Davis Freeport Council Bylaws

Region: Region 03
Council: Davis Freeport Council
PTA Unit ID: 1766178
EIN: 26-2733384

UTAH CONGRESS OF PARENTS & TEACHERS
Approved: Jan 24, 2024
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*As stated in National PTA Bylaws, these articles are required and may not be altered.

NOTES: Only information written in the blanks may be amended. Any other changes will render Bylaws invalid. For the purpose of these bylaws, PTA refers to both PTA and PTSA.

ARTICLE I: Name

The official name of this association is the **Davis Freeport Council** in **Region 03** of Parent-Teacher Associations of the Utah Congress of Parents and Teachers (Utah PTA), a branch of the National Congress of Parents and Teachers (National PTA).

***ARTICLE II: Purposes**

Section 1. Objectives. The Purposes of Utah PTA, in common with those of National PTA, are

a. To promote the welfare of children and youth in home, school, places of worship, and throughout the community;

b. To raise the standards of home life;

c. To advocate for laws that further the education, physical and mental health, welfare, and safety of children and youth;

d. To promote the collaboration and engagement of families and educators in the education of children and youth;

e. To engage the public in united efforts to secure the physical, mental, emotional, spiritual, and social well-being of all children and youth; and

f. To advocate for fiscal responsibility regarding public tax dollars in public education funding.

Section 2. Awareness. The Purposes of National PTA and Utah PTA are promoted through advocacy and education in collaboration with parents, families, teachers, educators, students, and the public; developed through conferences, committees, projects, and programs; and governed and qualified by the basic principles set forth in Article III.

Section 3. Federal Status. National PTA 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 future federal tax code (referred to as "Internal Revenue Code").

***ARTICLE III: Principles**

The following are basic principles of Utah PTA, in common with those of National PTA:

a. The association shall be noncommercial, nonsectarian, and nonpartisan.

b. The association shall work to engage and empower children, families, and educators within schools and communities to provide quality education for all children and youth, and shall seek to participate in the decision-making process by influencing school policy and advocating for children's issues, recognizing that the legal responsibility to make decisions has been delegated by the people to boards of education, state education authorities, and local education authorities.

c. The association shall work to promote health and welfare of children and youth, and shall seek to promote collaboration among families, schools, and the community at large.

d. Commitment to inclusiveness and equity, knowledge of PTA, and professional expertise shall be guiding principles for service in National PTA.

ARTICLE IV: Relationship with National PTA and Utah PTA

Section 1. This Council shall be organized and chartered under the authority of the Utah PTA in the area in which this Council functions, in conformity with such rules and

regulations, not in conflict with National PTA Bylaws, as Utah PTA may in its Bylaws prescribe. Utah PTA shall issue to this Council an appropriate charter evidencing the initial organization. It is the responsibility of the Council PTA to remain in good standing. A Council in good standing is one that:

a. Adheres to the Purposes, Bylaws, basic principles, and procedures of the PTA;

b. Has Bylaws approved according to the procedures of Utah PTA;

c. Verifies that a list of incoming officers, including phone number and email address, of each local PTA in Council membership has been submitted to the Utah PTA database by May 1;

d. Has the incoming president and treasurer attend Utah PTA Leadership Convention annually;

e. Has the president or their alternate attend region support committee meetings;

f. Submits a list of incoming officers, including phone numbers and email addresses to the Utah PTA database by May 1;

g. Submits compliance documents as specified by Utah PTA:

1. Year-end financial statements and annual financial reconciliation report by August 1;
2. Applicable IRS filing by August 1;
3. Approved annual budget and meeting minutes by October 1;
4. Proof of Insurance by October 1;
5. Signed Conflict of Interest and Basic Fiscal Management Forms by October 1; and
6. Proof of training attendance as prescribed in Section 1d of this Article by October 1.

h. Practices responsible financial procedures as outlined in the Treasurer's Handbook; and

i. Meets other criteria as may be prescribed by the Utah PTA.

