

FRIENDSWOOD MUSTANGS BOOSTER CLUB, Inc.

MISSION STATEMENT

The *Friendswood Mustangs Booster Club* enthusiastically promotes school spirit and supports all athletes through attendance at athletic events and by conducting fundraisers.

BY LAWS

Adopted September, 15th, 2021

ARTICLE I NAME

- 1.01 The name of this Corporation shall be Friendswood Mustangs Booster Club, Inc. (FMBC)

ARTICLE II OFFICES

Principal Office

- 2.01 The principal office of the Corporation shall be located in the City of Friendswood, County of Galveston, Texas.

Registered Office and Registered Agent

- 2.02 The Corporation shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such registered office, as required by the Texas Non-Profit Corporation Act. This agent shall be the Athletic Director of Friendswood High School (FHS), part of Friendswood Independent School District (FISD) and the registered office shall be Friendswood High School at 702 Greenbriar Avenue, Friendswood, Texas 77546.

ARTICLE III PURPOSE AND OBJECTIVE

- 3.01 This organization has been formed and shall exist for the sole purpose of promoting good fellowship and encouraging sponsorship and support of the various athletic activities of FHS.
- 3.02 It is not the purpose of this Corporation, and it shall have no power or authority to interfere in any manner, directly or indirectly, with the school administration of FHS or its coaches and their policies, and all acts and doings of the Corporation shall be in strict conformity with the rules and regulations of the University Interscholastic League (UIL) Booster Club Guidelines for the State of Texas.

- 3.03 The organization is organized exclusively for charitable, religious, educational, and/or scientific purposes under section 501(c)(3) of the Internal Revenue Code.
- 3.04 No part of the net earnings of the organization shall inure to the benefit of, or be distributable to, its members, 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 the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution or statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.
- 3.05 It is the policy of the FMBC to help all team members, even if the team member's parents are not active members in our organization, or do not take part in any of our fundraising activities. The support of a team member will not depend on the fundraising effort of the team member's parents. We will make this policy clearly known to members.
- 3.06 The FMBC will not participate in any fundraising event to publicize, in advance of the event, the fair market value of the benefit received in such a way that our contributors can clearly determine what portion is deductible, and what portion is not.
- 3.07 FMBC will follow all guidelines under Title IX of federal law pertaining to the equal treatment of all male and female student-athletes.

ARTICLE IV MEMBERS

Membership Dues and Duration

- 4.01 Membership in this Corporation must be renewed annually. Membership commences upon the completion of a Membership or Sponsorship form and the payment to the Corporation of such annual membership dues as determined by the Executive Board (the Board). Each member shall complete a Membership or Sponsorship form and will become a member or sponsor upon payment of annual dues. Membership shall terminate on the date of the first meeting of

members of the succeeding school year, unless previously renewed by the completion of a new member or sponsor form and the payment of such annual dues as are then required.

Classes of Members

4.02 The Corporation shall have two (2) classes of members. The designation of such class and the qualifications and rights of the members of such class shall be as follows:

Voting Members

4.02(a) Membership is open to any adult, 18 years or older, excluding current FISD students, whose residence is within the boundaries of FISD or whose children attend FISD schools by virtue of special permit. Each such member shall be entitled to one (1) vote on each matter submitted to a vote of the members upon payment of aforementioned dues. Any member eligible to be a voting member of the Corporation but who does not attend the Annual Meeting of Members or who does not prior to such meeting inform the Secretary of the Corporation of their inability to attend such meeting shall become a Non-Voting Member. 2nd Vice Presidents who fail to attend the Annual Meeting or inform the Secretary of their absence will become Non-Voting Members until such time they are voted in as 2nd Vice President. In addition, unrepresented sports at the Annual Meeting will be required to work a concession stand at a date decided upon by the Board.

Non-Voting Members

4.02(b) Membership is open to any Corporation, minor or adult person not eligible for membership under 4.02; however, such member shall not be entitled to vote.

Transfer of Membership

4.03 Membership of this Corporation is not transferable or assignable.

ARTICLE V MEETING OF MEMBERS

Annual Meetings of General Membership

5.01 The annual meeting of the general membership shall coincide with the first meeting of the Board at the beginning of the school year. Attendance for all Board and 2nd Vice Presidents is required.

Special Meetings

- 5.02 Special meetings of the members may be called by the President, the Board, or by petition to the Secretary.

Place of Meetings

- 5.03 The Board may designate any place with Friendswood, Texas, as the place of meeting for any meeting or for any special meeting called by the Board.

Notice of Membership Meetings

- 5.04(a) The notice of the annual general membership meeting shall be given in writing on the Membership Sponsorship form.
- 5.04(b) Notice of any special meeting shall be given to each person entitled to vote by publishing such notice in the office of Friendswood High School, by posting on the FMBC website, by e-mail, and/or by deposit into the United States Postal Service.

