 4 - Voting

For the purposes of voting, the presence of 20 percent of the active membership shall be considered a quorum. A majority vote of the membership present is required to pass a measure being considered. Only active members shall have the right to vote on a question called by the membership.

ARTICLE V - DUES

Section 1 - Annual Dues and Umpire Scheduling Fee

Annual membership dues equal to one varsity game fee, which includes the current game travel fee set by the local regional policy board and the regular season varsity game fee for a two person crew published in the KHSAA handbook, as well as the 6th/7th Region Baseball Assigning Secretary's annual umpire scheduling fee shall be paid by active members on, or before, May 15th of each year. Members may seek reimbursement of dues and umpire scheduling fees upon written request and for just cause. The Secretary of the Association must receive such requests prior to January 1, following the current high school baseball season. The Association shall waive only the annual membership dues for members active in the Association for a period of twenty-five years.

The Association will furnish a list of members in good standing and issue a check to the 6th/7th Region Baseball Assigning Secretary by December 15th that reflects the Umpire Scheduling Fees of all members in good standing with the association. New, first-year members of the association will be required to pay dues in the amount of \$25.00, as well as the assigning secretary's fee by March 1st in order to become a member in good standing and eligible to receive a 6th/7th region baseball schedule. All umpire scheduling fees collected after December 15th will be paid by check to the 6th/7th Region Baseball Assigning Secretary by March 15th.

Section 2 - Fees

The Board of Directors may assess fees in order to pay for the costs associated with KBUA sponsored training or social events. These fees will be determined by the actual cost of the training, or scheduled event, including those items and materials necessary for the success of the event

Section 3 - Penalties

Failure to pay annual membership dues and the umpire scheduling fee by the specified date shall result in the assessment of a penalty fee. The penalty for late payment shall be \$25.00. Such penalties shall be paid to the Treasurer of the Association no later than December 14, of the current year. Failure to pay the annual dues, umpire scheduling fee, and late penalty fee (if applicable), shall result in the suspension of the member's active status. Such a suspension shall continue until such time as the member pays all dues, scheduling fees, penalties, and is then reinstated by the Board of Directors.

ARTICLE VI - BOARD OF DIRECTORS

Section 1 - Duties and Responsibilities

A duly elected Board of Directors herein referred to, as the "Board" shall manage the property, business, and affairs of the Association. The Board shall exercise its duties in accordance with this Constitution and Bylaws, the Articles of Incorporation filed with the Secretary of State, in the Commonwealth of Kentucky, and not otherwise prohibited by law. The duly elected Board of Directors shall exercise its duties in a proper and lawful manner, according to the requirements in this Constitution and Bylaws, and according to the will of the membership of the Association.

Section 2 - Executive Board of Directors

The Executive Officers of the Association are the President, Vice President, Secretary, Treasurer, and Immediate past President. The Board of Directors shall consist of the Association's five executive officers, as described in the Articles of Incorporation, and the Umpire-in-Chief. The Umpire-in-Chief shall be appointed by the President, and approved by the Board of Directors. In addition, the active members of the Association shall elect two, at-large members to serve on the Board of Directors.

ARTICLE VII - OFFICERS

Section 1 - Elected Officers

The elected officers of the Association shall be the President, Vice President, Secretary, Treasurer, and two at-large members. The term of service for the elected officers shall be two years, except for the members at large who shall serve a term of one year. The executive officers may succeed themselves. The election of the President and Secretary shall occur in odd numbered years and the election of the Vice President and Treasurer shall take place in even numbered years. At-large members shall be elected annually and may succeed themselves. The Immediate past President shall not hold two different positions on the Board at one time. Elected officers shall serve their respective terms of office until such time as those terms expire, or upon resignation, or removal from office for cause. The President shall be a non-voting member of the Board. He shall only vote to break a tie.

Section 2 - Eligibility

Only active members of the Association shall be eligible to hold an elected office.

Section 3 - President

The President shall be the Chief Executive Officer of the Association and shall have executive authority to insure that all orders and resolutions adopted by the Board of Directors are properly carried out. The President shall be subject to the control of the Board of Directors as directed by the Articles of Incorporation, applicable state statutes, and these Bylaws. The President shall be responsible for the overall management of the business affairs of the Association and the proper administration of its Constitution and Bylaws. The President shall appoint committees, and members to serve on such committees, to assist in the administration of the Association's business. Such committees shall report to the President and Board of Directors regarding the progress of the committee's work. The President shall preside over all general membership, and special meetings of the Association. The President shall not vote on items before the Board, but shall vote to break a tie.

Section 4 - Vice President

The Vice President shall be responsible for assisting the President of the Association and for such duties assigned by the President. The Vice President shall serve in the same capacity as the President when circumstances dictate, or in the absence of the President.

