

Constitution Article I: Name and Objectives

Section 1. The name of the organization shall be the Fort Mill Middle School Athletic Booster Club, hereafter referred to as the Booster Club. The organization has the approval of the Principal of the middle school as well as the school board and the superintendent.

Section 2. The objectives of the Booster Club are:

- A. To establish and provide support to Fort Mill Middle School sporting activities as deemed appropriate to foster school pride, athlete recognition, and fan support.
- B. To fully cooperate with school district officials, middle school officials, coaches, and other student sports organizations to promote and support Fort Mill Middle School Athletic Department and its athletes.
- C. To provide financial assistance whenever possible within the approved guidelines and budgetary constraints of the Booster Club. Further information regarding this subject can be found in the by-laws.
- D. Notwithstanding any other provisions of these articles, the purpose for which the association was organized is exclusively charitable and educational within the meaning of section 501(c)3 of the Internal Revenue Code of 1986 and any of the corresponding provisions of any future United States Internal Revenue Law.

Constitution Article II: Membership

Section 1. Membership in the Booster Club shall be open to all parents, guardians, and community supporters of Fort Mill Middle School student athletes.

- A. Any individual interested in joining the Booster Club must be at least 18 years old and must meet the pre-established requirements for official membership.
- B. Members shall have the right to participate in discussion on important matters brought before the membership, make motions to be voted on by the Executive Board and Committee Chairs, serve on committees, and participate in Booster Club events and activities. Members are expected to support the goals and objectives of the Booster Club and abide by its by-laws.
- C. Membership to the organization can be terminated by a 75% vote of the Executive Board and Committee Chairs if an individual causes adverse publicity or social actions that dramatically conflict with the best interests of Fort Mill Middle School or its athletes.

Section 2. No person shall be barred from membership in the organization because of race, creed, sex or national origin.

Constitution Article III: Committee Chairs and Elections

Section 1. The officers of the organization shall consist of an Executive Board made up of President, Vice-President, Secretary, Treasurer and Committee Chairs shall consist of Director of Concessions, Director of Marketing and Social Media, Director of Sponsorships, Director of Game Day and Director of Fundraising Events.

Section 2. All Executive Board Members shall be elected by a quorum of the Committee Chairs of the Booster Club in attendance at the annual Election Meeting held during April of each year, except in

cases where a member cannot fulfill their duties due to unforeseen circumstances, in which case a special election may be conducted as outlined in the by-laws (Section I Nominations and Elections). The newly elected officers shall assume the duties of office on May 1st, as specified in the by-laws.

Constitution Article IV: Meetings

Section 1. A regular scheduled monthly meeting shall be held each month of the year. These meetings are for all members and are open to anyone interested in becoming a member.

Section 2. An annual meeting for the election of officers will be held in April of each year as part of the regular monthly meeting, unless exceptional circumstances require rescheduling, as outlined in the by-laws. Additionally, a special called meeting may be convened to address such circumstances

Section 3. Special meetings of the membership can be called by any member of the Executive Board for immediate business decisions. Items that require immediate action, prior to the next general meeting, could be requested by the Executive Board and approved via an online vote.

Section 4. The Executive Board may meet at any time for planning future agendas and/or other business purposes. The minutes of these meetings are to be read at the next general meeting.

Section 5. The Booster Club Secretary shall distribute and post the minutes of the prior months meeting to members prior to the next general meeting. Upon the President calling the meeting to order a motion to approve the minutes as provided will be requested, discussed and ultimately approved.

Section 6. The Booster Club Treasurer shall provide and distribute during each monthly general meeting a financial report to include goals, budget, balance sheet , profit/loss report and actual financial position of the Booster Club.

Section 7. Roberts Rules of Order Revised shall be the parliamentary authority for this Booster Club on all questions not covered in the by-laws.<https://yorkcountyyfireschool.org/wp-content/uploads/2023/05/Roberts-Rules-of-Order-Newly-Revised-12th-Edt.pdf>

Section 8. A Quorum shall be determined by a majority vote of the Executive Board and Committee Chairs at a properly called meeting, or online voting by the Executive Board and Committee Chairs.