Section 2. A Council PTA is not in good standing if the criteria in Section 1 are not met and shall be:

a. Ineligible to receive materials or services from National PTA and Utah PTA;

b. Ineligible for awards;

c. Ineligible to participate in PTA programs (eg. Reflections, Battle of the Bands, etc.);

d. Ineligible to receive sales tax refund; and

e. My have their tax exempt status with the IRS revoked.

A Council PTA not in good standing may be reinstated to good standing when the Council PTA meets the preceding criteria and sends to the Utah PTA office a letter stating the reason(s) for not meeting the criteria in Section 1.

Section 3. The articles of organization of this Council include (a) the Bylaws of this Council and (b) and any other items as listed in the Utah PTA New Unit Packet.

Section 4. This Council shall adopt such Bylaws for the government of this Council as may be approved by Utah PTA. Such Bylaws shall not be in conflict with National PTA Bylaws or Utah PTA Bylaws.

Section 5. Bylaws of this Council shall include a provision establishing a quorum.

Section 6. This Council shall prohibit voting by proxy.

Section 7. Bylaws of this Council shall include an article on amendments.

Section 8. This Council shall keep such permanent books of account and records as shall be sufficient to establish the items of gross income, receipts, and disbursements of this Council. Such books of account and records shall at all reasonable times be open to inspection by an authorized representative of Utah PTA or, where directed by the Utah PTA committee on state and local relationships, by a duly authorized representative of National PTA.

Section 9. Each officer or Board member of this Council shall be a member of a Local PTA within this Council.

Section 10. Only PTAs who have paid dues for the current membership year may participate in the business of this Council.

Section 11. A PTA member shall not serve as a voting member of this Council Board while serving as a paid contractor of this Council.

Section 12. This Council must complete the applicable IRS filing at the close of the fiscal year.

Section 13. The association or members in their official capacities 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.

Section 14. No part of the net earnings of the association shall inure to the benefit of, or be distributable to, its members, directors, trustees, officers, or other private persons except that the association 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.

Section 15. Not withstanding any other provision of these

articles, the association shall not carry on any other activities not permitted to be carried on (i) by an association exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (ii) by an association, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

Section 16. The charter of this Council shall be subject to withdrawal and the status of this Council as a PTA Council shall be subject to termination, in the manner and under the circumstances provided in the bylaws of the Utah PTA. Dissolution of this Council must follow procedure as outlined by Utah PTA at the time of dissolution.

Section 17. This Council is obligated, upon withdrawal of its charter by Utah PTA:

a. To yield up and surrender all of its books, records, assets, and property to Utah PTA.

b. To cease and desist from the further use of any name that implies or connotes association with National PTA or Utah PTA or status as a constituent association of the National PTA or Utah PTA; and

c. To carry out promptly, under the supervision and direction of Utah PTA, all proceedings necessary or desirable for the purpose of dissolving this Council.

Section 18. Upon the dissolution of this association, after paying or adequately providing for the debts and obligations of the association, the remaining assets shall be distributed, under the direction of Utah PTA, to one or more non-profit funds, foundations, or associations which have established their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and whose purposes are in accordance with those of National PTA.

ARTICLE V: Purposes of this Council

Section 1. The purposes of this Council are to:

a. Unify and strengthen Local PTAs comprising this Council by providing opportunities for leadership training and exchanging of ideas and experiences, serving as a channel of communication, and coordinating the efforts of the Local PTAs in Council membership.

b. Provide for the conference and cooperation of Local PTAs in Council membership in order to create a public opinion favorable to the interests of children; to encourage programs and projects in the various Local PTAs which will carry out the Purposes and Mission of PTA; and to assist in the formation of new PTAs/PTSAs according to the plan of Utah PTA.

c. Promote the interests of National PTA and of Utah PTA within its territory.

Section 2. This Council shall not legislate for Local PTAs. This Council shall provide resources, guidance, and support to local PTA in council membership to assist them in understanding, implementing, and adhering to Utah PTA Policies and Procedures.

ARTICLE VI: Membership and Dues

Section 1. Council membership shall consist solely of local PTA assigned by Utah PTA, with additional units chartered by Utah PTA at any time.

Section 2. Annual dues for this council will be collected as part of Utah PTA dues and distributed by Utah PTA to the council in accordance with Utah PTA policy.

