

# By-Laws

(As amended 3/19/01, 4/23/01 & 3/23/04)

## Article I

### NAME

Section 1: This Organization shall be known as the "Beyer Band Boosters" (Boosters)

**Section 2:** For purpose of this document "band" shall refer to the combined band and color guard.

**Section 3:** The BOOSTERS are a 501© (3) tax-exempt organization that provides support to the Band and Color Guard in compliance with and under the auspices of the Modesto City School District (MCSD). The BOOSTERS fiscal year is from July 1 to June 30, and is consistent with the MCSD fiscal year. The business of the BOOSTERS is located at 1717 Sylvan Ave. in Modesto, CA. The Executive Board has full power and authority to change this location to another location at any time.

*Proposed changes:*

*Section 2: For the purpose of this document "band" shall refer to the combined band and color guard.*

*Section 3: The BOOSTERS are a 501c (3), Non-Profit tax-exempt organization that provides support to the Band and Guard in compliance with and under the auspices of the Modesto City School District (MCSD). The BOOSTERS fiscal year is from July 1 to June 30th, and is consistent with the MCSD fiscal year. The business of the BOOSTERS is located at 1717 Sylvan Ave. in Modesto, CA 95355. The Executive Board has authority to change this location to another at their discretion.*

## Article II

### PURPOSE

Section 1: To help and promote the band in every way possible.

Section 2: To promote interest in and support of instrumental music and color guard activities among parents, student body and the community.

Section 3: To support the band director in his/her efforts and goals, in every way Possible.

Section 4: To make people aware of the band's contributions to the school and community.

*Proposed:*

*Section 1: \*BBB will promote the development of leadership skills through participation and involvement in this competitive team performance program..*

*Section 2: To make people aware of the band's contributions to the school and community through continued interest in instrumental music and color guard activities among parents, student body and the*

community.

Section 3: To support the band director in his/her efforts and goals

Omit section 4

## Article III

### MEMBERS

Section 1: The Beyer Band Boosters will not restrict membership, service, or benefits of the organization on the basis of race, creed, color, national origin, ancestry, sex, sexual orientation, marital status, disability, political affiliation or age.

Section 2: All interested persons with the purpose to promote interest in and support of instrumental music and color guard activities may be members of the Beyer Band Boosters.

*Proposed:*

*Section 2: .....instrumental music and color guard activities can be members of the Beyer Band Boosters.*

## Article IV

### EXECUTIVE BOARD

Section 1: The Executive Board shall consist of the elected executive officers and the Band Director. The Executive Board shall meet at the call of the President to consider the work and welfare of the organization. The Board shall act on the behalf of the organization.

*Proposed:*

*Section 1: The Executive Board shall consist of the elected executive officers: President, VP of Service, VP of Fundraising, Blue Crew Chief, Treasurer, Secretary, Color Guard Rep, and Band Director. The executive Board shall meet at the call of the President to consider the work and welfare of the organization. The Board shall act in the best interest of the organization.*

*Section2: Warrants necessary to conduct BBB business may be signed by Treasurer, President, VP of Service and one other designee appointed by the current year's executive board. Any warrants for non-budgeted or non-student reimbursement items in excess of \$1000.00 will be issued in combination with one other authorized signer.*

