



Updated: 03/16/2022

Accepted: 03/26/2022

## By-Laws

### ARTICLE I. NAME

1. The name of the organization shall be the Pride of Falcon Nation Boosters (hereinafter in this document, referred to as "North Forney Band Boosters or Booster Club").

### ARTICLE II. PURPOSE

1. This organization is organized exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.
2. This organization shall assist the directors of the North Forney High School Band (hereinafter called "the band") in reaching the band program goals. It shall raise funds to support the activities and travel of the North Forney High School Band students including but not limited to:
  1. Private Lessons
  2. Band Clinics
  3. Supplies
  4. Judges
  5. Travel
  6. Meals
  7. Awards
  8. Other needs as voted on by the board
3. The organization shall be a non-profit organization and shall be non-sharing and non-commercial.
4. The activities of the organization shall not conflict with the policies as set forth by UIL, NFHS, FISD, and the band directors.
5. Co-operation with other FISD organizations with appropriate interaction with their directors and coaches.

### ARTICLE III. MEMBERSHIP

1. Membership in the North Forney Band Boosters shall be open to all band directors and parents of all North Forney High School, Brown and Jackson Middle School, Smith and Rhodes Intermediate Band students. To be a member you MUST have a child in the Intermediate, Middle School or High School Band. Membership is automatic upon enrollment into the band program.
2. There shall be no dues required for membership in this organization.
3. In accordance with FISD Policy, all North Forney Band Booster volunteers must have an approved criminal background check on file each school year.
  1. Criminal History Check can be found and must be completed online at [www.forneyisd.net](http://www.forneyisd.net) before the first day of school.
  2. Criminal background checks must be completed annually prior to any volunteer activity.
4. All North Forney Band Booster volunteers must comply with all policies as set forth by UIL, FISD, NFHS, BMS, JMS, RIS, SIS and the North Forney High School Head Band Director.

#### ARTICLE IV. MEETINGS

1. General membership meetings of the North Forney Band Boosters shall be held monthly throughout the school year. Many items needed to be discussed can also be relayed via email or other forms of mass communication.
2. A quorum of the general membership shall be 10 members and at least 3 members of the Executive Board.

#### ARTICLE V. OFFICERS AND THEIR ELECTIONS

1. The officers of the Pride of Falcon Nation Booster Club shall be President, Vice President, Treasurer, Secretary, and Concession Director.
2. There shall be two Representatives appointed to the Booster Club. One will be from Brown Middle School and the other will be from Jackson Middle School. They will be voting members of the Band Boosters in matters pertaining to the Intermediate and Middle School they represent ONLY.
3. These officers can hold office for a maximum of three years without compensation. No person shall hold more than one office and must comply with the Conflict-of-Interest policy.
4. If an officer changes position their time on the board resets.
5. An officer may also serve more than 3 years on the board if determined by the standing board members and directors that it is in the BEST INTEREST of the Band. This may include but is not limited too Treasurer and Concessions Manager.
6. The officers of the organization shall work together with the band directors. The officers shall:
  - Act on all matters of policy of the organization, not policies of FISD or of band policies set forth by the band directors;
  - Update the shareholders of the organization on pertinent matters through meetings, emails and other forms of mass communication
  - Present necessary reports at all membership meetings and act in emergencies to serve general membership as needed;
  - Transact necessary business between stakeholders of the organization on behalf of the good of the organizations it supports;
  - Meetings of the officers shall be held as scheduled and additional meetings may be called as needed.
7. The terms of office for all officers shall begin on June 1 and end on May 31 to coincide with the fiscal year of the FISD. Should a vacancy occur during the elected office term, the vacancy shall be filled for the unexpired portion of the term by the Executive Board.
8. The current officers and staff shall nominate an eligible person for each office. Eligible nominees must have participated with the North Forney Band or feeder program bands for at least 1 school year and must have a student currently enrolled in the band program at one of the schools supported prior to the appointment and must be approved by the band director. Incoming officers will shadow the position for one year or as much time as is allowed, prior to holding office.
9. The band director or his designated representative shall be an ex officio member of all committees but they are a non-voting member of the board.
10. The North Forney High School Head Band Director may veto an officer nomination if inclined – however this must be done in private.
11. Officers wishing not to complete their terms of office should submit a letter of resignation to the Executive Board. The current President shall appoint a voting member in good standing to complete the term with the approval of the Executive Board.

