

# **Bylaws**

## **MOUNTAIN VISTA ELEMENTARY PARENT TEACHER ORGANIZATION BYLAWS**

**Original Adoption: 08/27/2014**

**As Amended: 09/15/2015**

**02/03/2017**

**09/20/2018**

**08/25/2020**

**9/15/2021**

### **ARTICLE I – Name\***

The name of the organization shall be the Mountain Vista Elementary Parent-Teacher Organization hereafter known as the **PTO**.

### **ARTICLE II – Purpose\***

1. The purpose of the PTO shall be to assist in attaining the highest level of education and welfare for the entire student body of Mountain Vista Elementary School through the cooperative efforts of the Faculty and Staff, the Cherry Creek District Community and the parents.\*
2. This PTO is a subordinate organization of and is organized under authority granted by the Cherry Creek School District Parent Teacher Community Council, Inc., otherwise known as CCSD Parents' Council.\*
3. This PTO is organized solely for charitable, scientific, literary or educational purposes as defined in Section 501(c)(3) of the Internal Revenue Code. This organization is not a private foundation.\*

### **ARTICLE III – Membership**

1. **GENERAL** – General membership shall consist of the parents or guardians of students, the administrators, the faculty and the staff of Mountain Vista Elementary School.
2. **ASSOCIATE** – Associate membership shall consist of the students of Mountain Vista Elementary School and interested members of the community.
3. No dues shall be required for membership.

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## **ARTICLE IV – Elected Officers and Their Duties**

### 1. President

- a. To call and preside at all meetings of the organization.
- b. To be a member *ex-officio* of all committees.
- c. To work with the Executive Board to appoint chairpersons of Standing and Special Committees.
- d. To appoint an examiner not on the current Executive Board to conduct the year-end financial examination of the organization's book. To submit a copy of the examination to the Treasurer of CCSD Parents' Council no later than thirty (30) days after completion.\*
- e. To attend CCSD Parents' Council general meetings or assign a representative (Parents' Council Representative or Representatives) and report at community meetings.
- f. To submit an annual affiliation letter to the CCSD Parents' Council asking to continue as a subordinate organization under the 501(c)(3) tax exempt group status. \*
- g. To attend a minimum of one CCSD Parents' Council Leadership Workshop upon election. \*
- h. To the best of your ability, to attend District functions where individuals from your school are invited and/or honored, including the Area Director luncheon(s), Exceptional Volunteer of the Year event, Open Forum roundtable discussions and the Teacher of the Year banquet.
- i. To sign checks are required under the bylaws.

### 2. Vice President

- a. To call and preside at all meetings of the organization when President is not in attendance.
- b. To be a member *ex-officio* of all committees.
- c. To work with the Executive Board to appoint chairpersons of Standing and Special Committees, the Nominating Committee and representatives.
- d. Review monthly financial statements with the Treasurer.
- e. To appoint an examiner not on the current Executive Board to conduct the year-end financial examination of the organization's book. To submit a copy of the examination to the Treasurer of CCSD Parents' Council no later than thirty (30) days after completion. \*

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- f. To the best of your ability, to attend District functions where individuals from your school are invited and/or honored, including the Area Director luncheon(s), Exceptional Volunteer of the Year event, Open Forum roundtable discussions and the Teacher of the Year banquet.
- g. To sign checks as required by the bylaws should the President be vacant or otherwise unavailable.
- h. To sign checks in the absence of the Treasurer and Co-Treasurer.

### 3. Secretary/Secretaries

- a. To record, transcribe and distribute the minutes of all PTO and Executive Board meetings.\*
- b. To maintain and keep current a copy of the Bylaws.\*
- c. To maintain a current listing of the Executive Board and the Committee Chairpersons.
- d. To provide a copy of the Executive Board listing, including contact information (Name, Address, Phone, and E-Mail Address of each) to the CCSD Parents' Council upon election.\*

