

BENGALI SOCIETY OF FLORIDA
BYLAWS Amendments Passed on Oct 28th, 2023, by members majority votes.
Location – Seminole High School, Sanford, Florida

Presidential Candidate Requirement:

To be nominated for Presidential post, the candidate must be a valid registered member of the society in a good standing order for at least last THREE consecutive years and must fulfill at least ONE other from the three following criteria. There will be No nomination for President from the floor on the election day.

- *The candidate must have served as an executive officer for at least one complete full term of an Executive Committee (EC) of Bengali Society of Florida (BSF) in the last 10 years prior to applying for a Presidential Post.*
- *Must have the approval of at least 2 Ex-Presidents of the Society or support from two of the members from Board of Trustees (BOT).*
- *Must have overwhelming approval of the member population during the nomination process. (20 plus nomination for the Presidential candidate - May call popular vote)*

Accounting process, Accounting Responsibilities, Executive Committee responsibilities & Executive Committee responsibilities to Board of Trustees:

- *The executive committee must use a recognized accounting software to do their accounting, for example, Quick books Pro.*
- *All accounting must be properly documented. All receipts for cash expenses must be kept and saved for at least 5 years.*
- *The executive committee must provide official receipts to members on written request in a timely manner.*
- *The executive committee must always maintain liability insurance. The limit for the liability should be at least one million.*
- *The executive committee must file income tax by the IRS deadline. Copy of the tax return must be provided to the Board of Trustees, uploaded in the BSF website and to any members, on written request.*

Executive Committee responsibilities to Board of Trustees:

- *President and treasurer will submit the following to the board of trustees once a year other than bank statements and balances (twice). All these reports are due Jan 1st with 30 days grace period.*
- *Submit Bank statements and balances in all accounts every 6 months.*
- *First one – Due by July 30th.*
- *Second one – Due by Jan 30th. – No grace periods.*
- *P&L statement (Jan 1st – Dec 31st) in proper accounting format.*
- *Balance sheet in proper accounting format.*
- *Account payable and Account receivable*
- *Proof of Liability insurance*
- *Provide of Tax return*
- *Proof of all bill payment status – a) insurance b) storage c) All utility bills 4) Property taxes of any BSF owned assets 5) Any other taxes & licenses.*
- *Must provide complete information on any single expenses anytime if it is over 50% of yearly budget. Must get written permission from the Board of Trustees. Board of Trustees will not unreasonably hold in providing / granting permission.*
- *If the executive committee is planning to use any funds from savings and CDs.*
- *Comply in all respects if Board of Trustees appoints auditors.*

- *If the executive committee fails to provide the following information as needed by the deadline mentioned above, then the board of trustee can officially notify the EC via email or mail, requesting all needed information within next 30 days from the grace period. Deadline Feb 15th. Same for the bank statements and balances – 30 days grace period from deadline.*

Failure to receive the requested documents, the board of trustee can appoint someone qualified from BSF members in good standing as a receiver and call for an election.

Exceptions – *The Executive Committee along with the president must communicate via email or mail and provide causes for the delay. unforeseen reason / health issue / Some personal issue. Board of Trustees, in this circumstance may provide another 30 days grace period based on their own discretion.*

Indemnification:

All members agrees to indemnify and hold harmless the society, all its past & present executive officers, its employees, agents, representatives, and affiliates from all claims, losses, or causes of action for any injury or damage to the members and his / her family, or to the property of the member's employees, agents, representatives, member's family, that is not the result of willful or wanton conduct or gross negligence on the part of the society, all its past & present executive officers, its employees, agents or representatives.

Member categories:

Annual membership is paid for every calendar year. Each BSF member is eligible for membership rates when the yearly membership is paid in full.

Only valid members with 2 years of consecutive fully paid membership have the right to vote for BSF elections.

