



## Marcus Boys Basketball BOOSTER CLUB BYLAWS

### ARTICLE I: NAME

The name of this organization is the **Marcus Boys Basketball Booster Club**, and is associated with Marcus High School in Flower Mound, Texas.

### ARTICLE II: ARTICLES OF ORGANIZATION

The articles of organization of this organization include (a) the bylaws of such organization and (b) the certificate of incorporation or articles of incorporation of such organization (in cases in which the organization is a corporation) or the articles of association by whatever name (in cases in which the organization exists as an unincorporated association).

### ARTICLE III: PURPOSE

~~The purpose of the Marcus Boys Basketball Booster Club is to support the Marcus Boys Basketball program and provide equipment and supplies needed to make the program competitive and successful.~~

The purpose of the Marcus Boys Basketball Booster Club is to:

A. To support the Marcus High School basketball program through volunteer work, fund raising and other activities;

B. To create team spirit by demonstrating that the people in the community support the school and its basketball program; and

C. To encourage good sportsmanship toward officials, visitors and the players and coaches of the Marcus High School basketball team and opposing teams

D. To provide the players and coaches with equipment and supplies to make the program competitive and successful

### ARTICLE IV: BASIC POLICIES

The following are basic policies of the Marcus Boys Basketball Booster Club:

#### SECTION 1

The organization shall be noncommercial, nonsectarian and nonpartisan.

#### SECTION 2

The name of the organization or the name of its affiliated school shall not be used to endorse or promote a commercial concern or in connection with any partisan interest or for any purpose not appropriately related to promotion of the purpose(s) of the organization.

### **SECTION 3**

The organization shall not—directly or indirectly—participate or intervene (in any way, including the publishing or distribution of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office.

### **SECTION 4**

This organization shall not use any EIN (tax number) other than its own. The EIN for the Lewisville ISD is not to be used by any booster club for any purpose whatsoever.

*NOTE: In an incorporated organization the individual has additional protection for his personal assets against any lawsuits. The corporation entity provides this protection. In an unincorporated organization there is a greater potential for each and every member to be sued because there is no corporation entity. Protection against loss of funds can alternatively be gained if the organization has sufficient officers and liability insurance. A lawyer or the office of the Secretary of State should be contacted for detailed information on the steps necessary to become an incorporated organization.*

### **SECTION 5**

This organization shall secure a sales tax permit from the Texas Comptroller's office and shall display the permit in accordance with applicable law.

### **SECTION 6**

No part of the net earnings of the organization shall inure to the benefit of, or be distributable to, its members, directors, trustees, officers or other private persons except that the organization 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 III hereof.

### **SECTION 7**

This organization shall prohibit voting by proxy.

### **SECTION 8**

No part of the membership roster of this organization shall be sold to any entity or exchanged for any services or products without the approval of the majority of the general membership.

### **SECTION 9**

Upon the dissolution of this organization:

- After paying or adequately providing for the debts and obligations of the organization, the remaining assets shall be distributed to the Marcus High School Student Council. (choose one: distributed to one or more nonprofit funds, foundations or organizations which have established their tax exempt status under Section 501(c)(3) of the Internal Revenue Code-or-to yield up and surrender and all of its assets and property to LISD or to another local booster club.)
- Shall cease and desist from the further use of any name that implies or connotes association with a Lewisville ISD school; and
- Carry out promptly, under the supervision of the LISD sponsor or his designee, all proceedings necessary or desirable for the purpose of dissolving this organization.

### **SECTION 10**

This organization shall keep such permanent books of account and records as shall be sufficient to establish the items of gross income, receipts and disbursements of the organization. Such books of account and records shall at all reasonable times be open to inspection by its members.

#### **SECTION 11**

Only members who have paid dues for the current membership year (school year) may participate in the business of that association.

### **ARTICLE V: MEMBERS AND DUES**

#### **SECTION 1**

Membership in this organization shall be made available without regard to race, color, creed or national origin, nor in conflict with the provisions of the UIL.

#### **SECTION 2**

A person's paid membership dues allow membership in the organization from June 1 of the current school year through May 31 of the current school year. (*follows fiscal year*)

#### **SECTION 3**

Upon payment of annual dues, a person shall have membership in the organization for one year. The annual dues are nonrefundable.

#### **SECTION 4**

This organization shall sustain a yearly membership total of at least 50% of the total number of basketball players in the Marcus High School Boys Basketball program to remain an active booster club on the Marcus High School campus.

### **ARTICLE VI: OFFICERS AND THEIR ELECTION**

#### **SECTION 1**

Each officer must be a member of this organization.

#### **SECTION 2**

No officer shall be married to another officer. No officer may be a sibling of another officer. No officer shall be a signer for any checks that are payable to any of his family members.

#### **SECTION 3**

Officers and their election:

- The officers of this organization shall consist of a President, one Vice-President, a Secretary, and a Treasurer.
- Officers shall be elected by ballot in the month of May. However, if there is but one nominee for an office, election for that office shall be by voice vote. Elections shall be by plurality.
- An individual must be a member prior to taking office.
- Officers shall assume their official duties following the close of the school year and shall serve a term of one year or until their successors are elected.
- No officer shall serve in the same office for more than two consecutive terms. One who has served more than one-half of a term shall be credited with having served that term.

