



Durham Tamil Association Constitution.

DTA refers to Durham Tamil Association.

1. **NAME:** The Corporation shall be called Durham Tamil Association here in after referred to as the Association
2. **OBJECTIVE:**
 - (a) This Association will be a non-profit, non-political and non-religious organization. The Association will remain impartial to all its members and will not take side or engage at any time in controversies of political, racial or religious nature.
 - (b) Association shall help members acquire knowledge of the Tamil Language and Tamil Culture. Association shall promote mutual understanding, friendship, cooperation, and respect amongst its members.
 - (c) Association shall build a Seniors Citizen Centre to provide recreation, educational and cultural activities and other programs for senior citizens.
 - (d) Association shall build a Youth Activity Centre to provide our community youth a safe environment for their sports, recreational and educational activities.
 - (e) Association shall provide help for conduct fund raising activities for the sole purpose of helping Tamils in needs here and abroad. And to bring positive changes in the lives of victims of natural disasters, wars and conflicts and channel its efforts towards attenuating human sufferings without discrimination.
 - (f) To accept advertising, sponsorship, membership revenue from the public and all levels of government to finance the activities of the Association.
3. **SEAL:** The seal for the Association shall be as stamped on the right margin herein. The Seal stamped below is the Association's corporate seal.

BY-LAWS

PART1, Formalities

1.1 Head Office

1.1a The head office of the Association shall be in the region of Durham.

1.1b The Executive Committee Members may decide where the head office is to be located.

PART 11, Membership

2.1 Membership

2.1a Membership is open to former members of DTA not residing in Durham and all current residents of Durham, who are interested in promoting Tamil Language & Tamil Culture.

2.1b Non-residents of Durham may join DTA with prior approval of their application by the DTA Executive committee and by adhering to DTA membership rules.

2.1c Corporate membership is open to all businesses in Canada, this membership has no voting rights.

2.2 Liability of Members:

Members are not liable or responsible neither for any act, debts or obligations of the association nor for any claims, death or personal injury, losses in transactions relating to the Association

2.3 Voting Rights of Members

2.3a A member has a right to vote if he/she meets all of the following requirements.

- i) Member in good standing and has paid the annual membership fee.
- ii) Has a continuous period of membership of no less than six months, prior to each Annual General Meeting and,

2.3b Is over eighteen years of age.

2.3c Every member who is eligible to vote has only one vote at every general or annual meetings of the members.

2.3d Members of non-residents of Durham mentioned under 2.1b and corporate membership do not have any voting rights.

2.3e **Proxy:** Voting through Proxy shall be accepted in all General Meetings.

2.4 Membership Fee

2.4a The Executive Committee shall set membership fees.

2.4b The fee includes membership for a family that may constitute two adults and their children under 18. All children 18 are considered adults with voting rights and pay the regular annual fee to be member.

2.5 Ceases to be a Member

2.5a i) If a member communicates to the President or Secretary in writing the intention to cease to be a member.

ii) Resignation is effective on acceptance by the board or fifteen days from the date of giving such notice.

2.5b Acts in a manner that contradicts the objectives of the Association.

2.5c A person who has resigned his/her membership is still liable for any dues or other debts he/she owed the while being an Association member

2.5d Member who obtains any criminal record from the Canadian Law while being a member.

2.5e A member who behaves or acts in a manner that has been proven to tarnish or damage the reputation of the association. Under this circumstances, the concerned member can be removed from the association by the executive committee by passing a motion with 2/3 majority of the **total executive members**.

PART 111, The Executive Committee Members/Board of Directors.

3.1 Function of the Executive Committee Members

3.1a The Executive Committee Members shall be accountable to the membership of the Association.

3.1b The Executive Committee Members shall receive policy and programs ideas from the membership of the Association in order to achieve the goals and objectives of the Association.

3.1c The Executive Committee Members shall function to carry out the ongoing business of the Association to engage in decisions making on behalf of the Association where such decisions are in keeping with the constitution and spirit of the Association: to prepare for presentation and interpretation to the membership such matters of philosophy, policy or finances as a require a decision by the general membership.

3.1d The Executive Committee Members shall function to facilitate the planning process among various committees and sub-committees, which constitute the Association.

3.1e The Executive Committee Members shall appoint an Election and Constitution committees.

3.1f The Executive Committee Members shall liaise with other community organizations to achieve socially responsible goals.

