

**SMITHSON VALLEY HIGH SCHOOL
ORCHESTRA BOOSTER CLUB**

CONSTITUTION AND BY-LAWS

Constitution and By-Laws
Smithson Valley High School Orchestra Booster Club

Article I. NAME
The name of this organization is the SMITHSON VALLEY HIGH SCHOOL ORCHESTRA BOOSTER CLUB, referred to as the Club in these By-laws.

Article II. PURPOSE
The purpose of the Club is:
(a) To provide a service organization dedicated to the promotion and welfare of the Smithson Valley High School Orchestra and its members;
(b) To promote the entire Orchestra program of Smithson Valley High School and to assist the Orchestra Director and the school administration in the development of an outstanding Orchestra program;
(c) To seek, cultivate, and obtain revenues for developing and expanding the entire Orchestra program;
(d) To strive for close coordination and understanding between the Orchestra, the school, and the community; and
(e) To conduct its business exclusively as a charitable and educational nonprofit organization consistent with the provisions of Section 501(c)(3) of the Internal Revenue Code and corresponding provisions of future laws.

Article III. GENERAL
Section 1. The Director of the Orchestra shall be the final decision-maker regarding all matters of the Orchestra program. The Club will not have any authority regarding classroom or performance content or format.

Section 2. The Orchestra Director may request the removal of any member of the Executive Board of the Club. Removal is effective upon a two-thirds majority concurrence of the remaining Executive Board members.

Section 3. These By-laws and the rules and regulations of Smithson Valley High School and the Comal Independent School District (CISD) shall govern all proceedings of the Club. In the event of a conflict between these By-laws and the rules and regulations of Smithson Valley High School and the CISD, the rules and regulations of Smithson Valley High School and the CISD shall prevail.

Section 4. This Club is organized exclusively for charitable and educational purposes within the meaning of Section 501 (c) (3) and 170 (c)(2) of the Internal Revenue Code (or the corresponding provision of any

future United States Internal Revenue law). No officer, committee chairperson, or member serving on committees shall receive salary or compensation for services rendered to the Club.

Article IV.

MEMBERSHIP

Section 1.

The membership of this club shall not be limited. Employees of CISD may be members of the Club, but shall not serve in a financial capacity. Financial capacity includes holding positions of treasurer, fund-raising chairperson, or serving as a check signer.

Section 2.

Voting Members: Parents or guardians of students currently enrolled in the Smithson Valley High School Orchestra Department, whose annual membership dues are paid current, shall be considered active Voting Members. They may vote, hold office, and participate in all Club activities, except as otherwise provided by the By-laws.

Section 3.

Middle School Members (voting): Parents or guardians of students currently enrolled in the middle school orchestra departments that feed into Smithson Valley High School, whose annual membership dues are paid current, shall be considered active Voting Members, but are NOT ELIGIBLE to serve as officers of the Club. They may vote, and participate in all Club activities, except as otherwise provided by the By-laws. Club funds may not be used for middle school booster clubs.

Section 4.

Honorary Voting Members: The Orchestra Director and the Principal of the Smithson Valley High School (or designee) shall be ex-officio members and officers of the Club and all its committees.

Section 5.

Honorary Members (nonvoting): Individuals whose service and/or commitment to the Orchestra program or to the Orchestra members have been recognized by a majority vote of the Club.

Section 6.

Supporting Members (nonvoting): Other members of the community who are dedicated to the promotion of the Orchestra program and the welfare of the Orchestra members, and have been recognized by a majority vote of the Club.

Section 7.

Alumni Members (nonvoting): Individuals or parents/guardians of individuals who have graduated from the Smithson Valley Orchestra program. Alumni membership is at no cost.

Section 8.

All Officers shall be voting members of the Club. Only individuals who have been voting members of the Club shall be eligible to serve as Officers. The President shall have been a voting member for at least one full school year, with the exception of the first year of the Club's existence.

Article V.

