

# Constitution and Bylaws of the Mill Creek High School Band Booster Club Inc.

## Article I. Name, Address and Purpose

### Section 1. Name of Organization

This organization shall be known as the Mill Creek High School Band Booster Club Inc.. hereafter referred to as the Organization.

### Section 2. Business Address

A post office box shall be maintained at a United States Post office by the current Board of Directors in the name of the Mill Creek High School Band Booster Club Inc. This post office box address shall be the business address of the Organization. If the Board of Directors acts to change the business address, the Board of Directors shall immediately notify all Organization members. Mail shall be received at the post office box on a regular schedule by the President of the Organization or a Board of Directors member designated by the President.

### Section 3. Purpose

The Organization is organized exclusively for charitable, religious, educational and scientific purposes. The Organization is organized to support and promote the activities of the Mill Creek High School (MCHS) band program, including but not limited to:

- (a.) purchasing and maintaining music, instruments and supplies for the band
- (b.) publishing of website, newsletters and press releases
- (c.) organization and execution of special projects and concerts
- (d.) establishing, maintaining and distribution of music awards
- (e.) fundraising to support the above objectives.

## Article II. Membership and Meetings

### Section 1. Membership - Definition and Qualifications

- a. Membership is open to all adults who qualify in one of the following membership categories:
  - (i.) General Membership will be open to all adults, with a maximum of two votes per family, interested in the purposes of the Organization as outlined in Article I. A General Member is defined as an adult parent or guardian of a present, past or future student member in good standing who has signed a current registration, has provided to the Organization other documents as required by the Board of Directors, and is current on all dues and assessments as approved by the Board of Directors per these Bylaws.
  - (ii.) Associate Membership will be open to all adults interested in the purposes of the Organization as outlined in Article I, without voting privileges. The purpose of Associate Membership is to provide additional program support. An Associate Membership is defined as any other adult, business, or organization whose purpose is to aid and support the band, who has signed a current registration, is in good standing, has provided to the Organization other documents as may be required by the Board of Directors, and is current on all associate membership dues and assessments as approved by the Board of Directors per these bylaws. Associate membership is subject to approval by the Board of Directors and is a non voting membership.
- b. Term of Membership for General and/or Associate Members is for one calendar year beginning April 1st and running through March 31st of the year following. Renewal shall be made on an annual basis by registration and qualifications set forth herein.
- c. Right to Vote only General members as defined in Article II Section 1(ai). can vote on issues and candidates at Annual

Meetings, General Membership and Special Membership meetings. Each General Member as defined in Article II Section 1(ai) shall be entitled to one vote, with a maximum of two votes per family. General members must be in attendance at the time of a vote in order to exercise their right to vote. No voting by proxy shall be allowed.

- d. Revocation and/or Termination of Membership: Membership may be suspended and/or terminated by the Board of Directors for any member convicted of any felony or any conviction for an offense where moral turpitude or financial misconduct are involved that appear detrimental to the good name, reputation and purposes of the Organization. Membership may be terminated if the Board of Directors determined that the member has political or other purposes than providing financial support for the band. For hearing all such cases the following procedures will be followed:
- i. Minimum 10 day written notice will be provided to the member with the specific complaints detailed. ii. The Member's right to appear and speak is guaranteed.
  - iii. After deliberation and upon a two-third majority vote of the Board of Directors to terminate the member, the member is suspended or terminated Termination or suspension shall be effective at such a time and for duration as directed by the Board of Directors.
  - iv. While the Board of Directors will attempt to judge these matters in a fair and temperate manner, there is no representation of a judicial proceeding with binding rules of evidence nor any suggestion of civil or criminal wrongdoing (other than any public record) for any member who is suspended or terminated.

