

WMPA 2008 By-Laws Revisions Digest of Proposed Changes

1. Miscellaneous typos and edits.
2. Membership and dues. Under Board member qualifications specify that “dues must be paid in full.” (5.1, 5.10, 6.1) Include responsibility for membership rolls to the duties of the Vice President. (6.7)
3. Add “position” Board may choose agents to hold office or “position” to broaden language to be applicable to Petty Cash Custodian, Fundraising Committee Chair, Outreach Chair, etc. (6.2)
4. Clarify contracts are between WMPA and individual staff members and that staff members may have a separate contract with the district. (6.3)
5. Revise officer term from 2 years to 1 year to permit more flexibility. Specifically state that upon expiration of a term, an officer can serve again in that position or for another position. (6.4)
6. Relieve President of being a member of “every standing committee”. (6.5)
7. Student accounts. Establish that Financial Secretary and Treasurer will work together to assure correct credits and debits to individual students. (6.13) Revise that interest earned on the Student Account shall be credited to the General Fund instead of on a pro rata basis to individual students. (9.13)
8. Petty Cash Funds. Must be for a specific purpose and specifically limited period of time. (9.7.b, 9.9.a) Established that custodians of Petty Cash Funds must be approved by the Board (9.9.d)
9. Simplify out of date procedures. Simplified method for voiding a check (9.8.c), accounting for un-issued checks (9.8.f), clarify that two signature language does not apply to electronic fund transfer between accounts within control of the Treasurer. (9.10.c)
10. Specifically require that the Board approves the budget and an associated fund raising plan. (9.15)

September 10, 2008

BY-LAWS OF WHITEHALL MUSIC PARENTS ASSOCIATION, INC.**ARTICLE I****NAME AND OFFICES**

Section 1.1 - The Corporate name of this non - profit corporation is WHITEHALL HIGH SCHOOL MUSIC PARENTS ASSOCIATION, INC.

Section 1.2 - The registered office shall be located at 3800 Mechanicsville Road, Whitehall, Lehigh County, Pennsylvania.

Section 1.3 - The Corporation may also have offices at such other places as the Board of Directors may, from time to time determine.

ARTICLE II**PURPOSE**

Section 2.1 - To create, maintain and support the activities and achievements of the music departments sponsored by the Whitehall-Coplay School District, and to render financial and material aid and support whenever and wherever possible.

The activities of this corporation are intended to be for charitable and educational purposes, and to promote the musical talents of the students of the Whitehall-Coplay School District. The Corporation shall conduct its activities in a manner that is consistent with policies established by the Whitehall-Coplay School District that are applicable to booster organizations.

ARTICLE III**MEMBERS**

Section 3.1 - Excepting as otherwise provided herein, there shall be one (1) class of members of the corporation whose voting and other rights and interests shall be equal.

Section 3.2 - The present dues for active members will be established by the Board of Directors and subject to change by a majority vote of the Board of Directors. Any person of full age, that is to say 18 years of age, shall be admitted to the membership, if he/ she is interested in furthering the purpose of the corporation. All students who are members of the school band and otherwise actively involved in the activities of the Music Departments sponsored by the Whitehall- Coplay School District, whether they are of full age or not, are automatic members of this corporation and shall be exempt from paying dues, shall be permitted to express themselves and have a voice in the operation of this corporation, but shall have no vote.

Section 3.3 - A member may have his/her membership terminated for non-payment of dues. A member may be expelled for failure to act in furtherance of the purpose of the corporation, after a hearing held before a quorum of the general membership of the corporation. Such a meeting must take place with thirty (30) days prior notice to all parties. A majority vote of those present shall be required for expulsion of a member.

ARTICLE IV

MEETING OF THE MEMBERS

Section 4.1 - All meetings of members shall be held at the registered office or such other places, either within or without the Commonwealth of Pennsylvania, as the Board of Directors may from time to time determine.

