

BYLAWS
of
JENISON BAND BOOSTERS

JENISON PUBLIC SCHOOLS

JENISON, MICHIGAN

(Revised: April 19, 2016)

Amendment to Bylaws of

Jenison Band Boosters

The bylaws of Jenison Band Boosters (JBB) are amended, **effective April 19, 2016**, to adopt the following bylaws. The following bylaws supersede other provisions of the bylaws of the organization to the extent that the other provisions are inconsistent with the following bylaws.

Article I

Purpose and Dissolution

Section 1. *Purpose.* The organization (JBB) is organized for educational, literary, and scientific purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (the “Code”), as amended, to support the educational, literary, and scientific activities (including extra-curricular activities) of the Jenison Public Schools.

The organization shall not carry on any activities other than activities permitted to be carried on by an organization exempt from Federal income tax under section 501(c)(3) of the Code, by an organization permitted to receive tax-deductible contributions under section 170(c)(2) of the Code, and (if the organization is a nonprofit corporation) by an nonprofit corporation organized under the Michigan Nonprofit Corporation Act, as amended. This organization will remain nonprofit forever.

The organization shall not carry on any activities involving propaganda or attempts to influence legislation; and the organization shall not participate or intervene in any political campaign of any candidate for public office.

None of the assets or net earnings of the organization shall inure to the benefit of the organization’s directors, officers, or other private individuals. However, this provision shall not limit the organization’s ability to distribute assets in furtherance of the organization’s purposes, to pay reasonable compensation for services rendered to the organization, or to reimburse expenses incurred on behalf of the organization.

Section 2. *Dissolution.* When the organization is dissolved, and after paying or making provision for payment of all liabilities of the organization, all remaining assets shall be distributed to the Jenison Public Schools (or one or more of the individual schools which are part of the Jenison Public School District) in such amounts as the

members, in their discretion, may determine. If, at the time of the distribution, the Jenison Public Schools are no longer a governmental organization and are not an exempt organization under section 501(c)(3) of the Code, or to the extent that, for any reason, the members in their discretion determines that a distribution of assets to any of the schools is not appropriate, the remaining assets shall be distributed to one or more organizations organized and operated exclusively for one or more educational, literary, or scientific purposes under section 501(c)(3) of the Code in such amounts as the members, in their discretion, may determine.

Article II Affiliation with JPBCO

Section 1. *Affiliation.* The organization shall be an affiliate of Jenison Parent & Booster Clubs Organization (“JPBCO”), a Michigan nonprofit corporation. The chief executive officer or the chief financial officer of JBB shall serve as a director of JPBCO for as long as the officer holds that office in the organization.

Section 2. *General supervision control.* The organization shall be subject to the general supervision of JPBCO.

Section 3. *Group exemption letter.* The organization shall authorize JPBCO to include the organization in an application to the Internal Revenue Service for a group exemption letter. The authorization shall be a written authorization, signed by a duly authorized officer of the organization, and submitted to JPBCO before the end of the 15th month after it has been formed.

Section 4. *Federal employer identification number.* The organization shall obtain its own Federal employer identification number, and shall use this number for all bank accounts and other financial matters.

Section 5. *Notice of change of name, address, etc.* The organization shall provide JPBCO with a written statement of the organization’s name, street address, mailing address (if different from the street address), and Federal employer identification number, and shall provide JPBCO with written notice of any change of name, address, or Federal employer identification number.

Article III Objectives of the Organization

Section 1. To promote and maintain an enthusiastic interest in the activities and projects of the band program of the Jenison Public Schools.

Section 2. To lend all possible support, both moral and financial, to all members of the band program of the Jenison Public Schools.

Section 3. To cooperate with the Band Directors and school administrators of the Jenison Public Schools to the end that the band program shall attain and maintain the highest possible degree of efficiency and excellence.

