

CONSTITUTION AND BYLAWS

OF THE

WAVERLY BAND BOOSTERS

ARTICLE I

The name of this organization shall be the Waverly Band Boosters.

ARTICLE II

PURPOSE

The Waverly Band Boosters is a non-profit organization whose purpose shall be to promote, stimulate, encourage, offer financial support through fund raising, and assist instrumental music within the band program at the Waverly Community Schools.

Said organization is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501 (c) (3) of the Internal Revenue code, or corresponding section of any future federal tax code.

No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue code, or corresponding section of any future federal code, or (b) by an organization, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or

organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE III

MEMBERSHIP

- Section 1 Parents and/or legal guardians of students enrolled in the band program in the Waverly Community Schools are automatically Regular Members of Waverly Band Boosters.
- Section 2 Affiliate Membership in this organization is also open to any adult of the Waverly Community School District interested in the development and furthering of music in the Waverly Community School system.
- Section 3 The Executive Board may determine additional levels of membership.
- Section 4 All members shall agree to abide by the By-laws of the organization.

ARTICLE IV

OFFICERS

- Section 1 The officers shall consist of a President, Vice President, Secretary, Treasurer, Building Representatives (High School, Middle School, 5/6 Intermediate) and Newsletter/ Public Relations.
- Section 2 Any Regular Member of this organization who has a student currently enrolled in the band program shall be eligible for any office.
- Section 3 The officers shall be elected for a term of one year at the last regular meeting, and shall take office in June of that year. Officers may be reelected for consecutive terms. The term in office shall begin on June 1st of each year and shall end on May 31st of the following year.
- Section 4 The President shall accept nominations for all positions. No person's name shall be submitted for a nomination without that person's prior knowledge and consent.
- Section 5 Vacancies arising during a term of office shall be filled by appointment from a majority vote of the Executive Committee.
- Section 6 Any elected officer may be removed from office by a recommendation of the Executive Board and simple majority vote by the voting members of the organization.

ARTICLE V

DUTIES OF OFFICERS

An officer or volunteer of this organization shall discharge the duties of their position in good faith and with that degree of diligence, care, and skill which an ordinarily prudent person would exercise under similar circumstances in a like position. Specifically, the duties and responsibilities of the officers shall be as follows:

PRESIDENT

The president shall be an individual who has previously been active in the organization.

The major duties include, but are not limited to, the following:

- Preside at all meetings of the organization;
- Regularly meet with the designated school district representatives regarding booster activities;
- Resolve problems in the membership;
- Regularly meet with the treasurer of the organization to review the organization's financial position;
- 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.
- Appoint committees and call special meetings.

VICE-PRESIDENT

The vice-president acts as the president's representative in his/her absence. They must remain familiar with the organization. The major duties include, but are not limited to, the following:

- Preside at meetings in the absence or inability of the president to serve;
- Perform administrative functions delegated by the president;
- Perform other specific duties as outlined in the bylaws of the organization.
- The Vice President shall be a signer on the account.
- The Vice President shall be responsible for compiling and collecting reports from all standing committee chairs and shall oversee the solicitation for volunteers.

SECRETARY

The secretary is responsible for keeping accurate records of the proceedings of the association and reporting to the membership. The secretary must ensure the accuracy of the minutes of the meetings, and have a thorough knowledge of parliamentary law and the organization's bylaws. The major duties include, but are not limited to, the following:

- Report on any recommendations made by the executive board of the booster organization if such a governing board is defined by the bylaws;
- Maintain the records of the minutes, approved bylaws and any standing committee rules, current membership and committee listing;
- Record all business transacted at each meeting of the association as well as meetings of any executive board meetings in a prescribed format;
- Maintain records of attendance of each member;
- Conduct and report on all correspondence on behalf of the organization;
- Other specific duties as outlined in the bylaws of the organization.
- The Secretary shall be a signer on the account.