Section 4.2 - An annual meeting of the members shall be held in the month of June each calendar year for the election of Directors at such place as the Board of Directors shall determine. If the annual meeting shall not be called and shall not be held within six (6) months after the designated time, any member may call such meeting at anytime thereafter. Elections for directors shall be by written ballot. Any member may attend, as observer only, any Board of Directors meeting which, as hereinafter sets forth, are held on a monthly basis.

Section 4.3 - Special meeting of members shall be held whenever called by the President, by action of the Board of Directors, or upon request of ten (10%) percent of members entitled to vote.

Section 4.4 - Written notice of any special meeting of members, stating the place, the date and hour and the general nature of the business to be transacted thereat, shall be given to each member entitled to vote there at such address as appears on the official record of the corporation, at least five (5) days before such meeting, unless a greater period of notice is required by statute in a particular case.

Section 4.5 - No less than twenty (20%) percent of the members entitled to vote shall be necessary to constitute a quorum at all meetings of the members for the transaction of business, except as otherwise provided by statute, or by the Articles of Incorporation or by these By-Laws. If however, any meeting of members cannot be arranged because a quorum has not attended, the members entitled to vote thereat shall have power, except as otherwise provided by statute, to adjourn the meeting to such time and place as they may determine, but in the case of any meeting called for the election of the directors such meeting may be adjourned only for day to day or for such longer periods not exceeding fifteen (15) days each as majority of the members present in person shall direct, until such directors shall have been elected. At any adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified.

Section 4.6 - Every member entitled to vote shall have only one (1) vote. Cumulative voting for officers and directors shall not be permitted. Proxy voting is not allowed.

Section 4.7 - When required, the Secretary of the Corporation shall have a list of all members entitled to vote, which shall be made available for inspection at any of the regular or special meetings.

ARTICLE V

Section 5.1- The Board of Directors shall consist of five (5) Officers and six (6) active members in good standing, whose dues are paid in full, and that are entitled to vote as members. The Principal Directors of the Music Department of the Whitehall-Coplay School District shall be given honorary non-voter status on the Board of Directors. Except as otherwise provided herein, the Board of Directors shall be elected by the members at its annual meeting for a term of (2) years. Each Director shall serve until his term expires or until the members elect his successor. The term of office of the newly elected Directors shall coincide with the fiscal year.

Section 5.2 - Vacancies of the Board of Directors shall be filled by the presentation of names by the President of The Board of Directors, and a majority vote of the remaining members of the Board. Directors appointed to fill vacancies shall serve the un-expired term of Directors they are replacing. A spouse of a Board member shall not be eligible for appointment to any Board vacancy unless approved by the general membership.

Section 5.3 - The business and affairs of the Corporation shall be managed by its Board of Directors which may exercise all such powers of the corporation and do all such lawful acts and things as are not by statute or any the Articles of Incorporation or by these By-Laws directed or required to be exercised and done by the members.

Section 5.4 - The meetings of the Officers and the Board Members, hereinafter known as the Board of Directors, may be held at such place within the Commonwealth of Pennsylvania or elsewhere as a majority of the Directors may from time to time appoint, or as may be designated in the notice calling the meeting.

Section 5.5 - Except as otherwise provided by statute for the organizational meeting of initial Directors named in the Article of Incorporation, the first meeting of the newly elected Board may be held at the same place and immediately after the meeting at which such Directors were elected and no notice need to be given to the newly elected Directors in order legally to constitute the meeting; or it may convene at such time and place as may be fixed by the consent or consents in writing of all Directors.

Section 5.6 - Regular meetings of the Board may be held at such times and places as shall be determined from time to time, by resolution of at least a majority of the Board at a duly convened meeting, or by unanimous written consent. Notice of each regular meeting of the Board shall specify the date, place and hour of the meeting and shall be given to each director at least twenty-four (24) hours before the meeting.

Section 5.7 - Special meetings of the Board of Directors may be called by the President on twenty- four (24) hours notice to each board member. The President or Secretary shall call a special meeting in like manner and on like notice on the written request of two (2) directors. Notice of each special meeting of the Board shall specify date, place and hour of the meeting. The notice need not state the general nature of business to be conducted at such special meeting.

