

**University High School Titan Regiment Band Booster Association, Inc.**

**By-Laws**

**Revised May 8, 2023**

**Article I**

**Name & Location**

- 1.1 This corporation shall be known as the University High School Titan Regiment Band Booster Association, Inc. This organization is a corporation and shall be governed by the rules, regulations, and limitations of the Articles of Incorporation. The corporation shall adhere to all school board policies related to SBO organizations. For the purposes of the rules and regulations of the By-Laws, this organization will be referred to as the Association or Association.
- 1.2 The office of the corporation shall be located at University High School, 1000 West Rhode Island Ave, Orange City, Florida 32763. The Association may assemble for meetings at other locations as designated to maintain business activities within the State of Florida.

**Article II**

**Purpose/Mission Statement**

- 2.1 **Non-Profit Status:** This corporation is organized and exists as a 501(c)(3) non-profit corporation organized pursuant to the “Florida Not for Profit Act”, Ch. 617, Florida Statutes. This Association will abide by all local, state, and federal laws, rules, regulations, codes, statutes, and decisions promulgated for, enforceable against and related to non-profit corporations.
- 2.2 **Political Policy:** The Association will not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of, or in opposition to any candidate for public office.
- 2.3 **Funds Allocation:** The Association will maintain funds to be used for the welfare and betterment of all University High School Band programs. The property of this Association is irrevocably dedicated to section 501(c)(3) exempt purpose and no part of the net income or assets of this Association shall ever inure to the benefit of the members, trustees, officers, or 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 purposes set forth in this Article.
- 2.4 **Articles of Incorporation:** The Articles of Incorporation of the Association are hereby made a part of these By-Laws; and all matters hereafter contained in these By-Laws shall be subject to such provisions as set forth in the Articles of Incorporation as they may be from time to time amended as deemed necessary.
- 2.5 **Mission Statement:** The Mission Statement of the Association shall be to encourage financial support, foster relationships with the community, and support the musical training and education of the University High School Titan Regiment Band Programs.
- 2.6 **By-Law Amendment:** These By-Laws may be repealed or amended by a quorum of two-thirds (2/3) vote of the members present at any general, board, annual or special meeting called for that purpose. The members shall not have the power to change the purposes (Mission Statement) of the corporation as to decrease its rights and powers under the laws of the state, or to amend the By-Laws as to effect a fundamental change in the policies of the corporation. The proposed change shall be submitted to the Board of Directors at least ten (10) days prior to the meeting.

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- 2.7 **Dissolution of the Association:** Upon dissolution of the corporation, after paying or making provisions for the payment of all the legal liabilities of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to University High School for the exclusive use of the Band Department. The Principal of University High School can dissolve the Association at any time according to the Volusia County School Board regulations.

**Article III  
Membership**

- 3.1 **Membership:** All parents and guardians of students enrolled in the University High School Band Program are eligible to become members of the Association as the general membership. Members of the Association shall be presumed to have agreed to and be bound by these By-Laws, and by the rules and regulations prescribed by the Board of Directors.
- 3.2 **Eligibility:** The general membership will maintain their eligibility to vote by remaining current on their band fees according to the fee schedule and as determined by the Band Director.
- 3.3 **Voting:** Every voting member shall have the right to one vote, in person, upon every proposal properly submitted to a vote at any meeting. The Band Director may choose to exercise the option to vote on any matters and the vote of the Band Director shall be counted as 51% of the total vote at any meeting. There shall be no voting by proxy.
- 3.4 **Term:** General membership runs from July 1 of the current year to June 30 of the following year.

**Article IV  
Officers and Duties**

- 4.1 **Terms of Office:** The officers of the Board of Directors shall be the officers of the Corporation. No person shall serve more than two (2) consecutive terms in any elected officer position in the same office; provided, however, that the Board of Directors may waive this provision by a quorum vote of the majority present at a regularly scheduled Board Meeting.
- 4.2 **Eligibility:** The officers of the Association shall be members in good standing as described in Article III of these By-laws.
- 4.3 The officers shall govern the operations of the Association with the advice and consent of the voting membership and shall adhere to the Associations rules as provided by the By-Laws.
- 4.4 **Conflict of Interest:** Whenever a director or officer has a financial or personal interest in any matter coming before the Board of Directors, the affected person shall a) fully disclose the nature of the interest and b) withdraw from discussion, lobbying, and voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested directors determine that it is in the best interest of the Association to do so. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for approval.