3.2 Nomination of Executive Committee Members

3.2a At an Annual General Meeting, the members shall elect the Executive Committee Members for the period of three years starting from January 1, 2019. The President shall hold office continuously for a maximum period of three years. But if the general membership agrees his or her term can be extended in the Annual General Meeting with the recommendation of the Executive Committee.

3.2b For each Executive Committee position the contestant has to be proposed, seconded by a good standing member. Consent of the nominee also should be obtained in the prescribed nomination form and the nomination form must be submitted to the election committee 48 hours prior to Annual General Meeting.

3.2c Candidates for the Executive Committee Membership will be submitted by the election Committee

3.2d If there is a lack of contestants for the Executive Committee , the current

Executive Committee shall appoint members in good standing for these positions.

3.2e When there is a tie for any elected position, the contestant will be asked to present valid reasons and convincing argument for his/her nomination for two minutes for a second vote. If it is a tie after the second vote the Election committee will decide who the winner is.

3.3 Who May Be an Executive Committee Member?

3.3a Any member who is eligible to a vote may become an Executive Committee member.

3.3b Any Executive Committee Member who ceases to be member ceases to be an Executive Committee Member.

3.3c Contestant has to be a member of the DTA for a year.

3.3d To contest for the post of President, Vice President, Secretary and Treasurer the contestant has to be an Executive Committee member for one year.

3.4 Executive Committee Meetings

3.4a Notice of Such a meeting shall be communicated to each Executive Committee Member personally or by telephone, fax, mail or e-mail or hand delivery at least one day before the proposes meeting or days before the proposes meeting.

3.4b The time and manner of giving notice shall be recorded in the organization's books.

3.4c If all the Executive Committee Members are present or if those absent consent to the meeting being held in their absence, the Executive Committee Members may hold a meeting without having to give formal notice.

3.5 Number of Quorum of Executive Committee Members

3.5a Quorum needed:

The Executive Committee shall transact the business of the association only at meetings where a quorum of Executive members are present.

3.5b A quorum is a minimum of 2/3rd of elected Executive Committee Members

3.6 Voting of the Executive Committee

3.6a A simple majority of votes cast suffices to pass any motion before the Executive Committee **unless a special method is requested as mentioned under 2.5e.** Voting shall be by show of hands, or, if an Executive Committee asks for a ballot, by ballot.

3.6 b. If there is no quorum of Executive Committee Members in office, then the remaining Executive Committee Members must call a general meeting as soon as possible to fill the vacancies by election. If there are no Executive Committee Members left in office or the remaining Executive Committee Members fail or refuse to call such a general meeting, any member may call the general meeting

3.7 Powers of the Executive Committee Members

3.7a The Executive Committee Members may administer and run the Association's business in all respects and may enter into contracts on behalf of the Association and do any other acts authorized by its letter patent or by law.

3.7b The Executive Committee shall form committees from time on an ongoing or time limited basis to address specific issues of areas of concern. These committees shall each have an appointed Executive Committee Member representative participating in their business. These committees shall report to the Executive Committee Members.

3.8 Resolutions

3.8a The Executive Committee shall carry on its business by resolution moved, seconded and carried by a majority of the votes cast.

3.8b The President shall count the votes on a resolution and declare it carried or defeated.

3.8c The Secretary shall keep an accurate record of the minutes including all resolutions, although a record of the votes for and against shall not be made, unless requested by an Executive Committee Member.

3.8d A declaration by the President that a resolution has passed and an entry to that effect in the minutes shall be admissible in evidence as prima facie proof that the resolution had

passes.

3.9 Remuneration of Executive Committee Members.

Executive Committee Members shall receive no remuneration for being Executive Committee Member.

3.9.1 Removal of Executive Committee Members from the Executive Committee

3.9.1a The members may revoke any Executive Committee Member by a two-thirds majority of votes cast at a special or general meeting and may elect by a simple majority a new Executive Committee Member to replace the Executive Committee Member removed.

3.9.1b Notice must be given to the members before the special or general meeting of intention to remove an Executive Committee Member.

3.9.2 Books and Reports:

The Executive Committee Members are responsible for making sure all proper books and records required by law are kept.

PART IV, Members of Executive Committee

4.1 Executives

4.1a The Executive Committee shall have maximum of 13 members including 1) President 2) Vice President 3) Secretary 4) Assistant Secretary 5) Treasurer 6) Assistant Treasurer 7) Youth Coordinator 8) Programs Coordinator 9) Public Relations and Media Coordinator 10) Seniors Coordinator and 11) Membership Coordinator.