Section 5.8 - At all meetings of the Board, a majority of (5) in office shall be necessary to constitute a quorum for the transaction of business, and the acts of a majority of the directors present at a meeting, at which a quorum is present shall be the acts of the Board of Directors, except as may be otherwise specifically provided by statute or by the Articles of Incorporation or by these by-laws. If a quorum shall not be present at any meeting of directors, the directors present thereat may adjourn the meeting. It shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted thereat other than by announcement at the meeting at which such adjournment is taken.

Section 5.9 - Any member of the Board of Directors who shall miss three (3) meetings annually without a valid reason and which reason is not accepted by the Board, shall be subject to removal, by a two-thirds (2/3) vote of the majority of the Board. Following such vote, a notice of removal shall be given to the said member, by the Secretary at least ten (10) days prior to his/her removal during which time he/she may file written objections thereto and may request to be heard by the full Board.

Section 5.10 - The President shall appoint a nominating committee of three (3) persons, comprised of one (1) Board member and two (2) general members in good standing, whose dues are paid in full, and that are entitled to vote as members in the month of March, which shall report to the May meeting, its choice of members for positions as board members, which slate shall then be presented to the general membership meeting held for the purpose of electing the Board of Directors in June.

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ARTICLE VI

OFFICERS

Section 6.1 – The Directors of this corporation shall be chosen from among the members who have agreed to serve and have been selected by the nominating committee, or who have been nominated from the floor at the annual meeting. Nominations for directors made from the floor at the annual meeting must be made, seconded and with formal approval of the person(s) nominated who must be present at the meeting. The elected board shall appoint the officers by the first day of the new fiscal year. The Board of Directors shall be comprised of five (5) officers and ~~six (6)~~ active members in good standing, whose dues are paid in full, and that are entitled to vote as members, each elected to a two- (2) year term. The President, Vice-President, Secretary, Treasurer, and Financial Secretary must be a person of full age.

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Section 6.2 - The Board of Directors may also choose such other agents as needs arise, who shall hold their office or position for such terms and shall have such authority and shall perform such duties as from time to time determined by the Board.

Section 6.3 – The responsible Faculty Member shall appoint his/her support staff. The Association shall compensate said support staff after all contracts are executed. Contracts shall be between individual support staff members and the WMPA and shall address compensation provided by the WMPA. In the event a support staff member is also being compensated as an employee of the school district, that engagement and associated compensation shall be addressed in accordance with school district policies.

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Section 6.4 - The officers of the corporation shall hold office for a period of one (1) year, commencing on July 1st of the year of their election as per condition stated above. Any officer may be removed by a two-thirds judgment of the Board members; the best interest of the corporation will be served thereby. If a vacancy occurs for any reason, the vacancy shall be filled by a majority of the Board of Directors. Officers may, upon expiration of their term as an officer and as long as they remain a Board member, stand for re-election to that position or for election to any other officer position.

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DUTIES OF OFFICERS

PRESIDENT

Section 6.5 - The president shall be the Chief Executive Officer of the Corporation; he/she shall preside at all meetings of the members and directors, shall have general and active management of the business of the corporation and see that all orders and resolutions of the Board are carried into effect. He/she shall appoint committees, chaired by a member of the association, to conduct various functions. Each committee chairperson shall, on a basis determined by the President, report to the President regarding the activities of said committee.

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Section 6.6 - He/she shall execute bonds, mortgages and other contracts requiring a seal, under the seal of the corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation.

VICE-PRESIDENT

Section 6.7 - The Vice -President shall, in the absence or disability of the President, perform the duties and exercise the powers of the President, and shall perform such other duties as the President may prescribe or the Board of Directors may delegate to him/her. The Vice-President shall also be responsible for assuring that membership records are current and accurate. The Vice-President shall work with the Treasurer to assure that dues are properly accounted for.