- ***Regular Member:*** *Any self-supporting person over 18 years of age.*
- ***Member Emeritus:*** *Those individuals or couples (either spouse) who are currently.*
- *members in good standing of the Association, have been members in good standing of the Association for fifteen (15) years or longer. Members Emeritus shall be recognized in a special Member Emeritus Section in the beginning of the annual Abhijan magazine. Not eligible for any special discount other than recognitions in Abhijan.*
- ***Senior Member:*** *Any person over 65 years of age. Not eligible for any special discount.*
- ***Student Member:*** *Any self-supporting person over 18 years of age who is currently.*
- *enrolled as a full-time student in a recognized institution.*
- ***Youth Member:*** *Any person under the age of 17 years with a parent or guardian*
- *currently holding valid membership in BSF.*
- ***Sponsor Members:*** *Must pay annual memberships. Sponsor members shall be recognized officially in Abhijan magazine and may be recognized in other ways, during events, or via online or society's website publicities with the permission from Sponsors.*

Requirement to be eligible for Student membership:

Student Discount: *To qualify for the rates of Self-Supporting Student, you must say "YES" to all the following statements.*

- *I am a fulltime college student.*
- *I pay all my college expenses (Tuition and Lodging) without any help from my spouse or parents.*
- *For tax returns, I am not claimed by anybody as a dependent.*

- *I do not file joint tax returns with my spouse who is gainfully employed.*

Membership Dues / Sponsorship structures:

- *The Executive Committee has the full authority to establish annual membership fee rates and the membership structures.*
- *The membership fees are due by March 31st. However, Executive Committee can extend the March 31st deadline on their own discretions.*
- *The Executive Committee has the full authority to establish sponsorship categories and sponsorship fee structures.*
- *The Executive Committee has the full authority to establish the fee structures for any individual event throughout the year based on event budget.*
- *Any rate increase or decrease, of more than 10% from the established membership fee or the sponsorship fee structures of the previous year shall be supported by a Budget from Executive Committee.*
- *Valid members rate must be discounted or lower in amount than non-members in most events unless Executive Committee decides different for some other specific reason.*

Excused from Dues & Fees:

Executive Committee has the full discretion and can excuse / waive any dues or fees for any members under any special or unusual circumstances including financial reason / distress.

Membership Cancellation:

A member who has been convicted of a felony or who has violated any of the provision of the Charter and By-Laws of the Constitution shall be liable to censure, suspension or expulsion which shall be determined by the Board of Trustees and the Executive Committee through a voting system obtaining majority votes.

The Board of Trustees and the Executive Committee jointly have the power to cancel any membership. The Board of Trustee and Executive committee must have the majority vote among themselves before revoking any membership. Cancellation of any membership will be only allowed when there are overwhelming proofs and reasons.

In addition, the Society membership will be void and will be refused entry under following circumstances. This decision is also determined by the Board of Trustees and the Executive Committee with majority votes. There should be overwhelming or legitimate proofs and reasons.

- *If the members intentionally do not follow the rules and regulation of the Society causing the society financial harm or its reputation or both.*
- *If the members intentionally try to harm the Society or work against any interest of the Society.*

Re-Instate of Membership.

A cancelled member can apply to rejoin the society after THREE years from the date of cancellation by writing a simple letter explaining his/her stand. But Board of Trustees and the Executive Committee are the only one who can approve or disapprove the application with a majority votes.

The registered agent:

- *The president can act as registered agent.*
- *The President has the right to change and appoint anyone as a registered agent with a permanent address and phone number at any time during the two years Term.*

- *The registered agent is not a member of the corporate or part of the executive committee and has absolutely no power other than as described in the State of Florida laws or statute.*
- *Re-phrase wording as - "no additional authority other than as described under state of Florida laws or statute."*

Voting Rights and Committee Term limits:

Voting Rights: *BSF Members, who are members in good standing with minimum two years of consecutive fully paid membership, except Youth have the right to vote.*

Executive Committee Term:

Two Calendar years. (Jan 1st – Dec 31st). Executive Committee can be re- electable. There is No Term limit but must go through election process every two years if needed.

