

BYLAWS OF LA CUEVA BAND BOOSTERS

Article I. **NAME**

Section 1.01 The name of the organization is the La Cueva High School Band Boosters (the "Organization").

Article II. **PURPOSE**

Section 2.01 The purpose of the Organization is to promote the interests of the La Cueva Band Program under the guidance of the LCHS Director(s) of Bands, who determines the direction of the program, and to engage in any lawful purposes for which a non-profit organization may be organized under the laws of New Mexico.

Section 2.02 This organization will abide by all APS School Board and administrative policies and Procedures.

Article III. **MEMBERSHIP**

Section 3.01 Membership is open to and automatically granted to all parents and/or guardians of students active in the La Cueva Band Program. Voting members serve as officers on the Executive Board, who are elected to represent the constituency. The Director(s) of Bands, serving as the Principal's designee in an ex-officio capacity, must refrain from voting on motions related to any expenditure of organizational funds per Albuquerque Public Schools Instructional Procedural Directive Addendum. All members will comply with these by-laws and any rules and regulations of the Organization which may be adopted from time to time. Members are not personally liable for the debts, liabilities, or obligations of the Organization. Members will comply with the [APS school volunteer conduct and code of ethics](#).

Section 3.02 General Meetings: General meetings of the members shall be held during the school year, as needed. All Organization business, including the expenditure of funds, shall be conducted in Executive Board meetings, with decisions presented at the general meeting. Student Officer(s) shall serve as non-voting liaisons - giving input on student concerns and informing the students of the Organization's point of view.

Section 3.03 Executive Board Meetings: Executive Board meetings will be held at minimum each month, or more frequently as deemed necessary for any purpose, and may be called by any member of the Executive Board.

Section 3.04 Notice of Meetings: Adequate notice of the place, day and time of all meetings shall be given to all members, via written, oral, or electronic media means, or posted on the La Cueva Big Bad Bear Band website band calendar. Notice of Executive Board meetings shall be delivered similarly, not less than 24 hours before the day of the meeting.

Section 3.05 Voting of Executive Board Members: Each member of the Executive Board present at a meeting shall be entitled to one vote upon each matter submitted to a vote at a meeting of the members. All voting shall be decided by a simple plurality of the membership present at any scheduled or special meeting.

BYLAWS OF LA CUEVA BAND BOOSTERS

Article IV. OFFICERS

- Section 4.01 Officers: The officers of the Organization will be the President, 1st Vice-President, 2nd Vice-President, 3rd Vice-President, Secretary and Treasurer. No person may hold more than one office. If no 2nd Vice- President is elected, all duties fall to the 1st Vice-President. These officers are considered members of the Executive Board.
- Section 4.02 Nominations: A Nominee Representative shall be appointed by the Executive Board by the February meeting. The Nominee Representative shall present the proposed slate of officers at the March meeting. The slate of officers will be presented again at the April meeting at which time nominations may be made from the floor and voting will take place either electronically or in person, as determined by the executive board.
- Section 4.03 Election and Term of Office: The officers of the Organization shall be elected annually by the members of the Organization at the regular April meeting of the members. Officers shall serve for a period of one (1) year beginning June 1 and ending on May 31. Each officer shall hold office until the final board meeting of the fiscal year, or until his or her death, his or her resignation, or until he or she has been removed as provided herein. All offices are open to election/re-election annually.
- Section 4.04 Vacancies: If a vacancy occurs in the office of the President, the 1st Vice-President shall assume the duties of the President and the 2nd Vice-President will assume all Vice-President duties. If a vacancy occurs in any other office, the Executive Board shall appoint a replacement for the remaining portion of the term.
- Section 4.05 President: The President shall preside at all meetings of the organization, appoint all committee chairs with the approval of the Executive Board and shall be an ex-officio member of all committees.
- Section 4.06 First Vice-President: The 1st Vice-President shall assume all the duties of the President in their absence and chair the Fundraising Committee.
- Section 4.07 Second Vice-President: The 2nd Vice-President coordinates and oversees all the Committees, with the exception of Fundraising.
- Section 4.08 Third Vice-President: The 3rd Vice-President will represent the interests of the Color Guard and serve as the liaison between the Executive Board and the Color Guard staff.
- Section 4.09 Secretary: The Secretary shall
- (a) Keep the records and minutes of all meetings and publically post the minutes;
 - (b) See that all notices are duly given in accordance with the provisions of these By-laws and as required by law;
 - (c) Prepare and distribute newsletters;

BYLAWS OF LA CUEVA BAND BOOSTERS

- (d) Send student account statements as needed;
- (e) Maintain updated record of student roster in the band program database;
- (f) Be custodian of the records of the Organization;
- (g) In general, perform all of the duties incident to the office of Secretary and such other duties as from time to time may be assigned by the President or the Executive Board.