### 4. Treasurer/Co-Treasurer

- a. To receive, deposit and disburse the funds of the organization, as authorized by the Executive Board.
- b. To maintain accurate records of all financial transactions. \*
- c. To submit monthly financial statements to the Board.
- d. To submit financial records for examination by July 15 to Executive Board (review to be completed by August 15).\*
- e. To sign the Affiliation Letter for CCSD Parents' Council along with the President.\*
- f. To prepare the Annual Budget in conjunction with the Budget Committee for approval by the Executive Board and ratification by the General Membership. \*
- g. To submit a copy of the Annual Budget to the Treasurer of CCSD Parents' Council upon formal approval by the PTO membership. \*
- h. To attend a minimum of one CCSD Parents' Council Treasurer's Workshop upon election. \*
- i. To maintain and reconcile the organization's checkbook with bank records.
- j. To register the organization as a Charitable Organization in the State of Colorado with the Secretary of State. \*
- k. To file all annual financial statements/tax returns and schedules, regardless of income, with the Internal Revenue Service and the

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Colorado Secretary of State. \*

- I. To send copies of each filing to the Treasurer of the CCSD Parents' Council no later than thirty (30) days after such filing. \*
  - m. Shall be responsible for saving designated funds to be carried over to the next fiscal year, the amount of which shall be determined by the Executive Board prior to the expiration of its term. The amount to be carried over will be between 10% and 15% of the budget.
5. Fund Raising Coordinator(s)
  - a. Shall appoint chairperson of standing, special committees and representative of fundraising committees with approval of Executive Board.
  - b. Shall oversee and coordinate the activities of any fundraising committee.
  - c. Shall assist fundraising chairpersons in recruiting volunteers when needed.
  - d. Shall assist fundraising chairpersons in obtaining fundraiser procedural documentation at completion of fundraiser.
  - e. Shall report fund raising status at Board and General Meetings when committee chair cannot be present.
  - f. Shall represent Fundraising on the Budget Committee.
6. Community Event Coordinator(s)
  - a. Shall appoint chairperson of standing, special committees and representative of community events committees with approval of Executive Board.
  - b. Shall oversee and coordinate the activities of community events committee.
  - c. Shall seek approval from the principal before any PR campaigns, media exposure, news releases, etcetera are developed or released.
  - d. Shall assist event chairpersons in recruiting volunteers when needed.
  - e. Shall assist event chairpersons in obtaining event procedural documentation at completion of event.
  - f. Shall report Community Events status at Board and General Meetings.
  - g. Shall represent Community Events on the Budget Committee.

## 7. Communications Coordinator

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- a. Shall be responsible for any communications from the PTO to the community and staff, including the monthly newsletter, social media, emails, and written correspondence to include but not limited information on upcoming meetings, events, and fundraisers.
  - b. Shall aid in creating and distributing any flyers that will go out to the community.
  - c. Shall ensure our community is fully informed to the best of his/her ability and in a timely manner.
  - d. Shall create and help distribute welcome packets to all new students entering school mid-year.
8. Immediate Past President
- a. To attend all Executive Board and General Meetings.
  - b. To provide feedback, training, and information, as necessary.
  - c. To the best of their ability, attend all PTO sponsored events.
  - d. To support all PTO committees as needed.

## **Article V – Election of the Officers**

1. The PTO shall advertise open positions no later than February of each school year.
2. Qualified candidates shall come from parents or legal guardians of children who are or will be enrolled during the serving term and are not current staff of Mountain Vista Elementary School during the serving term.
3. The slate of candidates and date and time of the election shall be announced and published in the school newsletter at least three (3) weeks prior to the election meeting.
4. The election shall take place in April of each school year.
5. Additional nominations, by the membership at large, shall be accepted from the floor at the April meeting, on the condition that the nominee consents to serve.
6. The election shall be by voice vote if there is only one nominee for an office. If more than one candidate is nominated for an office, the election shall be by written ballot and by plurality of those present and voting.

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7. The term of office for all elected officers, with the exception of Treasurer/Co-Treasurer, shall be for two years, from July 1 to June 30.
8. Treasurer and Co-Treasurer will be elected on opposite years. Co-Treasurer will move to the Treasurer position in second year of service and a new Co-Treasurer will be elected.
9. No officer shall be eligible to serve in the same office for more than two (2) consecutive years, unless there is no replacement.
10. In the event a vacancy should occur among the elected officers, the President should call a meeting of the Executive Board within thirty (30) days to appoint a new officer to finish the unexpired term.