## Article V

### ELECTED EXECUTIVE OFFICERS AND DUTIES

- Section 1: President – Shall preside at all meetings; shall be an ex-officio member of all Committees; may call a meeting of the executive board at any time deemed Necessary; shall call general meetings, as needed; and may sign warrants with the Treasurer.
- Section 2: V.P. Of Service – Shall preside in the absence of the President, and in general, assist the President. Shall be responsible for the conduct and management of all non-fundraising activities of this organization; and may sign warrants with the Treasurer. Such services may include Awards Night, Band Camp snack bar, Beyer Guard and Percussion Show, Chaperones, Competition snacks, Grant Committee, Historian, Program Ads, Souvenirs, Tailgate dinner, Uniforms, Webmaster, Orestimba Retreat and Welcome back BBQ.
- Section 3: V.P. of Fundraising – Shall preside in the absence of the President and VP of Service; Shall be responsible for the conduct and management of all fundraising Activities; and may sign warrants with the Treasurer. Such fundraisers may May include AFD picnics, Big League Concession, Button sales, car washes, Chicken Fly-Bys, Christmas Greenery and Gift Wrap, Cookie Dough, Crab Feed, Decal Blitz, Entertainment Books, spring and Fall Breakfast, Family Dinner Nights, Holiday concerts, Rummage Sales, See's Candy, Silent Auction, Valentine's Giveaway and Scrip.
- Section 4: V.P. of Blue Crew- Shall oversee repairs and maintenance of the vehicles, equipment and props; the construction of equipment and props; the transportation of equipment and props to student practices and competitions; and may sign warrants with the Treasurer.
- Section 5: Treasurer- Shall collect and deposit all money in the bank and shall disburse same upon order of the Executive Board of the membership. The Treasurer shall make a written report at each Executive Board meeting, which shall I include any accounting of all warrants issued since the last Executive Board meeting.
- Section 6: Secretary- Shall keep a record of all proceedings at all Executive Board and General membership meetings; shall be prepared to read, on call, the record of any business that may have been transacted at any previous meeting: shall answer all correspondence and send out notices; shall chair and organize a phone tree of the general membership; and may sign warrants with the Treasurer.

*Proposed:*

*Section 1: President – Shall preside over general membership and board meetings; may call a meeting of the executive board or general membership as needed.*

*Section 2: V.P. Of Service – May preside in the absences of the President; shall be responsible for the conduct and management of all non-fundraising activities of this organization.*

*Section 3: V.P. of Fundraising – May preside in the absent of President. Shall be responsible for the conduct and management of all fundraising activities.*

*Section 4: Blue Crew Chief- is responsible to oversee the needs of vehicles, equipment, props and their transport to needed venues.*

*Section 5: Treasurer- Shall be responsible for the accounting of all payments, fees, monetary donations and revenues collected on the behalf of the organization. The treasurer will be responsible for the payment and reimbursement, on purchases made on behalf of the program. The Treasurer further ensures that the current year's books are available for independent audit and closed out by August 15<sup>th</sup>, prior to turning the said duties over to any incoming Treasurer. In addition the Treasurer will ensure the annual non-profit tax filing, as required by the IRS, takes place on or before the established deadline of Nov. 15<sup>th</sup>.*

*Section 6: Secretary- Shall record the minutes of all proceedings at the executive Board and General membership meetings; shall be prepared to read on call, the record of any business from previous meetings; shall answer correspondence as assigned.*

*Section 7: Color Guard Representative- Shall act as a liaison between the Executive Board and the Color Guard instructor.*

*Section 8: Percussion Representative- Shall act as a liaison between the Executive Board and the Percussion instructor.*

## **Article VI**

### **Cabinet**

**Section 1:** The Cabinet shall consist of the Committee Chairpersons, who shall be Appointed and serve at the pleasure of the Executive Board.

**Section 2:** The Cabinet shall act in an advisory capacity to the Executive Board.

*Proposed:*

*Section 1: The Cabinet shall consist of the Committee Chairpersons, who shall be appointed by the Executive Board.*

*Section 2: The Cabinet shall act in an advisory capacity under the Executive Board.*

## Article VII

### Cabinet Positions

Section 1: Newsletter Editor- The newsletter Editor shall be responsible for preparing and Publishing a newsletter for Band and Booster activities and news, on a monthly Basis; shall maintain liaison between the Band Director, the Band Student Council, the Executive Board, and the general membership.

Section 2: Color Guard Representative- The Color Guard Representative should attend All or some Executive Board Meetings, act as a liaison between the Band Director, the Executive Board, and the members of the Color Guard.

Section 3: Publicity/Historian- The Publicity/Historian Chairperson shall be Responsible for publicizing events and activities of the band and boosters organization, by means of press, radio, TV, or such other media as are available, shall prepare a history of the organization; and shall turn in an annual report at the end of the school year.