Section 3. Delegates from Local PTAs whose membership dues are in arrears shall not participate in the business meetings of this Council.

ARTICLE VII: Voting Body

Section 1. The voting body of this Council shall consist of the elected officers (executive committee) of this Council, the Council Commissioners, and the designated members of each PTA specified in Section 2 of this article.

Section 2. Each member PTA shall be entitled to representation on the voting body of this Council by its President or their alternate, President-elect or their alternate (An alternate is selected from their Local PTA board.), and the principal or their representative.

Section 3. Members are entitled to one vote even though they may be in more than one position.

ARTICLE VIII: Quorum

A quorum for the transaction of business in any meeting of this Council shall consist of at least two (2) Council Officers and at least one delegate each from a majority of the member PTA.

ARTICLE IX: Officers and Their Election

Section 1. The officers of this Council shall abide by, promote, and represent the Purposes, Bylaws, Mission, Principles, and Procedures of PTA.

Section 2. Only members of a Local PTA in the Council who have paid dues for the current membership year may be eligible to hold office.

Section 3. Officers and their election:

a. The officers (executive committee) of this Council shall be a President, a President-elect, an Administrative Vice President, up to __2__ (number, at least two) additional Vice Presidents, a Secretary, and a Treasurer. The President-elect shall automatically succeed to the office of President. The Administrative Vice President shall be an administrator of a school in council membership (elected on a rotating basis through the schools as determined by each council). It is recommended that the superintendent or their representative attend council meetings.

b. These officers shall be elected by ballot by a quorum of the voting body of this Council at the Council meeting prior to March 31. This meeting can be held in person and/or virtually. However, if there is only one nominee for any office(s), upon adoption of a motion from the floor, the election for that office (or those offices) may be by voice vote.

c. Officers shall assume their official duties on July 1 following their election, shall serve for a term of __1__ year(s), (a term of either one year or two years) and shall remain in office until June 30 of the next election year or thereafter until their successors are elected.

d. An officer may serve a consecutive term if nominated and elected by the Council voting body.

e. If a president seeks a consecutive term, the president and president elect must be nominated and elected by the council voting body. If the president is not re-elected, the president elect shall automatically succeed to the office of president.

f. An officer shall not be eligible to serve more than three (3) consecutive terms in the same office. (Anyone who has served more than one half of a term shall be credited with having served that term.)

Section 4. Nominating Committee:

a. The Nominating Committee, which shall nominate an eligible person for each office for which elections are to be held, shall be elected by the voting body of this Council at a council meeting prior to December 31. The Nominating Committee shall be composed of __3__ (number, at least three and always an odd number).

b. One member of the Nominating Committee shall be elected by the Executive Committee from its body and the remaining members shall be elected by the voting body of this Council, no two (2) of whom shall be from the same PTA. The Nominating Committee shall elect its own chair.

c. It is recommended that the superintendent or their representative and the principals not serve on the Nominating Committee but act as consultants to it.

d. There shall also be elected by the voting body of this Council __2__ (number, 1 to 5) alternates to the nominating committee. An alternate may attend committee meetings only as the replacement of a committee member. If a member of the nominating committee is unable to attend a meeting, the first alternate may attend only that meeting as a voting member of the committee. If a member of the nominating committee fails to attend two (2) meetings of the committee, that member will be permanently replaced by the first alternate. If a member of the nominating committee is selected for election to an office, that member will be replaced on the committee by the first alternate, continuing replacement by alternates as needed.

e. Recommendations for nominations may be made to the nominating committee by any PTA member in Council membership prior to the first meeting of the nominating committee.

f. The Council President and President-elect shall not serve on the nominating committee. The President shall orient the committee to its duties and procedures at its first meeting and shall then leave the meeting, but then may act as a consultant to the nominating committee.

g. No meeting of the nominating committee shall be held with fewer than three (3) members in attendance.

h. A nominee for any office must be a member of a Local PTA in Council membership.

i. Only those persons who have signified their consent to serve if elected shall be nominated for or elected to an office.

j. The nominating committee shall nominate an eligible person for each office to be filled. It is strongly recommended that the Council President and President-elect nominees be past Presidents of Local PTAs. If the President-elect is unable to succeed to the office of President, the nominating committee shall nominate an eligible person for President and President-elect.

k. The nominating committee must report its nominees to the executive committee prior to reporting to the council voting body. The nominating committee shall communicate the slate of nominees to the council body at least fourteen (14) days prior to the election meeting.

