



*The Community
Bands of
Columbia,
Maryland*

BY-LAWS

Columbia Bands, Inc.

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Article I Organization

The name of this organization is “Columbia Bands, Inc.”, hereinafter referred to as either “CBI” or “Corporation”. CBI is incorporated under the laws of the State of Maryland and the regulations of the Internal Revenue Service as a tax-exempt 501(c)(3) nonprofit organization.

Article II Membership

Section 1. QUALIFICATIONS

Applicants for membership in the Corporation and participation in the affiliated ensembles will have attained the age of 18 years and agree to fulfill all the responsibilities of membership set forth in the Constitution, By-Laws, and Operating Procedures. Membership in and participation in each affiliated ensemble is a privilege and requires approval of the ensemble’s Music Director. Applicants for membership who are under the age of 18 will be admitted with special permission of the Board of Directors and the applicable Music Director. Official membership status will be attained after 8 weeks of regular attendance and payment of dues. Annual applicable dues payment is required to maintain membership.

Section 2. RESPONSIBILITIES OF MEMBERS

Members of the Corporation will be required to maintain satisfactory attendance at rehearsals and performances as identified in the Operating Procedures; conduct themselves with collegial and respectful demeanor towards the ensembles, their members, conductors and guests; pay applicable dues; and abide by the requirements and regulations stated in the Constitution, By-Laws and Operating Procedures. By a majority vote of the Board of Directors, an individual may be placed on probation or have their membership terminated for failure to meet the above responsibilities. Members are responsible for abiding by the Member Code of Conduct (detailed in the Operating Procedures) which includes:

1. Promote a positive musical environment
2. Demonstrate honesty and integrity
3. Act competently and ethically
4. Maintain the security of confidential official information
5. Maintain appropriate relationships with members

Section 3. RIGHTS OF MEMBERS

Each current member will have the right to vote. Members have the right to a positive musical experience and being treated with respect and dignity within their section, ensemble and activities they participate in on behalf of CBI. Members have the right to appeal decisions of the Music Directors to the Board of Directors.

Section 4. MEMBERSHIP DUES

The Board of Directors may establish or change dues per the Operating Procedures. Members will be responsible for paying dues within 8 weeks of being asked to pay (September). Members may request a waiver/adjustment of dues with the treasurer based on current financial hardship. Failure to pay dues or make other arrangements with Treasurer will result in removal from the ensemble. Members must be in good standing and their dues must be paid up to participate in concerts.

Article III Rehearsals, Performance and Other Activities*Section 1. REHEARSALS*

Rehearsals will be held on an approved schedule. The Board of Directors, at the request of the ensemble Music Directors, may schedule additional rehearsals, or cancel rehearsals, as needed.

Section 2. PERFORMANCES AND OTHER ACTIVITIES

The Board of Directors, after consultation with the Music Directors, is empowered to commit the ensembles to performances, recording sessions, and other activities. The Board of Directors will periodically issue to the membership a calendar of upcoming rehearsals, performances and other activities. Activities or tours involving extensive travel arrangements or overnight accommodations will require a majority vote of the traveling ensemble's members for approval.

Section 3. CONCERT DRESS

The Board of Directors, after consultation with the Music Director and Ensemble Manager, will establish uniform concert dress codes for the various performances for each ensemble, details of which will be specified in the Operating Procedures.

Article IV Meetings of Members*Section 1. ANNUAL MEETING*

The annual meeting of the members of the Corporation will be held during the month of May in each year, for the purpose of electing the Board of Directors and for transacting such other business as may properly come before the meeting.

Section 2. SPECIAL MEETINGS

At any time in the interval between annual meetings, special meetings of the members of the Corporation may be called by the President or by a majority of the members of the Board of Directors. A special meeting may also be called by not less than one third of the

members of the Corporation, and notification must be announced by the Secretary in accordance with the written request of those members, stating the purpose, time and place of the meeting.