Section 4.10 Treasurer: The Treasurer shall

- (a) Have charge and custody of and be responsible for all funds and securities of the Organization from any source whatever, receive and give receipts for monies due and to the Organization from any source whatever, and deposit all such monies in payable the name of the Organization in such banks, trust companies or other depositories as shall be selected by the Executive board;
- (b) Prepare such reports of the Organization's finances as may be required from time to time by the Executive Board, Albuquerque Public Schools or the administration of La Cueva High School;
- (c) Take charge of preparing and filing all associated tax returns and audits; these can be accomplished by the Treasurer or by the Treasurer engaging a professional. Archived financial Records shall be kept pursuant to Internal Revenue Service regulations.
- (d) Present an oral and written financial report to the membership at each scheduled meeting. This report will become a permanent record of the minutes; and
- (e) In general, perform other duties as from time to time may be assigned by the President of the Executive Board.

Article V. **EXECUTIVE BOARD**

- Section 5.01 Qualifications: The Executive Board shall include both elected and appointed positions. Its composition includes officers, The Director(s) of Bands, and the Principal or his/her designee if different from the Director(s) of Bands. Aforementioned APS Faculty/staff members will serve in an ex-officio capacity.
- Section 5.02 Powers: The Executive Board shall have general supervision of the affairs of the Band Boosters.
- Section 5.03 Volunteer Status: All Executive Board members shall perform their duties on a strictly volunteer basis and will not receive payment or other compensation for their services.
- Section 5.04 Meetings: The Executive Board shall meet prior to determine the agenda for the next public meeting.
- Section 5.05 Quorum: Three (3) voting members of the Executive Board shall constitute a quorum for the transaction of business at any meeting of the Executive Board.
- Section 5.06 Removal: At any meeting of members called expressly for the purpose of removal, any officer of the Executive Board may be removed, with cause (including but not limited to immoral, unethical or criminal misconduct, failure to perform duties, general misconduct unbecoming of a representative of the LCHS Band Program), by a vote of simple plurality of the members

BYLAWS OF LA CUEVA BAND BOOSTERS

present. In the event that an officer is removed, they are not eligible to run for or hold executive office in the future. A new officer may be elected at the same meeting for the remaining term of the officer so removed. Failure to elect an officer for the remaining term shall create a vacancy in the office and the Executive Board.

Article VI. **COMMITTEES**

- Section 6.01 The Committees of the Organization shall consist of: Fundraising, Equipment and Prop Transportation, Pageant of Bands, Chaperone, Uniforms, and Hospitality. Additional committees may be created by the Executive Board as necessary.
- Section 6.02 Volunteer Status: All Committee members, chairpersons and other helpers shall perform their duties and tasks on a strictly volunteer basis and will not receive payment or other compensation for their services.
- Section 6.03 Fundraising : The Fundraising Committee shall be chaired by the 1st Vice President. The function of the committee is to plan, organize, and implement fundraising activities of the organization as approved by the Executive Board. Fund raising activities will be voluntary and are a method to help defray personal and band event expenses.
- Section 6.04 Equipment and Prop Transportation Committee: This committee has the following responsibilities; the scheduling of required rental truck for equipment transportation for all required times, the transportation of the equipment to and from the performance location, and oversight of set-up.
- (a) The committee is responsible for providing transportation for the musical instruments and all auxiliary band equipment to and from performances. Included in this responsibility is the oversight of loading and unloading of the equipment conveyance.
 - (b) The committee is also responsible for providing transportation of marching show props as needed for marching season. This may include additional equipment for transportation as well as loading and unloading of materials.
 - (c) The committee will set up the podiums prior to performances and disassemble them afterwards.
 - (d) This committee is not responsible for lost or damaged instruments or equipment items.
 - (e) The committee is not responsible for carrying instruments into or out of the band room.
- Section 6.05 Pageant of Band Committee. The chairperson(s) is/are responsible for all organizational involvement with the Pageant of Bands and is/are the La Cueva Band representative(s) on the New Mexico Pageant of Bands Committee.
- (a) The chairpersons will attend all Pageant committee meetings and vote for the La Cueva Band.
 - (b) All information coming from the Pageant to the organization will be routed through these Chairpersons.
 - (c) This committee will liaison and organize Pageant fundraisers, ensuring close coordination with the Fundraising Committee chairperson.

