



## EASTVIEW SIXTH MAN CLUB

Bylaws  
(April 5, 2021)

### ARTICLE I: NAME

The name of this organization shall be the Eastview Sixth Man Club and hereinafter referred to as the "Sixth Man Club" or the "Club".

### ARTICLE II: PURPOSE AND POWERS

#### **Section 2.1: Purpose**

The Eastview Sixth Man Club is a non-profit corporation and shall be operated exclusively for charitable, educational and amateur athletic purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section under future federal tax code. The Club was formed for the purpose of promoting and financially supporting boys' basketball in the Eastview High School attendance area. The Club's primary focus is to support the Eastview High School Boys' Basketball Program (the "Program"), including the development of athletic participants in the Program, and to support, encourage, and advance youth boys' basketball in the Eastview community.

#### **Section 2.2: Powers**

The Club shall have the power, directly or indirectly, alone or in cooperation with others, to do any and all lawful acts which may be necessary or convenient to affect the charitable purposes for which the Club is organized, and to aid or assist other organizations or persons whose activities further accomplish, foster, or attain such purposes. The powers of the Club may include, but not be limited to, the acceptance of contributions from the public and private sectors and conducting fundraising activities for purposes of purchasing equipment and services to be used by students and coaches involved in the Program, providing volunteers for fundraising activities that will contribute to the success of the Program and engaging in other charitable, civic, or educational activities that will contribute positively to the Eastview community.

Specific objectives include, but are not limited to the following:

1. Fully support and reinforce the integrity, discipline and pride needed for players and coaches to achieve the Eastview High School Boys' Basketball philosophy of "working with Pride, Heart & Togetherness".
2. Work closely on an ongoing basis with the Eastview High School coaches to identify the greatest financial needs to support a top tier high school boys' basketball program.
3. Engage in fundraising activities and projects to provide sound and responsible financial support of the Program.
4. Promote and build a lasting tradition of positive school team spirit, good sportsmanship and high attendance at games.
5. Promote and support a strong connection between the Program and boys' youth basketball in the Eastview High School attendance area.

6. Support positive and close communication between coaches, players, parents and the external community.

### **Section 2.3: Exempt Activities Limitation**

Notwithstanding any other provision of these Bylaws, no director, officer, member, or representative of this corporation shall take any action or carry on any activity by or on behalf of the Club not permitted to be taken or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section under future federal tax code, or by any organization contributions to which are deductible under Section 170(c)(2) of such Code and Regulations as it now exists or may be amended. No part of the net earnings of the Club shall inure to the benefit or be distributable to any director, officer, member, or other private person, except that the Club 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 the Articles of Organization and these Bylaws.

### **Section 2.4: Dissolution**

In the event the Sixth Man Club is terminated or dissolved, the Sixth Man Club shall, after paying or making provisions for the payment of all liabilities and obligations, distribute any assets remaining exclusively for the purpose of the Club in such manner, or to one or more qualifying organizations described in Section 501(c)(3) of the Internal Revenue Code, or the corresponding section under future federal tax code, which such organization or organizations have a charitable purpose which, at least generally, includes a purpose similar to the Sixth Man Club, such as the Eastview High School Athletic Department.

The organization to receive the assets of the Club hereunder shall be selected in the discretion of a majority of the Board of Directors of the Club, and if the directors cannot agree, then any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of Dakota County, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purpose.

## **ARTICLE III: MEMBERSHIP**

### **Section 3.1: Voting Membership**

Voting membership in this organization shall consist of any parent or guardian who has a child participating in the Program.

### **Section 3.2: Qualifications/Acceptance/Fees/Expectations**

Qualifications and acceptance of members shall be based on the following characteristics:

1. We welcome anyone who is interested in supporting and improving the Eastview High School Boys' Basketball Program, and who is committed to furthering the purpose and objectives of the organization enumerated in Article II, as evidenced by active involvement in the organization's initiatives and activities.
2. Currently, the Sixth Man Club does not charge dues to be a member of the Club. The Board of Directors has the power to establish and implement annual membership dues, by majority vote, if it is determined that such dues are necessary for the continued survival of the Sixth Man Club.
3. The Board of Directors may establish and request the payment of a program fee by each participant in the Program to help offset the costs and expenses of running the Program.
4. The success of the Program and the Sixth Man Club is dependent on support and volunteers from parents and guardians of participants in the program. As such, the Club strongly encourages all players, parents and guardians in the program to volunteer their time, to the extent possible, to support activities and events of the Club, including fundraising efforts.

