

The Constitution of the NIGERIAN
FOUNDATION OF MICHIGAN [NFOM]

supersedes previous ones. All previous versions of
the document are henceforth voided.

We herein append our signature in witness thereof.

Sincerely,

Dr. Terseer Hemben

Secretary, Constitution Review Committee

Dr. Salewa Olafioye

Chairman, Constitution Review Committee.

October 14, 2010

The Constitution of the NIGERIAN
FOUNDATION OF MICHIGAN [NFOM]

THE CONSTITUTION

OF

THE NIGERIAN FOUNDATION OF MICHIGAN

[NFOM]

Amended October 2010 Version

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2. The Executive Board shall assist in making funeral arrangement if the family of the deceased so desires.

CERTIFICATION II

We hereby certify that the Constitution review Committee members have followed the guidelines for the assignment. The guidelines are in the best interest of democratic processes. The guidelines presented in the amendments herein represent the opinion of the Foundation as charged. The presented document is set up in accordance with the process of Constitutional revision. No amendment of this constitution and Bylaws is allowed without the two-third majority approval of the General Assembly that constitutes the dues paying membership. This 2010 version of the constitution

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AMENDMENT)

The constitution is to be amended if any,
every 3 years during the month of august.
This will be done in accordance by
considering all written proposals for
amendments submitted to the Secretary. The
proposal for amendments shall be
considered passed by two-thirds votes of the
membership present and in good standing. A
sponsor of an amendment shall be present
for such proposal to be heard.

ARTICLE X; Part I (DEATH OF MEMBER)

Upon notification of the President and
General Assembly, the organization shall

1. Provide moral support to the family
of the deceased member.

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CERTIFICATION

We hereby certify that the members have gone through the necessary steps, and that the guidelines herein printed represent the opinion of the Foundation, as required in the adoption process of this revised constitution.

We therefore herein place our signature in witness thereof.

Sincerely,

Dr. Egerton Abulu

General Secretary

Mr. Bernard Onwuemeli

President

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as an exempt organization(s) under Section 501©(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future tax code) as the Executive Board shall determine.

2. Any such assets not so disposed of shall be disposed of by the Circuit court of the County in which principal office of the organization is then located. Exclusively for such purposes or to such organization(s), as said Court shall determine, which are organized, and shall be operated exclusively for such purposes.

ARTICLE IX; Part I (CONSTITUTIONAL

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and low integrity.

ARTICLE VIII; Part I (DISSOLUTION AND
DISPOSITION OF ASSETS)

1. Upon the dissolution of the organization, the Executive Board shall, after paying or making provision for the payment of all liabilities of the organization, dispose of all of the assets of the organization exclusively for the purposes of the corporation in such manner, or to such organization(s) operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify

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PREAMBLE

We, the members of *THE NIGERIAN FOUNDATION OF MICHIGAN* resident in the State of Michigan, USA, fully aware of our civic responsibilities in the USA, and desiring to promote the interest and welfare of individuals and groups within our community convinced that we can, and determined to make positive contributions to the building of a strong and dynamic community for the advancement and sustenance our rich cultures, hereby enact and adopt this document as The *CONSTITUTION OF THE NIGERIAN FOUNDATION OF MICHIGAN*.

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Unity Pledge

I pledge to Nigeria my country, to be faithful, loyal and honest to serve Nigeria with all my strength, and to defend her unity, uphold her honor and integrity for the glory of God. So help me God.

United States of America

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation *under God*, indivisible, with liberty and justice for all.

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and protecting the interest of the organization, individuals and community.

