

BUFLA Constitutional Amendment – 2009

First Amendment

1: BUFLA Cabinet Officers:

Two additional Cabinet Officers will be added as follows:

Cultural Secretary: Will organize the BUFLA Cultural program

Organizing Secretary: Will assist the General Secretary and the Public Relations Officer in all relevant tasks.

Secretary will be renamed as General Secretary

The elected Cabinet members pursuant to Article VI (B) will be collectively called as “BUFLA Cabinet Officers”.

2: Disciplinary Action:

i) In case of violation of BUFLA constitution, or degradation of honor of BUFLA and its team members in any way, by any BUFLA team member of any category, the President, with the majority approval of the Cabinet officers, can issue a 30 days show cause notice to the individual, with a confidential copy of the notice to the President, or to the Secretary if the individual is the President, of the relevant organization. The individual can defend himself/herself to the Cabinet within that time. In case of non-response or unsatisfactory response, the President can suspend the individual for up to 3 months with the simple majority vote of EC in an EC meeting.

ii) EC may take other appropriate actions as permitted by the law that governs a non profit public benefit organizations against any individual for any relevant wrong doings.

3. Replacement of BUFLA Cabinet Officers, BOT members and AC Chair:

In case of vacancy in the Cabinet or BOT or the AC Chair during the term, the EC can select/elect the replacement by a simple majority vote in an EC meeting. The President will conduct the selection/election process.

The oath of office of the newly elected Cabinet officers will be administered by the Chief Election Commissioner.

The oath of office for the BOT members and the AC Chair will be administered by the President.

4. Terms of Cabinet Officers:

The President can not be re-elected as President within 5 years.

General Secretary can not be re-elected for the same positions for two consecutive terms. The restriction of re-election of General Secretary within 10 years per Article VI (B) is removed.

No cabinet officers can be re-elected for the same positions for two consecutive terms.

5. Board Of Trustees (BOT):

The 5 members of the Board of Trustee (BOT) will be elected by the EC for 3 years' term or less.

The BOT members will elect the BOT-Chair and Vice Chair for one year term. The BOT-Chair can not be re-elected within two years.

BOT members can not maintain EC membership.

BOT Chair will maintain a neutral position in the community. However, if the BOT chair does not perform his duties properly, becomes controversial due to misjudgment, wrong policy or unable to keep neutral position, or the EC brings complains against the BOT Chair, then the BOT members will elect a new Chair.

The immediate family members of a BOT member can not be a candidate in BUFLA election, and vice-versa. Immediate family members mean spouse, parent, or children.

6. Advisory Council (AC):

The Chair of the Advisory Council (AC) will be elected by the EC.

The AC members will be approved by the EC.

7. Minimum Qualification of Cabinet/AC/BOT Officers:

To be eligible to hold the office of “BUFLA Cabinet Officers” the person should not

- i) be a convicted felon
- ii) have any other major Civil or Criminal violations.

8. BUFLA Membership Category:

A new category of BUFLA Membership will be added as follows:

BUFLA Honorary Member

All Bangladeshi organizations of the greater Los Angeles area which meet the BUFLA definition and criteria of organization, as stated in the BUFLA Constitution, Article V, Section A, are automatically BUFLA Honorary Members.

Benefits and Limitations of BUFLA Honorary Members:

1. No Membership Fee for Honorary Members.
2. Can attend the Executive Committee meeting and the General Assembly meeting, at the discretion of the EC.
3. Will be seated in a designated area in the EC meeting, separate from the EC members.
4. Can give only written feedback in an EC meeting and GA meeting, but can not give verbal feedback in an EC or GA meeting.
5. Can not vote in an EC meeting or GA meeting.
6. Can not participate in the BUFLA election as voters or candidates.
7. Can become an EC member after paying the BUFLA membership fee.

9. BUFLA Membership Region:

Bangladeshi Organizations within the entire State of California, who meet the Organizational criteria of BUFLA, per Article V (A) can be BUFLA members.

10. BUFLA Cabinet Plus Team:

The Cabinet officers may invite some additional EC members and AC/BOT members to their periodic Cabinet meetings and other activities, who can help the Cabinet members in their various activities. This team of Cabinet Officers and the EC/AC/BOT members can be referred to as Cabinet Plus team. The Cabinet Plus may have the following characteristics:

1. Only the EC, AC and BOT members can join the Cabinet Plus team
2. The outgoing Cabinet officers will automatically be included in the Cabinet Plus.
3. The Cabinet has the discretionary authority for the formation and dissolution of the Cabinet Plus.
4. A Cabinet Plus will only be valid for a term in parallel to the Cabinet or less than that of the Cabinet.
5. Cabinet Plus members shall attend the CabinetPlus meetings as deemed necessary by the Cabinet.
6. Cabinet Plus members shall have voting right in any issue that needs to be resolved in a Cabinet Plus meeting, which does not require to be carried out by the EC members in the EC/GA meeting.

11. BUFLA Election Procedure:

Election Procedure is annexed as “Annexure A”, which may be changed from time to time by the EC with a simple majority vote in an EC meeting, depending on the need. This document will have legal force as bylaws and will be obligatory on the part of the BOT / Election Commission to follow.

12. Exclusions from Constitution:

1. BUFLA Constitution: Article VIII - Section A, Item 5

Any member of the EC failing to attend three consecutive meetings of the EC shall be subject to removal from the committee by a two-thirds vote of the EC, unless the absentee can provide a satisfactory reason for such absence.

