

**CONSTITUTION AND BY-LAWS  
SOUTH HARRISON BAND BOOSTERS ASSOCIATION  
3073 HAWK HWY, LOST CREEK, WV 26385**

ARTICLE I: NAME

The name of this organization shall be the South Harrison Band Boosters Association (the "Association").

ARTICLE II: OBJECTIVES

The primary objectives of the Association shall be as follows:

A. To collaborate with the South Harrison High School Band Director, the High School officials, and Harrison County Board of Education officials to promote the advancement of the South Harrison High School music programs.

B. To provide financial support for projects to promote the South Harrison High School music programs.

C. To encourage the growth and development of an exceptional music program that complements and expands the educational opportunities of South Harrison High School students.

D. No part of the net earnings of the Association shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof. No substantial part of the activities of the Association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Association shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these activities, the Association shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c) of the Internal Revenue Code, or (b) by an organization, contributions to which are deductible under section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

ARTICLE III: ASSOCIATION MEMBERSHIP

I. SECTION 1

Regular membership shall consist of parents or guardians in good standing of students who are current members of the South Harrison High School music program. Only regular members shall have the right to vote, make motions, and hold office.

## II. SECTION 2

Associate Membership shall consist of members of the community who participate in the support of the South Harrison High School bands through volunteer efforts, financial contributions, or both.

## III. SECTION 3

To be in good standing, each regular member and member's student shall be current with any applicable fees, expenses, charges, and other obligations. Membership in the Association shall not be restricted because of age, sex, race, or national origin.

## ARTICLE IV: OFFICERS

### I. SECTION 1

The Officers of the Association shall include: a President, Vice President, Secretary, Treasurer, and Financial Secretary; the Band Director; and such other Officers as may be elected in accordance with the provisions of Article IV, Section 2.

### II. SECTION 2

A. The Officers described in Section 1, excluding the Band Director, shall be nominated either by a Nominating Committee or by nominations from the floor, or both, at the March or April Association meeting. The nominees must be familiar with the Constitution and By-Laws, agree to serve, and be regular members in good standing.

B. Election of Officers shall occur at the close of nominations at the April Association meeting. Term of office expires June 30; however, the Officers-elect will assume the duties related to the next year's program at the close of the school term.

## ARTICLE V: DUTIES OF OFFICERS

### I. SECTION 1

It shall be the duty of the President to preside at all meetings of the Association and Executive Committee, and to perform all the duties pertaining to the office. The President shall appoint such committees and Committee Chairpersons as necessary to fulfill the business and activities of the Association and shall coordinate activity among the Committee Chairpersons.

### II. SECTION 2

It shall be the duty of the Vice President to perform all duties of the President in his or her absence or disability. Should the office of President become vacant during the year, the Vice President shall automatically become President. The Vice President shall co-chair the Finance

Committee and may appoint a three-member Nominating Committee.

### III. SECTION 3

It shall be the duty of the Secretary to record all proceedings of the Association and Executive Committee meetings and to submit within two weeks a copy of the minutes to the Executive Committee. The Secretary shall keep all books, attend to all the correspondence of the Association and of the Executive Committee, and keep available copies of all correspondence. All records shall be turned over to the Secretary's successor.

### IV. SECTION 4

It shall be the duty of the Treasurer to account for all monies received and expended by the Association and to provide a written report of the bank accounts at each monthly Association meeting. The Treasurer shall pay all bills approved by the Finance Committee and the Association. As soon as all bills are paid and tax accounts are settled as of the June 30 annual closing date, the Treasurer shall permit the Auditing Committee to inspect the Association's books and records.

### V. SECTION 5

It shall be the duty of the Financial Secretary to maintain complete and accurate Association financial records by activity account and to prepare a written report for each monthly Association meeting. The Financial Secretary shall collect and deposit in bank accounts all monies received by the Association. He or she shall deliver over to his or her duly-elected successor all records and monies belonging to the Association. The Financial Secretary shall co-chair the Finance Committee.