Section 3. PLACE OF MEETINGS

Each meeting will be held at a place designated in the notice of the meeting. The Board of Directors may specify multiple instances of a meeting (coincident/adjoining scheduled rehearsals) to facilitate participation of all ensembles. When feasible, technology can be used to encourage and facilitate participation.

Section 4. NOTICE OF MEETINGS

Notice of meetings will be given as follows:

1. By written notice not more than twenty nor fewer than seven days before the date of the meeting; or
2. For any meeting called by or at the direction of the Board of Directors, in such manner as the Board of Directors determines, and is reasonable and appropriate.

The notice of every meeting will state the time and place of the meeting and, in the case of a special meeting, the purpose or purposes of the meeting. At a special meeting, no business not stated in the notice will be transacted.

Section 5. VOTING

A simple majority of the members of the Corporation present in person or by proxy will be a quorum at any meeting of members. In the case of multiple meeting instances, determination of a quorum and vote results will be determined after all instances are held. In the absence of a quorum, no formal action will be taken except to reschedule the meeting to a subsequent date.

Article V Board of Directors

Section 1. MEMBERSHIP

The Board of Directors of Columbia Bands, Inc. will consist of no fewer than three and no more than 11 elected directors, plus ex-officio members (Music Directors and Ensemble Managers).

- Ex-officio members cannot hold an elected position on the Board.
- No more than half of the elected Directors may be from outside the membership of the Corporation.
- The term of membership will be three years, and no Director may serve more than six consecutive years
- If the board and general membership approves the hiring of paid management staff, the most senior (ranking, e.g. Executive Director) member of the paid staff would serve as an ex-officio member of the board.

Section 2. VOTING

Each elected Board member will have one vote (for, against or abstain). Ex-officio members of the Board are not eligible to vote. When possible, proposals and supporting material for a vote will be distributed to Board members for consideration prior to a

Board meeting and the vote will occur at the meeting. During Board meetings:

1. A majority of elected Board members constitutes a quorum. In the absence of a quorum, no formal action will be taken except to adjourn the meeting to a subsequent date.
2. Passage of a motion requires a simple majority of the votes cast for or against. Abstentions do not count for or against.
3. Vote counts (for and against, as well as any abstentions) will be recorded for each vote and included in the Board meeting minutes.

Occasionally issues will arise between Board meetings with actions/decisions needed before the next scheduled meeting. In this case the President or Vice President, if warranted, may call for a vote via email. For an email vote:

1. An email will be sent to all Board members (elected and ex-officio). Only voting members of the Board can cast a vote. Ex-officio Board members are included to foster an open discussion of the action/decision needed, if warranted.
2. All Board members are “present” by the distribution of the email thus establishing a quorum. Response votes (responding to all members) are due in 72 hours.
3. Passage of a motion requires a simple majority of the votes cast for or against. Abstentions do not count for or against.
4. Vote counts (for and against, as well as any abstentions) will be recorded for each vote and included in the subsequent Board meeting minutes.

For routine items (such as approving concert dates, etc.) the President or Vice President may call for approval by unanimous consent either in a meeting or online/email with at least 24 hours to respond.

Section 3. EXECUTIVE OFFICERS

The Executive Officers of the Corporation will be a President, a Vice President, a Secretary, a Treasurer, and such other officers as may be deemed necessary by the Board of Directors. The line of succession will be President, Vice President, Secretary, and then Treasurer. The duties of the executive officers are as follows:

1. President. The President will preside at all meetings of members and of the Board of Directors. The President will have and exercise general charge of the supervision of the affairs of the Corporation and will do and perform such other duties as may be assigned by the Board of Directors. This term is expected to be held for a minimum of two years.
2. Vice President. The Vice President will have the powers to perform all the duties of the President in their absence or during their inability to act. The Vice President will become President Elect at the beginning of the current President’s final year. The Vice President will perform such other duties as the President or Board of Directors may from time to time direct.
3. Secretary. The Secretary will keep the minutes of all meetings of the Board of Directors and of the members in books provided for that purpose. The Secretary will attend to the giving and serving of all notices of the Corporation; will have

charge of the minute books and such other books and papers as the Board of Directors may direct; will execute such documents that require their signature; and will perform such other duties as may from time to time be directed by Board of Directors.