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SECRETARY

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Section 6.8 - The Secretary shall attend all sessions of the Board and all meetings of the members and record all the votes of the corporation and the minutes of all transactions in a book to be kept for that purpose, and shall perform like duties for the President and other committees of the Board of Directors when required. He/she shall provide a copy of the minutes of the general membership meetings to the Athletic Director. He/she shall give, or cause to be given, notice of all meetings of the members and of special meetings of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors or President, under whose supervision he/she shall be. He/she shall keep in safe custody the corporate seal of the corporation, and when authorized by the Board, affix the same to any instrument requiring it, and when so affixed, it shall be attested by his/her signature or the signature of the Treasurer.

TREASURER

Section 6.9 - The Treasurer shall have custody of the corporate funds and shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation. The Treasurer shall deposit all monies and other valuable effects in the name and to the credit of the corporation in such depositories as shall be designated by the Board of Directors.

Section 6.10 - He/she shall disburse the funds of the corporation as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Directors, at the regular meetings of the Board, or whenever they may require it, an account of all his/her transactions as Treasurer and of the financial condition of the corporation. The Treasurer's duties shall include preparation of a monthly statement of the Association's financial activity.

Section 6.11 - If required by the Board of Directors he/she shall give the corporation bond in such sum, and with such surety or sureties as may be satisfactory to the Board of Directors, for the faithful discharge of the duties of his/her office and for the restoration to the corporation, in cases of his/her death, resignation, retirement, or removal from office, of all books, papers, vouchers, money, and other property of whatever kind in his/her control belonging to the corporation.

Section 6.12 - The Treasurer shall present the books for audit by July 31st of each year. The president shall appoint an audit committee comprised of three (3) persons for the purpose of auditing the books. The audit committee shall engage an outside auditor for the purpose of performing the annual audit.

FINANCIAL SECRETARY

Section 6.13 - The Financial Secretary shall keep records of all the sales and earnings records of each band or musical activity member, and report to the general membership and the Board of Directors as required. The Financial Secretary will work with the Treasurer to assure that the recording of credits and debits to individual band and musical activity members is done consistent with the Financial Policies (Article IX of the By-Laws) of the WMPA.

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ARTICLE VII

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LIMITATIONS

Section 7.1 - With respect to the buying and selling of real estate, that decision must be made with a proper vote of the general membership, provided however, that the proposed purchase shall have first been presented and approved by the Board of Directors at two (2) successive Board meetings which have preceded the meeting of the general membership where the matter will be first read then voted on.

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ARTICLE VIII

FISCAL YEAR

Section 8.1 - The fiscal year of the corporation shall be from July 1 to June 30 of each year.

ARTICLE IX

FINANCIAL POLICIES

Section 9.1 - This policy outlines the minimum standards to be followed for the internal control of cash and the accounting system to be maintained to record all cash transactions.

Section 9.2 - This policy is applicable to all operations of the Whitehall High School Music Parents Associations, Inc. hereinafter referred to as the "Association".

Section 9.3 - The President of the Association is responsible for compliance with the requirements and the overall administration of this policy. The Board of Directors of the Association has final review and approval authority on all questions concerning the adequacy of controls and interpretation of this policy,

Section 9.4 - For the purpose of this policy, CASH includes currency, bills, coins, negotiable instruments, (money orders, checks, or other drafts), bank balances and Petty Cash Funds.

Section 9.5 - All Association members who have access to cash should be bonded by fidelity bond insurance to protect the Association against the loss of cash as a result of fraudulent or dishonest acts.

Section 9.6.a. - No member of this Association, authorized to collect funds on behalf of the Association, shall hold said funds for a period longer ~~than~~ fourteen (14) days.

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Section 9.6.b - All checks and other negotiable instruments must be respectively endorsed with the Association's stamp as soon as feasible after receipt, or within fourteen (14) days.

Section 9.6.c - The Treasurer shall maintain a "Cash Receipts Journal" which shall at a minimum show the following:

1. Date of each transaction.
2. Source of Funds
3. Account (s) to be credited.
4. Amount of receipts.
5. Explanatory details.

Section 9.7.a - All disbursements are made only for goods or services properly authorized by the Association, and supported by invoices and receipts.