Constitution Article V: Tax Exempt Status

Section 1. The Booster Club shall operate exclusively as a Fort Mill Middle School Athletic support organization. NO part of the net income of this organization shall be applied to the benefit of or be distributed to its elected officers, members, or other private persons. Reasonable compensation as approved by vote of the officers and/or membership may be paid to persons for appropriate business services rendered.

Section 2. The organization shall engage only in those activities permitted by institutions governed by the Internal Revenue code, or the corresponding provisions of any future United States Internal Revenue Law or South Carolina state law as it pertains to normal tax-exempt clubs and social/business organizations.

Section 3. Notwithstanding any of the provisions of these articles, this organization shall not carry on any activities not permitted to be carried on by an organization exempt from Federal Income Tax under section 501(c)3 of the corresponding provision of any future United States Internal Revenue Law.

Constitution Article VI: Finances and Assets

Section 1. All expenditures must be within annually approved budgets except as noted in the by-laws. (Article III Budgets and Finances)

Section 2. Upon dissolution of the Booster Club, the Executive Board shall distribute any remaining funds or other such assets equally among all current Fort Mill Middle schools in the district as of that time, to be carried out by the Fort Mill Athletic Conference.

If the Fort Mill Athletic Conference does not exist at the time of dissolution of this association, assets shall be distributed for one or more express purposes with the meaning of section 501©3 of the Internal Revenue Code or corresponding section of any future Federal Tax Code, or shall be distributed to the Federal Government, or to the state or local government for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the County in which the principal office of the Booster Club is then located, exclusively for such purposes or to such organization or organizations as said court shall determine.

Constitution Article VII: Amendments

Section 1. The Constitution may be amended, when necessary, by the President and/or Executive Board by first appointing a committee of 3-5 members headed by the Vice President for review and recommendations.

Section 2. The committee reports back to the Executive Board their approval and recommendations.

Section 3. After approval by the Executive Board there must be a reading of the proposed amendments to the Constitution or the Bylaws at two consecutive meetings.

The first meeting report is informational, while the second reading will then be followed by a vote of the members present at a properly called meeting.

Section 4. Members shall be notified of the first reading and second reading via any practical media; email, website, news articles, posters, letters or social media.

Section 5. There must be approval by 2/3 members at the second meeting to adopt and ratify Constitutional Amendments or By-law revisions. These procedures shall constitute a quorum.

By-law Article I: Membership

Section 1. Membership Fees

The membership fee in the Booster Club shall be set by the Executive Board annually. This fee shall be payable or renewable at the beginning of each new school year starting in July and expiring the last day of June. New members can be solicited at any time during that fiscal year. A membership drive shall be made throughout each school year.

Section 2. Members Duties, Responsibilities and Rights

A. Duties and Responsibilities

- I. Assist in promoting and participating in Booster Club activities
- II. Members, as individuals, are not authorized to make commitments or expenditures on behalf of the Booster Club.
- III. Members shall not transfer any rights of membership to any non Booster Club member.

B. Rights

- I. Members have the right to be recognized at Booster Club meetings to make motions that are voted on by the Executive Board and Committee Chairs.
- II. Members must be present and they have the right to participate and debate on all motions.
- III. Members have the right to carry out Executive Board approved activities in accordance with the constraints set forth by the Constitution and the By-laws of the Booster Club that are in the best interests of supporting the Fort Mill Middle School Athletic Teams and with the concurrent agreement of the Athletic Department.

Section 3. Special Consideration

Special consideration may be given to financially burdened families at the discretion of the President and/or the Executive Board.

By-laws Article II: Elective Officers

Section 1. Nominations and Elections

Nominations of the elective officers: President, Vice President, Secretary, and Treasurer (Directors/Officers include: Director of Concessions, Director of Marketing and Social Media, Director of Sponsorships, Director of Game Day and Director of Fundraising Events.

