

BENGALI ASSOCIATION OF GREATER NASHVILLE-CONSTITUTION

BENGALI ASSOCIATION OF GREATER NASHVILLE

CONSTITUTION

(Including Amendments of March 6, June 26, 1993; March 30, 1996; February, September 4, 1999; January 2001; July 27, 2003; March 24, 2007, June 09, 2007, March 19, 2011)

INTRODUCTION

We, the Bengalees living in the Greater Nashville area and having roots in Indian subcontinent, decided to unite among ourselves for the purpose of celebrating common traditional festive occasions, to foster friendship, goodwill, and cooperation between ourselves and other members of the community at large. We have resolved to form an association by agreeing to and adopting the rules, principles, and objectives stated in this constitution.

Bengali Association of Greater Nashville will abide by the following provisions:

- A. Bengali Association of Greater Nashville is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code.
- B. No part of the net earnings of Bengali Association of Greater Nashville shall inure to the benefit of, or to be distributable to its members, trustees, officers, or other private persons, except that Bengali Association of Greater Nashville 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 the purpose clause hereof. No substantial part of the activities of Bengali Association of Greater Nashville shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and Bengali Association of Greater Nashville 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. Notwithstanding any other provision of this document, Bengali Association of Greater Nashville shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

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- C. Upon the dissolution of Bengali Association of Greater Nashville, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of Bengali Association of Greater Nashville is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Article 1: Name

This Association will be known as Bengali Association of Greater Nashville (BAGN).

Article 2: Office

The office of the Association may be at any place designated by the Coordinating Committee (CC).

Article 3: Membership

A new category "Term Membership" is added and the category "Life membership" is depleted effective April 1, 2011. The new "Term Membership" will

- 1) be valid for 10 years.*
- 2) be void if the term member fails to attend at least one BAGN sponsored event or meeting in three consecutive years. Any exception to this may be evaluated by current CC members.*
- 3) have all other benefits and privileges of Annual Membership.*
- 4) The Life Members of BAGN will continue to have their benefits and privileges. However their membership will be voided, if they fail to attend at least one BAGN sponsored event or meeting in three consecutive years. Any exception to this, including full re-payment of their original amount, may be evaluated by current CC members.*

Any individual, *irrespective of his/her age, color, race, ethnicity, religion, and country of origin*, who is in agreement with the rules, bylaws, principles and objectives of the Association may become a ~~Life Member~~, *Term Member*, Annual Member, or a Student Member upon payment of appropriate dues. The membership dues for each year will be fixed by the General Body. Dependent members of the family or household of a *Term Member (Family)*, Annual Member (*Family*), or Student Member (*Family*) are included in the membership of the Association.

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Dependent members will include the following:

- 1) *Parents, who are of, around senior citizen age or older, or*
- 2) *Children staying with the working parents and below 25 years of age.*

Only adult members (eighteen years or older) are eligible to vote in the Association's elections.

Article 4: Organization

The Association will be composed of the following:

- A. General Body, which is the supreme body, shall consist of ***Term Members***, Annual Members and Student Members who have paid their dues for the current fiscal year. ***The General body will also include existing Life Members.***
- B. Coordinating Committee (CC) will be elected by Life Members, ***Term Members***, Annual Members and Student Members, and will be responsible to the General Body. The CC will consist of seven members elected annually at a General Body Meeting by majority vote. General Body shall ensure the transparency and accountability of CC activities within the framework of BAGN constitution.
- C. The term of office of the CC will be for one fiscal year. The CC shall consist of (1) Chairperson, (2) Secretary, (3) Treasurer, and (4) Four Functional Committee Coordinators, namely, (a) Festival, ~~and decoration~~ (b) Food, ~~and facility~~ (c) Cultural, and (d) Publication and Fund-raising/***Collection.***
- D. Major responsibilities of members of the CC and their eligibility shall be as follows:
- E. ***Chairperson:*** A bonafide member of BAGN above the age of 21 years, who has been a member of BAGN for at least three ***consecutive*** years ***and has served at least once in the BAGN CC,*** is eligible for the post. He/she will provide leadership, direction, and maintenance of discipline in the CC. Other members of the CC shall discuss issues under his/her chairpersonship or the secretary in his/her absence. ***He/she will manage Facility and may form a subcommittee for this purpose, at his/her sole discretion. The chairperson will also be the assigned person for the State of Tennessee grant matters.***
- F. ***Secretary:*** A bonafide member of BAGN above the age of 21 years is eligible for the post. He/she will be responsible for taking suggestions from members, schedule meetings of the CC, be liaison for the members of the Functional

