

**WEIBEL**

**PARENT TEACHER ORGANIZATION**

**(PTO)**

**BYLAWS**

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## **ARTICLE I –NAME**

The name of this organization is Weibel Parent Teacher Organization (PTO) HEREAFTER REFERRED TO AS Association, located in the City of Fremont, County of Alameda, State of California.

## **ARTICLE II - PURPOSES**

### ***SECTION 1.***

The Objective of this Association is to support the Fred. E. Weibel School; to encourage communication between parents and teachers of Fred E. Weibel students; to raise parents awareness and promote parents involvement in school issues; to raise and administer funds and accept educational equipment, in order to provide additional educational benefits beyond those provided by the school district.

### ***SECTION 2.***

This Association is organized exclusively for the charitable, scientific, literary, and/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 (hereinafter "Internal Revenue Code").

## ARTICLE III- BASIC POLICIES

The following are basic policies of the Association:

- a) The Association shall be noncommercial, nonsectarian and nonpartisan.
- b) The name of the Association 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 Objects of the organization.
- c) The Association shall not --directly or indirectly--participate or intervene (in any way, including the publishing--or distributing of statement) 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 Association shall work with the schools 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, state education authorities, and local education authorities.
- e) The Association shall not enter into membership with other organizations except with the approval of the association executive board but may cooperate with other organizations and agencies concerned with child welfare, but a PTO representative shall make no commitments that bind the group he represents.
- f) No part of the net earnings of the Association shall inure to the benefit of, or be distributed 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.
- g) Notwithstanding 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 organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.
- h) 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 to one or more nonprofit funds, foundations, or organizations which have established their tax exempt status under Section 501 (c)(3) of the Internal Revenue Code.

## **ARTICLE IV - MEMBERSHIP AND DUES**

### **SECTION 1.**

Membership in this Association shall be made available to any individual who subscribes to the Objectives and Basic Policies of this Association.

### **SECTION 2.**

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

### **SECTION 3.**

Membership in the Association requires an application for membership (membership form) to be completed and returned and is automatic upon filing of the application. This membership in the Association shall not be transferable.

### **SECTION 4.**

The name of each member-family shall be entered on the membership list, a copy of which shall be filed with the Association secretary.

### **SECTION 5**

Membership shall be deemed in full force and effect until a written or oral resignation has been received and accepted by any member of the Officers.

### **SECTION 6**

Membership must be renewed annually.

### **SECTION 7.**

Each member of the Association shall pay annual dues in an amount to be determined at the last regularly scheduled PTO meeting of the previous school year. If no vote is taken, the dues will remain the same as the previous year.

## **ARTICLE V - OFFICERS AND THEIR ELECTION**

### **SECTION 1.**

Each officer or board member of this Association shall be a member of this Association

### **SECTION 2.**

Officers of this Association shall be a president, two (2) vice presidents, recording secretary, corresponding secretary, three (3) treasurers, a general treasurer, a scrip treasurer and a teacher treasurer, and parliamentarian. These officers shall be elected annually with the exception of the committee chairs and the parliamentarian, who shall be appointed by the president subject to the ratification of the executive board. The principal of the school shall also be considered an officer of this Association .

### **SECTION 3.**

- a) Nominations for office shall be made by a Nominating Committee, which shall be elected by the Association, in January.
- b) The Nominating Committee shall be elected at least two months prior to the annual election meeting. The Committee shall serve until the annual election meeting.
- c) The Nominating Committee shall be composed of three (3) members, all of whom shall be members of this Association. The principal of the school, or a faculty representative appointed by the Principal, if not an elected member of the Committee, may serve in an advisory capacity. The President shall not serve ex officio or be elected to the Nominating Committee. The Committee shall elect its own chairperson.
- d) The Nominating Committee shall immediately notify all members of the Association about upcoming vacancies and will accept written nominations of willing and qualified candidates.
- e) The Nominating Committee will recruit one candidate for each office that is without a nomination.
- f) The report of the Nominating Committee shall be submitted to the membership at least thirty (30) days prior to the annual election meeting. At the annual election meeting in April additional nominations may be made from the floor.

### **SECTION 4.**

- a) Only those persons who are eligible and who have signified their consent to serve if elected shall be nominated for or elected to office.
- b) Nominees for the offices of president, treasurer, financial secretary and auditor shall not be related by blood or marriage or reside in the same household.

### **SECTION 5.**

The privilege of holding office shall be limited to members of the Association whose dues are paid and who have been members of the Association for at least thirty (30) days previous to nomination.