TREASURER

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 bylaws or as authorized by action of the association. All persons authorized to handle funds of the association should be covered by a fidelity bond in an amount based upon the organization's annual income and determined by the executive board. The 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 committee within thirty days of the previous month end; Copies should be available for review by the general membership if requested.
- 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 (monthly, quarterly, or annually);
- File annual IRS form 990 in a timely manner;
- Submit records to audit committee appointed by the organization upon request or at the end of the year;
- Other specific duties as outlined in the bylaws of the organization.
- The Treasurer shall also prepare and file all financial reports required by the Waverly Community School district, Capital Area United Way, State of Michigan, Internal Revenue Service and/or any financial entities with which the Waverly Band Boosters has established a relationship. Note: Due to the increasing requirements placed on charitable organizations by the
- Internal Revenue Service, it is strongly recommended that the Treasurer have an accounting background.

BUILDING REPRESENTATIVES

IT shall be the duty of the Building Representatives to act as liaison between the Executive Committee and the Band Directors for the purpose of newsletter information, trip planning and collecting funds for fund raisers at the appropriate building site.

NEWSLETTER/PUBLIC RELATIONS

It shall be the duty of the Newsletter/ Public Relations Officers to prepare/mail out newsletters as directed by the Executive Committee, to put appropriate articles and/or pictures in the local newspaper and/or Lansing State Journal as directed by the Executive Committee and/or Band Directors.

ARTICLE VI

EXECUTIVE COMMITTEE

- Section 1 The Committee shall consist of President, Vice President, Secretary, Treasurer, Building Representatives (High School, Middle School, and 5/6 Intermediate) and Newsletter/ Public Relations. Band Directors at the high school, middle school and 5/6 Intermediate shall be ex-officio members of this Committee.
- Section 2 It shall be the duty of the Executive Committee to consider action to be taken by the Waverly Band Boosters.
- Section 3 Meetings of the Executive Committee shall be held at the discretion of the President on an as needed basis.
- Section 4 Action taken by the Executive Committee effecting General Membership shall be reported at the next regularly scheduled General Membership meeting.
- Section 5 Expenditures will require the following approvals prior to purchase:
Under \$200 = Treasurer and President Approval. Over \$200 = Board Approval

Expenditure Reimbursement

Any expenditure will require a paid receipt or invoice before reimbursement is made. In lieu of a paid receipt or invoice; a voucher, statement of purchase or vendor quote can approved for reimbursement by the Treasurer and/or President.

Pre-approved items may not require approval.

ARTICLE VII

MEETINGS

- Section 1 General Membership meetings shall be held quarterly, or more often as needed when school is in session.
- Section 2 Regular business may be conducted at an Executive Board or General Membership meeting which has been announced to the membership, in addition

to the elected officers and Band Directors, by simple majority vote of those eligible members present.

Section 3 All meetings of the organization shall be governed by the Robert's Rules of Order, latest edition.

ARTICLE VIII

CHAIRPERSONS AND COMMITTEES

Section 1 Ad Hoc committees may be formed as needed by the President with the approval of the Executive Board.

Section 2 Chairpersons may be appointed by the President with the approval of the Band Directors.

Section 3 Committee members may be selected by the Chairpersons with the assistance of the Vice President and the Band Directors.

Section 4 An Audit Committee will be elected prior to the end of the fiscal year and shall be comprised of 3 persons. The Audit Committee shall review all books and records of the organization within 45 days of the year end. Persons with signatory authority shall not be eligible to serve on the Audit Committee.

ARTICLE IX

DISSOLUTION

Upon dissolution of the organization, the Executive Board shall, after making provisions for the repayment of all liabilities of the organization, dispose of all non-cash assets and transfer the net cash assets to the Waverly Community Schools Band Activities Fund. However, if the named recipient is not then in existence or no longer a qualified distributee, or unwilling or unable to accept the distribution, then the assets of this organization shall be distributed to a fund, foundation or organization which is organized and operated exclusively for the purposes specified in section 501(c)(3) of the Internal Revenue Code

ARTICLE X

CHANGES IN THE CONSTITUTION

Section 1 Changes in the language of the Constitution must be presented to the membership at a General Membership meeting, and may not be voted upon until the following scheduled General Membership meeting.

Section 2 Changes in the Constitution shall require a General Membership meeting and shall require at least a majority vote in favor of such changes by those individuals present or represented, and eligible to vote.

Section 3 By-laws of the organization may be amended by a majority vote of the Regular members present at a general meeting. By-law amendments must be read to the members at a previous general meeting, posted on the website and in the band rooms 30 days prior to the vote.

First Adopted 11/5/1979

Amended 1989, 1993, 1999, 2002, 2008

Last Amended 5/22/2008