Section 4: Uniforms- The uniform chairperson and his/her committee shall be responsible For the care, upkeep and the inventory of all items of uniforms worn by the Students participating in the Beyer Band and Color Guard; may be responsible For distribution, collection and inventory of all items of the uniforms.

Section 5: Hospitality- The Hospitality Chairperson shall arrange for the refreshments Served at monthly general membership meetings and coordinate membership Donations of food for band trips; may assist with phone tree coordination Activities and other duties deemed appropriate by the Executive Board.

Section 6: Chaperone- The Chaperone Chairperson shall maintain a list of volunteers and Train and assign chaperones as needed.

Section 7: Other Committee Chairpersons shall be selected or appointed by the Executive Board as needed.

#### *Proposed:*

*Section 1: Financial Secretary- Can assist in duties such as: Collect and count money, make deposits Including providing financial data to the Treasurer; assist in verifying fundraising income and expenses including student earnings; assist the Treasurer with duties as deemed appropriate. These two positions cannot be held by any two individuals in the same family, same household, including married and domestic partners.*

*Section 2: Newsletter Editor- The newsletter Editor shall be responsible for preparing and Publishing a newsletter for the Band and Boosters activities and news, on a monthly basis through the school year.*

*Move section 2 to Article V*

*Section 3: Publicity/Historian- The Publicity/Historian Chairperson shall be Responsible for publicizing events and activities of the band and boosters By means of press, radio, TV, or such other media as are available. In addition the Historian shall maintain a collection of memorabilia for the historical reference purposes; and shall turn in an annual report at the end of the school year.*

*Section 4: Uniforms- The uniform chairperson and his/her committee is responsible For the care, upkeep and the inventory of all items of uniforms worn by the Students participating in the Beyer Band and Color Guard*

*Section 5: Hospitality- The Hospitality Chairperson shall coordinate membership Donations of food and volunteers for band activities and events including duties deemed appropriate by the VP of Service.*

*Section 6: Chaperone- The Chaperone Chairperson shall maintain a list of volunteers and Coordinate chaperones as needed.*

*Section 7: Other Committee Chairpersons can be selected or appointed by the Executive Board as needed.*

## **Article VIII**

### **ELECTIONS**

*Section 1: A nominating committee of at least five members and the band director shall Be formed at the March general membership meeting, to nominate at least One person for each office and cabinet position.*

*Section 2: The nominating committee shall report at the April general membership Meeting at which time additional nominations shall be open from the floor.*

*Section 3: The officers of this organization shall be elected at the April general membership meeting. Officers and cabinet members shall be installed at the May General membership meeting.*

*Section 4: The term of office for each officer and cabinet shall be one year, from June to May.*

*Section 5: No person shall hold the same executive office for more than three Consecutive years.*

*Proposed:*

*Section 1: The Board and Band Director will select a nominating committee consisting of 3-5 people at the March Board meeting.*

*Section2: This committee will be responsible for distributing a nomination form at the March General Meeting. The goal of this committee is to obtain at least one nomination for each executive board position. This committee is required to post the nominees by positions prior to the April meeting.*

*Section3: The committee will present a formal ballot of nominees at the April general membership meeting. They will conduct the voting process and ballot counting. If a position is without a candidate, the committee will accept a write in candidate before the vote is conducted. If a position remains vacant the board can appoint an interim officer.*

*Section4: The term of each executive board position is for 1 year with the option to be re-elected for a 2<sup>nd</sup> or 3<sup>rd</sup> term. This applies to any individual holding the same position consecutively over this time period. A person may not run for the same position after a 3 year term without one year off between terms. Each term will run from July 1- June 30<sup>th</sup>.*

## **Article IX**

### **QUORUM**

Section 1: Nine members shall constitute a quorum for the transaction of business at General membership meetings; four at Executive Board meetings.

*Proposed:*

*Section1: Fifty percent of the board plus one additional member shall constitute a quorum for the transaction of business at general membership and executive board meetings.*

## **Article X**

### **Meetings**

Section 1: The Executive Board shall meet monthly on a regularly established schedule, Prior to the monthly meeting of the general membership.