Section 5. The only additional nominations that may be made from the floor at the election meeting are those persons who have filed their intent to become nominees with the Secretary of this Council at least five (5) days prior to the election meeting. Their names must then be placed in nomination from the floor at the election meeting. Any such persons must be members of a Local PTA in Council membership. No additional nominations may be made at the election meeting.

Section 6. Vacancies:

a. If an office except President-elect remains unfilled after the election, it shall be considered a vacant office to be filled by a person elected by a majority vote of the new executive committee, all members of the new executive committee having been notified. A vacancy in the office of President-elect shall be filled by the vote of the Council voting body at a special election meeting after having been nominated by a

council nominating committee.

b. If any officer or appointee fails to attend three (3) consecutive meetings without adequate excuse or to perform the duties of their office or position, the members of the executive committee shall meet and declare the office or position vacant.

c. All resignations must be made in writing to the President.

d. A vacancy occurring in the office of President shall be filled for the remainder of the unexpired term by the President-elect, who shall then cease to be President-elect. A vacancy occurring in the office of President-elect shall be filled by a vote of the Council voting body at a special election meeting after having been nominated by a council nominating committee. A vacancy occurring in any other office shall be filled for the remainder of the unexpired term by a person elected by a majority vote of the remaining members of the executive committee, all members of the committee having been notified.

ARTICLE X: Duties of Officers

Section 1. The President shall:

a. Preside at all meetings of this Council, its Board of Directors, and its executive committee at which they may be present;

b. Be a member ex officio of all commissions and other committees but shall not serve on the nominating committee or the election committee;

c. Appoint a parliamentary adviser, subject to the approval of the executive committee;

d. Appoint the chair of each special committee in consultation with the executive committee;

e. Orient the nominating committee to its duties and procedures at its first meeting and then leave the meeting;

f. Know and support the mission of Utah PTA within the council;

g. Coordinate the work of the officers, commissions, and committees of this Council in order that the Purposes of PTA may be promoted; and

h. Perform such other duties as may be prescribed in these Bylaws or assigned by this Council or by its executive committee.

Section 2. The President-elect shall:

a. Work in cooperation with the President and fulfill such other duties as assigned by the Board of Directors or the President;

b. As appropriate, as President-in-training, attend meetings with the President;

c. In the absence of the President or their inability to act, perform the duties and exercise the powers of the President.

Section 3. The Vice Presidents shall:

a. Act as aides to the President;

b. In their designated order as determined by the executive committee at its first meeting, perform the duties and exercise the powers of the President in the absence or inability to act of both the President and the President-elect; and

c. Perform such other duties as may be provided for in these Bylaws, prescribed by the parliamentary authority, or directed by the President, the Board of Directors, or the executive committee.

Section 4. The Secretary shall:

a. Record the minutes of all meetings of this Council, its Board of Directors, and its executive committee, including the motions and actions taken;

b. Have and bring to all meetings a current copy of these Bylaws;

c. Maintain an accurate and current roster of the names of the Local PTAs in Council membership, the names and contact information of Local PTA officers and delegates, and the names and contact information of the members of the Council Board of Directors. This membership record may not be used for any purpose unrelated to members interests as PTA members. It cannot be used for solicitations, commercial purposes, partisan or political purposes, or be sold or purchased.

d. Conduct correspondence; and

e. Perform such other duties as may be provided for in these Bylaws, prescribed by the parliamentary authority, or directed by the President, the Board of Directors, or the executive committee.