(Article III, Section 1) shall be as follows:

- A. Only current or previous officers can be elected to serve as President.
- B. A nominating committee appointed by the Executive Board, chaired by the Vice President and to include no less than 2 Booster Club Members who will present the names of possible candidates for elected office positions.
- C. A form created by the nominating committee shall be used to secure nominees for each open position.
- D. The nominating committee will ensure that all prospective candidates are aware of the responsibilities of the office for which the candidate is nominated.
- E. The names of at least two (2) candidates shall be submitted to each open office or board seat when possible. There is no maximum to the number of candidates that can be submitted for an elected position.
- F. The names of all nominated candidates for open board seats shall be presented at the April general meeting at which time the elections will be held. Nominations from the floor by the Booster Club Members shall also be accepted at this time.
- G. The election shall be administered by the nominating committee and the vote shall be by secret ballot. The nominees who receive the highest number of votes shall be declared elected. In the event of a tie, a revote of that office position, by the Executive Board and by secret ballot, will take place at the same meeting.
- H. After the installation of the new officers, the ballots may be destroyed pending recording by the outgoing secretary and with the approval of those members in attendance via a motion carried successfully by a voice vote.
- I. The results of the elections are final and the newly elected officers will take office responsibilities as of May 1.

Section 2. Terms of Office Endearment

- A. All elected officers must become members of the Booster Club for the new school year. Membership dues are to be paid by June 15 of the elected school year.
- B. Each elected officer position is 1 calendar school year or June 30-July 1 of the following year.
- C. No person may hold the same elected office position for more than a total of three (3) consecutive calendar school years.

Section 3. Vacancies

- A. If a vacancy occurs in the Presidency the Vice President shall assume the duties of the office. If unable to act in that capacity the Secretary shall assume the duties.
- B. Vacancies of any office except President between elections shall be appointed by the President with confirmation by a majority vote of the Executive Board and Committee Chairs present at the next general meeting. That appointee will serve out the remainder of the calendar year until the next general election.

Section 4. General Duties, Responsibilities and Limitations of Officers

President

- A. Shall preside at all general membership meetings.
- B. Shall appoint and advise any committee heads to perform necessary functions.
- C. Shall act as a representative of the organization to outside person or to other organized bodies whenever required (i.e. FMMS Athletic Director and coaches, Principal, District staff, etc)
- D. Is empowered to authorize expenditures up to an amount of \$500 outside of the approved budget without membership vote and up to \$750 for any concession needs and provided that such expenditures are in accordance with the constitution and are designated for FMMS Athletic purposes.
- E. Shall work closely with the treasurer to write checks as well as deposit money and keep a current accounting of monies in each team budget account and each team fundraiser account.
- F. The President should have access to all financial records including login and account information at any time and all should be stored in google drive for access.
- G. Will appoint a nominating committee who will present the names of possible candidates for Executive Board position.
- H. Any officer with a year of experience on the board may run for President the following year provided the guidelines in Section 2 Terms of Endearment are met. It is not assumed that the position of Vice President would automatically become President.

Vice President

- A. Shall assist the President in all duties with the focus on special projects requested by the President.
- B. Shall preside during an absence of the President.
- C. Shall lead the Nominating Committee.
- D. Shall assist with directing communication to the board and members.

Secretary

- A. Shall be responsible for the administration, compliance and application of parliamentary procedures as it applies to the Constitution and By-laws of the Booster Club.
- B. Shall plan, direct and assist the President as needed in oral and written communication with the Fort Mill Middle School officials and coaches.
- C. Shall take meeting minutes for all Booster Club meetings. If unable to attend a meeting, make appropriate arrangements for another officer to take meeting minutes.
- D. Shall provide Meeting Minutes for the officers within 7 days of the meeting, as well as ensure timely distribution to the membership.

- E. Shall make minutes available to the general membership.
- F. Shall work with the nominating committee to ensure an official record of the annual board election.
- G. Shall retain the record of membership applications and the official membership list.
- H. Shall be the liaison between members and the Executive Board.
- I. Shall be the point of contact for team parent roles and responsibilities.
- J. Shall collect meeting agenda items 1 week in advance of meetings to use in preparation of the meeting agenda.
- K. Shall work with Director of marketing/media to create/share monthly Booster newsletter to members.
- L. Shall work with Director of marketing/media to create/share information for Principal's weekly school wide newsletter.