Section 5 - Immediate Past President

The Immediate past President shall be responsible for such duties as are assigned to him/her by the President of the Association. The Immediate Past president shall serve as the Chair of the Nominating Committee, and shall serve as the program director for the general election meeting. The Immediate past President shall serve as an advisor to the President and the Board of Directors on matters of interest to the membership.

Section 6 - Secretary

The Association Secretary shall:

- a) Keep the minutes of all regular and special membership meetings and meetings of the Board of Directors, and shall make such minutes available to the membership;
- b) Insure that all notices of meetings are provided to the membership in accordance with these Bylaws;
- c) Act as the official custodian of the Association's official records;
- d) Maintain the Association's membership records, and record of meeting attendance;
- e) Perform all those duties normally associated with the office of the Secretary, and other such duties as outlined in these Bylaws, or which may be assigned by the Board of Directors.

Section 7 - Treasurer

The Treasurer shall:

- a) The Treasurer shall receive and be responsible for all funds and securities of the Association. The Treasurer shall maintain full and accurate financial records of the Association, deposit, or cause to be deposited, to the credit of the Association all money, funds, and securities into the appropriate bank account, or financial institution and accounts established by the Board, and disburse funds as directed by the Board;
- b) Provide to the Board of Directors and membership, proper records of the Association's financial status;
- c) Inform the membership when delinquent in the payment of dues or fees;
- d) Receive and maintain accurate membership records from the Association Secretary;
- e) Perform those duties normally associated with the office of Treasurer, and those as may be directed by the President and Board of Directors, or by state statute.

Section 8 - Umpire in Chief

The Umpire in Chief shall be responsible for the proper instruction of the membership in the uniform interpretation of the rules governing play in high school baseball, as determined by the National Federation and the KHSAA. The Umpire in Chief shall direct the instruction of the membership in proper mechanics, positioning, and techniques of good officiating for members, coaches, players, and others interested in the fundamentals of good officiating.

Section 9 - Compensation of Officers

Elected officers of the Association shall not receive any direct compensation from the Association for their service as an officer of the Association. Elected officers and members may, upon board approval, be reimbursed for expenses associated with the performance of their official duties, or as determined appropriate by the Board.

Section 10 - Vacancies

Any vacancy occurring during the term of a Board member shall be filled by a majority vote of the Board of Directors. Each officer so appointed shall hold that office for the remainder of the unexpired term of office to which he/she is appointed.

Section 11 - Notice of Executive Board Meetings

The President of the Association shall call all Executive Board Meetings. Special Executive Board meetings may be called by request of two-thirds of the Executive Board Members. Notification of such special meetings shall be made by the President through the Secretary and by the most expedient means available. A majority of the Board members present at such meetings shall constitute a quorum.

ARTICLE VIII - OFFICIAL RECORDS

Section 1 - Location

The official records of the Association shall be kept in such a place within the State of Incorporation which shall insure their proper maintenance and security, and which shall insure access by the duly elected Executive Board, and the membership of the Association.

Section 2 - Inspection

All books, accounts, and records of the Association shall be open to inspection by and at the request of, any active member of the Association. The President and Board of Directors may direct, the submission of reports to the Board and membership as deemed appropriate or as mandated by statute.

ARTICLE IX – SPECIAL and STANDING COMMITTEES

Section 1 - Nominating Committee

The President shall appoint a Nominating Committee and direct the Immediate past President to serve as chairman of that committee. The committee shall solicit nominations from the membership for election to the offices of President, Vice President, Secretary, Treasurer and members at large. The committee shall notify the membership that it will accept nominations for specific offices at least fourteen days prior to the nomination meeting. The committee shall insure that a member whose name is to be placed into nomination is willing to accept a nomination for a particular office prior to placing that member's name on a ballot. The names of official candidates for office shall be submitted to the membership at least fourteen days prior to conducting an election vote. The committee shall accept nominations from the floor on the night of the election.

Section 2 - Special Committees

The President, with the approval of the Board, shall appoint other special committees deemed necessary. The duties of these special committees shall not conflict with the provisions of these bylaws, and shall be prescribed by the President with Board approval.

Section 3 - Judicial Committee

The President shall appoint three members to serve on the Judicial Committee. The Committee shall determine if a member has violated provisions of these bylaws, or KHSAA rules. It shall determine if formal charges shall be brought against the member for such violations. One member of the committee shall serve as chairman. The committee members shall serve at the pleasure of the President and Board of Directors.

ARTICLE X – ANNUAL AWARDS

Section 1 - State and Semi-State Awards

The Association shall present a plaque to those members who represent the Association in the State and Semi-State Tournament.