DUES

The annual dues for members of the Club will be \$10.00 per Orchestra Family (regardless of how many orchestra students a family may have) for each fiscal year, or such other sum that is

considered appropriate by a two-thirds majority concurrence of the Executive Board. An Orchestra Family is defined as the parents or guardians of one or more students currently enrolled in the orchestra programs at Smithson Valley High School or the middle schools that feed into Smithson Valley High School. A Members' dues must be current to be considered eligible to vote at the General Meetings.

Article VI.

OFFICERS

Section 1.

The officers of this club shall be a President, First Vice-President, Second Vice-President/Parliamentarian, Secretary, and Treasurer. Any office may be co-chaired. Co-chaired offices have a single vote. The School Principal or Appointee, and School Orchestra Director shall be non-elected officers.

Section 2.

The term of office shall be one year. In order to prevent having a totally new board after the initial year, the Treasurer and First Vice President shall serve a term of two years from the first election. Thereafter, all officers will serve a term of one year.

Section 3.

The President's major duties include, but are not limited to, the following: preside at all meetings of the Club and Executive Board; regularly meet with the designated campus representative regarding booster activities; resolve problems in the membership; regularly meet with the treasurer of the organization to review the organization's financial position; select an officer as the designee to receive bank statements through the mail at their home address. This individual shall not be a signer on the account. Upon receipt, the designee should review the activity on the bank statement and canceled checks for reasonableness. This provides an independent review by an individual not associated with disbursement activity. Schedule annual audit of records or request an audit if the need should arise during the year; perform any other specific duties as outlined in the bylaws of the organization. The President will coordinate the work of the officers and committees of the Club. The President will be an ex-officio member of all committees. The President will report the activities of the Executive Board to the Club. The President shall appoint committee heads subject to subsequent approval of the Executive Board. If the vote is tied during a general or committee meeting, the President may cast the tie-breaking vote. Otherwise, the President abstains from voting during general or committee meetings. The President does vote at Executive Board meetings.

Section 4.

The First Vice-President shall perform the duties of the President in his/her absence. The First Vice-President shall chair the Fundraising Committee, perform administrative functions delegated by the President; and perform other specific duties as outlined in the By-laws of the organization.

Section 5. The Second Vice-President/Parliamentarian shall perform the duties of the President in the temporary absence of the President and First Vice-President, and shall serve as the Parliamentarian. The Parliamentarian's primary duty is to advise the presiding officer on parliamentary law and matters of procedure when requested. The President or presiding officer of the organization alone has the power to make decisions or rule on a point of order. Thus, after the parliamentarian has given his advice, the presiding officer must make the ruling to the organization – the presiding officer is not obligated to follow the recommendation of the parliamentarian. The parliamentarian should be thoroughly familiar with the bylaws and any standing rules. A copy of Roberts Rules of Order Newly Revised should be maintained by the organization and referenced as needed.

Section 6. The Secretary's major duties include, but are not limited to, the following: maintain the records of the minutes, approved bylaws and any standing committee rules, current membership and committee listings; record all business transacted at each meeting of the association as well as meetings of any executive board meetings in a prescribed format; develop and maintain a current roster of all Board Members, all voting and nonvoting members of the Club and all Orchestra parents/guardians; maintain records of attendance of each member; conduct and report on all correspondence on behalf of the organization; record attendance of Executive Board members at all meetings; and other specific duties as outlined in the bylaws of the organization.

