

# TAMIL MANRAM CONSTITUTION

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## Article I - Name

The name of the organization shall be 'TAMIL MANRAM' or 'TAMIL ASSOCIATION', or 'BAY AREA TAMIL MANRAM' hereinafter called the Association.

## Article II - Objectives

### Section - 1

The Association shall be a nonprofit, non-political, and nonpartisan organization. The Association shall have the following objectives:

1. Serve the Tamil community in the Greater San Francisco Bay Area.
2. Promote knowledge of Tamil and Tamil culture among those who are interested.
3. Collect and circulate educational materials related to Tamil language, culture and traditions.
4. Arrange Tamil literary, cultural and social functions of interest among Tamils living in the Bay Area.
5. Provide forums to openly discuss topics affecting Tamil language and culture.
6. Nurture performing arts by providing opportunities and platform to bay area residents to showcase their talents.
7. Promote Tamil related music, dance, drama, literary debates and lectures.
8. Support IRS recognized non-profit charitable organizations and raise funds for non-religious charitable purposes.
9. Treat all religious organizations equally without participating in religious rituals.

### Section - 2

No substantial part of the activities of the Association shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the Association shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

### Section - 3

The Association shall abide by the California State Corporates Code for Non-Profit Organizations for all matters not explicitly covered in this Constitution.

### Section - 4

The Association shall not promote or discriminate against any person, population group, or organization with regard to categories protected by applicable United States law. These include, but are not limited to race, color, religion, caste, ancestry, sex, gender

expression, pregnancy, physical appearance, language, educational background, national origin, age, disability, and veteran status.

### **Article III – Office**

The Association shall function in Northern California, primarily in the San Francisco Bay Area. Till such time a permanent office is established a P.O. Box shall be used for all mail correspondence.

### **Article IV – Affiliation**

#### **Section – 1**

1. The Association shall remain as a sister organization to Tamil Cultural Center.

#### **Section – 2**

Each year the current Executive Committee of the Association shall decide on becoming a member of or renewing membership of other organizations that meet all the following criteria:

- Must be non-religious
- Must be non-political
- Must be IRS recognized non-profit organization

Minimum membership in those organizations may go past December 31 when the term of the committee ends.

#### **Section – 3**

1. Each Executive Committee shall decide the working relationship with other non-profit organizations including religious organizations subject to the limitations specified in Article II.
2. The Executive Committee shall announce in the newsletter the decision to become a member, renew membership, or cancel membership of another organization to the Tamil community.

### **Article V – Membership**

#### **Section – 1**

1. Membership in the Association shall be open to anyone interested in Tamil and Tamil

- culture, and who is at least eighteen years of age.
2. Anyone who resides outside the San Francisco Bay Area and wants to become a member of the Association must submit a request in writing to the Secretary. The Executive Committee holds the rights to revoke the membership of those who are not residents of San Francisco Bay Area.
  3. Members shall renew their membership even if they do not continue to reside in the Bay Area.

### **Section - 2**

1. The Association shall have the following classes of membership: Annual, and Lifetime.
2. Both Annual and Lifetime membership can be either for an individual or family.

### **Section - 3**

The initial membership fees shall be as follows:

1. Annual - \$40
2. Lifetime - \$200

Membership fees shall not be increased or decreased by more than ten per cent in any year without approval by the two thirds of the members of the Association through Constitutional Amendment.

### **Section - 4**

Term of membership shall be subjected to following rules:

1. Term of Annual membership shall be 365 days from the date of becoming a member or renewing the membership
2. Term of Lifetime membership shall be for lifetime of the longest living spouse.
3. Dues shall be paid at the beginning of each term. Membership shall take effect when the membership dues for the term have been paid and will be effective until the end of the term.
4. Membership is not transferable.

### **Section - 5**

Upgrading a membership is allowed by paying the difference in the membership fees if the upgrade happens before the current membership expires. To upgrade from Annual to Lifetime pay \$160.

### Section - 6

Membership bestows following rights and privileges:

1. Eligibility to participate in all the Association activities for each individual covered by paying appropriate participation fees as required by the Executive Committee.
2. Voting rights
  - a. One vote is allowed per member irrespective of membership class.
  - b. Anybody who wants to exercise their vote must be a member of the Association at least 10 days prior to the date of the election and the membership must be active on the day of the election.

### Section - 7

Members can forfeit their membership at any time. They must convey this to the Association in writing. Membership fee shall not be refunded under any circumstances.