### **SECTION 6.**

Election shall be held by ballot at annual election meeting in April. In case of a tie vote the President shall cast his/her vote to break the tie. If there is but one nominee for any office, the ballot for that office may dispensed with and the election held by voice vote.

### **SECTION 7.**

Each Association member shall be entitled to but one vote for each office. Proxy votes shall not be allowed. No vote shall be allowed from any person who is not a member of this Association.

### **SECTION 8.**

- a) Officers shall serve for a term of one year.
- b) Officers shall assume their duties on July 1.
- c) No officer shall be eligible to the same office for more than two consecutive terms or hold more than one elected office.
- d) A person who has served in an office for more than six months of a full term shall be deemed to have served a full term in such office.

### **SECTION 9.**

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

### **SECTION 10.**

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



elect.

**SECTION 11.**

A vacancy occurring in any office shall be filled for the unexpired term by a person elected by the Association. A call for candidates to fill the vacant office must be made to the Association. In case a vacancy occurs in the office of president, (Refer to Article VIII, Section 2e) the first Vice President shall serve notice of the election.

## **ARTICLE VI - DUTIES OF OFFICERS AND CHAIRPERSONS**

### **SECTION 1.**

The president shall:

- a) Coordinate the work of officers and committees of the Association in order that the Objects may be promoted.
- b) Preside at, and set the agenda for, all meetings of the Association and the executive board.
- c) Be a member ex officio of all committees except the nominating committee.
- d) Appoint the parliamentarian, the chairpersons and members of committees, subject to the ratification of the Association.
- e) Sign warrants with the recording secretary except any form of a check, which must be signed by the president or first vice president and a treasurer instead of the recording secretary.
- f) Perform such other duties as may be prescribed in these bylaws or assigned by the Association.
- g) Have all newsletters, flyers and/or notices approved by the principal, prior to distribution.
- h) Have all contracts and/or legally binding documents approved by the Association, prior to any two elected officers signing a contract.
- i) Under emergency situations, complete all necessary and appropriate business of the Association between regular meeting by polling the executive board by telephone and/or email and maintaining a record of such poll to be entered into the minutes of the Association and ratified by the Association at the next meeting of the Association.
- j) When presiding, may only vote in cases where his/her vote would change the results, i.e. to break a tie. This provision also applies to voting by ballot.
- k) Shall check with the Treasurer to make sure the tax exemption forms are filed.

### **SECTION 2.**

The vice presidents shall:

- a) Act as aids to the president.
- b) In their designated order, perform the duties of the president in the absence or disability, of that officer to act.

The first vice president shall:

- a) Serve also as Program chair.
- b) Sign checks as the second signature to the first signature of one of the treasurers.

The second vice president shall:

- a) Serve also as Ways and Means chair.
- b) Review different types of fund-raisers the Association may plan during the year and help carrying out the fundraising activities.
- c) Be responsible to ensure all records from previous years are kept for a minimum of seven (7) years.
- d) At the end of a school year, the outgoing second vice president shall receive and review notebooks from outgoing Board members. Such notebooks shall be passed to the incoming second vice president. The incoming second vice president shall distribute them to incoming Board members.

- e) Be responsible for purchasing and renewing insurance for the PTO.

### **SECTION 3.**

The recording secretary shall:

- a) Perform the duties of the president in the absence or disability of both the president and vice president on an interim basis until an election can be held.
- b) Keep an accurate record of the proceedings of all meetings of the Association and the executive board in a bound book, which is the legal record of this Association.
- c) Shall compile the agenda for all Association meetings and make the tentative agenda available to the membership.
- d) Be prepared to refer to minutes of previous meetings.
- e) Prepare a list of all unfinished business for the use of the president.
- f) With the president, sign warrants authorizing the expenditure of funds following approval by the Association or the executive board in accordance with these bylaws. Signature authority of the recording secretary does not include any type of check.
- g) Keep a current list of the paid members of the Association provided by the membership chairperson.
- h) Keep a current copy of the bylaws and standing rules.
- i) Perform such other duties as may be delegated to the secretary.

### **SECTION 4.**

The corresponding secretary shall:

- a) Conduct all necessary correspondence of the Association upon authorization of the president, executive board or Association.
- b) Notify officers of their election and committee chairpersons of their appointments.
- c) Provide notification of executive board meetings.

### **SECTION 5**

The general treasurer shall perform duties relating to the general bank accounts of the Association.

The scrip treasurer shall perform duties relating to the scrip accounts of the Association.