Section 2 - Regional Tournament Award

All Association members assigned to work a regional tournament for the first time shall receive the Association's Regional Tournament Award plaque. This award will be presented at the Association's Annual Award Banquet. It shall be presented only once to a given member.

Section 3 - Jerry Arndt Award

The Jerry Arndt Award shall be presented to the member who exemplifies a willingness to officiate at any time, any place, and who displays a zeal to further the stated purposes of the Association.

Section 4 - Silver Indicator Award

The Silver Indicator Award is presented to the member considered by his peers as being an umpire's umpire. The award is indicative of the member's dedication to the Association and fellow officials.

Section 5 - Rookie of the Year Award

The Rookie of the Year Award shall be presented to the member who, during the first year of membership, demonstrates the qualities of desire, motivation, and dedication toward becoming a top-notch umpire.

Section 6 - Keith Shartzter Professionalism Award

The Keith Shartzter Professionalism Award shall be presented to the member who demonstrates the quality of professionalism through his actions on and off the field.

Section 7 - Jim Dwyer Award

The Jim Dwyer Award shall be presented to the member who displays those qualities exemplified by Jim Dwyer. The recipient shall have displayed a love of umpiring, dedication to the Association, willingness to assist fellow umpires, and commitment to the sport of baseball.

Section 8 - Nominations and Presentation of Awards

All awards shall be presented during the Association's Annual Awards Banquet. The President of the Association during a regular membership meeting will solicit nominations for awards. Voting on the nominations by the membership shall be announced a minimum of fourteen days prior to the vote. The President of the Association shall set the date of the vote.

ARTICLE XI – DISCIPLINE

Section 1 – Grounds for Discipline

Members of this Association are required to comply with the Articles of Incorporation, Constitution and Bylaws, and all other rules and requirements adopted by the Association. In addition, all members are required to comply with KHSAA requirements of officials. Failure to comply with these requirements shall be grounds for disciplinary action. The Board of Directors shall, upon recommendation of the Judiciary Committee, review all recommendations regarding discipline of a member. The Board may impose penalties it deems appropriate for the specific violation, up to, and including, placing the member on probation for a specified period of time, fines, suspension, and dismissal from membership in the Association.

Section 2 – Notification of Charges/Violation

A member violating any Association, state, or KHSAA requirements shall be notified in writing of the Association's intent to discipline. The member shall be notified as to the specific violation including any, and all, documents or evidence of the violation. The member shall be afforded an opportunity to review and offer any explanation or evidence in rebuttal of the charge. The member shall be afforded a minimum of fourteen days from the date he/she receives written notice of the charges in which to inform the Association of the member's intent to contest the charges. The member may request a hearing on the charges before the Judiciary Committee, and shall make such a request, in writing, to the Board of Directors.

Section 3 – Disciplinary Hearings

A member who is charged with violating Association requirements, KHSAA mandates, or other policies and requirements, which may result in disciplinary action by the Association, shall have the right to a hearing before the Judiciary Committee. Such hearing shall be afforded prior to the imposition of discipline. The Judiciary Committee shall grant such requests and schedule a hearing at the convenience of the Committee and member and shall not be unduly delayed. If at all possible, the hearing shall take place within fourteen days of the member's request for such hearing.

The Association, and member, shall have the right to be represented by legal counsel during the hearing. However, such representatives shall play no active role in questioning of witnesses during the hearing. All hearings shall be recorded using audio or video equipment and copies of the hearing shall be provided to the member upon request. The member making the request shall pay the cost of such copies.

After hearing all the evidence, the Judiciary Committee shall forward its recommendation for discipline to the Board of Directors. The Board shall review the recommendation and impose any sanctions deemed appropriate. The Board of Directors shall notify the member of its determination and imposition of any penalty or discipline. Notice of such action shall be in writing to the member. Such notice shall inform the member of his/her right to appeal the Board's decision. A majority vote of the Board shall be required for the imposition of disciplinary action against the member.

Section 4 – Appeals

Any member disciplined under these sections shall have the right to appeal the decision of the Board of Directors. The member must request appeals in writing within seven days of the initial disciplinary action. The member may have legal counsel present during this proceeding. The member may call witnesses, or present evidence in his/her defense.

After hearing the evidence, the Board of Directors shall notify the member of its decision on the matter. Such notice shall be in writing and shall be final.

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ARTICLE XII – GENERAL ELECTIONS

Section 1 – Elections

Election of officers shall be held annually. The President of the Association shall set the date of such elections. The President shall notify active members of the election date in writing at least fourteen days prior to the election. This notice shall include the names of candidates and the office for which the person is a candidate. Election of officers shall take place no later than July 31, of each year.

