

BY-LAWS OF THE
MOORPARK HIGH SCHOOL BAND AND
COLOR GUARD BOOSTERS ASSOCIATION

Amended & Adopted May 11, 2023

ARTICLE 1 - MISSION STATEMENT

The purpose of the Moorpark High School Band and Color Guard Boosters Association is to provide organizational, logistical and financial support to the director and staff of the Moorpark High School Instrumental Music Program. Groups supported by the Music Program include Marching Band, Color Guard, Winter Guard, Percussion ensemble, all Wind, String, and Jazz ensembles, and any other instrumental group established at Moorpark High School. These groups are hereinafter referred to as the Music Program.

The Band and Color Guard Boosters Association enlists parent and student support to accomplish this mission through planning, fundraising, and competition logistics. The Boosters, the Music Program students, the Music Director, and staff depend on each other's strengths to perform optimally. An effective Booster organization enables the Director and students to concentrate on the technical aspects of their performances.

ARTICLE 2 - NAME, ADDRESS, RECORDS

Section 1: The name of this association is the Moorpark High School Band and Color Guard Boosters Association (henceforth "the Association", and collectively known as the Moorpark High School Instrumental Music and Color Guard Boosters, the Moorpark High School Instrumental Music Boosters,

the MHS Band Boosters, the Band Boosters, or the Boosters). The mailing address is: Moorpark High School, 4500 N. Tierra Rejada Road, Moorpark, California, 93021.

Section 2: The Internal Revenue Service Employer Identification Number (E.I.N.) for this organization is 56-2390208. The IRS notified the Association (originally by letter dated November 24, 2003) that it is exempt from federal income tax under section 501 (a) of the Internal Revenue Code as an organization described in section 501 (c) (3).

Section 3: The maintenance and storage of all records, data, and materials of this organization – other than financial records as maintained and stored by the Treasurer (see Article __, section __) – shall be the responsibility of the Secretary and shall be retained for a period of at least seven (7) years, unless otherwise dictated by the current Document Retention and Destruction Policy (first adopted Fall 2022).

Section 4: The fiscal year for this organization begins July 1 and ends on June 30 of each year.

ARTICLE 3 - OBJECTIVES

The objectives of the Association shall be:

Section 1: To provide organizational, logistical, and financial support to the Moorpark High School Instrumental Music Program.

Section 2: To further develop avenues of communication between the Music Program and community.

Section 3: To foster closer parent and student relationships through joint participation.

ARTICLE 4 – MEMBERS

Section 1: Membership shall be open to all parents and/or guardians whose child/children and/or family member/s is/are or will be enrolled in the Music Program. This also includes all parents and/or guardians of incoming freshman or transfer students whose child and/or family member will be enrolled

in the Moorpark High School Instrumental Music Program. Members shall be entitled to voting privileges.

Section 2: Associate members with no voting privileges shall include students of the Music Program, alumni parents and students, and other adults who are in agreement with the mission and goals of this organization.

Section 3: The Music Director shall serve the Association in an advisory capacity and shall inform the Association of the Music Program's activities and needs. The Music Director shall serve as a liaison between the Association and the Music Program, with no voting privileges.

ARTICLE 5 - BOARD OF DIRECTORS AND THEIR ELECTION

Section 1: The Board of Directors of the Association shall consist of nine (9) Board members, who shall be elected annually in May.

Section 2: Six (6) Board members shall serve as Officers of the Association: President, Vice President, Secretary, Treasurer, Financial Secretary, and Fundraising Director. The other three (3) Board members shall serve in the capacity of Facilities Director, Events & Concerts Director, and Volunteer Director.

Section 3: The privilege of being elected or appointed to the Association's Board of Directors shall be limited to adults whose child/children and/or family member(s) is/are incoming or returning to the Moorpark High School Instrumental Music Program. If a Board member's child leaves the program after his or her election or appointment, the Board member may request to complete his or her term according to the provisions of Article 5, Section 7.

Section 4: Nominations for the Board of Directors shall be made by a three-member Nominating Committee, which shall be appointed by the Association during the January meeting. The Committee shall elect its own chairperson. The duty of this Committee is to nominate candidates for the Board of

Directors and to present a proposed slate prior to the May general meeting. The nominating committee shall provide a copy of the current By-Laws to the nominees to clarify the position. Additional nominations from the floor shall be permitted at the May general meeting prior to the vote.

