

BY-LAWS OF  
BEAR CREEK HIGH SCHOOL MUSIC BOOSTERS  
(Last Revision April 30, 2019)

**ARTICLE I**  
TITLE AND OFFICES

Section 1. Title: The name of the organization shall be the Bear Creek High School Music Boosters, hereafter referred to as “Boosters”.

Section 2. Business Office: The principal office of this non-profit corporation shall be at 9800 W. Dartmouth Place, Lakewood, Colorado 80227.

Section 3. Registered Office: The registered office of the corporation shall be as set forth in the Articles of Incorporation unless changed in accordance with the Colorado Corporation Code of the Colorado Revised Statutes 1973, as amended. The Federal Tax Identification Number is 98-010106.

**ARTICLE II**  
PURPOSE

The purpose of the Boosters shall be to cooperatively support, encourage, and promote the objectives, purposes, and goals of the instrumental music program of Bear Creek High School as set forth by the music director, staff, and the guidelines and standards set by Jefferson County Public School Code of Conduct, and the Colorado State High School Activity Association. A secondary purpose is to increase awareness and involvement in the instrumental music activity within the Bear Creek community.

**ARTICLE III**  
POLICIES

Section 1. The Boosters shall not seek to direct or interfere with administrative activities of the instrumental music groups or the school, or to control the policies of either. Any Booster member who, in the opinion of the Bear Creek Administration or Staff, engages in this activity will receive a verbal warning from the Board for the first offense, and a written warning for the second offense. After a third offense, public notice will be given to the Boosters that a vote will be taken for the removal of this individual from the Boosters for a period of six months, by a majority vote of the members present at a regular scheduled member meeting.

Section 2. The Boosters shall not seek to direct or interfere with administrative activities of the instrumental music groups of the school, or to control the policies of either. This organization may cooperate with other organizations, provided no commitments are made which bind our group without prior approval of the officers and music director.

**ARTICLE IV**  
**MEMBERSHIP**

Membership shall be open to all registered instrumental music families interested in supporting and promoting the objectives and purposes of the instrumental music program of Bear Creek High School. The entire membership shall be referred to as the “general membership”. In addition, general membership may also consist of alumni students and participation by alumni families.

**ARTICLE V**  
**OFFICERS**

Section 1. Each officer of Boosters shall be a member in good standing of the Booster organization. The Director of music shall serve in an advisory capacity.

Section 2. Officers and their Election

- a. The officers of Boosters shall consist of a President, Vice President of Fundraising, Color Guard Vice President, Percussion Vice President, Secretary, Treasurer, Student Accounts Treasurer, Orchestra Vice President. These elected officers shall be considered the Executive Board. Officers must have a student participating in a BCHS Music Program.
- c. Officers shall be elected by ballot in the month of December. However, if there is but one nominee for any office, election for that office may be by voice vote.  
Chair positions will be assigned as needed and may include: Truck and Equipment Manager, Hospitality Coordinator, Chaperone Chair, Uniform Chair, Broncos Chair, Tag Day Chair, Volunteer Coordinator, Craft Fair Coordinator.
- d. Officers shall assume their official duties January 1 and shall serve for a term of two years.
- e. Any officer or chair may be removed from their position by a vote of the executive board. In the event of a vacancy, the board will decide the president Pro-Tem by vote.
- f. By mutual agreement, the offices of President and/or Vice President may be held by co-officers.

**ARTICLE VI**  
**DUTIES OF THE OFFICERS**

Section 1. The President or a duly appointed board member shall preside at all meetings of the Boosters and of the board. In the event that the president is unable to attend, the President may designate/appoint a board member to act as a liaison/meeting facilitator. The President shall appoint a committee chairmen subject to the approval of the Board of Directors; shall be a member ex-officio of all committees except the nominating committee; shall be the chief operating officer of the corporation; shall have general management of the members and officers of the Boosters subject to the approval of the Board of Directors. The President and all Board members should become familiar with our Bylaws and with Roberts Rules of Order, and act as parliamentarian at each meeting.

Section 2. The Vice-President shall act as an aide to the President and in his/her designated order shall perform the duties of the president in the absence or inability of that officer to act; shall chair their respective committees and organize and manage the work of their committee, shall act cooperatively with the Music Director and Committees.

