**Flower Mound High School Band Booster Club**

**Bylaws**

**ARTICLE I: Name**

The name of this organization is the Flower Mound High School (FMHS) Band Booster Club, and is

associated with Flower Mound High School in Flower Mound, Texas.

**ARTICLE II: Articles of Organization**

The FMHS Band Booster Club (“Club”) shall be a nonprofit organization 501(c)(3).

**ARTICL E III: Objectives**

A. To promote and maintain the interest of students in the Flower Mound schools in all phases of

Band and Instrumental Music programs, including Drumline and Color Guard.

B. To give all necessary support wherever and whenever possible to the FMHS Band Directors,

Band and Band program in general, and to cooperate with the FMHS Band Directors and School

Administration in all phases of band activities.

C. To develop and implement revenue-making projects to support the financial needs of the FMHS

Band while providing accountability for Club budgets, revenues and expenditures.

**ARTICLE IV: Members**

Section 1. Membership shall be available to any parent and/or guardian of a current FMHS Band Student

wanting to participate in promoting the objectives of the Club.

a. Alumni Students and parents/guardians of Alumni Students may volunteer with the Booster

Club after appropriate background checks are completed. Alumni

Parents, guardians or students may NOT hold office nor be allowed to vote.

Section 2. Membership shall be made available without regard to race, color, creed or national origin, nor

be in conflict with the provisions of the UIL.

Section 3. Persons who volunteer to assist the FMHS Band or Color Guard are important to the

success of our Band and Color Guard programs. LISD Board Policy requires that every

volunteer undergo a background check before being allowed to work on a school site. Additional

information is available at www.lisd.net.

# ARTICLE V: Basic Policies

Section 1. The Club shall be noncommercial, nonsectarian and nonpartisan.

Section 2. The name of the Club and the name Flower Mound High School shall not be used to endorse

or promote a commercial concern or in connection with any partisan interest or for any purpose

not appropriately related to promotion of the objectives of the Club.

Section 3. The Club shall not, directly nor indirectly, participate or intervene (in any way, including the

publishing or distribution of statements) in any political campaign on behalf of, or in opposition

to, any candidate for public office.

Section 4. The Club shall not use any EIN (tax number) other than its own. The Club shall file periodic

tax returns, as required, with the Internal Revenue Service.

Section 5. The Club shall secure a sales tax permit from the Texas Comptroller’s office and shall display

the permit in accordance with applicable law. The Club shall file periodic sales tax returns as

required by the State.

Section 6. Self dealings with members:

a. No part of the net earnings of the Club shall benefit or be distributed to its members, directors,

trustees, officers or other private persons except that the Club shall be empowered to reimburse authorized expenditures.

b. No officer or chairperson shall provide goods or services to the Club which would result in a

profit to said officer or chairperson or their business unless the transaction is competitive and

is approved in advance by the Executive Committee.

Section 7. The Club shall prohibit voting by proxy.

Section 8. No part of the membership roster of the Club, including names, addresses and other personal

data, shall be sold to any entity or exchanged for any services or products without the approval of

the majority of the general membership. Any member may have the option to opt out of the

release of any personal information.

Section 9. Upon the dissolution of this organization:

a. The debts and obligations of the Club must be adequately provided for, and the remaining

assets shall be distributed to one or more nonprofit funds, foundations or organizations which

have established their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

b. The organization shall cease and desist from the further use of any name that implies or connotes

association with a Lewisville ISD school.

c. All proceedings necessary or desirable for the purpose of dissolving this organization shall be

carried out promptly, under the supervision of the LISD sponsor or his designee.

Section 10.The Club shall keep such permanent books of account and records as shall be sufficient to

establish the items of gross income, receipts and disbursements of the Club. Such books of

account and records shall at all reasonable times be open to inspection by its members.

### **ARTICLE VI: Officers and Their Election**

Section 1. Each officer must be a member of the Club.

Section 2. No two officers who are authorized check signers shall be related by blood or marriage. No

officer shall be a signer for any checks that are payable to himself or any of his family members. Section 3. Officers and their election:

a. The officers of this organization shall consist of a president, 1st and 2nd vice presidents of

activities, vice president(s) of concessions (maximum of two), vice president(s) of

merchandising (maximum of two), vice president(s) of fundraising (maximum of two), a

secretary, treasurer(s) (maximum of two) , and a director of communications.