## ARTICLE VI: AUDITING COMMITTEE

There shall be an Auditing Committee appointed by the President to audit the books of the Treasurer each year. The Treasurer's books and all monies shall be turned over to the Auditing Committee as soon as all bills are paid and tax accounts are settled as of June 30 closing date. The Auditing Committee shall audit the books and turn the books, along with all monies, over to the Treasurer-elect before July 31st. The Auditing Committee's report shall be read at the next scheduled Association meeting.

## ARTICLE VII: SPECIAL COMMITTEES

### I. SECTION 1

A. The Executive Committee shall consist of all Officers of the Association.

B. When a vacancy in office except for the office of President occurs, the Executive Committee shall appoint a successor to fill the office for the remainder of the year.

C. It shall be the responsibility of each Officer and Committee Chairperson to maintain and record information relative to the job's responsibilities and to provide that information to his or her successor.

## II. SECTION 2

A. The Finance Committee shall be co-chaired by the Vice President and the Financial Secretary and shall also include the President, Treasurer, Band Director, the officers-elect, if any, for each of the foregoing offices, and three or more Association members to be appointed by the Co-chairs. Although the Vice President is responsible to chair this committee, the President shall attend Finance Committee meetings.

B. It shall be the duty of the Finance Committee to determine the budget and to approve all non-budgeted expenditures over \$100.00. The Finance Committee shall evaluate the profitability and feasibility of all proposed fundraising activities.

C. The Finance Committee shall prepare the annual budget, including annual dues and fundraising activities. The Finance Committee shall present the budget to the Association Membership for approval at the June meeting. The Finance Committee will meet again in January to review the approved budget and suggest necessary changes, if any, to the Association Membership.

D. The President, Vice President and Treasurer shall be authorized to sign checks. All checks of \$1,000.00 or more must have two signatures.

## III. SECTION 3

The Vice President may appoint a three-member Nominating Committee, which shall recommend candidates for election as Association Officers.

## ARTICLE VIII: LIABILITY

An Officer of the Association shall not be personally liable for monetary damages for any action taken, or any failure to take any action, unless the Officer has breached or failed to perform the duties of his or her office under W. Va. Code Ann. §§ 36-11-1 to -17 and the breach or failure to perform constitutes self-dealing, willful misconduct, or recklessness. The provisions of this Article shall not apply to the responsibility or liability of an Officer pursuant to any criminal statute or the liability of a Officer for the payment of taxes pursuant to local, state or federal law.

## ARTICLE IX: MEETINGS

I. SECTION 1

Regular Association meetings are to be held once every month as scheduled by mutual agreement of the President and Band Director. All meetings will be held at the South Harrison High School building; the Band Director or a duly-authorized representative must be present. The quorum for the meetings shall be the members present at each meeting. All meetings are open to the public.

II. SECTION 2

Special meetings may be called by either the President or the Band Director at the request of three regular members.

ARTICLE X: ORDER OF BUSINESS

The order of business at regular Association meetings shall be as follows:

- Call to Order
- Minutes
- Treasurer Report; Financial Secretary's Report
- Committee Reports
- Unfinished Business
- New Business and Correspondence
- Adjournment

ARTICLE XI: DISSOLVEMENT

If at any time the Association membership shall fall below fifteen (15) members, the Association shall be dissolved by a majority vote of the remaining members. Upon dissolution of the Association, assets shall be distributed for one or more exempt purposes within the meaning of under Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding provision of any future Internal Revenue Service Law) or shall be distributed to the Federal government, or to a state or local government, for public purposes.

ARTICLE XII: AMENDMENTS AND STANDING RULES

I. SECTION 1

Amendments to these By-Laws may be made as follows:

A. The proposed amendment shall be submitted in writing to the Executive Committee.

B. The Executive Committee shall provide proper notice of the proposed amendment to the Association members in good standing.

C. The proposed amendment must be accepted by a majority vote of those members present at the second reading.

## II. SECTION 2

All Standing Rules shall be passed by a majority vote of those members present at a regular meeting and a separate permanent record of them shall be kept by the Secretary.

### ARTICLE XIII: PARLIAMENTARY PROCEDURE

Roberts Rules of Order shall be the final authority on all questions and procedures not covered by these By-Laws.

Approved  
24 September 2015

/s/ \_\_\_\_\_,  
President

South Harrison Band Boosters Association