Section 9.7.b. - All disbursement, except from Petty cash, are made by check, credit card, or other orders for payment of money. Under no circumstances shall disbursements be made by cash except from a Petty Cash Fund properly approved by the Board for a specific purpose and for a specifically limited period of time with accompanying receipts for each cash disbursement.

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Section 9.7.c. - All invoices or receipts shall be marked “PAID” and shall include the check number, once the payment has been made.

Section 9.7.d. - The Treasurer shall maintain a “Cash Disbursement Journal”, which shall at minimum show the following:

1. Date of disbursement
2. Check number
3. Payee
4. Amount of payment
5. Explanatory detail
6. Account (s) to be charged.

Section 9.8.a. - All checks must be pre-numbered and imprinted with the Association’s name and address. Checks must be issued and recorded in numerical sequence, and recorded on the stub.

Section 9.8.b. - Checks shall not be made payable to “Cash” or “Bearer”.

Section 9.8.c. - Any error in a check, such as incorrect amount or incorrect name will require the check to be voided by writing “VOID” across the face of the check.

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Section 9.8.d. - No erasures are permissible on checks.

Section 9.8.e - Voided checks shall not be destroyed and must be maintained for numerical filing with regular canceled checks.

Section 9.8.f. - The Treasurer shall take appropriate measures to safeguard un-issued checks.

Deleted: Un-issued checks shall be properly safeguarded and their number maintained in a log. On a periodic basis, the log of unused checks is verified to actual stock.

Section 9.8.g. - Checks shall be imprinted to the effect that they will be VOID if not cashed within 90 days after date of check.

Section 9.9.a. - The establishment of all Petty Cash Funds must be approved by the Board of Directors. Such approval shall specify the specific purpose the for which the Petty Cash Fund is created and establish a specifically limited period of time after which the Fund will be closed.

Section 9.9.b. - All disbursements of petty cash must be adequately supported by receipts or other adequate written documents.

Section 9.9.c. - A Petty Cash Fund may not be used to pay payroll obligations.

Section 9.9.d. - Petty Cash Funds are established by the Treasurer with appropriate documentation to the custodian of the Petty Cash Fund in the amount equal to the total disbursement from the fund. All custodians of Petty Cash Funds will be approved by majority vote of the Board.

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Section 9.10.a. - The number of authorized checks should be kept to a minimum.

Section 9.10.b. - In the event that two (2) members of the same family are elected to the position as officers of the Association, only one (1) of those persons shall be authorized to sign checks.

Section 9.10.c. - Two (2) authorized signatures will be required to transfer funds from any account with the exception that the electronic transfer of funds between WMPA accounts may be accomplished solely by the Treasurer. Only officers shall be authorized to approve the transfer of funds. The Board shall approve the granting of authority.

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Section 9.11.a. On a monthly basis, the Treasurer shall prepare a financial statement of the Association's financial activity. This monthly statement will be presented to the Association for acceptance at each of the regular Association meetings. One (1) copy of the financial statement will be filed with the Secretary's minutes of the meeting. A second copy shall be submitted to the Athletic Director.

Section 9.11.b. - The monthly Financial Report will show the opening balance in each bank account, receipts, disbursements, and the ending balance.

Section 9.11.c. - At the end of each year, the Treasurer will prepare an annual statement of the Association's financial activity, covering the entire year. This statement shall be similar in format and content to the monthly statement and will show a comparison to the budgeted activity. Attached in the appendix is a sample monthly financial statement, listed as Exhibit A.

Section 9.12.a. - All bank accounts must be reconciled monthly and all canceled checks accounted for with the reconciliation.

Section 9.12.b. - On a periodic basis, the bank reconciliation should be reviewed by a member of the Board of Directors who is independent of any cash handling functions.

Section 9.13. - Those monies known as "Student Credit" and earned or collected for that purpose shall be removed from the General Fund and placed in a "Student Credit Account" on behalf of

the members by the Treasurer after consultation with the Financial Secretary. Interest earned from said "Student Credit Account" shall be transferred monthly to the WMPA General Fund.