Section 3. The Secretary shall record and publish the minutes of all meetings of the Boosters and of the Board; shall have a current copy of the bylaws and shall maintain Booster records including a current membership list. Also, responsible for correspondence as directed by Boosters, e.g., handwritten thank you notes for donations over \$20, including Tag Day. Also, to assist record keeping as needed, e.g., uniform assignment and return records.

Section 4. The Treasury position may consist of two individuals to encompass General Accounting and Student Account management:

- a. The Treasurer shall have responsibility for all funds of the organization; shall keep a full and accurate written account of receipts and expenditures in accordance with the budget adopted by the organization; shall make disbursements as authorized by the board; shall present a written financial statement at every regular meeting of the organization and at other times when requested by the board; shall make a full report at the meeting at which new officers officially assume their duties; and shall ensure that the annual federal, state and quarterly city income tax forms and raffle reports are prepared and timely filed.
- b. The Treasurer's accounts shall be examined annually by an auditor or an Auditing Committee of not less than three (3) members. An Officer who is a check signatory or has been involved with any financial transactions may not be the auditor or a member of the auditing committee. The auditing committee shall be selected by the Board prior to August 31<sup>st</sup>. The Auditing Committee shall present its report for adoption at a regular board meeting no later than October 1<sup>st</sup>.

Section 5.

- a. All Officers shall perform the duties prescribed in these bylaws, in the parliamentary authority adopted by the organization, and those assigned from time to time. Upon the expiration of the term of office, all materials will be turned over within 7 days, or in case of a Presidential resignation, an emergency meeting will be held at which time all remaining Board members will delegate responsibilities accordingly, alleviating the

Director from these responsibilities. In the event of a resignation other than the President, all materials are to be turned over immediately; each officer shall turn over to the President, without delay, all records, books, and other materials pertaining to the office, and shall return to the Treasurer, without delay, all funds pertaining to the office. In the event of the resignation of the President, all materials are to be handed over to the Director.

b. A vacancy occurring in any office shall be filled for the unexpired term by appointment of the President with the approval of the Board of Directors. In case a vacancy occurs in the office of President, the Vice-President will assume the co-presidency until a new president can be appointed by the Board of Directors.

## **ARTICLE VII**

### **THE BOARD OF DIRECTORS**

Section 1. The Board shall be composed of the officers of the organization.

Section 2. The duties of the Board shall be (a) to transact necessary business in the intervals between organizational meetings and such other business as may be referred to it by the organization; (b) to create standing and special committees; (c) to approve plans of work of the standing committees; (d) to present a report at the regular meetings of the organization; (e) to select an auditor or an auditing committee to audit the treasurers' accounts; (f) to review the budget prepared by the Director and submit to the organization for adoption a budget for the year; (g) to approve bills within the limits of the budget; (h) and review the checkbooks, bank statements, and account reconciliations on a monthly basis.

Section 3. Regular meetings of the board shall be held during the year, the time to be fixed by the board at its first meeting of the year. A majority of the board shall constitute a quorum. Special meetings of the board may be called by the President, by the Music Director, or by a majority of the Board.

## **ARTICLE VIII**

### **MEETINGS**

Section 1. At least one regular meetings of this organization shall be held during the school year. The dates of meetings shall be determined by the Board and or the Director.

Section 2. Special meetings of the organization may be called by the President, a majority of the Board, or by the Music Director, five days notice having been given. A special meeting quorum shall consist of three officers.

Section 3. The election meeting shall be held in December.

Section 4. A quorum shall consist of five officers. Proxy votes due are due via e-mail within

three days.

## **ARTICLE IX COMMITTEES**

Section 1. Only members of the organization with active students shall be eligible to Chair on any committee. Alumni may participate within committees. All other members are eligible to serve on committees. The term is annual as stated.

Section 2.

- a. The Board shall create such special committees as deemed necessary to promote and carry on the work of the organization. The Chairmen of each special committee shall be appointed by the President, subject to the approval of the Officers of the organization. The term of each Special Committee Chairperson shall be one year.
- b. The Chairperson of each Special Committee shall present a plan of work to the Board for approval. No committee work shall be undertaken without the consent of the Board.