## **Section 2. Meetings**

- a. Regular General Membership Meetings - Meetings of the General Membership shall be held at a place designated by the current Board of Directors with such notice published to the membership of record. There shall be no fewer than six membership business meetings per school year, time and dates to be determined by the current board.
  - i. The March Regular General Membership meeting shall be for the purpose of electing officers to become "board elect in training" in addition to addressing other Organization business issues.
- b. Annual Meeting - The Annual Meeting of the Organization shall be held each April at the time and place designated by the current Board of Directors with such notice published to the membership of record.
- c. Board of Director Meetings - Meetings of the Board of Directors shall be held prior to regular meetings at a time and place designed by the President with such notice published to the Board of Directors.
- d. Special Meetings - The President, the Board of Directors or Director(s) may call for a special meeting. The purpose of the special meeting(s) shall be stated in the call. The person or persons authorized to call special meetings of the Board of Directors may fix the place for holding any special meeting of the Membership or Directos called by them.
- e. Quorum - A quorum at any Regular General Membership Meeting or called Board of Directors Meeting shall be defined as 10% of the voting membership.
- f. Majority - A majority vote shall be as follows:
  - i. For the conduct of business at meetings of the General Membership including but not limited to elections, financial issues, fundraisers, events, etc. a simple majority of fifty percent plus one of those voting members present shall constitute a majority vote.
  - ii. A two-thirds majority of the voting members present is required for the removal of a member or officer iii. A majority at a meeting of the Board of Directors shall be a simple majority of those directors present.
- g. Method of Voting - The method of voting shall be determined by the President. However, a motion may be entered from the floor by any voting member prior to any vote for that vote to be conducted by secret ballot.

## **Article III. Board of Directors**

### **Section 1. Description**

- a. Board of Directors - the legislative body of the Organization is the Board of Directors of whom must be members who agree to cooperatively conduct the business of the association together with the General Membership

## **Section 2. Directors Number, Tenure and Qualifications**

- a. The Board of Directors shall have general supervision of the affairs of the Organization between established membership business meetings
- b. The Board of Directors will make recommendations to the Organization and perform other such duties as specified in these Bylaws.
- c. The Board of Directors shall be held accountable to the Organization and none of its acts shall conflict with the direction of the band director(s).
- d. The Board of Directors of the Organization shall consist of elected directors who are active members of the Organization in good standing, as defined in Article II, Section 1(ai) and have been members of the General Membership for a minimum of one year.
- e. The term of office for each board member shall be no longer than one (1) year.
- f. There is no term limit.
- g. There shall be no compensation to the directors or officers for serving on the board.
- h. The Board of Directors shall consist of:
  - i. President
  - ii. Vice President
  - iii. Treasurer
  - iv. Secretary
  - v. Director of Student Affairs
  - vi. Director of Guard
  - vii. Director of Materials
  - viii. Director of Equipment
  - ix. Director of Fundraising
- i. The number of directors may be adjusted by the recommendation of the present Board of Directors and approval by a majority of the General Membership at the designated General Membership Meeting. Any net decrease in the number of Directors shall not deprive current directors of their seats until the next election cycle.

## **Section 3. Duties and Responsibilities**

### **a. President**

- i. The President shall preside at all Board of Director and Regular General Membership Meetings, prepare agendas and ensure all meetings are conducted in a manner consistent with these bylaws and parliamentary authority adopted by this Organization.
- ii. The President shall submit an annual report of all activities of the Organization at the end of the election term. iii. The President will serve as the liaison with the MCHS Band Director(s) and as liaison will oversee the coordination of all Band Booster activities and correspondences.
- iv. The President shall appoint chair and co-chairpersons to standing and special committees authorized under these bylaws, except where committees are otherwise designated as responsibilities of elected officers.
- v. The President shall serve as ex-officio member of all standing and ad-hoc committees.
- vi. The President shall monitor the progress and hold the committee members accountable for executing their assigned duties.
- vii. The President shall supervise and monitor the business and affairs of the Organization subject to the oversight of the Board of Directors.
- viii. The President shall perform other such duties as may be assigned from time to time by the Board of Directors or resolution of the Organization.
- ix. The President shall serve on the Budget Committee.

