

**Midlothian Band Boosters
Constitution and By-laws
(Revised July 2011)**

Article I: Name

Section 1: The name of this organization is the Midlothian Band Boosters.

Section 2: This organization is organized as a non-profit entity exclusively for charitable purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code or corresponding section of any future Federal tax code (hereinafter Internal Revenue Code).

Section 3: The period of duration of the organization will be perpetual. Liability for debts of the organization shall be limited to the property of the organization.

Section 4: Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of sections 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 a Court of Competent Jurisdiction 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 II: Office Address

The permanent address and principal office of the organization will be 923 S. 9th Street, P.O. Box 12, Midlothian, Texas, 76065, in the office of the Midlothian High School Band Director.

Article III: Purposes

The purposes of the organization are:

- To provide inspiration, enthusiasm, guidance, and assistance to all band students in order to develop and sustain top performing instrumental music programs at all levels.
- To secure closer contact between parents, students, teachers, and directors; thereby assuring clear communication and cooperation among all those involved in the band program.
- To foster closer ties between the parents of younger music students and parents of high school students; thereby strengthening the entire band program.

- To promote music culture and education throughout the community by fostering greater concert attendance and other public support of all band activities; thereby rendering moral support to the students.
- To assist financially with items not available through the school budget, provided such actions are within the U.I.L., T.M.E.A., and Midlothian ISD policies and procedures.

Article IV: Membership and Dues

Section 1: Any individual interested in supporting the Instrumental Music Programs is eligible for membership and will become a member upon payment of the assessed yearly dues.

Section 2: Dues, if any, will be set by the Executive Committee, subject to the approval of the majority of voting members attending the Band Booster meetings. Dues are currently \$10.00 per individual, or \$15.00 per couple, per school year.

Section 3: Only registered, dues-paying members of the organization will be eligible to participate in voting on business matters, or to serve as officers.

Section 4: All members of the organization are encouraged to attend all meetings, and will be expected to help with fundraisers, chaperoning and other Band Booster activities.

Article V: Officers and Duties

Section 1: The officers of the organization are as follows, starting with elections in May 2011:

1. President
2. 1st Vice President – Membership/Attendance
3. 2nd Vice President – Concessions – Purchasing
4. 3rd Vice President – Concessions – Operations
5. 4th Vice President – Concessions - Scheduling
6. 5th Vice President – Chaperones
7. 6th Vice President – Ways and Means
8. Secretary
9. Co-Treasurers (2)
10. Historian/Parliamentarian
11. Uniform Manager
12. At-Large Member

Section 2: The duties of the officers are as follows:

1. President
 - Shall preside at all meetings of the organization and of the Executive Committee.

- Shall be the ex-officio member of all committees, except the Nominating Committee.
 - Shall have the ability to call special meetings as necessary
 - Shall, with the Band Director, sign all orders drawn on the treasury or as delegated to the Co-Treasurers.
 - Shall prepare the written agenda for Executive Committee and organization meetings.
 - Shall appoint committee members as authorized.
 - Shall perform other duties as required.
 - Should be chosen principally for his/her ability to preside.
 - Should be very familiar with the Constitution and By-laws of the organization.
 - Should keep in mind that no rules can take the place of tact and common sense.
2. 1st Vice President – Membership/Attendance
- Shall, in the absence of the President, assume the duties of the office of the President.
 - Shall serve as an aide to the President.
 - Shall be in charge of membership and attendance of all meetings of the organization.
 - Shall be chairperson of the membership committee.
 - Shall be responsible for providing contact between the Band Boosters and the parents of all band members.
 - Shall cooperate and help facilitate any committee needing assistance.
 - Shall perform other duties as delegated by the President.
3. 2nd Vice President – Concessions – Purchasing
 3rd Vice President – Concessions – Operations
 4th Vice President – Concessions - Scheduling
- Shall act in the absence of the President and the 1st V.P.
 - Shall be in charge of the organization’s main fundraiser, Concessions, which is operated during home varsity football games and other special events.
 - Shall be in charge of ordering and keeping inventory of all supplies needed for the operation of the stands.
 - Shall schedule volunteers to staff the stands for all events.
 - Shall meet with the Treasurer to account for all monies received and settle debts to vendors.
 - Shall report to the Executive Committee and the membership in regards to financial status.
 - Shall perform other duties as delegated by the President.
4. 5th Vice President – Chaperones
- Shall act in the absence of the President, 1st – 4th V.P.
 - Shall organize and schedule chaperones, consisting of band parents, for all local and out of town performances and events.