Article IV Organization's Membership

Section 1. The voting membership of the organization shall include any parent or legal guardian of a child who is actively participating in the Jenison Public School's band programs or any parent or legal guardian who elects to remain active in the Jenison Band Booster organization after their child is no longer an active member or graduates from Jenison Public Schools.

Article V Directors and Officers

Section 1. *Number.* The organization (JBB) shall have a board of directors, consisting of at least **four** directors and officers consisting of at least a president, vice president, treasurer, and secretary.

(a) the members shall elect the board of directors, and the members may elect additional directors from time to time, and

Section 2. *Qualifications.* All JBB directors and officers must be members of the organization. A director may hold two or more offices at the same time, except the director who is the president may not hold any other office at the same time.

Section 3. *Nomination and election.* Candidates for election to the board may be nominated by any member at the annual meeting of the organization. Directors and officers shall be elected at the annual meeting of the organization.

Section 4. *Term of office.* Terms of office shall begin immediately after the elections at the annual meeting and shall continue until the next annual meeting and until the successor is elected and takes office.

Section 5. *President.* The president is the chief executive officer of the organization. The president has the general duty and authority to manage the affairs of the organization in accordance with the directives of the board, and shall preside at all meetings of the organization. The President shall appoint all committee chairs and shall be an ex-officio member of all committees. The term of office for the President of this organization shall be one (1) year.

Section 6. *Vice president.* The vice president shall perform the duties and exercise the authority of the president in the absence or disability of the president. The vice president also has such other duties and authority, if any, as the board delegates to the vice president from time to time. The term of Vice President of this organization shall be one (1) year and shall become the president for the following year.

Section 7. *Treasurer.* The treasurer is the chief financial officer of the organization and has the duty and authority to manage the finances of the organization in accordance with the directives of the board. The treasurer shall keep books and records of all fundraising activities and the management of the Scrip and financial transactions of

the organization. The treasurer shall prepare periodic financial statements as requested by the members and shall present a complete financial report at each annual meeting of the organization. The treasurer also has such other duties and authority, if any, as the board delegates to the treasurer from time to time.

Section 8. *Secretary.* The secretary shall keep minutes of the proceedings at all meetings of the organization and records of all other significant actions taken by the members. The secretary shall keep a register of the names, mailing addresses, and telephone numbers of the members and directors, and shall give notice of all meetings of the organization. The secretary maintains the email distribution list and the mail service under the direction of the Band Directors. The secretary coordinates electronic newsletters and electronic mailings. The secretary also has such other duties and authority, if any, as the board delegates to the secretary from time to time.

Section 9. *Other officers.* Other officers, if any, have the duties and authority delegated to them by the board from time to time with a maximum term of one (1) year.

Section 10. *Junior High and High School Band Directors.* The Band Directors of Jenison Public Schools shall be ex-officio members of all committees.

Section 11. *Vacancies.* The members or JBB directors, as the case may be, shall fill a vacancy in any office for the remainder of the unexpired term of office by nomination and election at the next regular meeting of the organization or at a special meeting called for this purpose.

Section 12. *Resignation and removal.* A JBB director or officer may resign from office at any time by giving written notice of resignation to the president or vice president. A director may be removed by the members, and an officer may be removed by the board, with or without cause, at a regular meeting or at a special meeting called for this purpose. In case of a regular meeting, however, the notice of the meeting must state that this is a purpose of the meeting.

Section 13. *Elections.* Elections occur annually, prior to the new term. The new term for officers shall commence July 1 through June 30. The newly elected Treasurer would commence work in July. However, the prior Treasurer may retain the prior years' records until the end of July.

ARTICLE VI Meetings

Section 1. *Annual meetings.* The organization shall hold an annual meeting for the election of directors and officers and for the transaction of any other business that is properly presented at the meeting. Notice of the annual meeting must be given in writing to the members and directors at least 7 days before the meeting.

Section 2. *Regular meetings.* The organization shall hold regular meetings from time to time during the academic year (September - May) as determined by the board.

Notice of regular meetings must be given in writing to the JBB members or directors, as the case may be before the meeting.

