

Commerce Band Boosters By-Laws

September 2019

Article 1 - Name and Non-Profit Status

The name of the organization is Commerce Band Boosters, hereafter referred to as Band Boosters.

The Band Boosters received a Certificate of Filing (Texas Incorporation), number 803014530, from the Texas Secretary of State on May 11, 2018. Subsequently, the Band Boosters were exempted from Federal Taxes, IRS Code Section 501(c)(3), in a letter dated March 1, 2019 (per U.S. IRS), and from Texas franchise and sales and use taxes in a letter dated October 1, 2019 (per Texas Comptroller of Public Accounts).

Article 2 - Period of Duration

The duration of Band Boosters shall be perpetual unless it is dissolved under the regulations of the University Interscholastic League (UIL) or changed in accordance with these By-Laws

Article 3 - Purpose and Objectives

The purpose of Band Boosters is to support the educational and musical activities of all band students (grades 6 through 12) of Commerce Independent School District (CISD). The organization shall cooperate with the school to support the improvement of music education in ways that will not interfere with the administration of the school and shall not seek to control the school's policies. The particular objectives are:

1. To create a closer working relationship among students, parents, school, community, and Band Directors.
2. To raise funds in order to provide financial support of the band programs.
3. To be an advocate in all matters and things pertinent to the band, and to remain within the jurisdiction of CISD and the Band Director(s).
4. To support the music and performance programs defined by the Band Director(s).
5. To provide encouragement, guidance, emotional support, role modeling and opportunities for positive interaction among parents, teachers and administrators.

Article 4 - Membership

Membership shall consist of the parents and band members of Commerce schools and interested community members. Only parents/guardians of current band members are eligible to hold office and vote at meetings.

Article 5 - Officers and Duties

The officers shall be President, Vice President, Secretary, and Treasurer.

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The officers shall have such authority and perform such duties as may be provided by these By-Laws or as later amended by resolution of Band Boosters:

1. **The President** shall preside at all meetings of Band Boosters. He or she shall chair Band Booster Executive Board. He or she shall be a member ex-officio of all committees. The President is the chair of the budget committee, which will consist of the President, the Treasurer, and the Band Directors. The President can create and dissolve committees and appoint committee members as needed with Head Band Director's approval.

2. The **Vice President** shall perform the duties of the President in his or her absence, act in an advisory capacity at all times and be in charge of membership. In the event of his/her inability or refusal to act, the Vice President shall perform the duties of the President under the direction of Commerce ISD Administration.

3. The **Secretary** shall keep the minutes of all Band Booster meetings and make these available to the membership. The minutes will be maintained in accordance with regulatory requirements.

4. The **Treasurer** shall be responsible for the following.

He/she shall have charge and custody of and be responsible for all funds of the organization and receive and give receipts for monies due and payable to the organization from any source whatsoever and deposit all such monies in the name of the organization in such banks as shall be selected by the organization. He/she shall, in general, perform all duties incident to the Office of the Treasurer including the disbursement of funds and such other duties that may be assigned to him/her by the President or by the Officers.

He/she shall maintain the required financial records to comply with state and federal laws and to meet the needs of the organization.

He/she shall provide general financial reports monthly to the Executive Board members, Band Director(s) and general membership. The scope and detail of financial records shall be determined by the Executive Board.

As a member of the Budget Committee, he/she shall support the preparation of an annual budget based on the recommendations of the Band Directors, Executive Board, and Committee Chairs. The draft annual budget shall be presented to and approved by the Executive Board prior to the end of June. The budget will be presented to the general membership for final approval in August. He/She shall complete and submit all state and federal forms, reports and tax returns required as a non-profit organization under the laws of the State of Texas and the United States.

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He/She shall submit financial reports, support documentation and assistance as required by the President for audit after each fiscal year ending on June 30th.

The Treasurer's records shall be open to inspection by the Officers, Band Boosters or Band Directors at any time.

5. Other Positions: The Executive Board may appoint additional officers such as Assistant Secretary or Assistant Treasurer as needed with Head Band Director's approval.

Article 6 - Executive Board

Members: The Executive Board of the Band Boosters shall be composed of the elected Band Boosters officers (President, Vice President, Treasurer and Secretary), any appointed officer, and the Commerce Band Director(s). Adults of one family may occupy only one Executive Board office at any given time.