b. Vice President

- i. The Vice President shall assume the duties of the President in their absence.
- ii. The Vice President shall oversee Events and Committees annually that include but are not limited to:
  1. Marching Band Camp
  2. On Site Events: Gwinnett Marching Exhibition, Marching Band or Drum Corps competitions
  3. Band Banquet(s)
  4. Tailgates or Band Celebration Events including but not limited to;
    - a. Trunk or Treat
    - b. Tailgates at Performances
    - c. Tailgates at Competitions
  5. Hospitality Committee
- iii. The Vice President will work with the Secretary to arrange clear and concise communication for the committees and events they oversee.
- iv. The Vice President shall perform other such duties from time to time as assigned by the President.

c. Treasurer

- i. The Treasurer shall keep a full and accurate account of all receipts and expenditures of the Organization, having custody of the funds and securities.
- ii. The Treasurer shall receive monies due and payable to the Organization from whatever source, issue student account statements, collect dues, issue receipts and deposits all monies in the name of the Organization in appropriate institution as directed by the Board of Directors and in general perform those duties incident with the office of Treasurer while from time to time perming those duties assigned by the President or Board of Directors.
- iii. The Treasurer shall make a full financial report annually to the Organization and interim report at all business meetings, providing balances on hand and any outstanding expense
- iv. The Treasurer shall be responsible for preparing and submitting all tax filings whose due dates, without regard for extensions, shall during the Treasurer's term of office. The Treasurer shall be responsible for receiving any and all monies from fundraising activities.
- v. The Treasurer shall be responsible for receiving and accounting for all monies at the close of each operation of concession stands and prepaid meals for band students.
- vi. The Treasures shall oversee the MCMI committee for financial payments and the Secretary shall handle the communication and coordination with the Band Director(s).
- vii. Treasurer will serve on the Budget Committee.

d. Secretary

- i. The Secretary shall keep the minutes of all pertinent Board of Directors, Regular General Membership, Special and Annual Meetings and shall submit a copy of such minutes along with any reports to the President and Band Director(s) after each meeting.
- ii. The Secretary will maintain a record book in which the Bylaws, special rules and all meeting minutes are entered with any amendments to these documents properly recorded and documents.
- iii. The Secretary will assist the President, Board of Director Members and the Band Director(s) with correspondence as required.
- iv. The Secretary will work on organization and logistics for Band Travel as needed during Marching Band Season for trips, both competition and optional in cooperation with the Band Director(s) and President.
- v. The Secretary shall keep Charms updated through inputting student registration information, concert band information and communication.
- vi. The Secretary will assist the Band Director(s) with the Mill Creek Music Institute management (MCMI) in regards to communication and coordination of lessons and information. The Treasurer will continue to maintain the

financial payments and draft statements for MCML.

vii. The Secretary will assist in the communication regarding obligations.

viii. The Secretary shall oversee committees as assigned annually by the Board of Directors.

e. Director of Guard

i. The Director of Guard shall oversee all aspects of the Color Guard and Winter, including but not limited to: 1.

Fall Color Guard

2. Winter Guard

3. Summer Guard Practices

4. Dance Camp

ii. The Director of Guard shall plan and preside over the Winter Guard registration, meeting and all updates of Charm for Winter Guard and any necessary paperwork resulting from those meetings.

iii. The Director of Guard will serve as a liaison for the color guard, spirit guard and winter guard members. iv. The Director of Guard shall oversee the committees and events related to Fall Color Guard and Winter Guard units including but not limited to:

1. Open Guard Committee

2. A Guard Committee

3. Cadet Guard Committee

4. Fall/Marching Guard Chaperones (home and away)

5. Winter Guard Chaperones (home and away)

6. Guard Photo Sessions

7. Guard Spirit Wear

8. SAPA and WGI held onsite

9. Guard Banquet(s)

v. The Director of Guard will communicate who will be the volunteers for their practices and events to the Band Director(s) or post on a communication platform.

vi. The Director of Guard shall be in attendance or appoint a member to attend in their place for home games, away games, performances and/or competitions.

vii. The Director of Guard shall perform other such duties as may be assigned from time to time by the Board of Directors or resolution of the Organization.

f. Director of Student Affairs

i. The Director of Student Affairs shall oversee events and committees annually that include but are not limited to: 1.

Band Pictures and Banners organization, scheduling, payment collection, distribution and communication. 2.

