

**'CONSTITUTION AND BY-LAWS FOR  
JUSTIN GARZA HIGH SCHOOL MARCHING GUARDIAN BOOSTER CLUB  
DBA - Justin Garza High School Marching Guardian Booster Club.**

**ARTICLE I - NAME AND OFFICES**

**Section 1.1 Name**

The name of this organization shall be "Justin Garza High School Marching Guardian Booster Club" also known hereafter as JGHSMGBC.

**ARTICLE II - PURPOSES, POWERS AND LIMITATIONS**

**Section 2.1 Purposes**

- A. The purpose of this club shall exist to support the musical education endeavors of the Band, Instrumental Music and Color Guard Programs at Justin Garza High School through financial, logistical, and moral support.
- B. The boosters will act to the best of its abilities to promote, support, and maintain interest in the JGHS Band Program and its components; and will further support these components through all possible encouragement and viable fundraising.
- C. The JGHSMGBC will not interfere with and possess no authority to address the curriculum of the JGHS bands or direction of the Justin Garza High School Director of Bands. Should a situation arise in which the Booster Organization should violate the statutes set forth for the organizations in this regard, the Organization may be disbanded by the Director of Bands or JGHS Administration.
- D. To cooperate with the Band director, Band, Percussion and Color Guard, their officers, and representatives.
- E. This club shall operate as a not-for-profit organization within the meaning of section 501c3 of the Internal Revenue Service Code.
- F. To assist the Band Director and other related school officials in acquiring the necessary equipment (uniforms, instruments, music) and personnel (students) to develop and maintain a high quality band and to cooperate with school leadership to provide band opportunities above and beyond the normal school opportunities.
- G. The contribution by the JGHSMGBC of time, goods, services, and/or finances to the Program is intended to augment the Program. In pursuit of these objectives, the JGHSMGBC will neither seek to direct the administrative activities of the Program or control its policies. The JGHSMGBC shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purpose of this organization.

**Section 2.2 Limitations**

- A. Property. The property, assets, profits and net income are dedicated irrevocably to the purposes of supporting the musical education endeavors of the Justin Garza High School Band Program. No part of the profits or net earnings of the JGHSMGBC shall ever lead to the benefit of any private individual, professionally or personally. No member shall participate in any decision in which that member may receive any financial benefit.

Expenditures. The Executive board will *authorize all individual/non-budgeted expenditures up to \$1000. Any amount above that, excluding emergency repair/replacement of critical equipment/instruments must be approved by a simple majority vote of the membership present at any regular or special meeting of the JGHSMGBC.* All checks written for expenditures must include two (2) current officer's signatures and the director's, unless there is absolutely not a dual board member available on an approved item.

B. Dissolution. In the event of dissolution of the JGHSMGBC (as is required by law or by majority vote at a regular or special meeting pursuant to Article IV), the remaining net assets of the boosters will, after paying or adequately providing for the payment of debts, obligations and liabilities of the boosters, be distributed to one or more non-profit funds, foundations, corporations or other organizations which are organized and operated exclusively for charitable purposes and which has established its tax exempt status within the laws and regulations of the Internal Revenue Code. Priority for receiving net assets of the JGHSMGBC shall go to Justin Garza High School ASB.

## **ARTICLE III – MEMBERSHIP**

### Section 3.1 Class of membership and rights

The JGHSMGBC shall have two classes of members as follows:

- A. Voting Members
- B. Honorary Members

Voting members have the voting rights specified in Section 4.4. Honorary members have no voting rights, but may attend all meetings and participate in discussions. In all other respects, the rights and privileges of each member, regardless of classification, are equal. No voting member shall hold more than one membership.

### Section 3.2 Qualifications

- A. Voting membership is limited to actively involved parent(s), guardian(s), sibling (18 or older), staff, or grandparent of a current Justin Garza High School band member interested in supporting the progress and overall development of the Band Program.
- B. Honorary membership may be conferred upon deserving persons with the approval of a simple majority vote of the JGHSMGBC.

### Section 3.3 Nonliability of members.

Members are not personally liable for the debts, liabilities, or obligations of the corporation.

### Section 3.4 Membership fees.

No fees shall be collected as a condition to membership.

## **ARTICLE IV – MEETINGS**

### Section 4.1 Regular Meetings

Regular meetings of the JGHSMGBC shall be held at least one time per month. Meeting day and time shall be determined by the Band Director and current JGHSMGBC members. The change of a meeting date/time shall be announced at least 48 hours before the regularly scheduled meeting. Regular meeting locations are to be determined by the Band Director and current JGHSMGBC members.

### Section 4.2 Special Meetings

Special meetings of the JGHSMGBC may be called by any current board members. Such meetings shall be held at the time set by the person or persons calling the meetings. Special meetings may be held only upon 48 hours notice by announcement at any regular meeting or through special notice by mail, phone, email or any other form of media communication. Such an announcement shall include the agenda item(s) of the meeting.

#### Section 4.3 Quorum

JGHSMGBC shall establish a quorum for the transaction of business in any meeting. Half of the board members plus one shall constitute a quorum.

#### Section 4.4 Voting

Each family receives (1) vote per current band member. If a family has more than 1 student involved in band, they receive that equal number of votes. Votes = current # of students in band per family.

#### Section 4.5 Conduct of Meetings

Meetings may be governed by Robert's Rules of Order, as may be revised from time to time, insofar as the rules are not inconsistent with or in conflict with these By-laws or with law.

### **ARTICLE V – OFFICERS AND DUTIES**

#### Section 5.1 Titles

The officers of the JGHSMGBC shall be President, Vice President, Secretary and Treasurer. Officers shall consist of parent/guardian voting members only.