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- 4.4 **Duties of Officers:** Subject at all times to the control and direction of officers of the Association shall have and exercise the following powers and duties:
- 4.5.1 **President:** The President shall be the Chief Executive Officer of the Corporation and subject to the control of the Board, shall supervise and control all of the business and affairs of the corporation and perform such other duties as may be prescribed by the Board. The President shall preside, if present, at all meetings of the Board. The President shall be an ex-officio member of all Board committees and shall be responsible for overseeing all standing and special committees. The President shall act as liaison for the Association to the Administration.
- 4.5.2 **Vice President Band:** The Vice President - shall serve as aide to the President and shall perform duties requested, shall oversee the planning and implementation of concerts, competitions, and activities, will oversee the activities of Event Committees and shall perform other duties as requested.
- 4.5.3 **Vice President Guard:** The Guard Coordinator/Liaison shall serve to coordinate the activities and needs of the guard, as determined by the Band Director. They shall be responsible for the organization of all aspects of marching and winter guard season. These responsibilities include but are not limited to the following: managing financial budgets, student account maintenance, fundraising and other activities as determined relative to the needs of the guard. All aspects shall be managed within the approved budget and reported to the Executive Board.
- 4.5.4 **Treasurer & Vice Treasurer:** The Treasurer shall be responsible for the Association's financial matters. The Treasurer shall file all receipts for the Association and keep balanced account of receipts and expenditures. The Treasurer will deposit and record all monies collected from any activities. The Treasurer shall make an annual report to the Association at the annual meeting. The treasurer is responsible for all local, state, and federal filings as defined by the 501(c)(3) laws. The Treasurer is responsible for the auditing of the Association's finances as required by the School Board and other agencies. The Treasurer shall disburse funds in accordance with the approved budget or as approved by the Executive Board and Band Director. The Treasurer shall keep an up-to-date balanced accounting of fees owed and paid by the student, as well as, distribute parent communication pertaining to Association and student funds as needed to the general membership. The Treasurer will be responsible for reviewing the requests for ID and Passwords for access to any and all online computer programs involving student accounts and financial information to the Association, Committees, Volunteers and General Membership, including but not limited to maintenance of such programs as student financial accounts.
- 4.5.5 **Secretary & Communications:** The Secretary shall keep a record of all Executive Board meetings in accordance with the Sunshine State Laws and "Robert's Rules of Order". The Secretary shall give notice of all meetings of the members and the Board of Directors required by the By-Laws, and shall perform such other duties as may be prescribed by the Board of Directors or the By-Laws. The Secretary shall be responsible for maintaining and keeping hard copy records or electronic forms of all meetings of the Association and Executive Board and for maintaining appropriate historical records of the Association and Band activities. The Secretary shall also be responsible for maintaining an up-to-date membership list and membership emergency contact forms. A complete list of the addresses of students participating in the band program and their parents or guardians shall be maintained electronically with hard copy backup. The Secretary shall communicate band activities to the members of the Association and the general public through e-mail, calendar updates, newsletters or other appropriate methods. The

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Secretary will provide correspondence on behalf of the Association including, but not limited to, sponsorship requests and thank you letters. The Secretary or a delegated representative shall be responsible for maintaining the band website(s). If the Secretary deems it necessary, he/she can designate the sole duty of maintaining the website(s) to one of the members of the general membership.

- 4.5.6 **Fundraising & Events Chairperson:** Shall assist in recommending and planning fundraising activities, and shall oversee the planning and implementation of concerts, competitions, and activities. Will oversee the activities of event committees and shall perform other duties as requested.
- 4.5.7 **Administrative Liaison:** shall serve as aide to all positions and shall perform duties requested, shall oversee all, and shall perform other duties as requested.