Band Chaperones

a. Winds & Percussion Chaperones for Home Games

b. Winds & Percussion Chaperones for Away Games

3. Senior Event with activities including but not limited to:

a. Senior Dinner organization

b. Senior Night organization

c. Senior Banners organization

d. Senior Gift from Board organization

4. Section Parents

ii. The Director of Student Affairs shall oversee the scheduling of training or information meetings for chaperones and/or parent volunteers in regards to the health and safety of students and volunteer duties and responsibilities. iii. The Director of Student Affairs will work with the Secretary to arrange clear and concise communication for the committees and activities they oversee.

- iv. The Director of Student Affairs shall be in attendance or appoint a member to attend in their place for home games, away games, performances and/or competitions.
- v. The Director of Student Affairs shall perform other such duties from time to time as assigned by the President.

**g. Director of Equipment**

- i. The Director of Equipment shall be responsible for the directing and overseeing all operational aspects of marching, concert and winter guard season including field operations, equipment and construction management, props and performance related requirements.
- ii. The Director of Equipment shall be responsible for the purchase, maintenance and upkeep of all vehicles and equipment owned by the Organization.
- iii. The Director of Equipment shall work with the Band Director(s) to budget, plan and manufacture props for the Marching Band and Winter Guard.
- iv. The Director of Equipment shall be responsible for hiring and communicating with all drivers hired by the Organizations.
- v. The Director of Equipment shall be responsible for oversight of the Pit Crew and Logistics and Construction Committees.
- vi. The Director of Equipment shall be in attendance or appoint a member to attend in their place for home games, away games, performances and/or competitions.
- vii. The Director of Equipment shall perform other such duties as may be assigned from time to time by the Board of Directors or resolution of the Organization.

**h. Director of Materials**

- i. The Director of Material shall be responsible for the assigning, fitting and maintenance of marching band uniforms.
- ii. The Director of Material shall be responsible for maintaining uniform inventory on Charms.
- iii. The Director of Materials shall be responsible for the fitting, ordering and distribution of concert band attire.
- iv. The Director of Material will be responsible for the ordering and distribution of spirit wear orders and online store.
- v. The Director of Materials will be responsible for the Show Shirt design and manufacturing.
- vi. The Director of Materials will be responsible for the organization, distributions and maintenance of Marching Band shoes, gloves and other accessories.
- vii. The Director of Materials shall oversee the committees and events including but not limited to 1.
  - Uniform
  - 2. Spirit Wear
- viii. The Director of Materials shall be in attendance or appoint a member to attend in their place for home games, away games, performances and/or competitions.
- ix. The Director of Materials shall perform other such duties as may be assigned from time to time by the Board of Directors or resolution of the Organization.

**i. Director of Fundraising**

- i. The Director of Fundraising shall be responsible for assisting the Board of Directors in annual budget preparation with specific focus on fundraising strategies and sources of funds.
- ii. The Director of Fundraising will lead all fundraising activities and report all financial details of each fundraiser to the Treasurer.
- iii. The Director of Fundraising shall be responsible for all communication and marketing in regards to fundraisers.
- iv. The Director of Fundraising shall oversee the following committees and events including but not limited to:
  - 1. Concessions
  - 2. Cool Ray / Infinite Center
  - 3. Sponsorship

#### 4. Fundraising

- v. The Director of Fundraising shall perform other such duties as may be assigned from time to time by the Board of Directors or resolution of the Organization.
- vi. The Director of Fundraising shall serve on the Budget Committee.

#### **Section 4. Resignation of Board Member(s)**

- a. A Board of Directors member may resign at any time upon written, signed notice to the Board.
- b. Upon notification of the resignation of a member of the Board of Directors the board will vote to appoint an individual from the General membership to fill the outgoing officer's position for the remainder of the term of office.
- c. All vacated committee chairs, not served by elected officers, will be filled by the appointment of the President with approval of the Band Director(s).