### **Section 3.3: Membership Powers**

Powers of the membership shall be as follows:

1. To attend general membership meetings.
2. To vote on recommendations, motions and/or proposals presented to or by the Board of Directors at regular or special meetings.
3. To vote on officer elections.

Each member is entitled to cast one (1) vote and members must be present at the meeting in which a vote is taking place to vote.

### **Section 3.4: Membership Year**

The membership year shall run from September 1<sup>st</sup> of any given year until August 31<sup>st</sup> of the following year.

## **ARTICLE IV: MEETINGS**

### **Section 4.1: Regular Meetings**

General regular meetings will be held once a month for each month during the school year. Meetings will be held at Eastview High School or another site selected by the Board of Directors. The day and week will be determined and announced to all members prior to the meeting date. Notice by email is sufficient to satisfy this notice requirement. To the extent possible, the Board of Directors will attempt to hold the meetings on the same corresponding week/day of each month (for example, the first Monday of each month).

### **Section 4.2: Special Meetings**

Special meetings of the membership may be requested by the President or by any majority vote of the Board of Directors. The date, time and location of any special meeting will be announced to all members prior to the meeting date. Notice/Announcement by email is sufficient to satisfy this requirement.

### **Section 4.3: Annual Meetings/Election of Directors and Officers**

An annual meeting shall be held no later than the first Monday in January of each year for the purpose of the electing Directors and officers. Nominations and voting will take place during the first meeting of the calendar year.

If available and willing, the Vice President may succeed the President to ensure continuity, unless the Vice President wishes to remain in the same position or feels that he/she cannot fulfill the role of President. Club members can nominate themselves for consideration for officer positions or may be nominated by other members. Directors/Officers are elected based on a majority vote of Club members.

### **Section 4.4: Quorum**

The presence of two Board Members and four at large members shall be sufficient to constitute a quorum necessary for the transaction of business at all general, special and annual meetings. The presence of three Board Members shall be sufficient to constitute a quorum necessary for the transaction of business at all Board of Director's meetings.

### **Section 4.5: Voting**

For all issues, business and motions addressed and raised for vote at any regular, special or annual meeting, the matter shall be decided by a simple majority of those present at the meeting at which the vote takes place. Voting must be done in person and cannot be granted via proxy.

## ARTICLE V: BOARD OF DIRECTORS

### **Section 5.1: Authority and Responsibility**

The governing body of the Club shall be the Board of Directors (the "Board"). The Board shall have supervision, control, and direction of the affairs of the Sixth Man Club, except as otherwise provided by law.

### **Section 5.2: Number of Directors**

The Sixth Man Club shall have a board of directors consisting of at least 4 and no more than 15 directors. Within these limits, the board may increase or decrease the number of directors serving on the Board, including for the purpose of staggering the terms of directors.

Directors shall be residents in the Eastview High School attendance area, current coaches, and/or parents/guardians of players in the Program.

### **Section 5.3: Board Positions**

The Board shall include the positions of President, Vice-President, Treasurer, and Secretary, and may include the positions of Co-Treasurer, and Member-At-Large. Members may elect Co-Directors at one or more Board positions at the time of Board elections. Each Board member shall have the authority and shall perform the duties set forth in these Bylaws or by resolution of the Board. Terms of office will run from January 31st through April 30th of the following calendar year to allow for overlap between administrations; this constitutes a 15-month term of office. This overlap will allow for training opportunities and continuity of leadership throughout the season. Board members shall hold their position for one 15-month term but may be reelected for an additional term at each annual election of officers.

### **Section 5.4: Vacancies**

Whenever a vacancy in the membership of the Board arises, whether by death, resignation, removal, or any other cause, the vacancy may be filled by the remaining directors or by appointment of a new director by the President for the unexpired term of office. The appointment must have the approval of a majority of the Board.

### **Section 5.5: Removal of a Member/Officer/Director**

A member, director and/or officer may be removed from the Club, or from a director or officer position, by a simple majority of the Board or a 2/3 majority of the general membership.

### **Section 5.6: Board of Directors Meetings**

The Board of Directors may meet from time to time as determined by the President to conduct and address day to day matters of the Sixth Man Club. The President shall give notice to all Board members of the time and place of any such meeting. If an in-person meeting is not necessary or cannot be held, the Board may also address issues through email vote of the members of the Board.

### **Section 5.7: Quorum**

Except as otherwise provided herein, a simple majority of the voting members of the existing Board shall constitute a quorum for the transaction of business.