### Section - 8

Constitutional amendment is required to change Membership classes and other associated rules defined above.

## Article VI – Officers and Executive Committee

### Section - 1

The association shall have six officers elected annually by the general membership. Their titles are as follows: President, Administrative Vice President, Cultural Vice President, Treasurer, Secretary and Convener.

### Section - 2

The Executive Committee shall have seven voting members consisting of the six officers and the immediate past President. The title for the immediate past President shall be Honorary Member. The President with the approval of the Executive Committee may appoint non-voting members for executing specific tasks.

### Section - 3

The term of officers and the Executive Committee shall be for one year from January 1 to December 31

### Section - 4

Any one person shall not serve as the President for more than two terms. The two terms may be consecutive. The candidate shall go through the normal election process to

become the President for each term.

### Section – 5

1. If the President leaves the committee midterm, Administrative Vice President shall become the President for the remaining period. If Administrative Vice President leaves the committee midterm, the Secretary shall become the Administrative Vice President for the remaining period. If the Secretary leaves the committee midterm, a new Secretary shall be appointed by the Executive Committee for the remaining period by a simple majority vote.
2. If the Honorary Member leaves the committee midterm, the Executive Committee by a simple majority vote shall appoint one of the past Presidents of the Association to serve for the remaining period. If one of the past Presidents is not available the Executive Committee by a simple majority vote shall appoint one of elected members of the previous year's committee.
3. The Executive Committee shall appoint officers for any midterm or temporary vacancies by a simple majority vote.

### Section – 6

The President

1. Shall be responsible for initiating and running all activities of the association.
2. Shall preside over, or arrange a master of ceremonies for all functions.
3. Shall have the authority to appoint subcommittees to carry out any activities of the Association.
4. Shall represent and act as the Executive Officer of the Association at public functions.
5. Shall have authority to sign documents and checks
6. Shall serve in the board of Tamil Cultural Center

### Section – 7

The Administrative Vice President

1. Shall carry out the activities of the Association in the absence of the President
2. Shall assist the President in accomplishing the purposes of the association
3. Shall be responsible for community relations, bulletins, publicity, membership drives, educational and other activities.

**Section - 8**

## The Cultural Vice President

1. Shall be responsible for cultural, social, and entertainment activities

**Section - 9**

## The Treasurer

1. Shall have the authority to sign checks and operate the Association's bank accounts.
2. Shall receive and disburse all funds with the approval of the Executive Committee.
3. Shall keep accurate records of all financial transactions.
4. Shall help the Secretary to manage the membership as membership dues are received.
5. Shall prepare budgets and get approval of the Executive Committee for each event conducted by the Association
6. Shall submit financial report at every meeting of the Executive Committee.
7. Shall prepare an annual budget at the beginning of each term.
8. Shall submit an annual financial report at the General Body Meeting at the end of the term.
9. Shall transfer all undisbursed funds and account details to the successor.
10. Shall prepare and file tax returns each year as required.

**Section - 10**

## The Secretary

1. Shall be the custodian of the records, papers, minutes, Constitution and other documents of the Association except those under the jurisdiction of the Treasurer
2. Shall take and maintain minutes of the meetings of the Executive Committee and of the general membership.
3. Shall be responsible for managing the membership. This entails maintaining the membership database accurately as new members join and existing members renew their membership.
4. Shall be responsible for supporting the Election Officer in conducting the elections at the proper time.
5. Shall send out official communication of the Association to members and mailings lists
6. Shall present reports on the state of the Association at the general body meeting
7. Shall keep the Association registered with the Secretary of the State of California

and other government agencies

### **Section - 11**

The Convener

1. Shall be responsible for arranging places and equipment.
2. Shall coordinate with VP-Cultural in event logistics.
3. Shall be responsible for reception of members and of guests.

### **Section - 12**

The Honorary Member

1. Shall act as an advisor to the committee
2. Shall extend his/her knowledge gained from the experience in serving in the past committees of the Association.

### **Section - 13**

The Executive Committee of the Association shall ensure that the personal information of the individuals collected for any purpose is kept confidential.

## **Article VII - Election of the Executive Committee**

### **Section - 1**

Election shall be held no later than November 1<sup>st</sup> each year.

### **Section - 2**

The Executive Committee of the Association shall appoint an Election Officer at least 42 days prior to the date of the election.