Section 5. The Treasurer shall:

a. Have custody of and be responsible for all funds of this Council, counting all money with three (3) people present and depositing all money in the bank the same day received;

b. Collect and keep a full and accurate account of receipts and expenditures of all moneys of this Council;

c. Develop, with the executive committee, an annual budget to be distributed to and approved by the voting body of this Council at the annual meeting (see Article XIII Section 3) prior to September 30;

d. Make a financial report as specified in the Treasurer's

Handbook, at the annual meeting prior to September 30;

e. Make disbursements as authorized by the President, executive committee, or this Council, in accordance with the budget adopted by this Council;

f. Co-sign all checks with the President, President-elect, or Secretary (No two officers who are related by blood or marriage or reside in the same household may be signers on the checking account);

g. Present a treasurer's report at each meeting of this Council and at other times when requested by the executive committee;

h. Be responsible for the maintenance of such books of account and records as conform to the requirements of Article IV, Section 9 of these Bylaws; and

i. Submit the books annually no later than July 10 and upon the change of officer for a reconciliation by an auditor or an Annual Financial Reconciliation (AFR) committee.

Section 6. The books of the Treasurer shall be reconciled annually by an auditor or an AFR committee of not fewer than three (3) members, who, satisfied that the treasury accounts are correct, shall sign a statement of that fact.

a. The auditor or AFR committee shall be appointed by the executive committee. Members of the AFR committee shall be members of a Local PTA/PTSA in Council membership.

b. The auditor or any member of the AFR committee shall not be any officer who may sign the checks or be related to, by blood or by marriage, or reside in the same household with, any of the officers who may sign the checks of this Council.

c. No later than June 30 the books and records of the Treasurer shall be closed (no additional expenses incurred, checks written, nor bank transactions made) and shall be given to the auditor or the AFR committee. The incoming officers shall assume no financial responsibilities nor obligations until July 1.

d. The auditor or AFR committee shall submit its report to the new executive committee no later than August 1, and the report shall be presented for adoption to the council at the annual meeting.

e. The incoming executive committee shall not accept unreconciled financial records.

f. In the event of a vacancy in the office of Treasurer, the books shall be reconciled before the new Treasurer takes office.

Section 7. All officers shall:

a. Perform the duties prescribed in the parliamentary authority, in addition to those outlined in these Bylaws and those assigned from time to time; and

b. In case of resignation without delay, or upon the expiration of their term of office no later than July 10, deliver to their successors all official materials pertaining to their office.

ARTICLE XI: Executive Committee

Section 1. The executive committee shall consist of the elected officers of this Council.

Section 2. The duties of the executive committee shall be to:

a. Fulfill the mission of PTA within the council area;

b. Plan and determine the dates of Council meetings;

c. Transact such business as may be referred to it by this Council;

d. Determine at its first meeting of the school year, the designated order in which the Vice Presidents perform the duties of the President in the absence or inability to act of both the President and President-elect;

e. Create commissions and special committees and appoint commissioners;

f. Approve the plans of work of Council commissions and special committees;

g. Develop an annual budget to be distributed to and approved by the voting body of this Council at the annual meeting prior to September 30;

h. Approve routine bills within the limits of the budget;

i. Require all checks to have two (2) signatures;

j. Report at the regular meetings of this Council;

k. Act in emergencies between meetings of this Council;

l. Fill vacancies in offices except President-elect; and

m. Appoint an auditor or an AFR committee to reconcile the Treasurer’s accounts.

Section 3. During the transition period between their election and June 30, the incoming officers shall meet as needed to coordinate with the outgoing officers, prepare for their term of office, formulate their tentative plans and proposed budget, schedule their calendar, and appoint commissioners and committee chairs with the advice of the Local PTA Presidents and shall attend the Utah PTA convention in May. The incoming officers shall assume no financial responsibilities nor obligations until July 1.

Section 4. There shall be an executive committee and/or Board of Directors meeting prior to each Council meeting. A majority of the members shall constitute a quorum. Special

meetings of the executive committee may be called by the President or upon the request of a majority of the members of the committee, all members of the committee having been notified.

ARTICLE XII: Commissions, Board of Directors, and Special Committees

Section 1. Only members of a Local PTA in the Council who have paid dues for the current membership year may be eligible to hold a position in this Council. The term of each appointee shall be for one year, and they may be reappointed for another year.