Section 3. *Special meetings.* The president, or any two directors, may call a special meeting of the members or directors at any time. Notice must be given in writing, or by telephone, to the members or directors, as the case may be before the meeting.

Section 4. *Location of meetings.* All meetings of the members and directors are to be held at Jenison High School unless a different location is specified in the notice of meeting. The president may specify a different location within the Jenison Public School District; and the board may specify a different location anywhere else.

Section 5. *Content of notice.* The notice of a meeting must specify the day, date, time, and location of the meeting. The notice of a special meeting must also state the purpose of the meeting. The notice of an annual or regular meeting need not state the purpose of the meeting.

Section 6. *Waiver of notice.* A meeting of the organization may be held at any time or place, without notice, if all members or directors, as the case may be, waive notice of the meeting. Attendance at a meeting is deemed to be a waiver of notice unless attendance is merely for the purpose of objecting to the lack of notice.

Section 7. *Quorum.* A majority of the members, or a minimum of 7, whichever is less, is necessary and sufficient for a quorum at any meeting of the members. A majority of the directors is necessary and sufficient for a quorum at any meeting of the board. In either case, if less than a quorum is present at the meeting, a majority of those who are present may adjourn the meeting from time to time without further notice until a quorum is present.

Section 8. *Required vote.* Except as otherwise provided by law or the bylaws, the affirmative vote of a majority of the members who are present and voting is necessary and sufficient to approve any matter submitted to the members for a vote, and the affirmative vote of a majority of the directors who are present and voting is necessary and sufficient for any action of the board.

Section 9. *Proxies.* A member or director may vote only in person.

ARTICLE VII

Committees

Section 1. There shall be the following standing committees: *Concessions, Feed-the-Band/Hospitality, Uniforms, Chaperones, Equipment, Fund Raiser, Sewing, \$CRIP, Wearables, Props and Jenison Marching Band Invitational* and other committees as the Executive Board shall determine, such as the Nominating Committee. The President shall appoint committee chairs, co-chairs, and added positions each year.

Section 2. The *Concessions Committee* shall organize and coordinate the operation of the Concession Stand for the benefit of the Band Boosters during all home

Varsity football games, the Jenison Marching Band Invitational, and when any other opportunity exists.

Section 3. The *Uniform Committee* will assist the Band Directors with distribution and maintenance of uniforms. The Committee's responsibilities include fitting of marching and concert uniforms and collection of uniforms at the end of the seasons. The Committee will also oversee uniforms at each performance.

Section 4. The *Feed-The-Band/Hospitality Committee* shall be responsible to plan and provide meals and/or snacks for band students at selected times, including meals on trips, as requested by the Band Directors. Additionally, they may plan and provide for refreshments for selected concerts or other activities as requested by the Band Directors. The Committee may request food and drink donations to defray expenses. In addition, the Committee will be responsible for organizing the meal for the Marching Band Banquet and the Family Picnic.

Section 5. The *Chaperone Committee* shall organize and oversee parents who serve as chaperones for each and every band activity requiring travel. The Committee will maintain a first aid kit and provide guidelines for the chaperones.

Section 6. The *Equipment Committee* shall transport band equipment to band performances and move band equipment to the pit area for marching performances. The Committee will maintain the necessary equipment and arrange for equipment transportation as required for concerts.

Section 7. The *Fund Raiser Committee* shall be responsible for reviewing, recommending and planning fundraisers that will enable students to earn credits and provide funds for the Band Booster budget. All potential fundraisers must be proposed to the Board of Directors. The Board of Directors in conjunction with the Band Directors will review the proposals and approve for implementation. The Committee shall help the chairperson(s) establish a method for reporting student credits, and for providing billings and timely deposits of money collected to the Treasurer. Each fundraiser chairperson shall be responsible for coordinating with the Treasurer to report sale results at the next Booster meeting following the close of the fundraiser.