Collectively these 9-13 officers shall comprise the Executive Committee.

b. Officer candidates shall be presented to the general membership meeting in the month of

April and elected by ballot in a general membership meeting in the month of May.

However, if there is but one nominee for an office, election for that office may be by voice

vote. Elections shall be by plurality.

c. Candidates for president and treasurer(s) may, at the request of the

Executive Committee, be presented and elected by the general membership at an earlier

date for purposes of learning the role and responsibilities for those offices to which they

are elected. The president-elect and treasurer-elect will assume their official roles as

provided below.

d. Officers shall be installed at the last meeting of the school year. They shall

assume their official duties following the close of the school year and shall serve a term of

one year or until their successors are elected.

e. An individual must be a member prior to taking office.

f. No officer shall serve in the same office for more than two consecutive terms. One who

has served more than one-half of a term shall be credited with having served that term. In

the event that the position cannot be filled for the following

term, the Executive Committee may at this point, nominate the current officer to remain

in the position for the following year. For subsequent terms exceeding three years, a 2/3

majority vote by the Executive Committee will be required.

Section 4. Nominating Committee:

a. There shall be a nominating committee elected in January by the Board (see Article VIII,

section 5) consisting of at least seven members of the Club. Elections shall be by plurality.

One alternate shall be elected to serve in the event a member is unable to serve. This

committee shall elect its own chairman.

b. The nominating committee shall nominate an eligible person for each office to be filled

and report its nominees at the general membership meeting in April at which time

additional nominations may be made from the floor.

c. Only those persons who have signified their consent to serve if elected shall be nominated

for or elected to such office.

d. No member shall automatically serve on this committee because of his office in the Club

or position in the school system.

e. The sponsor shall not serve as a member of this committee, nor shall they appoint any

member of the committee.

Section 5. Vacancies:

a. A vacancy occurring in any elected office shall be filled for the unexpired term by a person

elected by a majority vote of the Board, notice of such election having been given.

b. In case a vacancy occurs in the office of president, the 1st vice president of activities shall

assume the president’s office for the remainder of the term.

Section 6. Reason to remove officers:

a. By two-thirds (2/3) vote of the Executive Committee, an officer shall be removed

from office for failure to perform duties, criminal misconduct or unethical behavior in the

Club’s business.

**ARTICLE VII: Duties of Officers; Executive Committee**

Section 1. The president shall:

a. coordinate the work of the officers and committees of the Club; and

b. confirm that a quorum is present (see Article X) before conducting any business at any

meeting of the Club; and

c. preside at all planned meetings of the Club, Executive Committee and Board; and

d. be an authorized signatory on bank accounts along with the treasurer(s) and one other   
 officer as designated; and

e. be a member ex-officio of all committees except the nominating and audit committees; and

f. maintain close communication with the FMHS band directors regarding all business of the

Club.

Section 2. The first vice president of activities shall:

a. act as aide-to-the-president; and

b. preside in the absence of the president; and

c. coordinate special events at the request of the band directors or boosters which may include

a Spring banquet, a solo & ensemble competition, a chamber ensemble dinner, hospitality

events, and providing meals for band students before away football games.

Section 3. The second vice president of activities shall assist the first vice president of activities.

Section 4. The vice president(s) of merchandising shall be responsible for procurement and sales of spirit

wear and all other FMHS band merchandise.

Section 5. The vice president(s) of concessions shall be responsible for operating concession stands for

athletic and non-athletic events.

Section 6. The vice president(s) of fundraising shall:

a. coordinate Club-sponsored fundraising activities other than concessions and FMHS band

merchandise; and

b. organize volunteers to assist the directors with band student fundraising activities; and

insure that there are no door-to-door fundraisers, no member individual accounts, and no

required participation stipulations (as to remain LISD compliant.)

Section 7. The director of communications shall:

a. be responsible for all external publicity required to support the Club; and

b. coordinate newsletter activities and social media.

Section 8. The secretary shall:

a. record the minutes of all meetings of the Club, update the minutes on the band website

within one week in draft status and present them at the following meeting;

b. maintain a compilation of the Club’s minutes and a current copy of the bylaws, to be

retained in perpetuity;

c. provide copies of the minutes and bylaws to the president to be archived;

d. be responsible for correspondence; and

e. maintain current records of meeting attendance; and

f. maintain legal documents in accordance with the Records Retention policy.