Section 5: Elections shall be held at the May monthly meeting. A simple majority of the membership in attendance will determine the outcome of each position. If three or more nominees run for a single Board position and no nominee achieves a simple majority, a second vote will be conducted with consideration given only to the top two nominees from the first vote.

Section 6: Each Board member shall be elected to serve a one-year term. The term of office shall commence on July 1 and end on June 30. Vacancies that occur in offices other than the President during the ensuing term shall be filled by appointment by the President, with the approval of the Board. In the event of a presidential vacancy, the Vice President will assume the office of President on an interim basis, not to exceed 60 days. During that time, the Board shall appoint a permanent replacement, allowing input from the Music Director.

Section 7: If a Board member's child leaves the program before his or her term ends, the Board Member may request permission from the Board to complete their term if they desires to do so. Such a request must be made and voted on at the first board meeting following the change in status. If the Board member does not want to complete the term, or if the Board does not approve the request by majority vote, with the Board member in question abstaining, then the position shall be considered "vacant" and shall be filled according to the procedures in Section 6 above.

Section 8: If a Board member engages in behavior unsuitable for the Association or fails to perform their duties without adequate reason for a period of thirty (30) days or fails to attend three (3) consecutive Board and/or General meetings, the Board may remove the Board Member and declare the position

vacant. Any action to remove a Board member requires a simple majority vote of the Board at a regularly scheduled Board Meeting, or at a Special Meeting (refer to Article 8).

Section 9: All signers on the accounts and the Financial Secretaries shall be subject to a background check.

ARTICLE 6 - DUTIES OF BOARD MEMBERS

Each Board member shall mentor newly elected persons of the duties in their respective areas.

Section 1 - The President:

Shall preside at all meetings of the Association and Board;

Shall be a member ex officio of all committees;

Shall confirm that all persons are appointed to standing and special committees subject to Board approval as outlined in Article 10;

Shall act as liaison between the Music Director and the Association; and

Shall co-sign checks with the Treasurer and/or the Vice President, except when checks are made payable to the President or their spouse.

Section 2 - The Vice President:

Shall act as an aide to the President;

Shall, in the absence of the President, perform the duties of the President and shall co-sign checks in situations where the President or Treasurer is unable to do so. The Vice President shall not co-sign a check made payable to their spouse or self or other family members; and

Shall organize and participate on the by-law revision committee bi-annually;

Section 3 - The Secretary:

Shall keep an accurate record of the proceedings of all meetings of the Association and of the Board;

Shall prepare a list of unfinished business items for the President and assist with the preparation of the agenda; and shall have on hand for reference at each meeting a copy of the By-Laws, minutes of the previous meetings, and a list of all committees;

Shall be prepared to present and refer to minutes of previous meeting;

Shall conduct all necessary correspondence of the Association or shall ensure that the appropriate Association member is made aware of any specific need for correspondence;

Shall be responsible for transcription and duplication of all notices relating to the Association. Minutes taken during the previous month will be given to Board Members and the band director at least one week prior to the next scheduled Association meeting;

Shall be responsible for managing the flow of information from the Board to the general membership;
and

Shall co-sign checks in situations where the President or Vice-President are unable to do so. The Secretary shall not sign a check without first reviewing and initialing the supportive invoice and/or receipt, nor shall the Secretary co-sign a check made payable to spouse or self or other family members.

Section 4 - The Treasurer:

Shall keep permanent books of all accounts and records, subject to the Document Retention and Destruction Policy, as adopted Fall 2022 and as may be amended beyond that;

Shall oversee all monies disbursed by the Association;

Shall pay all bills authorized by the Board or the Association, supervise the payment of such bills through others' access to Association accounts, and reimburse others who have paid such bills from their own funds;

Shall ensure disbursements are authorized or seek proper authorization before making payments;

Shall co-sign checks but shall never co-sign a check to spouse or self or other family members;

Shall not sign a check without first reviewing the supporting invoice and/or receipt and budget authorization;

Shall keep an accurate accounting record of receipts and disbursements;

Shall ensure that a monthly reconciliation is performed for all accounts, and that all deposits, debit and credit payments, electronic (EFT, ACH, PayPal, *et al*) payments, and checks written are verified and approved by the Association;

Shall prepare and present monthly financial statements for monthly meetings of the Association and at other times when requested by the Association, including a list of all checks written, electronic transactions, and deposits made.