Section 3. Nominating Committee:

- a. When there are multiple candidates, there shall be a Nominating Committee f composed of three (3) members who shall be appointed by the Board of Directors at the regular meeting at least two months prior to the election of officers. The committee shall elect its own Chairman and shall confer with the music director.
- b. The Nominating Committee elections shall be held at the December general meeting.
- c. Only those persons who have signified their consent to serve, if elected, shall be nominated for or elected to an office.

Section 4. The President shall oversee and mediate committees as needed.

## **ARTICLE X FISCAL YEAR**

The fiscal year of this organization shall begin on June 1, and end on the following May 31.

## **ARTICLE XI FINANCES AND FUNDRAISING**

Section 1. This is a non-profit organization, organized solely for the purposes as stated in Article II of these by-laws. No salaries shall be paid to any member of this organization. No expenses

shall be paid to any member unless authorized by the Board.

Section 2. All funds of this organization shall be used for the benefit and advancement of the instrumental music program of Bear Creek High School. Allocation of such funds shall be determined by the Music Director's assessment of priorities and needs, with the approval of the board.

Section 3. Bank checks or any other type of disbursement instrument must be approved by no fewer than two of the elected Boosters officers. In addition, any monetary transaction prior to reimbursement will require no fewer than two board members per approval.

Section 4. The Treasurer of the Boosters, in conjunction with one additional elected officer, shall be authorized to open and maintain bank checking accounts for the benefit of the Boosters to facilitate monetary transactions.

Section 5. Music Boosters will support fundraising opportunities as suggested by the Music Director and/or the Board providing the following conditions are met:

- a. The fundraiser will have an adult coordinator who will assume responsibility for all of the aspects of the fund raising project.
- b. The coordinator will be appointed prior to the beginning of a fund raising project.
- c. All fundraising will be governed by Jeffco School fundraising guidelines.
- d. No Board and Booster member, who has been entrusted with cash resulting from fundraising efforts, shall hold cash in their possession without first having the amount verified by another Board Member or the Music Director.
- e. The Committee Chairperson will be responsible for seeking the assistance of two (2) people, one of which must be a Board member who shall assist the coordinator in counting and reconciling all funds collected during fundraising events.
- f. A Board selected Committee Chairperson for any fundraising project will be responsible for collecting, reconciling and reporting all funds associated with the fundraising event. All reports shall be turned into the Treasurer for verification within one week after such event has been completed.
- g. All Committee Chairpersons shall ultimately be responsible and accountable to the Board of Directors. The Board will be responsible for answering questions and approving requests in a timely manner so as not to delay the progress of any fundraising or Booster event.
- h. All Committee Chairpersons will be responsible for completing an Excel spreadsheet, which will outline sales, expenses, profits or losses and shall be turned into the Treasurer or President within seven (7) days of the event completion.
- i. Non-members, as defined in Article IV, can serve on any Committee as a volunteer and can participate in fundraising activities, but will not be allowed to act as a Committee Chairperson or accept cash on behalf of the Booster organization.
- j. Non-members shall only assist in counting money associated with a fundraising event, in the presence of a Board member or Committee Chairperson.

Section 6. All Board and Booster members shall adhere to the following accounting procedures.

- a. Bank checks shall only be written to an individual or business. When writing checks

- to “Cash”, it must be notated in memo line of check and approved by another board member.
- b. When shopping for items on behalf of the booster organization, no personal items can be put on the same receipt as those items purchased for the organization.
  - c. Personal items cannot be paid for, under any circumstances, with Booster funds, regardless of intentions to reimburse the Boosters with personal funds.
  - d. No cashiers checks or money order can be purchased, for any reason or under any circumstances, with booster funds. Exceptions must be approved by a majority of the board.
  - e. No individual person may purchase items without another member in good standing assisting with the purchasing efforts. If items need to be purchased and no other member is available to assist, a written request, either by fax or email must be submitted to the board of directors outlining the items to be purchased along with an estimated amount of what needs to be spent. Please refer to Article XI section 3.
  - f. An original receipt and request for reimbursement must be submitted within one month for any items purchased on behalf of the booster organization. These items are to be put in the Booster box in the music director’s office.
  - g. Fund reimbursements shall be made no later than thirty (30) days after documents and receipts are submitted.
  - h. No reimbursements will be made without an original receipt, itemizing purchased items. All receipts for reimbursements must be submitted within 7 days of purchase.
  - i. Items purchased on behalf of the Booster organization shall be within budget figures or as approved by the Board of Directors.
  - j. The Treasurer will enter all relevant bills, receipts or invoices into the financial record within 14 days of submission. Exceptions will be made of a year.
  - k. The Board of Directors shall approve any Booster Member who assists with any accounting or Treasurer duties or are committee Chairpersons.
  - l. The Board of Directors must approve any booster member collecting or handling money on behalf of the booster organization.
  - m. Any Booster Member assisting with accounting or treasurer duties shall submit copies of all transactions completed, including copies of all checks deposited into a booster account.
  - n. No booster member can perform duties involving cash unless they have been an active member of the boosters by attending meetings and have been involved with the booster organization for a minimum of one year.
  - o. Deposits with cash shall only be made by a board member or a board approved representative.