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Committee, plan, support and organize functions of BAGN. He/she will draft and will maintain all minutes of the meetings, maintain all records, memos, announcements and all other references in his/her office files. These may be presented in the General Body meeting of the members for approval, when necessary. He/she will communicate final decisions, announcements or plans through publications to the members of the CC, approved by the Chairperson of the CC. ***He/she will be responsible for Decorations in all events, if necessary, and may form a subcommittee for this purpose.***

- G. Treasurer: A bonafide member of BAGN above the age of 21 years, who has been a member of BAGN for at least three years, is eligible for the post. He/she will be responsible for maintaining financial accounts, inclusive of income & expenses and ***filing Income Tax to IRS***. He/she will be entitled to sign checks for payment, as decided by the CC and approved by the Chairperson. He/she will support the auditor for auditing at the end of the year, and coordinate with him/her by all documents, as required. He/she will draft final Income-Expense Report for General Members' approval at the next General Body Meeting.
- H. Functional Committee Coordinators are of: a) Festival, ~~and decoration~~ (b) Food, ~~and facility~~ (c) Cultural, and (d) Publication and Fund-raising/Collection. A bonafide member of BAGN above the age of 21 years is eligible for each post. The Functional Committee Coordinators shall assist the Secretary/Chairperson of CC in planning, organizing and executing their particular responsibilities. The Secretary of CC must be kept informed of their respective activities. Functional Committee Coordinators will report to the Secretary regarding their updated activities or progress for reporting to the General Body.
- a. Functional Committees Coordinators shall form their own functional group in their respective field of operation for the year. The members of the groups shall be adult bonafide member ***of BAGN***, but not be members of the CC. ***For any special and/or Mega event exceptions can be made.***
- b. Regarding policy matters and the contents of BAGN Web site, only the Chairperson and the Secretary of CC are authorized to communicate with BAGN members and others. Webmaster will be selected by the CC to work per CC guidelines under direct supervision of the Chairperson. The duties of the webmaster include updating and technical maintenance of the website.
- I. No CC members can serve on the committee more than two consecutive years. After a break of one year, he/she can be re-elected as a CC member.
- J. BAGN will sponsor various cultural programs in a year, such as, picnic, festive celebrations, social and cultural programs, and volunteer services, as determined

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by the CC/General Body. To ensure greater participation of the Bengali community of Greater Nashville, e-mail communications should be sent about these programs to all members of the community, irrespective of the membership status.

- K. No member is allowed to use BAGN name for personal use. *The group email list of BAGN should only be used by current Secretary with approval of the Chairperson and/or CC.*
- L. Any unresolved conflict(s) or issue(s) within the CC must be resolved by the majority vote in the CC meeting. Any unresolved issues should be brought to the General Body meeting for final resolution.

Article 5: Election

- A. General Body will elect three (3) Nominating Committee members on Election Day. Only names of adult BAGN members who are present can be proposed. In case more than three names are proposed, an election will be held by secret ballots. Nominating Committee members will then elect the Chairperson on that day.
- B. The tenure of the Nominating Committee will be for one fiscal year, same as the CC. They will nominate candidates, excluding themselves, for the next CC and also for interim vacancies of current CC. Forty five (45) days before General Election Day; Nominating Committee shall propose to the current CC the names of at least one candidate for each of seven (7) positions of the CC for the next year.
- C. In addition to the slate of candidates nominated by the Nominating Committee, any General Body member can nominate other members for any of the seven positions in the CC, with the permission of the candidates whose names are proposed, and must be seconded by another member of the BAGN. The Chairperson of the CC must receive all these nominations 30 days before the General Election Day.
- D. Election for the CC will be held during the second or third weekend of March of each year.
- E. Besides life members, the members who have paid their dues by January 7 of the fiscal year will be voting members for the election of the CC.

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- F. A list (ballot) of the candidates proposed by the Nominating Committee and the General Body members for each category (7) of the CC shall be provided to the bonafide General Body members for casting their votes. The ballots of those who vote for more than one candidate in one category will be automatically canceled for exceeding the limit.
- G. Members shall be allowed to cast their votes in absentee ballots by the US Mail only. Ballots must reach BAGN P.O. Box 48 hours before the Election Day. Absentee ballots will be opened before the election officer on the Election Day. If a member is going to be absent on Election Day, he/she can request CC for absentee ballot paper to cast his/her absentee ballot at least 15 days before the Election Day.
- H. Three Election Officers, appointed by the CC, will conduct the elections. The decisions of the Election Officers will be final and binding. Counting of votes will be open and conducted by the Election Officers only.
- I. Campaigning for the nominations from the floor during the election is not allowed.