4. Treasurer. The Treasurer will have the custody of all funds, property and securities of the Corporation, subject to such regulations as may be imposed by the Board of Directors or required by law. The Treasurer will be responsible for collecting and keeping records of collection of any dues assessed by the Board of Directors. The Treasurer will, in general, perform all duties required by the office of Treasurer, including the general supervision and control of the accounts of the Corporation, subject to the control of the Board of Directors.

4a. Assistant Treasurer: An Assistant Treasurer may be appointed as a member of the Board, voted on by the Board of Directors to assist the Treasurer with their duties, including having access to the financial software used by the corporation, access to the bank account for deposits and writing checks.

Section 4. NOMINATING COMMITTEE

The nominating committee for the Board of Directors will be made up of current Board members and, whenever possible, non-Board members who are not running for election. The task of this committee is to:

1. Gauge interest of the membership in running for the Board of Directors;
2. Encourage prospective nominees;
3. Answer questions about being on the Board of Directors and educate regarding Board of Directors policies and procedures;
4. Ensure that all nominees have read and agreed to the Board of Directors Code of Ethics (see Attachment A);
5. Send out a general solicitation of membership interest at least one month before the election; and
6. Solicit interest of possible outside, non-CBI members in running for the Board of Directors.

The nominating committee will assemble a slate of nominees (up to the number of available seats) for acceptance by the Board. Any additional individuals who have expressed interest (who are not included on the slate of nominees) will be included on the ballot. In addition, the nominating committee will collect short biographies of persons wishing to run for the Board of Directors for dissemination to the membership at least one week prior to the election.

Section 5. ELECTION

1. Election for membership on the Board of Directors will be held at the annual spring meeting of each ensemble (typically held at the beginning of May). The meeting is generally held at each of the ensembles' rehearsal locations and a representative from the Board will be in attendance with an Officer being the preferred representative. The intention is for approximately one third of the

membership of the Board of Directors to stand for election each year.

2. To be elected, a nominee must receive a plurality of the votes cast and at least 25% of those votes. At least one week prior to the election, the nominee biographies collected by the nominating committee will be disseminated to the membership. Write-in nominations are not acceptable since the ensembles within the Corporation meet on different nights of the week and at different locations.
3. If there are more nominees than open Board of Directors seats the election will be held by secret ballot with the option for the members to vote for the slate of nominees, or to vote for nominees individually.
4. Individuals who are not able to be physically present at the annual meeting where elections occur can cast their vote in one of two ways: 1) Grant proxy to another member who will be present at the election meeting. To grant proxy means the member must email the President and Vice President notifying them they are granting proxy to a specific member; or 2) Via email vote by sending the President and Vice President an email as to whom they are selecting, from the slate of nominees, to receive their vote. Email votes are not anonymous.
5. In the event of a tie, a run-off election will be held as soon as possible after the original voting with a focused effort to have this occur within one week.
6. The new Board of Directors will take office effective the start of the next fiscal year (per the Operating Procedures). To provide for a smooth transition, the newly elected Board members will be designated "Board members (elect)" and will be expected to audit Board activities and participate (in a non-voting capacity) in Board discussions and meetings until taking office.
7. All Board members will be required to sign the Board of Directors Code of Ethics (see Attachment A) before joining the Board of Directors. Refusal of a Board member (elect) to sign the Board of Directors Code of Ethics will constitute a tender of resignation and immediate dismissal from the Board of Directors.
8. If a Board seat becomes vacant between the Board of Directors election and the start of the fiscal year and a non-elected nominee received at least 25% of the vote, the non-elected nominee with the greatest vote count is elected to fill the vacancy for the full term.
9. The presumptive VP will stand for re-election 1 year prior to becoming VP/president-elect

Section 6. ELECTION OF OFFICERS

1. As soon after the annual election as practicable, the next year's Board members, both continuing Board members and newly elected Board members, will meet and elect the Executive Officers for the new Board of Directors from among the next

year's Board members. This may be accomplished over e-mail as well.