#### **SECTION 4**

Nominating Committee:

- There shall be a nominating committee elected by the general body at a regular meeting at least one month prior to the election of officers. Elections shall be by plurality. The committee shall be composed of 3 members. One alternate shall be elected to serve in the event a member is unable to serve. The committee shall elect its own chairman immediately following the meeting.
- The nominating committee shall nominate an eligible person for each office to be filled and report its nominees at the regular meeting in April at which time additional nominations may be made from the floor. The report shall be publicized to the local unit membership through regular publicity channels at least seven (7) days before the election meeting.
- Only those persons who have signified their consent to serve if elected shall be nominated for or elected to such office.
- No member shall automatically serve on this committee because of his office in the organization or position in the school system.
- The sponsor shall not serve as a member of this committee, nor shall they appoint any member of the committee.

## SECTION 5

### Vacancies:

- A vacancy occurring in any elected office shall be filled for the unexpired term by a person elected by a majority vote of the executive board, notice of such election having been given.
- In case a vacancy occurs in the office of President, the aide to the President shall serve notice to the executive board of the election.

## SECTION 6

### Reason to remove:

- By two-thirds (2/3) vote of the executive board an officer or chairman shall be removed from office for failure to perform duties, criminal misconduct or unethical behavior in unethical or detrimental conduct that fails to support the purpose and culture of the organization's business.

*NOTE: The booster club must have at a minimum: a President, a Secretary and a Treasurer to function on an LISD campus.*

## ARTICLE VII: DUTIES OF OFFICERS

### SECTION 1

#### The President shall:

- Coordinate the work of the officers and committees of the association;
- Confirm that a quorum is present before conducting any business at any meeting of the association;
- Preside at all meetings of the association;
- Appoint chairmen of special committees subject to approval of executive board;
- Be authorized to sign on bank accounts (two of three authorized signatures shall be required on all checks over \$1500);
- Call a meeting of the newly elected officers within thirty (30) days after the election meeting for the purpose of approving appointments of standing committee chairmen and such other business as becomes necessary;
- Be a member ex-officio of all committees except the nominating and audit committees;
- Submit a copy of its bylaws and standing rules to the Marcus High School principal;
- Submit to the LISD accounting office and principal forms required by Lewisville ISD.

## **SECTION 2**

The Vice-President shall:

- Act as Aide-to-the-President, and
- Preside in the absence of the President.

*NOTE: Vice-Presidents shall be named in order of precedence: first, second, third, etc. Each Vice-President shall have administrative charge of a specific area, which must be stated in the bylaws. The first Vice-President shall be designated as the Aide-to-the-President. If no Vice-Presidents are prescribed in these bylaws, the Secretary will become aide to the President.*

## **SECTION 3**

The Secretary shall:

- Record the minutes of all meetings of the association;
- Maintain a compilation of the organization's minutes;
- Be responsible for correspondence;
- Have a current copy of the bylaws; and
- Maintain a current membership list.

*NOTE: If both a recording and corresponding Secretary are elected, the duties of the Secretary shall be divided. If no Vice-Presidents are prescribed in these bylaws, the Secretary will become Aide-to-the-President.*

## **SECTION 4**

The Treasurer shall:

- Maintain custody of all the funds of the association;
- Keep books of account and records including bank statements, receipts, budgets, invoices, paid receipts and canceled checks for five years;
- Make disbursements in accordance with the budget adopted by the organization;
- Sign on bank accounts (two of three authorized signatures shall be required on all checks over \$1500);
- Present a financial report, both written and verbal, at every meeting of the unit and as requested by the executive board or the organization;
- Make a full report at the annual meeting;
- Be responsible for the maintenance of such books of account and records as conform to the requirements of Article V, Section 4 of these bylaws; and
- Submit books to the audit committee as requested.

## **SECTION 6**

All officers shall:

- Attend all meetings of the association;
- Perform the duties outlined in these bylaws and those assigned from time to time; and
- Deliver to their successors or the President all official materials within fifteen (15) days following the date at which their successors assume their duties.

## **ARTICLE VIII: DUTIES OF SPONSOR**

### **SECTION 1**

The sponsor of the organization shall not be a member or have voting privileges on the executive board.

## **ARTICLE IX: MEETINGS**

## **SECTION 1**

This organization shall hold minimum of six meetings a year.

- Regular meeting dates will be established by the executive board at the first meeting of the year. Time and dates will be announced to the membership at its first meeting of the year. Five days notice shall be given if change of date is needed.
- The regular meeting held in May shall be the election meeting.
- The annual meeting in May shall be for the purpose of receiving reports of officers and chairmen and for any other necessary business.

## **SECTION 2**

Special meetings of the association may be called by the President or by a majority of the executive board, at least three days notice having been given.

