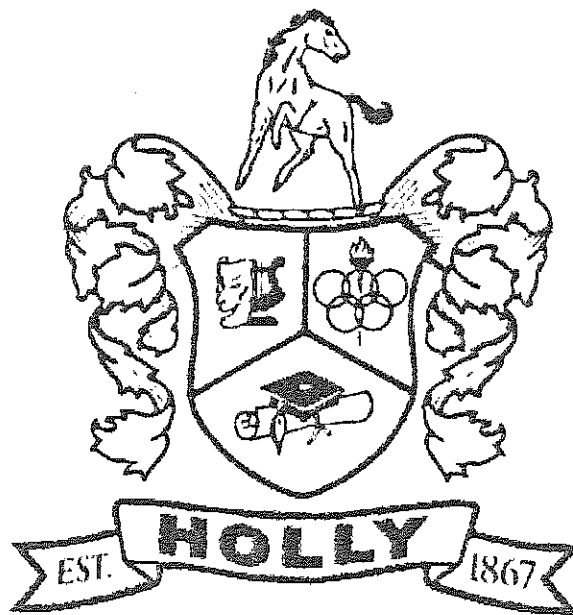


Holly Area Schools Band Booster By-Laws



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Definitions

Student Financial Account

One of the two types of Band Booster financial accounts. Each student account is unique to each student and one account corresponds to one and only one student. Money can be allocated to student accounts by the Band Booster organization and can be used by the owning student for sanctioned band expenses and expenditures. It exists for the entire period that the student is in the band program but can only be used by the student while the student is in the program. If the student leaves for a period of over one year, (or graduates with a remaining balance), the funds are transferred to the Band Booster account. Upon the student's parent or guardian written request, the funds of the student that has money in a student account can be transferred to another sibling within the immediate family. The transferee sibling must be registered for a valid band program at the time of the request. If no more siblings exist, or if the eligible siblings elect to not enter any existing band program upon the entry date, then the funds will be returned to the Band Booster Account for general usage as determined by the Band Booster organization. Even though the funds are allocated to individual students, the funds always remain the property of the Holly Band Boosters program, and can be reallocated given the proper authorization of the Holly Band Booster organization.

Band Booster Account

One of the two types of Band Booster financial accounts. There is only one Band Booster account. This account is used for the collective welfare of the Holly Band Boosters organization. Money placed in this account does not benefit any one particular person, but is intended to be used for expenditures for the Holly Band Program (benefiting the organization as a whole).

Investments

Any infusion of funds into a specific program, project or endeavor.

Business Expenses

Any liabilities incurred by the Band Booster organization in the pursuit of its mission.

Project Fund

A term used in past by-laws. No longer applicable.

Sibling/Guardian

Sibling/Guardian shall be defined as a relationship between two (2) individuals substantiated by a legal documentation.

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Preamble

The rules set forth here as the 'By-laws of Holly Band Boosters' set the purpose and the governing functions of this organization. All rules are meant to conform to the Robert's Rules of Order, 10th Edition, and anything in omission to these By-Laws will default to Robert's Rules of Order, 10th Edition.

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By-Laws of Holly Band Boosters

Article I - Finances

- Section 1. The fiscal year of this organization shall begin July 1st and end on July 30th.
- Section 2. Funds of the organization shall be withdrawn by the Treasurer and either the President or Vice President only.
- Section 3. The President shall appoint a committee to perform an annual audit at the end of each fiscal year.
- Section 4. The Treasurer shall submit the following financial reports to the membership for approval at each meeting:
- Student and Band Booster account balances
 - Expense/Relief transfer report
 - Budget to actual expenditure reported monthly and annually
- Section 5. The organization shall establish and maintain a checking account and a regular pass book savings account at the expense or gain of Band Booster Account.
- Section 6. Investments of the organization's funds shall be approved by the membership.
- Section 7. The organization shall establish and maintain separate records for the Student and Band Booster Accounts.
- Section 8. Band Booster funds may be used for maintenance and expenses of regular business functions of the organization as determined by the Band Booster membership.
- Section 9. The Student Financial Account and the Band Booster Account shall be used for the specific purpose of carrying out projects in keeping with Article III, Section 1.
- Section 10. The net proceeds from all fund raising projects run by the organization for whatever purpose shall be designated to be placed in the Student Financial Account, Band Booster Account or a combination of the two.