Section 8. The *Jenison Marching Band Invitational Committee* shall organize and oversee the annual festival. The Committee will be responsible for all facets of the event, including the reporting of tickets sold and all other Invitational related income, excluding concession income when managed by Jenison/Hudsonville Food Services.

Section 9. The *Sewing Committee* makes the new flags each year at the direction of the Band & Color Guard Directors. They may also make the Guard uniforms.

Section 10. The *Scrip Committee* shall be responsible for managing the Scrip Program. Orders are accepted on Monday evenings and made available on the following Monday evening, in coordination with the calendar and school building availability. The chairperson(s) will be responsible for completing and submitting to the Assistant

Treasurer monthly reports of Scrip expenses, deposits, income and student credits. In addition, a summary of the month-end Scrip inventory will be given on a timely basis to the Treasurer for completion of the monthly financial statements.

Section 11. *Wearables Committee* shall be responsible for selling and ordering marching band-related articles for purchase.

Section 12. *Props Committee* shall be responsible for building and maintaining the props used on the field for competitions.

Section 14. *Committee meetings*. Each committee shall update the board at regular meetings or update a member of the board with information for the meeting.

ARTICLE VIII

Financial Matters

Section 1. *Fiscal Year*. The fiscal year of the organization, for tax and financial accounting purposes, is to be the same as the fiscal year of JPBCO. If JPBCO changes its fiscal year, the organization shall change its fiscal to correspond.

Section 2. *Compensation and expenses of officers*. All directors and officers shall serve without compensation other than reimbursement of actual, reasonable and necessary expenses incurred on behalf of the organization or otherwise in their capacities as directors or officers. Directors and officers do not have any right to reimbursement of any expense in excess of \$250 incurred on behalf of the organization, or any expense otherwise incurred by in their capacities as directors or officers, unless the expense is approved in advance by the board.

Section 3. *Periodic financial reports and other information*. The organization shall provide periodic reports of fund-raising activities, receipts and disbursements, and assets and liabilities to JPBCO. The organization shall also provide all other information about the organization's affairs at the request of JPBCO for any appropriate purpose, and shall provide the information in the form requested by JPBCO.

Section 4. *Tax liabilities and other expenses*. The organization shall provide JPBCO with funds for the payment of sales, use, and other tax liabilities attributable to the organization before the tax liabilities are due and payable. The organization shall indemnify JPBCO for all loss and expense (including legal and accounting expenses) resulting from tax liabilities attributable to the organization. The organization shall also reimburse JPBCO for a fair share of the operating expenses (if any) of JPBCO as determined by the board of directors of JPBCO.

Section 5. *Budgets*. The Annual Financial Budget must be approved by an affirmative vote of a majority of the members that are present and entitled to vote at a regular meeting or a special meeting called for this purpose.

ARTICLE IX Elections

Section 1. The President shall appoint a *Nominating Committee* each year. The Nominating Committee shall prepare the slate for the annual election of officers to be presented at a regular meeting. The election shall take place at the annual meeting. Nominations for officers may be made from the floor after the report of the Nominating Committee.

ARTICLE X Amendments

Section 1. *Amendment of Bylaws.* The Bylaws may be amended only by the affirmative vote of a majority of the members that are present at any regular meeting or any special meeting called for this purpose. In this case, the notice of the meeting must include the purpose of the meeting. The notice must describe the proposed amendment in writing, and the notice must be given before a regular meeting. In the case where a special meeting is called for this purpose, the notice must be given at least 7 days before the meeting.

ARTICLE XI Miscellaneous

Section 1. No property of the Band Boosters shall be loaned out to any individual or group without approval of the Executive Board of Directors and Officers.

Section 2. At the time any band student severs his/her relationship with Jenison Public Schools, quits band, or graduates, the remainder of his/her unused credits will be transferred into the general fund for band scholarships/financial assistance, unless the former student designates a transfer to a sibling's or other band member account, provided they are enrolled in the Jenison Band Program by May 31 of the same school year. In order to do so, a written request stating such needs to be submitted to the Band Department by September 15. The credit balance (minus lesson rebates) can also be transferred, if requested in writing prior to the end of May, to one of said student's fine arts' credit accounts in which they must currently participate. Refunds of unused student credits are non-allowable; credits earned through fundraising must be used for approved items or transferred as noted above.