2. Officers will be elected by a majority vote of the entire new Board of Directors.
3. In appointing Officers, the Board will only consider the President's position if there are extenuating circumstances where the current President cannot fulfill their commitment and the Vice President will not be able to become President.
4. The same person cannot serve as, President and Vice President, or President and Treasurer.
5. The Treasurer and Secretary can be the same person. If this were to occur in any given term year the position shall be titled Secretary/Treasurer.
6. Officers start their term at the beginning of the fiscal year.

Section 7. REMOVAL OF BOARD MEMBERS

A director may be removed from the Board of Directors for cause by a three-fourths vote of the elected Board members.

Section 8. VACANCIES

A vacancy on the Board of Directors occurring between elections is not required to be filled. The Board of Directors can choose to fill a vacancy and in doing so the vacancy will be filled by appointment by the President and requires final approval of the appointee by the Board of Directors. A Director appointed to fill a vacancy will serve in that role until the next Board election, when the seat will again be up for election (even if the vacant Director position had time left on their tenure).

Section 9. ATTENDANCE STANDARDS

The Board of Directors may adopt attendance standards for Directors, which may provide that failure of any Director to attend meetings in accordance with the standards will constitute a tender of resignation, subject to acceptance by the Board of Directors.

Section 10. REGULAR MEETINGS

In addition to its initial meeting, the Board of Directors will hold at least one meeting every two months. Meetings may be held in accordance with a schedule adopted by the Board of Directors or may be called from time to time by the President with every effort to select dates/times that facilitate participation and maximize attendance.

No Board meetings will be held during Board approved activities unless there are extenuating circumstances, or an emergency action/decision is required by the Board.

Any two members of the Board of Directors may also call a meeting if they have submitted a written request to the President, in person or by first class mail or e-mail, specifying the purpose, time and place of the meeting, and the President has not acted to call a meeting in accordance with the request within ten days of the time the request was

sent.

All regular meetings will be open to the membership of the Corporation and the membership will be notified of the date, time, location and agenda of meetings to allow for participation.

Section 11. CLOSED MEETINGS

In the case of personnel issues, complaints, grievances, breaches of the Code of Conduct or other matters requiring confidentiality, the Board of Directors will hold closed meetings (limited attendance and not open to the full membership) to investigate and determine what, if any action is required. The Board of Directors will review and, if necessary, address alleged breaches of the Code of Conduct and member appeals on Music Director decisions (via the Grievance Procedure detailed in the Operating Procedures) in a timely, fair and reasonable manner. The agenda of closed meetings will be restricted to the items requiring confidentiality. Information related to a closed meeting will be communicated to the membership by the Board of Directors in a manner consistent with the confidentiality of those involved and the nature of the matter being reviewed.

Section 12. AUTHORIZATIONS

The Board of Directors may grant commitment authorizations (as detailed below and in the Operating Procedures) as necessary to support the operational needs of the organization.

1. The Board of Directors grants authority to each Musical Director and Ensemble Manager to sign performance contracts for their ensemble's Board approved events.
2. The Board of Directors grants authority to Music Directors and Ensemble Managers to sign rehearsal space rental agreements and equipment rental agreements.
3. The Board of Directors grants authority to the Grant Writer to sign grants and act as Grant Manager for Board approved grants.

Music Directors and/or an ensemble's equipment or Band Manager have the authority to purchase music and equipment within an approved budget for the ensemble. If the ensemble does not have an approved budget for such purchases the approval for making such purchases must come from the Executive Officers with specific input from the Treasurer and President or Vice President.

Section 13. BOOKS AND RECORDS

The Board of Directors (specifically, the Secretary) will maintain complete, accurate and timely minutes of the business transacted at its meetings, including matrices for tracking both active and resolved proposals, and records of the financial condition of the ensembles. All such information, with the exception of any personnel matters discussed, will be distributed each month to the members and directors in a timely fashion by the Secretary.