13 . Audit/Accounting:

Audit and Account must be maintained as per Standard Accounting Principles and Standard Audit Procedures practiced in the State of California.

President and the treasurer may appoint CPAs to assist on such functions.

14. Web Master:

President can hire/appoint a Web Master to develop and maintain the web site that would be updated regularly. The important items are all the historic records of the Parades/EC/Cabinet/AC/BOT/magazines/photos/events/agenda/minutes etc., speeches of every Presidents, planner showing dates of Parades for next 10 years, ad materials inviting Booths, advertisements, sponsorship, membership form, Contact information, etc.

No important record should be permanently deleted.

15. BUFLA Office // Locker

BUFLA should maintain an office in Lo Angeles. However, until an office is established, a Bank Locker or a suitable storage should be maintained in Los Angeles. President and Secretary will have access to this safe box/storage which will preserve, precious items/documents i.e., Original Constitution, Seal, Certificates, pre-formation or pre-registration historic documents, Minutes, Attendance list medals, trophies, Pictures, CD, DVD, negatives, letters of Awards and appreciations & other such items of value.

16. Transfer of Records/BUFLA Properties:

Outgoing officers of BUFLA must hand over all records, mailing lists and labels of organizations & individuals, email addresses, List of Donors, list of Patrons, Forms, seals, stamps, banners and any other items belonging or relating to BUFLA in their possession to the newly elected officers of respective positions. Non-compliance may be a cause for disciplinary action.

17. Special Clause:

Only for 2009-2010 term, the EC can select/elect the Cultural Secretary and the Organizing Secretary, during an EC meeting, by a simple majority vote.

For 2009-10, the EC will elect 5 members of BOT within 30 days after the approval of this amendment, in an EC meeting, by a simple majority vote.

18. BUFLA Fund Raising Events:

BUFLA may hold one or two Fund Raising Dinner or events per year for the Parade, and for multipurpose as follows: Local Charity, Bangladesh Charity, any major community project like Nazrul Endowment fund, Shaheed Minar Monument, Little Bangladesh, Community Center, Job training projects, and other significant community development projects as described in Article VI, Section E, item 2 of the BUFLA Constitution.

19. 501(c)(3) Application and IRS Recommendation:

To meet the organizational test for exemption under Section 501(c)(3), the IRS has required the 3 items of the BUFLA organizing document, including the Articles of Incorporation (AI), to be written as follows:

AI-FIVE: This corporation is organized for charitable, religious, educational, and scientific purposes under Section 501(c)(3) of the Code, 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.

AI-SIX: No part of the net earnings of this corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization 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 the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization 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, the organization shall not be conducted for any purposes not permitted to be conducted (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.

AI-SEVEN: Upon dissolution of this corporation, the 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.

20. Language and Text

In case of any conflict between the Constitution and the First Amendment, in terms of language or text, First Amendment will be considered as the guiding document.

These 20 Amendments collectively termed as “First Amendment” is **proposed by:**

Abul Kashem Toha, Dr. Hashem, Khandaker Alam, Dr. Shah Alam, Quddus Khan, Anis Rahman, Mahbub Khan, Majib Siddiquee

The organizations endorsing these Amendments are as follows:

(Endorsement of 15% of the EC members are required in order to be in the EC Mtg Agenda):

Jalshaghar Entertainment
Uttoron
Sangbadik Union
MUNA
Dhaka University Alumni Association
Friends Club of California
AABEA
BNP
Bangladesh Association of California

Annexure A

Election Procedure

1. Election will be conducted by the BOT, acting as the Election Commission. The BOT Chair will act as the Chief Election Commissioner.
2. Election Commission can be abbreviated as EIC.

3. Election will take place annually by May 31. In case of special circumstances, the election date can be extended by up to a maximum of another 4 weeks.
4. Any of the 4 representatives of the individual organizations can be a candidate.
5. One organization one vote, (b) One person one vote, and (c) One Organization one Cabinet member.
6. Declaration of Candidacy is mandatory. The election commission will supply the printed declaration forms to the candidates. All candidates must fill out those declaration forms and submit those to the Election Commission on time.
7. Declaration of Candidacy can be in the form of individual, partial Panel or full Panel.
8. The Election Commission will publish list of posts, candidates, deadline of submission and withdrawal of nomination paper and eventually circulate the final list of candidates.
9. Election will be by postal ballot or by traditional in person vote. So, the voter will have both choice, either to mail the ballot, or to cast the vote on the election day at the polling station.
10. In case of postal ballot, the voters can mail back the ballot, or they can cast it at the polling station on the election day.
11. The final voter list shall be prepared by the BUFLA Cabinet and it will be given to the Election Commission by April 30 of the respective year.
12. The ballot papers must be printed with the BUFLA name and the BUFLA Logo. The mailing ballots must be signed (Originals, not copies) by at least three Commissioners.
13. During the ballots mailing process and preparation, at least three Commissioners must be present and involved in those processes.
14. The Election Commission must use a P.O. Box Address in order to receive the Returning Ballots. No Personal or business address can be used by the Election Commission to receive the ballots.
15. The Election commission must preserve the cast-and-counted ballots for 30 days from the day of the election, in case a recounting becomes necessary. After that time, no candidate can request for re-counting of the ballots.
16. The vote counting will be done at the polling station, in presence of all the voters.
17. The election results will be announced at the polling station immediately after the vote counting.
18. The Election Commission will publish the official results of the election by e-mail and other media channels and electronic means, within 3 days of completion of the election.
19. Any remaining election process items of significance can be decided by the EC.