

Bylaws of

Loma Vista Parent Teacher Organization (“PTO”)

13822 Prospect Avenue
Santa Ana, CA 92705-2023

Grades in School: K-5
Organization Date: 1957
Revised: December 1, 2016

Article I. Name

The name of this organization is the Loma Vista Parent Teacher Organization or “PTO”.

Article II. Purposes

Section 1.

The purpose of the Loma Vista PTO is to provide support to, and communication with, parents, teachers, students, administrators, and the surrounding community of Loma Vista Elementary School (“the School”).

Section 2:

This PTO is organized exclusively for the charitable, scientific, literary, or educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or corresponding Section of any Federal tax code (hereinafter “IRC”).

Article III. Basic Policies and Objectives

The following are basic policies of the Loma Vista PTO:

- a) The PTO shall be noncommercial, nonsectarian and nonpartisan.
- b) The name of the PTO or the names of any members in their official capacities 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 Objectives of the PTO.
- c) The PTO shall not, directly or indirectly, participate or intervene (in any way, including the publishing or distributing of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office, or devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise.
- d) The PTO shall work with the School to provide quality education for all children and youth and shall seek to participate in the decision-making process establishing school policy, recognizing that the legal responsibility to make decisions has been delegated by the people to boards of education.
- e) No part of the net earnings of the PTO shall be for the benefit of, or be distributable to its members, directors, trustees, officers or other private persons except that the PTO 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 II hereof.

- f) Notwithstanding any other provision of these articles, the PTO shall not carry on any other activities not permitted to be carried on (1) by an organization exempt from Federal income tax under Section 501 (c)(3) of the IRC, or (2) by an organization, contributions to which are deductible under Section 170(c)(2) of the IRC.
- g) Upon dissolution of this PTO, after paying or adequately providing for the debts and obligations of the PTO, the remaining assets shall be distributed to one or more nonprofit funds, foundations, or organizations which have established their tax exempt status under Section 5-1 (c)(3) of the IRC.

Article IV. Membership and Dues

Section 1.

Membership in this PTO shall be made available to any individual who subscribes to the Objectives and basic policies of this PTO without regard to race, color, creed or national origin, under such rules and regulations not in conflict with the provisions of these bylaws.

Section 2.

The PTO shall conduct an annual enrollment of members but may admit persons to membership at any time.

Section 3.

Each member of the PTO shall annually enroll in the PTO in order to be eligible for voting rights. Annual membership fees, if assessed, shall be determined at the discretion of the Executive Board.

Article V. Executive Officers and their Election

Section 1.

Each Executive Officer of this PTO shall be an enrolled member of this PTO.

Section 2.

Executive Officers of this PTO shall be a president, and/or co-president, vice-presidents of Fundraising and Communications and/or co-vice presidents, a teacher representative and/or co-teacher representatives, secretary, treasurer, and auditor. Positions are further defined in Article IV.

Section 3.

- a) Nominations for Executive office can be done by anyone beginning two months prior to the annual election meeting.
- b) Only those persons who are eligible and who have signified their consent to serve if elected shall be nominated for or elected to the office.
- c) All Executive Board members must have a child currently enrolled in Loma Vista Elementary School (with the exception of the Teacher representative).

Section 4.

The privilege of holding Executive Office shall be limited to members of the PTO.

Section 5.

Elections shall be held by verbal vote at the annual election meeting in May.

Section 6.

Executive Officers shall serve for a term of not longer than two consecutive years unless the position remains unfilled or until a successor is elected. Executive Officers shall assume their duties at the annual installation meeting. The newly elected Executive Board will work with the existing board for an agreed upon transition period, if necessary or desired.

Section 7.

A vacancy occurring in any Executive office shall be filled for the unexpired term by a person elected by the Executive Board. Election to fill a vacancy shall require a simple majority vote of the Executive Board.

Section 8.

The president-elect may call meetings as necessary of the officers-elect and the principal of the school, or a representative appointed by the principal, to ratify the appointments of appointed officers and chairmen and to make plans for the coming year's work.

Section 9.