1. The Election Officer must be a member in good standing for at least one year.
2. The Election Officer shall not be a nominee in the current election.
3. The Election Officer shall not be a member of the current Executive Committee.
4. The Election Officer shall not campaign in favor of or against any candidate; however, he/she shall have the right to vote as a member of the Association.
5. The Election Officer shall designate additional persons to carry out his/her duties.

### **Section - 3**

1. Nominations must be called for at least 35 days prior to the election by mail/email to the Association membership.
2. Nominations shall be proposed and seconded by members of the Association in good

standing.

3. All nominations shall be received at least 21 days prior to the election.
4. A candidate shall file for nomination and contest for only one post. In the extraordinary situation when the candidate needs to withdraw the nomination and file a new nomination for a different post the candidate must contact the Election Officer in writing. The Election Officer may allow this request at his/her own discretion. Such request must reach the Election Officer no later than 72 hours prior to the election.
5. All the contestants must be present in person at the precinct on the day of the election. The Election Officer shall waive this requirement if the candidate cannot be present in person due to health, family or other unforeseen emergencies.
6. The Election Officer with the help of the Secretary of the Association shall verify the membership status and eligibility of each candidate.

#### **Section - 4**

1. The Election Officer shall be responsible for collecting the campaign materials about each candidate in writing. Such campaign material shall not be more than 200 words in length.
2. The Election Officer shall be responsible for distributing campaign mails/emails of all the candidates in a single mailing to the general membership.
3. The Election Officer shall distribute not more than three campaign mails/emails to the membership. The Election Officer has the right to send additional mailings under extenuating circumstances. The Election Officer shall also publish the list of candidates in the Association's website.
4. No form of campaigning shall be conducted within 1000 feet of the place of voting on the day of the election.
5. The Election Officer is empowered to expel any person from the voting place to conduct the elections smoothly.

#### **Section - 5**

A nominee for the post of the President must have served in the Executive Committee for a full term. This can be waived if no other nomination is available. In this case the candidate preferably shall have held office in any non-profit organizations.

#### **Section - 6**

1. The candidate for each position must be a member of the Association in good standing at least 21 days prior to the date of the election and the membership must be

- active on the day of the election.
2. If no nomination is received for any position 21 days prior to the date of the election the position shall remain open.
  3. For all positions except for the President, the outgoing officer of the Executive Committee shall continue until a replacement is appointed.
  4. If no nomination is received for the post of President, newly elected Administrative Vice President shall become the President.
  5. The elected candidates must ensure that his/her membership remains paid in full during the term of their office.

### **Section - 7**

Nominees desirous of withdrawing should do so by contacting the Election Officer in writing at least 7 days prior to the election.

### **Section - 8**

1. A member of the Association must be present in person at the place of voting to be able to cast his/her vote.
2. If a member is not able to be present in person on the day of the election due to extraordinary conditions he/she must contact the Election Officer 72 hours prior to the election. The requests must include the name, address, email ID, scanned copy of State issued picture ID, contact phone number, and the reason why the member cannot be present in person. The Election Officer shall review and approve the request to allow the member vote by secure electronic form.
3. Anybody who wants to exercise their vote must be a member of the Association at least 10 days prior to the date of the election and the membership must be active on the day of the election.
4. If the membership is due to expire during the 10 day period the member shall renew the membership before it expires.

### **Section - 9**

1. Election must be conducted by secret ballot. The Election Officer is responsible for keeping the identity of each voter and ballot secret.
2. The ballot shall be in paper or secure electronic form.
3. The ballot shall contain each position contested and the names of the candidates contesting for the post.
4. The Election Officer is responsible to ensure that each member exercises his/her vote only once.
5. The Election Officer shall keep all the ballots and records for six months after the

election.

6. The Election Officer is responsible for securely destroying the paper and electronic records of the election after six months.

### **Section – 10**

Each position of the Executive Committee shall be determined by the simple majority of the votes cast.

### **Section – 11**

In case of a tie for any position the Election Officer shall determine the winner by means of coin toss. The candidate whose last name is closest to “A” shall be “heads”. If the last names are the same, the candidate whose first name is closest to “A” shall be “heads”.

### **Section – 12**

The outgoing Executive Committee must transfer assets, documents, and knowledge to the incoming Executive Committee within 30 days after the election. The outgoing Treasurer and President must transfer bank account access and signing rights to the incoming Treasurer and President within 10 business days after December 31.

