

Burton Elementary Parent Teacher Organization

BYLAWS



Article I

Name and Office Location

1. The name of this organization shall be Burton Elementary Parent Teacher Organization (referred to herein as "Burton Elementary PTO" or the "PTO"). It is independent of all state and national organizations and associations.
2. The principal office of the PTO shall be located at any place either within or outside the State of Utah, as designated in the PTO's Articles of Incorporation or the PTO's most recent annual report on file with the Division of Corporations and Commercial Code providing such information. The PTO may have such other offices, either within or outside the State of Utah as the Executive Board may designate or as the business of the PTO may require from time to time.

Article II

Purpose and Objectives

1. The purpose of the Burton Elementary PTO is:

To support the education of the children at Burton Elementary School, Kaysville, Utah by fostering relationships among the school, parents, and teachers. The organization is organized exclusively for the charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or corresponding section of any future federal tax code (hereinafter referred to as "Internal Revenue Code"). Notwithstanding any other provision of these Bylaws, the PTO shall not carry on any activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c)(3) if the Internal Revenue Code.

2. The objectives of the Burton Elementary PTO shall be:
 - a. To establish a community partnership that will bring about a spirit of unity and cooperation in the education of our students.
 - b. To give volunteer support to the principal, teachers, staff members and students as deemed beneficial to the students.

- c. To advocate for adequate laws, including but not limited to school policies, for the care and protection of children in our school.
- d. To foster and support school and student activities that will promote the highest advantages in physical, mental, social, and spiritual education.
- e. To provide financial assistance where needs are identified and support the objectives listed above.

Article III Policies

1. The programs and events sponsored and administered by the PTO shall promote the objectives listed in Article II and shall be developed and carried out by the PTO Board and its committees in accordance with the following policies:
 - a. The PTO is a non-commercial, non-sectarian, and non-partisan organization.
 - b. The PTO may cooperate with other organizations and agencies active in child welfare.
 - c. All PTO business shall be conducted in accordance with these Bylaws. As set forth herein, the necessary quorum of Members and/or the PTO Executive Board, as applicable, must be present to conduct official PTO business.
 - d. No individual Officers, Executive Board Members or Members of the PTO, or any other individual, shall make any commitments or decisions on behalf of the PTO unless specifically approved in the manner provided for in these Bylaws.
 - e. The PTO shall remain free of any and all political involvement. It will in no way participate or intervene in any political campaign. The PTO may, however, seek to educate people concerning school issues, such as school bond issues and similar concerns.
 - f. The PTO will work cooperatively with the school staff to support and enhance the educational and cultural environment in the school, but will in no way direct the programs of the administration and staff, recognizing that the legal responsibility to make decisions has been delegated by the people to boards of education.
 - g. The PTO shall work with the Burton Elementary Principal to plan and set dates for PTO activities, programs, and meetings. All proposed activities and fundraisers, shall be submitted to the Burton Elementary Principal for approval.
 - h. The annual financial PTO goal is to manage expenses and collect enough income to pay for all anticipated expenditures and to pass on to the next fiscal year a reserve of at least \$5,000, with a goal of approximately fifty percent of the current year's annual budget. The goal is not to accumulate money to remain static in the PTO account. The PTO will not sponsor extra / additional fundraisers if they are not needed to cover anticipated expenses.

Article IV Membership and Dues

1. **Membership.** Any parent, guardian, or other adult standing in loco parentis for a student at the school may be a member and shall have voting rights. The principal, any teacher, para-professional, therapist, special services provider, or otherwise employed at the school may be a member and have voting rights. Each membership shall be considered to be an individual membership with a single vote, which vote may be exercised by a parent, guardian, or other adult standing in loco parentis for a student at the school actually paying the dues for such membership. If a student at the school has more than one parent, guardian, or other adult standing in loco parentis, an additional membership must be obtained and paid for in order to secure more than a single vote for said family. For example, if a student has parents who have divorced and remarried, that student has four possible memberships in the PTO. However, in order for each to have individual votes, four memberships must be established and paid for.
2. **Dues.** Dues, if any, will be established (and/or waived) by the Executive Board. If dues are charged, a member must have paid (or received a waiver from the Executive Board) his or her dues ten (10) days before the meeting to be considered a member in good standing with voting rights.
3. **Registration.** The PTO shall conduct an annual enrollment of members but may admit persons to membership at any time. Annual Membership begins with payment of dues (if required) and ends at the close of Back to School Night the following school year.