If an office remains unfilled after election, it shall be considered a vacant office to be filled by the board-elect.

Article VI. Duties of Executive Officers

Section 1.

The president shall:

- a) Coordinate the work of officers and committees of the PTO in order that the Basic Policies and Objectives may be promoted.
- b) Conduct all PTO Executive and General Board meetings.
- c) Establish the agenda and send meeting notices including prior meeting minutes.
- d) Be a member ex officio of all committees.
- e) Be the official representative of the PTO at coordinating council and district meetings.
- f) Perform such other duties as may be prescribed in these bylaws or assigned by the PTO.
- g) Have all contracts and/or legally binding documents approved by the PTO prior to signing.

Section 2.

Executive Vice-President shall:

- a) Aid the president.
- b) Perform the duties of the president in the event of that officer's absence or inability to serve.
- c) Act as liaison between school office and all PTO provided programs.
- d) Deliver to the successor in office, all records in his/her possession by fiscal year end.
- e) Submit a written report detailing responsibility and recommendations to the future board by fiscal year end.
- f) Manage the recruitment of volunteers for the various PTO committees by overseeing a nominating committee.

Section 3.

Vice-President of Fundraising shall:

- a) Oversee all Program Chairs for the various fundraising events and activities.
- b) Assist Program Chairs with budget and expenditures.
- c) Report to PTO key information on fundraising events and activities.
- d) Present all contracts, significant expenditures and critical decisions to Executive Board for consideration and approval.
- e) Deliver to the successor in office, all records in his/her possession at fiscal year end.
- f) Submit a written report detailing responsibility and recommendations to the future board at fiscal year end.

Section 4.

Vice-President of Communications shall:

- a) Oversee all Communication Chairs for the various forms of communication.
- b) Assist eNewsletter and WebMaster with budget and expenditures.
- c) Report to PTO key information on communications.
- d) Present all contracts, significant expenditures and critical communication decisions to Executive Board for consideration and approval.
- e) Deliver to the successor in office, all records in his/her possession at fiscal year end.
- f) Submit a written report detailing responsibility and recommendations to the future board at fiscal year end.

Section 5.

The secretary shall:

- a) Keep an accurate record of the proceedings of all meetings of the PTO and the Executive Board which is the legal record of the PTO.
- b) Be prepared to refer to minutes of previous meetings.
- c) Prepare a list of all unfinished business for the use of the President.
- d) Include Treasurer's report of all expenditures in the minutes.
- e) Keep a current list of PTO members.
- f) Keep a current copy of the bylaws and standing rules.
- g) Provide copies of past minutes at PTO meetings.
- h) Perform such duties as may be delegated to the secretary.

Section 6.

The treasurer shall:

- a) Keep such permanent books of account and records as shall be sufficient to establish the items of gross income, receipts and disbursements of the PTO. Such books of account and records shall at all reasonable times be open to inspection by an external auditor appointed by the Executive Board and approved by the PTO.
- b) Receive all monies for the PTO, giving a receipt if requested, and deposit them in the name of the PTO in a bank approved by the Executive Board.
- c) Receive and retain a copy of the deposit slip for any deposit made.
- d) Pay all bills as authorized by the Executive Board, the PTO, the approved Budget or on signed receipt by the President(s) and another Executive Board member.
- e) Secure two signatures on all checks. The two following positions are authorized to sign: President and Treasurer. The authorized signers shall not be related by blood or marriage or reside at the same address.

- f) Keep an accurate record of receipts and disbursements in a ledger, which is a permanent record of this PTO. All other financial records must be retained for seven years including the current year.
- g) Keep the membership informed of all expenditures.
- h) Present a current and up to date semi-annual statement to the Executive Board or at any time when requested by the PTO.
- i) Be responsible for ensuring the completion and filing of all tax returns, insurance and other forms required by governmental agencies.
- j) Make an annual financial report to the PTO which includes gross receipts and disbursements for the year.

Section 5.

The auditor shall:

- a) Audit the books and financial records of the PTO semiannually with the final audit to be at the close of the officer's term.
- b) Audit the books upon resignation of the treasurer and at any time deemed necessary.