- k) Screen, recommend appointees, and direct communication for impeachment or/and removal of officers
- l) Shall recommend suspension of any member of the organization who poses a threat to Foundation integrity
- m) Shall recommend suspension of constitution allowing motion for amendment of conflicting clauses
- n) An Ethics Committee member may step down for good reasons of conflict of interest, personal interest,

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(facts finding), and arbitration of
conflicts within the organization, and
including the BOD

- f) Responsible for documentation and records verifications (investigation).
- g) Recommend disciplinary actions and communicate to the Board of Directors on the Behalf of the EXCO (judgment), and vice versa.
- h) Communicate in two ways to the GA on all matters
- i) Responsible for delivering findings, recommendation or/and judgment to concerned public or individuals (execution).
- j) Responsible for facilitating justice

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ARTICLE I (ORGANIZATION'S NAME)

The organization shall be called and known as the Nigerian Foundation of Michigan.

ARTICLE II (PURPOSE)

The Nigerian Foundation of Michigan is for charitable cause(s) such as:

- a) To provide assistance to the poor and needy.
- b) To provide education/cultural workshops for the public.
- c) To provide and organize relief assistance to natural disaster victims.
- d) Support youth activities through cultural awareness Summer camp trip(s)
- e) To acquire and maintain a cultural center for the purpose of (b), (c), and (d) above.

The said organization shall be operated

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exclusively for charitable, non- religious,
educational, and scientific purposes, and including,
for such purposes, the making of contributions to
other organizations that qualify as Tax exempt
under section 501©(3) of the internal Revenue
Service Tax Code of 1986 (or corresponding
provision of any future IRS tax code).

ARTICLE III (ASSETS AND FUNDING)

1. Article III; Part I (INCORPORATION)

A) NIGERIAN FOUNDATION OF
MICHIGAN is incorporated in the
State of Michigan as a non-profit
corporation on a membership basis
(1986, October 15).

2 Article III; Part 2 (SOURCES OF FUNDING)

a) The organization has no real and

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of Assembly.

c) The term of service for the
committee shall be Two (2) years,
and shall terminate with term of
appointing President.

d) The Ethics Committee shall
comprise Five (5) members who are
knowledgeable in organization's
Constitution. In the case of loss of an Ethics
Committee member, another one shall be
appointed to serve within the same term
with the approval of two third majority
votes. It shall be a **Standing Committee for
the Two-year term.**

Powers of the Ethics Committee:

e) Responsible for troubleshooting

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requested by the Ethics Committee, the organization has the right to recover its property through full legal prosecution. The president shall refer the case to the Legal Advisor for enforcement action. All Court and Attorney and process costs shall be awarded to the removed member.

- g) A removed member may be allowed grace to resign from position and remain in good standing.

ARTICLE VII part 3 (ETHICS
COMMITTEE)

- a) The Ethics Committee shall be appointed by a current term President.
- b) The appointees must be confirmed by the approval of two third majority

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personal property at the time of incorporation.

- b) Membership dues, contributions, grants, and fundraising events shall constitute the primary source of revenue for the organization.

3. Article III; Part 3 (MEMBERSHIP)

- a) Membership is automatic for all Nigerians and friends of Nigeria.
- b) Membership of this organization shall become the united body of men and women who accept the objectives or purposes of the organization without bias.
- c) Membership is allowed to non-residents of Michigan who maintain good

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financial standing, such members
shall vote only when present at the
meeting.

4 Article III; Part 4 (ACCOUNTING PERIODS
AND METHODS)

a) The fiscal year of the organization
shall start on January 1, and end on
December 31.

b) The accounting method shall be
Cash based.

c) The treasurer shall render monthly or
quarterly financial report to the
general membership showing the
financial state of the Foundation.

ARTICLE III; Part 5 (Accounting Principles)

The Foundation accounts shall be handled in the

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and the decision for removal is presented to
the Ethics Committee for acknowledgement.

d) The removed officer is allowed four weeks
(One meeting interval) to surrender all the
properties of the organization to the Ethics
Committee. The removed member shall be
issued a clearance or exoneration note for
complying with the directives of the Ethics
Committee.

e) Whereas the removed officer waives the
rights to self-redemption either by evasion
and /or blunt refusal, the Ethics Committee
shall present the three warnings, and
summon for two third, majority decisions.

f) Whereas, the removed officer fails to
surrender the property of the organization as

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the member(s) following a

written complaint from the disciplinary
source through the GA. The mode of service
may be a signed hand-delivered, electronic
or/and Certified Mail. For Due process, the
Ethics Committee shall mediate the conflict
and allow the alleged violator the
opportunity for defense before
recommendations addressing removal.