## ARTICLE VI: DUTIES OF THE BOARD OF DIRECTORS/OFFICERS

### **Section 6.1: President**

The President shall be responsible for the general management of the affairs of the Club. He/she will preside at all regular, annual, special and Board of Directors meetings; shall be the Chief Executive Officer of the Club and see that all orders and resolutions of the Board of Directors are carried out; shall be an ex-officio member of all committees; shall appoint a committee chairperson of all established committees and shall perform other duties usually pertaining to the office of President. The President shall act as a liaison between the administration of Eastview High School and the Sixth Man Club and as a liaison between the Head Coach of the Eastview High School Boys' Varsity team and the Eastview Sixth Man Club.

**Section 6.2: Vice-President**

The Vice-President shall assist the President and shall preside in the absence of the President. The Vice-President shall perform such duties as may be specified by the President and/or determined by the Board of Directors. The Vice-President shall be responsible for ensuring there is a liaison from the Sixth Man Club to the boys' youth basketball programs in the Eastview attendance area including, but not limited to, the Eastview Athletic Association.

**Section 6.3: Secretary**

The Secretary shall keep a record of all regular, annual, and special membership meetings and Board of Directors meetings, present minutes for approval, maintain a copy of the Bylaws and shall add all amendments to the Bylaws. The minutes of each meeting shall state the time and place that it was held and such other information necessary to determine the actions taken and whether the meeting was held in accordance with the law and these Bylaws. The Secretary shall be responsible for maintaining contact information of members and shall distribute communications to members from the Board of Directors.

**Section 6.4: Treasurer**

The Treasurer shall be the Chief Financial Officer of the Club and shall have the care and custody of the Club's funds. The Treasurer will deposit all monies received in the appropriate bank account as approved by the Board of Directors; shall make disbursements as authorized by the Board of Directors and in accordance with the budget adopted by the Board of Directors; keep a full and accurate account of receipts and expenditures in books belonging to the Club; and shall oversee the budget preparation for presentation and approval by the Board at their fall meeting. He/she shall also report the financial condition of the Club periodically as requested by the Board of Directors and the Treasurer's report is to be attached to the minutes as an official record. The Treasurer shall prepare books for inspection at the end of each fiscal year and give an end of year report to the Eastview High School Athletic Department if requested. The Treasurer is responsible for filing the necessary forms as stipulated by Government regulation, including, but may not limited to, the annual tax informational filing to the Internal Revenue Service.

**Section 6.5: Co-Treasurer**

The Co-Treasurer shall provide additional oversight of all bank accounts and transactions; be responsible for reconciling bank accounts to the books and records of the Club; and fill in for the Treasurer if the Treasurer is unavailable or unable to perform the required duties.

**Section 6.6: Member-at-Large**

The Member-at-Large shall assist with all aspects of the Board's responsibilities and shall assist other Board members in completing their tasks and responsibilities or fill in for a Board Member who is unable to fulfill a particular task or responsibility at the required time.

**Section 6.7: Role of Head Coach**

The Head Coach of the Eastview High School Boys' Basketball Program shall be an advisory, non-voting member of the Board and shall act as a liaison between the Eastview High School Administration, District 196 and the Eastview Sixth Man Club. The Head Coach shall provide overall guidance and direction to the activities and goals of the Club and provide input on needed expenditures that will determine budgetary requirements for each fiscal year.

**ARTICLE VII: BOOKS AND FINANCIAL RECORDS**

**Section 7.1: Fiscal Year**

The fiscal year of the Club shall be from September 1st through August 31st of each year.

**Section 7.2: Books and Records**

The Club shall keep correct and complete books and records of account and shall keep minutes of the proceedings of all meetings of the Board, a record of all actions taken by the Board without a meeting, a record

of all actions taken by committees of the Board, and a complete accounting record of the receipts and disbursements of the Club, and other such records and books of account that may be necessary and appropriate to conduct the Club's business. The cash basis accounting method shall be used for the Club's books and records and related tax filings.

The Board shall cause to be kept in a suitable and safe location, original copies of the Articles of Organization, Bylaws of the Club and amendments thereto.

### **Section 7.3: Preparation/Approval of an Annual Budget**

The Board will prepare a budget for approval by the Sixth Man Club no later than October 31<sup>st</sup> of each year. The head coach of the Program is strongly encouraged to participate in the budgeting process to ensure Club goals and initiatives are aligned with the overall goals of the Program. Once the budget is approved by the Sixth Man Club, it will remain in place for the remainder of the fiscal year.