Article V

General Membership Meetings

1. **Annual Meetings.** Annual meetings of the PTO shall be at a time and place determined by the Executive Board. The Executive Board shall provide notice of an Annual Meeting, stating the place, day, and hour of any annual or special member meeting not less than ten (10) nor more than sixty (60) days before the date of the meeting, either personally, by electronic mail to each member of record entitled to vote at such meeting, and to any other member entitled by these Bylaws to receive notice of the meeting. Notice shall be deemed to be effective when mailed electronically. The annual meeting is for approving the PTO annual budget, voting in officers, and conducting other business that should arise.
2. **PTO General Meetings:** PTO General Meetings shall be held on a regular basis at a time and place designated by the Executive Board at the beginning of its term. Notice of the meeting schedule stating the place, day, and hour of the general meetings shall be posted on the school's website and sent via electronic mail to the general PTO membership. By definition, the general PTO membership includes each member of record entitled to vote at general meetings, and to any other member entitled by these Bylaws to receive notice of the meeting. General PTO meetings are open to the public. If a meeting date and time needs to be changed, the posted meeting schedule shall be

updated and email notification shall be sent to the general membership seven (7) days prior to the scheduled meeting.

3. **Special Meetings.** Special meetings may be called by the President, any two members of the Executive Board, or 10% of the General Membership of the PTO by submitting a written request to the secretary. Any request for a special meeting by the General Membership shall be in writing signed by the required individuals setting forth the proposed date, time and place of the special meeting. No special meeting will be held prior to twenty (20) days from receipt of the special notice by the secretary. Notice of any special meeting stating the place, day, and hour of any annual or special member meeting not less than ten (10) nor more than sixty (60) days before the date of the meeting, by electronic mail, to each member of record entitled to vote at such meeting, and to any other member entitled by these Bylaws to receive notice of the meeting.
4. **Quorum.** A quorum, for purposes of conducting any PTO business, shall be at least eight members of the organization including fifty percent of the members of the Executive Board.
5. **Format.** All member meetings, both annual and special, shall be open to the public.
6. **Voting.** Each membership shall be entitled to one (1) vote. Each matter submitted to a vote at a meeting of the PTO shall be determined by a majority of the votes cast at such meeting. Voting shall be by show of hands or a voice vote unless any Executive Board member requests a written ballot on an issue. In the event of a tie vote, the Faculty Representative (who is a non-voting member of the Executive Board) shall be entitled to cast the deciding vote.
7. **Action Without a Meeting.** Subject to the provisions of Section 707 of the Utah Non-Profit Corporation Act, any action required or permitted to be taken at a meeting of the Members may be taken without a meeting and without prior notice, if written consents setting forth the action so taken are signed by Members having no less than the minimum number of votes that would be necessary to authorize or take the action at a meeting at which a quorum was present and voted. Unless the written consents of all Members entitled to vote have been obtained, notice of any Owner approval without a meeting shall be given to all Members at least ten (10) days before the consummation of the action authorized by the approval. Such notice shall meet the requirements of Section 707 of the Act. An action taken by written consent of the Members as provided herein has the same effect as action taken at a meeting of such members, and may be so described in any document.

Article VI

Officers; Duties and Elections

1. **OFFICERS.** The officers of the PTO shall be a President, Vice President(s), Treasurer(s), and Secretary. President Elect is an officer position that can be added any time throughout the school year and/or be filled by an officer in another position. There may be more than one person holding each office. All officers shall perform their duties in accordance with these Bylaws and upon expiration of the term of office or earlier resignation or removal, each officer shall turn over to the President, all records, books, and other materials pertaining to the office.

2. **DUTIES OF OFFICERS:**

a. **PRESIDENT:**

- i. Ensure the following tasks are completed prior to the first day of school:
 1. Establish regular PTO meeting dates for the school year.
 2. Establish an annual calendar of other meetings, events and programs for the school year in coordination with the Principal.
 3. Establish an annual budget for the upcoming year with treasurer(s) to be approved by the PTO Executive Board and PTO members.
- ii. Preside at all PTO meetings, prepare the agenda and represent the PTO at meetings outside the organization.
- iii. To work with the Executive Board to call for members of committees.
- iv. To work closely with the Principal in matters that relate to the PTO.
- v. To work with the Executive Board and the Principal on handling any necessary correspondence.
- vi. To make presentations to various groups and the school board, if requested.
- vii. To orient the new President.
- viii. Be versed in and communicate the Bylaws to the PTO Board.
- ix. Coordinate the work of officers and committees of the PTO so that the Purpose, Objectives and Policies may be promoted.
- x. Permitted to delegate officer duties to additional Vice Presidents as needed per school year. (i.e: Leadership VP, Legislative VP, Membership VP, Publicity VP, etc.)

b. **VICE PRESIDENT:**

- i. To serve as a PTO Executive Board liaison to assigned PTO group committees.
- ii. Act as an assistant to the President.
- iii. Performs duties of the President in the absence of that officer.
- iv. Coordinate special projects as they arise.

c. **SECRETARY:**

- i. To attend meetings and record minutes and votes of the PTO.
- ii. Prepare, distribute and collect Membership Application Forms and dues and report to the Treasurer(s).
- iii. Maintain a record of all current memberships.