Authority: Members of the Executive Board, excluding Band Director(s), shall be authorized to sign checks and disburse funds. All checks written must be signed by two authorized signatories.

Removal: The Executive Board shall have the authority to remove any officer or committee chairperson by a majority affirmative vote of the Executive Board. Any officer elected or appointed to the Executive Board may be removed by the Executive Board whenever in its judgement the best interests of the organization would be served thereby, but such removal shall be without prejudice to the contract rights, if any of the officer removed.

Resignations: Any Executive Board member may resign by submitting a written resignation to Band Booster Secretary.

Vacancies: A vacancy in any office because of death, resignation, disqualifications or otherwise, may be filled by appointment by the Executive Board for the unexpired portion of the term.

Term of Office: The term of office for the Executive Board shall be one year.

Eligibility to serve: The Executive Board officers must have a student in the band program during his or her term in office. In the event that an officer's child terminates his or her membership in the band, that officer will no longer be able to serve, and the President shall appoint a replacement for the remainder of the term.

Article 7 - Committees

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Standing committees shall be those deemed necessary for the preservation and well-being of Band Boosters. The committees may be created by the President and may include, but not be limited to: Publicity, NETEX Marching Competition, Fundraising, Equipment and others as determined by the President and Band Director(s). Committee membership is determined by committee chairs.

Article 8 - Nominations and Elections

Elections: Officers of Band Boosters shall be elected at the regular May meeting and shall assume their duties on June 1st.

Article 9 - Meetings

Regular Meetings: Regular meetings of the general membership shall be held in the Commerce High School Band Hall on the second Tuesday of every month during the school year. The Executive Band Board shall meet monthly prior to the general meeting during the school year. A quorum shall consist of members in attendance (physically or virtually) at a meeting.

The Executive Board may move the regular meeting date because of a school or Band Director(s) conflict with a minimum of 48 hours' notice to the membership.

Special Meetings: Special meetings of this organization may be called by either the President, or by a majority of the Executive Board, at such time and place as deemed necessary and with at least 48 hours' notice to the membership. At least one Band Director must be present in order to hold a special meeting.

Article 10 - Property

All equipment and supplies, including instruments, uniforms and regalia, purchased by the Band Boosters shall become the property of the Commerce ISD Bands.

Article 11 - Fundraisers

All Band Booster fundraisers must be approved by a majority vote of the membership at a meeting.

All fundraisers must comply with US 501(c)(3) and Texas non-profit and tax exempt organization guidelines.

Article 13: Contracts, Checks, Deposits and Gifts

Contracts: The Band Boosters by majority vote may authorize any Officer or agent of the Band Boosters to enter into any contract or execute and deliver any instrument in

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the name of and on behalf of the Band Boosters. Such authority may be general or confined to specific instances.

Checks and Drafts: All checks drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the organization shall be signed by two members of the Executive Board. These two signatures are required for the withdrawal of any funds from Band Booster bank accounts.

Expenditures of Band Booster Funds: All expenditures recommended by the Band Directors and/or any Booster member must be approved by a majority vote at a Band Booster meeting.

The Executive Board by a majority vote may authorize the Treasurer to issue funds not to exceed \$200 outside of a Band Booster meeting. This expenditure will be reported to the membership by the Treasurer at the next general meeting.

Deposits: All funds of Band Boosters shall be deposited as soon as practical to the credit of Band Boosters in a local bank designated by the Executive Board.

Gifts: Band Boosters may accept any contribution, gift, or bequest for the nonprofit purpose of this organization.

Article 14 - Amendment of By-Laws

These By-Laws may be amended or repealed and new By-Laws may be adopted by an affirmative vote of two-thirds ($\frac{2}{3}$) of the members present at a general meeting provided that a copy of the proposed amendments has been made available to every member 7 (seven) days prior to the meeting.

Article 15 - Dissolution

In the event that Band Boosters should cease to exist, the Executive Board will transfer the assets of Band Boosters to the Commerce ISD bands.

Certification

I hereby certify that these By-Laws were adopted by the general membership of Band Boosters at its meeting held on September 10th, 2019 and do supercede the original By-Laws adopted circa August 2017.

Christi Condor
President
Commerce Band Boosters