### **Section 7.4: Expenditures**

All expenditures of the Sixth Man Club funds must follow these procedures:

1. Except as otherwise provided by resolution of the Board of Directors or Board policy, all transactions of the Club shall be executed on its behalf by the Treasurer or other persons to whom the Board of Directors has delegated authority to execute such transactions in accordance with the policies of the Board of Directors and the annual budget as approved by the Board of Directors (the "Budget"). The Treasurer has the authority to expend funds in accordance with the Budget. Any budgeted transaction made by Board Members, Club members or any coach of the Eastview High School Boys' Basketball Program must be communicated to the Treasurer before the transaction occurs.
2. No individual Board Member, including the Treasurer, Club member, or Eastview High School Boys' Basketball Coach, may approve an unbudgeted expenditure in excess of \$100. Any expenditures not provided in the Budget must be pre-approved in writing by a majority of the current Board of Directors. Written approval may be provided via email, with all Board Members copied. If any unbudgeted expenditure is approved by the Board in excess of \$500, the Board of Directors shall communicate the decision and the reasons why the expenditure was approved to the Club's members.
3. All invoices or receipts for purchases must be submitted to the Treasurer as soon as possible, with the goal of submitting such invoices/receipts within two (2) weeks of the purchase. Any receipt submitted more than 90 days after the purchase, must be approved by a majority of the Board before reimbursement will be provided.
4. If any Board Member, Club member, or Eastview High School Boys' Basketball Coach does not follow these procedures for budgeted or unbudgeted expenditures of the Sixth Man Club, that person may be personally responsible for the transaction. Such determination of individual responsibility shall be made by a majority of the Board (if it pertains to actions of a Board Member, that Board Member shall not be allowed to participate in the vote).

### **Section 7.5: Nondiscrimination Policy**

The officers, directors, committee members, and persons served by the Club shall be selected entirely on a nondiscriminatory basis with respect to age, sex, race, religion, national origin, and sexual orientation. It is the policy of the Sixth Man Club not to discriminate on the basis of race, creed, ancestry, marital status, gender, sexual orientation, age, physical disability, veteran's status, political service or affiliation, color, religion, or national origin.

## **ARTICLE VIII: COMMITTEES**

### **Section 8.1: Standing Committees**

To the extent permitted by law, the Board may create such standing or special committees as it deems necessary to promote the purposes and to carry on the work of the Club and designate the duties, powers and authorities of such committees. Standing committees include, but are not limited to, the following:

- Sponsorship Game Program
- MYAS Spring and Supersaver Tournaments
- EVAA Connection with High School Program
- PAK Parties
- Free Throw-a-Thon
- Special Events (Teacher Appreciation, Senior Night, etc.)
- Halftime Events/Fan Promotion
- Team Poster / Team Program
- Concessions
- End of Season Banquets
- Fast Break League

**Section 8.2: Special Committees**

The Board of Directors may, through majority vote, establish special committees to address and oversee special events and issues. The Board of Directors shall establish the parameters, authority and power of such special committees.

**ARTICLE IX: RULES OF ORDER**


The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with these bylaws and special rules of order the organization may adopt.


**ARTICLE X: AMENDMENT TO BYLAWS**

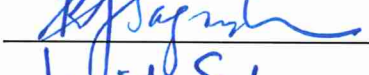
These bylaws may be amended by a majority vote of the members present at any General Membership Meeting or special meeting called for the purpose of amendment of the Bylaws provided, the proposed amendment has been submitted in writing or email to the general membership at least 30 days prior to the General Membership Meeting or special meeting of the organization to which the amendment is to be voted upon.


**ARTICLE XI: APPROVAL OF BYLAWS**

Approval of these Bylaws shall be made a majority vote of the Sixth Man Club membership. We, the current Board, by the signatures below, attest that these Bylaws have been approved by majority vote.

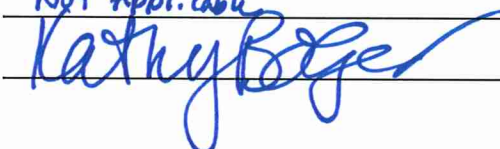
President: \_\_\_\_\_ 

Vice-President: \_\_\_\_\_ 

Secretary: \_\_\_\_\_ 

Treasurer: \_\_\_\_\_ 

Co-Treasurer: \_\_\_\_\_ *Not Applicable*

Member-At-Large: \_\_\_\_\_ 

**ARTICLE XII: HEAD COACH ACKNOWLEDGEMENT**

As the Head Coach of the Eastview High School Boys' Basketball program, I hereby acknowledge that I understand, support and agree to follow the Sixth Man Club Bylaws to the best of my ability.

Head Coach: \_\_\_\_\_ 