

Constitution and Bylaws for Bharatiya Temple and Cultural Center Lexington, KY

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ARTICLE I FORMATION

1.1 Name

The name of the organization shall be the "Bharatiya Temple and Cultural Center".

1.2 Legal Formation

The center shall be incorporated under the laws of the state of Kentucky as a non profit organization. The date of incorporation of the BTCC is September 1997. The Federal Taxpayer I.D. number is 31-1557-332

1.3 Location

The principal place of congregation shall be in the State of KY, preferably in Lexington, Fayette County.

1.4 Objectives

- a. To provide a religious and a cultural organization to promote Indian Culture among the children of Asian-Indian origin and other citizens who are interested in furthering their knowledge of Indian Cultures.
- b. To establish a permanent place of worship, such as a temple, and a center for social and cultural activities.
- c. To form a charitable and educational organization to promote religious and cultural understanding based on peace, love, justice, truth and harmony.
- d. To promote friendship and goodwill among people of all religions

ARTICLE II VOTING MEMBERSHIP

2.1 Equal Vote

Each eligible member (as defined in article 2.4) shall have one vote irrespective of his/her financial contribution.

Note: Hereafter, any gender reference shall be meant to be he or she.

2.2 Cast, Creed, Color, Race, or National Origin

These shall not affect membership, voting or other rights.

2.3 Requirements

A person can become a voting member of the center by fulfilling the following requirements:

- a. Minimum Age: 18 years.
- b. Abidance by and respect for the center's constitution.
- c. Moral support of the center's activities.
- d. Support for practices of religions of Indian origin: Hinduism, Buddhism, Jainism, Sikhism.

2.4 Types of Members

The center shall have the following types of members, their designations and qualifications and rights:

- a. Single Membership
For single persons, with one vote; subject to prescribed dues in the bylaws.

b. Family Membership

This membership is for two adults in a family (husband and wife) and their children below the age of eighteen (18), or full time students up to age 24. Only the husband and wife shall each have one vote; subject to the prescribed dues in the bylaws. Dependent parents of the paying members shall be included in family membership.

c. Life Membership

Single and family membership may be for life as prescribed in the bylaws..

d. Honorary Membership

This may be extended to those the president deems worthy due to their extraordinary status, demonstrated knowledge and contribution to the center and world in general. This shall require two-thirds (2/3) majority approval of the executive committee. This non-voting membership shall require no financial obligations and would be for a two year term. The executive committee may extend the membership for an additional term.

2.5 Membership Procedure

- a. Each person who is qualified to become a member of BTCC as outlined in (2.3) and has paid initial donation of \$100 or more for single and \$120 or more for family membership to the center at the time of or before the adoption of this constitution, shall become a "founding" member in good standing on the date of adoption of this constitution.
- b. Founding member will become a single or family life member as provided in (2.4c).
- c. A new member shall be admitted as prescribed in the bylaws.
- d. Student membership will be as prescribed in the bylaws.

2.6 Rights and Responsibilities of a Member

- a. There shall be a three (3) month waiting period before a new member can vote.
- b. Any voting member shall be eligible to hold any elected or appointed office of the center.
- c. A member shall be responsible for the prescribed dues of the center, per bylaws.
- d. For the first election, after the adoption of the constitution, a person will be eligible to vote provided he has met all membership requirements of Articles 2.3 and 2.5 on or before the election date.

ARTICLE III FINANCE

3.1 Payments

No part of the assets or earnings of the center shall be used for the personal gain of its member(s). The Executive Committee shall be authorized to sanction payment of reasonable compensation for tangible services and costs. All expenses incurred shall be reported to the Executive Committee, and summarized at least quarterly to the general body. The Executive committee shall endeavor to keep the expenditures within the budget approved by the general body. The financial statements shall be prepared in generally acceptable accounting practices.

3.2 Assets and Liabilities

Assets and liabilities of the Center shall vest with the Bharatiya Temple and Cultural Center. Any member or members, working on behalf of the Center within the scope and framework of this constitution and bylaws, shall not be individually or collectively liable, in the event of any accidental damage or absence of fraudulent and gross negligent behavior.

