

Mountain Elementary PTA

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These bylaws will take effect when approved by a member of the NMPTA Bylaws Committee. Until these are approved the most recent approved bylaws will be in effect for your PTA.

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#Each PTA shall include in its bylaws those provisions marked with a pound sign (#) to comply with New Mexico PTA.

BYLAW APPROVAL

Mountain Elementary PTA

Date Approved by General Membership: _____

Mountain Elementary PTA President Signature: _____

New Mexico PTA

Date Approved by New Mexico PTA: _____

New Mexico PTA Bylaws Committee Signature: _____

Local PTA Charter Date: _____ 1975 _____
(To be filled in by NMPTA Bylaws Committee member.)

ARTICLE I: NAME

The name of this association is **Mountain Elementary** Parents and Teachers Association (PTA), **Los Alamos**, New Mexico. It is a local PTA organized under the authority of New Mexico Congress of Parents and Teachers, a branch of National Congress of Parents and Teachers (National PTA).

****ARTICLE II: PURPOSES¹**

Section 1. The purposes of **Mountain Elementary** PTA, in common with those of National PTA and New Mexico 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.

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Section 2. The purposes of National PTA, New Mexico PTA, and **Mountain Elementary** PTA are promoted through an advocacy and educational program directed toward parents, teachers, and the general public; developed through conferences, committees, projects, and programs; and governed and qualified by the basic policies set forth in Article III.

Section 3. The association 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 (hereinafter referred to as "Internal Revenue Code").

****ARTICLE III: BASIC POLICIES**

The following are basic policies of **Mountain Elementary** PTA, in common with those of National PTA and New Mexico PTA:

- a. The association shall be noncommercial, nonsectarian, and nonpartisan.
- b. The association or members in their official capacities shall not endorse a commercial entity or engage in activities not related to promoting the purposes of the association.
- c. 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.
- d. The association shall work with the schools and community 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. New Mexico PTA or any of its divisions may cooperate with other organizations and agencies concerned with child welfare, but PTA representatives shall make no commitments that bind the group they represent.
- f. The association shall work to promote the health and welfare of children and youth, and shall seek to promote collaboration among parents, students, school, and the community at large.
- g. 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

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individuals 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.

- h. 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 organization 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.
- i. Upon the dissolution of the association, after paying or adequately providing for the debts and obligations of the association, the remaining assets shall be distributed within two (2) weeks to one or more nonprofit funds, foundations, or organizations that 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 New Mexico PTA.

ARTICLE IV: RELATIONSHIP WITH NATIONAL PTA AND NEW MEXICO PTA

#Section 1. This local PTA shall be organized and chartered under the authority of New Mexico PTA in the area in which this local PTA functions, in conformity with such rules and regulations, not in conflict with National PTA Bylaws, as New Mexico PTA may in its bylaws prescribe. New Mexico PTA shall issue to this local PTA an appropriate charter evidencing the due association and good standing of this local PTA.

#Section 2. To be considered a unit in good standing of New Mexico PTA, each local PTA shall do the following:

- a. Adhere to the purposes and basic policies of the PTA;
- b. Hold at least 3 general meetings per year. The purpose of these meetings shall include the following:
 - 1. Approval of the budget at a fall general meeting;
 - 2. Electing the nominating committee at a winter general meeting;
 - 3. Electing officers at a spring general meeting.
- c. Submit bylaws to New Mexico PTA at the time of organization of the local unit and every three years thereafter for approval, or when requested by the Bylaws Committee;²
- d. Maintain a minimum of fifteen members annually (schools with an enrollment of less than 100 may request an exemption);

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- e. Remit the state and national portions of the dues to New Mexico PTA as provided in Article V hereof;
- f. Submit a list of members with the state and national dues;
- g. File an operating budget, immediately upon approval by the unit's members, with New Mexico PTA by September 30;
- h. File the previous year-end proof of audit with New Mexico PTA by September 30;
 - 1. No person who was authorized to sign checks during the fiscal year may participate in the audit;
 - 2. No person who is related to a person authorized to sign checks during the fiscal year may participate in the audit.
- i. File a copy of IRS Form 990, if required, with New Mexico PTA upon filing with the IRS; and
- j. Carry insurance that is renewed annually. All new PTAs shall secure insurance preferably within 120 days and mandatory within one calendar year from the PTA's charter date.