12. Officers may be asked to resign due to dereliction of duty. The current President shall appoint a voting member in good standing to complete the term with the approval of the Executive Board. This DOES NOT apply to the position of President. If the President is unable to complete their duties, the Vice President will assume the role of the President and the vacant Vice President position will be filled accordingly.
13. Dereliction of duty shall be determined by the Executive Board based on concerns expressed by members of the booster organization. A full investigation will be conducted to ensure removal is warranted. The decision will be made final by the Executive Board and the North Forney High School Head Band Director.

## ARTICLE VI. OFFICER DUTIES

1. The President shall preside at all Band Booster meetings, oversee all aspects of the Band Booster program, call meetings of the membership and Executive Board when necessary, serve as voting ex-officio member of all committees, serve as co-signer on Band Booster funds and perform other duties as required by the position or as requested by the Executive Board.
2. The Vice President shall assume the duties of the President in the absence of the President, assist the President as requested, complete bank reconciliations, oversee the fundraising committee, appoint the audit committee, and perform other duties as required by the position or as requested by the Executive Board.
3. The Treasurer shall record all financial matters of the Band Boosters, serve as co-signer on Band Booster funds, collect receipts or bills for all disbursements, report on financial matters to the Executive Board and general membership, submit annual financial statements for the review of the Executive Board and/or the Audit Committee which is appointed by the President and perform other duties as required by the position or as requested by the Executive Board.
4. The Concession Director shall be responsible for the overall operation of the concession stand(s) including purchasing, ordering, directing volunteers, vendor communication, equipment maintenance/repair and providing refreshments for participating band students at all away band activities and perform other duties as required by the position or as requested by the Executive Board.
5. The Secretary shall record minutes of all Executive Board and general membership meetings in a bound book; submit minutes for approval at successive meetings; prepare correspondence of the Band Boosters in coordination with the Band Director, President, and/or Executive Board, coordinate volunteers, update the Charms database with student data/email, communicate with shareholders on social media and perform other duties as required by the position or as requested by the Executive Board.
6. The Middle School Representative will serve as the liaison between their designated middle school and intermediate school directors and the Executive Board.
  - Representatives will report to the President.
  - They will be the first point of contact on assisting with fundraisers, Middle and Intermediate School Band events, etc...
  - They will have a vote on the Executive Board as it pertains to the middle and intermediate schools. They are not to vote on matters concerning the North Forney Band UNLESS the middle and/or intermediate schools will be present at the event or affected by the decision.
  - The Representative will not vote on any financial matters such as allocation or gift of funds from any of the Pride of Falcon Nation's accounts, even if that allocation is to the middle or intermediate schools.

- All decisions involving the Pride of Falcon Nation Booster Club will be brought to the entire board for a decision to be made. Representatives are not to promise anything to the intermediate and middle schools without it being approved by the Executive Board.

## ARTICLE VII. COMMITTEES

1. Committees shall be appointed by the President. Removal of any committee person shall be by the President with the consent of a majority vote of the other officers.
2. Standing committees shall be Fundraising, Hospitality and Social Events, Uniforms, and Field Crew.
3. All committees shall be composed of a chairperson and a minimum of two other members. The chairperson of each committee and the committee members shall be appointed by the President. Any voting member in good standing shall be eligible for committee chairperson or committee membership.
4. **Fundraising Committee** shall be responsible for:
  - Conducting research, approval, and coordination of all non-concession fund-raiser activities.
  - March-a-thon – responsible for communications and publicity only
  - The officers, band director and Principal of the school(s) participating must approve all fundraising projects.
5. **Audit Committee** shall be responsible for:
  - The Audit Committee will not have any member of the executive board serving as an auditor. It will be comprised of current band booster members whose students are in good financial standing with the band.
  - Conducting audits of financial records a minimum of two (2) times during the fiscal year.
    - *This is a concern as the process of an audit has so many steps and stages that it is barely possible to get 1 audit in a year. Let's discuss changing this to once annually or even bi-annually as it's unrealistic.*
  - Recommendations or findings shall be submitted to the Executive Board for their review
6. **Hospitality and Social Events Committee** shall be responsible for:
  - A. Game Day Hospitality
    - Arranging pick up and distribution of game-day meals
    - Acquiring sponsorships regarding meals
    - Taking orders and collecting payment from students (if needed)
    - Obtaining funds from the Treasurer to pay for food (as needed)
  - B. Competition Day Hospitality
    - Coordinating with Band Director on schedule and needs for each competition day
    - Coordinating meal preparation/delivery for students, staff and drivers
    - Coordinating snacks for students, staff and drivers
  - C. Hydration
    - Coordinating water coolers and/or Gatorade for all performances (march-a thon, parades, games and competition)
    - Additional activities requested by the Band Director as well as maintain a list of parent volunteers willing to assist in various functions.
  - D. Band Banquet and other special events
    - Decorating the banquet venue, tables, etc...
    - Decorating Band Hall for UIL competitions, Unity Bowl, Senior Night, Staff Appreciation, Volunteer Appreciation and any other events as they may arise.

