

MERRIMACK HAWKS BY-LAWS

RATIFIED January 2018

MODIFIED February 2018

MODIFIED August 2019

MODIFIED February 2021

MODIFIED April 2022

MODIFIED February 2023

MODIFIED Feb 2024

Modified Feb 2025

Modified April 2026

Article I GENERAL

Section 1 NAME

The group governed by this Constitution shall be known as the Merrimack Hawks of Merrimack, N.H., a non-profit volunteer organization, hereafter designated as the 'Hawks' or 'Organization'.

Section 2 PURPOSE OF ORGANIZATION

Merrimack Hawks are committed to providing a volunteer-run, not-for-profit youth cheerleading program with the highest quality instruction at the lowest cost possible to the greater Merrimack community. Our program will foster the love for the sport in a safe and supportive environment where academics and community are at the forefront of the Organization.

HawksCares (a.k.a. #HawksCares) is the volunteer program run by the Merrimack Hawks. We teach our cheerleaders the importance of giving back through community service events and donations that all our families and athletes are encouraged to participate in.

Section 3 AFFILIATION

The Merrimack Hawks league affiliations will be voted on annually, if necessary, by the Merrimack Hawks Board of Directors.

Section 4 LOCATION

The principal mailing address of the Organization for the transaction of its business is 548 Donald St Unit 11 Bedford NH 03110.

Article II GOVERNING BODY

Section 1 POWERS

The Organization shall have all the powers necessary to carry out the foregoing purposes and all the powers of non-profit corporations organized under the laws of the State of New Hampshire. The operation of the Organization shall be vested in a Board of Directors. The Board of Directors shall supervise and control the business, property, and affairs of the Organization except as otherwise provided by law, the Articles of Agreement of the Organization, or these Bylaws.

Section 2 AFFILIATION

The Organization is a subsidiary of the Executive Board of Directors of Hawks House and will be governed according to its rules and regulations. It is further assumed that since the program is a non-profit, and both affiliations operate under the general provisions of service to athletics, that there are no existing conflicts of policy.

The Organization as a party in affiliation with a league will be governed according to its rules and regulations. In the event a conflict of policy should arise, the Merrimack Hawks policies shall take precedence over the regulations of the league affiliated with the Merrimack Hawks until satisfactory resolution can be obtained. It is further assumed that since the program is a non-profit, and both affiliations operate under the general provisions of service to youth, that there are no existing conflicts of policy.

Section 3 LIMITATIONS

The Organization shall not discriminate based on age, race, color, religion, sex, disabilities, financial status, or national origin (i) in the persons serviced, or in the manner of service; (ii) in the selection of members; or (iii) in the membership of its Board of Directors.

The Organization shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity that would invalidate its status as a corporation which is exempt from Federal income taxation as an organization described in Section 501 (c) of the Internal Revenue Code of 1986, or any successor provision.

The Organization is not organized for pecuniary profit and shall not have any capital stock. No part of its net earnings or of its principal shall ensure to the benefit of any officer or director of the Organization, or any other individual, partnership or corporation, but reimbursement for expenditures or the payment of reasonable compensation for services rendered shall not be deemed to be a distribution of earnings or principal. No substantial part of the activities of the Organization shall be carrying on propaganda or otherwise attempting to influence legislation or candidates for public office.

Section 4 BOARD OF DIRECTORS

The Board of Directors shall consist of seven (9) members, (7) elected members of the organization and two (2) ex-officio Members at large. No single individual may occupy more than one directorship at any given time.

- * President
- * Vice President
- * Cheer Coordinator
- * Treasurer
- * Fundraising Coordinator
- * Program Administrator
- * Assistant Fundraising Coordinator
- * 2 Members at Large (non-voting position)

Article III MEMBERSHIP

Section 1 PARTICIPANTS

A participant is defined as a youth enrolled with the Organization who has met all registration requirements within the current fiscal year.

Section 2 ELIGIBILITY

Membership is open to all parents and/or guardians of Merrimack Hawks participants, as well its Board of Directors, coaches, and volunteers who live in Merrimack and/or have a participant registered with the Organization within the current fiscal year.