## **SECTION 3**

*NOTE: ~~427~~ members shall constitute a quorum for the transaction of business in any meeting of this organization. It is suggested that the membership be notified through regular publicity channels of the date and time of all organization meetings following the first meeting of the executive board at which time this schedule is determined.*

# **ARTICLE X: EXECUTIVE BOARD**

## **SECTION 1**

The executive board shall consist of the officers of the association and the chairmen of standing committees.

## **SECTION 2**

The sponsor of the organization shall not be a member nor have voting privileges on the executive board but shall attend board meetings.

## **SECTION 3**

A member shall not serve an officer or chairman of the organization's executive board while serving as a paid employee of, or having purchasing contracts with the organization.

## **SECTION 4**

The duties of the executive board shall be to:

- Transact necessary business in the intervals between association meetings and such other business as may be referred to it by the association;
- Present a report at the regular meetings of the association;
- Approve Plans of Work of all officers and committee chairmen;
- Appoint an audit committee consisting of not less than three members, who are not authorized signers, at least thirty (30) days before the annual meeting, to audit the Treasurer's accounts;
- Create standing and special committees;
- Fill vacancies of officers and chairmen;
- Prepare and submit a budget for the year to the organization for adoption;
- Approve routine bills within the limits of the budget; and
- Ensure that the organization, through its practices and policies, does not violate such rules and regulations that govern UIL.

## **SECTION 5**

Meetings:

- Regular meetings of the executive board shall be held prior to each regular association meeting, the time to be fixed by the board at its first meeting of the year.

- A majority of the executive board members shall constitute a quorum.
- Special meetings of the executive board may be called by the President or by a majority of the members of the board, at least three (3) days notice being given.
- The Executive Board may participate in and hold a virtual meeting by means of teleconference or video conference.

*NOTE: It is suggested that the quorum be set to reflect the number of members who could reasonably be expected at any business meeting. This should be a specific number (not percentage) of the total membership. In calculating a quorum, filled board positions rather than positions available will be counted.*

## **ARTICLE XI: STANDING AND SPECIAL COMMITTEES**

### **SECTION 1**

Only members of the association shall be eligible to serve in any elective position.

### **SECTION 2**

The executive board may create such standing and special committees as it may deem necessary to carry on the work of the organization. The term of each chairman shall be one (1) year or until the selection of a successor.

### **SECTION 3**

The newly-elected President shall call a meeting of the incoming officers within thirty (30) days after the election for the purpose of approving standing committee chairmen and such other business as becomes necessary.

### **SECTION 4**

No chairman shall serve in the same office for more than two consecutive terms. One who has served more than one-half of a term shall be credited with having served that term.

### **SECTION 5**

All standing committee chairmen shall:

- Deliver to their successors or the President all official materials within fifteen (15) days following the date at which their successors assume their duties; and
- Present a Plan of Work to the executive board for approval. No committee work shall be undertaken without written approval from the executive board.

### **SECTION 6**

The President shall be a member ex-officio of all committees except the nominating and audit committees.

### **SECTION 7**

The quorum of any committee shall be a majority of its members.

*NOTE: Most parliamentary authorities discourage the use of more than one person serving in the same capacity; citing "no authority/no responsibility"; therefore, there are no co-chairmen.*

## **ARTICLE XII: FISCAL YEAR**

### **SECTION 1**

The fiscal year of this organization shall begin June 1st and end May 31st.



## **SECTION 2**

An audit committee consisting of not less than three (3) members, who are not authorized signers, shall be appointed by the executive board at least thirty (30) days before the last meeting of the fiscal year.

## **SECTION 3**

The audit committee report shall be adopted by the association.

*NOTE: An audit of the Treasurer's accounts is for the protection of the Treasurer. It is the only means of assuring everyone that the accounts are accurate, and it relieves the Treasurer of responsibility except in the case of fraud. The audit report is adopted by a majority vote at the first general meeting following the close of the school year.*

## **ARTICLE XIII: PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the organization in all cases in which they are applicable and in which they are not in conflict with these bylaws, or the articles of incorporation.

## **ARTICLE XIV: AMENDMENTS**

### **SECTION 1**

- These bylaws may be amended at any meeting of the association, provided a quorum is present, by two-thirds (2/3) vote of the members present and voting. Notice of the proposed amendment shall have been given at the previous regular meeting or twenty (20) days prior to the meeting at which the amendment is voted upon. Each amendment to the bylaws shall be provided to the membership through the regular publicity channels at least twenty (20) days prior to the meeting at which the amendment is voted upon or at the previous regular meeting.
- A committee may be appointed to submit a revised set of bylaws as a substitute for the existing bylaws only by a majority vote at a meeting of the association, or by a majority vote of the executive board. The requirement for adoption of a revised set of bylaws shall be the same as in the case of an amendment.
- After adoption by a two-thirds (2/3) vote at a meeting of the organization, a copy of bylaws (and standing rules) as amended or revised and dated shall be sent to the campus principal.

### **SECTION 2**

This organization shall review and if necessary amend its bylaws at least every three (3) years.

*LISD March 2009*

*Latest Revision: April 2016 September 2019*