If there is no nomination for a new Presidential Candidate, then the executive committee can continue for an additional year with the approval of Board of Trustees. After three years, if there is still no new nomination, Board of Trustees will either appoint a receiver or run themselves to continue the regular business for the society until the next election.

Nomination Committee:

The Three members nomination committee is selected by the President and the Executive Committee and should be effective for one EC nomination process only. The President and the Executive committee designate one of the three members as Chairperson of the committee. The Nomination Committee is an independent body who is responsible for one election.

Qualification to be on the nomination Committee:

- *Must be a paid member of the society for at least 3 years.*
- *Must not be related or family member of any Executive Committee 3) Can't be related or family member of the incoming executive Committee.*

Nomination Process:

- *Election frequency: Every two years*
- *Only valid members with fully paid membership can nominate any candidate of their choice by sending a simple email to the nomination committee. No nomination form needed.*
- *Nomination deadline for President is September 7th.*
- *Executive committee has full authority to change the deadline to facilitate the event date.*
- *A presidential candidate must receive 3 nominations to be a valid candidate.*
- *14 days prior to the election date, the Presidential nominee should submit the following names to the nomination committee. A) Vice President b) Secretary c) Treasurer and d) Member-at-large. One name for each position is adequate for election purposes.*
- *There will be an election if the nomination committee receives multiple nominations for the President and when both Presidential nominees are ready to compete for the Presidential position.*
- *There will be No election if one of the nominees decides not to compete through election.*
- *Nomination Committee decides the election date. The election must take place in between Oct and Nov.*
- *EC will work closely with the nomination committee for election purposes and provide all logistics helps.*
- *Nomination committee will not discuss or disclose any information to any members, executive committee or to board of trustees.*

- *Nomination Committee will not contact any of the proposed committee member without the consent of the Presidential nominee.*

Voting method:

Only valid BSF member can vote in an election. Executive committee will make sure the voting form is easily available to the members.

- *In person – On election day*
- *Via United states postal service (Must reach the day prior to the election day to specific address belong to any member of the nomination committee.*
- *No phone voting is allowed.*
- *No text voting is allowed.*
- *No Email Voting allowed.*

OFFICERS – *President will select the executive committee members of choice for the term of the presidency. All the Executive Members should be in good standing with the society and must be a valid member. President has the full authority to replace any of the Executive members any time during the term on presidential discretion.*

PRESIDENT- *The President shall be the official head of the organization. He shall preside at all meetings of the Society, appoint all committees not otherwise provided for, and shall perform such other duties as are normally required of this office. The President has full authority to replace any of executive committee member on his / her own discretion. The President needs majority EC votes before he can finalize anything or take any decision. He shall be, ex officio, a member of all committee where he shall be a member with full rights and privileges. He shall serve as Chairman of the Executive Committee.*

VICE-PRESIDENT – *The Vice-President shall assist the President in the performance of his / her duties, shall preside in his absence, and on his death, resignations, or removal from the Society, shall succeed to the presidency.*

SECRETARY – *The Secretary shall record the minutes of the meetings and receive and care for all records and papers belonging to the society, including its constitution. He / She shall notify each member of the Society as to the time and place of each meeting, and whenever possible, give the program for the meeting. He / She shall keep account of and promptly turn over to the Treasurer all funds of the Society which may come into his hands. He / She shall make and keep a list of the members of this Society in good standing, noting of each his correct name and address. He / She should keep records of all educational, cultural programs of the Society and forward the necessary information to the executive Committee or the annual meeting of the Society if necessary.*

TREASURER – *The Treasurer shall receive all dues and money belonging to the Society from the Secretary or members and shall pay out the same only based on some previously approved guidelines by the president.*

MEMBER-AT-LARGE – *The member-at-Large is a member of the Executive Committee who shall assist the President and the Executive Committee.*

Special funding / Donations / Gifts to individuals / Gifts to any special group / Gifts to charitable organizations

Executive Committee must have the majority votes prior to any kind of donations or gifts up to \$250 or same in value given to any individual / individuals / group / groups / non-profit groups / charitable organizations etc.