Section 6.

Removal from office may occur by a simple majority vote of the Executive Board. A Board member could be subject to removal at any such time that he or she fails to perform assigned duties, is corrupt, or any act/behavior that brings dishonor to, or negates, the purpose and/or goals of this PTO. Removal shall take place only after the Executive Board has met in an effort to assess and discuss the problem and all attempts have been made to resolve the problem.

Article VII. PTO Meetings

Section 1.

PTO meetings shall be held frequently during the school year unless otherwise ordered by the Executive Board. Special meetings may be called by the Executive Board upon electronic notice.

Section 2.

The May PTO meeting shall be the annual election meeting at which time all officers shall be elected. The June PTO meeting shall be the installation meeting for the upcoming school year.

Section 3.

The privilege of making motions, debating and voting shall be limited to members of the PTO who are present and enrolled.

Section 4.

A simple majority, either physically or electronically, of the Executive Board shall constitute a quorum for the transaction of business and/or decisions in any PTO meeting.

Article VIII. Duties of the Executive Board

Section 1.

The Executive Board shall consist of the executive officers of the PTO. The Executive Officers are defined in Article V, Section 2

Section 2.

The Executive Board:

- a) Shall transact necessary business between meetings of the PTO and such other businesses as may be referred to it by the PTO.
- b) May authorize the payment of routine PTO bills within the limits of the budget adopted by the PTO, and may authorize the payment of other bills. Such approvals may occur physically or electronically. Each action shall be affirmed at the subsequent PTO meeting and must be recorded in the PTO minutes.
- c) Shall create committees as are deemed necessary to promote the Objectives and to carry on the work of the PTO.
- d) Shall fill all vacancies in office, including that of the president.
- e) Shall present a report at meetings of the PTO.

Section 3.

A PTO member shall not serve as a voting member of this Executive Board while serving as a paid employee of or under contract to this PTO.

Article IX. General Board or Program Chair Positions

Section 1.

There shall be such positions created by the Executive Board as may be required to carry on the work of the PTO.

Section 2.

The term of office for General Board positions shall be one year or until successors have been appointed.

Section 3.

Removal from the General Board may occur by a simple majority vote of the Executive Board. A General Board member could be subject to removal at any such time that he or she fails to perform assigned duties, is corrupt, or any act/behavior that brings dishonor to, or negates, the purpose and/or goals of this PTO. Removal shall take place only after the Executive Board has met in an effort to assess and discuss the problem and all attempts have been made to resolve the problem.

Section 4.

Upon the expiration of the term of office or in case of resignation or termination, each General Board position shall turn over to the president, without delay, all records, books and other materials pertaining to the position and shall return to the treasurer, without delay, all funds belonging to the PTO.

Section 5.

The Executive Board shall have the power to create special program chairs in order to carry out specific programs and projects.

Section 6.

The General Board and members of special committees shall serve until their assignments have been completed.

Article X. Finances

Section 1.

The Executive Board shall develop a budget by July 1 for each new school year and then obtain adoption by a majority vote of the members present at the first school year calendared PTO meeting.

Section 2.

Executive Board approval shall be required, in advance, for any single expenditure exceeding \$200 or not specifically called out in the adopted budget. Reimbursement of unauthorized expenditures is at the discretion of the Executive Board.

Article XI. Articles of Incorporation

This PTO is a nonprofit corporation organized under the laws of the state of California. Its “articles of organization” comprise the articles of incorporation and these bylaws as from time to time amended. In the event of any conflict between the articles of incorporation and these bylaws, the organization shall take prompt action to amend the articles of incorporation to conform to the provisions of these bylaws.

Article XII. Fiscal Year and IRS Number

Section 1.

The fiscal year of this PTO shall begin July 1 and end June 30.

Section 2.

This PTO shall not assume any financial obligation in any one fiscal year that will be carried over into the succeeding term without annual adoption into the annual budget.

Section 3.

The Internal Revenue Service Employer Identification (E.I.) number for this PTO is 95-2829821.

ADOPTED BY THE PTO

PTO SECRETARY

DATE