#### **Section 5. Removal of a Board Member(s)**

- a. A Board Member(s) may be removed before their term expires by a two-thirds vote by the Board when notice has been given if after nomination and election they are no longer in good standing as detailed in Article II Section 1(ai-ii) and Article II Section 1(d).
- b. A written and/or electronically written letter must be sent to the Board Member within five business days of finding to be no longer in good standing. A Special Meeting of the Board of Directors is to be called by The President to present the information and discuss the situation with the Board Member in question.
- c. After presentation of information and/or documentation and discussion with the Board, a vote can be called for the removal of the Board Member if shown to be no longer in good standing.
- d. A successor may be named for the remainder of the term following terms described in Article III Section 4(c) of these Bylaws.

### **Article IV. Committees**

#### **Section 1. Appointment**

- a. The President shall appoint such committees as may be authorized by these Bylaws, resolution of the members, or by the Board of directors.
- b. Except where otherwise designated by these Bylaws, the President shall appoint a chair and co-chair to head each committee.
- c. All committee members appointed by the President or appropriate board member shall be for a term that coincides with the current band year.
- d. Nothing in these bylaws shall prohibit student band members from serving on a committee where proper and where their input is desired.

#### **Section 2. Standing Committees**

The Organization shall have the following standing committee to aid in the accomplishment of its objectives:

- A. Budget
- B. Concessions
- C. Cool Ray / Infinite Center
- D. Scrip
- E. Fundraising
- F. Sponsorship
- G. Uniform
- H. Spirit Wear
- I. Pit Crew
- J. Material Construction
- K. Hospitality
- L. Seniors Events

- M. Section Parent
- N. Band Chaperones
- O. Guard Chaperones
- P. Winter Guard

### **Section 3. Standing Committee Descriptions**

- A. Budget Committee - shall be made up of the Band Director(s), President, Treasurer and Director of Fundraising. It shall be responsible for the creation and approval by the voting membership of an annual budget for the Organization.
- B. Concession Committee - shall be responsible for recruiting, selecting and training all volunteers working any band-sponsored concessions. The Committee shall be responsible for the organization and operation of the concession stand at all associated functions. The Committee also aids the band in the organization and operation of tailgate or performance food functions.
- C. Cool Ray / Infinite Center Committee - shall be responsible for recruiting, selecting, scheduling and training all volunteers working Cool Ray and/or Infinite Center sponsored events.
- D. Scrip Committee - shall be responsible for the organization and operation of the Scrip Card tables, communications, ordering and distribution process.
- E. Fundraising - The Fundraising Committee(s) shall be responsible for raising funds to support the activities of the Organization. This includes the planning of fundraising projects for the organization and submitting those projects to the Board of Directors and Organization for approval. The Director of Fundraising shall oversee this committee and may appoint chairperson or co-chairpersons.
- F. Sponsorship Committee - shall be responsible for implementation of the annual sponsorship campaign as well as maintaining relationships with the existing sponsors throughout the year. The Committee runs the annual fund raising program based on a budget goal established by the board at the annual planning session. This Committee engages all board members in this process by maintaining a target list of companies and/or groups for each board member. In addition, they track commitments, issue updated reports, help with invoices, letters and other collateral material.
- G. Uniform Committee - shall be overseen by the Director of Materials. The Committee shall work to assign, distribute and maintain marching band uniforms and concert uniforms each year.
- H. Spirit Wear Committee - shall be overseen by the Director of Materials. The Committee shall be responsible for helping with company selection, online store, order placement, packaging and distribution and assisting with selling or distributing at events as requested by the Organization.
- I. Pit Crew Committee - shall be overseen by the Director of Equipment. The Committee shall work to ensure that all necessary equipment is transported, organized and prepared for student use by the marching band and guards. The Committee shall oversee the maintenance of vehicles and band and guard equipment.
- J. Material Construction Committee - shall be overseen by the Director of Equipment. The Committee shall be responsible for all props, show equipment, materials, construction and other requirements as requested by the Organization. K. Hospitality Committee - shall be responsible for arranging logistics for food and beverage areas, etc. for seasonal social functions as required to support activities of the Organization. This includes, but is not limited to; marching band camp, annual banquet(s) and hosted events as requested by the Board of Directors.
- L. Senior Events Committee - shall be overseen by the Director of Student Affairs. The Committee shall help organize and operate events for the Seasons Senior throughout the Marching Band Season including but not limited to locker strips, senior night, senior dinner, senior banners and senior gifts.
- M. Section Parent Committee - shall be overseen by the Director of Student Affairs. The Committee shall help create, organize and communicate with their designated Sections for goody bag items and any other Section related communications as designated by the Organization.
- N. Band Chaperone Committee - shall be overseen by the Director of Student Affairs. The Committee is responsible for helping with chaperones for the Wind and Percussion sections of the marching band. The Committee will be responsible for recruiting, selecting and helping to train chaperones required for any band events and/or trips throughout the band season. Chaperones must adhere to designated duties, responsibilities and requirements as established by the Organization.