Article II – Name

- Section 1. The name of the organization shall be 'Holly Band Boosters'.

Article III – Purpose, Power and Scope

- Section 1. To promote, assist, support and further encourage the Holly Area Schools band program, in cooperation with the Holly Area Schools. In pursuit of this purpose the organization shall not engage in activity or propaganda which would interfere with the School administration or band directors in the direct performance of their duties, furthermore it shall not be construed or inferred from these articles, the by-laws, or any of the Band Booster standing rules that the organization has any right to manage, direct or interfere in the Holly Area Schools District.

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- Section 2. The organization's members shall at all times bear in mind that the funds of the organization are not an arbitrary possession of the organization, but are a public trust placed in their care to be administered for the benefit of the Holly Area Schools band program and its officially enrolled members in keeping with the organization's purpose.
- Section 3. No part of the net earnings of the organization shall inure to the benefit of, or be distributed to its members, or other private persons, except that the organization, shall be authorized and empowered to make payments and distributions in furtherance of the purpose set forth in Article III, Section 1.
- Section 4. The Band Booster organization will operate and comply with the laws and rules governing non-profit organizations. Notwithstanding any other provision of these articles, the organization shall not carry on any activity not permitted to be carried on by an organization exempt from Federal Income tax laws governing non-profit organizations (or the corresponding provision of any future United States Internal Revenue Law).
- Section 5. In the event of the dissolution of the organization the officers shall, after paying or making provision for the payment of all the liabilities of the organization, dispose of all the assets of the organization exclusively for the purpose of the organization in such manner, or in such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as exempt under the laws governing non-profit organizations (or the corresponding provision of any future United States Internal Revenue Law), as the officers shall determine.

Article IV – Membership

- Section 1. Any parent or legal guardian with a child enrolled in the Holly Area School's band program shall automatically be considered members in the organization.
- Section 2. Band directors of Holly Area Schools shall be considered members with full membership rights, with the exception that they cannot hold any Band Booster officer position.
- Section 3. The Holly High School and Benjamin Sherman Middle School bands shall be invited to send an official student representative to all regular, special membership and executive board meetings.

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Article V – Officers

- Section 1. The government of the organization shall be vested in the membership under the leadership of a President, Vice President, Secretary and Treasurer.
- Section 2. The officers shall be elected to serve for one year at a time.
- Section 3. No member shall hold more than one office at a time.
- Section 4. Any officer can be removed from office for just cause (i.e., failure to fulfill his/her duties) by a two-thirds vote of the members present (there must be at least a quorum of the Holly Band Booster Board present as well) at any regular or special meeting provided he/she has received written notice of the charges and is given an opportunity to defend himself before the members present prior to a vote.

Article VI – Board of Trustees

- Section 1. The work of the organization shall be supervised by elected officers consisting of the President, Vice President, the Secretary and the Treasurer, Holly Area Schools Band Directors, the immediate Past President.
- Section 2. Board vacancies shall be filled as they occur as an appointment by an agreement between the President and the Band Directors. In the case that agreement of all three parties cannot be obtained, then the election process set forth in Article IX for the specific vacancy will determine the person to fill the position.

Article VII – Meetings

- Section 1. Regular membership meetings shall be held monthly, the date to be determined by the Band Booster membership. The membership shall be reminded in advance of each meeting.
- Section 2. Committee meetings shall be called at the direction of the respective committee chairperson.
- Section 3. Special meetings can be called by the President or by the organization. The purpose of the meetings shall be stated in the call. Except in cases of emergency, at least three (3) days notice shall be given.
- Section 4. Eight (8) members of the organization shall constitute a quorum at all regular and special meetings.
- Section 5. Emergency sessions may be called by the President if needed. These emergency sessions would be comprised of at least the Board officers and band directors.

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Article VIII – Amendment

- Section 1. This constitution can be amended at any regular meeting of the organization by a two-thirds vote, provided that the proposed amendment has been submitted in writing at the previous regular meeting to the membership present.
- Section 2. Reasonable notice shall be given to the membership by mail or phone of any meeting at which a proposed amendment to this constitution is to be presented or brought to a vote.