Section 2 – Balloting

Elections shall be held by secret ballot. Ballots may be mailed to the membership and returned on the night of the election of officers. Ballots may be returned by mail or in person on the night of the election. If a tie vote occurs, it shall be broken by additional ballot of those present at the election meeting. Ballots will be mailed to allow all members the opportunity to vote for the candidate of choice and to increase the participation of the membership in the election process. All members are encouraged to vote for the candidate of their choice.

Section 3 – Nominations

Nominations for Association offices shall be accepted from the floor at the election meeting. Only active members, in good standing, may be nominated for office. Members may decline the nomination.

ARTICLE XIII – MISCELLANEOUS PROVISIONS

Section 1 – Fiscal Year

The Association's fiscal year shall be from November 1, of the current calendar year, and shall end on October 31, of the following year.

Section 2 – Depositories

The Board of Directors and the Association's Treasurer, shall designate banks, trust companies, or other depositories in which the funds of the Association shall be deposited. The Board and Treasurer shall report the balance of accounts held in such depositories and all expenditures of Association funds, to the membership on a regular basis.

Section 3 – Checks, Drafts, and Notes

Such officers appointed to conduct such business shall sign all checks, drafts, or other orders for the payment of money, and all notes or other evidence of indebtedness issued in the name of the Association. The Association's President, or Treasurer, and one other Board member shall sign all checks for payment of such debt. Two members as designated above must sign all Association checks.

Section 4 – Contracts and other Instruments

Except as otherwise provided in the Bylaws, the Board of Directors may authorize any officer, or agent, to enter into any contract on behalf of the Association, or to execute the delivery of any instrument in the name, or on behalf of, the Association. Such authority may be general, or specific, to a particular contract or instrument.

Section 5 – Gifts

The Board may accept any contribution, gift, or bequest for the betterment of the Association. Such gifts shall not be accepted by an individual member, but may be accepted on behalf of the Association.

Section 6 – Status of Members

All members of the Association are independent contractors and not employees of the Association, or employees of any individual member, or officer, of the Association. All members are employers and therefore may not collect workers' compensation from the Association, for injuries sustained while officiating.

Section 7 – Good Standing

An active member, in good standing, is a member who must first meet all KHSAA licensing requirements. In addition, all Association attendance requirements must be met, all dues and fees imposed by the Association must be paid, all tests must be successfully completed, and all required clinics attended. These requirements include those imposed by the KHSAA.

Section 8 – Insurance

All active members of the Association are required to carry liability insurance in the minimum amount of one million dollars. Insurance may be obtained through a licensed insurance carrier of his/her choosing, through membership in NASO, or through ABUA membership. Members must present proof of insurance to the Association Secretary prior to receiving a schedule.

Section 9 – State Registration and Licensing

All active members shall be registered and licensed through the KHSAA. Active members shall comply with all KHSAA mandates related to the licensing and registration of officials. All active members shall abide by the rules for officials set forth in the KHSAA Handbook, the Code of Ethics for Officials, drafted by, and published in the National Federation Rules Book.

Section 10 – Amendment to the Association Bylaws

These Bylaws may be amended, or repealed, by a two-thirds majority vote of the active members present at a membership meeting. The Board shall send notice of such proposed amendment to the active membership fourteen days prior to such a meeting. Amendments may be proposed by the Board, on its own initiative, or upon petition of twenty active members. Such petition shall be presented to the Board in writing. The proposed amendment shall be presented to the membership without recommendation.

The Board shall present the proposed amendment(s) to the membership for consideration. The first reading of the proposed amendment(s) shall take place at a regularly scheduled membership meeting, or at a special meeting called for that purpose. Voting on such amendments shall take place only after the

membership has had sufficient time to discuss the proposed amendment. A vote on the proposed amendment shall not occur at the same meeting as the first reading of the amendment.

Section 11 – Resignations

Any officer or member may resign from Association, or elected office, upon written notice to the Board of Directors. Resignations shall take effect on the date specified in the written notice of resignation.

Section 12 – Property

All Board members whose terms expire, or who leave office prior to the expiration of their term of office, shall turn over to the Board, all Association property including financial and membership records and real property of the Association. Transfer of such property and records shall take place immediately. In the case of newly elected Board members, such property and records shall be turned over to the Board by the end of the first executive board meeting following the election of the new Board members.

Section 13 – Informal Action

Any action of the Board may be taken without a meeting of the Board provided that such action is sanctioned by written consent of the Board members.

Section 14 – Post Season Game Assignments

Post season tournament assignments are subject to approval by the KHSAA Commissioner. Only Level 2, and 3, officials are eligible for regional, semi-state, and state tournament assignment. The KBUA, through the Assignment Secretary, may recommend officials for post season tournament assignments, however, the final selection of tournament officials shall be made by the Commissioner. This section is in keeping with the provisions of the KHSAA, and may be found in the KHSAA Handbook. Game fees for post season tournament play is governed by the KHSAA.