

CONSTITUTION
THE HOMESTEAD HIGH SCHOOL FOOTBALL BOOSTERS,
AN UNINCORPORATED ASSOCIATION

ARTICLE I: NAME

The name of the Association is THE HOMESTEAD HIGH SCHOOL FOOTBALL BOOSTERS.

ARTICLE II: PURPOSE AND POWERS

Said organization is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code or corresponding section of any future federal tax code.

The function of the Association is to:

- Promote student participation in the Homestead High School football program; and
 - Provide financial support for the football program; and
 - Provide administrative services to the Homestead High School Athletic Directors and football coaches in support of the Homestead High School football program
- (a) The general purposes and powers are to have and exercise all rights and powers conferred on nonprofit associations under the laws of California, including the power to contract, rent, buy or sell personal or real property; provided however, that this Association shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purpose of this Association.
- (b) Notwithstanding any of the above statements of purposes and powers, this Association shall not engage in activities that in themselves are not in furtherance of the purposes and nothing contained in the foregoing statement of purposes shall be construed to authorize this Association to carry on any activity for the profit of its members, or to distribute any gains, profits or dividends to any of its members, as such. Further, no substantial part of the activities of the Association shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Association shall not participate or intervene in any political campaign including the publishing or distribution of statements in behalf of any candidate for public office.
- (c) The property of this organization is irrevocably dedicated to charitable purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.

ARTICLE III: PRINCIPAL OFFICE

The principal office of the Association for the transaction of its business is located in Santa Clara County, California.

ARTICLE IV: GOVERNING BODY

- (a) The powers of the Association shall be exercised, its property controlled, and its affairs conducted by an Executive Board which shall consist of the elected members of the Association.
- (b) The qualifications, the time and manner of electing, the terms of officer, the duties and compensation, if any, and the manner of removing officers and filling vacancies shall be set forth in the Bylaws of this Association.

ARTICLE V: MEMBERS

- (a) The qualifications of members of the Association, the different classes of membership, if any, the voting and other rights and privileges of members, and their liability for dues and assessments and the method of collection, and the termination and transfer of membership shall be as stated in the Bylaws.
- (b) If the voting or other rights or interests, or any of them, be unequal, the Bylaws shall set forth the rule or rules by which the voting or other rights or interests of each member or class of members are fixed and determined.
- (c) No member shall have any interest in property held by the Association, regardless of the time or manner in which said property is acquired.

ARTICLE VI: DISSOLUTION

This Association shall be dissolved and its affairs wound up when the objects for which it is organized have been fully accomplished or by vote or written consent of fifty-one (51) percent or more of its voting members and not otherwise.

Upon dissolution or winding up of the organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of this organization shall be distributed to a nonprofit fund, foundation, or corporation, which is organized and operated exclusively for charitable purposes and which has established its tax-exempt status under IRC Section 501(c)(3).

ARTICLE VII: DISTRIBUTION OF INCOME AND PROHIBITED ACTIVITY

Notwithstanding any other provision in this Constitution, this Association shall be subject to the following limitations and restrictions:

- (a) The Association shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax law.
- (b) The Association shall not engage in any act of self-dealing as defined in Section 4941 (d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax law.
- (c) The Association shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax law.
- (d) The Association shall not make any investment in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax law.
- (e) The Association shall not make any taxable expenditures as defined in Section 4945 (d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax law.

ARTICLE VIII: CONSTITUTION

- (a) A copy of this Constitution as amended to date shall be kept as the principal office of the Association, and shall be open to inspection by all members or their agents at any reasonable time.
- (b) This constitution shall be amended only by resolution duly adopted by a majority of the Execution Board and by vote or written consent of seventy-five (75) percent or more of the voting members of the Association and not otherwise.

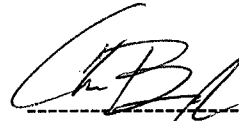
This amended Constitution was adopted February 4, 2009.



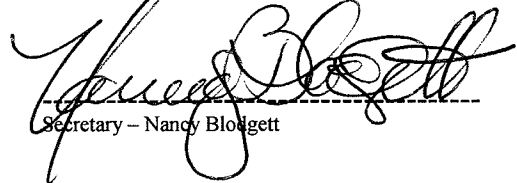
President – Rex Blodgett

N/A

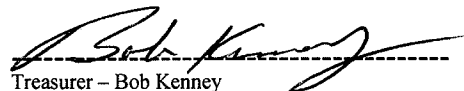
Vice-President – position currently vacant



Second Vice-President – Charlie Bostic



Secretary – Nancy Blodgett



Treasurer – Bob Kenney

BYLAWS OF THE HOMESTEAD HIGH SCHOOL FOOTBALL BOOSTERS, AN UNINCORPORATED ASSOCIATION

ARTICLE I: OFFICES

The principal offices for the transaction of the business of the Association shall be located in Santa Clara County with the following mailing address: 21370 Homestead Road, Cupertino, CA 95014.

The Executive Board may change the location of the principal office from one location to another in the County at any time.