Section 3 REGISTRATION

Each participant must meet all registration requirements as set forth by the Board of Directors and any league affiliation within the current fiscal year. The Board of Directors will review and set these requirements and fees annually.

Section 4 SCHOLARSHIPS

In cases of financial hardship, the President and Treasurer may grant discounts for these registration fees. The parent or legal guardian will submit the application.

Section 5 JENNIFER LAFOND SCHOLARSHIP FUND

After the first year of incorporation, the Merrimack Hawks lost one of our original cheerleading coaches and parents, Jennifer Lafond. With permission from Jennifer Lafond's family, Merrimack Hawks is honored to offer the Jennifer Lafond Scholarship annually to a graduating senior that has been active in the Hawks organization. The Merrimack Hawks will provide an application which will be collected, reviewed by, and voted on by the Hawks board of directors and/or the family of Jennifer Lafond. The chosen recipient will receive a \$500 scholarship.

Article IV MEETINGS

Section 1 MEETINGS

Regular meetings will be held once per month. Each meeting will be publicized on the Organization's public calendar of events at least 48 hours in advance detailing the date, time, and location of the meeting. Hawks meetings will be conducted according to Robert's Rules of Order. Regular meetings are open to all members. A quorum shall consist of two-thirds (2/3) of the Board of Directors.

Section 2 VOTING

The Board will follow Roberts Rules of Order. The voting member must be an elected member of the Board of Directors of the Organization in the current fiscal year and must be eighteen (18) years of age or older. A voting member is entitled to one vote. A voting member present may vote via voice, hand, or written voting.

Section 3 PROXIES

Each voting Board member shall be entitled to one vote in person or vote by proxy in written form, which can be withdrawn at any time. The proxy must be specific to the vote or votes to be cast. A request for vote via proxy must be submitted in writing to the President and Program Administrator prior to the start of a meeting.

Section 4 ANNUAL MEETING

The Annual Meeting of the Hawks shall be held in accordance with Article IV in January each year to elect the Organization's Board of Directors. Any member of the organization is considered a voting member of the Merrimack Hawks for the purposes of this election.

Section 5 SPECIAL MEETINGS

Special meetings may be called in accordance with Article IV. A special meeting may be called by affirmative vote of half of the Board of Directors plus one, or by a written request by a minimum of six (6) members of the Organization. The Program Administrator must notify the Board of Directors in writing of such a meeting and its agenda. Two-thirds (2/3) of the Board of Directors present is required to carry any motion at the special meeting. Discussion will be limited to consideration of the matter which has caused this meeting and nothing more.

Section 6 PRESENTATION OF BUSINESS

Any person may present Hawks business for consideration to the President of the Board of Directors at least 48 hours' notice prior to the scheduled board meeting.

Article V BOARD OF DIRECTORS

Section 1 ELECTION

All members intending to run for a position on the Board of Directors shall submit written intent to at least two members of the Board of Directors not less than five (5) days prior to the next regular or annual board meeting. The members on receipt of the intent are responsible for submitting at least one acknowledgement to the submitting party and submitting their intent for inclusion on the ballot. Balloting for each position will be handled individually. The winner will be the person obtaining the most votes. A tie vote will be resolved by a re-balloting between the tied nominees. The newly elected officers will assume office following the conclusion of all old business at the annual meeting and hold said office for their respective term. All elections will be conducted by secret ballot, unless otherwise determined by unanimous choice.

Section 2 VACANCIES

Any newly created positions and any vacancies on the Board of Directors arising at any time and from any cause shall be advertised within ten (10) days and may be filled at any regular meeting by a majority vote of the members of the Board of Directors then in office. A member of the Board of Directors elected to fill a vacancy shall serve for the unexpired term of the predecessor in office.