Section 14. LIMITATION OF LIABILITY; INDEMNIFICATION

The authority and responsibility for the management of the ensembles is vested in the Board of Directors. It is expressly understood that neither the Board of Directors, nor any member thereof, nor any Officer, Director, or member of an ensemble will be required to accept personal financial responsibilities for the duly authorized bills or obligations, or for the litigation, that may arise from authorized activities of the ensembles carried out in good faith and pursuant of the objectives, purposes and activities prescribed or authorized by the Constitution, By-Laws, and Operating Procedures of the Corporation.

To the fullest extent permitted by law, the ensembles will indemnify the Board of Directors, members thereof, Officers, and Directors, and each of their heirs, executors, and administrators, from and against all actions, costs, charges, losses, damages, and expenses which they will or may incur or sustain by or by reason of any act done, concurred in or omitted in or about the execution of their duties and in their official capacities with the ensembles, except for such acts done, concurred in or omitted by or through their dishonesty, willful misconduct or gross and reckless negligence.

Article VI Committees

Section 1. EXECUTIVE COMMITTEE

The Board of Directors may appoint from their number an Executive Committee of not fewer than two members, one of whom will be the President, and will designate one of such members the Chair. The Board of Directors may also designate one or more of its members to serve as alternates to serve on the Executive Committee in the absence of a regular member or members. Unless otherwise provided by the Board of Directors, the members of the Executive Committee may prescribe rules for the call and conduct of meetings and other matters relating to the Executive Committee's procedures. The Executive Committee will have only the powers prescribed by the Board of Directors during the intervals between meetings of the Board of Directors. In no event may the Executive Committee change the size of the Board of Directors or designate members of the Board of Directors, elect officers of the Corporation, amend the By-Laws or adopt an annual budget for the Corporation.

Section 2. OTHER COMMITTEES

With the approval of the Board of Directors, the President may appoint other committees, designate their Chair, and assign specific duties or objectives to the committee. Members of committees do not need to be members of the Board of Directors. The President, or by designation the President-elect or Vice President will be an ex-officio member of all committees and the Treasurer will be an ex-officio member of any committee concerned with preparation or supervision of the Corporation's budget. With the exception of ex-officio members, the committee Chair will select and manage committee membership (including the removal of committee members as deemed necessary). No committee may exercise any power prohibited to the Executive Committee under section 1 of this Article. A list of appointed committees and committee roles and responsibilities will be maintained and available to all members.

Section 3. RECORDS OF PROCEEDINGS

The Executive Committee and any other committee when so directed by the President or the Board of Directors will keep regular minutes of their proceedings. Proceedings of any Executive Committee meeting will be reported at the next succeeding meeting of the Board of Directors, and any other committee will report its proceedings when so required by the President or the Board.

Article VII Administration*Section 1. MUSIC DIRECTORS*

The Music Directors of the ensembles will serve as independent contractors appointed by the Board of Directors which will review these appointments and their contracts annually. It is the intent of the Board, when reviewing the Musical Director's annual contract, to gather feedback from the ensemble the Musical Director is leading. To that end the Board may choose to use an anonymous survey process as part of their approach to gathering input from an ensemble's members as input to the assessment of the Musical Director. If a survey is conducted the information will be summarized and shared with the Musical Director as part of the annual contract renewal process. In terms of overarching management of their ensemble the Music Directors will have complete musical autonomy and will have authority over membership in the ensembles. They will make all decisions regarding instrumentation and seating within sections; select all repertoire; have final approval on the choice of guest artists; and assist with setting the performance schedule. The Board of Directors will be the final arbiters of any disputes via the grievance process detailed in the Operating Procedures.

In each ensemble, the Musical Director will work with the Assistant Conductor(s) and the Ensemble Manager to ensure timely communication with the Board of Directors and will coordinate repertoire selection with the band's publicity, audience development, and grant writing activities.

The selection of new Music Directors, when necessary, will follow procedures outlined by the Board of Directors.