Article 6: Meeting and Business

- A. The Chairperson of the CC will call the meetings of the CC. The Secretary of the CC will coordinate the activities of the CC. Any written suggestions from the General Members should be discussed in the meeting of the CC. Final decision of the CC on the suggestions should be communicated to the requested member. At the discretion of the CC, suggestions may be put before the General Body for approval/disapproval.
- B. The CC will call the General Body meeting at least two times in a year, excluding the Election Day. One General Body meeting will be held ~~on the Picnic Day~~ ***either around the month of May or at any other suitable date at the sole discretion of the CC*** for the planning of activities of the new fiscal year. At this meeting, the ***out-going*** ~~ex~~-Treasurer will present the year-ending account, along with the audit report for approval and the new Treasurer will propose the budget for the current fiscal year for the approval by the majority of the members of the General Body. There will be another General Body meeting, at least three months before Durga Puja, where main discussion shall be on matters of Durga Puja celebration. Durga Puja is the main festival of the year. This important meeting is to encourage general members for their active involvement and constructive input. General Body can suggest additional members in the Functional Committee for the function.

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- C. The agenda of the General Body meeting will be proposed by the CC. Inputs for the agenda from the general members will be considered, if received at least five days before the meeting; but inclusion may be at the discretion of the CC. The agenda should include a "miscellaneous" item related to BAGN. The minutes of the meeting will be recorded by the Secretary and validated by the Chairperson of the CC for approval at subsequent General Body meetings. The minutes of the meetings will become the property of the Association.
- D. Twenty percent of the total strength of the membership may request the CC to call a General Body meeting at any time. The meeting should be for discussion of any issues important to the Association. The meeting will be called 6 weeks of the receipt of the notice.
- E. For a General Body meeting, twenty percent of the total strength of the membership will constitute a quorum.
- F. All decisions and resolutions will be made by the majority vote of the members present in the meeting. The notice of the General Body meeting should be dispatched at least one month before the date of the meeting to encourage maximum participation. Under exceptional or rare circumstances, a special General Body meeting may be called by the Chairperson of the CC for input from the members.

Article 7: Fiscal Year

Each Fiscal Year of the Association will begin on the first day of April and end the thirty-first day of March of the next year.

Article 8: Registration

- 1) The association is incorporated as a nonprofit organization in the State of Tennessee.
- 2) *The association is a registered member of TFTA (Tennesseans For The Arts).*
- 3) Donations/contributions to BAGN *are* Income Tax exempted.
- 4) *Any purchase for the use of BAGN is Sales Tax exempted.*

Article 9: Amendments

Amendment of the constitution may be initiated by the General Body by electing an Amendment Committee. The Amendment Committee shall submit the

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proposed amendments to the Chairperson of the CC by the assigned date. The CC in turn will present them to the General Body one month before the General Body meeting for their consideration. All or part of the proposed amendments of the article(s) of the constitution must be approved by at least 75% members present at the General Body meeting. All approved changes shall be incorporated in the constitution.

Article 10: Funds

- A. The CC will designate the custodians of money and property belonging to the Association. Depending on the availability of the fund, the properties of BAGN, excepting idols should be put in a self-storage facility. The outgoing CC will make an inventory list of all the properties and must handover to the Treasurer of the newly elected CC of the next fiscal year on or before March 31 of that year. The money will be deposited in a bank for safekeeping. The CC will be the Trustee of the Association for the funds and property. There must be a year-end audit of the annual account of BAGN.
- B. Other than the regular events, the CC is allowed to spend a total of \$500 in other expenses for their current fiscal year, without the approval of the General Body.
- C. The surplus money should be deposited in the Certificate of Deposit Account (CD) of the bank. This money will be used only when necessary towards new idols (Pratima), new sound systems, or any other items, with the approval of the General Body.
- D. Treasurer will submit the financial report (*unaudited*) of that current fiscal year by 31st March, which will cover the income and expenses of the fiscal year, to the elected new Treasurer. All statements of the bank account, documents of the CDs, Check Books and all finance related documents must be handed over to the newly elected Treasurer of the next fiscal year committee on March 31 of every year.

ADOPTION:

We, the members of the Bengali Association of Greater Nashville, having faith in the Bengali Culture and in the values enshrined in this Constitution, had unanimously adopted this Constitution on 10/31/1992, and in witnesses whereof the members of the General Body had set and subscribed their hands as under. We approve the amendments to the original constitution (Including Amendments of March 6, June 26, 1993; March 30, 1996; February, September 4, 1999; January 2001; July 27, 2003; March 24, 2007 and June 9, 2007). We also hereby approve the latest amendments in the constitution in the General Body meeting held on *March 19, 2011* by *XX%* vote.

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A copy of the present version of the constitution should be mailed to the following agencies:

- 1) Internal Revenue Service
- 2) The Secretary of State, Tennessee State Government.
- 3) The Department of Finance, Tennessee State Government