- b) The assembly shall deliberate on the motion
for removal filed by the Dues paying
member(s) (DPM) in good standing. The
violator must be allowed the opportunity for
self-redemption within 30 days.
- c) When found guilty by two third majority
decisions from the DPM in good standing,

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following format:

- a) The Treasurer shall receive all
monies coming into the organization,
and
issue receipts accordingly. The
Treasurer shall timely notify the
General Secretary of the amount of
money received, and furtherance
deposit the money into the
Foundation Bank accounts.
- b) All receipts issued from the Bank
transactions shall be duplicated and a
copy of each receipt shall be logged
in the Business Manager's file.
- c) The Business manager shall initiate
and maintain a signed voucher

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system for disbursement of funds.

- d) All written checks shall bear at least 2 signatures (President and Treasurer or Business Manager). Checks amounting over \$1000.00 dollars shall bear 3 signatures (The President, Treasurer and Business Manager).
- e) The president shall be authorized an impress account of up to maximum \$1000.00 dollars for organizational operation. All checks exceeding \$1000.00 dollars shall be approved by the Foundation standard procedure set by the GA requiring at least 2 signatures.

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requested by the Ethics Committee, the organization has the right to recover its property through full legal prosecution. The president shall refer the case to the Legal Advisor for enforcement action. All Court and Attorney and process costs shall be awarded to the impeached member.

- g) An impeached officer may be allowed grace to resign from position and remain in good standing.

ARTICLE VII part 3 (REMOVAL)

The appointed member of the BOD shall be removed:

- a) Only after three (3) written warnings have been issued by the Ethics Committee; the Ethics Committee will serve the warnings to

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the decision for impeachment is presented to
the Ethics Committee for acknowledgement.

- d) The Violator shall be allowed four weeks
(One meeting interval) to surrender all the
properties of the organization to the Ethics
Committee. The impeached member shall be
issued a clearance or exoneration note for
complying with the directives of the Ethics
Committee.
- e) Whereas the impeached officer waives the
rights to self-redemption either by evasion
and /or blunt refusal, the Ethics Committee
shall present the three warnings, and
summon for two third, majority decisions.
- f) Whereas, the impeached officer fails to
surrender the property of the organization as

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- f) All Foundation accounts shall be
audited biannually.

ARTICLE IV (REGISTRATION)

1. Article IV, Part I (REGISTRATION)

- a) There shall be a one time
membership registration fee of \$20.00.

2. Article IV, Part II (MEMBERSHIP ANNUAL
DUES)

- a) Annual dues shall be \$50.00 for
single person and \$60.00 for a couple.
- b) If a member does not pay his/her
dues 4 months in any new calendar
year, his/her membership right is
automatically suspended.
Membership right shall be reinstated
upon payment of outstanding dues.

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c) In order to vote during the Election, all annual dues must be paid by August 31 of the election year, or three months before election.

d) All dues must be paid to the treasurer or business manager (financial secretary).

ARTICLE V; Part I (ADMINISTRATIVE
STRUCTURE OF THE ORGANIZATION)

Article V; Part I (ELECTIVE OFFICES)

The following officers shall be elected:

- a) President
- b) Vice President
- c) Secretary
- d) Treasurer

The following Officers category shall be appointed:

- a) Business Manager
- b) Public Relation Officer

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the member following a

written complaint from the disciplinary

source through the GA. The mode of service

may be a signed hand-delivered, electronic

or/and Certified Mail. For Due process, the

Ethics Committee shall mediate the conflict

and allow the alleged violator the

opportunity for defense before

recommendations addressing impeachment.