Section 9. The treasurer(s) shall:

a. have charge and custody of all Club funds and the Club QuickBooks online account.

Ideally there are 2 treasurers: an AP treasurer for accounts payable (payments) and an AR

treasurer for accounts receivable (deposits); and

b. both sign on bank accounts and keep within the records the identity of the

banking institution and account numbers for the checking and savings accounts and

credit cards; and

c. use pre-numbered bank checks and a systematic record for bank deposits; and

d. make disbursements in accordance with the budget adopted by the Club, and keep

signed receipts or invoices supporting all disbursements. All disbursements by the Club

AP treasurer shall be made by check, not in cash. Expenses shall be reimbursed within two weeks of receiving the request if the following conditions are met: the request is properly completed and supported, the expense is reimbursable pursuant to the budget then in effect, and there are sufficient funds in the Club’s account (exceptions to the requirement for original receipts must be approved by the treasurer) and; the treasurer (AR) shall maintain member accounts while invoicing all fees pertinent to program, collecting funds for deposit, making deposits at bank, and following up on members’ account balances regularly; and

e. reconcile the books and records to the bank statement monthly while resolving any

discrepancies immediately. The monthly reconciliation report is to be completed by the

AP treasurer and submitted along with a copy of the bank statement to the AR treasurer

and secretary for approval (not for audit, but for review only); and

f. keep books of accounts and records including bank and credit card statements and

reconciliations, receipts, budgets, booster meeting treasurer reports, invoices, paid receipts, copies of forms submitted to the school or the district, and all copies of financial, tax and audit reports for five years; and

g. present a written financial report, which includes current period activity, cumulative to

date activity, and reconciled bank balances every monthly meeting of the Club and also as requested by the Executive Committee and/or Directors.

h. be responsible for maintaining books of account, financial records, reports and

returns as required by federal and state taxing authorities; and

i. establish a system whereby IRS Form 1099 MISC can be furnished to those individuals,

businesses, etc. who are paid $600 or more in a calendar year and insure any person

providing services to the Booster Club must submit a W9 before any payment will be

made; and

j. submit books to the audit committee, third-party auditors, and financials and budgets

to the school principal as required.

Section 10. All officers shall:

a. perform the duties outlined in the bylaws and other tasks assigned

as needed; and

b. deliver to their successors or the president all pertinent materials at the end of their term.

Section 11. Collectively these officers shall comprise the Executive Committee. The duties of the

Executive Committee shall be to:

a. transact necessary business in the intervals between Club meetings and conduct such other

business as may be requested by the Club; and

b. present a report at the regular meetings of the Club describing business transacted since the

last meeting; and

c. recommend a budget for the year to be presented to the Club for adoption; and

d. serve on the Club’s board; and

e. monitor compliance with the Club’s practices and policies and avoid intentional violation

of LISD policies and the rules and regulations of the UIL.

**ARTICLE VIII: Committees and Chairpersons; Board**

Section 1. The Executive Committee shall create or remove standing and special committees as needed.

Section 2. The Executive Committee shall elect (by majority vote) chairpersons for all committees each

year.

a. All chairpersons must be members of the Club.

b. No chairperson should serve in the same office for more than two consecutive terms. One

who has served more than one-half of a term shall be credited with having served that term. In the event that the position cannot be filled for the following term, the Executive

Committee may at this point, nominate the current chairperson to remain in the position

for the following year. For subsequent terms exceeding three years, a 2/3 majority vote

by the Executive Committee will be required.

Section 3. The Executive Committee may remove (by majority vote) a chairperson for failure to perform duties, criminal misconduct, or unethical behavior in the Club’s business.

Section 4. All chairpersons shall maintain records of their Club activities and deliver those records to

their successor or the president at the completion of their term.

Section 5. Collectively, the officers and chairpersons comprise the Board of the Club.