Section 2. The executive committee shall create such commissions as may be deemed necessary to promote the Purposes of PTA and the work of this Council.

Section 3. The commissioners shall be appointed by the executive committee of this Council.

Section 4. The executive committee and the commissioners comprise the Board of Directors of this Council. Regular meetings of the Board of Directors shall be held during the year, the time to be fixed by the Board members at its first meeting of the school year. A majority of the Board of Directors shall constitute a quorum. Special meetings of the Board of Directors may be called by the President or by a majority of the members of the Board, all members of the Board having been notified.

Section 5. The executive committee may create such special committees as it or this Council may deem necessary to promote the Purposes of PTA and the work of this Council.

Section 6. Inasmuch as a special committee is created for a specific purpose, it automatically goes out of existence when its work is done and its final report is received by the executive committee or no later than the end of the term of a council president.

Section 7. Each commissioner and committee chair shall present a plan of work to the executive committee for approval. No work shall be undertaken without the consent of the executive committee.

Section 8. The majority of any commission or committee shall constitute a quorum.

Section 9. The President shall be a member ex officio of all commissions and other committees but shall not serve on the nominating committee nor election committee.

ARTICLE XIII: Meetings

Section 1. Regular meetings of this Council shall be held monthly unless otherwise provided for by this Council or executive committee. Meetings may be held in person and/or virtually. Five (5) days notice shall be given of a change of date.

Section 2. Special meetings of this Council may be called by the President and shall be called upon request of a majority of the members of the executive committee or Board of Directors or a majority of the Local PTAs in Council membership. At least five (5) days notice of such special meeting shall be given.

Section 3. The Annual Meeting, as specified by IRS code, Section 501(c)3, shall be held no later than September 30, and shall be for the purpose of:

a. Adopting the financial documents as specified in the Treasurer's Handbook,

b. Present an annual council report, and

c. Any other council business.

Section 4. The nominating committee shall be elected at a council meeting prior to December 31.

Section 5. The election meeting shall be held prior to March 31.

Section 6. Special meetings of this Council PTA may be called for the purpose of a special election or emergency business that requires a vote of the voting body.

Section 7. Members of the PTAs holding membership in this council may attend, without the right of voice or vote, all meetings of this council but may be granted permission to speak at these meetings provided they have contacted the presiding officer of the meeting and requested to be placed on the agenda.

ARTICLE XIV: Fiscal Year

The fiscal year of this Council shall begin on July 1 and end the following June 30.

ARTICLE XV: Reading and Renewal of the Bylaws

These Bylaws shall be reviewed by the executive committee at the beginning of each school year and shall every three (3) years be presented to the Council voting body and reaffirmed by a majority vote of the members present and voting, either in person or virtually, and sent to the Utah PTA for renewal. All renewals must be completed within six (6) months. After that time the submission will be canceled and the renewal must be restarted.

ARTICLE XVI: Amendments

Section 1.

a. Only information written in the blanks of these Bylaws may be amended at any regular meeting of this Council by a two-thirds vote of the voting body present and voting, provided that written notice of the proposed amendment shall have been communicated to each PTA in Council membership and to each member of the Board of Directors at least fourteen (14) days prior to the meeting at which the amendment is voted upon, that a quorum has been established, and that the amendment is then sent to Utah PTA for approval.

b. After approval by a two-thirds vote at a meeting of this Council, a copy of all amendments or revisions shall be submitted to Utah PTA for approval.

c. All amendments and minutes must be submitted to Utah PTA within six (6) months for approval. After that deadline the process must be restarted.

Section 2. The adoption of an amendment to any provision of the Bylaws of Utah PTA identified by a single star except for those single star provisions that apply specifically and solely to Local PTAs, shall serve automatically and without the requirement of further action by this Council to amend correspondingly the Bylaws of this Council. Notwithstanding the automatic character of the amending process, this Council shall promptly incorporate such amendments into its Bylaws.

ARTICLE XVII: Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this Council in all cases in which they are applicable and in which they are not in conflict with these Bylaws, the Bylaws of the Utah PTA, the National PTA Bylaws, or the articles of incorporation.