Treasurer

- A. Shall supervise all aspects of the Booster Club finances in accordance with Article III of the By-laws.
- B. Work closely AD and all head coaches so that every expenditure is substantiated by a request from the Athletic Director, a written receipt, bill and/or a request for payment properly approved by the Athletic Director Coaches should submit needs and wants to AD & Boosters with links and approved by AD before Boosters vote on it. AD needs to submit all requests written by request form with details, invoice/receipt (It is excepted that the AD will give at minimum a 2 week notice for any request)
- C. Provide a clear and concise monthly finance report (via chosen reporting system) reviewed by a second party (another officer or financial committee and to be to be read at each General Meeting to include but not limited to any variance (positive or negative) to the approved budget.
- D. Shall file taxes within the appropriate government organizations need to be reviewed by an accountant and presented to the board. The treasurer works in conjunction with a preapproved/pre-established third party/CPA to compile and properly file annual reports, form, returns or financials to the appropriate US or State Governments
- E. Shall provide a monthly finance report to the Executive Board.
- F. Shall file the proper paperwork to ensure that the Booster Club continues to be a non- profit organization and is in compliance with the laws of South Carolina and the United States Treasury paperwork: non-profit, secretary of state paperwork, tax forms.
- G. Shall initiate a fiscal financial budget to be approved by the Executive Board and to then be presented for approval by the membership. Fiscal year runs June 30th to July 1st of following year.
- H. Shall ensure all money is handled according to School District recommendation of guidelines and policy. Guidelines provided in Addendum A
- I. Monitor requests and reimbursement forms from AD or members.
- J. Track all receipts, bank statements, start and end cash for events, request/reimbursement forms by the 15th of each month and reported and next meeting.
- K. Track all receipts, bank statements, start and end cash for events, request/reimbursement forms by the 15th of each month and reported and next meeting

- L. Coordinate starting cash for all events (with proper form and two signatures) and deposit ending cash by after the event or end of that week with location of money stored if it is not deposited the next day.

Director Concessions

- A. Shall oversee and direct the concessions as required for Fall, Winter and Spring sports during the school year.
- B. Shall form a committee, if necessary, to assist with all concessions operations for the success at each event.
- C. Shall work with the President & Treasurer to ensure a concessions budget is in place for the upcoming school year concerning concessions and equipment needs.
- D. Shall work with the President & Treasurer on product inventory and pricing.
- E. Once AD provides a game schedule for Fall, Winter, and Spring. Director of concessions will create a sign up for each sports season and then will be sent to the secretary to be distributed to AD, Booster Members and Team parents for providing concessions volunteers.
- F. Shall oversee and direct the volunteers as required for concessions or other events where volunteers are needed.
- G. Shall ensure proper levels of concession products are maintained for Booster Club and team usage needs.

Director Game Day

- A. Shall oversee and direct any needs that are required for Fall, Winter, and Spring sports during the school year.
- B. Shall form a committee, if necessary, to assist with all concessions operations for the success at each event.
- C. Shall committee with AD, President, Vice President and Secretary about game day set-up or needs to be communicated to members or team parents.
- D. Follow Game-day checklist

Director Sponsorships

- A. Shall form a committee and oversee solicitations for business ads for all sports programs.
- B. Shall work with the Executive Board to establish financial goals.
- C. Shall create a sponsorship packet to be distributed to previous and new potential sponsors and create appropriate sponsorship levels and pricing upon approval by Executive Board and Committee Chairs.
- D. Shall work with the Treasurer to ensure proper sponsor invoicing, collecting of funds, and receipts are given with appropriate tax exemption information for our sponsors.

Director Fundraising Events & Special Events

- A. Shall form a committee, if necessary, to oversee and organize all fundraising.
- B. Shall form a committee for special events including: athlete breakfast & Booster Table at school events.
- C. Shall create fundraising events to be approved by Executive Board and Committee Chairs.