****Section 3.** This local PTA shall adopt such bylaws for the governance of the association as may be approved by New Mexico PTA. Such bylaws shall:

- a. Not be in conflict with National PTA Bylaws or the bylaws of New Mexico PTA;
- b. Include an article on amendments;
- c. Include a provision establishing a quorum for each type of meeting;
- d. Include a provision establishing how the nominating committee for officers shall be elected;
- e. Include provisions corresponding to the provisions of state bylaws identified by the pound sign (#); and
- f. Prohibit proxy voting.

#Section 4. Each officer or board member of this local PTA shall be a member of this local PTA.

#Section 5. A PTA member shall not serve as a voting member of this local PTA's board while serving as a paid employee of or under contract to this local PTA.

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#Section 6. This local PTA shall keep such permanent books of account and records as shall be sufficient to establish the items of gross income, receipts, and disbursements of the organization, including, specifically, the number of its members, the dues collected from its members, and the amounts of dues remitted to New Mexico PTA. Such books of account and records shall at all reasonable times be open to inspection by an authorized representative of New Mexico PTA or, where directed by the committee on state and national relationships, by a duly authorized representative of National PTA.

#Section 7. The charter of this local PTA shall be subject to withdrawal and the status of such association as a local PTA shall be subject to termination, in the manner and under the circumstances provided by the bylaws of New Mexico PTA.

#Section 8. This local PTA is obligated, upon withdrawal of its charter by New Mexico PTA:

- a. To yield up and surrender all of its books and records and all of its assets and property to New Mexico PTA or to such agency as may be designated by New Mexico PTA or to another local PTA organized under the authority of New Mexico PTA;
- b. To cease and desist from the further use of any name that implies or connotes association with National PTA or New Mexico PTA or status as a constituent association of National PTA; and
- c. To carry out promptly, under the supervision and direction of New Mexico PTA, all proceedings necessary or desirable for the purpose of dissolving **Mountain Elementary** PTA.

#Section 9. Each constituent association shall elect only one person to serve in any one office. New Mexico PTA may grant exceptions when bylaws provide and circumstances require it. If an exception is requested and granted, only one person shall be designated as the official office-holder by New Mexico and National PTA; only one set of materials will be sent to the person so named. If more than one person serves, due to an exception by New Mexico PTA, the office holders must understand that one office provides only one vote.³

#Section 10. A local PTA, under the supervision and direction of New Mexico PTA, shall dissolve its affairs in the following manner:

- a. Notice, by certified mail, of the pending dissolution must be given to New Mexico PTA at least forty-five (45) days before the meeting of the membership is held to discuss and vote on the dissolution issue; and

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- b. Notice of the meeting of the membership must be mailed to all members and New Mexico PTA at least thirty (30) days before the meeting. A representative of New Mexico PTA, designated by New Mexico PTA executive committee, must be present. A two-thirds ballot vote of members present and voting, a quorum being present, must carry this intent of dissolution. Dissolution is effective immediately if vote is in the affirmative.
- c. Upon dissolution, New Mexico PTA must receive:
 - 1. A certified letter giving details of the vote to dissolve.
 - 2. A copy of the final IRS form 990 and the original IRS Employer Identification Number (EIN).
 - 3. Charter, all New Mexico PTA and National PTA materials, current bylaws and standing rules, and minutes, budget, and all financial books of account and records.
- d. Disbursement of funds and assets must be approved by a majority vote of members present and voting. All funds and assets must be distributed within two (2) weeks according to Article III, i. The remaining assets shall be distributed to one or more nonprofit funds, foundations, or organizations that 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 New Mexico PTA.