Deleted: apportioned according to the amount each member has earned on his/her behalf. Interest shall not be credited to a member if the member has not earned any "Student Credit"

Section 9.14. - The amount of "Student Credit" each band/choir member earns shall be placed in their personal accounts. The cost of the trip to each band/choir member, henceforth known as the "bogey", shall be determined by the Board of Directors, in consultation with the Band Director and/or Choir Director, after researching the cost of the trip. "Student Credit" may also be used to offset the cost of purchases required by the Faculty member, in accordance with Section 9.7.a. Purchases may only be used by the Student them self, and credit may not be transferred to another party. Student Credit carried over by a band/choir member no longer participating in the band or choir and/or having graduated shall revert to the general fund. The remaining Student Credit may be passed on to a sibling who is also in the band/choir or entering the band/choir in the immediate new class.

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Section 9.15. – A business plan and proposed budget shall be prepared as early in the fiscal year as practicable. The plan shall minimally outline proposed fundraising activities, purposes of specific fundraisers, and any other major expenditures. All fundraising proposals must be submitted for the approval of the Athletic Director at least 30 days prior to the commencement of the fundraiser. The Board shall specifically approve the budget and associated fundraising plan.

Section 9.16 – The Corporation shall carry proof of liability insurance for all involved naming the Whitehall-Coplay School District as an additional insured.

ARTICLE X

Section 10.1. - These By-Laws may be altered, amended, or repealed by a majority vote of the members present and entitled to vote thereon at any regular or special meeting duly convened after notice to the members of that purpose, provided however that the proposed amendments shall have been first presented and approved by the Board of Directors on (2) successive Board meetings which have preceded the meeting of the general membership where the matter will be voted on.

Section 10.2. - "Limitation of Liability" - Let it be known that the officers, directors, and membership of the Whitehall Music Parents Association, Inc. are acting in good faith and the interest of the students of Whitehall - Coplay School District as outlined in Article II of these By-Laws. Therefore, any legal actions against the Corporation are limited to the physical assets of the Corporation.

ARTICLE XI

Prohibition Against Sharing in Corporate Earnings

Section 11.1. - In order to qualify as a charitable organization, the corporation is organized for charitable and educational purposes, including, for such purpose the making of distributions to

organizations that qualify as exempt organizations under Section 501 (c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future Internal Revenue Service Law).

Section 11.2 - -No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose set forth in the preceding paragraph. No substantial part of the activities of the corporation shall be carrying on of propaganda otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Section 11.3 - Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation/organization exempt from Federal Income Tax under Section 501 (c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

WHITEHALL HIGH SCHOOL MUSIC PARENTS ASSOCIATION INC.

FINANCIAL POLICY - EXHIBIT A

STATEMENT OF FINANCIAL ACTIVITY

	Month, Year	
	Checking Account	Savings Account
Beginning Balance 11/11/11	\$8,000.00	\$10,000.00
Receipts:		
Fund Raisers	\$4,000.00	
Snack Bar	\$2,000.00	
From Checking	<u>\$.00</u>	<u>\$ 3,000.00</u>
Total Receipts	\$6,000.00	\$13,000.00
Disbursements:		
Judges	\$ 00.00	\$.00
Transportation	\$ 100.00	\$.00
Supplies	\$1,400.00	\$.00
Transferred to Savings	\$3,000.00	\$.00
Materials	\$ 188.00	\$.00
Miscellaneous	<u>\$ 50.00</u>	<u>\$.00</u>
Total Disbursements	\$5,538.00	\$.00
Ending Balance 11/30/11	\$8,462.00	\$13,000.00

Prepared by:
Name of Treasurer
Date

Rosann.M. Wieand, President

Date

Donna Jany, Vice-President

Date

Pam Kamp, Secretary

Date

Sue Barthol, Treasurer

Date

Diane Mertz, Financial Secretary

Date

Rochelle Abraham

Date

Judy Battenfield

Date

Diane Besz

Date

Michael Matsko

Date

Janet Hartzell

Date

Nancy Moyer

Date

John C. Wieand

Date