**Article V**  
**Meetings**

- 5.1 Any and all meetings, including but not limited to: Annual meetings, General meetings, and Executive Board meetings, will abide by the By-Laws and the Sunshine State Law. "Robert's Rules of Order" will be used for the parliamentary process. Reasonable notice of meetings will be given according to the Sunshine State Law.
- 5.2 **Quorum:** A quorum must equal two-thirds (2/3) members present at any meeting for the transaction of business.
- 5.3 **Annual Meeting:** The Annual meeting of the general membership of this corporation shall be held prior to the end of the school year, at such time and place as the Board of Directors shall determine. An Annual meeting shall be for the purpose of electing the Board of Directors and any other officers, presenting committee reports including the Treasurer's report, presentation of the upcoming year's budget, and transacting other necessary business.
- 5.4 **Executive Board Meeting:** Executive Board Meetings shall consist of the Board of Directors. These meetings will be held on a monthly basis as determined by the board or on an as needed basis as determined by the presiding officers.
- 5.5 **General Meetings:** General meetings shall consist of the Board of Directors and all committee coordinators/members. Any and all members are encouraged to attend these meetings. The purpose of the General meeting is to facilitate the business of the Association including the review of plans and activities of the various committees.
- 5.6 **Special Meetings:** The President or the Band Director, in consultation with the Executive Board, shall have the authority to call special meetings of the Association with at least one week advance notice to members.

**Article VI**  
**Executive Board/ Board of Directors**

- 6.1 **Governance:** The Board of Directors shall compose the governing body of the corporation and shall manage the business and affairs of the corporation subject to the laws, rules, regulations,

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codes, and statutes, with limitations set forth under the laws of the State and the Articles of Incorporation of these By-Laws. All Executive Board Members are required to make every attempt to attend all regularly scheduled and special meetings of the Association.

- 6.2 **Board Positions:** The Board of Directors shall consist of six elected positions, the principal, and the University High School Band Director. The Board of Directors shall be elected by the general membership at the annual meeting of the general membership held prior to the end of the school year as determined by the nominating committee election process. There shall be no voting by proxy.
- 6.3 **Interpretation:** Any question as to the meaning of proper interpretation of any of the provisions of these By- Laws shall be determined by the Board of Directors.
- 6.4 **Nominating Committee:** A Nominating Committee will make nominations for election to the Board of Directors. The Nominating Committee shall consist of five (5) members– The President, The Band Director, and three (3) voting members appointed by the Board of Directors at the Executive Board Meeting. The President shall serve as Coordinator Protem and call the first meeting. The Committee will then pick a coordinator from the appointed members. The Nominating Committee shall contact potential nominees for their concurrence and willingness to serve in the office they are nominated. The Nominating Committee shall present their slate of recommended officers to the Executive Board, then to an annual meeting of the general membership for election prior to the end of the school year. Nominations will not be taken from the floor, but only from the Nominating Committee.
- 6.5 **Terms of Office:** The term of each Executive Board Member shall be two years from July 1 of the current year until June 30 ending second year. The Treasurer shall maintain office until the financial records are audited and approved.
- 6.6 **Non-Compete Agreement:** The Board of Directors will not share confidential and relevant information about the Association. The members of the board will not serve on another board of like kind during their term.
- 6.7 **Removal from Office:** Any elected Executive Board Member may be removed from office by a quorum of two thirds (2/3) vote of the members present at any annual or special meeting called for that purpose.
- 6.8 **Vacancies:** In the event that an Executive Board Member position becomes vacant, the Band Director shall appoint a replacement to assume all responsibilities involved in that position until the annual election.