- Shall organize and schedule band parents to help with pit equipment for all events.
 - Shall organize and schedule band parents to videotape for designated events.
 - Shall perform other duties as delegated by the President.
5. 6th Vice President – Ways and Means
- Shall act in the absence of the President, 1st -5th V.P.
 - Shall be in charge of the Ways and Means committee.
 - Shall suggest plans for fundraising as needed to meet the needs of the band program.
 - Shall supervise all fundraising activities.
 - Shall consult with the Executive Committee and the Band Director in determining amount needed to be raised and recommending projects (all projects will comply with MISD School Board policies).
 - Shall then recommend fundraising projects to the general membership.
 - Shall perform other duties as delegated by the President.
6. Secretary
- Shall act in the absence of the President and 1st – 6th V.P.
 - Shall keep the minutes of all meetings of the organization and the Executive Committee.
 - Shall keep copies of all minutes on file and distribute to Band Directors.
 - Shall conduct all correspondence of the organization.
 - Shall keep the approved copy of the Constitution and By-laws in the Secretary's record book.
 - Shall perform other duties as designated by the President.
7. Co-Treasurers
- Shall act in the absence of the President, 1st – 6th V.P. and Secretary.
 - Shall expend monies upon check request by requesting Officer or chairman of the organization, and approved by the Treasurer and either the President or 1st – 6th V.P., except for Officers requesting monies.
 - Shall keep books of account and records including bank statements, receipts, budgets, invoices, paid receipts and cancelled checks for five (5) years.
 - Shall present a financial report at monthly meetings and at other times when requested by the organization or Executive Committee.
 - Shall prepare a permanent record copy of each monthly Treasurer's report and give to Secretary for filing.
 - Shall keep a running list of all money appropriated but not yet paid out.
 - Shall sign on bank accounts (two of four authorized signatures shall be required on all checks).
 - Shall, at the close of term, be responsible for changing the names on the bank account(s) based on the resolution from the general membership of the organization.

- Shall provide information to tax preparer to fill out income tax forms and mail them to the IRS and the State of other Governmental agencies as required by law.
 - Shall prepare and present a budget for approval to the general membership at the May meeting.
 - Shall monitor the budget and resend amendments as needed.
 - Shall maintain monthly records to be included in a procedure manual.
 - Shall perform other duties as delegated by the President.
8. Historian/Parliamentarian
- Shall act in the absence of the President, Vice Presidents, Secretary and Co-Treasurers.
 - Shall keep a record of all band activities.
 - Shall be responsible for all publicity relating to the band and Band Booster activities.
 - Shall be the authority of the organization concerning parliamentary procedures according to Robert's Rules of Order.
 - Shall perform other duties as delegated by the President.
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9. Uniform Manager
- Shall be responsible for assigning uniforms to band students (marching and concert).
 - Shall be responsible for collecting uniforms from students for cleaning purposes (marching).
 - Shall be responsible for collection of uniforms from students at the end of marching season and concert season.
10. At-Large Member
- Shall be responsible for organizing and managing Special Events as deemed necessary by the President.

Section 3: Terms of the above offices shall be one year.

Section 4: The officers of the organization shall not enter into a transaction or arrangement that might benefit the private interest of an officer or director of the organization or that might result in a possible excess benefit transaction.

Article VI: Committees and Duties

Section 1: All aforementioned offices will have committees as needed by each officer. In addition, other committees are as follows:

1. Executive Committee
 - Shall consist of the officers of the organization and the Band Directors for the high school and middle schools.