Director Marketing and Media

- A. Shall maintain social media presence to include Facebook, Instagram and share graphics with AD to add to the website.
- B. Create and share graphics/information by the end of the week for the Principal's weekly school wide newsletter.
- C. Shall work with team parents or athletic director to obtain final scores to share via social media.
- D. Shall work with the Secretary to share volunteer needs, upcoming events, meeting dates or information via social media platforms.
- E. Shall share all game schedules, sponsors, events, member updates prior to events to include link to buy tickets.
- F. Shall assist with any marketing and sponsorship needs of the board.
- G. Responsible for creatively engaging with Facebook and Instagram followers in a way that draws followers to the Booster page.

By-laws Article III: Budgets and Finances

Section 1. All budgets must be approved for content by the Executive Board prior to submission to the executive board and Directors for final voting approval. In the event total expenses must exceed the approved budget it must be revised to obtain additional funds by presentation of an addendum which must be approved by both the Executive Board and the Directors.

Section 2. The budget for the coming year shall be proposed after the Executive Board approval during the May meeting each year.

- A. The Athletic Director shall present a proposed budget to the Executive Board & Directors by May 1st (to be discussed at the May meeting) of items the FMMS coaching staff would like the Booster Club to support for the coming year (form will be given to AD). These requests shall not be edited by the Athletic Director, however, they shall be designated as approved or disapproved by the Athletic Director and listed in priority order. The Executive board will approve or disapprove the items with a vote.
- B. Requests need to be made before the season starts. All requests for funds from the FMMS Athletic Director or Coaching Staff must be submitted in writing using the approved Booster Club form. It must then be approved by the Athletic Director for a vote consideration by the Booster Club.
- C. Each Booster Club Director shall present a proposed budget at the May meeting to the Executive Board.
- D. During the May meeting the Booster Club shall make recommendations of projects to fund for the upcoming school year.

Section 3. The Treasurer's report must be audited once per year by an independent accounting agency or person.

Section 4. A financial statement should be made available to the Fort Mill Middle School Athletic Director and/or Principal, and booster members upon request. The finances are to be available at every Booster meeting with full transparency for all activity therein.

Section 5. Any variations in the amount of the total annual budget from one year to the next should be examined by the Executive Board.

By-laws Article IV: Grievances

Section 1. Grievances shall be filed in writing and submitted to the Secretary who shall promptly notify the Executive Board to place it in the following months docket if it remains unresolved with the individual prior to that time. The President shall appoint a Grievance Board to act as the judicial board in resolving the grievance issue. The Grievance Board shall consist of five (5) people; one (1) School Administrator, one (1) Executive Board member, three (3) General Members. It should then render its decision at the Executive Board Meeting.

Note: The grievance decision does not require a vote of the general membership and should not be open for public debate unless the grievance submitter has followed the steps outlined in the following two (2) sections.

Section 2. Appeal of Grievance Board Decision

An Appeal of the Grievance Board decision on a grievance may be made if it is felt that the decision was unjust. However, this individual(s) must appeal in writing within seven (7) days after the decision of the Executive Board. It must also carry the petitioned signatures of at least 25% of the membership. The Executive Board will be requested to meet at the earliest possible time to render a final decision on the matter.

Section 3. Appeal Meetings

In view of the possible sensitivity of a particular grievance content, dissemination of such information will be left to the discretion of the Grievance Board. All grievances and appeal meetings will be closed unless otherwise specified by the Grievance Board conducting said grievance or appeal meeting.

By-laws Article VI: Assets

Section 1. Equipment

No sale of Booster Club equipment will be made by anyone without the approval of the Executive Board.

Section 2. Supplies

Any supplies or other articles purchased by the Booster Club shall be used for the express purpose of the Booster Club and shall remain the property of the Booster Club.

All purchases in excess of the Approved Budget must be approved and voted on by the membership.