- iv. To submit minutes of the meetings to the Principal, President and General Membership prior to the next scheduled meeting.
- v. To review meeting minutes at general membership meetings.
- vi. To assist the President in handling any necessary correspondence.
- vii. Have and bring to all meetings a current copy of the PTO Bylaws.
- viii. Conduct necessary correspondence for the PTO in cooperation with the Executive Board.
- ix. Perform other delegated duties as assigned.

d. **TREASURER:**

- i. Establish an annual budget for the upcoming year with the President to be approved by the PTO Executive Board and PTO members.
- ii. Attend monthly PTO Board meetings.
- iii. Collect and keep a full and accurate account of receipts, disbursements and expenditures as in accordance with the budget adopted by the PTO Executive Board. Ensure that budgets are followed.
- iv. To make payments (i.e. issue checks) as authorized by the:
 - 1. Approved PTO budget
 - 2. PTO Executive Board
 - 3. PTO membership vote
 - 4. All checks must be signed by the treasurer and one other designated Executive Board Member
- v. To report financial position at PTO meetings, including:
 - 1. Current balances of all accounts
 - 2. Monthly reconciliation of all account activity
 - 3. Year-to-Date performance against plan
- vi. Establish or maintain a checking account and other accounts as determined by the Executive Board.
 - 1. To reconcile checking account monthly
- vii. To provide the Executive Board timely and relevant financial information to support financial decision-making
- viii. To consistently apply and follow all financial control policies.
- ix. Verify and be responsible for, along with Chairperson(s), all monies received. Each shall keep an accurate account of all monies from the event(s).
- x. Count with at least one other PTO member all monies received.
- xi. When applicable, recommend fundraising needs.
- xii. Provide books to be audited annually by an auditing committee of three (3) or a CPA. The books shall be turned over to the newly appointed Treasurer(s) with a signed statement that the books are in order by July 31st.
- xiii. Shall assume all responsibilities regarding filing of all local, state and federal tax forms and documents when applicable.
- xiv. Shall follow all the policies directed in the Bylaws under Finances.

- xv. Train incoming Treasurer(s) to ensure a smooth transition of account(s), responsibilities and files.
- xvi. Perform other delegated duties as assigned.

e. **PRESIDENT ELECT:** (Can be added anytime during the school year with the approval of the Executive Board, a person with previous officer experience can also fill this position)

- i. Act as an aide to the President.
- ii. Attend monthly PTO meetings.
- iii. As appropriate, attend additional meetings with the President.
- iv. Perform other delegated duties as assigned by the President.
- v. Have the option of filling another board position as needed.

3. **Election of Officers.** For purposes of the Utah Non-Profit Corporation Act, the following officers shall be “directors” (as used and defined in the Act) and shall be voted in by the General Membership: President, Vice President(s), Secretary, Treasurer(s) or President Elect, an optional position. Voting will be held at the Annual Meeting and officers will be elected based on a majority vote of those present at such meeting, assuming a quorum.

a. The Nominating Committee, headed by the President Elect, shall be established by the Executive Board on or before March 1 of each year. The Nominating Committee will be composed of an uneven number, no less than three members. A member of the school faculty should be invited to serve on the Nominating Committee.

- i. Once the Nominating Committee has been established, notification should be made to the General Membership to solicit nominations.
- ii. The nominating committee shall select a candidate for each office and present the slate at the PTO Executive Board Meeting held prior to the Annual Meeting. Approval shall be by voice vote if a slate is presented. If more than one person is nominated for an office, a ballot vote shall be taken.
- iii. The Nominating Committee can also assist in filling other non-elected PTO positions.
- iv. In the event of an office remaining vacant, the Executive Board may appoint someone to fill the vacancy.

b. **Eligibility.** Members are eligible for office if they are members in good standing at least 14 calendar days before the Nominating Committee presents its slate.

c. **Terms of Office.** Officers are elected for one year and may serve no more than two (2) consecutive terms in the same office. Each outgoing officer shall present a summary of their responsibilities and records to the Executive Board and assist the new officer for up to one year.