Section 7. The Treasurer is the authorized custodian of the funds of the association. The treasurer receives and disburses all monies indicated in the budget and prescribed in the local By-laws or as authorized by action of the association. All persons authorized to handle funds of the association may be covered by a fidelity bond in an amount based upon the organization's annual income and determined by the executive board. The Treasurer's major duties include, but are not limited to, the following: serve as chairperson of the Budget and Finance Committee; issue a receipt for all monies received and deposit said amounts on a weekly basis (daily if receipts on hand exceed \$250.00); present a current financial report including bank statements, bank reconciliations, and financial statements to the Executive Board within thirty days of the previous month end--copies should be available for review by the general membership if requested; file current financial reports at the end of each fiscal year (by June 15) with the campus principal, campus bookkeeper, and the CISD's Business Office; maintain an accurate and detailed account of all monies received and disbursed; reconcile all bank statements as received and resolve any discrepancies with

the bank immediately; file sales tax reports as required by the comptroller's office (monthly, quarterly, or annually); file annual IRS form 990 in a timely manner; submit records to the audit committee appointed by the organization upon request or at the end of the year; and other specific duties as outlined in the By-laws of the organization. There shall be required on all checks the signatures of any two of the following officers: President, First Vice-President, Second Vice-President/Parliamentarian, Treasurer or Secretary. At no time may any check issued by the club be signed by two officers who are members of the same family.

Section 8. No officer may serve more than two consecutive terms in the same position.

Section 9. Any Executive Board member who is absent from three or more Executive Board or Club meetings without legitimate reason may be removed from office by majority vote of the Executive Board.

Section 10. Any officer or appointed chairperson may be removed from office for failure to perform the duties of his/her position or for misconduct by a two-thirds majority vote of the Executive Board.

Article VII EXECUTIVE BOARD

Section 1. The Executive Board shall be composed of the officers of the Club, the school principal or appointee, and the Orchestra Director.

Section 2. The Executive Board shall have general supervision of the affairs of the Club, shall approve the budget for each fiscal year, and shall approve all fundraising activities.

Section 3. The Executive Board may meet at least one week prior to each general meeting and as needed to determine the policies of the club.

Section 4. A quorum of the Executive Board shall be at least three members of the Executive Board.

Section 5. The Executive Board shall fill by appointment any vacancies among officers of the club during the year, subject to approval of the general club membership.

Section 6. To the extent permitted by the laws and regulations of the State of Texas, the Executive Board may use email or other electronic means to conduct business. A quorum is still required and must be present at such meetings. Electronic meetings, whether by conference call, email or other means must be documented by the Secretary in a similar manner as physical meetings. All emails must be collected and preserved by the Secretary.

Section 7. The Executive Board, when necessary, may propose Standing Rules to be approved by a majority of the members present at a Club meeting. Once approved, these rules will be binding until such time as they are changed by like procedure. Standing Rules will be consistent with the Constitution and By-Laws. In the event of a

conflict between the Standing Rules and the Constitution and By-Laws, the Constitution and By-Laws shall prevail.

Article VIII.

COMMITTEES

- Section 1. The Club shall have the following standing committees: Fundraising, Publicity/Communication, Hospitality, Budget/Finance, and Scholarship. Chairpersons of the Publicity/Communication, Hospitality, and Scholarship committees shall be appointed by the President and approved by the Executive Board.
- Section 2. Ad hoc committees and chairpersons, in keeping with the Club's objectives, may be appointed by the President to aid in the effective functioning of the Club.
- Section 3. The Fundraising Committee shall devise and organize fundraising activities according to needs determined by the School Orchestra Director and the Executive Board. The First Vice-President shall be the Fundraising Committee chairperson.
- Section 4. The Publicity/Communication Committee shall be responsible for notifying club members of each meeting and club or orchestra activity. This committee shall also be responsible for additional telephoning and e-mailing that may be required to facilitate club activities. This committee will arrange for publicity of the club and orchestra events by use of posters, local newspapers and media or other appropriate means.
- Section 5. The Hospitality Committee shall be responsible for registering and welcoming members and guests of the Club. This committee shall make certain that refreshments are available and served at orchestra events and other functions as needed. This committee shall be responsible for coordinating arrangements for an annual year-end banquet with Orchestra Director and Students. The Hospitality Committee shall be the liaison and advisors to the student leadership team.
- Section 6. The Executive Board shall establish the Audit Committee. The Audit Committee shall be composed of three members in good standing with the Club. One of these three members may have served on the Audit Committee the prior year. At least two members of the Audit Committee should not currently hold any Executive Board position. The Audit Committee shall comply with the CISD suggested audit program to the extent possible and shall complete an annual report of the financial records of the Club by August 1 and report findings at the first general meeting of the school year. The primary objectives of the audit are to: verify the accuracy of the Treasurer's financial reports; ensure that the Club's cash balances are accurate; determine that established procedures for

handling booster funds have been followed; ensure that expenditures occurred in a manner consistent with the organization's By-laws; and ensure that all revenues have been appropriately received and recorded.