- b) The assembly shall deliberate on the motion for removal filed by the Dues paying member(s) (DPM) in good standing. The violator must be allowed the opportunity for self-redemption within 30 days.

- c) When found guilty by two third majority decisions from the DPM in good standing,

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the corresponding provisions of any
future IRS code) or, (b) by a corporation,
contributions to which are deductible
under section 170 (c)(2) of the IRS Code
of 1986 (or corresponding provision of
any future IRS code), or (c) by a non
profit corporation organized under the
laws of the state of Michigan in
personate to the provisions of Act 162,
Public Acts of 1982 as amended.

ARTICLE VII part 2 (IMPEACHMENT)

The elected member of the Executive shall
be impeached:

- a) Only after three (3) written warnings have
been issued by the Ethics Committee; the
Ethics Committee will serve the warnings to

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- c) Program Director
- d) Committee Chairpersons
- e) Council of Executive Officers
- d) Assistant Secretary
- e) Legal Advisor
- f) As necessitated

Specific Duties of Executive Officers

- a) PRESIDENT

The President shall be the Chief
Executive Officer (CEO) of the Foundation
and Spokesperson of the Foundation, and in
addition,

- * Must have maintained at least
two years of active
Foundation membership in
good standing before

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election.

- Shall supervise and present budget to the GA at no later date than February 28 each year.
- Shall supervise communications, and all financial transactions within the organization for the Foundation.
- * Must have a thorough understanding of organization's constitution.
- * Must declare candidacy 30 days before election with a 10-minute speech to the general membership on his/her agenda.

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carrying on of propaganda, or otherwise attempting to influence legislation, and the Foundation shall not participate, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

4. Notwithstanding any other provision of these articles, the Foundation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt status from Federal Income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 (or

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assembly within 30 days of any occurrence
of (a), (b), (c), and (d) above.

ARTICLE VII; PART I (RESTRICTIONS ON
OPERATIONS)

1. No part of the assets or the net earnings of the Foundation shall be inured to the benefit or distributed to its members, trustees, officers, or private persons, except empowered and authorized by the Foundation to pay reasonable compensation for services rendered and distributions in furtherance of the purposes set forth in Article II.
2. No substantial part of the activities of the Foundation shall be the

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* Shall be accountable to the
general membership.

- Shall present the organizational project to the Board of Directors for analysis and recommendation.
- Shall relate the policy drawn by the BOD to the General Assembly.
- Shall implement policies and projects as the Chief Executive of the Foundation.
- Shall ensure fluent communication between the GA and the BOD.
- Shall be a non-voting

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member of the BOD, and tie-breaker during
a stalemate in voting in all
GA meetings.

- Shall administer the
operation of the Foundation.
- Shall develop procedures and
creativity necessary for
implementation of projects
and approved policies.
- Shall assist the BOD in
organizing Board meetings.
- Shall delegate powers for
efficient operation of the Foundation
when necessary.
- Shall supervise other
members of EXCO and Appointees.

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- b) Conviction of criminal act.
- c) Inefficiency.
- d) Negligence of duties.

Article VI; Part VI (VACANCY)

Vacancies may occur as a result of the
following:

- a) Resignation.
- b) In the event of death of an officer.
- c) Any elected officer being absent
from the organization meetings for
three consecutive months, unless in
case of hospitalization.
- d) Call to selective military service and
duties for duration of 2 months at a
time.

The Secretary shall notify the general

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appointee's nomination for approval
to the general membership 30 days
prior to swearing into the office.

- b) The appointment shall reflect the
multi-cultural composition of the
organization whenever possible.
- c) Appointed executive officers term of
service shall equal the remaining
term of the president who appointed
them.