Shall prepare all financial records for review, and shall ensure that a review is conducted by an individual(s) approved by the board; and

Shall ensure the appropriate tax documents, such as IRS Forms W9, 1099, 990, 1096, and 199, are obtained, prepared, and/or filed as needed.

Section 5 - The Financial Secretary:

Shall ensure that all monies remitted to the Association are deposited in the bank account approved by the Board;

Shall make a complete record of all checks for the treasurer before depositing;

Shall make deposits within four (4) business days upon receipt of such deposit(s);

Shall prepare start up cash for events and fundraisers;

Shall assist the Treasurer by maintaining and reporting an accurate record of all receipts for filing financial records;

Shall maintain records of donations and contributions made by families of students, funds raised through fundraising activities, and donations received from local businesses or others not directly associated with the Music Program;

Shall assist the Treasurer in preparation of year-end donation letters, compiling donor information and donation amounts as needed; and

Shall be assisted by persons appointed by the Board;

Section 6 - Fundraising Director:

Shall act as an aide to the President and Vice President;

Shall organize and oversee all Board-approved opportunities; and

Shall oversee all fundraising as directed by the Board, excluding the Battle of the Bands field show fundraising event.

Section 7 - Facilities Director:

Shall act as an aide and support the Vice President;

Shall be responsible for assisting and coordinating all band-related efforts to maintain and keep orderly all equipment, trailers, storage containers and their contents;

Shall be responsible for assisting and coordinating with the props department;

Shall be responsible for assisting and supporting the Roadies Lead and Chuckwagon Lead; and

Shall ensure that the band room perimeter is clean and trash removed on a regular basis.

Section 8 – Events & Concerts Director:

Shall plan and organize, including but not limited to, Winter Concert, Swing Night, and Spring Concert; the Fall (Spooktacular) concert and Swing Night, in conjunction with those leads when they are separately designated; and, in coordination with the Instrumental Music Leadership Council (IMLC), any End of Year Banquet; and

Shall secure a working group that allows for timely preparation prior to scheduled events to help plan and execute the events.

Section 9 - Volunteer Director:

Shall recruit volunteers for Music Program fundraisers and other functions;

Shall maintain volunteer needs on Charms;

Shall send out emails requesting volunteers for events; and

Shall be assisted by persons appointed by the Board.

ARTICLE 7 - FINANCIAL REQUIREMENTS

Section 1 - Money Handling:

All funds received shall be counted by two adults not of the same household, one of which must be an adult member of the Association. The amount counted shall be documented in writing and filed with the Treasurer as part of the deposit documentation.

The Board shall be responsible for engaging the services of reputable financial institutions, as needed, to hold the Association's funds.

Section 2 - Guidelines for Expenditures:

Funds raised by the Association are not to be commingled with Student Body funds or otherwise used for expenditures prohibited by the California State Education Code.

This organization is a nonprofit public benefit organization and is not organized for the private gain of any person. The property of this organization is irrevocably dedicated to charitable purposes, and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.

Section 3 - Distribution of Funds:

If the Association for any reason ceases to exist, funds remaining in accounts after disbanding shall be distributed at the discretion of the Board to another 501 (c) (3).

Section 4 - Financial Review:

An independent reviewer appointed by the Board shall conduct a regular review of the Association's financial records. The reviewer shall verify that the procedures outlined in these By-Laws are followed and that there is a review of internal controls to ensure they are appropriate and adequate.

ARTICLE 8 - MEETINGS

Section 1: Association meetings shall be held at least seven (7) times during the school year. A quorum, consisting of a majority of Board members, is necessary for any item requiring a vote.

Section 2: Special meetings of the Association may be called by the President, or by request of five members of the Association, provided one week's notice has been given to the membership.

ARTICLE 9 - THE BOARD

Section 1: The Board shall consist of the elected officers and directors of the Association (as listed in Article 5, section 2).

Section 2: The Board shall provide organizational leadership for the Associates-at-large and its various committees.

Section 3: The Board shall authorize payment of routine organizational expenses within the limits of the Association's approved budget. The Board may approve non-budgeted items of less than one thousand dollars (\$1000.00). Non-budgeted expenses over one thousand dollars (\$1000.00) need to be approved by the Association by the simple majority of those present.