Unless otherwise approved by the Band Director(s), official chaperones must be band parents or guardians, band Board Members and/or band staff. For designated chaperones to be able to travel on optional trips and/or performance trips requiring overnight stay and with fees, those chaperones must be General Members in good standing as described in Article II Section 1(ai-ii).

- O. Guard Chaperone Committee - shall be overseen by the Director of Guard. The Committee shall be responsible for recruiting, selecting and helping to train chaperones required for color guard or winter guard events and/or trips. This Committee coordinates with and supports the Director of Guard in providing adequate chaperones and first aid coverage for guard events at practices and camps and off site events. The Committee shall assist with guard uniform management which includes but is not limited to maintenance, fitting, cleaning, storage and issuance. The Committee shall also assist with prop and design accessories as needed.
- P. Winter Guard Committee(s) - shall be overseen by the Director of Guard. The Committee shall work to ensure that all needs, specially student supervision and transportation, are met for each competing Winter Guard Unit.

#### **Section 4. Nominating Committee**

- a. The Nominating Committee shall consist of the President and two (2) Organization members with the Band Director(s) serving as ex officio members.
- b. The Nominating Committee shall be appointed at least thirty(30) days prior to the March Regular General Membership Meeting.
- c. The Nominating Committee shall submit their nominations to the Board of Directors two (2) weeks prior to the March Regular General Membership business meeting.
- d. The Nominating Committee shall be responsible for presenting a slate of candidates for the Board of Director positions to the membership at the March Regular General Membership business meeting.

## **Article VI - Elections**

#### **Section 1. Nominations**

- a. It shall be the duty of the Nominating Committee to recommend candidates for all Board of Director positions. All nominations are submitted to approval of the Band Director(s).
- b. A General Member in good standing may make additional nominations for the floor during the March Regular General membership business meeting.

#### **Section 2. Elections**

- a. The Board of Director positions are to be elected at the March Regular General Membership business meeting to take office at the conclusion of the fiscal year. During the interim, the officer-elects will work alongside current members of the Board of Directors to allow for a smooth transition. The newly elected board members will have no voting privileges until such time as they are installed at the April Board of Directors meeting.
- b. All nominations shall be voted on by written ballot unless there is only one candidate or co-candidates nominated for office. Each candidate that receives a majority of votes shall be declared elected. In the event no candidate receives a majority of votes cast on the first ballot, additional ballots shall be taken between the top two (2) candidates until a candidate receives a majority of the votes and is elected.
- c. All members present at the March Regular General Membership business meeting shall elect the Board of Directors by a majority vote.
- d. Only General Members in good standing as described in Article II Section 1(ai-ii) can vote in elections. e. Should two (2) members of the same student's family be elected to the Board of Directors, there will be only one (1) vote given to those two (2) board members. Should a tie breaking vote be required, a Member at Large will be selected from the General Membership.
- f. Selection of a Member at Large shall be made from the General Membership. The Member at Large is to be voted on by a two-thirds vote by the Board of Directors for the sole event of tie breaking vote on a motion presented to the Board. The

Member at Large must be selected from the General Membership and be a member in good standing as described in Article II Section 1(ai-ii). The selected member must also have been a member of the General Membership for a minimum of one year.