ARTICLE VI OFFICERS

Officers

- 6.01 The officers of the Corporation shall be:
1. President
 2. 1st Vice President
 3. 2nd Vice President (each sport's representative; may be co-chaired)
 4. Treasurer
 5. Secretary
 6. Director of Concessions
- 6.01(a) The executive board will consist of the President, 1st Vice President, Secretary, Treasurer, and the Director of Concessions.

Qualification

- 6.02 Each officer must be a voting member.
Any two or more offices may be held by the same person except for the office of the President and Secretary. The President may not be an Fisd employee and may not be the primary 2nd Vice President for a sport.

- 6.02(a) Criminal History Approval
All Officers will have to complete a Volunteer Profile Setup with FISS and complete a Criminal History Approval each year, prior to the first meeting of the year. Failure to complete and/or pass this approval will result in immediate removal.

Election and Term of Office

- 6.03 Officers shall be elected by the Board in May in consultation with the coaches of each sponsored sport and the Athletic Director. Each officer shall hold office until his successor has been nominated and voted into office by the Board. To be eligible to be nominated for President, the nominee must have been a member in good standing for not less than one (1) year. Nominees for other positions need not have been a member. This election process will take place at the Board meeting each May. The offices of President, 1st Vice President, Treasurer and Secretary shall have a three (3) year limit, consecutively for that office. The office of the 2nd Vice President, Director of Concessions shall have a four (4) year limit, consecutively for that sport or position.

Removal

- 6.04 Any officer or member of the Board may be removed, for failure to perform duties described in 6.06, 6.07, 6.08, 6.09, 6.10, 6.11 or 6.12 by a majority of the Board present at any duly called meeting and pursuant to notice of such removal.
- 6.04(a) 2nd Vice Presidents who miss two consecutive meetings, leaving their sport unrepresented at the meeting will be removed from office by a majority of the Board present at any duly called meeting and pursuant to the notice of such removal.

Vacancies

- 6.05 A vacancy in any office because of death, resignation, disqualification or otherwise, may be filled by the Board for the unexpired portion of the term by a two-thirds (2/3) vote of the Board. Any unfilled position, other than a 2nd Vice President position, shall be a shared responsibility among the officers, excluding the 2nd Vice Presidents.

President

- 6.06 The President shall be the principal executive officer of the Corporation and shall in general supervise and control all the business affairs of the Corporation. The President shall preside at all meetings of the members and of the Board; and in

general, shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board from time to time.

1st Vice President

6.07 There shall be one (1) 1st Vice President. In the absence of the President, or in the event of his inability or refusal to act, the 1st Vice President shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all restrictions upon the President. The 1st Vice President's duties are:

- Create a sponsorship form and seek sponsorships from local businesses and individuals;
- Coordinate an annual Membership Drive;
- Coordinate the sale of Adult and Student sports passes;
- Coordinate an annual Booster-wide fundraising event;
- Develop and maintain sponsorship boards & banners;
- Deposit sponsorship and membership dues with the treasurer; and
- Perform all duties as from time to time that may be assigned to the President of the Board.

2nd Vice-President

6.08 There shall be one (1) or two (2) 2nd Vice President(s) to represent each sport. Exceptions can be agreed upon by the Board. The duties include, but are not limited to:

- Attend monthly and special meetings of FMBC and report to FMBC the activities and fundraisers of the designated sport;
- Serve as communication lead with head coach of designated sport;
- Support the designated sport by attending games, meets, etc.;
- Serve as liaison of FMBC in at least one meeting with the parents of designated sport to inform them of any information relevant to player dues, fundraisers and opportunities for sponsorship;
- Assist the head coach with communications to parents;
- Inform parents of any dates or items of interest the 2nd Vice President deems important such as fundraisers, senior recognition, yard signs, newsletters, programs, phone committees, etc.; and
- Account for all expenditures and deposits of designated sport working with the Treasurer.
- Work with the Board to develop an annual team operations calendar and annual budget.

Treasurer

- 6.09 The Treasurer shall have charge and custody of and be responsible for all funds of the Corporation; receive and give receipts for moneys due and payable to the Corporation, and deposit all such moneys in the name of the Corporation in such banks, or other depositories as shall be selected in accordance with the provisions of Article III of these By-laws and in general perform all the duties incident to the office of the Treasurer.

Secretary

- 6.10 The Secretary shall keep the minutes of the meetings of the members and of the Board in one or more books provided for that purpose; give all notices in accordance with the provisions of these By-laws or as required by law; be custodian of the corporate records and of the seal of the Corporation; keep a register of the post office address of each voting member which shall be furnished to the Secretary by each member, manage FMBC's social media accounts and, in general, perform all duties incident to the office of Secretary.

Director of Concessions

- 6.11 The Director of Concessions shall have charge and custody of and be responsible for all concessions under FMBC; maintain an accurate inventory of items at each FMBC-run concession stand on the FHS campus; work closely with the Band concession representative prior to and during football season; attend regular and special meetings of FMBC; communicate with the Board on scheduled events and the number of workers each sport needs to supply; coordinate all concession activities with the 2nd Vice Presidents; be available to open and close the concession stands when necessary; maintain volunteer open and close procedures; maintain cash management protocols; and report any needed repairs and or pest problems to Administration.