- Shall transact necessary business between Band Booster meetings and other business as referred by the organization.
 - Shall fill vacancies in office pending the annual election.
 - Shall consult with the Band Directors in preparing an annual budget.
 - Shall create standing committees.
 - Shall meet at the request of the President, Band Directors, or any member of said committee if needed.
 - Quorum must be present to conduct business.
 - Quorum shall consist of at least 51% of members of the Executive Committee.
2. Nominating and Election Committee
- Shall consist of at least five (5) members of the organization and the Band Directors.
 - Shall be selected by the Executive Committee at least two (2) months prior to the last scheduled meeting of the school year.
 - Shall present the names of each candidate for office at the meeting prior to the last scheduled meeting of the school year.
 - May take additional nominations from the floor.
 - If only one candidate for any office is nominated, election shall be by voice vote; more than one, by ballot.
 - Election will be held and new officers shall be installed at the last meeting of the school year.
 - A vacancy occurring in any office shall have a member appointed for the unexpired term by the Executive Committee.
3. Scholarship Committee
- Shall consist of several members and the Band Directors (non-voting).
 - Shall review applications of senior graduating band members and calculate who will be the recipients of band scholarships.
 - Will present scholarships at the annual band banquet.
 - Parents of graduating band students are not eligible to serve on this committee.
 - Scholarship guidelines and applications will be kept in the high school band office and may be obtained from the Director.
4. Hospitality Committee
- Shall consist of several members of the organization with a chairman.
 - Shall be responsible for providing drinking water for band students at each game, contest, or other event.
 - Shall be responsible for obtaining, storing, and dispensing refreshments and meals to the band members prior to or after performances, as directed by the Band Directors and the Executive Committee.
5. Uniforms Committee
- Shall consist of several members of the organization with a chairman.

- Shall assist Band Directors in the organization, distribution and maintenance of school band uniforms – marching and concert – and any related accessories, as requested.

Article VII: Meetings

Section 1: Meetings of the Midlothian Band Boosters will be held monthly to coincide with the fiscal year, July 1 to June 30. Meetings will be held on the first Tuesday evening of each month. Meetings will be held in the High School band hall, unless otherwise specified by the President or the Band Director.

Section 2: Special, called meetings must have a quorum of 16 members, including officers.

Section 3: Executive Committee meetings will be held prior to each General meeting at a time and location determined by the President and the Band Director. The Band Director or designees must be present for all General and Executive Committee meetings.

Article VIII: Finances

Section 1: Midlothian Band Boosters is a qualified 501 (c) (3) tax exempt organization and will therefore be required to follow certain rules established by the Internal Revenue Service (“IRS”). IRS regulations require that monies earned through fundraising activities benefit all band students regardless of participation in the fundraising activity by the students and/or their parents. Therefore, Midlothian Band Boosters have implemented the following policy for volunteers (parents) who work concession shifts:

- Volunteers will be issued a Form 1099-Miscellaneous for amounts earned that exceed the IRS’ reporting threshold for concession shifts worked during the school year.
- The amount earned will be transferred to their student’s account, if applicable.
- Parents of graduating students or students who quit the band program may request the balance in their student’s account to be refunded (less any outstanding band fees) or to be contributed to Midlothian Band Boosters as a charitable contribution for amounts earned after 2008.
- Parents working in the concession stand will need to provide Midlothian Band Boosters with a current address and social security number for reporting purposes in order to have monies credited to their student’s account.

Monies earned prior to 2009 and credited to graduating students or students who quit the band program will be forfeited to Midlothian Band Boosters’ general fund and are not eligible to be claimed as a charitable contribution. Profits from all other fundraising activities will be credited to the Band Boosters’ general fund to support the purposes of the organization as outlined in Article III of the Constitution and By-laws.

(The Midlothian Band Boosters organization does not give tax advice. Any questions regarding the tax treatment for amounts reported should be made to a tax advisor).

Section 2: A minimum of \$1,000.00 will be kept in Band Booster general account.

Section 3: All requests for expenditure in excess of \$200.00 shall be referred to the Executive Committee for study. The Executive Committee will then make recommendations for action to the membership at the next General meeting. Any expenditure over \$200.00 must be approved by a majority of the membership present at the meeting.

Section 4: A checking account shall be maintained in a bank in Midlothian in the name of the Midlothian Band Boosters, with the organization's Co-Treasurers having primary responsibility for depositing funds, writing checks, and reconciling bank statements. Authorized signatures on all bank accounts maintained in the name of the Midlothian Band Boosters shall be the President, Treasurer, 1st V.P. and 2nd V.P. All checks written for the business of the organization must require two (2) signatures.