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**Article VII**

**Financial**

- 7.1 **Approved Spending:** The Association will not assume any personal obligations made by unauthorized persons (member or officer) for goods and services, without prior board approval, even though the goods and services are required or might be desirable.
- 7.3 **Check Signature:** Two signatures are required on all checks. Approved signers will consist of the President, the Treasurer and one other Executive Board Member as elected by the Board. No blank checks are to be signed.
- 7.4 **Reimbursement/Statements:** All statements for payment must be submitted to the Treasurer. Check request forms must be submitted along with any receipts for payment or reimbursement. It is the responsibility of the Treasurer and the Executive Board to review and obtain all pertinent information on any unusual expenditure.7.5 **Fiscal Year:** In accordance with Volusia County Schools Fiscal Management Policy 719 the fiscal year of the corporation shall run from July 1 until June 30.
- 7.6 **Budget:** The Band Director shall submit a proposed annual budget to the Executive Board for the upcoming year's budget no later than the end of year Executive Board meeting. In accordance with Volusia County Schools Fiscal Management Policy 719, a copy of the budget and tentative fundraising plans shall be provided to the principal at the beginning of each school year.
- 7.7 **Tax Filing:** It shall be the responsibility of the Treasurer to file all Federal tax returns as they come due.
- 7.8 **Annual Report:** An annual report shall be filed with Division of Corporations (State of Florida). In accordance with Volusia County Schools Fiscal Management Policy 719 the annual report will be provided to the principal no later than the beginning of classes each year.
- 7.9 **Quarterly Report:** A quarterly report will be provided to the principal.
- 7.10 **Inspection:** All budget, books, and records of the Association may be inspected by a member of the Association for any proper purpose. Reasonable notice must be given.
- 7.11 **Tax Exempt Status:** The Association is tax exempt and shall make every effort to maintain a tax exempt status. In accordance with Volusia County Schools Fiscal Management Policy 719 a report reflecting that the corporation has maintained tax exempt status will be provided to the principal no later than September 15 of each year.
- 7.12 **Returned Checks:** Checks returned for any reason are subject to the Associations bank fees plus the amount of the check. The first returned check may be repaid with a check or cash; however, the second returned check must be repaid with cash or money order as well as any future payments for the remainder of the student's participation in the University High School Titan Regiment Band Program.

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**Article VIII**

**Committees/Coordinators**

- 8.1 Standing committees are those that function year round or have a significant impact upon the operation of the Association. Special committees may be established by the Band Director and Board of Directors for a specific purpose. Any member of the following committees must submit a volunteer application with Volusia County Schools. Applicant must be accepted by the county as a cleared volunteer before fulfilling any volunteer duties.
- 8.2 **Committee Membership:** Committees shall consist of members from the general membership and as designated by the Band Director, to include band students who will participate in specific committees, such as: Fundraising, Spirit, Historian, and Hospitality. Committees are not limited in number of participants. The Board of Directors shall appoint a Coordinator for each committee. Terms for the Coordinators end at the end of the school year.
- 8.3 **Committee Coordinators:** Committee Coordinators shall oversee the operations of their committee. The Coordinator shall conduct meetings and business on an as needed basis. He/she shall submit a report at the Executive Board Meetings. Committees must have approval by the Board of Directors prior to use of the Association name and prior to any financial obligations. Expenses shall be submitted to the Treasurer for Board review and payment. Coordinators shall obtain members from the general membership and shall assure they are appropriately prepared to assume volunteer activities as assigned. Coordinators will communicate with the Board of Directors and Band Director. Coordinators may resign at any time by giving written notice of such resignation to the Board of Directors.
- 8.4 **Documentation/Compensation:** The Committee Coordinator shall document their duties and activities performed throughout the year and pass the information on to their successor. Coordinators shall receive no compensation for their services.
- 8.5 **Appropriate Dress:** Members representing the Association at any function are encouraged to dress appropriately. Members are encouraged to wear a Titan Regiment Band shirt or the University High school colors- Orange, White, and Silver/Grey.
- 8.6 **Monies Collected:** Committee Coordinators or their designated representative must count and document all monies collected at any of their functions and have that total verified by another Association adult member other than the Treasurer prior to leaving the event. The coordinator, or their designated representative, is then responsible for handing the money and the verification sheet to the Treasurer.
- 8.7 **Standing Committees/Coordinators:** Standing Committees/Coordinators include, but are not limited to, Fundraising, Chaperone, Equipment, Guard, Uniform, Spirit, Hospitality, Historian, Volunteer, and Concert as described below:
- 8.7.1 **Fundraising Committees**  
These committees will be established at the discretion of the VP Ways and Means.
- 8.7.2 **Chaperone Coordinator/Committee**  
The Chaperone Coordinator will report to the VP of Events and Travel and shall be responsible for obtaining and coordinating the required chaperone committee members for all band and guard events including, but not limited to, performances, competitions, travel, and school trips.