4.1b . Election of the Executive Committee shall be held in the AGM only for the posts of President , Vice President , Secretary , Treasurer and other nine Executive Committee members. Other posts mentioned under 4.1a shall be filled by the Executive Committee .

4.1c .The Executive Committee Members may appoint other executives from among the sub-committee members from time to time as deemed necessary.

4.1d .The Executive Committee may invite to their meetings chairperson of sub committees and others as the committee sees fit.

4.1e . A qualified member shall be appointed as an Internal Auditor in the AGM for a period of three years .

4.2 Duties of President

4.2a The President will be responsible for the effective functioning of the Association and to uphold the constitution of the Association

4.2b The President and Secretary shall sign all by-laws and membership certificates.

4.2c The Executive Committee

Members may give other duties and powers to the President from time to time.

4.3 Duties of the Secretary

4.3a The Secretary shall keep the Association, Seal and all the records, correspondence, and other papers of the Association.

4.3b The Secretary shall keep the minutes of all Executive Committee meetings, and Annual General, Special and Committee meetings and circulate as appropriate.

4.3c The Secretary shall give all notices to be given to the members, Executive Committee Members, and Officers of the Association.

4.3d The Executive Committee Members may give other duties and powers to the Secretary from time to time.

4.4 Duties of the Treasurer

4.4a The treasure shall deposit all monies or valuables belonging to the Association in the bank or banks named by the Executive Committee Members.

4.4b The treasures shall be responsible for all monies and shall present financial statement to the Association at the Committee at the annual meetings.

4.4c The Treasurer shall keep all financial books and contracts of the Association.

Members designated by the Executive Committee shall have the authority of signing cheques. Two of the four signatures will be necessary to validate a cheque expenditure of the Association fund.

4.4d The Treasurer shall pay out money as directed by the Executive Committee

Members.

4.5e The Executive Committee Members may give other duties and powers to the Treasurer from time to time.

4.5 Duties of the Vice-President

4.5a The Vice-President shall assist the President whenever needed or requested.

4.5b The Vice-President shall assume the responsibility of the President whenever the President is unable to carry out the duties of that position.

4.5c The Executive Committee Members may give other duties and powers to the Vice-President from time to time.

4.6 Duties of other Committee Members

The duties of all other Committee members and Sub Committee members of the Association shall be such as deemed by the Executive Committee Members

4.7 Contracting Powers of Officers

The President or in his/her absence

the Vice-President, and one of the Executive Committee Members shall have the power to sign contracts on behalf of the Association. Two Signatures will be required to validate a contract

PART V, Annual and General Meetings

5.1 Place of Meeting

Annual and general meetings will be held at the Associations head office or any other place within Durham that the Executive Committee Members may decide.

5.2 Time of Annual Meeting

5.2a The Association must hold an annual meeting of its members not later than fifteen months after Association is formed.

5.2b The annual meeting cannot be held more than fifteen months apart.

5.2c The Executive Committee shall decide the exact time, date and place of the annual

meeting.

5.3 Notice of Meetings

5.3a The Secretary shall communicate to each member notice of time and place of every annual or general meeting at least ten days before the meeting.

5.3b No notice of a meeting is necessary, if every member is present in person.

5.4 Calling General Meeting and Special Meeting

5.4a The Executive Committee Members, the President or the Vice-President may call a general meeting at any time.

5.4b Members may request a special meeting by presenting the Executive Committee with a petition that states the general business to be considered at the meeting. Twenty-five percent (25%) or more of the membership must sign the petition. All members shall receive prior notification of the time and business to be considered at that meeting.

5.4c In addition to the AGM there may be a maximum of two meetings per annum if needed.

5.5 Voting at General and Annual Meetings

5.5a Only members who have paid their membership dues and eligible to a vote may vote at General and Annual meetings.

5.5b Each member has only one vote.

5.5c Voting shall be by a show of hands unless a member demands a ballot in which case the vote shall be by ballot.

5.5d A member may demand a recorded vote, even on a vote by ballot, in which case the Secretary shall record the vote of each member or proxy in the minutes.

5.6 Chairperson of General and Annual Meetings

5.6a The President, or in his/her absence the Vice-President, shall chair the General and Annual meetings.

5.6b If neither is present one of the Executive Committee Members shall chair the meeting.