#### Section 5.2 Election

To be elected an officer of the Justin Garza High School Band Boosters, one must be nominated by at least one (1) club member. To be eligible, the nominee must be actively involved and/or have held a leadership position (ie. in the current year have been a committee chair/leader or held a lead role in an event/function, previous band leadership role). Nominations will be taken for each office from the voting members at the April regular meeting- voting can take place if there is no opposition. Additional nominations may be taken from the floor at the May regular meeting, if needed/necessary. The officers shall be elected by member vote at the April or May regular meeting based on nominations and/or schedules.

#### Section 5.3 Terms of Office

Each director shall hold office of a period of one year, however there is no limit to the number of consecutive one-year terms a duly elected or appointed director/officer may serve.

The term of office for directors shall commence at the start of the fiscal year, and conclude with the ending of the fiscal year.

#### Section 5.4 Duties of Officers

- A. President – The president shall preside over all meetings of the JGHSMGBC, shall sign all contracts and other instruments on behalf of the club which have first been approved by the voting membership, and shall direct the affairs of the club. The president also holds the role of head band parent under the direction & guidance of the Director.
- B. Vice President – The Vice President shall perform all the powers granted to the President by these By-laws in the event of the President's absence or inability or unwillingness to so act. The Vice president shall also perform other duties as directed by the JGHSMGBC.
- C. Secretary – The secretary shall keep a record of all proceedings of the JGHSMGBC and shall serve all required notices. The secretary shall also maintain a membership ledger as recorded at each regular or special meeting of the JGHSMGBC.
- D. Treasurer – The treasurer shall maintain all appropriate financial records on behalf of the JGHSMGBC and shall keep an account of all monies received, deposited and distributed in the name of the JGHSMGBC. The treasurer shall be responsible for checks and other negotiable instruments on behalf of the club and shall generally be responsible for all fiscal, tax and insurance transaction accountings for the club. The treasurer shall report the financial condition of the

- JGHSMGBC at each regular meeting, and shall submit at each inaugural meeting of the new school year (August) a detailed financial condition of the club for the preceding fiscal year.
- E. Band Director (Ex-Officio): The position is held permanently by the Justin Garza High School Director of Bands.

*The Executive Board shall:*

*- Make recommendations to the general membership and exercise supervision over the affairs of the JGHSMGBC. - Appoint a review committee before end-of-year to review the books if an audit is pending. - Each officer shall be an active member in good-standing of JGHSMGBC.*

*Limitation of Power:*

*-Neither the general membership nor the JGHSMGBC Executive Board shall have any power or authority to borrow money or incur indebtedness to encumber any future Board or membership of this non-profit organization.*

Section 5.5 Other Officers

The JGHSMGBC may appoint any other officer that the club may require, each of whom shall have the title, hold the office for the period, have the authority and perform the duties specified in the By-laws or determined from time to time by the JGHSMGBC. Such appointment is to be confirmed by a simple majority vote of the JGHSMGBC members.

- Chairs & committees shall be directed by the President as needed to fill specific functions.

Section 5.6 Removal of Officers

Any officer may be removed by the JGHSMGBC club in the event that said officer is absent from any combination of three (3) successive regular and/or special meetings or five (5) non-successive regular and/or special meetings per fiscal year (see Article VII Fiscal Year) unless excused by reason of illness or out of area circumstances.

Section 5.7 Resignation of Officers

Any officer may resign upon written notice to the JGHSMGBC.

Section 5.8 Vacancies in Office

A vacancy occurring in any office because of death, resignation, removal or other cause, shall be filled in the manner prescribed in the by-laws for regular appointments to the office; provided that such vacancies shall be filled as they occur and not on an annual basis. In the event the presidency is vacated, it may be filled by any remaining member of the Executive Board in an interim capacity until the end of the term. The outgoing President shall remain on the Executive Board as an Advisor for a period of (1) year.

Section 5.9 Compensation

Officers shall serve without compensation except that they shall be allowed reasonable advancement or reimbursement of expenses incurred in the performance of their regular duties.

Section 5.10 Non-liability of Directors

The directors shall not be personally liable for the debts, liabilities, or other obligations of the corporation.

**ARTICLE VI – CLUB RECORDS**

Section 6.1 Maintenance of Club Records

The following records shall be maintained at the club office:

- A. Minutes of all regular and special meetings of the JGHSMGBC
- B. Complete and accurate books and records of account, including accounts of the club’s assets, liabilities, receipts and disbursements.
- C. A record of all officers setting forth their names and addresses.
- D. One copy each of the JGHSBB by-laws, Charter and Rules as amended to date.
- E. The I.R.S. Employer ID number for JGHSMGBC organization is **87-2537143**

Section 6.2 Inspection of Records

Every member shall have the absolute right at any reasonable time to inspect and copy all records, books of account and documents of every kind, and to inspect the physical properties of the JGHSMGBC.

**ARTICLE VII – FISCAL YEAR**

Section 7.1 Fiscal Year of the JGHSMGBC

The fiscal year of the club shall begin on the first day of July and end on the last day of June in each year.

**ARTICLE VIII – AMENDMENTS**

Section 9.1 Amendments of By-laws

These by-laws may be amended by a two-thirds (2/3) majority vote of the voting members of the JGHSMGBC, provided that a written notice of the proposed amendment has been presented at a regular meeting not less than thirty (30) days prior to the regular meeting at which such amendment shall be considered.

Initial Constitution and Bylaws –

Approved by President: Sarah Bayan Date: 9/13/2021

Approved by Director: [Signature] Date: 9/13/2021

