

# **Preamble to the Constitution and By-Laws of the Boiling Springs Band Boosters, Inc.**

## **PURPOSE**

The Boiling Springs Band Boosters, Inc., hereinafter referred to as the BOOSTERS or BOOSTER CLUB, is a tax-exempt organization consisting of parents and supporters of students who are in the Boiling Springs High School Band programs. We operate under a charter granted by the State of South Carolina and under a constitution and by-laws approved by the booster club membership. The purpose and duty of the Boosters is to sponsor and/or support those activities that enhance the welfare of the Boiling Springs High School Band, hereinafter referred to as the BAND. It is understood that the Booster Club is to be ready to assist with activities of the Band, its leadership, and the school administration as requested. The Band program consists of a marching band and guard, concert band, wind ensemble, jazz band, winter drum line, and winterguard. The Boosters also support Band members individually and in groups at the Region Band, All-State Band, and Solo and Ensemble Festivals. It is further understood that the Boosters will assist in obtaining finances to cover the costs of operation of the Band program not covered by Spartanburg County School District Two or the annual band fee. To this end, band parents are expected to participate in all fundraising activities of the Boosters.

## **Constitution for the Boiling Springs Band Boosters, Inc.**

### **ARTICLE 1: NAME**

The name of the band boosters shall be the Boiling Springs Band Boosters, Inc.

### **ARTICLE II: OBJECTIVES OF THE BOOSTERS**

Section 1 To create and maintain an enthusiastic interest in the various phases of the Band department of Boiling Springs Junior and Senior High Schools.

Section 2 To lend all possible support, both moral and financial, to the general band program of Boiling Springs Junior and Senior High Schools.

Section 3 To cooperate with those in charge of the Band Department, School Administration, and District Two School Board to the end that this department be brought and kept to the highest possible degree of efficiency. To build and maintain an organization which will help promote the general activities of the Band Department.

### ARTICLE III: MEMBERSHIP AND DUES

Section 1 Any person who subscribes to the objectives of the Boosters may become a member upon payment of dues and active participation in the Boosters. All Band Students are automatically non-voting members of the Boosters.

Section 2 The Boosters shall conduct a membership drive beginning each spring, but new members will be accepted any time throughout the year.

Section 3 Annual dues will be per family. Each family will receive a membership card upon payment.

Section 4 One copy of the constitution and by-laws shall be provided to each new Booster member (one per family).

### ARTICLE IV: OFFICERS

Section 1 The officers of the Boosters shall be President, First Vice-President, Second Vice-President, Secretary, Treasurer, and Outgoing President. It is important for these officers to possess the particular skills and knowledge to execute their particular office.

Section 2 Officers must be duly elected members of the Boosters.

Section 3 The treasurer's books are to be audited at the end of each fiscal year by an outside audit.

Section 4 Terms of office. A term is one fiscal year, May 1 through April 30. An individual may be reelected to serve in the same elective capacity.

## **By-Laws for the Boiling Springs Band Boosters**

### ARTICLE 1: DUTIES OF OFFICERS

All officers of the Executive Board are expected to participate in and be present at every major activity of the organization. Band officers will serve as liaison between band directors and booster members.

#### Section 1 The President shall:

1. Be the principal executive officer of the Boosters and shall in general supervise all of the business affairs and activities of the organization.
2. Set agenda and preside at all meetings of the members and of the Executive Committee. He shall appoint all committee chairs and be an ex-officio member of all committees. He may assemble new committees as needed for the planning and implementation of events and activities of the Boosters
3. Serve as liaison between the Band Boosters organization and Band Directors
4. Meet periodically with the High School Principal as well as other District Administrators as needed.
5. Arrange an outside audit of the Treasurer's books and records at the end of the fiscal year by an accountant not associated with the Boosters.
6. Act as spokesperson for and representative of the association.
7. Assume other duties delegated by the executive board.

#### Section 2 The First Vice President shall:

1. Act as an aide to the President and preside in the absence of the President.
2. Establish and maintain in annual inventory listing of all physical assets belonging to the Boosters.
3. To serve as Festival Chair for spring and fall events.
4. Chair committees as delegated by the President.

5. Assume other duties delegated by the President or the executive board.

Section 3 The Second Vice-President shall:

1. Act as an aide to the Vice-President and preside in the absence of the President and First Vice-President.
2. Act as liaison to band parents in the Junior High School.
3. Serve on committees as delegated by the President.
4. Assume other duties delegated by the President or the executive board.
5. Assume duties as Concession chair during all home games and other events held at high school stadium.

Section 4 The Secretary shall:

1. Keep an accurate record of all meetings in the form of minutes (including monthly Executive Board, Executive Council, and General Session, and any special meetings).
2. Assist with all Booster correspondence (i.e. monthly newsletters, event flyers, etc).
3. Coordinate the annual membership drive.
4. Maintain a roster of the membership and collect dues.
5. Assume other duties delegated by the President or the executive board.