The teacher treasurer shall perform duties relating to the teacher accounts of the Association.

All treasurers 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 Association. Such books of account and records shall at all reasonable times be open to inspection by the Officers.
- b) Receive all money for the Association, and deposit them in the name of the Association 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 or the Association and on receipt of warrants, excluding any form of a check, signed by the president and the recording secretary.
- e) Secure two signatures on all checks. Only treasurers and either the president or first vice president are authorized to sign checks. The first signature must be a treasurer (general treasurer, scrip treasurer, or teacher treasurer). The second signature must be either the president or first vice president. The president and first vice president are the only two officers authorized to be the second signature on checks. The authorized signers shall not be related by blood or marriage or reside in the same household.
- f) Keep an accurate record of receipts and disbursements in a ledger, which is a permanent record of this Association. All other financial records must be retained for seven years including the current year.
- g) Keep the membership informed of expenditures as they relate to the budget adopted by the Association.
- h) Present a statement of account at every meeting of the Association and the executive board and at other times when requested by the Association.
- i) Make an annual financial report to the Association, which includes gross receipts and disbursements for the year.
- j) Prepare proposed budget for the upcoming year and present it to the Association at the September meeting.

## **SECTION 6.**

The auditor shall:

- a) Audit the books and financial records of the Association semiannually.
- b) Prepare a midterm audit to be completed in January. The final audit shall be completed by the outgoing auditor in July at the close of the officers' term. (See Article V, Section 8, for date.)
- c) Present a written report for adoption by the Association at the September meeting.
- d) Audit the books upon resignation of the treasurer at any time deemed necessary.
- e) Not be related by blood or marriage or reside in the same household as the financial officers and/or authorized signers of checks.
- f) File such returns or other forms as may legally be required by the California Franchise Tax Board and/or the United States Internal Revenue Service and/or any other body that may legally require financial information from the Association, and to maintain copies of the same for the period defined by the relevant Statutes of Limitations.

## **SECTION 7.**

The historian shall:

- a) Assemble and preserve a record of the activities, achievements and volunteer hours of the Association.
- b) Act as custodian of records and other materials pertinent to the history of the Association.

## **SECTION 8.**

The parliamentarian shall:

- a) Attend all meetings of the Association and of the executive board and give necessary advice in parliamentary procedure when requested.
- b) Call to the attention of the president any actions not in accordance with the bylaws.
- c) Chair the bylaws committee and review bylaws and standing rules annually.
- d) Shall be entitled to all rights and privileges of membership including the right to make motions, debate and vote.

## **SECTION 9.**

Reports shall be compiled annually by all officers and copies filed with the second vice president and historian.

## **SECTION 10.**

When an officer fails to attend three consecutive meetings without adequate excuse or when an officer is not fulfilling the responsibilities of the office as prescribed in the bylaws or standing rules, or engages in conduct which the executive board determines to be injurious to the Association or its purposes, the executive board may by a two-thirds (2/3) affirmative vote, take such action as it determines appropriate, which may include: (1) asking for the resignation of the officer, (2) making a formal recommendation that the officer be removed from office following a hearing conducted in accordance, with Due Process<sup>1</sup>.

## **SECTION 11.**

All officers shall perform the duties prescribed in the current edition of ROBERT'S RULES OF ORDER NEWLY REVISED in addition to those outlined in these bylaws and those assigned from time to time. Upon the expiration of the term of office or in case of resignation or termination, each officer shall turn over to the second vice president, without delay, all records, books and other material pertaining to the office and shall return to the treasurer, without delay, all funds belonging to the Association.

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<sup>1</sup> "Due Process Procedures: Following the two-thirds (2/3) affirmative vote recommending that the officer be removed from office: (1) The officer must be given fifteen (15) days' written notice of the hearing to remove the officer from office; (2) The written notice shall contain the reasons for the proposed removal, and shall be mailed by certified mail, return receipt requested, to the last address of the officer shown on the Association's records; (3) At the hearing, the officer must be given an opportunity to address the executive board, either orally or in writing; (4) Not less than five (5) days following the hearing, the executive board shall convene and vote whether the officer will be removed from office; (5) A two-thirds (2/3) vote of the executive board shall be sufficient to remove the officer from office; (6) The removal vote shall be recorded in the executive board minutes and shall specify the number of voting in favor of and against such removal."

## **ARTICLE VII - ASSOCIATION MEETINGS**

### **SECTION 1.**

Association meetings shall be held once a month on dates to be decided at the first meeting of the school year. With the exception of the annual meeting, notice of any change in time or date of regularly scheduled meetings must be given in writing to the entire membership at least five (5) days in advance.