Section 3 DUTIES

The Board of Directors' primary responsibility is to promote the mission of the organization. Additionally, they

- Will mitigate risks and protect the assets of the Organization;
- Will establish and approve an annual budget;
- Will establish sources of revenue and support the raising of funds through various activities held throughout the year
- Will treat volunteering through HawksCares as a priority of the organization
- Will review the Organizations bylaws and Articles of Incorporation annually for any necessary changes
- Each member of the Board of Directors will keep pertinent records of his/her position to be passed on to the individual assuming each position prior to or at the Annual Meeting
- Will attend all meetings

Section 3.01 PRESIDENT

The President is a position on the Board of Directors which will be elected every 3 years starting 2025. The President is the Chief Executive Officer of the organization, responsible for coordinating the activities of the Board including calling and presiding at all meetings and shall exercise general supervision over the activities and welfare of the Program. In partnership with the Vice President, the President will be responsible for ascertaining that all Hawks business remain within the duly ratified articles of these bylaws. The President will work closely with all board members to support their efforts throughout the year including the Treasurer, supporting the annual audit of the books, budget formulation for the following year, and monitoring spending during the existing year. Together with the Cheer Coordinator, the president will obtain practice space for all teams and act as the representative liaison to the selected affiliated league for the Organization. The President is responsible for attending all affiliated league local and regional meetings. The President will fill any elected or non-elected position vacated for any reason. The President is an ex-officio member of all committees. The President is responsible for owning the relationship of the Merrimack Hawks with

the Merrimack School District. The president is responsible to handle all escalations for the organization, including mediating parent conflicts. The Program Administrator will work closely with Merrimack High School for the submission of the Jen Lafond Scholarship into their scholarship offerings.

Section 3.02 VICE PRESIDENT

The Vice President is a position on the Board of Directors which will be elected every 3 years starting 2026. The Vice President shall, in the absence of, perform all duties and assume all responsibilities of the President. The Vice President is responsible for keeping the bylaws and conflict of interest up to date and approved by the board. The Vice President will work closely with the Fundraising Coordinator providing leadership & direction as needed, including assisting with annual documentation, strategy, and assisting with all efforts as deemed appropriate by the Fundraising Coordinator, including any necessary escalations. The Vice President will also work in partnership with the Community Engagement Coordinator assisting them with HawksCares, maintaining media platforms, and any other duties deemed appropriate by the Community Engagement Coordinator. In partnership with the President, the Vice President will also be responsible for ascertaining that all Hawks business remain within the duly ratified articles of these bylaws. The Vice President will work with the President and Treasurer to ensure all necessary state filings are completed on an annual basis. The Vice President shall perform additional duties as assigned by the Board.

Section 3.03 CHEER COORDINATOR

The Cheer Coordinator is a position on the Board of Directors elected every 3 years starting 2026. The Cheer Coordinator is responsible for coordinating the cheer program including all facets of organizing squads, assembling, and training coaching staff, and following all the league's rules and regulations. They will work closely with the President to ensure all coaches and board members receive proper training and certifications as deemed appropriate for their specific roles. The Cheer Coordinator is responsible for obtaining the Board's approval on their coaching selections, which should be supported by prior coaching experience and/or prior year evaluations. The Cheer Coordinator directly supervises all coaches, assistants, and the youth of the cheerleading Program. The coordinator will be responsible for submitting rosters to the Program Administrator in accordance with the timing and criteria requirements, as well as making the arrangements and completing the necessary paperwork for practices and all competitions. The Cheer Coordinator will be responsible for organizing all uniform orders for the organization. He/she will also be the last point of approval for all gear and uniform vendors. He/she will be available to assist the President in any cheerleading grievances. The Cheer Coordinator shall perform additional duties as assigned by the Board. The Cheer Coordinator will act as second owner to the relationship of the Merrimack Hawks with the Merrimack School District. The Cheer Coordinator is an ex-officio member of all committees and will act as the representative liaison to the selected affiliated league for the Organization.