Section 7.

The Scholarship Committee shall comply with the CISD scholarship guidelines. The current CISD scholarship requirements are: All qualifying seniors must have the opportunity to apply for the scholarship(s); the application process must be clearly communicated, and the application forms must be readily available to all potential applicants and their parent and/or guardian after seventh semester transcripts are available; the Scholarship Committee must consider all qualifying applicants; the Scholarship Committee must be made up of an odd number (5-7) of members (parents from the Booster Club who do not have children eligible for consideration for the scholarship, interested teachers, campus administrators, and/or the sponsor. Many times the sponsor is an ex-officio member of the Scholarship Committee and not an actual voting member so that the sponsor is a source for additional information/input to the Scholarship Committee and a final review resource for the Scholarship Committee decisions.); the qualification criteria for selection of scholarship winners (if any) must be communicated in writing to all potential applicants after the seventh semester transcripts are available and may not be changed during the scholarship award period. Any changes to the scholarship qualification criteria must be recommended by the sponsor and voted on by the Club membership no later than the May Club meeting for changes effective in the upcoming academic year; the application scoring, decision materials, tabulation, notes, certified recordings, and/or any other documentation used by the Scholarship Committee in connection with a given applicant shall be made available upon written request to that applicant. An open records request fee may be charged for this service; the Scholarship Committee must retain the original materials for a minimum of seven years; scholarship applicants shall be full-time CISD senior students for a minimum of one full semester prior to the application deadline; all completed applications must be turned in to the CISD Senior Counselor no later than the deadline set for local scholarship applications; all scholarship applications which do not have the required information will be considered incomplete and returned to the applicant; scholarship awards may not be "need" based, but applicants who have received full scholarships from other sources may not be eligible for local scholarships; the applicant's intended major may or may not be a factor in scholarship consideration; the applicant's enrollment in an accredited institution (college, university, trade school, military academy, etc.) is a requirement for

receiving scholarship funds; the scholarship committee may require an essay for judging purposes. Essay topics may be selected each year and given to all applicants, or the Scholarship Committee may allow each applicant to select their own topic upon the sponsor's approval; the Club may or may not require interviews of applicants in the decision process. If an interview is part of the process, it must be communicated no later than the end of the first grading period of the academic year. The applicant's parent or guardian must be permitted to be present at any interview. Interview topics must be communicated to the applicant not less than seventy-two hours prior to the interview. The Orchestra Director shall not have a vote on the scholarship committee.

Section 8. The Smithson Valley High School Orchestra Director shall be an ex-officio member of all committees.

Article IX. NOMINATIONS AND ELECTIONS

Section 1. A Nominating Committee of at least three members in good standing shall be appointed by the President.

Section 2. Officer nominations shall be presented by the Nominating Committee at the April general meeting.

Section 3. Nominations may be made from the floor after the report of the Nominating Committee.

Section 4. Elections shall be held at the May general meeting.

Section 5. All nominations must have THE PRIOR AGREEMENT of the nominee.

Section 6. A majority of Voting Members present at a general meeting shall constitute a valid election.

Article X. GENERAL MEETINGS

Section 1. There shall be regularly scheduled monthly general meeting during the school year.

Section 2. Additional meetings may be called by the President, if necessary.

Section 3. Notice of all meetings of the booster organization should be published at the campus seventy-two hours prior to the meeting date by the Publicity/Communication Committee. The notice should clearly indicate the date and time of the meeting and the items to be discussed.

