

**BY-LAWS  
OF THE  
JOHN JAY MUSTANG BAND BOOSTERS**

**Article I - Name**

The name of the Organization is **JOHN JAY MUSTANG BAND BOOSTERS**.

**Article II – Purpose and Objectives**

**Section 1**

The purpose of the John Jay Mustang Band Boosters shall be:

- A. To provide support and assistance to the entire band program at John Jay High School of San Antonio, Texas (hereinafter “JHS”), its band directors and school authorities in the pursuance of their objectives.
- B. To insure that all actions comply with the regulations and procedure of JHS, Northside Independent School District (hereinafter “NISD”), and/or the University Interscholastic League (hereinafter “UIL”).
- C. To promote cooperation among the entire band program, school authorities, other school organizations and the community.
- D. To provide supplemental financial support to enrich the band education program of JHS.

**Section 2**

These by-laws shall govern all proceedings of the Band Boosters, except as otherwise provided by the rules and regulations of JHS, NISD, and/or UIL. In the event of conflict between these By-Laws and the rules and regulations of JHS, NISD, and/or UIL, the latter rules and/or regulations shall prevail.

**Section 3**

This Organization is established exclusively for charitable and educational purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code.

Notwithstanding any other provision of these By-Laws, the Organization shall not take any action that would be inconsistent with the requirements for a tax exemption under Internal Revenue Code Section 501 (c) (3) and related regulations, rulings, and procedures. Nor may it take any action that would be inconsistent with the requirements for receiving tax-deductible

charitable contributions under the Internal Revenue Code Section 170 (c) (2) and related regulations, rulings and procedures.

### **ARTICLE III – MEMBERSHIP**

#### **Section 1**

- A. Membership in the Organization shall be open to any individual who is interested in the purpose and objectives of the Band “Boosters and who agrees to abide by the By-Laws of this Organization.
- B. Any legal guardian of a band member is automatically a Band Booster member.
- C. The Band Director(s) and Principal of JHS (or their designated representatives) shall be ex-officio members of the Band Boosters and all committees, boards or other subdivisions of the Organization, serving in any advisory capacity without a vote.
- D. All elected and/or appointed positions must be current Band Booster members.
- E. Band Boosters may, by a majority vote of those present at any regularly constituted meeting, terminate the membership of any member who violates any Article of the Organization or By-Law of said Organization.

### **ARTICLE IV - OFFICERS**

#### **Section 1**

The officers of the Band Boosters shall come from the general membership and serve a one-year period, not to exceed two consecutive terms in the same office.

- A. The **President** shall:
  - 1. Serve as the Executive Officer of the Band Boosters and shall represent the interests of the Organization, as necessary, to the Administration of JHS and/or NISD, to other JHS booster organizations and Parent-Teacher-Student organizations and the community.
  - 2. Preside at all meetings of the Band Boosters and the Board of Directors.
  - 3. Serve as the Northside Booster Association (hereinafter “NBA”) Representative, along with the Concession Chairperson. The NBA Representatives shall represent the Band Boosters to the NBA and be voting members of the NBA board. They shall attend NBA Board meetings and report NBA actions and financial status to the Band

Boosters. The President will serve as a representative of the Board of Directors on the Concessions Committee.

4. Countersign checks drawn on the Board Boosters accounts in accordance with the requirements of these By-Laws.
5. Nominate individuals to serve as chairs for special committees not otherwise specified by these By-Laws.
6. Serve as a Representative of the Board of Directors on the Scholarship Committee.
7. Report actions of the Board of Directors at each meeting of the Band Boosters.
8. Enforce the provisions of the By-Laws.
9. Notify the Internal Revenue Service of any and all changes in sources of support, purposes, character, method of operation, name, address and amendments or changes in these By-Laws.

**B. The First Vice President shall:**

1. Perform the duties of the President in the absence of the President or in case of the inability of the President to act.
2. Assume the office of the President in the event of resignation, termination or death of the President.
3. Countersign checks drawn on the Band Booster accounts in accordance with the requirements of these By-Laws in the absence of the President.
4. Serve as Fundraising Chairperson and may appoint individuals to serve as chair for special committees, not otherwise specified by these By-Laws.
5. Serve as a Representative of the Board of Directors on any other Committee so appointed by the Board.
6. Serve as ex-officio member on all other committees.

**C. The Second Vice President shall:**

1. Preside at meetings of the Band Boosters or the Board of Directors in the absence of the President and the First Vice President.