## **Article VIII – Meetings**

### **Section – 1**

1. The Executive Committee of the Association shall meet at least once a month or as often as needed.
2. The meetings shall be in person or over an electronic conference.
3. At least four of the seven elected members of Executive Committee members must be present at the Executive Committee meetings.
4. Decisions made by the Executive Committee shall be considered passed only if four out of the seven elected members of the Executive Committee approves.
5. The minutes of each meeting shall be published in a server publicly accessible by any member of the Association.

### **Section – 2**

1. The General body meeting shall be held at least once a year. There shall be a General Body meeting at the time of the election for the Executive Committee.
2. At least ten percent of active members of the Association must be present at the

General Body meetings.

3. Each Member of the Association shall be notified by the Secretary in writing of the date, time, place and purpose of the meeting at the advice of the Executive Committee. Such notification shall be made at least 30 days prior to the date of the meeting.

### **Section – 3**

1. Extraordinary General Body meeting shall be called for by the Secretary with the simple majority approval of the Executive Committee.
2. Any member of the Association in good standing shall request for an Extraordinary General Body meeting with the support of at least one third of the membership of the Association. Such request must be submitted in writing to the Secretary with the proof of signatures or approval emails. The written request submitted to the Secretary must also include the member's name, address, email ID, and contact phone number.
3. Each member of the Association shall be notified by the Secretary in writing of the date, time, place and purpose of the Extraordinary General Body meeting. Such notification shall be made at least 15 days prior to the date of the meeting.

### **Section – 4**

1. Any member of the Association in good standing shall bring up a resolution at the general body or extraordinary general body meeting.
2. The resolution shall be considered approved if two thirds of the membership present at the meeting votes in favor of the resolution.

### **Section – 5**

The Association shall abide by the Robert's Rules of Order for procedures to conduct meetings not explicitly covered in this Constitution.

## **Article IX – Amendments**

### **Section – 1**

1. The Executive Committee by simple majority vote shall propose any amendment to the Constitution.
2. The Secretary shall prepare in writing stating the proposed amendments and distribute it to the general membership at least 30 days prior to the general body meeting.
3. The proposed amendment to the Constitution shall be considered approved if two

- thirds of the membership of the Association votes in favor.
4. The Executive Committee shall provide ~~an option~~ a secure electronic form for the members to provide their approval prior to the General Body meeting.
  5. The amendment shall be effective from the date when the approvals of two thirds of the membership are received.
  6. The amendment must be presented as approved in the general body meeting.
  7. Any member shall request the Secretary in writing and request to verify the approval of the amendment.

### **Section - 2**

1. Any member of the Association in good standing shall propose any amendment to the Constitution with the support of at least one third of the membership of the Association. Such request must be submitted in writing to the Secretary with the proof of signatures or approval emails.
2. The Secretary shall distribute the proposed amendment to the general membership at least 30 days prior to the general body meeting.
3. The Executive Committee shall provide an option for the members to provide their approval prior to the General Body meeting.
4. The proposed amendment to the Constitution shall be considered approved if two thirds of the membership of the Association votes in favor.
5. The amendment shall be effective from the date when the votes from two thirds of the membership are received.
6. The amendment must be presented as approved in the general body meeting

### **Article X - Management of Funds**

1. The fiscal year of the Association shall be from January 1 to December 31.
2. The Association does not contemplate pecuniary gain or profit to the members or officers and it is organized for nonprofit purposes only. The property of the Association is irrevocably dedicated to nonprofit purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any officer or member thereof or to the benefit of private individual.
3. The annual financial report shall be audited by an independent auditor.

4. All disbursements above twenty-five dollars shall be executed in the form of checks. Honorarium paid to visiting dignitaries from abroad who do not own a bank account in the USA shall be in cash. Such cash disbursement shall be made with written approval of the Executive Committee and supported by a voucher signed by the recipient.
5. All disbursements above \$2,000 must be approved by four out of the seven elected members of the Executive Committee.
6. The outgoing Executive Committee and volunteers must submit request for reimbursement within 30 days of incurring the expense..

### **Article XI – Dissolution**

Upon the dissolution of the Association, the Executive Committee shall, after paying or making provision for the payment of all of the liabilities of the Association, dispose of all of the assets of the Association exclusively for the purposes of the Association in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt organization or organizations under Section 501 ( c ) (3) of the Code as the Executive Committee shall determine, or to federal, state, or local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, such as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.