Section 5 The Treasurer shall:

1. Give a bond for the faithful discharge of his duties in such sum and with such surety as the Executive Board shall determine. He shall have charge and custody of and be responsible for all funds and securities of the Boosters from any source whatsoever, and deposit all such monies in the name of the Boiling Springs Band Boosters, Inc. in such bank when the Boosters have an account.
2. Keep an accurate and current account of all monies secured by the Boosters and disbursement of same for all accounts due when properly authorized by the Booster's approved budget.

3. Maintain in open checking account in a local bank with all checks to be drawn in the name of Boiling Springs Band Boosters, Inc. and to be signed by two (2) members of the executive board.
4. Arrange the changing of authorized signatures on bank accounts at the beginning of the fiscal year, if necessary.
5. Ensure that all disbursements are supported by documentation of the amount due.
6. Ensure that he is present all Booster functions and activities where monies are or may be collected as income to the Boosters to assume responsibility of said monies.
7. Meet with at least one other Executive Board member after a band activity where monies are collected to count monies and prepare deposits.
8. Ensure that expenditures requested have a completed Purchase Order Requisition and Executive Board approval before disbursements.
9. Prepare monthly statements of income and expenses of the Boosters, giving account of monies deposited in the student's accounts as well as any other special accounts. This is to be presented at each regularly scheduled meeting of the Boosters.
10. Prepare a year-end financial statement detailing the year's total income and expenses as well as current financial assets of the Boosters. This report will be a fair representation of the revenues and expenditures of the fiscal year. This is to be submitted to the accountant in the month following the fiscal year end.
11. Meet with the accountant and assist with the completion of an Internal Revenue Service Form 990 (Return for Organizations Exempt From Income Tax) for the fiscal year in which the treasurer served in that capacity. This form is to be filed no later than 4 months following the end of the fiscal year.
12. Submit an Internal Revenue Service Form 1099-misc. for each individual to whom the Boosters pay \$600.00 or more in the calendar year which ends during the Treasurer's fiscal year. Will need to be mailed so as to meet IRS guidelines.

The Treasurer's records shall be maintained for (5) years and unneeded records shredded and disposed of.

Section 6 The Outgoing President shall:

1. Act in an advisory capacity in order to maintain continuity from year to year.
2. Assume other duties delegated by the President or the executive board.

3. This is a non-voting position on the board. The Outgoing President will serve (if willing) at the will of the Incoming President and Board.

## ARTICLE II: STANDING COMMITTEES

Section 1 The following standing committee chairs shall be appointed by the President: Publicity, Hospitality, Projects, Finance, Ways and Means, Pit Crew, Color Guard, and other special committees as needed.

Section 2 Each chairperson shall select their committee members.

## ARTICLE III: DUTIES OF THE STANDING COMMITTEES

Section 1 The Publicity Committee shall advertise all activities of the Boosters and strive to improve the prestige of the organization.

Section 2 The Hospitality Committee shall conduct all social functions of the Boosters.

Section 3 The Project Committee shall include the band directors and may plan a long term project that requires more than one year to complete. In general, long-term projects should be activities in which the entire band participates and/or equipment which will be used by the entire band. The Projects Committee will work in conjunction with the Ways and Means Committee.

Section 4 The Ways and Means Committee will plan ways to raise funds to accomplish approved projects and enlist the support of the entire membership in carrying them to completion. There shall be a person appointed by the President as "Ways and Means Chairperson" with the responsibility for tabulating the names of those who participate in the various activities and fund-raising projects of the Boosters. The results of these tabulations shall be made public several times during the year.

Section 5 The Festival Committee will have the responsibility for operation of our festivals to include the following:

- Ensuring that the appropriate number of volunteers is secured for the successful operation of our festivals.
- Ensuring that appropriate resources are in place to assure that we have adequate security and safety prior to, during, and after each festival.

Section 6 The Concession Committee shall be in charge of recruiting workers to maintain the operations of the concession stand at all events and keep it supplied with merchandise to sell.

Section 7 The Finance Committee will be responsible for preparing and submitting an

annual budget to the Boosters for approval. Modifications to include additions, deletions and changes. The budget will be approved as follows:

- The Finance Committee will present to the Executive Committee any modifications for their review.
- Upon review of the Executive Council, the modifications will be presented to the Boosters for approval by a majority vote.
- The Finance Committee will assist the Treasure as needed.

The committee will make recommendations to the Boosters concerning dispensation of excess funds. This includes savings accounts, certificates of deposits, or other vehicles used to provide for the future funding of the Booster Club.

Section 8 The Pit Crew provides the placement of equipment on the field during performances, accompanies the band at performances, and ensures that the equipment such as golf carts, truck, and trailers are kept in good repair.

#### ARTICLE IV: THE EXECUTIVE COUNCIL

Section 1 The Executive Council shall consist of the officers, committee chairs, and band director.

Section 2 The Executive Council shall have general supervision of the Boosters but all activities and expenditures other than routine expenses as outlined in the approved budget will be approved by a majority vote of the Booster members present at a regular meeting.