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Coordinator shall communicate with Equipment, Uniform, Guard and other Coordinators to assure that all student needs are met as requested and will abide by the Volusia County School Board guidelines in regards to medications, signed affidavits, etc. Chaperone Coordinator shall assume all roles and responsibilities of the Volunteer Coordinator in the event that the Volunteer Coordinator position is vacant.

**8.7.3 Equipment Coordinator/Committee**

The Equipment Coordinator will report to the VP of Events and Travel. The Equipment Committee is responsible for the transportation of instruments and equipment to and from all band events including, but not limited to practices, football games, performances, and competitions. Instruments include, but are not limited to, any instrument the students cannot carry or fit on their bus. Equipment includes, but is not limited to, podiums, props, water coolers, instrument blankets and rain sheets, instruments, speakers and tripod. Coordinator shall communicate with Chaperone, Uniform, Guard and other Coordinators to assure that student needs are met as required.

**8.7.4 Guard Committee**

The Guard Committee will be responsible for chaperones for Guard only events, uniforms, supplies and guard fundraising events. Guard Committee will communicate with Chaperone Coordinator and Guard Coordinator as needed.

**8.7.5 Uniform Coordinator/Committee**

The Uniform Coordinator will report to the VP of Events and Travel and is responsible for maintaining records of uniform inventory and assignment of uniforms to participating students (marching and concert). Coordinator and committee members are responsible for obtaining, measuring and fitting, issuing, maintaining and repairing all uniforms, accessories and supplies. Coordinator shall communicate with Band Director for planning and acquisition of uniforms and accessories.

**8.7.6 Spirit Coordinator/Committee**

The Spirit Coordinator will report to the VP of Ways and Means and is responsible for ordering, selling, and keeping an accurate inventory of all spirit items. Spirit items will be provided for sale for the purpose of fundraising for the University High School Band Programs. Inventory purchases must be approved by the Board of Directors. Coordinator shall maintain an accurate financial account of monies and shall work with Treasurer in order to provide deposits and monthly reports. Coordinator is responsible for following up on individual orders and delivery of items to purchaser.

**8.7.7 Hospitality Coordinator/Committee**

The Hospitality Coordinator will report to the VP of Events and Travel. The Committee shall be responsible for providing refreshments at band events as requested by the Board of Directors. These events may include practices, concerts, games, and special events.



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**8.7.8 Historian Coordinator/Committee**

The Historian Coordinator will report to the VP of Events and Travel and shall maintain a pictorial account of band events. These events include, but are not limited to, practices, performances, outings, and competitions. Committee shall prepare a video for the End of Year Banquet, which will be available for sale to the general membership and band student families. The Coordinator will assess the need for Individual/Sectional pictures for the current school year as determined by the Band Director. Bids for contracts with photographers will be reviewed by the Band Director and the Coordinator for approval.

**8.7.9 Volunteer Coordinator**

The Volunteer Coordinator will report to the President of the Board and is responsible for assisting with volunteer needs of committees, Board of Directors and Band Director. The Volunteer Coordinator will work directly with the Secretary to obtain contact information. The Volunteer Coordinator shall assume all the roles and responsibilities of Chaperone Coordinator in the event that the Chaperone Coordinator position is vacant.

**8.7.10 Concert Coordinator/Committee**

The Concert Coordinator will report to the VP or Events and Travel and will be responsible for any and all functions in preparation of the concert, including but not limited to: planning and printing of the concert programs, advertising of the concert, printing of the tickets, ticket sales, volunteer ushers, and community representative/liaison.