### **Section 3. Installation of Officers**

- a. Newly elected officers are to be installed at the April Board of Directors Meeting and April Regular General Membership business meeting.
- b. Term of office for an elected Board of Director officer is from April 1st to March 31st.

## **Article VII - Finance and Purchasing**

### **Section 1. Fiscal Year**

- a. The fiscal year will begin April 1st and end March 31st.

### **Section 2. Band Contracts**

- a. The Board of Directors may authorize a Director or Directors, agent or agents to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Organization within the constraints of these Bylaws, amendments and the approved budget. Such authority may be general or confined to specific instances.

### **Section 3. Loans**

- a. No loans shall be contracted on behalf of the Organization and no evidence of indebtedness shall be issued in its name unless approved by the General Membership and authorized by resolution of the Board of Directors. Such authority will be confined to specific instances.

### **Section 4. Checks, Drafts, etc.**

- a. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Organization, shall be signed by such Officer or Officers, agent or agents of the Organization and in such manner as shall, from time to time, be determined by resolution of the Board of Directors.

### **Section 5. Deposits**

- a. All funds of the Organization not otherwise employed shall be deposited, from time to time, to the credit of the Organization in such banks, trust companies or other depositories as the Board of Directors may select.

### **Section 6. Budget**

- a. The Board of Directors and the Band Director (s) shall draft a budget for the upcoming school year. The budget will be presented at the May Board of Directors Meeting and May Regular General Membership Meeting.

### **Section 7. Physical Assets Outside Budget**

- a. Purchase of physical assets outside the budget involving sums of more than one thousand (1,000) dollars per asset shall require approval of the Board of Directors. The Board may not exceed expenditures within line items of the approved budget without approval from the General Membership.

### **Section 8. Tax Status and Tax Returns**

- a. It is recognized that to secure and maintain the support of the community and membership, it is necessary that the Organization apply for and be classified as a Section 501(c).3 tax exempt organization as defined by the Code and Regulations of the Internal Revenue Service of the United States (IRS). The Board of Directors or the Treasurer shall take the necessary steps to apply for and secure a Tax Identification Number (EIN) from the federal government. The Treasurer

of the Organization shall be responsible for monitoring the tax status of the Organization and notifying contributors of the tax exempt identification number of the Organization. When required by the IRS, the Treasurer shall file, or with the approval of the Board of Directors, secure assistance of a qualified professional to prepare and file such tax returns as required by the IRS.

### **Section 9. Incorporation of the Organization**

- a. At the inception, the Organization or the Board of Directors will secure the assistance of a qualified individual to prepare the necessary documentation to have the Organization certified as a corporation by the State of Georgia.

### **Section 10. Insurance Policies**

- a. It shall be the responsibility of the Treasurer or other individual(s) specially designated by the Board of Directors to research and secure such insurance policies as are necessary to protect students and members of the Organization working diligently for and at the direction of the Organization for damages both physical and financial.

### **Section 11. Financial Transactions**

- a. All financial transactions shall bear at least two signatures. Organization resources will not be used to support the basic school programs otherwise provided by the Gwinnett County Department of Education.

### **Section 12. Audits**

- a. All financial records will be suited annually.
- b. Incoming board members are responsible for arranging annual audits within thirty (30) days after the end of the fiscal year.
- c. A third party who was not a member of the outgoing Board of Directors and is not a member of the incoming Board of Directors must conduct the audit.

## **Article VIII - Fundraising**

### **Section 1. Guidelines**

- a. All fundraising activities and their operations shall be within the parameters and guidelines of the Gwinnett County Board of Education as set forth in their policy.

### **Section 2. Approval**

- a. All fundraising projects shall be presented to the Organization to include the project and its operations, the estimated amount of monies to be raised and the purpose for which any monies will be used.
- b. Such activities shall have the approval of all county and school administrators where required.

## **Article XI - Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Organization in all cases to which they are applicable and where they are not inconsistent with these Bylaws or any special rules the Organization may adopt.

## **Article XII - Adoption and Amendment of Bylaws**

### **Section 1. Guidelines for Amendments and Adoptions of Bylaws**

- a. These Bylaws may be amended and/or revised and adopted by a two-thirds vote at any Regular General Membership Meeting of the Organization, provided the amendment(s) and/or revision were submitted to the membership prior to the Regular General Membership Meeting where presentation of said amendments and/or revision will occur.