2. Serve as Board of Director of the Volunteers & Public Relations Committee.
3. Publicize band and Band Booster events.
4. Responsible for the production and distribution of newsletters.
5. Notify Board of Directors of the location, date and time of each Board meeting.
6. Notify members of the location, date and time of each general or special meeting of the Band Boosters, in a timely manner.
7. Responsible for soliciting volunteers and ensure that each volunteer completes the NISD background each and be *cleared prior* to volunteering.
8. Serve as ex-officio member on all other committees.

D. The **Secretary** shall:

1. Record, maintain and make available in writing *minutes* of both the executive and general membership meetings.
2. Ensure that minutes are *read and approved* at the following meeting.
3. Serve as Custodian of all records of the Organization.
4. Conduct correspondence for the Band Boosters and the Board of Directors.

E. The **Treasurer** shall:

1. Have custody of all Band Booster funds and pay debts by check. All checks require two signatures by authorized officers.
2. Countersign checks drawn on the Band Booster accounts in accordance with the requirements of these By-Laws.
3. Maintain an accurate and permanent record of all receipts and disbursements.
4. Present a report of current financial status at each regular general meeting of the Band Boosters, as well as each executive board meeting.

5. Surrender all books and records at the end of the term for an annual audit as prescribed by these By-Laws and /or upon request of the Board of Directors.
  6. Prepare Form 990, Return of Organization Exempt from Income Tax, on or before the due date of the return. It is the responsibility of the incoming Treasurer to prepare and file the required form with the Internal Revenue Service before the return due date. A copy of said Return shall be incorporated into the minutes of the Board of Directors, prior too being filed with the Internal Revenue Service.
  7. Obtain Form W-9 from all parties paid for services.
  8. Send Form 1099MISC to all appropriate parties. (Normally any individual who receives \$600 or more for services from the Organization).
  9. File Forms 1096 and 1099MISC with the appropriate Internal Revenue Service Center.
  10. Collect the appropriate sales tax and file the corresponding state sales tax return with the Texas Comptroller of Public Account.
  11. Maintain student cash accounts and periodically post status of accounts in the band hall or provide balance upon request by student, parent/guardian.
- F. The **Parliamentarian** shall:
1. Be appointed by the President and confirmed by the Board of Directors.
  2. Act in an advisory capacity to the President on all matters of parliamentary procedures.
  3. Shall keep a current copy of the Certificate of Formation, the By-Laws and Robert's Rules of Order (Revised) and shall review the By-Laws with the Board of Directors at each change of personnel.
  4. Attend (and have his/her representative attend) all Board and all regular general or special general meetings and ensure that all meetings and proceedings are conducted in accordance with these By-Laws.
  5. Be a non-voting member of the Board of Directors.
- G. The **Color Guard Section Representative** shall:

1. Be nominated and confirmed by the current members at the last general meeting of the school year.
2. Act as a liaison for members that represent band students in the Color Guard Section.
3. Be a non-voting member of the Board of Directors.
4. In the event that an elected officer is a member that represents a band student in the Color Guard section, then the members can choose to have or not have an additional Color Guard Section Representative during that school year.

H. **The Freshman Representative** shall:

1. Be nominated and confirmed by the current members of the first general meeting of the school year.
2. Act as a liaison for members that represent band students in the freshmen class.
3. Be a non-voting member of the Board of Directors.

### **Article V- Board of Directors**

#### **Section 1**

The Board of Directors of the Band Boosters shall be the President, First Vice President, Second Vice President, Secretary and Treasurer. The Band Director(s), Parliamentarian, Color Guard Representative, Freshman Representative and the Principal of JHS (or the designated representative of the Principal, other than the Band Director), will be ex-officio members without a vote.

A. The Board of Directors shall:

1. Act on behalf of the Band Boosters between regular meetings.
2. Recommend programs and activities to accomplish the purpose of the Band Boosters;
3. Propose a budget for consideration by the Band Boosters at the first general meeting of the school year.
4. Perform any additional duties directed by the Band Boosters.

## Article VI – Standing Committees

### Section 1

Chairpersons will be appointed at the last meeting of the school year from the general membership to coordinate the activities of the Standing Committees. Committee Chairpersons will be invited to the Board of Directors meetings as the need arises, but will not have a vote.