Article IX – Elections

- Section 1. Elections shall be held each year at the regular October meeting.
- Section 2. Nominations shall come from the membership present at the meeting.
- Section 3. A nominee shall be declared elected when he/she receives a majority vote.
- Section 4. Officers elect shall take office at the regular November meeting.
- Section 5. In the case of only one nominee, election by ‘acclamation’ shall be valid.

Article X – Duties

- Section 1. The **President** is to be considered chief officer of the organization. He/she shall be in charge of and conduct all meetings in an orderly fashion; direct the handling of all of the organization’s business affairs; be aware of all the organization’s projects and activities; to be available as the official representative and spokesman of the organization at all external meetings and perform such other duties as are specified in the constitution and by-laws.
- Section 2. The **Vice President** shall assist the President in all of his/her duties by assuming the responsibilities of the President in his/her absence. He/she shall assume the office of President if it becomes vacant for any reason before the annual election and shall perform such other duties as are specified in the constitution and by-laws.
- Section 3. The **Secretary** shall be the custodian of all records of the organization. This shall include such documents as agendas of meetings, official documents, correspondence and files on all projects, etc. He/she shall keep a permanent record of all regular, special and Board meetings. He/she shall be responsible for all notices given to the membership.
- Section 4. The **Treasurer** shall be the custodian of all financial records and shall see that such records are kept in a clear and understandable manner. The Treasurer will keep all records up to date at all times on a per month basis. He/she is responsible for the proper function of the budget and shall keep the membership and Board informed at all times with regard to the financial status of the organization and shall perform such other duties as are specified in the constitution and by-laws.

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- Section 5. It shall be understood that as individuals, officers have no authority to commit the organization to any action or policy, unless they are abiding by the decisions of the membership in accordance with the constitution, by-laws and standing rules governing such decisions.
- Section 6. The immediate Past President shall be ex-officio a member of the Board for one year following the expiration of his/her term in office.
- Section 7. The Board shall have general supervision of the affairs of the organization between its business meetings and shall be empowered to make such administrative decisions as are necessary to the smooth functioning of the organization's work. The Board shall make recommendations to the organization and shall perform such other duties as are specified in the constitution or by-laws. The Board shall be subject to the orders of the organization, and none of its acts shall conflict with action taken by the membership. All business shall be conducted at regular or specially called meetings.

Article IX – Committees

- Section 1. A committee is defined by Robert's Rules of Order as 'the term *committee* implies that, with the area of its assigned responsibilities, the committee has less authority to act independently for the society (or other constituting power) than a board is usually understood to have. Thus, if the committee is to do more than report its findings or recommendations to the assembly, it may be empowered to act for the society only on specific instructions'. These By-Laws will conform to this definition.
- Section 2. The organization will have no standing committees other than the general assembly.
- Section 3. Special committees shall be appointed by the President as the organization or the Board shall from time to time deem necessary to carry on the work of the organization. The President shall be ex-officio a member of all committees. The committees are accountable to the Band Booster body at large, and are created for the purpose of investigating details or creating alternatives that may be delegated by the Band Booster organization or officers. No committee, nor individual person, can make any commitment independently of the Band Booster organization that commits the organization to a position, course of action or a liability unless given that delegation specifically to the Band Booster organization, and must present any potential commitment to the Band Booster organization at any normal meeting for approval prior to its adoption. Upon formation of any committee, a formal scope will be developed, in writing, specifying the scope of the committee's delegation, so that committee efficiencies will not be unreasonably impaired.

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Article XII – Projects

Section 1. All projects shall be determined by the membership at a regular or special meeting.

Section 2. The organization shall not engage in any project which requires the use of school facilities without first securing permission from the Holly Area School's Board of Education or their agent.

Article XIII – Parliamentary Authority

Section 1. The rules contained in the current edition of Robert's Rules of Order shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with the constitution, these by-laws and any special rules of order the organization may adopt.

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Holly Band Booster Referendum

Student Account Funds Usage Policy

The Holly Band Booster organization allocates certain portions of its monies to individual student accounts for the specific band program uses. The purpose of these accounts is to allow students to attend official band program activities that are not funded or not funded entirely by the Holly Area School District. The only sanctioned uses are:

- Payment for Holly High School band camps
- Sherman Middle band trips
- Holly High School band trips
- Holly High School Marching Band shoes (one pair per year)
- Holly High School March Band gloves (purchased at band camp registration)
- Sherman Middle School band sweater
- One tuxedo shirt per year
- One polo shirt per year

All other activities and uses are excluded. Further, the funds can only be used directly for the student in relationship to the above activities or uses; and cannot be used by parents, siblings, friends, or anyone else not directly enrolled in one of the Holly Area Schools band programs.