Section 3.04 TREASURER

The Treasurer is a Board of Directors position elected every 3 years starting 2026. The Treasurer shall maintain all records of a financial nature for the Organization. The Treasurer shall have authority to write checks and use the business debit card or credit card to pay for expenses related to the Merrimack Hawk organization throughout their Board of Director term. The Treasurer can reimburse expenses incurred directly by the Board of Directors and/or Coaching staff through an expense process approved by the Board of Directors. The Treasurer will collect all funds and disburse or deposit as appropriate in accordance with the actions of the Board and/or as outlined in the program budget. The Treasurer will be responsible for any annual audit of the books, to determine the budget for the following year, and monitoring spending during the existing year for

the entire Organization. The Treasurer will present to the Board of Directors all invoices scheduled for payment that fall outside of the approved annual budget. The Treasurer and President will create and present to the Board for final approval the Annual Budget. The Treasurer shall perform additional financial duties as assigned by the Board. The treasurer will provide a treasurer's report at each monthly meeting to be approved by at least half of the Board of Directors present plus one (simple majority).

Section 3.05 FUNDRAISING COORDINATOR

The Fundraising Coordinator is a Board of Directors position elected every 3 years starting 2025. The Fundraising Coordinator will develop an annual plan to achieve the revenue goals and objectives less any anticipated registration fees as set forth by the Board in the adopted annual budget. He/she will present these fundraising activities to the Board for approval according to the Program registration needs. He/she, along with the Vice President is responsible for submitting detailed reports showing monies spent and received for each fundraiser. The Fundraising Coordinator shall perform additional duties assigned by the Board.

Section 3.06 ASSISTANT FUNDRAISING COORDINATOR

The Assistant Fundraising Coordinator is a position on the Board of Directors elected every 3 years starting 2026. The Assistant Fundraising Coordinator shall assist with any tasks deemed appropriate by the Fundraising Coordinator.

Section 3.07 PROGRAM ADMINISTRATOR

The Program Administrator is on the Board of Directors, elected every 3 years starting 2025. The Program Administrator maintains the league's team records to ensure all proper documentation resides in each of the respective team books in both physical and digital files as needed. The Program Administrator will be the primary point of contact and handle all application administration of software associated with the program, including Office365 used by the Board of Directors, and any additional rostering software. The Program Administrator be responsible for ensuring all athletes are in compliance with documentation at the start of the season & will coordinate times with the league's point of contact for review of the organization team books. The Program Administrator is responsible for ensuring that all facets of the Organization are covered by insurance and the background checks of the Board of Directors and each coaching staff. The Program Administrator shall work alongside Administrative Assistant within the Hawks House to take all meeting minutes, which shall include all actions taken by the Board and attendance at such meetings. Meeting minutes should be approved, at the start of the following meeting, by at least half of the Board of Directors present plus one (simple majority). The Program Administrator will assist the President in preparing the agenda for upcoming meetings, keeping track of action or discussion items that were discussed for upcoming meetings. Records shall be kept by the Program Administrator for meeting minutes, agendas, and correspondence alongside the Hawks House Administrative assistant. The Program Administrator will act as the primary contact for all Scholastics. This includes collecting report cards, reviewing them for academic eligibility, and the computation and submission of the Organization's scholastics in accordance with the rules and procedures as delineated by regional and national organizational rules. The Program Administrator shall perform additional duties as assigned by the Board.

Section 3.08 MEMBER-AT-LARGE

The Member-at-Large shall have been an active member of the Program and served at least one term on the Merrimack Hawks Board of directors so that he/she may serve the Board in an advisory manner. The Member-At-Large shall attend all Board meetings, provide historical information and

support and mentor new Board members. The Member-at-Large shall support the organization through other duties as assigned by the Board.

Section 4 REMOVAL

Any Director may at any time be removed from the office for any cause deemed sufficient by the Board of Directors at a meeting of the board with notice of specified proposed removal, by vote of two-thirds of the full number of Directors then in office. In addition, two absences from regular meetings of the Board shall constitute an automatic resignation without any further action of the Board of Directors, unless the President has excused the absences.

Article VII FISCAL POLICIES

Section 1 FISCAL PERIOD The Merrimack Hawks shall operate on a fiscal period running from April 1 to March 31.

Section 2 METHOD OF DISBURSEMENT

Funds disbursed by the Merrimack Hawks in excess of the annual registration fee for the current year, shall be made by cash, check, credit card or electronic payment and pre-approved by the board of directors in accordance with Section 3 Disbursement Authorization. Disbursements equal to or less than the current year's annual registration fee may be made by cash, credit card, check or electronic payment. Cash disbursements must be accompanied by a receipt signed by the payee and payer.