### Section 2

The following Chairpersons of the Standing Committees will serve at the direction of the Board of Directors:

1. **Band Trip Chair(s):** shall assist the Band Director with trip arrangements as needed.
2. **Banquet Chair(s):** shall make all necessary arrangements for the annual banquet.
3. **Chaperone Chair(s):** shall assure that sufficient chaperones are available to chaperone band events.
4. **Concession Chairs(s):** shall arrange for volunteers to staff concession stands as required by the NBA at athletic and band events to raise funds for the Band Boosters. One chairperson will be designated as NBA representative and shall be required to attend NBA meetings, along with the President.
5. **Hospitality Chair(s):** shall arrange for refreshments at general meetings and other functions. Arrange for hospitality acknowledgments.
6. **Roadie Chair(s):** shall arrange for volunteers to provide assistance in the moving of large instruments and equipment to and from the band hall.
7. **Spirit Item Chair(s):** shall be responsible for promoting, ordering, selling and accounting for spirit items as fundraisers for the Band Boosters (Subject to audit at discretion of Board of Directors).
8. **Student Fundraising Chair(s):** shall assist the Band Director with student fundraising as needed.
9. **Telephone Chair(s):** shall be in charge of contacting all members when necessary for any volunteer work or other notification needed.
10. **Webmaster Chair(s):** shall maintain the website for the Band Boosters.

6. In the event an office (other than the office of President) becomes vacant, a replacement shall be elected at the next general or special general meeting of the membership.
7. Any elected officer may be removed from office by a majority vote of the Organization.

### **Article VIII – Parliamentary Authority**

Robert’s Rules of Order, Newly Revised Edition, shall govern the Band Boosters in all cases in which they are applicable and which are not in conflict with these By-Laws.

### **Article IV - Meetings**

1. Board of Directors: The Executive Officer shall meet up to one (1) week, prior to the general membership meeting, or any Band Director may call a meeting as deemed necessary. A quorum shall be at least 50% of the voting members of the Board of Directors.
2. General Meetings: General meetings shall be held no less than six (6) per School year. These meetings shall be held at the KHS school campus at 7:00 p.m., unless otherwise specified.
3. Special Meetings: Special meetings may be called by the Executive Officers or at the written or electronic means, as circumstances permit.
4. Business at any general and special general meeting shall be conducted in accordance with a voting majority of no less than 10% of current members (but not less than 10 members) present to transact business.

### **Article X - Finances**

1. The President of the Band Boosters may authorize expenditures for budgeted items, not to exceed the amount approved by the membership in the annual budget. The President of the Band Boosters shall have the authority to approve non-budgeted expenditures not to exceed \$500.00 per month. Expenditures of non-budgeted funds expected to exceed \$500.00, but less than \$1,000.00 shall be presented to the Board of Directors for approval by a majority of the Directors, prior to being obligated. This shall be limited to \$1,000.00 per month. Any expenditure of non-budgeted funds expected to exceed \$1,000.00 shall first be presented at the regular or special meeting for approval by the general membership, prior to being obligated.

2. The President, First Vice President and Treasurer's signatures shall be on file with the bank for signature on checks issued by the Band Boosters. Two signatures (one of which is the Treasurer) shall be required on **ALL** checks.
3. No officer shall approve or countersign a check that has been issued to him or herself.
4. All monies shall be deposited in the bank and not in the school or personal safe.
5. Financial records shall be submitted for audit no later than August 1 of each year. An audit shall be completed by August 31 of the same year. Transfer of financial records to the new Treasurer shall take place after the audit has been completed and accepted by the incoming officers and other members of the Board of Directors. The audit of records shall be the responsibility of the President of the Band Boosters. The audit group shall consist of three voting members (no spouses), which shall be appointed at the last general meeting for the year.
6. The expenses of the Band Boosters shall be borne by revenues from fundraising and/or donated items.

#### **Article XI - Dissolution**

Upon the dissolution of the Organization, its assets shall be distributed to the band equipment fund or JHS, or for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Organization is located, exclusively for such purposes or to such organization or organizations, as such court shall determine, which are organized and operated exclusively for such purposes.

#### **Article XII - Amendments**

The By-Laws of the Band Boosters may be amended by a two-thirds vote of members present at any regular general meeting. Amendments shall be presented in writing to all members present at least one meeting in advance of the meeting at which the amendment(s) will be voted on, and shall be presented in writing to all members again prior to vote.

Members desiring to amend the By-Laws shall submit proposed amendments in writing to the President, who shall present them as provided above.

A By-Laws Review Committee shall be appointed by the President at least every two years (in odd-numbered years). The Committee shall review the By-Laws and recommend amendments, if necessary. The date of the review shall be recorded in the minutes of the meeting of the Board of Directors subsequently called and reported to the general membership at the next general or special general meeting.

### **Article XIII - Enactment**

These By-Laws were adopted by the Band Booster Board of Directors and majority vote from the general membership; became effective *March 3, 2008.*