Transfer of Student Account Funds Policy

In the event a student graduates or decides to leave the band program and has money in their student account, it may be transferred to a sibling currently enrolled in the band program, and can be transferred between siblings throughout the year. To transfer the funds you must submit a signed letter to the band directors of the middle school and high school band program requesting the transfer. The letter must include the date of the request, the student's name and grade graduating or quitting band, the student's name and grade to transfer the money into, and your signature. The request to transfer funds must be submitted within one (1) semester after the student graduates. In the event a student quits band, their account money will be available for transfer or reclaiming if the student returns to band, for up to one (1) year. If no request is made after the specified time has elapsed, the money remaining in the student's band account will be transferred to the Band Booster's General account to promote the SMS and HHS band programs.

Insufficient Funds Policy

In the course of fundraising, paying for band wear, or paying for band camp, checks may be returned to Holly Band Boosters due to insufficient funds. The initial procedure will be to call the responsible party for the check and the student whose account the insufficient funds will affect. The Treasurer and parents of the student will work diligently to recoup the amount for the insufficient check and any fees incurred. If efforts are not fruitful, the student's account will be charged for the amount of the insufficient check and any fees incurred. This may result in a loss of funds earned by the student or a negative balance. If any student has a negative balance in their student band account, they will not be allowed to attend band camp without first clearing the negative balance.

Fundraising Profit

The Holly Band Booster organization offers many opportunities to students in the band program to raise monies for their individual band accounts.

The monies raised through these various fundraisers are used by the band students to purchase mandated pieces of uniform, instrumental pieces, trips and band camp.

The monies raised through these various fundraisers are also used by the Holly Band Booster organization to help cover the expenditures of the group for the band program, in which all students will benefit from.

Some of the examples that the students benefit from are: medals and awards, scholarships, water and meals.

The Holly Band Boosters receive **20%** of the profits of any fundraiser involving *product sales* and the student receives **80%** of the profits. Examples of *product sales* are: Little Caesar Pizza Kits, poinsettias, \$1 Bars, etc.

The Students receive **100%** of the profits of any fundraiser involving *non-product sales*. Examples of a *non-product sale* are: 4-H parking, tag day and car washes.

There are *Exceptions* that the Band Boosters will make **100%** of the profit. Examples of *exceptions* that are included but limited to are: magazine sales, concert admissions, CD sales.

Glove & Black Sock Procedure

1. Gloves will be available for purchase at band camp registration. The students will be allowed to purchase as many gloves at this time as they feel are needed throughout the marching season. Black socks will be offered for sale before each marching performance, since students are expected to provide their own socks.
2. In the event that the student needs gloves or black socks during the marching season, the opportunity will be given to them before each performance to purchase gloves and/or black socks. Cash payment is expected at the time of purchase.
3. If the student does not have the cash at the time of the sale, the "purchase" will be added to a running list of unpaid items kept by the uniform committee.
4. The list will then be given to the Treasurer once during the school year, so that he/she can take the money owed out of each student's band account.
5. If the student does not have money in their band account, the student will be given two (2) other opportunities to clear up the debt:
 - A letter will be mailed out to the student's parents telling them of the money owed and that they can pay this debt by mailing a check into the Holly Band Boosters, c/o the Treasurer.
 - If this does not clear up the amount owed, the student will also be given the opportunity to pay at uniform turn-in-time.
6. If the student is unable to pay for the gloves and/or black socks owed with the two(2) opportunities offered them, or does not comply, his/her name will then be put on a list that is compiled at the end of the school year and given to the school. Seniors will have to pay in order to receive their cap and gown. Underclassmen will have to pay at registration the following school year in order to obtain their class schedule.
7. The Band Boosters will be reimbursed by the school district upon request from the High School band director.

The objective of the Uniform Committee is to enable the students to be in uniform with the rest of the band, which means allowing them to purchase gloves and/or black socks throughout the school year, even if they do not have the money at the time. We feel that by following the above procedure, the Holly Band Boosters will be able to collect the money owed for the items, without putting an undue burden on the Treasurer and Band Director.