Section 3 The Executive Council will meet when deemed necessary by the President. It is advisable that the Executive Council meet before each Booster Club meeting.

Section 4 The Executive Council will secure competitive bids on any expenditure in excess of \$1,000.00.

Section 5 Any officer may be removed by an affirmative vote of the Executive Council after being given an opportunity to be heard.

Section 6 In order to assure accountability for all spending by the Boosters before any purchases or commitments are made by an individual other than the elected officers of the Boiling Springs Band Boosters, a purchase order must be submitted for approval by the treasurer and approved by the Executive Board.

Section 7 In the event that all elected officers resign, chairpersons of all standing committees will assume leadership of the club. They will elect a chairperson to lead this group. A nominating committee will be formed. Within 30 days of the event, a new slate of officers should be presented to the membership for election to fill the unexpired terms.

Other than timeframe, Article VI, Section 1 of the By Laws would be applicable for this election.

#### ARTICLE V: MEETINGS

Section 1 Regular meetings of the Boosters will be held on dates set by the Executive Council.

Section 2 Each regular meeting will include reports from all officers and committee chairs.

Section 3 The annual meeting shall be the regular April meeting. It shall include a summary of activities and progress during the past year and the Treasurer's report.

Section 4 Special meetings may be called by the President. A minimum of three to five days notice shall be given.

#### ARTICLE VI: ELECTIONS

Section 1 Officers shall be elected by secret ballot annually at the April meeting by a majority vote of the members present, but no less than twelve members present.

Section 2 The Governance Committee shall present at least one nominee for each office at the March meeting. Nominations will be accepted from the floor after the Governance Committee's report. Written nominations bearing the signature of at least four members will be accepted up to the beginning of the April meeting, before the meeting is called to order. All nominees must be active members of the Booster Club. It is recommended but not required that one of the Presidential Nominees be an officer from the previous executive board .

Section 3 The Governance Committee shall conduct an election at the April meeting. At the May meeting, the new officers shall be installed for a one year term beginning with the new fiscal year on June 1.

Section 4 A vacancy during the year may be filled by a majority vote of the Executive Council.

Section 5 Prior to the election, each candidate shall read and acknowledge acceptance of the responsibilities required for their position.

## ARTICLE VII: GOVERNANCE COMMITTEE

Section 1: The role of the Governance Committee will be to ensure that the officers, committee chairs, committee embers and club members all operate within the by laws of the club. The Governance Committee chairperson will be appointed by the President and will also serve as Parliamentarian. The committee will also serve as the nominating committee.

Section 2: Robert's Rules of Order, Revised, shall govern the club except when they are in conflict with the constitution and by laws.

Section 3: Complaints regarding actions or activities that appear to be outside of club by laws should be presented to the governance committee for review. Reports will be made to the Executive Council and to the membership.

Section 4: Club by laws will be reviewed at least annually and recommendations for changes made to the Executive Council and to the full membership.

## ARTICLE VIII: AMMENDMENTS AND REVISIONS

Section 1 The constitution and by-laws may be revised and/or amended by a majority vote of the members present at any regular meeting. The amendments and/or revisions must have been presented at the preceding regular meeting or submitted to the members in writing at least three days before the meeting.

## ARTICLE IX: DISSOLUTION OF THE BOOSTERS

Section 1 In the event of dissolution, the residual assets of the organization shall be turned over to the Boiling Springs High School Band.

Section 2 Notwithstanding any other provision of these articles, this corporation will not carry on any other activities not permitted to be carried on by (a) a corporation exempt from Federal income tax under 501 (c)(3) of the Internal Revenue Code of 1956 or the corresponding provision of any future United States Internal Revenue Law or (b) a corporation, contributions which are deductible under section 170 (c)(2) of the Internal Revenue Law.

### **Amendment 1. Director's Band Fee Account**

At the request of the Band Director a checking account will be opened in the name of the Boiling Springs Band Boosters.

- a. All deposits from this account will be made from student band fees paid by participants of the various band programs for expenses related to the band program and other fees collected by the Band Director.
- b. All receipts and records for this account will be maintained by the Treasurer for a period of at least five years. All fiscal reporting required by State and Federal law will be followed.
- c. A bond for the Band Director will be made out to the Band Boosters in the amount of \$25,000. This bond will be paid from the band fees.
- d. Checks will require the same signatures as the regular Band Booster checking account and will be subject to the same audits.
- e. The use of this account will be at the discretion of the Band Director for expenses related to the operation and function of the Boiling Springs Band Program. A summary report will be made available on request.
- f. At the discretion of the elected Band Booster officers a Debit / Credit card will be issued to the Band Director, drawn on this account. All receipts related to this card must be turned in to the Treasurer in a timely manner. This card will be issued at the will of the Band Boosters and can be withdrawn.
- g. No regular Band Booster funds will be deposited in this account.
- h. This amendment is adopted on February 17, 2009 by the Band Boosters and will become a permanent part of the Band Booster By-Laws until revised or repealed.

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