### **SECTION 2.**

The Association meeting in April shall be the annual election meeting at which time officers shall be elected. At least thirty (30) days prior notice of the annual election meeting must be given.

### **SECTION 3.**

Special meetings may be called by the executive board upon written notice sent at least five (5) days before the meeting date.

### **SECTION 4.**

- a) This Association shall establish a quorum for the transaction of business in any meeting of this Association.
- b) Ten (10) members shall constitute a quorum.

### **SECTION 5.**

The privilege of making motions, debating and voting shall be limited to members of the Association who are present and whose dues are paid and who have been members of the Association for at least the previous thirty (30) days. Only members of the Association who are aged eighteen (18) years or older may vote.

## **ARTICLE VIII - EXECUTIVE BOARD**

### **SECTION 1.**

The executive board shall consist of officers of the Association and the principal of the school or a representative appointed by the principal, all of who should be members of the Association.

### **SECTION 2.**

The executive board:

- a) Shall transact necessary business between meetings of the Association and such other business as may be referred to it by the Association.
- b) May authorize the payment of Association bills within the limits of the budget adopted by the Association. Such action must be ratified at the next association meeting and must be recorded in the association minutes.
- c) May authorize the payment of other unbudgeted association bills not to exceed a cumulative total of \$ 1,000.00 between meetings of the Association. Ratification of payment of these bills must occur at the next association meeting and must be recorded in the association minutes
- d) Shall create committees as are deemed necessary, to promote the Objects and to carry on the work of the Association.
- e) Shall fill all vacancies in office, including that of president. (Refer to Article V, Section 11)
- f) Shall present a report at meetings of the Association.
- g) Shall receive financial reports from the treasurers at each meeting

### **SECTION 3.**

The executive board is subject to the orders of the Association, and none of its acts shall conflict with action taken by the Association.

### **SECTION 4.**

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.

### **SECTION 5.**

Special meetings of the executive board may be called by the president. The president must call a special meeting upon the written request of three (3) members. Special meetings must be held within fourteen (14) days of receipt of a written request. All executive board members must be notified of special

meetings at least five (5) days prior to the meeting.

**SECTION 6.**

- a) This PTO shall establish a quorum for the transaction of business in any meeting of the executive board.
- b) Five (5) members shall constitute a quorum.

**SECTION 7.**

A two-thirds vote is required for the executive board to authorize any action or payment.

**SECTION 8.**

The members of the Association are welcome to attend Executive Board meetings but there is no mandatory general membership notification of such meetings.



## **ARTICLE IX - COMMITTEES**

### **SECTION 1.**

There shall be such committees created by the Association as may be required to carry on the work of the Association. The quorum for a committee meeting shall be a majority of its members.

### **SECTION 2.**

Unless otherwise provided in these bylaws, the activities of committees shall be based on strict adherence to the Association's financial guidelines and the extent to which such actions are in accordance with the broad financial and program goals set forth by the Association, all committee actions shall be subject to the approval of the Officers.

### **SECTION 3.**

The chairpersons of committees, all of whom shall be members of this PTO, shall be appointed by the president subject to the ratification of the Association.

### **SECTION 4.**

The term of office for chairpersons shall be one year.

### **SECTION 5.**

The chairpersons shall present plans of work to the Association for approval. No work shall be undertaken without the consent of the Association.

### **SECTION 6.**

Reports shall be compiled annually by all chairpersons and filed with the second vice president and historian.

### **SECTION 7.**

When a chairperson fails to attend three consecutive meetings without adequate excuse or when a chairperson is not fulfilling the responsibilities of the office as prescribed in the bylaws or standing rules,

or engages in conduct which the executive board determines to be injurious to the organization or its purposes, the executive board may by a two-thirds (2/3) affirmative vote, take such action as it determines appropriate, which may include: (1) asking for the resignation of the chairperson: (2) making a formal recommendation that the chairperson be removed from office following a hearing conducted in accordance with Due Process<sup>2</sup>

### **SECTION 8.**

Upon the expiration of the term of office or in case of resignation or termination, each chairperson shall turn over to the second vice president, without delay, all records, books and other material and shall return to the treasurer, without delay, all funds belonging to the Association.

### **SECTION 9.**

The Association and the executive board each have the power to create special committees in order to carry out specific programs and projects.

### **SECTION 10.**

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

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## **ARTICLE X - FISCAL YEAR AND IRS NUMBER**

### ***SECTION 1.***

The fiscal year of this PTO shall begin July 1<sup>st</sup> and end June 30<sup>th</sup>.