- d. **Vacancies**. If a vacancy occurs in any officer position, for any reason, their replacement shall be approved by a simple majority of the Executive Board members present. In the event of a tie vote, the Faculty Representative (who is a non-voting member of the Executive Board) shall be entitled to cast the deciding vote. The new officer shall complete the unexpired term. Notice of any new officers so appointed shall be provided to the General Membership promptly after such appointment is made.
- e. **Removal from Office**. Officers can be removed from office with or without cause by a two-thirds vote of those members present (assuming a quorum) at a PTO Board Meeting or Special Meeting where appropriate previous notice has been given.

Article VII

Executive Board

- 1. The Executive Board shall consist of the Officers of the PTO, a Faculty Representative, a Student Representative (optional), and the Principal.
 - a. Additional members of the Executive Board may be appointed by the President as needed per school year.
 - b. Meetings of the Executive Board may be called by the Principal, President or by the majority of the Board.
 - c. The duties of the Executive Board shall be to:
 - i. Establish a list of goals to be accomplished during the school year and present it at the first PTO meeting for approval.
 - ii. Transact necessary business in the interval between organizational meetings.
 - iii. Create Special and Standing Events and Committees as deemed necessary.
 - iv. Approve the plans of the Standing Committees.
 - d. The **Principal** shall:
 - i. Attend monthly PTO Board meetings when available.
 - ii. Act as an advisor and representative for Davis School District and Burton Elementary School.
 - iii. Raise issues affecting Burton Elementary School, faculty and staff.
 - iv. Be a non-voting member of the Executive Board.
 - e. **Faculty Representative** shall:
 - i. Attend monthly PTO Board meetings when available.
 - ii. Act as a liaison between the Burton Elementary faculty and staff and the PTO Board.
 - iii. Report PTO activities at staff meetings.
 - iv. Poll faculty as requested by the PTO Board and advise the board according to the results.
 - v. In the event of a tie vote, the Faculty Representative shall be entitled to cast the deciding vote

- f. **Student Representative(s)** shall: (optional)
 - i. Attend monthly PTO Board meetings as needed.
 - ii. Serve as a liaison between the PTO Board and the Student Council of Burton Elementary School.
 - iii. Poll the students as requested by the PTO Board and advise the board according to the results.

Article VIII Committees

1. **STANDING COMMITTEES**. Standing Committees shall be formed as necessary by the Executive Board and/or the Nominating Committee to promote the purposes and objectives of the PTO. These Committees shall review and present plans/options to the PTO and designate sub-committees pertaining to their separate functions. These Committees shall make initial decisions relating to their function; however, no decision shall be acted upon without the approval of the Executive Board or the voting membership.
 - a. **Commissioners and Committee Chairperson(s)** can be appointed by the Executive Board to act as liaison and/or oversee special events. The duties of these persons are to:
 - i. Oversee the planning and execution of their assigned event.
 - ii. Attend general PTO meeting(s) immediately prior to their assigned event, and otherwise as needed or requested.
 - iii. Work with the Executive Board to itemize a proposed budget and timeline prior to the event.
 - iv. Ensure all communications and plans regarding the event are reviewed and approved by the PTO Executive Board prior to being communicated and finalized.
 - v. Ensure the venue and coordinate with the PTO Executive Board and custodial staff for the setup and cleanup of the event.
 - vi. Distribute all Reimbursement Request Forms to their committee. (See example of Reimbursement Request Form in Appendix B).
 - vii. Provide receipts and/or invoices for all expenses attached to the Reimbursement Request Form .
 - viii. Approve and record all Reimbursement Request Forms for budget purposes, before reimbursement by the Treasurer(s).
 - ix. Communicate regularly with the Treasurer(s) to ensure the budget is followed and all money is accounted for. Each shall keep an accurate account of all monies from the event.
 - x. Work with the Treasurer(s) to track event statistics and expenditures.
 - xi. Provide a written summary and evaluation of the event to the PTO Board within 1 month after the event.

Article IX PTO Executive Board Meetings

1. PTO Executive Board Meetings shall be held as needed at a time and place designated by the Board at the beginning of its term. Only voting Executive Board members shall be entitled to vote at a PTO Executive Board meeting. Additional meetings may be scheduled as needed by the President, Vice-President(s), or Principal with seven (7) days notification to all Executive Board members. Board voting shall be by show of hands or a voice vote unless any Executive Board member requests a written ballot on an issue.
2. A simple majority shall decide any issue voted upon. In the event of a tie vote, the Faculty Representative shall be entitled to cast the deciding vote, or the President may refer the issue to a general meeting.
3. A quorum for the transaction of PTO business shall be fifty percent of the then current number of Executive Board members.