## **ARTICLE XII**

### **INDIVIDUAL ACCOUNTS**

Section 1. Individual accounts may be established for any current or upcoming student of the Bear Creek High School Instrumental Music Program. Individual accounts are subject to IRS

regulations contained in IRC 501(c)(3) governing distribution of funds raised. Specifically Reg. 1.501(c)(3)-1(c)(1) which states that an organization is not operated exclusively for one or more exempt purposes if its net earnings are in whole or in part to the benefit of private shareholders or individuals. **For more clarification, please refer to: <https://parentbooster.org/Cooperative-Fundraising-IFAs>**

Section 2. These individual accounts shall be used to accumulate the income earned by students, individual fundraising activities, and the approved expenditures paid on behalf of the student. As referenced in Article XII, Section 1, the balances in these accounts are not assets of the students.

Section 3. Expenditures eligible for payment from individual accounts are for those activities, or materials, in which participation is offered by the Bear Creek Instrumental Music Department. Examples of acceptable requests – required uniforms, instrumental music apparel, props and equipment, approved group trips for students and designated chaperones participating in the activity, or entrance fees for competition, etc. Examples of unacceptable requests – payment of Jeffco district fines and fees, individual expenses, or purchase of instruments and accessories that will be owned by the student. All requests for disbursement of funds from a student’s account **MUST** be submitted in writing **PRIOR** to the expenditure and approved by the board at a subsequent meeting.

Section 4. Student accounts may be used for the benefit of that student only or may be transferred to a sibling but cannot be designated for unrelated individuals, even if that student is involved in the Instrumental Music Department.

Section 5. Student accounts will remain active so long as the student or a sibling is enrolled in a Bear Creek High School Instrumental Music Program, or an incoming 8<sup>th</sup> grader enrolling in a Bear Creek High School Instrumental Music Program.

Section 6. An inactive account is defined as a student who is no longer participating in the BCHS Instrumental Music Program. All unused funds in an inactive account will revert to the Music Booster account for use determined by the BCHS Instrumental Music Booster Board.

### **ARTICLE XIII**

#### **PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the Boosters in all cases to which there are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Boosters may adopt.

### **ARTICLE XIV**

#### **BYLAWS AND AMENDMENTS**

Section 1. The Bylaws of the Bear Creek High School Music Boosters shall be adopted, amended, or repealed by a two-thirds majority vote of the active board members present at a meeting or via email vote,



Section 2. Amendments to these Bylaws may be proposed by any Booster member and shall be submitted in writing to the Board.

Section 3. The By-Laws shall be reviewed and modified (if necessary) at the January Board meeting.

**ARTICLE XV**  
**DISSOLUTION OF THE CORPORATION**

Section 1. The term of existence of the Boosters shall be perpetual or until the dissolution by a two-thirds vote of members present at a general meeting, provided ten days has been published and made available to the members, or by a unanimous vote of the Bear Creek High School Instrumental Music Director, The Activities Director, and The BCHS Principal.

Section 2. Upon the dissolution of the Boosters, The Board of Directors or governing body of the Boosters, after paying or providing for payment of all outstanding liabilities, will distribute the total remaining assets for one or more exempt purposes within the meaning of section 501-c-3 of the Internal Revenue Code. If it is in existence at the time of dissolution, it is the intention of the Boosters that the assets be distributed to the Bear Creek High School Instrumental Music Program and placed into the school account.