ARTICLE VII BOARD OF DIRECTORS

General Powers

- 7.01 The affairs of the Corporation shall be managed by the Board which shall conduct such business as necessary to implement and expedite all actions called for by vote of the membership of the Corporation, provided it does not interfere with policies and purposes set for in Article III hereof.

Qualification, Number & Tenure

- 7.02 The number of directors on the Board of the Corporation shall equal the number of offices in the Corporation as generally set forth in Article VI above. In the event that an office of the Corporation is held by more than one person, then only one of the directors holding that position may vote on any matter brought before the Board, and in establishing a quorum of the Board, only one may be counted. Each director will hold office until the next annual meeting of the general membership or until his successor is elected.

Regular Meetings

- 7.03 The Board shall hold regular meetings throughout the school year. The Board may provide, by resolution, the time and place, within Friendswood, Texas, for the holding of additional regular meetings of the Board without other notice than such resolution.

Special Meetings

- 7.04 Special meetings of the Board may be called by or at the request of the President or any two (2) directors. The person or persons authorized to call special meetings of the Board may identify any place within Friendswood, Texas, as the place for holding any special meetings of the Board called by them.

Notice of Meetings

- 7.05 Notice of any special meeting of the Board shall be given at least two (2) days previously thereto by written notice or phone call. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed with postage thereon prepaid. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute a Waiver of Notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board needed by specified in the notice or Waiver of Notice of such meeting, unless specifically required by these By-laws.

Quorum

- 7.06 A majority of the Board eligible to vote shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the directors are present at said meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

Compensation

7.07 Directors shall not receive any salary for their services.

ARTICLE VIII CONTRACTS, CHECKS, DEPOSITS, GIFTS, AND SCHOLARSHIPS

Contracts

8.01 The Board may authorize, by proper resolution, any officer or officers, in addition to the officers so authorized by these by-laws, to enter into contract of execute and deliver any instrument in the name of and on behalf of the Corporation. Such authority may be general or confined to specific instances.

Checks and Drafts

8.02 All checks, drafts or orders for the payment of money, notes or other evidence of indebtedness issued in the name of the Corporation shall be signed by the Treasurer and countersigned by the President or 1st Vice President of the Corporation.

Deposits

8.03 All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or depositories as the Board may select.

Gifts

8.04 The Board may accept on behalf of the Corporation, any contribution, gift, bequest or devise for the general purposes of the Corporation.

8.04(a) No athlete may receive any gift directly from FMBC at any time. Each sport may elect to give gifts to players, i.e., seniors, but those funds shall be collected from the parents of those players receiving the gift.

Scholarships

8.05 The Board may vote to give scholarships to athletes. The Board will vote to determine the number of scholarships, the amount of each scholarship, the requirements of the athletes to apply for or to win the scholarships and the time and location the scholarships will be disbursed. The athletic director and/or principal of FHS will approve the Board vote before the scholarships are announced.

- 8.05(a) Under Title IX of the federal law, all athletes (boys and girls) will be provided equal opportunities to receive general scholarships.

ARTICLE IX BOOKS AND RECORDS

Books and Records

- 9.01 The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board and committees having any of the authority of the Board, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. Any member or his agent or attorney may inspect the books and records of the Corporation for any proper purpose at any reasonable time.

Auditing

- 9.02 The President may appoint an audit committee. The committee shall consist of two (2) Board members and two (2) members from the general membership who are not members of the Board. The President may decide to have the Board vote on submitting the books to an accountant, selected by the Board, to reconcile the books from the date of the previous audit. The books should be audited at least once each fiscal year.
- 9.03 Each year a tax return must be filed with the Internal Revenue Service.

ARTICLE X FISCAL YEAR

Fiscal Year

- 10.01 The fiscal year of the Corporation shall begin on the first day of July and end on the last day of June of the following year.

ARTICLE XI DUES

Annual Dues

- 11.01 The Board may determine by majority vote the amount of initiation fee, if any and the annual dues payable to the Corporation by members.

Payment of Dues

11.02 Dues shall be payable before the deadline for the football program. However, dues may be accepted at any time at the discretion of the Board.

ARTICLE XII WAIVER OF NOTICE

Waiver of Notice

12.01 Whenever any notice is required to be given under the provisions of the Texas Non-Profit Corporation Act or under the provisions of the Articles of the Corporation, or the By-laws of the Corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XIII AMENDMENTS TO BY-LAWS

Amendments to By-laws

13.01 At any regular meeting or at any special meeting, these by-laws may be altered, amended or repealed and the Board of Directors may adopt new by-laws, with a majority of the vote. No vote shall be taken for any amendments without thirty days written notice to the board members.

ARTICLE XIV DISSOLUTION OF ORGANIZATION

14.01 Upon the dissolution of the FMBC, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(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 a state or local government, for a public purpose.

*These by-laws were approved on September 15, 2021 by the
Friendswood Mustang Booster Club.*

FMBC President

FMBC 1st Vice President

FMBC Secretary

FMBC Treasurer

FMBC Concessions