ARTICLE VI; Part V (IMPEACHMENT)

Removal from office shall be on the ground
of the following reason(s):

- a) Embezzlement of funds; personal
abuse of organization's assets, which
may be followed by full prosecution.

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- Shall nominate the
appointment and dissolution Ethics
Committee

when applicable.

- Shall initiate projects for
progress.
- Shall report member(s) of
EXCO and BOD in violation of
procedures to the GA in
writing.

- Shall introduce
recommendations from Ethics
Committee to the GA.

- Shall communicate in clear
terms all essential matters to the BOD,
Ethics Committee, EXCO,

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Committees, Councils, and GA.

- Shall present a detailed report
at the State of Foundation address in
September of every year.

- VICE PRESIDENT

- Shall demonstrate good
knowledge of NFOM constitution and
willingness to report to the
office of presidency.

- Shall assist and report to the
president in all duties as assigned and
supervised by the presidency.

- Shall perform the duties of
the presidency in the absence of the
President.

- Shall preside over meetings

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contribution to furtherance of the
purposes forth in Article II. These
officers shall conduct the business of
the organization.

b) The officers shall be the President,
Vice president, Treasurer, Secretary,
and the appointees made by the
president.

Article VI; Part III (TERM OF OFFICE)

Each elected position is limited to
consecutive two (2) terms (a term is defined
as two years of service).

Article VI; Part IV (APPOINTMENT)

The president is authorized to appoint
essential members to the Executive office.

a) The president shall submit

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Vice president, Treasurer, and
Secretary shall be sworn in at the
first meeting in February of the
preceding election year.

- d) Each elected position shall be
contested for by at least two eligible
active members unless elected by
acclamation.

Article VI; Part II (COMPENSATION)

- a) The executive officers of the
organization shall be unpaid
positions except that the Executive
officers shall be authorized and
empowered to pay reasonable
compensation for services rendered
and to make payments and

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of Committees and Chairpersons.

- Shall demonstrate eloquence in
public communication.

TREASURER

- Shall report directly to the president.
- Must maintain at least one year of
active membership in good standing
prior to election.
- Shall receive, and record funds, report
same to the Secretary, and deposit in
the Banks within 60 business hours.
- Shall present financial statement of the
Foundation at every general meeting.
- Shall make copies of all banking
transaction records available to the
Business Manager, while maintaining

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copies in the Treasurers' file and make them available to the president upon request.

- Shall cooperate with auditors when requested by the president or General Assembly.
- Must demonstrate a thorough understanding of organization's constitution.
- Must declare candidacy 30 days before election with a 10-minute speech on his/her agenda.
- Must demonstrate good knowledge of accounting and bookkeeping.

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fiscal management through periodic audit as determined by the General Assembly.

- o) The BOD shall present annual progress report of Foundation to the GA.

ARTICLE VI (ELECTION OF OFFICES)

The election of the four executive officers of the Foundation shall be conducted every two years during the month of December.

- a) Registered members are entitled to vote by a secret ballot. The voting members shall exercise their voting right by using the organization's voting card.
- b) Only registered members shall receive a voting card.
- c) The four elective officers: President,

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- i) The BOD shall meet at least 4 times a year, and make minutes of meetings available to the Foundation Secretariat.
- j) The BOD shall have access to the Foundation's records through the president.
- k) The BOD shall attend general meetings.
- l) The BOD shall advise, and support the Foundation on all major business strategies.
- m) The BOD shall make reviews and recommendations to the Foundation concerning its overall progress.
- n) The BOD shall facilitate effective

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SECRETARY

- Must maintain at least one year membership in good standing before Election.
- Shall report directly to the president.
- Shall call meetings as directed by the presidency.
- Shall record and read all transactions, attendance and minutes of Foundation meetings maintain and maintain files on membership
- Shall direct all written and oral correspondences.
- Shall keep custody of all Foundation equipment and stationery.
- Shall make all records available to

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the President on request.