Section 3. A budgeted allotment for summer band scholarships for students from grade 6 through grade 11 is to be set aside each year. Any student receiving a scholarship given by the Band Boosters must be in band the following year or such scholarship money must be reimbursed no later than the end of Band Camp.

Section 4. Any requests for financial assistance for trips and band camp by individuals must be submitted to the Band Directors on a completed Scholarship Application. The Band Directors shall determine the amount of the assistance to be given to the applicant. Any amount over and above \$200.00 shall be subject to approval of the Board.

Section 5. Financial assistance. To receive financial assistance for the student, the parent or legal guardian must be actively accumulating credits for their student's band account by participating in Booster fundraisers and volunteering.

Section 6. Notices. All notices required or permitted to be given to a member may be given by mail, email, website, social media, telephone, posting, publication, newsletter, flyer, or any combination of these means or any other manner intended to ensure receipt under the circumstance.

Band Booster Officer Signatures:

Dated:

President – Mary Bennink _____ / /

Vice President – Melissa English _____ / /

Treasurer – Lisa Thiss _____ / /

Secretary – Lisa Flessner _____ / /

Past President – Mary Bennink _____ / /

Addendum

Jenison Band Boosters

Conflict of Interest Policy

The purpose of this conflict of interest policy is to protect the organization's interest when it is contemplating a transaction or arrangement that might benefit the personal financial interest of a covered person or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace laws governing conflicts of interest applicable to nonprofit and charitable organizations. As used in this policy,

- (a) the term “*covered person*” means a director, officer, or member of a committee;
- (b) the term “*committee*” means a committee of the board of directors, but only a committee that has authority to take action on behalf of the board, and not a committee that is merely advisory to the board;
- (c) the term “*interested person*” means a covered person who has disclosed a financial interest in a proposed transaction or arrangement; and
- (d) the term “*financial interest*” includes indirect interests through business, investment, nonprofit, and family relationships.

1. *Duty to disclose.* A covered person who has any financial interest in a proposed transaction or arrangement must disclose the interest, and including all material facts and circumstances, to the board or to the committee that is considering the transaction or arrangement.

2. *Decision regarding further action.* After the disclosure, and after such further discussion with the interested person and investigation of the facts and circumstances as may be necessary or appropriate, the board or committee shall consider whether the organization can reasonably obtain a more advantageous transaction or arrangement that does not present a conflict of interest, and decide whether to pursue an alternative transaction or arrangement or whether to proceed with the proposed transaction or arrangement despite the conflict of interest. The interested person shall not participate in consideration of alternatives or the decision regarding further action.

3. *Violations.* If the board or a committee has reason to believe that a covered person has failed to disclose a financial interest in a proposed transaction or arrangement, the board or committee shall inform the person of the reason for the belief and provide the person with an opportunity to explain the alleged failure to disclose. After considering the explanation and making such further investigation as may be necessary or appropriate, if the board or committee determines that the person has failed to disclose a financial interest, the board or committee shall take appropriate disciplinary and corrective action.

4. *Records of proceedings.* The minutes of the board and all committees must include a record of all disclosures and related actions under this policy, including

- (a) the names of the persons who disclosed or otherwise were found to have a financial interest in a proposed transaction or arrangement, the nature of the financial interest, the discussions regarding the matter, including alternatives to the proposed transaction or arrangement, and the action taken in response, and

- (b) the names of the persons who were present for discussions and votes relating to the matter.

5. *Periodic reviews.* The board or a committee shall periodically review transactions and arrangements with directors and officers, and relationships with other organizations, to ensure that the transactions, arrangements, and relationships are consistent with the organization's tax-exempt purposes and do not jeopardize the organization's tax-exempt status.