Section 5: The Executive Committee shall formulate a detailed budget each year to provide for anticipated needs of the band program for the following year. The Executive Committee will also recommend the annual fund raising projects required to fund the budget.

Section 6: The budget, as approved by the general membership at the May meeting, shall govern all expenditures of funds. Funds for budgeted line items may be expended without further approval, providing the expenditure is within the amount allocated for the item(s). Items not budgeted must be approved by the general membership at its regular meeting upon the recommendation of the Treasurer or the Executive Committee.

Section 7: A check request shall be used for reimbursements for authorized expenditures. As items are purchased for an approved budget item, the purchaser shall fill out and submit a check request form. The Treasurer shall reimburse that specific amount (no cash).

Section 8: At least two (2) people shall count cash receipts and initial the deposit slip before depositing funds into the bank. Procedures shall be set by the Co-Treasurers and every precaution should be taken to provide for the protection of individuals handling cash funds.

Section 9: The following records shall be maintained for the time periods indicated in the Midlothian High School band hall:

- Treasurer's annual report – 10 years
- Bank statements – 5 years
- Ledgers and journals – 10 years
- Receipts and expenditure check requests – 10 years

- Budgets – 3 years
- Monthly Treasurer’s reports – 3 years
- Minutes of General and Executive Committee meetings – for the duration of the organization’s existence

Section 10: The Band Booster organization will put in place a system for an annual internal review of the Treasurer’s reports and records to be conducted by three (3) non-Executive Committee members.

Article IX: Website Procedures

Section 1: The Band Booster website and domain will be registered in the current MISD Band Director’s name. This will smoothly pave the way for officer and webmaster changes.

Section 2: The President and his/her appointee will serve in the position of Webmaster. Both individuals will have full access to the website. The appointee should be familiar with computers, with preference given to someone with website building and maintenance experience. If the President is personally unfamiliar with website maintenance, he/she may name an appointee instead – but at least two (2) Webmasters will serve at all times.

Section 3: Access to update specific pages will be given to the appropriate chairpersons and directors as needed.

Section 4: A general Webmaster email address, not specific to any individual name, will be maintained for easy access by the Webmasters. This allows for (1) a back-up response plan in the event that Webmaster’s ability to serve is interrupted, and (2) permits full access for both Webmasters, insuring timely email responses and website updates.

Section 5: Webmasters will respond to email inquiries and apply necessary updates to the website. To facilitate communications, pertinent emails and information will be forwarded to officers.

Article X: Amendments and Revisions

Section 1: This Constitution and By-laws of the Midlothian Band Boosters may be revised and/or amended at any regular meeting of the organization by a two-thirds vote of all members present and voting. Notice of the proposed amendment and/or revision shall have been given at the previous meeting or by mail.

Section 2: This Constitution and By-laws should be reviewed annually and revised as needed.

By-laws

Section 1: It shall be the policy of the organization to adopt a definite, constructive program and to devote its efforts to the accomplishment of this program each year.

Section 2: It shall be the policy of this organization not to interfere with the academic and educational activities of the band, which are customary and normal functions of the band directors, teachers, principals, and the MISD School Board.

Section 3: This organization shall not undertake any projects without prior approval of the Band Director and the Principal. All projects must be in accordance with administrative regulations as adopted by the MISD School Board.

Section 4: A copy of the Constitution and By-laws will be compiled and will contain the policies and procedures to be followed by each administration of the Midlothian Band Boosters in carrying out the goals and objectives of the membership. Each officer will receive a copy of the Constitution and By-laws, will study it, and agree to abide by the policies and procedures until a two-thirds vote of all present and voting members at a general meeting changes them.

Section 5: This organization will conform to the guidelines as set forth by the U.I.L. and as reviewed by the organization for the proper operation of the Band Boosters. We are a support organization and reserve the privilege to be self-governing with the laws of the State of Texas and within the approved procedures and policies of the MISD School Board and Administration.

Section 6: The fiscal year of this organization is July 1 to June 30.

Section 7: All Band Booster members shall conduct themselves in good faith in accordance with this Constitution and By-laws while attending or volunteering at any band function. All members should display good sportsmanship in dealing with officials, judges, guests, etc., and should support the school regardless of success in competition, keeping the educational goals of competition at the forefront of all action.

Section 8: Robert's Rules of Order shall govern any question not herein covered.