Article XI. RULES FOR DISSOLUTION

Section 1. To dissolve the Club, a resolution shall be adopted by the members of the Club (or the Executive Board if the organization is inactive) stating that the question of such a dissolution be submitted to a vote at a special meeting of the members having voting rights. At least 30 days prior to the meeting, written or printed notice shall be given to

each member entitled to vote stating that the purpose of such meeting is to consider the advisability of dissolving the Club.
Section 2. The Club members must determine the distribution and usage of treasury monies and other assets before dissolution. Excess funds must be distributed within the framework of the Club's original purpose.

Article XII. RECORD KEEPING

Section 1. The Secretary and Treasurer of the organization shall turn records over to the incoming officers within 30 days of election. Records should be kept for a period of 10 years for audit purposes.

Article XIII. AMENDMENTS

Section 1. The President shall appoint a By-laws Review Committee at least once every two years. The committee shall review the By-laws and present proposed amendments to the general membership for approval.

Section 2. Proposed amendments shall be presented to a Voting Membership one meeting in advance of the meeting in which they are to be acted upon.

Section 3. By-laws shall be amended only by a two-thirds vote of the Voting Members present at a regular or special meeting of the General Membership.

Section 4. Between the regular bi-annual meetings of the By-laws Committee, any Voting Member may submit written proposed amendments signed by no less than 20 voting members of the Club to the President for a vote by the General Membership.

Article XIV. AUTHORITY

Section 1. The rules contained in the *Roberts Rules of Order, Revised, Newly Revised* shall govern in all cases in which they do not conflict with the rules of the Club.

Section 2. This Constitution and By-laws or any other rules adopted by the Club shall conform to the policies of Smithson Valley High School and the CISD.

Article XV. VOTING

Section 1. A majority of Voting Members present at a general meeting shall constitute a valid vote. Members shall have one vote per parent or guardian with a maximum of two total votes per Orchestra Family regardless of the number of students in the Orchestra program.

Section 2. A vote at any general meeting will be binding when at least six Voting Members in good standing (dues current) are present.

Article XVI. CLUB FUNDS

- Section 1. Funds accumulated by the Club through fees, dues or assessments will be used for Hospitality events, Newsletter expenses, publicity, scholarships or other general club expenses as approved by the Executive Board with final approval subject to the Orchestra Director.
- Section 2. The Club shall operate on a budget adopted by the majority vote of the Executive Board at the first general membership meeting of the school year. The budget may be amended during the school year by a majority vote of the Executive Board present.
- Section 3. The fiscal year of the Club shall be June 1 through May 31. Financial reports shall be submitted for audit no later than July 1 of each year. A written audit report of the findings shall be presented to the President by August 1 and to the membership at the first general membership meeting of the school year.
- Section 4. The President shall have authority to approve non-budgeted expenditures not expected to exceed \$500.00. Non-budgeted expenditures to exceed \$500.00 but not to exceed \$1,000.00 must be approved by a majority vote of the Executive Board. Non-budgeted expenses to exceed \$1,000.00 must be approved by the Voting Members present at a regular or special membership meeting of the general membership.
- Section 5. The Organization shall maintain a checking account in a bank or savings institution whose accounts are insured by the FDIC, FSDIC, or other agency of the United States government. All monies received by the Club shall be deposited in the checking account. All expenditures or other disbursements shall be made by checks drawn on the checking accounts. Additional money market, savings, or other accounts shall be placed in Federally Insured Bank or Savings Institutions. The balances of any financial account shall not exceed the federally insured limit.

Article XVII. ADOPTION OF BYLAWS

These By-laws become effective upon adoption by a majority of the Voting Members present at the first general membership meeting.

Mark Pollard, President

Amanda Rakowitz, Secretary

Annette Dozal, First Vice President

Emily Wycpalek, Treasurer

Brian Parks, Second Vice-President/Parliamentarian

Bylaws adopted _____, 2018