- * Must have a thorough understanding of the organization's constitution.
- * Must declare candidacy 30 days before election with a 10 minute speech on his/her agenda.
- * Must be computer literate, Internet accessible, and demonstrate excellent writing skills.
- Shall maintain timely correspondence with membership and persons as directed by the presidency.

Article V; Part II (QUALIFICATIONS OF
APPOINTEES)

1. All appointees must be members of the organization in good financial

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advertised by the Ethics Committee.

- d) BOD nominees shall be made through applications by interested candidates and administered by the General Secretary.
- e) The Ethics Committee shall screen and recommend BOD candidates to the General Assembly for approval.
- f) The president shall swear in the approved candidates into BOD positions.
- g) A Board member shall serve a term of 4 to 5 years in good standing.
- h) All decisions taken by the BOD must meet the consensus of two-third majority votes of members in attendance.

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guidelines.

- Shall be an ad hoc committee.
- Shall be a DPM of the Foundation in good standing for at least 2 years prior to appointment.

Article V; Part IV (BOARD OF DIRECTORS)

- a) The Board of Directors shall comprise eleven (11) members. Two (2) shall be American born citizens, and the President shall be the non-voting member.
- b) The BOD shall assist the Foundation in sourcing for funds and acquiring grants.
- c) The BOD position shall be

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standing for one year preceding the date of appointment.

2. Must demonstrate knowledge of the constitution, and positive contribution to the smooth running of the organization and attendance.
3. The term of the appointees shall end with the President that made the appointment.
4. A dissatisfied appointee shall step down in writing and inform the presidency 30 days before the resignation date.
5. Appointee who resigns shall immediately return all the properties of the Foundation for the purpose of

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receiving clearance from the
presidency.

APPOINTEES

BUSINESS MANAGER

- Shall be appointed by the President and approved by simple majority of GA in attendance at the general meeting.
- Must be an Accountant/CPA.
- Shall reconcile the accounts of the Foundation on regular basis.
- Shall perform internal audit on behalf of the Foundation.
- Shall report directly to the President.
- Shall manage IRS businesses.

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in the State of Michigan.

Article V Part III (ELECTORAL COMMISSION)

Electoral Commission shall comprise 3
appointed officers:

- The electoral officers shall be appointed 2 months before elections.
- Shall hold only **one** official position in the Foundation.
- Shall set the ground rules for voter's registration, ballot and conduct.
- Shall manage election materials, booths, and regulate campaigns.
- Shall handle votes and results, disputes and procedures as determined by the commission.
- Shall report directly to the president for

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LEGAL ADVISOR

- Shall be appointed by the President and approved by simple majority of GA in attendance at the general meeting.
- Shall report directly to the President.
- Shall advice on all legal matters involving the Foundation.
- Shall review business and policies set by the BOD involving the community.
- Shall be a practicing lawyer

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PUBLIC RELATION OFFICER

- Shall be appointed by the President and approved by simple majority of GA in attendance at the general meeting.
- Shall have knowledge of Media management
- Shall be responsible for troubleshooting social issues and building image of the Foundation internally and externally.
- Shall report directly to the President.

PROGRAM DIRECTOR

- Shall be appointed by the President by and approved by simple majority of GA in

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attendance at the general
meeting.

- Shall plan and execute events for the Foundation.
- Shall organize and correlate parties, entertainments and receptions for the Foundation.
- Shall administer over Children and cultural programs.
- Shall report directly to the President.

COMMITTEE CHAIRPERSONS

- Shall be appointed by the President by and approved by simple majority of GA in attendance at the general meeting.

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- Shall build committee as assigned by the President.
- Shall lead the committee in the assigned projects.
- Shall report to directly to the president.

ASSISTANT SECRETARY

- Shall be appointed by the President and approved by simple majority of GA in attendance at the general meeting.
- Shall report directly to the President.
- Shall assist the secretary in secretarial responsibilities.