Section 4: The Articles of Association and By-Laws shall be reviewed every two years by a committee consisting of a minimum of three members.

Section 5: At the beginning of the term of office, each member of the Board shall be given a copy of these By-Laws and shall be responsible for making a thorough study of them. A copy of the By-Laws shall be made available to any member of the Association upon request.

Section 6: The board shall establish an operating budget for the fiscal year before the first Association meeting of that year. The Budget Committee will ideally consist of the President, previous year's President, Treasurer, the previous year's Treasurer, and Music Director(s). Any meeting will be open to outgoing and incoming Board members. The President shall chair the Budget Committee.

ARTICLE 10 - STANDING APPOINTMENTS AND SPECIAL COMMITTEES

Standing Appointments and Special Committees shall be established as needed by the Board to allow the Association to serve the Music Program effectively and efficiently. The term of office for Standing

Appointments and Chairpersons or Leads of Special Committees shall be one year or shall terminate coinciding with the end of the current Association administration, whichever occurs first.

Each committee shall be composed of volunteer members of the Association and shall report to the Board. Standing Appointments and Special Committees may include, but are not limited to, the following:

Alumni Liaison: Shall function as the liaison between the Board and the alumni.

Battle of the Bands Director: Shall oversee the annual field show fundraising event.

Chuckwagon Lead: Shall provision all food, beverages, and related supplies needed for any Band and/or Color Guard event during marching season and support events throughout the year as needed. Shall keep all Chuckwagon equipment well maintained and “The Casa” (storage shed) organized.

Communications Director: Shall coordinate with the Volunteer Director, Music Director, Events & Concerts Director, and the Lemonade, BOTB, and Treelot Leads to disseminate announcements and information to students, parents, and alumni, through internal management systems (such as CharmsOffice) and external social media (such as Facebook).

Lemonade Stand Lead: Responsible for ensuring all activities for the successful operation of the Lemonade stand are completed.

Prop Department Lead: Under the direction of the Vice President and Facilities Director, shall undertake everything necessary to complete and maintain the props for the marching band.

Publicity Coordinator: Shall be responsible for all publicity for all Association and student activities prior to and after all events. This includes notifying local newspapers, radio stations and local cable channels and distribution of any flyer inserts. Shall coordinate with the Instrumental Music Leadership Council (IMLC) publicity officer.

Roadie Lead: Under the direction of the Vice President and Facilities Director, shall disseminate information to other Roadies prior to performing events, and shall work alongside all participating roadies.

Spirit Wear Lead: Shall coordinate the ordering, storing, and sale of specialty items which are not required, such as travel bags, jackets, sweatshirts, show shirts, etc.

Tree Lot Lead: Responsible for ensuring all activities for the successful operation of the Holiday Tree Lot are completed.

Webmaster: Responsible for maintaining the official website of the Music Program by keeping all pages updated with current information.

Winter Guard Lead: Coordinates communication, transportation, and meals for Winter Guard trips.

Uniforms Lead: Shall coordinate the fitting, issuance, repairs, launder, and storage of all uniforms, headpieces, gloves, and shoes.

ARTICLE 11 - LIMITATION OF LIABILITIES

The Association will only be responsible for payment of bills necessary for operations of the Association. No member of the Board, staff, or the Association in general shall make or incur any debt or liability in the name of the Association or on its behalf unless duly authorized by the Board.

ARTICLE 12 - POLITICAL LIMITATION

No substantial part of the activities of this organization shall consist of carrying on propaganda or otherwise attempting to influence legislation, and the organization shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

ARTICLE 13 - AMENDMENTS

These By-Laws may be amended by a simple majority vote of the membership in attendance. Notice will be provided to the membership one week in advance when a proposal to amend the By-Laws is on the agenda.

ARTICLE 14 - PARLIAMENTARY AUTHORITY

Robert's Rules of Order shall be used as the guidelines to conduct all Association meetings, unless they are in conflict with these By-Laws.

The below named Officer of the Association certifies these By-Laws which have been duly presented and approved by the Association's Membership as required by Article 13, at the meeting held on May 11, 2023.

Secretary: _____ Date: _____

Kelly Marian