**Article IX**

**Indemnification**

9.1 The corporation does indemnify any Directors, Officers, Incorporators, and General Member of the corporation from any liability regarding the corporation and the affairs of the corporation, unless the person fraudulently and intentionally violated the law and/or maliciously conducted acts to damage and/or defraud the corporation, or as otherwise provided under applicable statutes. The Association may be empowered to indemnify any Officer or Director, or any former Officer or Director, by a majority vote of the Board of Directors who are not parties to such action, suit, or proceeding, in the manner provided in Section 607.0850 of the 2005 Florida Statutes. If such indemnification is authorized by the Directors, expenses incurred in defending such civil or criminal action, suit, or proceeding may be paid by the Association in advance of the final disposition of such action, suit, or proceeding in the manner prescribed in Subsection 6 of Section 607.0850 of the Florida Statutes, upon receipt of an undertaking by or on behalf of the Director, Officer, or agent to repay such amount.

9.2 **Volunteer Status:** Participation on the Board or in the organization and in activities involving the children are to be governed by the regulations set forth by the Volusia County School Board that address volunteer participation in school related activities, which is not limited to, but may include criminal background checks, enrollment and acceptance for participation as an approved volunteer, proof of acceptable levels of automobile liability insurance and possession of a valid Florida Driver's License for transportation of students and equipment as well as any other requirements as from time to time promulgated by the Volusia County School Board, University High School or the Association.

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- 9.3 **Insurance:** In accordance with Volusia County Schools Fiscal Management Policy 719, the Association will carry general liability insurance with a minimum amount of one million dollars (\$1,000,000) to protect the entity against claims resulting from damage or injury resulting from any act or omission of any school-supported entity. The Association will name the school district as an additional insured and provide the principal of copy of proof of insurance. Officers who are school board employees must maintain fidelity bond insurance at a minimum of \$100,000 for the school board employees.

**Article X**

**Student Accounts**

- 10.1 **Student Fees:** Student Band Fees will be determined by the Budget submitted by the Band Director at the end of year Executive Board Meeting. Student band fees pay for the following, but are not limited to: show production costs, field facility maintenance, dry cleaning the uniforms, transportation for students and instruments, purchasing music, and entry fees for band related competitions. The students will be required to participate in fundraising events. The additional monies help to meet the financial obligations that are part of the band program(s) and will allow the band to meet the many financial obligations that sustain our thriving band program(s). The fundraising monies obtained will be placed in a general fund for the band program. These funds can also be used for band program related expenses, including, but not limited to, instrument repair, instrument supplies, band banquet expenses, uniform supplies and spirit wear. All payment option requests must be submitted in writing to the Band Director for review, including but not limited to, Student Financial Requests for Financial Assistance. A meeting with the student and band parents will be required to review the information to determine eligibility in the financial assistance program. All participants and their information will be held in confidentiality when participating in the financial assistance program.
- 10.2 **Student Balance of Graduate:** The balance in the account of a student who is graduating will automatically transfer to the account of the student's sibling who is also in band. If there is no sibling in band for the next year, the remaining balance will be transferred into the Association's General Fund.
- 10.3 **Balance of Student Leaving:** The balance in the account of a student who has decided to no longer be a part of the UHS Band will automatically transfer to the account of the student's sibling who is also in band. If there is no sibling, then the funds will be transferred to the Association's General Fund.
- 10.4 **Past Due Accounts:** Student accounts that are in a past due status according to the fee schedule determined by the current school year registration fee by the Band Director and Association will be subject to collection. Students will not be permitted to participate in any non-graded events, or banquets.

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**Article XI  
Incorporator**

- 11.1 **Name of Incorporator:** Christina Bertrand, Secretary  
Address: 1000 West Rhode Island Avenue, Orange City, FL 32763

Signature: \_\_\_\_\_ *Christina Bertrand* \_\_\_\_\_ Date: \_\_\_\_\_ 5-8-23 \_\_\_\_\_

**Article XII  
Registered Agent**

- 12.1 **Name of initial Registered Agent:** Emily Curtiss, Board President  
Address: 1000 West Rhode Island Avenue, Orange City, FL 32763

Having been named as registered agent to accept service of process for the University High School Titan Regiment Band Booster Association, Inc. at the designated address listed in this certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity.

Signature: \_\_\_\_\_ *Emily Curtiss* \_\_\_\_\_ Date: \_\_\_\_\_ 5-8-23 \_\_\_\_\_