## **Section 2. Bylaws Adoptions**

- a. Bylaw amendments and/or revision goes into effect immediately upon its adoption unless the motion to adopt specifies another time for its becoming effective. These bylaws were adopted by a two thirds majority vote at the inception in May 2004 of the Organization. The Bylaws were amended at the January 2006 General Membership Meeting and again in July 2019 at the General Membership Meeting, and again in January of 2022.

## **Article XIII - Waiver of Notice**

Attendance at or participation in a meeting waives any required notice to the time of the meeting unless such person at the beginning of the meeting, or promptly upon their arrival, objects to the holding of the meeting or transactions of business because the meeting is not lawfully convened and such person does not thereafter vote for or assent to action taken at the meeting.

## **Article XIV - Role of the Band Director(s)**

The Organization shall look to the Band Director(s) for leadership and guidance in identifying the needs of the band and guard students and band and guard program. The Band Director(s) shall be an ex officio member of the Board of Directors and of all committees of this Organization. It is understood that the Band Director(s) have sole control over and is the final voice of authority in the area of academic and artistic requirements and performance. It is the intent of the Organization to work in concert with the Band Director(s) for the success of the Mill Creek High School Band Program. Recognizing that with a successful band and guard program the true winners are our children and our future.

## **Article XV. - Dissolution of the Organization**

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 payment and distributions in the furtherance of the purposes set forth. 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 or in opposition to any candidate for public office. Notwithstanding any other provisions of these Articles, 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 the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

In the event of the dissolution of the Organization, to the extent allowed under applicable law, after all lawful debts and liabilities of the Organization have been paid, all the assets shall be distributed to, or its assets shall be sold and the proceeds distributed to, another organization organized and operating for the same purposes for which the Organization is organized and operating, or to one or more organizations, funds, or foundations organized and operating exclusively for religious, charitable, scientific, literary, or education purposes, which shall be selected by the Board of Directors of the Organization; provided, however, that any such recipient organization or organization shall at the time qualify as exempt from taxation under the provisions of Section 501(a) of the Internal Revenue code of 1986, as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provisions of any subsequent law. In the event that upon the dissolution of the Organization the Board of Directors of the Organization shall fail to act in the manner herein provide within a reasonable time, a court of competent jurisdiction in the county in which the principal office of the Organization is located shall make such distribution as herein provided upon the application of one or more persons having a real interest in the Organization or its assets.

## Glossary of Terms

Term	Definition
ad hoc committees	are temporary committees established by the board of directors to address a specific issue.
current on all dues and assessments	all dues and fees on a student's account are up to date and paid. If an outstanding balance exists, the member must be in an approved financial payment plan and following the payment plan guidelines and that balance be no more than one season.
dues	a fixed price charged for a season of the band program, either marching band and/or winter guard.
ex- officio member	when the bylaws provide that the president shall be an ex-officio a member of all committees (or of all committees with the stated exception of those from which the president is excluded), the president is an ex-officio member who has the right, but not the obligation, to participate in the proceedings of the committees, but within those committees they are not counted in determining the number required for a quorum or whether a quorum is present at a committee meeting.
fees	a fixed price charged for a specific service, item or event. Fee examples are trip charges, concert band attire, concert band instrument rental, shoes, guard equipment, costumes, etc.
future student member	a rising high school student with a current signed season registration.
good standing	a member in good standing refers to any person who has fulfilled the requirements for membership and who has not voluntarily withdrawn nor been expelled or suspended by the Organization. In regards to financial good standing, it requires the timely payment of dues and fees and an account that has no negative payment history, past or present season of more than one season.
past student member	a high school student that has been a registered member for one season and is now returning with a current signed season registration.
present student member	a student that is a current high school student with a current signed season registration.
season	a fixed period during each year when a particular activity is occurring. Marching Band Season and Winter Guard Season are two seasons of the Mill Creek High School Band Booster Club Inc.