ARTICLE II: MEMBERS

- **Section 1:** The Association shall have one (1) class of members only, and the membership, voting and other rights, interests and privileges of each member shall be equal. Each member in good standing shall have one vote for any matter brought before a general meeting of the Association.
- **Section 2:** All 1) current and former students, 2) their parents and 3) faculty of Homestead High School are eligible for membership.
- **Section 3:** Dues shall be assessed at the annual rate of Ten dollars (\$10.00). Non-paying participants may attend all meetings, but shall have no vote on actions requiring a vote of members.

ARTICLE III: OFFICERS

- **Section 1: Officers** - The Officers of this Association shall be a President, a Vice-President, a Second Vice-President a Secretary and a Treasurer. The Executive Board shall consist of all the officers. The Second Vice-President shall be the Varsity Football Coach.
- **Section 2: Eligibility** - Any member shall be eligible to fill any office of this Association.
- **Section 3: Nominating Committee** - The Nominating Committee shall consist of four Association members appointed by the President. This committee shall announce its nomination of officers at the November meeting, at which time an election and installation of officers will be held. Should any vacancy occur among the elected officers, the Nominating Committee shall meet and present candidates to the Executive Board to fill the vacancy.
- **Section 4: Term** - The term of office shall be one (1) year effective the first meeting in January. Officers shall serve without compensation.
- **Section 5: Election** - A majority vote of members present at the general November meeting will determine the election of officers.
- **Section 6: President** - The President shall preside at all meetings of the Association and the Executive Board. The President shall appoint all special committees, such as membership, publicity, audit, special events, and other committees. The President shall be a member ex-officio of all committees with the exception of the Nominating Committee.

- **Section 7: Vice-President** - The Vice-President shall act as Program Chairman and shall plan and calendar all programs for the ensuing year. He shall also perform the duties of the President in his or her absence.
- **Section 8: Second Vice-President** - The Second Vice-President shall act as a liaison officer between the school and this Association. This office shall be filled by the Varsity Football Coach.
- **Section 9: Secretary** - The Secretary shall keep all records of the Association and Executive Board and keep a list of the membership with addresses and telephone numbers.
- **Section 10: Treasurer** - The Treasurer shall receive all money belonging to the Association and disperse the same under the direction of the Executive Board. He shall deposit funds of the Association with a bank. No part of such funds shall be withdrawn from the bank except by check countersigned by any two of these four officers: President, First Vice-President, Treasurer, and Secretary. He shall keep an accurate itemized account of all receipts and disbursements and shall report at a general meeting of the Association and at Executive Board meetings. Records shall be audited each January.

ARTICLE IV: MEETINGS

- **Section 1:** There will be regularly scheduled general meetings for members each month of the school year during football season. Executive Board meetings may be called by the President or any two members of the Executive Board.
- **Section 2:** Fund raising events and activities shall be held as deemed necessary by the Executive Board and approved by a majority of members present at a general meeting.

ARTICLE V: DISBURSEMENTS

- **Section 1:** Funds will be disbursed upon resolution by a majority of the Executive Board and the Varsity Football Coach.
- **Section 2:** In the event the Homestead Football Boosters Association is dissolved, none of the remaining assets shall be distributed to the members, but shall be given only the Homestead High School Associated Student Body Account to be distributed for the benefit of the Homestead High School Football program.

ARTICLE VI: LIMITATIONS

This Association recognizes the authority and responsibility of the school administration to hire and fire coaches and officials.

ARTICLE VII: AMENDMENTS

Amendments to these Byelaws may be made by two-thirds majority vote of the members present at any regular meeting. All amendments to the Constitution and Bylaws shall be presented to the President in writing. The President will then read the amendment at which time it will be tabled and voted upon at the next meeting.

ARTICLE VIII: CONSTRUCTION

As used in these Bylaws:

- a) The present tense includes the past and future tenses, and the future tense includes the present
- b) The singular number includes the plural, and the plural number includes the singular.

ADOPTION

We the undersigned, are all the persons named as officers in the Constitution of this Association, and hereby consent to, and do, adopt the foregoing Bylaw, consisting of three (3) pages, as the Bylaws of said Association.

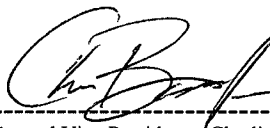
Dated: February 4, 2009



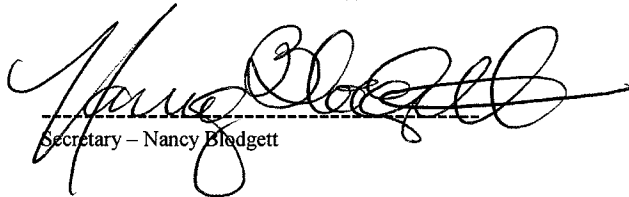
President – Rex Blodgett

N/A

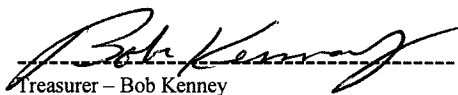
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