3.3 Liabilities

The Bharatiya Temple and Cultural Center shall be held harmless and free of any liens from debt or other liabilities

incurred by any member unless previously authorized by the general body.

3.4 Fiscal Year

The fiscal year shall be from January 1 to December 31.

3.5 Financial Records

- a. Updated financial records and registers of the Center shall be furnished by the Executive Committee, one (1) month prior to the annual Election Day. The financial status, (balance sheet, income and loss statement with reasonable details and assumptions) of the Center and the list of members in good standing shall be furnished to the general body at least one (1) month prior to the announced election day and preferably on nomination day, as stated in Article V.
- b. Records shall be handed over to the newly elected Executive Committee when the fiscal year begins, after all the unfinished transactions are completed by the outgoing committee.
- c. In case of default or special situations, the newly elected Executive Committee shall be entitled to takeover all records and report the specific circumstances to the general body within one (1) month
- d. Financial Status of each project (as defined in the bylaws) shall be presented to the general body by the Executive Committee in each of its scheduled business meetings.
- e. Financial records shall be audited by the trustees at the end of fiscal year or as deemed necessary.

3.6 New Projects

The Executive Committee shall be responsible for:

- a. Preparing a budget, outlining the required funds and schedule of expenditures.
- b. Presenting a plan to generate the required resources including ways and means for the funds.
- c. Project overruns, if any, shall be administered per the bylaws.

3.7 Asset Management:

The Executive Committee shall periodically review the soundness of asset management and endeavor to obtain the best returns.

3.8 Contracts, Checks, Deposits, and Funds

- a. **Contracts:** Subject to the Executive Committee's approval, the President may authorize any officer(s), or its agent(s), to enter into any contract or execute and deliver any instrument in the name of the Center.
- b. **Checks, drafts, etc:** All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Center, shall be signed by the Treasurer, or the designee, subject to the limitations imposed in the bylaws.
- c. **Deposits:** All funds of the Center shall be deposited as quickly as possible to the credit of the Center.
- d. **Gifts:** The Executive Committee may accept, on behalf of the Center, a contribution, gift, or bequest for any special purpose of the Center.
- e. **Books and Records:** The Executive Committee shall keep up to date records in the account books and of minutes of all the meetings of its general body and its own. All books and records of the center may be inspected by any member, for any proper purpose, at any reasonable time.
- f. **Recognition:** The Executive Committee, with the simple majority approval of the General Body, may adopt special types and categories of members in recognition of the special services, contributions and other meaningful considerations.
But in no event shall such special membership types or categories compromise on the equal voting rights provision for each qualified member in any of the designated forums within the Bharatiya Temple and Cultural Center Organization.

3.9 Budget and Expenditure:

The Executive Committee shall present to the general body the annual budget, including any discretionary funds for the fiscal year.

ARTICLE IV ORGANIZATION AND ADMINISTRATION

4.1 The General Body:

The general body comprising the eligible members shall be the supreme authority of the Bharatiya Temple and Cultural Center.

4.2 Executive Committee:

Routine operation of the Center shall be directed by an elected Executive Committee, consisting of the four (4) officers and the three (3) members without portfolios. These three (3) members may be assigned chairmanships of the standing committees. All members of this Executive Committee shall be elected by the General Body, in a formally convened election business meeting, as detailed in Article V.

4.3 Trustees

The center shall have a body of five (5) trustees to serve as a backup during organizational emergencies. Additional functions and duties shall be as defined in Article X.

ARTICLE V ELECTIONS

5.1 Election Procedure

Election of the Executive Committee shall be by a simple majority vote in a secret ballot, in a formally convened general body meeting. The nomination and seconding for each post shall be sought from the General Body in a previously called (30 to 60 days earlier) "Nomination Session" of the executive committee. Thereafter a nomination ballot shall be prepared, consisting of the names of all the nominees for each of the positions, including the names in any "slate" proposed for the various positions by the Executive Committee, prior to the nominating session. This ballot sheet, with nominations for each post, shall become the official secret ballot paper for the election to be held in the subsequent election meeting of the General Body. The ballot paper with a serial number shall be issued to each of the eligible member present just prior to the election, after due checkout with the official registration list, which shall be prepared and published no later than the nominating session (by the Executive Committee) and kept on hand for easy cross reference. Provisions shall be made on the ballot paper for last minute "write-ins" for any position. Just prior to the balloting, each nominee shall be allowed a brief introduction. Each election shall be presided over by a trustee nominated by themselves. There shall be a runoff vote among the top two vote getters if no majority vote is secured for any post.