Anything over \$250 or with value over \$250 - must get permission from Board of Trustees. No gift or donation of any kind can be shown as operating expense for accounting purposes.

No individual from the Executive Committee including President has the right to withhold any funds when raised for a special purpose for any special cause.

Fabricated Documents / false documents.

Any Executive members who provide fabricated documents of any kind must be removed from the executive committee at once for good and will lose to work in any future executive committee in any capacity.

Board of Trustees:

Effective Date: Durga Puja 2023

Number of BOT members = 3

The board of trustee candidate must meet the following conditions:

- Must be at least age of 35 years
Must be a BSF member for at least 5 consecutive years.
- Must be in good standing in the society
- Should also have served at least one term as an elected officer position in BSF or have demonstrated sustained documented activity and leadership in BSF for at least 5 years.
- Must be an US citizens or permanent residents with green card, are only eligible to run for election for an office of Trustee.
- BOT members cannot be part of the current Executive Committee.
- BOT member cannot have any family member in the Executive Committee.

Process to elect BOT members: Members can decide by voting.

- Members can nominate one BOT member of their choice. Each member can only nominate one candidate. Deadline for Nomination: Aug 31st. Forms will be available at Society website. Exact same process how members elect our president. If we have more than three candidates, there will be an election. EC will be fully responsible to arrange for a BOT election during Durga Puja. The top three candidates with most votes will be elected.
- Term 3 years unlike president term of 2 years.
- No term limit. But the candidate must go through voting process every three year.
- In case, for some reason, there is no nomination, only then the President and EC committee can choose and vote on their own. The President must have the majority vote from the EC committee.
- In the case, if one of the members of board of trustee can't serve the full term for any reason, in that case the President and the EC committee have right to appoint someone else with the credential for the remaining time. No vote needed in that case.
- BOT must agree to share their personal email addresses and phone numbers.
- The three members Board of Trustee will have the same power and will work as a team.

Responsibilities:

- BOT main responsibility is to see and keep eye on the overall activity status of the society.
- President and treasurer will submit the following to the board of trustees once a year other than bank statements and balances (twice). All these reports are due Jan 1st with 30 days grace period.
- Account payable and Account receivable Proof of Liability insurance
- Provide of Tax return
- Proof of all bill payment status – a) insurance b) storage c) All utility bills 4) Property taxes of any BSF owned assets 5) Any other taxes & licenses
- Must provide complete information on any single expenses anytime if it is over 30% of yearly budget. Must get written permission from the BOT. BOT will not unreasonable hold providing / granting permission.

- When the executive committee is planning to use any funds from savings and CDs When the executive committee is planning to spend 30% of the budget on a single item.
- All communication between BOT and EC must be via email.
- Submit Bank statements and balances in all accounts every 6 months. 1) First one – Due by July 30th. 2) Second one – Due by Jan 30th. – No grace period.
- P&L statement (Jan 1 – Dec 31st) in proper accounting format. Balance sheet in proper accounting format.
- BOT will have a judicial role, of interpreting the Articles of Incorporation and bylaws, and of mediating or arbitrating in disputes or disciplinary actions referred to it. Such judicial intervention will be at the request of EC or the General Body of Members by resolution.
- BOT will have executive authority to appoint auditors and receive audit reports if needed.
- If the executive committee fails to provide the following information as needed by the deadline mentioned above, then the board of trustee can officially notify the EC via email or mail, requesting all needed information within next 30 days from the grace period. Deadline Feb 15th. Same for the bank statements and balances – 30 days grace period from deadline.

Failure to receive the requested documents, the board of trustee can appoint someone qualified from BSF members in good standing as a receiver and call for an election.

Exceptions – The EC along with the president must communicate via email or mail and provide causes for the delay. unforeseen reason / health issue / Some personal issue. BOT, in this circumstance may provide another 30 days grace period based on their own discretion.