Section 3 DISBURSEMENT AUTHORIZATION

All expenditures in excess of the current year's annual budget shall receive prior written approval at a Special or Regular Meeting of the Board of Directors by at least half of the board of directors present plus one (simple majority). Any expenditures disbursed without prior approval by the Board of Directors shall be presented at the next Regular Meeting of the Board of Directors by the respective party or Treasurer and documented in the monthly meeting notes. If the President submits an expense for reimbursement, it will be approved by the Treasurer and the Cheer Coordinator. If the Treasurer submits an expense for reimbursement, it will be approved by the President and Cheer Coordinator. Any other board member submitting an expense for reimbursement must gain approval by the Treasurer and at least one additional board member. All requests for reimbursement must be accompanied by receipts and justification for the expense. The Treasurer may maintain a petty cash fund of up to the amount of the current year's annual registration fee plus twenty dollars.

Section 4 FUNDS

Any funds raised or donated to a specific team or travel fund shall be placed into the Merrimack Hawks general fund to be distributed equally amongst eligible teams.

Section 5 PROPERTY

Property shall predominantly include cheerleading equipment and program awards. Other property includes merchandise, consumer goods and equipment, and general administrative equipment and supplies. Property shall also include anything approved by the Board of Directors as a significant benefit to the Organization.

Section 6 BUDGET

Revenues will include the funds raised from participant fees (including late registration fees), fundraising, sponsorship, merchandise and donations. Expenditures will include the purchase of operating goods, services, supplies and equipment; procurement of insurance coverage; league and tournament fees, and participant financial assistance. Purchasing of capital equipment shall be in accordance with the Organization's three (3) year Capital Improvement Plan.

Section 7 INSURANCE

The Organization shall make the necessary arrangements to obtain and/or ensure insurance coverage for participants, coaches, and members of the Board of Directors, as well as to protect the Organization's property, equipment, and interests.

Section 8 INDIVIDUAL RESPONSIBILITY

The Organization shall never pay, assume, or become responsible for personal or unapproved debts, liabilities, or purchases of any one individual or individuals affiliated with the Program, unless in accordance with Section 3 Disbursement Authorization.

Article VIII AWARDS AND RECOGNITION

The awards and recognition philosophy of the HAWKS shall be that proper recognition, and reward can be provided for HAWKS participants by allowing them the opportunity to play the various sports without over-emphasis on the winning of individual or team awards.

*No adult HAWKS awards will be given without approval of the Board of Directors except for awards provided by the league affiliation of the Merrimack Hawks.

* Recognition through non-monetary avenues shall be awarded to sponsors and no other monetary award shall be given.

Article IX RATIFICATION

These bylaws shall become effective immediately upon acceptance by a two-thirds (2/3) vote of the membership attending the special ratification meeting, properly advertised for this stated purpose. No other business will be allowed unless a motion to the contrary is proposed and carried by a two-thirds (2/3) vote of the membership in attendance.

Article X AMENDING THE BYLAWS

Amendments to these bylaws may be presented in writing by any member at any regular meeting. A majority vote of the members at that meeting is required in order to present this amendment for a majority vote at the annual review of the bylaws. Members must be advised as to how the amendment reads and as to the date and time of the ratification meeting (special meeting). An affirmative two-thirds (2/3) of the total votes cast by the members of the Board of Directors at the ratification meeting is required to ratify the amendment.

Article XI DISSOLUTION Upon dissolution of the Merrimack Hawks, the Board shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, or athletic purposes as shall at the time qualify as an exempt organization under 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future US Internal Revenue law), as the Board of Directors shall determine. Such assets not so disposed of shall be disposed of by the Superior Court of Hillsborough County (or the court of general jurisdiction in the county in which the principal place of business of the corporation is located at the time of such dissolution)

exclusively for such purposes or to such organization or organizations, as the said court shall determine, which are organized and operated exclusively for such purposes.