BYLAWS OF LA CUEVA BAND BOOSTERS

- (d) The committee will arrange for all volunteers that the Organization is required to provide for the Pageant of Bands Competition.

Section 6.06 Chaperone Committee. This committee is responsible for providing adult supervision to assist the Director(s) of Bands.

- (a) The committee will generally provide a ratio of one adult for every 10 students out of state and one adult to every 15 students in state (this ratio may include adult equipment personnel but not band employees). The committee will provide the actual number of adults required by Albuquerque Public Schools policy.
- (b) All chaperones will meet current APS volunteer requirements.
- (c) If the chairperson cannot be present at an event, then a head chaperone will be designated.
- (d) The chairperson or head chaperone will receive instructions from the Director(s) of Bands concerning the schedule and what is required of the chaperones. The other chaperones will be informed of these instructions by the chairperson/head chaperone.
- (e) The chairperson/head chaperone will be responsible for ensuring chaperones meet volunteer requirements, permission forms, the first aid kit with chaperones appropriately trained in first aid administration, and any other items deemed essential to perform chaperone duties.

Section 6.07 Uniform Committee: This committee will be responsible for organizing band uniform fitting, distribution, and proper return including oversight of cleaning and repair.

Section 6.08 Hospitality Committee : This committee will be responsible for providing hydration, snacks and meals as appropriate at football games, parades, competitions, band camp and school practices.

Article VII. FUNDS

Section 7.01 Money: All monies received by the Organization shall be held in a checking and/or saving account in a local bank.

Section 7.02 Budget: The annual budget shall be prepared by the Executive Board; Standing Committee chairpersons shall be contacted for budget input. The budget shall be approved at the July Executive Board meeting by a simple plurality of voting members. The Executive Board may not increase the annual budget by more than a factor of 10% of the prior year's spending without approval of a majority of the members present at an Executive Board meeting. The organization shall be notified whenever a vote to change the annual budget is scheduled, at least one week prior to the Executive Board meeting when the vote will take place. Once the annual budget has been approved, allocation of funds for non-budgeted items shall be handled according to the following terms and conditions:

- (a) Non-budgeted items that exceed \$1000 that become necessary for purchase during the course of the budget year shall require voter approval of the Executive Board. The Organization shall be notified when non-budgeted items are planned for vote at least one week prior to the meeting when the vote will take place.

BYLAWS OF LA CUEVA BAND BOOSTERS

- (b) If a non-budgeted emergency arises and funding up to \$1,000 is immediately necessary, a special meeting of the Executive Board shall be convened to vote on the non-budgeted item. If such an emergency condition results in the Executive Board allocating funds outside the approved budget, the Organization shall be advised of the situation at the next general meeting of the Organization.
- (c) In all cases, the allocation of funds to a non-budgeted item shall not be made when funds and/or unallocated reserves are not available to cover projected expenses of the Organization.

- Section 7.03 Checks: All disbursements of organization income shall be made by Band Boosters check (requiring two signatures of persons designated by the Executive Board), direct payment from the checking account, or by credit/debit card. The two signatories responsible for the funds must become bonded by a licensed insurance company within thirty (30) days of taking office. The Treasurer may use or delegate use of the Booster debit/credit card for online purchases and invoice payments.
- Section 7.04 Audit: The Treasurer's record books shall be audited, after presentation of the annual financial report to the Executive Board by the Treasurer, with the audit to be completed in accordance with APS and LCHS requirements. If no date is established by APS or LCHS, the audit will be completed prior to June 30. No Executive Board member shall serve as auditor. . The audited Treasurer's report will be approved by the Executive Board and presented to the principal and the APS associate Superintendent of Finance by July 15 of each year, or by the dates determined by APS and LCHS.
- Section 7.05 Start Up Monies: The Treasurer will hold over start up monies for the following year's Executive Board in an amount as determined by projected budgetary needs.
- Section 7.06 Commitments: Committee Chairs may spend up to approved budget amount [for their committee's budget line item]. Unbudgeted amounts over \$100 must be approved by the Executive Board prior to purchases being made. Any amendments made by the Executive Board must be reported to the Board at the next meeting in the Treasurer's Report. Per APS policy, members of the faculty/staff (i.e., the Director of Bands or assistant Director of Bands) may not be involved in any activities involving finances, including ordering items, collecting monies, or signing checks for the organizations, etc.
- Section 7.07 Reimbursements: All reimbursements must be presented to the Treasurer or other designated Executive Board member within 30 days of the expenditure and include a completed reimbursement form and itemized receipt of the purchased items. Reimbursements presented beyond this time period may be denied for reimbursement, and a charitable donation form will be created in lieu of reimbursement.
- Section 7.08 Student Accounts: In order to protect the Boosters' 501(c)(3) non-profit status, all student account funds must remain the property of the Organization. No funds may be dispersed from student accounts directly to the students or parents.