5.2 Absentee Balloting

Absentee Balloting shall be allowed upon formal request by a member subject to the following:
The member residing in the counties listed in the bylaws are not allowed to vote in absentia except for a justifiable cause such as being indisposed or being out of town.

- a. A formal request being received at least seven (7) days before the election.

5.3 Election Dates:

Elections of the trustees and the Executive Committee shall normally be scheduled for the annual general meeting of the general body on the 1-st, 2-nd, or 3-rd Sunday of the month of November, for the duration specified in this constitution. The terms of the newly elected members and officers shall start from the following month of January.

ARTICLE VI MEETING OF THE GENERAL BODY

6.1 Annual Meetings:

An annual meeting of the members shall be held per article 5.3 in November of each year and at such place as designated by the president, for the purpose of electing the trustees and the Executive Committee and any other business considered necessary. If the election is not held on the designated day of the annual general meeting, or at any adjournment thereof, then the members may cause the election to be held at a special meeting of the general body as soon as practical.

6.2 Other Meetings:

The President shall announce at least ten (10) days in advance (but no earlier than 50 days) such other general body meetings as required.

6.3 Special Meetings:

A special meeting of the members may be called by the President, the Executive Committee, or at least one-fifth of the eligible members residing in the counties listed in the bylaws.

6.4 Place of Meetings:

The executive committee may designate any place for the meetings.

6.5 Notice of Business Meetings:

Written notice stating the place, date, time and proposed agenda shall be delivered either personally or by mail, to each member not less than seven (7) or more than fifty (50) days in advance.

6.6 Meeting Frequency:

A minimum of one general body meeting per year shall be called by the president to review and discuss the Center's activities and finances.

6.7 Secret Ballot:

All voting shall be by a secret ballot unless decided otherwise by a simple majority. However, voting on elections, constitutional amendments, and disciplinary actions shall remain by secret ballot.

ARTICLE VII EXECUTIVE COMMITTEE

7.1 General Powers:

The affairs of the Center shall be managed by the Executive Committee, referred to as the 'Committee' in this article.

7.2 Number, Tenure and Qualifications:

The 'Committee' shall consist of seven (7) elected members as stipulated in article 4.2. Each member shall hold office until his prescribed term and also until his successor shall have been elected and qualified.

7.3 Terms of the Committee Members:

Each member of the committee shall be elected for a two year term by the general body. Election shall be by rotation such that three (3) members are elected in the even years and the four (4) remaining members are elected in odd years. The first election shall be for the entire Committee. Thereafter, the elections shall be as follows: (a) In the even years: President, President Elect and General Secretary (b) In the odd years: all other members. The terms of the first Committee are as stipulated in the bylaws.

7.4 First Meeting:

The first regular meeting of the 'Committee' shall be held immediately after its election. The 'Committee' may decide the time and place for holding its regular meetings without other notice.

7.5 Regular Meetings:

The Committee shall have at least one formal Quarterly business meeting.

7.6 Special Meetings:

Special meetings of the Committee may be called by the President or any two Committee members at any convenient place.

7.7 Notices:

Notice of regular and special meetings of the Committee shall be given at least two (2) days in advance, either orally or in writing.

7.8 Quorum:

A majority of the Committee shall constitute a quorum for the transaction of business at any meeting; but if less than a majority of the members are present, the said meeting shall be adjourned.

7.9 Act of the Committee:

The decision of the majority of the 'Committee' members present at a meeting, with the quorum, shall be the act of the 'Committee' unless a greater number is required.

7.10 Vacancies:

Vacancy occurring in the Committee shall be filled by the President, for the unexpired term, subject to ratification by the 'Committee' in the next meeting.