Jenison Band Boosters

Whistleblower Policy

As representatives of the organization, directors, officers, employees (if any), and volunteers are expected to observe high standards of business and personal ethics, and to comply with all applicable laws and regulations. As used in this policy, “*person*” includes teachers, administrators, parents, and students, and “*ethics violation*” includes suspected violations, unless the context indicates otherwise.

1. *Reporting encouraged.* Any person who believes or suspects that an ethics violation has occurred is encouraged to report the matter to the president (or, if the matter involves the president, to the vice president).
2. *Retaliation prohibited.* Retaliation against any person who in good faith reports an ethics violation is prohibited. Any such retaliation is an ethics violation.
3. *Good faith.* Any person who reports an ethics violation should act in good faith and should have a reasonable basis for believing or suspecting that a violation has occurred. Any report made in bad faith, or without a reasonable basis, may be an ethics violation.
4. *Response.* The president (or vice president) shall bring the matter to the attention of the board of directors. The board shall investigate the matter and take further action if necessary or appropriate to resolve the matter.

Jenison Band Boosters

Document Retention and Destruction Policy

Under the Sarbanes-Oxley Act, it is a crime to alter, cover up, falsify, or destroy any document with the intent of impeding or obstructing any official proceeding.

This policy provides for the systematic review, retention, and destruction of documents received or created by the organization in carrying on its activities. This policy applies to all such documents, regardless of physical form. It sets forth guidelines for how long various types of documents should be retained, and when and how they should be destroyed.

The purpose of the policy is to ensure compliance with applicable laws and regulations, to avoid the destruction of records by accident or mistake, and to facilitate the organization's operations by promoting efficiency and freeing up valuable storage space.

1. *Retention periods.* The normal retention periods for various types of documents are set forth below. Documents that are not specifically described, but are substantially similar to those set forth below, should be retained for a corresponding period.

Corporate Records

Articles of Incorporation	Permanent
Bylaws	Permanent
Board Policies	Permanent
Board Minutes and Resolutions	Permanent
Committee Minutes	Permanent
IRS Form 1023 Application	Permanent
IRS Determination Letter	Permanent

Accounting and Tax Records

Annual Audits and Financial Statements	Permanent
Depreciation Schedules	Permanent
General Ledgers	Permanent
IRS Form 990 Tax Returns	Permanent
Business Expense Records	7 years
IRS Form 1099 Tax Returns	7 years
Journal Entries	7 years
Invoices	7 years
Sales Records (box office, concessions, gift shop)	5 years
Petty Cash Vouchers	3 years
Cash Receipts	3 years
Credit Card Receipts	3 years

Bank Records

Check Registers	Permanent
Bank Deposit Slips	7 years
Bank Statements and Reconciliation	7 years
Electronic Fund Transfer Documents	7 years

Payroll and Employment Tax Records

Payroll Registers	Permanent
State Unemployment Tax Records	Permanent
Earnings Records	7 years
Garnishment Records	7 years
Payroll Tax Returns	7 years
IRS Form W-2 Wage and Tax Statements	7 years

Employee Records

Employment and Termination Agreements	Permanent
Retirement and Pension Plan Documents	Permanent
Records Relating to Promotion, Demotion or Discharge	7 years (after termination)
Accident Reports and Worker's Compensation Records	5 years
Salary Schedules	5 years
Employment Applications	3 years
I-9 Forms	3 years (after termination)
Time Cards	2 years

Other Records

Construction Documents	Permanent
Fixed Asset Records	Permanent
Appraisals	Permanent
Copyright Registrations	Permanent
Environmental Studies	Permanent
Insurance Policies	Permanent
Real Estate Documents	Permanent
Stock and Bond Records	Permanent
Trademark Registrations	Permanent
Leases	7 years (after expiration)
Contracts	7 years (after termination)
Donor Records and Acknowledgement Letters	7 years
Grant Applications	5 years (after completion)
Correspondence (general)	3 years