### ***SECTION 2.***

This Association shall not assume any financial obligation in any one fiscal year that will be carried over into the succeeding term.

### ***SECTION 3.***

The Internal Revenue Service Employer Identification Number (EIN) for this Association is : 94-3370953

## **ARTICLE XI – PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of ROBERT'S RULES OF ORDER, NEWLY REVISED, shall be recognized as the authority governing the meeting of the Association, the Officers, Executive Board, and all committees, except when in conflict with these bylaws.

## **ARTICLE XII - AMENDMENTS**

### ***SECTION 1.***

These bylaws may be revised, repealed or amended, or new bylaws established, by a two-thirds (2/3) vote of all members present at any meeting of the Association, provided that a quorum is present. The proposed revisions, deletions, amendments, and/or additions shall be published to the membership at least four (4) days prior to the day of the Association meeting at which the vote will be held.

### ***SECTION 2.***

Revisions, deletions, amendments, and/or additions to these bylaws may be submitted by the Officers or any member of the Association, in writing, at any meeting of the Association. If a quorum is present and a simple majority of the members present approve, such revisions, deletions, amendments and/or additions shall be submitted for final action at the next meeting of the Association in accordance with Article XII, Section 1.

Adopted on 04/12/2005

\_\_\_\_\_  
Bruce Funk, President

\_\_\_\_\_  
Arun Rajanala, Secretary

## STANDING RULES

1. At the beginning of his term of office, each member of the executive board shall be given a copy of these bylaws and shall be responsible for making a thorough study of them. A copy of these bylaws shall be made available to any member of the Association upon request.

**NOTE:** Standing rules may be adopted by a majority vote at any association meeting.<sup>3</sup> Amendments to standing rules require a two-thirds (2/3) vote without previous notice, a majority vote with such notice. Standing rules should be procedural rather than parliamentary and may not conflict with the bylaws.

2. See Financial Guidelines.

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<sup>3</sup> See Article VII, Section 4.

## FINANCIAL GUIDELINES

1. Any monies withdrawn from the Association account due to special requests for funds, must be accompanied by a "Request for Advance/Reimbursement of Association Funds" form and supporting documentation.  
After the Association has closed their financial records for the school year, the auditor shall examine and approve the financial records before they are turned over to next year's acting treasurer.
2. Committee chairpersons must approve all expenditures for their committee in writing. Purchases made without prior approval might not be reimbursed. Committee chairpersons must sign and submit all requests for reimbursement to the treasurer.
3. All committee chairpersons who collect money shall:  
Collect, count and turn, said monies over to the Association treasurer along with the following:
  - a. Fund Receipt Form with two (2) people's signatures verifying the amount.
  - b. Run an adding machine tape for checks. Cash amounts should be counted and written on Fund Receipt Form. This should be turned into the treasurer with the money.
  - c. Committee chairpersons should keep a copy of the above and running total of such transactions in their notebooks.Said monies shall be counted by two (2) people. Both people must sign the Fund Receipt Form verifying the amount.  
Any one-day fundraisers shall collect and process the money and checks for immediate deposit to the bank that day if possible but no later than one (1) week after the event. Money collected for continuing fund-raising activities shall be turned in biweekly.
4. Reimbursement forms or requests for checks have to be submitted within two (2) months of expenditure for payment.
5. You must have separate receipts for items you want reimbursement for. For example, you may not include reimbursement items from a family grocery receipt.
6. When making purchases or contracting for services, ask for donations or discounts whenever possible and/or use scrip to pay for the purchases.
7. No money will be paid out for unapproved expenses or for amounts larger than those approved except as noted below. AND All committees, budgeted categories etc... shall prepare a budget for approval by the board/membership and stay within their budget. Budget overages below or equal \$100 may be allowed with approval from the president. Budget overages above \$100 may be allowed with approval from the board. Such approval must be ratified at the next Association meeting. See Article VIII, Section 2, item c.
8. All checks require two (2) signatures. Only the treasurers can write checks. Either the president or first vice president is authorized to be the second signature on checks. Officers may not sign a check payable to themselves. In the case of unavailability of a particular treasurer or in an emergency, each treasurer is authorized to write checks on any treasurer account as the first signatory.

9. All accounts and/or budget categories will be divided on paper for accounting purposes to make tracking money easier.
10. All checks and deposits will come with complete documentation and information such as teacher, item, cost, date, receipt or name, donation, method of payment, directed use of funds if any etc...