ARTICLE V: MEMBERSHIP AND DUES

#Section 1. Every individual who is a member of this local PTA is, by virtue of that fact, a member of National PTA and of New Mexico PTA by which this local PTA is chartered, and is entitled to all the benefits of such membership.

#Section 2. The membership in PTA shall be open, without discrimination, to anyone who believes in and supports the mission and purposes of New Mexico PTA.

#Section 3. This local PTA shall conduct an annual enrollment of members but may admit individuals to membership at any time.

#Section 4. Each member of a local PTA shall pay such annual dues to said association. The amount of such dues shall include these portions:

- a. The portion payable to New Mexico PTA, as recommended by the board of directors and approved by a two-thirds majority of the voting body at the New Mexico Annual Convention.

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- b. The portion payable to National PTA, as recommended by the board of directors and approved by a two-thirds majority of the voting body at the National PTA Annual Convention.

#Section 5. The state and national portions of the dues paid by each member of a local PTA shall be set aside by the local PTA and remitted to New Mexico PTA on or before the 30th of each month.

#Section 6. The privilege of making motions, debating and voting in elections shall be limited to members of the association who are present, whose dues are paid and who have been members of the association for at least **1** day(s).

- a. Membership in a local unit shall be considered to start on the day the unit's membership chairman records receiving payment from the member.
- b. Membership in New Mexico PTA shall be considered to start on the day the local unit's membership information is logged in at the State Office.
- c. Membership in a local unit and in New Mexico PTA shall expire on June 30 of each year.

ARTICLE VI: OFFICERS

Section 1. The officers of this local PTA shall be a president, a vice president(s),⁴ a secretary, and a treasurer.

Section 2. Officers shall be elected by ballot in the month of April.

Section 3. The vote shall be conducted by ballot. When there is but one candidate for an office, the ballot for that office may be dispensed with and election held by voice vote. A majority vote shall be required for election.

Section 4. The following provisions shall govern the qualifications and eligibility of individuals to be officers of **Mountain Elementary** PTA:

- **a. Each officer shall be a member of this local PTA.
- b. No officer may be eligible to serve more than **two** consecutive terms in the same office.
- c. A person who has served in an office for more than one half of a full term shall be deemed to have served a full term in such office.

Section 5. Officers shall assume their official duties following the close of the fiscal year in which they are elected and shall serve for a term of **1** year(s) or until a successor takes office.

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Section 6. A vacancy occurring in the office of president shall be filled for the remainder of the unexpired term by the vice president. A vacancy in any office other than president shall be filled by the board of directors.

Section 7. There shall be a nominating committee composed of an uneven number, no less than three members who shall be elected by this local PTA at a regular general membership meeting at least two months prior to the election of officers.

- a. The committee shall elect its own chair.
- b. The nominating committee shall nominate an eligible person for each office to be filled and report its nominees at the regular general membership meeting in April, at which time additional nominations may be made from the floor.
- c. Only those individuals who are current members of this local PTA and who have signified their consent to serve if elected shall be nominated for, or elected to, such office.

ARTICLE VII: DUTIES OF OFFICERS

Section 1. The president shall:

- a. Preside at all meetings of this local PTA;
- b. Serve as an ex officio member of all committees except the nominating committee;
- c. Coordinate the work of the officers and committees of this local PTA in order that the purposes may be promoted;
- d. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the board of directors or executive committee.

Section 2. The vice president(s) shall:

- a. Act as aide to the president;
- b. Perform the duties of the president in the president's absence or inability to serve;
- c. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the president, the board of directors, or the executive committee.

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Section 3. The secretary shall:

- a. Record the minutes of all meetings of **Mountain Elementary** PTA;
- b. Distribute minutes to board members prior to the next meeting;
- c. Be prepared to read the records of any previous meetings;
- d. File all records;
- e. Have a current copy of the bylaws;
- f. Maintain a membership list;
- g. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the president, the board of directors, or the executive committee.