#### **Article VI – Executive Board Composition and Duties**

1. The Executive Board shall be composed of the elected officers, a designated district administrator (i.e. Principal or assistant principal) and the immediate Past President.
2. It is recommended that a member of the Executive Board should not also serve concurrently as a member of the Executive Board of the CCSD Parents' Council.
3. The duties of the Executive Board shall be to transact business between meetings in preparation for the general meeting, create standing rules and policies, create standing and temporary committees, prepare and submit a budget to the membership, approve routine bills, and prepare reports and recommendations to the membership.
4. In the event that an emergency precludes convening a general meeting, the Executive Board is authorized to act on behalf of the organization.
5. In the event it comes to the attention of the Executive Board that a required bylaw provision that is not being followed, the Executive Board shall act as quickly as practicable to achieve compliance with the bylaws and/or shall follow the bylaw amendment process in Article XII.

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6. Should the Immediate Past President decline to serve on the Executive Board, the Executive Board shall continue with normal operations and activities.
7. Officers can be removed from office with cause by a two-thirds vote of those present (assuming a quorum) at a regular meeting where previous notice has been given.

## **Article VII – Meetings**

1. Regular meetings of the general and associate membership shall be held during the school year. The meeting dates for the entire year should be advertised before the beginning of the school year, but no less than thirty (30) days prior to the meeting, through print and electronic means available to the organization.\*
2. Regular general meetings shall be open to all members of the organization and interested community members.\*
3. Special Meetings of the Executive or General Board may be called by the President or the Principal with a five-day notice, through print and electronic means available to the organization.\*
4. The Executive Board shall hold a regularly monthly meeting in addition to the regular general meeting.
5. A joint meeting of the outgoing and incoming Executive Boards shall be held at the last regular meeting of each school year.
6. Members of the Executive Board shall attend all regularly scheduled meetings during the year and may not be absent from more than a majority of the regularly scheduled meetings. Failure to comply may constitute a cause for removal from office. Exceptions to this policy may be appealed to the Executive Board.
7. Minutes shall be kept at all general membership meetings.
8. Regular meetings of the general and associate membership, Special meetings of the Executive or General board and Executive board meetings may be held virtually or off school grounds in the event that in person meetings on school grounds are not feasible.

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9. In person regular meetings of the general and associate membership may also be broadcast virtually at the discretion of the Executive Board.
10. Copies of the Bylaws, Budget and Agenda will be distributed via social media prior to virtual meetings.

### **Article VIII – Operating Principles\***

The following are the operation principles to be followed by this PTO, as required by the Cherry Creek School District Parent Teacher Community Council, Inc. (CCSD Parents' Council).

1. The organization shall not engage in or endorse any commercial activities. This does not, however, prevent the organization from carrying on fund raising activities related to its purpose. Nor does it prevent a commercial enterprise from sponsoring an activity related to the organization's purpose.
2. TITLE 26, SECTION 4911 of the IRS Code: a Parent Teacher 501(c)(3) Tax-Exempt Organization is allowed:
  - a. To participate in political activities and supporting or influencing legislation, such as a school budget issue or a referendum.
  - b. To participate in activities to influence legislation that may be considered as directly connected to the "survival" of the organization, such as a referendum supporting education.
  - c. To have a speaker come and present information for or against proposed legislation.
3. A Parent Teacher 501(c)(3) Tax-Exempt Organization is not allowed:
  - a. To expend monies to have a candidate running for election as a speaker at a meeting, or to endorse a political candidate.
  - b. To expend a "substantial" amount of their funds on activities to influence legislation. A conservative rule of thumb is that the PTCO spend no more than five percent (5%) of its annual expenditures in support of election activities.
4. No part of the net earnings of the organization shall inure to the benefit of its members, directors, officers or other private persons. The organization may

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carry on only those activities permitted under the Internal Revenue Code, Section 501(c)(3).

5. Upon the dissolution of this organization and after paying for the debts of the organization, the remaining assets shall be distributed to one or more non-profit organizations, which are tax exempt under Section 501(c)(3) of the Internal Revenue Code.

**Article IX – Affiliation with CCSD Parents’ Council (Cherry Creek School District Parent Teacher Community Council, Inc.)\***