- Coordinating food, snacks, etc... for banquet and special events
  - Coordinating entertainment for special events
7. **Uniforms Committee** shall be responsible for:
    - Maintaining and repair of band uniforms
    - Maintain a list of parent volunteers willing to hem, repair, iron and sew band uniforms.
    - Provide assistance at band registration and at all performances with miscellaneous repair needs.
  8. **Field Crew** committee shall be responsible for:
    - Assisting with the hauling, lifting, loading and unloading props and pit equipment at all performances throughout the year.
    - Traveling with the band/percussion section as needed to all competitions, and other band performances.
  9. Committee chairpersons may be asked to resign or be replaced due to dereliction of duty. The current President shall appoint a voting member in good standing to complete the term with the approval of the Executive Board.
  10. Dereliction of duty shall be determined by the Executive Board based on concerns expressed by members of the booster organization. Dereliction of duty shall be determined by the Executive Board based on concerns expressed by members of the booster organization. A full investigation will be conducted to ensure removal is warranted. The decision will be made final by the Executive Board and the Band Director.

#### ARTICLE VIII. DISBURSEMENT OF FUNDS/RECEIPTS

1. There shall be a total of three (3) authorized signatories on the Band Booster account. Designated authorized signers shall be President, Treasurer, and Concession Directors unless otherwise approved by the Officers and General Membership in a scheduled Band Booster Meeting. All disbursements over \$2,000 require two (2) signatures. Checks to purchase Concession supplies must be signed by one of the Concession Directors and the President or Treasurer. Debit cards will be issued to the President, Treasurer, and Concession Director. The limit on the debit card is \$2,000 per transaction unless otherwise approved by the board in writing.
2. All equipment purchases/maintenance/repairs outside of prescribed budget and exceeding \$250 must be approved by the Executive Board. Weekly concession supply purchases are limited to \$2,000 per transaction without prior approval by the Executive Board.
3. The Band Boosters shall operate on a budget format fiscal year which coincides with the school year.
  - a) A preliminary budget shall be written and discussed with the North Forney High School Head Band Director and President no later than May of the school year prior.
  - b) A final budget should be determined no later than 1 month after the start of the new school year or by September 15<sup>th</sup>, whichever comes first.
  - c) Budget should include all spending for anticipated events (band trips, food, private lessons, etc.) Line items can be included for the different sections (i.e. Band, Percussion, Color Guard)
  - d) Incidental costs to the budget that occur over the amount of \$250 must be voted on by the Executive Board of the Band Booster. (Examples of incidental costs: trailer repair, supplies, etc.)
  - e) Budgets shall be written for:
    - i. North Forney High School Band also known as Pride of Falcon Nation
    - ii. Brown Middle School/Smith Intermediate School

- iii. Jackson Middle School/Rhodes Intermediate School
  - f) Budget for each school or group of schools will be written with the assistance of the respective director in conjunction with the guidance of the North Forney High School Head Band Director.
4. The official mailing address for the Band Boosters must be used for all fundraising revenue received via US mail.
  5. All receipts are to be turned in to the Treasurer within 72 hours of purchase.