Section 2. ASSISTANT CONDUCTORS

Each Musical Director will have one or more Assistant Conductors who agree to substitute for the Musical Director (during rehearsals and performances) as required. The Musical Director will coordinate with the Assistant Conductor and the Board of Directors to ensure continuity for the ensembles.

Section 3. ENSEMBLE MANAGERS

Each performing ensemble will have an Ensemble Manager (selected by the Musical Director and approved by the ensemble, if desired) to ensure smooth functioning of the ensemble and efficient operation of the Board of Directors. For ensembles without Section Leaders, the Ensemble Manager may fulfill the responsibilities of Section Leaders. The combination of the Musical Director and the Ensemble Manager will assure

that (and/or coordinate with other ensemble volunteers to assure that) all ensemble responsibilities including at a minimum: music library; uniforms; equipment; rehearsal and performance logistics; Board inputs (budget proposals/priorities, concert attendance, monthly ensemble reports, dues, donations, performance fee collections, etc.) are fulfilled.

Section 4. SECTION LEADERS

The Music Directors may select a member from each section to serve as Section Leader and/or Ensemble Manager and submit their recommendations to the Board of Directors for approval. The Section Leaders' duties will be defined in the Operating Procedures.

Article VIII Corporate Assets and Earnings

Section 1. INVESTMENTS

The Corporation will have the right to retain all or any part of any securities or property acquired by it in whatever manner, and to invest and reinvest any funds held by it, according to the judgment of the Board of Directors, except that no action will be taken on or in behalf of the Corporation which would result in denial or loss of tax exemption section 501(c)(3) of the Internal Revenue Code or any successor section of the Code having the same purpose, or any provision of the regulations implementing or applying those sections.

Section 2. EARNINGS

No member, Director, Officer, committee member or employee of the Corporation, or any other person connected in any way with the Corporation, will at any time receive any of the net earnings or pecuniary profit from the operations of the Corporation, except that this will not prevent the payment to any such person of such reasonable compensation as will be fixed by or with the approval of the Board of Directors for services rendered to or for the Corporation; and no such person or persons will be entitled to share in the distribution of any of the corporate assets upon the dissolution of the Corporation. All members of the Corporation will be deemed to have consented that upon dissolution or winding up of the affairs of the Corporation, the remaining assets will be distributed as may be authorized by the Board or required by law exclusively to organizations which qualify under section 501(c)(3) of the Internal Revenue Code or successor sections of the Code having the same purpose.

Section 3. EXEMPT ACTIVITIES

Notwithstanding any other provision of these By-Laws, no member, Director, Officer, employee or representative of this Corporation will take any action or carry on any activity by or on behalf of the Corporation not permitted to be taken or carried on by a Corporation exempt under section 501(c)(3) of the Internal Revenue Code, or by an organization contributions to which are deductible under section 170(c)(2) of the Code, or under any sections which may be successors to those sections having the same purpose.

Article IX Miscellaneous

Section 1. FISCAL YEAR

The fiscal year of the Corporation will be as determined by the Board of Directors and specified in the Operating Procedures.

Section 2. RECORDS AND REPORT

The Corporation will keep correct and complete books and records of account of its transactions and minutes of proceedings as required in these By-Laws. The President or the Secretary of the Corporation will prepare or cause to be prepared annually a full and correct statement of the affairs of the Corporation including working with the Treasurer on a balance sheet and a financial statement of operations for the preceding fiscal year.

Section 3. ANNUAL BUDGET

The Corporation will adopt a budget for each fiscal year. The Treasurer will be responsible for working with the Treasurer (elect) and the ensembles to develop a budget draft and ensuring that a proposed budget is presented to the incoming Board of Directors for its action at the beginning of each fiscal year.

Article X Amendments to By-Laws

Section 1. AMENDMENTS

These By-Laws may be amended by a majority of the members of the Corporation if written notice of the amendment or subject matter has been given to the members of the Corporation in accordance with the notice provisions of these By-Laws.