Article X Finances

1. The Burton Elementary PTO is a not-for-profit organization which maintains tax-exempt status as a registered 501(c)(3) entity with the Internal Revenue Service.
2. No part of the earnings of the PTO shall be for the benefit of, or be distributed to its members, officers, or other private individuals except to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the PTO Purposes and Objectives.
3. The fiscal year is August 1 to July 31.
4. A budget shall be drafted by the President and Treasurer(s) by August 1 and presented at the first Executive Board Meeting and approved by a majority vote of the members present.
5. The President, one Vice President and/or President Elect, and Treasurer(s) shall have authority to approve expenditures after the beginning of the fiscal year and prior to the approval of the budget by the General Membership in an aggregate amount not to exceed \$300.
6. Additional items not specified in the annual budget may be approved by the Executive Board through a simple majority vote of members present for expenditures up to \$1,000.00 and by a unanimous vote of members present for expenditures up to \$3,000.00. The general membership will be informed of any additional expenditure over \$1,000.00 that was voted upon by the Executive Board.

7. The treasurer shall keep accurate records of any disbursements, income, and bank account information.
8. All funds raised shall be deposited into the PTO's bank account(s) (including PTO Venmo account) and not commingled with any other accounts. Aggregate amounts raised and collected must be counted and deposited on the same day as receipt OR counted, recorded, and locked in the school's safe and deposited within 4 business days of receipt.
9. Committees are required to stay within allocated budgets. If additional funds are necessary, prior Executive Board approval is required.
10. Any request for reimbursement from the PTO account must have supporting documentation such as receipts when requesting reimbursement. Failure to supply this documentation may result in denial of reimbursement.
11. Two authorized signatures shall be required on each check. Authorized signers shall be the President, one Vice President and/or President Elect and Treasurer(s).
12. The Treasurer shall prepare a financial statement at the end of the year, to be reviewed by the Audit Committee.
13. All financial records and supporting documentation (e.g., receipts) must be kept for five years.

Article XI Amendments

1. Amendments to these Bylaws must be:
 - a. First, approved by a 2/3 vote of a quorum of the Executive Board present at any PTO Executive Board meeting, and
 - b. Second, approved by a 2/3 vote of a quorum of the General Membership present at any General Membership meeting.
2. Advance notice of the proposed changes to the Bylaws must be provided in writing at least two weeks prior to the above meetings
3. The amended Bylaws will become effective immediately upon approval by the General Membership.

Article XII Dissolution

1. In order to dissolve the Burton Elementary PTO a written request outlining the reasons for dissolution must be submitted to the current PTO President.

2. Individual(s) recommending dissolution must request a Special Meeting in accordance with these Bylaws.
3. At least thirty days prior to the Special Meeting notice must be provided to the General Membership.
4. At the Special Meeting a minimum of fifty percent (50%) of the General Membership must be in attendance.
5. Approval of the dissolution requires a 2/3 vote of the General Membership in attendance at such meeting, assuming a quorum.
6. Upon the dissolution of the PTO, remaining funds should be used to pay any outstanding bills and under the direction of the PTO Executive Board spent for the benefit of the school with any remaining funds being transferred to any not-for-profit organization which maintains tax-exempt status as a registered 501(c)(3) entity with the Internal Revenue Service.
7. Meetings shall be open to the public.

Article XIII Appendix

1. Membership Drive Application Form
2. Reimbursement Request Form
3. Annual Audit Review Form
4. Event Summary Form

Article XIIV Indemnification and Liability

1. **Indemnification.** The PTO shall indemnify officers, Executive Board Members and members to the fullest extent allowed upon determination that indemnification is proper under the circumstances insofar as all applicable standards of conduct have been complied with including but not limited to the PTO Bylaws, the rules and/or regulations of the Davis County School Board, and governing state and/or federal law. Indemnification provided by this provision shall survive the termination of the PTO-member relationship and shall inure to the benefit of heirs, executors and administration of such a person.
2. **Liability.** An officer and/or Executive Board Member shall not be liable to the PTO for breach of duty in their capacity as an officer or member of the executive board for monetary damages except to the extent that said economic losses are caused by the intentional and/or grossly negligent conduct of such officer and/or PTO Executive Board Member. No amendment, modification or repeal of this provision shall adversely affect

any right or protection of a director that exists at the time of such amendment, modification or repeal.

CERTIFICATE OF SECRETARY

The undersigned, being the duly appointed and authorized Secretary of The Burton Elementary Parent Teacher Organization, hereby certifies that the foregoing is a full, true and correct copy of the Bylaws of said organization, together with all amendments as of the date of this Certificate of Secretary.

WITNESS the signature of the undersigned this 22nd day of February, 2022.

_____, Secretary