## ARTICLE IX. CONFLICT OF INTEREST

1. The purpose of a conflict-of-interest policy is to protect a Band Booster's interest when it is contemplating entering a transaction or business arrangement that might benefit the private interest of one of its officers or might result in a possible excess benefit transaction. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest.
2. Definitions:
  - **Interested Person:** An Interested Person is any director, or member of a committee with governing board delegated powers, who has direct or indirect financial interest, as defined below.
  - **Financial Interest:** A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
    - An ownership or investment interest in any entity with which the Band Boosters have a transaction or business arrangement,
    - A compensation arrangement with the Band Boosters or with any entity or individual with which the Band Boosters have a transaction or business arrangement, or
    - A potential ownership or invested interest in, or compensation arrangement with, any entity or individual with which the Band Boosters are negotiating a transaction or business arrangement.
  - Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.
  - A financial interest is not necessarily a conflict of interest in all cases. Under Article III, Section 2 of IRS Form 1023, a person with a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.
3. Procedures
  - **Duty to disclose:** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the Financial Interest and be given the opportunity to disclose all material facts to the officers considering the proposed transaction or business arrangement. To aid such disclosure, each officer shall complete a conflict-of-interest disclosure form as circumstances warrant, but no less frequently than annually.
  - **Recusal of Self:** Any director may recuse him or herself at any time from involvement in any decision or discussion in which the director believes he or she has or may have a conflict of interest, without going through the process for determining whether a conflict of interest exists.
  - **Determining whether a conflict of interest exists:** The board shall review each member questionnaire and any other disclosures regarding the financial interests of its members.

After disclosure of the financial interest, the interested person shall leave the board meeting while the remaining board members discuss and vote on whether a conflict of interest exists and necessary actions to proceed forward.

➤ **Procedures for addressing the conflict of interest**

- *An interested person may make a presentation at the Board meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or business arrangement involving the possible conflict of interest.*

*The above statement is redundant to the section directly above it.*

- After exercising due diligence, the governing board or committee shall determine whether the Band Boosters can obtain with reasonable effort, a more advantageous transaction or business arrangement from a person or entity that would not produce a conflict of interest. The interested person shall not be present in the room during the determination.
- If an alternative transaction or arrangement is not possible, the Board shall determine by a majority vote of the disinterested parties whether the transaction or business arrangement is in the best interests of the organization, for its own benefit, and fair and reasonable. Based on these determinations, the Board shall make its decision on whether to enter the transaction or business arrangement.

➤ **Disciplinary action**

- If the Board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, the Board shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

4. Annual Statements

- Each officer and member of a committee with Board delegated powers shall annually sign a statement which affirms such person:
  - Has received a copy of the conflict-of-interest policy,
  - Has read and understands the policy,
  - Has agreed to comply with the policy, and
  - Understands the Band Boosters is a charitable organization and to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.
- The Executive Committee shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

## ARTICLE X. DOCUMENT RETENTION

### 1. General Guidelines

- Records should not be kept if they are no longer needed for the operation of the business or required by law. Unnecessary records should be securely eliminated from the files on a regular basis following the guidelines noted below.
- Detailed financial reports from accounting software should be stored as digital copies each year. The general ledger, detailed general ledger, balance sheet and income statement should be stored after the bank reconciliation is done for June 30 each year.

## 2. Document Retention Schedule

<b>Document Type</b>	<b>Retention Period</b>
<b><u>Accounting and Finance</u></b>	
Annual Financial Statements and Audit Reports	7 years
Bank Statements, Reconciliation & Deposit Slips	7 years
Business Expense Reports	3 Years
Canceled Checks	3 Years
Credit Card Receipts	3 Years
General Ledger	Permanent
<b><u>Corporate and Exemptions</u></b>	
Articles of Incorporation and Amendments	Permanent
Bylaws and Amendments	Permanent
IRS Exemption Determination Letter	Permanent
<b><u>Electronically Stored Documents or Hard Copy</u></b>	
<i>Electronically stored documentation (e.g., in pdf, text or other electronic format) comprising or relating to a particular document otherwise addressed in this schedule should be retained for the same period as the document which they comprise or to which they relate, but may be retained in hard copy form (unless the electronic aspect is of significance)</i>	
E-mails considered important to the organization or of lasting significance should be printed and stored in a central repository	Permanent, subject to review
E-mails not included in either of the above categories	12 months
<b><u>Legal</u></b>	
Legal correspondence	Permanent
<b><u>Tax</u></b>	
Tax exemption documents & correspondence	Permanent
IRS Rulings	Permanent
Annual information returns – federal & state	Permanent
Tax Returns	Permanent