1. This organization is structured under the authority of the Cherry Creek School District Parent Teacher Community Council, Inc. (CCSD Parents’ Council) and is chartered as a subordinate organization in accordance with the rules prescribed by the CCSD Parents’ Council.
2. An annual Affiliation Letter shall be signed by the President and Treasurer of the PTO/PTCO to the CCSD Parents’ Council President affirming their continuation as a subordinate organization under the CCSD Parents’ Council Tax Exempt 501(c)(3) status with the Internal Revenue Service. A copy of the document with the original or facsimile signature shall be provided the CCSD Parents’ Council. (A signature received via a FAX or electronic document is deemed acceptable.)
3. The membership fee required by the CCSD Parents’ Council shall be an obligation of this organization.
4. A copy of the bylaws, including certain provisions required by the CCSD Parents’ Council, shall be forwarded to the CCSD Parents’ Council Treasurer upon adoption. Further, when amendments are made to the Bylaws, a copy of the amended Bylaws shall be submitted to the CCSD Parents’ Council Treasurer.
5. Copies of all annually required financial filings to the Internal Revenue Service and the Secretary of State (State of Colorado) shall be submitted to the Treasurer of the CCSD Parents’ Council within thirty (30) days of filing.
6. Permanent books and records shall be maintained with sufficient detail to adequately reflect all sources of income and nature of expenditures. Such books and records will be made available for inspection, at reasonable times, upon request of an authorized representative of the CCSD Parents’ Council.

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7. The President (or Co-Presidents) of this organization shall be a member/members of the CCSD Parents' Council. If the President(s) are unable to attend regular Parents' Council meetings, it is recommended that one or more Parents' Council representatives be assigned to attend and report during regular PTO meetings.
8. As a subordinate organization of the CCSD Parents' Council, this group is obligated to operate in accordance with provisions required by the CCSD Parents' Council and the Operating Principles outlined in these Bylaws, and is subject to investigation, mediation and decisions of the Parents' Council Executive Board, as deemed necessary to uphold the Purpose of this organization and protect its tax status. Failure to comply with these provisions could result in withdrawal by the CCSD Parents' Council of the charter of this organization and removal of all affiliate benefits.

#### **Article X – Fiscal Year\* & Finances**

1. The fiscal year shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup> of the following year.\*
2. A tentative budget shall be drafted in during the last Executive Board meeting for the following school year and approved at a fall meeting by a majority vote of the general members present.
3. Two authorized signatures shall be required on each check over the amount of \$1,000. Authorized signers shall be the President, Treasurer, and Co-Treasurer. The Vice-President shall sign in place of the President should the President position be vacant or unavailable for an extended period of time.

#### **Article XI – Quorum, Voter Eligibility, and Voting**

1. The General Membership and Board Members present at any meeting, either in person or virtual, shall be entitled to vote for the purpose of transacting the business of the organization. All eligible voters at a meeting shall constitute a

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quorum. Unless otherwise required in the Bylaws, a majority vote shall decide all matters at the meeting. The President shall vote only in the event of a tie vote.

2. Conflict of Interest

- a. Whenever a member or officer has a financial or personal interest in any matter coming before the Executive Board or general board, the affected person shall a) fully disclose the nature of the interest and b) withdraw from discussion, lobbying, and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested members determine that it is in the best interest of the organization to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for approval.\*

3. Voting by Electronic Communication.

- a. The Executive Board may take action, without a meeting, by electronic communication if action is required before the next scheduled meeting. A notice stating the action to be taken and the time by which a response is required must be included in the electronic communication to each member of the Board.
- b. The board member may vote or demand action not be taken without a meeting by the required response date in like communication.
- c. Failure to respond by the time stated in the notice will have the same effect as abstaining from voting.
- d. The action passes with affirmative vote from the simple majority of the Executive Board.
- e. The action must be ratified at the next scheduled meeting and documented in the minutes.
- f. The General Board may take action by virtual voice vote or electronic vote. . A notice stating the action to be taken and the time by which a response is required must be included in the electronic communication to each member of the Board in the event of an electronic vote. Electronic votes will be sent to the President's email, presidentmvpto@gmail.com.

**Article XII – Amendments\***

1. Bylaws should be reviewed by the Executive Board annually.\*

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2. These Bylaws may be amended at any general meeting by a majority of the votes of the General members and Executive Board members present and voting, provided that written notice of the proposed amendment(s) shall have been given thirty (30) days prior to the meeting, **and have prior approval by the Executive Board.\***

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08/25/2020

09/15/2021

(Add dates as amendments are made. If prior dates are unavailable, start with the earliest version available, and then add amendment dates from that point).

### **Article XIII – Use of PTO Property**

1. The use of PTO property by general or associate members for private/personal events without approval of the Executive Board is prohibited.
  - a. Property is defined as any items that are purchased with PTO funds.
2. With approval of the Executive Board, perishable or replaced/expendable items may be donated to a community/school group.

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