7.11 Removal:

Any committee member may be removed by the general body for a good cause detailed in the bylaws, at any regular or special meeting but such removal shall require a two-thirds vote of the general body. Replacements shall be elected for the unexpired terms.

ARTICLE VIII OFFICERS

8.1 Officers:

The officers of the Bharatiya Temple and Cultural Center shall be a President, Treasurer, General Secretary, & President Elect. No two positions may be held by the same person.

8.2 President:

The President shall be the chief executive officer of the Center and shall in general supervise and control all the business and affairs of the Center. He shall preside at all meetings. In general, he shall perform all the duties as may be prescribed by the Committee, from time to time. The president must be at least a one (1) year resident of one of the counties listed in the bylaws.

8.3 Treasurer:

The treasurer shall be responsible for all the funds and securities of the Center. Receipts shall be issued for money received, which shall be deposited in designated institutions per the bylaws. In general, perform all the duties incident to the office of Treasurer including the financial statements and other duties assigned by the President or by the Committee.

8.4 General Secretary:

The General Secretary shall keep the minutes of all the meetings; see that all notices are duly given; be the custodian of the Center's records; keep a register of the mailing address of each member; and perform all duties incident to the office of General Secretary and such other duties as may be assigned by the President or by the Committee.

8.5 President Elect:

The responsibilities of the President Elect shall be determined by the President.

8.6 Members Without Portfolio:

The responsibilities of the three members without portfolio may be defined by the officers of the Executive Committee.

ARTICLE IX STANDING COMMITTEES

9.1 Standing Committees:

The Center shall have the following standing committees:

- a. Fund Raising
- b. Management committee
- c. Programs
- d. Any other deemed necessary

9.2 Standing Committee Chairmen:

Chairmen of all the standing committees shall be appointed by the President and approved by the Executive Committee. Other members of a standing committee, if any, shall be appointed by its chairman, but with the consent of the President.

9.3 Term of Office:

Each standing committee chairman shall hold office from the time of appointment for the designated period but not beyond the next election meeting of the Executive Committee. The Executive Committee, by a simple majority vote, may remove any standing committee chairman or its members.

9.4 Vacancy.

Vacancies in the chairmanship of any standing committee may be filled by appointments made in the same manner as provided herein in the case of the original appointments.

9.5 Rules:

Each standing committee may adopt rules for its own government not inconsistent with the bylaws or with the rules adopted by the Executive Committee.

ARTICLE X TRUSTEES:

10.1 Trustees:

The Bharatiya Temple and Cultural Center shall have five (5) trustees subject to the following requirements:

Constitution of 2002 Reformatted in 2010

- a. Must have been a voting member for at least one year, except for the initial formation. Must be elected by the majority of the general body for a five (5) year term in rotation. One position will be up for election every year. The terms of each of the first five trustees shall be as described in the bylaws. After the first year, each trustee will move up one number, and the newly elected trustee will assume the position number five for five years.
- b. Must not be a voting member of the executive committee during the trusteeship.

10.2 Functions:

- a. Trustees shall manage the Center in emergencies only such as when the Executive Committee operation is being paralyzed. The trustees shall be the interim guardians and will see that the Center does not get dissolved, until a new committee is established.
- b. Trustees shall appoint one of them as a chairperson.
- c. Trustees shall act as in-house auditors of the financial records.
- d. Any one trustee can request a general body meeting for a just cause.
- e. One of the trustees shall preside over the elections per article 5. 1,

10.3 Responsibilities and Limitations:

- a. Each trustee shall have one vote like any other member.
- b. A trustee may be elected to any of the committees in any capacity, except the Executive Committee. A trustee can be removed from the office per Article 7.11.
- c. Vacancies: Unexpired term shall be filled by the general body in a business meeting within three (3) months.

ARTICLES XI AMENDMENTS

11.1 Proposals for Amendments:

Any amendments, modifications, or changes to this constitution may be proposed by the Executive Committee, or by a petition signed by at least ten (10) voting members and submitted to the Secretary. The proposed amendment(s) will then be submitted to the general body.