## ARTICLE XI. WHISTLEBLOWER PROTECTION POLICY

Pride of Falcon Nation Boosters requires board members to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As representatives of the Band Boosters, officers must practice honesty and integrity in fulfilling the responsibilities of the office and comply with all applicable laws and regulations.

1. **Responsibility to Report:** This Whistleblower Policy is intended to encourage and enable board members and others to raise serious concern internally so that Band Boosters can address and correct inappropriate conduct and actions. It is the responsibility of all board members to report concerns about violations or suspected violations of law or regulations that govern Band Booster's operations.
2. **Retaliation Policy:** It is contrary to the values of the Band Boosters for anyone to retaliate against any board member, association member, or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of the Band Boosters. A board member who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination from their position as a board member.
3. **Reporting Procedures:** The Band Boosters have an open-door policy and suggests that members share their questions, concerns, suggestions or complaints with board members. All board members are required to report complaints or concerns about suspected ethical and legal violations in writing to the Band Boosters President or Vice President, who have the responsibility to investigate all reported complaints. Members with concerns or complaints may also submit their concerns in writing directly to the President or Vice President.
4. **Compliance Officer:** The Band Booster's President or Vice President are responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The President or Vice President will advise the full Board of Directors of all complaints and their resolution.
5. **Acting in Good Faith:** Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicated a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.
6. **Confidentiality:** Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
7. **Handling of Reported Violations:** The Band Booster's President or Vice President will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

## ARTICLE XII. SPORTSMANSHIP CODE

1. All Band Boosters are responsible for setting a positive example for all band members, students and the community. As representatives of the North Forney Band Program, Band Boosters shall respect all officials, judges and other guests and shall display good sportsmanship, regardless of the outcome of the contest.

ARTICLE XIII. DISSOLUTION

1. A resolution to dissolve passed by a majority vote of the Executive Board may be presented by the North Forney High School Head Band Director to a meeting of the membership provided that a notice in writing by sent to each member at least two weeks prior to such meeting. A majority vote of those officers' present shall be required to approve the resolution.
2. Upon dissolution of the organization, the Executive Board shall, after making provisions for the repayment of all liabilities of the organization, dispose of all noncash assets and transfer the net cash assets to the North Forney High School Band Activities Fund. However, if the named recipient is not then in existence or no longer a qualified recipient, or is unwilling or unable to accept the distribution, then the assets of this organization shall be distributed to a fund, foundation or organization which is organized and operated exclusively for the purposes specified in section 501(c)(3) of the Internal Revenue Code.

ARTICLE XIV. AMENDMENTS

1. This Constitution may be amended by a three-fourths vote of the officers' present provided that any amendment is presented in writing and read at the previous regular meeting. All officers must be notified of the amendment at least two weeks prior to the date of the meeting in which the vote to amend is to be taken.

ARTICLE XV. APPROVAL

1. Amendment of these by-laws will take effect after acceptance and approval of ALL Officers of the current board. North Forney High School Head Band Director is required to review and sign the updated by-laws as amended or provide feedback which starts the proves of amending them, over.
2. These by-laws will govern the Booster Club in with oversight from the Board Officers, North Forney High School Head Band Director, North Forney High School Principal and Forney Independent School District Superintendent as evident by the signatures below.
3. These bylaws will be effective with the current 2021-2022 Board and the election or nomination of the 2022-2023 North Forney Band Boosters Officers. By-laws will be reviewed by the officers and band directors at least once every two school years.

*This document has been voted on by the current members of the 2021-2022 Board and was accepted and approved on March 26, 2022.*

President: Larena Richardson  
Larena Richardson

Date: March 26, 2022

NFHS Head Band Director: James Gist  
James Gist

Date: April 4, 2022