Section 4. The treasurer shall:

- a. Have custody of the funds of this local PTA;
- b. Maintain a full account of the funds of this local PTA;
- c. Make disbursements as authorized by the president, executive board, or this local PTA in accordance with the budget adopted by this local PTA;
- d. Have checks or vouchers signed by two officers;
- e. Cause to be kept a full and accurate account of the receipts and disbursements in the books belonging to **Mountain Elementary** PTA;
- f. Provide a written financial statement to the board of directors at each meeting;
- g. Present an annual report of the financial condition of the association at the annual meeting in April;
- h. Submit the books annually or upon change of bank account signatories for an audit by an auditing committee selected by the board of directors at the end of the fiscal year;⁵
- i. Report the findings of the annual audit to be the board of directors and New Mexico PTA;

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- j. Perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the president, the board of directors, or the executive committee.

ARTICLE VIII: BOARD OF DIRECTORS

Section 1. The affairs of **Mountain Elementary** PTA shall be managed by the board of directors in the intervals between local unit PTA general membership meetings.

Section 2. The members of the board shall include, but are not limited to:

- a. Elected officers;
- b. Standing Committee Chairmen
- c. **Special Committee Chairmen, Principal**
- d. The president may appoint a parliamentarian, subject to approval of the executive committee of this local PTA.

Section 3. Duties of the board shall be to:

- a. Carry out such business as may be referred to it by the membership of the association;
- b. Create special committees;⁶
- c. Present a report at the regular general membership meetings of this local PTA;
- d. Select an auditor or an auditing committee to audit the treasurer's accounts;
- e. Prepare and submit an annual budget to this local PTA's general membership for adoption;
- f. Approve payment of routine bills within the limits of the approved budget.

Section 4. If any member of the board of directors shall at any time cease to meet the qualifications or fulfill the duties of the position, that person may be removed from the board by resolution adopted by the board of directors.

Section 5. Regular meetings of the board shall be held with the date and time to be fixed by the board at its first meeting of the year.

Section 6. Special meetings of the board may be called by the president or when requested by **3** members upon **5** days' written notice to each member of the board.

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Section 7. At all meetings of the board, a majority of the members of the board then in office shall constitute a quorum for the transaction of business.

Section 8. Upon the expiration of the term of office or when individuals cease to hold the position that entitles them to be a member of the board, they shall automatically cease to be a member of the board and shall be relieved of all duties and responsibilities incident to such membership. All records, books and other materials and all funds pertaining to the position shall be returned within fourteen days to the president.

ARTICLE IX: EXECUTIVE COMMITTEE

Section 1. There shall be an executive committee of **Mountain Elementary** PTA, the members of which shall be:

- a. All elected officers; and
- b. **Principal as a member ex-officio.**⁷

Section 2. Special meetings of the executive committee may be called by the president or upon written request of **1** members with **3** days' written notice to each member of the executive committee.

Section 3. A majority of the executive committee shall constitute a quorum for the transaction of business.

Section 4. Duties of the executive committee shall be to:

- a. Transact business referred to it by the board;
- b. Appoint committee chairmen, except for the nominating committee;
- c. Approve the work of the committees;
- d. Act in emergencies between meetings of the board;
- e. Make a report at each board meeting;
- f. Prepare an agenda for all meetings.

The executive committee shall take no action in conflict with any action taken by the board of directors.

ARTICLE X: COMMITTEES

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Section 1. Only members of this local PTA shall be eligible to serve in any elective or appointive positions.

Section 2. The standing committees of this local PTA shall include (List the names of your PTA's standing committees. For example, Reflections, Spring Fling, Book Fair, etc.), but not be limited to:

- a. FUNd Run
- b. Halloween Carnival
- c. Scholarship

Section 3. The board of directors may create such special committees as it may deem necessary to promote the purposes of PTA and carry on the work of this local PTA.

Section 4. The term of office of a committee chairman shall be **1** year(s) or until the selection of a successor.

Section 5. The chairman of each committee shall present a plan of work to the executive committee for approval. No committee work shall be undertaken without the consent of the executive committee.