BYLAWS OF LA CUEVA BAND BOOSTERS

Section 7.09 Dissolution: No part of the income of the Organization shall inure to the benefit of any person. In the event of dissolution of the La Cueva Band Boosters, all remaining funds of the Organization, if any, shall be payable to La Cueva High School Band activities account for application to the La Cueva High School Band Program only.

Article VIII. FUNDRAISING

Section 8.01 Fundraising is an ongoing activity throughout the year. It is an extremely important activity since it is the primary means by which we purchase equipment, supplies and pay for travel. All fundraising activities shall be proposed and conducted in accordance with APS and LCHS rules and regulations. La Cueva Band Boosters is a non-profit entity and as such, all funds in all accounts belong to the La Cueva Band Boosters, not to individual students.

(a) All fundraisers must be approved annually regardless of ongoing history

(b) The 1st Vice President or Executive Board appointed designee will complete and file the Fundraising Approval Form with the school office/administration.

Section 8.02 Group Fundraising: All proceeds from group fundraisers (such as a craft fair or car wash) must go into the general account, are used for the benefit of the entire band program, and are not credited to individual students.

Section 8.03 Year End Procedure: No money that was fundraised will be refunded from any account at year's end.

(a) Excess funds in the general Booster account will be carried over for use in the next year.

(b) For students returning to band in the following year, any excess funds in their individual student "account" will be held over for use in the band program at the beginning of the next school year.

(c) For students that do not return to the band program the following year (for any reason, including graduation) the excess funds in their individual student "accounts" may be designated for use by a sibling. This action must be requested in writing to the Treasurer by the student's parent within three (3) months of the student's exit date from the program. If no request is received in writing by the Treasurer within three (3) months of the student's graduation date, all remaining funds shall be placed in the Booster's general fund.

Article IX. FISCAL YEAR

Section 10.01 The fiscal year shall be the period beginning June 1st and ending May 31st.

Article X. AUTHORITY

Section 11.01 The rules contained in the latest edition of Robert's Rules of Order, Revised shall govern this Organization in all cases in which they do not conflict with the rules of this Organization.

Section 11.02 The Organization shall not attempt to direct or interfere with the established and documented

BYLAWS OF LA CUEVA BAND BOOSTERS

policies and procedures of the band director(s), the school, or the district. The Director of Bands shall have final approval of all projects being considered by the Organization before they are presented at the membership meetings.

Section 11.02 No action may be taken in the name of or on behalf of the Organization unless first approved by The Executive Board or by consensus of the majority of the general membership. The Organization shall not be bound by or liable for any action, which has not been properly approved.

Article XI. **INDEMNIFICATION**

Section 12.01 In accordance with the provisions of Section 53-8-26, NMSA 1978 (1995 Cum. Supp.), each officer and directors of the Organization shall be indemnified against reasonable expenses, costs and attorney's fees actually and reasonably incurred by her or him in connection with the defense of any action, suit or proceeding, civil or criminal, in which she or he is made a party by reason of being or having been a director or officer. Such indemnification shall include amounts reasonably paid to satisfy a judgment or compromise or to settle a claim. The officer or director shall not be indemnified if she or he shall be adjudged to be liable on the basis that she or he has breached or failed to perform the duties of her or his office and the breach or failure to perform constitutes willful misconduct or recklessness.

Article XII. **AMENDMENTS**

Section 13.01 These By-laws may be amended by a two-thirds majority vote of the members present at any regular meeting. The amendments must have been presented in writing at the preceding scheduled meeting of the organization.

Original By-laws accepted c.1986

Revised January 13, 2004

Revised May 4, 2004 (Committee: Jennifer Mullen, Celina Stoyanof, Matthew Shover, Diane Fehrenbach, and Penny Tennant)

Revised April, 2016

Revised November 14, 2018 (Committee: Liz Lacouture, Luanne Stordahl, Andrea Brandt, Penny Tennant, and Amy O'Brien)

Revised July 02, 2024