11.2 Adoption of Amendments:

An amendment shall become effective by approval of a 2/3 majority of the voting members present, provided that such vote is no less than 1/3 of the entire membership, except for Articles I and XI which require approval by a 2/3 majority of the entire membership.

ARTICLE XII EXPULSION

- a. Any member, including an Executive Committee member or trustee can be suspended for purposeful (as outlined by the bylaws) violation of the constitution or any conduct disgraceful to the Center. Such a person will be notified of the charges in writing and shall be allowed to present his case to the Executive Committee. A 2/3 majority of the entire Executive Committee shall be required to temporarily suspend a member from the Center. This decision must be reported at the next general body meeting for an appropriate action, including expulsion from the Center. The General body, by a simple majority vote, may suspend or, by a 2/3 majority vote, may expel a member.
- b. Expulsion of the member shall not absolve him from financial commitment or other responsibilities, nor does it entitle him to any refunds.

ARTICLE XIII DISSOLUTION

In the event that the Center must be dissolved, the assets of the Center will have to be dissolved. Such a decision shall be made by a 2/3 majority of the voting life members, provided it is at least the majority of the entire body of life members. Upon dissolution of the Center, provisions shall be made for the payment of the liabilities of the Center, and transfer of all of the remaining assets, in the form of a trust, to any tax free organization with similar objectives and principles, with a provision for future transfer back to a similar organization to serve the needs of the Indian community of Kentucky. Dissolution of the center shall be supervised by the trustees and founding members. However, if the trustees and founding members are not in place, the assets may go into a receivership of a non-profit organization as stated above.

ARTICLE XIV EFFECTIVE DATE

The constitution becomes effective immediately when adopted by a simple majority of the members present.

ARTICLE XV BYLAWS OF THE CENTER

There shall be administrative 'bylaws' of the Center.

BYLAWS OF THE BHARATIYA TEMPLE & CULTURAL CENTER

Section I Amendments:

The Executive Committee or any member may propose changes to the bylaws in a general body business meeting. A simple majority of general body may adopt the amendments.

Section II Food/Drinks/Drug Restrictions

- a) The center's premises shall be used for religious or cultural activities, consequently cooking, serving or distributing of meat, fish, and poultry shall not be allowed. Also prohibited shall be smoking, intoxicating drinks/alcohol, drugs, and gambling.
- b) Reservation of the entire premises may be allowed on a first come first served basis, subject to written notification.

Section III Annual/Monthly Membership Dues

Shall be approved by the general body after proposals from the members are voted on. Presently, no such dues are approved. These may be for specific purposes like maintenance and upkeep of a solvent operation.

Section IV Initiation and other Fees (Replaced by Section XVI)

Shall be approved by the simple majority of the general body after proposals from members have been discussed and voted. Presently, amounts specified are listed in Article 11, Section IV (a).

“The wording in replacement in Section XVI will be:”

Shall be approved by the simple majority of the general body after proposals from members have been discussed and voted.

[Section V](#) 'Causes' for the Removal of Executive Committee Members (refer to Article VII)

May be for the prolonged and unexplained absences (such as 3 consecutive Executive Committee Meetings), deliberate and declared lack of interest in implementation of the Center's official activities, deliberate violation of the constitution and its bylaws, etc.

[Section VI](#) Depositories for Center's Funds:

Executive Committee shall select the banks and/or other institutions where its funds may be held.

[Section VII](#) Withdrawal of Funds (Replaced by Section XVII)

Shall require the Treasurer's signature for up to \$1000. Beyond this amount, President's (or designee's) counter signature shall be required.

“The wording in replacement in Section XVII will be:”

All transactions will require signature of the Treasurer or the President. For transactions over five thousand dollars, a second signature will be required. This signature could be from President, Treasurer, President Elect, and Secretary.

[Section VIII](#) Additional 'Causes' for Expulsion of Members

May be adopted by the general body, as deemed necessary, in addition to those listed in Section V for executive committee members.

[Section IX](#) Life Membership:

The Executive Committee, with a simple majority ratification by the general body, may prescribe or change life membership at certain monetary levels of initiation fee, provided all other membership requirements are fulfilled.