Section 2: There will be no less than eight general membership monthly meetings of the membership within a school year held at Beyer High School.

*Proposed:*

*Section1: The General Membership and Executive Board shall meet monthly on a regular established schedule*

*Section2: There will be no less than eight general Membership monthly meetings of the membership within a school year held at Beyer High. School.*

## **Article XI**

### **VOTING RIGHTS**

Section 1: The executive Board shall have the right to vote on the following matters at an Executive Board or general membership meeting, subject to the following. Sections A, B, D, G and H below shall require a majority vote of the executive Officers present at the meeting for passage. Sections C, E and F shall require at Least five executive officers present at the meeting for passage. Only the Executive officers present at the meeting shall vote and each shall have one vote. There shall be no proxies.

- a. Appoint committee chairpersons.
- b. Fill vacant positions on the Executive Board and committees
- c. Approve the budget and any amendments to the budget, except that the out-going Executive Board shall also vote on the approval of the budget at the Budget Committee.
- d. Approve the minutes of previous Executive Board meetings.
- e. Removal of a committee chairperson
- f. Removal, for cause, of an executive officer. "For cause" shall include, but not necessarily be limited to, conviction of a crime, misappropriation of funds, acts of moral turpitude, and three consecutive unexcused absences from Executive Board meetings.
- g. To present the general membership approval of any loan, whereby the Executive Board shall notify the general membership of the following:
  - (1) A description of the items to be purchased with the loan proceeds,
  - (2) The reason/justification for the loan, (3) the term of the loan, (4) the Interest rate, (5) the amount and number of the installment payments and the sum total of all payments, (6) all other terms of the loan, to in cluded any pre-payment clauses, (7) the identity & the person/entity offering the loan, and (8) the date of the general membership meeting the loan will be presented for vote. "Notify" means that the above information shall be included in the general membership meeting the loan will be presented for vote.
- h. Others matters as determined by the Executive Board.

***Proposed:***

***Section 1: The executive Board shall have the right to vote on the following matters at an Executive Board or general membership meeting. Quorum must be met at the meeting for passage. Only the Executive officers present at the meeting shall vote and each shall have one vote. There shall be no proxies.***

Section 2: The general membership shall have the right to vote on the following matters With a quorum at a general membership meeting, and requires a majority vote for passage. Each member present shall have one vote, no proxies.

- a. Election of the incoming Executive Board.
- b. Annual Alcalá Award (outstanding senior parent(s))
- c. Amendments to the By-Laws.
- d. Approve the minutes of previous general membership meetings.
- e. All loans
- f. Matters authorized by the Executive Board.

## Article XII

### BUDGET COMMITTEE

Section 1: The budget committee shall meet to approve a budget. The committee shall consist of the newly elected and the out-going Executive Board, Color Guard and Band representatives and Band Director. Only the newly elected and out-going Executive Boards and the Band Director that are present shall have a vote.

Section 2: The Budget Committee shall present their approved budget for the upcoming School year at the Executive Board meeting and the general membership meeting.

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*Proposed:*

*Section 1: The budget committee shall meet to approve a budget. The committee shall consist of the newly elected and the out-going Executive Board, Band Director and assistant Band Director. Only the newly elected and out-going Executive Board Members and the Band Director that are present shall have a vote.*

*Section 2: The Budget Committee shall present their proposed budget for the upcoming School year at the General Membership meeting for approval.*

## Article XIII

### BY-LAWS COMMITTEE

Section 1: The Executive Board may appoint a committee to review the By-Laws, as needed. The committee shall report to the Executive Board as directed by the Executive Board. Any proposed changes to the by-laws shall be Presented to the general membership for a vote at the next general membership meeting, following the report to the Executive Board.

*Proposed:*

*Section 1: The Executive Board may appoint a committee to review the By-Laws, as needed. The committee shall report their proposed changes to the Executive Board. Any proposed changes to the by-laws shall be presented to the general membership for discussion and vote at the next general membership meeting, following the report to the Executive Board*