Section 6. Other responsibilities include but are not limited to:

a. The Board will authorize at least three officers to be check signers each fiscal year and this

authorization shall be noted in the minutes. Two of the three signatures will be

required on each check issued.

b. Board members will timely remit to the AR treasurer for deposit any Club moneys that

they may receive, generally within three business days of receipt. Whenever possible, at

least two people should count the moneys collected from merchandising or fundraising and document the amount given to the AR treasurer for deposit. The treasurer(s) shall not work the cashier station at merchandising or fundraising events.

c. All requests for reimbursement of expenses must be documented in writing, signed by the

responsible Board member and accompanied by original receipts and submitted to the AP

treasurer. Exceptions to the requirement for original receipts must be approved by the AP

treasurer.

# ARTICLE IX: Duties of Sponsor

# Section 1. The sponsor of the Club shall not be a member or have voting privileges on the Executive

# Committee or Board.

Section 2. The sponsor shall advise the Club against proceeding if the Club’s plans would violate LISD

policies or UIL rules.

# ARTICLE X: Meetings

Section 1. This Club shall hold a minimum of six meetings per fiscal year. Regular meeting dates will be established by the Executive Committee at the first meeting of the year. Time and dates will

be announced to the membership at its first meeting of the year.

Section 2. Special meetings of the Club may be called by the president or by a majority of the Executive

Committee,at least ten days’ notice having been given.

Section 3. Meetings of the Executive Committee may be called by the president or by a majority of its

members, at least three days’ notice having given.

Section 4. Four members shall constitute a quorum for the transaction of business at any Executive

Committee meeting. Eightmembers shall constitute a quorum for the transaction of business

in any other meeting of this Club or its Board.

# ARTICLE XI: Fiscal Year & Audit

Section 1. The fiscal year of the Club shall begin June 1 and end May 31.

Section 2.An audit committee consisting of not less than three (3) members, who are not authorized

check signers, shall be appointed by the Board before the last meeting of the fiscal year.

Alternatively, the Club may use a third-party Certified Public Accountant, who is not an

Officer of the Club, to serve as Auditor for the Club.

Section 3 The report of the Audit Committee shall be adopted by the Club and must be submitted to the

school principal along with the fiscal year financial reports.

# ARTICLE XII: Budget

Section 1. The Club shall establish a budget for each fiscal year and operate within that budget. The

Budget shall require the Club to maintain a minimum working capital balance as determined

by the Budget Committee.

Section 2.The president shall appoint a budget committee to be comprised of the directors and at least

three officers (of which includes the treasurer(s).)

Section 3. All members of the Board shall communicate to the Budget Committee their planned activities and anticipated revenues and expenditures for the year.

Section 4. The budget committee shall present a preliminary budget to the Executive Committee prior to

the date of band registration. Subsequently, the budget committee shall present to the

Executive Committee approved budget to the Club for the Club’s approval by majority vote

during the first full Club meeting in the fiscal year. The adopted budget must be submitted to

the school principal.

Section 5. The treasurer(s) shall present interim updates to the budget upon request by the Executive

Committee and/or Directors.

Section 6. Personal property purchased by the Club, which is placed in, on, or around the school, must be

designated by the Board as either the property of the Club or of the school. If the item is the

property of the Club, it becomes part of the Club’s physical assets and the Club is liable for its

maintenance and use. If not specifically identified as property of the Club, it will be considered

a gift to the school and district. The Club shall maintain insurance on physical assets as required by the school or by law.

# ARTICLE XIII: Parliamentary Authority

The rules contained in the current edition of *Robert’s Rules of Order Newly Revised* shall govern the Club in all cases in which they are applicable and in which they are not in conflict with these bylaws, or the articles of incorporation.

# ARTICLE XIV: Amendments

Section 1.

a. These bylaws may be amended at any meeting of the Club, provided a quorum is present,

by two thirds (2/3) vote of the members present and voting. Details of the proposed

amendment and notice of the intent to vote shall be provided to the membership through

the regular publicity channels at least twenty (20) days prior to the meeting at which the

amendment is voted upon or communicated at the immediately preceding regular meeting.

b. A committee may be appointed to submit a revised set of bylaws as a substitute for the

existing bylaws only by a majority vote at a meeting of the Club, or by a majority vote of

the Board. The requirement for adoption of a revised set of bylaws shall be the same as in the case of an amendment.

c. After adoption by a two-thirds (2/3) vote at a meeting of the Club, a copy of bylaws as

amended or revised and dated shall be provided to the sponsor.

Section 2. The Club shall review and if necessary amend its bylaws at least every three (3) years.