At present, the levels of life membership are:

Diamond Pioneer	\$20,001.00 and up
Golden Pioneer	\$10,001.00 to \$20,000.00
Pioneer	\$5,001.00 to \$10,000.00
Patron	\$2001.00 to \$5000.00

However, in the future other fee or subscription levels may also be legislated by the general body to cover routine maintenance and other expenses. These shall not take away past life membership commitments of the BTCC made in the previous fund raising drives.

Any commitment made in relation to the donations and paid-up pledges, within the duration specified by the executive committee, will be honored.

[Section X](#) Fund Raising:

If deemed necessary by the general body, for the future fund raising drives, the pledge cards may be modified to prescribe alternate levels of monetary contributions. The new subscriber should be made aware of this new pledge card and the existing constitution and bylaws.

[Section XI](#) New Memberships

Shall be confirmed only on recommendation of at least two voting members and with the majority approval of the executive committee or the general body. A new member shall pay a one time initiation fee and prescribed dues (set forth by the executive committee and ratified by the general body). Proceeds of any unratified membership fees shall be returned to the donor within one (1) month.

[Section XII](#) Major Project: (Replaced by Section XVIII)

Any building, expansion, real estate acquisition or other proposal with a one time (or combined) projected expense of \$1000.00 or more shall be considered a project and shall require the general body's prior approval. However, general routine maintenance, upkeep and operational or program expenses covered under budgets specifically approved by the general body shall NOT necessarily be treated as a project.

“The wording in replacement in Section XVIII will be:”

Any building, expansion, real estate acquisition or other proposal with a one time (or combined) projected expense of one hundred thousand dollars or more shall be considered a project and shall require the general body's prior approval. However, general routine maintenance, upkeep and operational or program expenses covered under budgets specifically approved by the general body shall NOT necessarily be treated as a project.

[Section XIII](#) Counties Referenced in the constitution:

Referenced in the constitution (except for the residency requirement for the position of president) are:
Kentucky: All Kentucky Counties.

[Section XIV](#) Counties Referenced in Article 8.2:

Referenced in Article 8.2 concerning the office of the president are: All Kentucky counties.

[Section XV](#) First Election and the General Body meeting

The rules and procedures for the first election and the General Body meeting shall be formulated and finalized by the ad hoc committee which calls the first General Body meeting (in June 2002). The first five Trustees shall be elected at the first General Body meeting and subsequently they shall fix their own order of replacement in the following elections. The first Executive Committee as well as Trustees shall be up for reelection as described in November 2003 for terms to start in the fiscal year 2004. The replacement, therefore, shall follow the rules for the even year election.

[Section XVI](#) Initiation and Other Fees

Shall be approved by the simple majority of the general body after proposals from members have been discussed and voted.

[Section XVII](#) Withdrawal of Funds

All transactions will require signature of the Treasurer or the President. For transactions over five thousand dollars, a second signature will be required. This signature could be from President, Treasurer, President Elect, and Secretary.

[Section XVIII](#) Major Project:

Any building, expansion, real estate acquisition or other proposal with a one time (or combined) projected expense of one hundred thousand dollars or more shall be considered a project and shall require the general body's prior approval. However, general routine maintenance, upkeep and operational or program expenses covered under budgets specifically approved by the general body shall NOT necessarily be treated as a project.

[Section XIX](#) Power and Responsibilities of the Board of Trustees:

The Board of Trustees shall have the power and authority to safeguard the financial status of the BTCC. Any item outside the approved budget which costs 25 thousand dollars or more shall be granted only with the approval of the Board of Trustees.

[Section XX](#) Other Responsibilities of the Board of Trustees:

The Board will have other responsibilities as follows:

- a. To ensure that BTCC mission is carried out.
- b. To maintain ethical standards and confidentiality as well as to recognize and take steps to avoid conflicts of interest.
- c. To support and advise the Executive Committee whenever necessary.
- d. To enhance public image of BTCC.

[Section XXI](#) Budgetary Responsibilities of the Executive Committee:

The Executive Committee shall submit the annual budget for the following year in the general body meeting.