

BY-LAWS OF LA CUEVA BAND BOOSTERS

Article I. NAME

Section 1.01 The name of the organization is the La Cueva 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 of Bands 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. Membership is open to and automatically granted to all parents and/or guardians of students active in the La Cueva Band Program. All members will be considered voting members. Voting members may serve as officers on the Executive Board. The Director 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.

Section 3.02 Regular Meetings. Regular meetings of the members shall be held monthly during the school year. All Organization business, including the expenditure of funds, shall be conducted in open meetings. 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. The President, with consent of the Executive Board, may cancel or reschedule a regular meeting.

Section 3.03 Special Meetings. Special meetings of the members, for any purpose or purposes, may be called by the President, the Vice-Presidents or by the Executive Board, or shall be called by the President at the request of voting members - the number of which shall be greater than one-tenth (1/10) of the number of active band students.

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 special meetings shall be delivered similarly, not less than 24 hours before the day of the meeting.

Section 3.05 Voting of Members. Each member of the Organization 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.

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 Nominating Committee shall be appointed by the Executive Board by the February meeting. The Nominating Committee 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.

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 except the Nominating Committee.

Section 4.06 First Vice-President. The 1st Vice-President shall assume all the duties of the President in his absence and chair the Ways and Means Committee.

Section 4.07 Second Vice-President. The 2nd Vice-President coordinates and oversees all the Committees, with the exception of Ways and Means.

Section 4.08 Third Vice-President. The 3rd Vice-President will represent the interests of the Color Guard and serve as the liason between the Executive Board and the Color Guard staff.

Section 4.09 Secretary. The Secretary shall:

- (a) keep the records and minutes of all Regular and Special meetings and post the minutes on Charms
- (b) see that all notices are duly given in accordance with the provisions of these By-laws and as required by law;
- (c) attend to the correspondence;
- (d) prepare student rosters; keep a register of the address of each member;
- (e) be custodian of the corporate records;
- (f) 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 payable to the Organization from any source whatever, and deposit all such monies in 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 or 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 of Bands, and the Principal or his/her designee if different from the Director of Bands. Above 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 of other compensation for their services.

Section 5.04 Meetings. The Executive Board shall meet prior to each scheduled meeting to determine the agenda for the next general 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, by a vote of simple plurality of the members present. 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: Ways and Means, Equipment Transportation, Pageant of Bands, Chaperone, Uniforms, and Drinks. 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 Ways and Means Committee. The Ways and Means Committee shall be chaired by the 1st Vice President. The function of the committee is to plan, organize, and implement fund raising 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 podium 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 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 Booster 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 Boosters.

(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 Ways and Means chairperson.

(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 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, than a head chaperone will be designated.

(d) The chairperson or head chaperone will receive instructions from the Director 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 and any other items deemed essential to perform chaperone duties.

Section 6.07 Uniform Committee. This committee will be responsible for band uniform ordering, distribution and control.

Section 6.08 Drinks. This committee will be responsible for purchasing and distributing water and other beverages for all 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 regular September meeting by a simple plurality of voting members.

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 the Booster debit/credit card for online purchases.

Section 7.04 Audit. The Auditing Committee shall audit the Treasurer's record books, 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 on the Auditing Committee. 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. 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 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 Program 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 must have a complete Fundraising Approval Form on file with the office.

Section 8.02 Group Fundraising. All proceeds from group fundraisers, such as a garage sale 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.

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.

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

Revised April, 2016

Original By-laws accepted c. 1986

Revised May 4, 2016 Committee: Jennifer Mullen, Celina Stoyanof, Matthew Shover, Diane Fehrenbach, and Penny Tennant

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