5.7 Quorum of General and Annual Meetings

A quorum of General and Annual meetings shall be minimum of ten percent (10%) of the paid membership.

5.8 Conduct of General and Annual Meetings

5.8a At any meeting of the members, the members may consider and transact any business except the removal of an Executive Committee Member without prior notice to the membership.

5.8b A majority shall keep the minutes of the meeting. An entry in the minutes that the President declared a motion. A two-thirds vote is, however, necessary to carry a special resolution or a by-law of the constitution.

5.8c The Secretary shall keep the minutes of the meeting. An entry in the minutes that the President declared a motion carried is admissible in evidence as prima facie proofs that the motion passed. Unless a recorded vote is asked for, Secretary need not record the votes for and against.

5.9 Business at Annual Meetings . At every Annual meeting, in addition to any other business , the following must be considered **if applicable**:

1. The President's report
2. The Treasurer's financial report
3. The Internal Auditor's report
4. The election of the new Executive Committee Members

PART V1, Books and Records

6.0 Legal Requirements

6.1 The Association must keep at its' head office:

- 1 Minutes of all meetings of members and Executive Committee and Sub committees.
- 2 Copy of the letters patent and any supplementary.
- 3 All by-laws and special resolutions.
- 4 The registry of members.
5. The registry of Executive Committee Members.
6. Proper books of account and financing.

6.2 Minutes

6.2a The minutes of the previous meeting of the Executive Committee shall be approved at the next Executive Committee Meeting.

6.2b The minutes of a meeting of the members shall be approved at the next meeting of the members.

6.3 By-laws and Special Resolutions

The President and the Secretary shall sign any by-laws or any special resolutions passed.

6.4 Registry of Members

6.4a The Secretary shall keep a registry of the members.

6.4b The registry of members shall consist of an alphabetical list of the names of all the people who are members or have been members of the Association within the last ten years including their address when they were members.

6.5 Registry of Executive Committee Members

6.5a The Secretary shall keep a registry of the Executive Committee Members.

6.5b The registry of Executive Committee Members shall consist of a list of the names, addresses and occupation of all persons who are, or have ever been Executive Committee Members, together with the various dates when each became and ceased to be an Executive Committee Member.

6.6 Proper Books of Accounts

The Association must keep proper records of account including records of:

1. All money received or spent by the Association including when, where and how the money was spent or received.
2. All assets and liabilities of the Association.
3. All other transactions affecting the financial position of the Association.
4. All sales and purchases by the Association

PART V11, Transactions

7.1 Cheques and Bank Accounts

The Executive Committee Members may appoint any members of the Association to be

signing officers for any of the bank accounts the Association maintains.

7.2 Borrowing

The Executive Committee Members are not authorized to borrow unless it is specifically approved at a Special Meeting by two-thirds of the total membership.

PART V111, Technicalities

8.1 Notice by Mail / Social Media.

The Notice by mail / Social media shall be sent to the last address of the member or Executive Committee Member concerned as recorded in the Association's books. It shall be deemed to have been given when mailed.

8.2 Errors and Omissions

8.2a No error or omission in giving notice of any meeting of Executive Committee Members or members shall invalidate the meeting or any proceedings at the meeting.

Any person, however, who failed to attend a meeting because of such an error or omission, may re-open any matter considered at the meeting at the next meeting of the members or the Board that the person attends.

8.2b No error or omission in any proceedings of any meeting of Executive Committee Members, or members, shall invalidate the meeting or any of the other proceedings at the meeting. Any member or Executive Committee Member, however, may re-open the proceedings affected at the next meeting.

8.3 Tamil Translation:

Consideration will be available for everyday use. In case of any conflict between the Tamil and English version English will prevail.

PART 1X All Committee Members must have:

1. A commitment to the Association.
2. A willingness to devote the necessary time and effort.
3. Integrity.

4. Strategic vision.
5. Good, independent judgment.
6. An ability to think creatively.
7. A willingness to speak their mind.
8. An understanding and acceptance of the legal duties, responsibilities and liabilities of Executive Committee Membership.
9. An ability to work effectively as a member of a team.

PART X, Financial Year

10.1 Date

Unless otherwise ordered by the Executive Committee Members, the fiscal year of the Association shall terminate on the 31st of day of December each year.

Approved by the members at Special General meeting for Constitutional Amendments and updated.

President: Rajaratnam Thayanandan

Date: August 29, 2021

Secretary: Sinnadurai Mahendranathan

Date: August 29, 2021