By-laws Article VII: Amending By-laws

Section 1. Amendment Procedures

An amendment(s) to the By-laws may be proposed in writing by any member. Such a proposal shall be submitted to the Vice President for preliminary review. It will then be sent to an appointed By-law Committee for study, refinement and recommendation. If the proposed amendment meets these requirements there must be a reading or posting of the proposed amendment(s) at two (2) consecutive meetings. The first reading is informational, while the second reading will be followed by a vote of the members present at the meeting. Members shall be notified via any practical and available media. There must be a 2/3 majority vote of those members present at the meeting to adopt or ratify changes made to the Constitution or By-laws.

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Addendum A: Recommended guidelines, policies, principals, and financial checklist from the district

General Principal

Always have two people involved in the handling of cash receipts, cash disbursements, and the preparation and review of bank reconciliations.

Cash handling

1. Set up one cash point (no matter the event) with at least two people
2. Create a paper (paperless even better when possible!) trail for every transaction
 - a. Provide a receipt to each person who pays the organization
 - b. Reconcile cash collected to receipts before you leave the event and note the amounts
 - c. Have both people sign and date the reconciliation
3. Deposit immediately (or the next morning at the latest)
4. Get bonding insurance
5. Do not
 - a. Ever take IOUs
 - b. Ever mingle personal or school cash with club cash
 - c. Ever provide a loan to the group

Bad Checks

1. Don't order merchandise until deposits for the merchandise have been received
2. Make sure you have name, address and phone number of person signing check
3. No post-dated or pre-dated checks
4. Have a club service charge in addition to the bank charge
5. Don't accept another check from someone who has written bad check until restitution is made in a different and timely manner
6. When restitution not made timely, send a written notice by certified mail that includes:
 - a. Check #, amount, date and bank
 - b. Request restitution within a certain # of days
 - c. Cite the SC law on bad checks (check deception law)

Other General Financial Practices

1. Develop and use a budget
2. Create a finance or audit committee
 - a. including at least one knowledgeable financial person who does not sign the checks
 - b. background checks for each member (and other officers too)
3. "Audits" should be done at least annually
 - a. Volunteer-knowledgeable in finances
 - b. Finance or audit committee team
4. Require two signatures on all checks and have original supporting documentation for all disbursements
5. Strict rules about original receipts for reimbursement of expenses; no reimbursement if original receipts not provided
6. Timely bank reconciliations, which are reviewed by a knowledgeable second person (not the people who can sign the checks); should be prepared and reviewed by the end of the next month
7. Monthly financial reports must go to the finance committee and organization board, including the bank statement and reconciliation
8. Annual financial reports and tax returns to School/District
9. Have inventory control procedures in place so goods don't just walk away
10. Need tight control over events-two people together at all times, pre-numbered tickets and reconciling # of tickets to cash
11. Regular backup of all electronic data and information
12. Ensure articles of incorporation, by-laws, IRS correspondence, SOS correspondence...are maintained to pass on to the next officers
13. Background checks for all officers for sure and maybe others as well
14. Training, training, training; especially since officers change frequently

15. Establish a finance committee, if considered necessary
 - a. Create written financial policies
 - b. Create written financial practices and procedures
 - c. Create written fundraising policies
16. Obtain appropriate insurance
 - a. Should consider general, fidelity, property, accident, bonding, and directors and officers
 - b. See if the organization is included under any of the school or district policies
17. Obtain financial software (recommend QuickBooks)
 - a. Create a chart of accounts
 - b. Create the monthly reporting model you will utilize
18. Develop a budget, even if it is only for a partial year the first period.
19. If your organization has employees, you must comply with many payroll-related requirements
20. Annually file a 990 tax return-which type of 990 depends on your annual gross receipts
 - a. EZ form if less than \$200k in annual gross receipts and \$500k in assets for 2010 year
 - b. Otherwise use regular 990 form

Note: Other resources are available at www.boosterclubs.org

This guide provides general guidance for bylaws for South Carolina Nonprofit Organizations and is not intended to provide professional legal advice. We recommend you see legal assistance in establishing and operating your nonprofit as considered necessary.