ARTICLE XI: GENERAL MEMBERSHIP MEETINGS

Section 1. Regular meetings of this local PTA shall be held at least 3 times a year – **September, February, and April.** **3** days' written notice shall be given to the membership of any change of date.

Section 2. Special meetings of this local unit PTA may be called by the president or by a majority of the board of directors, **7** days' written notice having been given.

Section 3. The annual meeting shall be held in April.

Section 4. **5** members shall constitute a quorum for the transaction of business in any meeting of this local PTA.

ARTICLE XII: NEW MEXICO PTA CONVENTION

[The following sections **must** correspond to the state PTA bylaws, and are provided as a guideline to local PTAs.]

Section 1. This local PTA may be represented at the annual meeting of New Mexico PTA by the president, or appointed alternate, and by 3 delegate(s) or alternates. [Note: state PTA bylaws provide for an additional delegate for each 25 members or major portion thereof.]

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- a. All representatives to New Mexico PTA convention must be members of this local PTA.
- b. Delegates and their alternates shall be chose by vote or appointment in the month of April.
- c. This local unit may send additional non-voting members for educational enrichment opportunities.

ARTICLE XIII: FISCAL YEAR

The fiscal year of **Mountain Elementary** PTA shall begin on July 1 and end on the following June 30.

**** ARTICLE XIV: PARLIAMENTARY AUTHORITY**

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

ARTICLE XV: AMENDMENTS AND REVISIONS

Section 1. These bylaws may be amended at any regular general membership meeting of **Mountain Elementary** PTA by a two-thirds vote of those members present and voting, a quorum being present, provided that the proposed amendments have been approved by New Mexico PTA and notice of the proposed amendments has been provided to the membership no less than 10 days prior to the meeting.

Section 2. A committee may be appointed by a majority vote at a general membership meeting of this local PTA, or by a two-thirds vote of the board of directors of this local PTA, to submit a revised set of bylaws.

Section 3. Submission of amendments or revised bylaws for approval by New Mexico PTA shall be in accordance with the bylaws or regulations of New Mexico PTA.

****Section 4.** The adoption of an amendment to any provision of National PTA Bylaws identified by a double star shall serve automatically and without the requirement of further action by **Mountain Elementary** PTA to amend their corresponding bylaws. Local PTAs shall promptly incorporate such amendments in their respective bylaws.

****Section 5.** The adoption of an amendment to any provision of the bylaws of New Mexico PTA identified by a pound sign (#) shall serve automatically and without the requirement of further action by **Mountain Elementary** to amend their corresponding bylaws.

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¹ In 1977 the title of Article II was changed to conform with the District of Columbia corporation laws that govern National PTA. This change was recommended by an attorney and approved by convention delegates.

² To ensure the inclusion of the required (starred) articles and sections of both National PTA and New Mexico PTA, local PTA bylaws and proposed amendments must be submitted to New Mexico PTA for approval.

³ According to parliamentary procedure it is customary that only one person shall be elected to serve in any one office. If more than one person serves, due to exception by the state, they must be aware that one office provides only one vote, not multiple votes.

⁴ Vice Presidents are traditionally designated either by number or responsibility, i.e., first vice president, second vice president or membership vice president, legislation vice president.

⁵ An audit of the treasurer's accounts is for the protection of the treasurer. It is the only means of assuring everyone that the accounts are accurate, and it relieves the treasurer of responsibility except in the case of fraud. The auditor's report is adopted by a majority vote. See the current edition of *Robert's Rules of Order Newly Revised*.

⁶ As a special committee is created and appointed for a specific purpose, it automatically goes out of existence when its work is done and its final report is received.

⁷ Unless restricted by the bylaws, ex officio members who are "under the authority" have all of the rights of membership on a board or committee; they are counted in quorum, they may attend and participate in meetings, and they may vote on all matters. Any limitation must be specifically stated in the bylaws. For example, if it is intended that an ex officio member not vote, the bylaws must specify a "non-voting ex officio member."

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