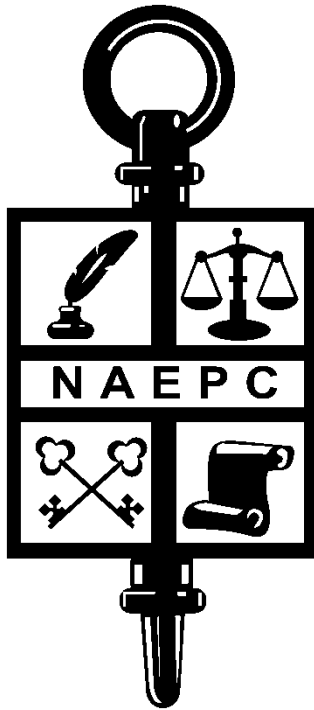


# **NORTHEASTERN MICHIGAN**



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# **NORTHEASTERN MICHIGAN ESTATE PLANNING COUNCIL**

ARTICLES OF ASSOCIATION  
(As Amended to January, 2020)

## **Article I – Name**

The name of this Association shall be Northeastern Michigan Estate Planning Council.

## **Article II – Purpose**

### *Section 1*

The purpose of this Council shall be:

- a. To effect and promote the coordination of professional services necessary for proper estate planning including charitable giving.
- b. To improve the understanding, knowledge and skill of the member professional groups in their efforts on behalf of their clients and in appreciation of each specialized service.
- c. To raise the standards of cooperation between the professional groups for more effective application and employment of professional services in behalf of public interest.
- d. To promote and encourage the appropriate use of the professional services available from the different groups comprising the membership of this Council.

### *Section 2*

The Council must be advisory, educational and promotional in character and shall have no power to bind its members to any action or conclusion that is not provided for in this instrument.

## **Article III – Membership**

### *Section 1*

Membership in this Council may be granted upon sponsorship by any member in good standing to the following persons whose place of business is located in any county in the State of Michigan.

- a. Any Member of the Michigan Association of Certified Public Accountants who is actively engaged in the practice of public accounting in Michigan.
- b. Any Member of the State Bar Association who is actively engaged in the practice of law in Michigan.
- c. Any Financial Services Professional who is actively engaged in the fields of insurance and/or financial planning in Michigan and meets at least one (1) of the following criteria:
  - 1. Chartered Life Underwriter (CLU) accreditation from the American College;
  - 2. Chartered Financial Consultant (ChFC) accreditation from the American College;
  - 3. Certified Financial Planner (CFP) licensed by the CFP Board; or
  - 4. Not less than five (5) years of experience in the practice of estate planning or matters directly related to estate planning, and the Board, in its discretion, determines the professional would be a good addition to the membership.
- d. Any Officer of a State Bank, National Bank or Trust Company who is actively engaged in the Trust field in Michigan.
- e. Any Development Officer of a non-profit organization established to foster charitable giving or to receive and accept charitable donations or gifts under the non-profit laws of the State of Michigan and pursuant to 1986 IRC Section 501(a) and 501(c)(3), or any successor laws, who is actively involved in the estate planning and/or planned giving area.

## *Section 2*

The original members of this Council shall be known as Charter Members. All subsequent members shall be accepted by a majority vote of the Board of Directors after investigation and report from the Membership Committee.

### *Section 3*

Junior Membership in this Council may be granted upon sponsorship by any member in good standing to the following persons whose place of business is located in any county in the State of Michigan:

- a. Any person studying to sit for their Certified Public Accountant Exam who is employed by a firm that is actively engaged in the practice of public accounting in Michigan.
- b. Any person studying to sit for the State Bar Exam who is employed by a firm that is actively engaged in the practice of law in Michigan.
- c. Any Financial Services Professional who is actively engaged in the fields of insurance and/or financial planning in Michigan and is working towards one of the following designations:
  1. Chartered Life Underwriter (CLU) accreditation from the American College;
  2. Chartered Financial Consultant (ChFC) accreditation from the American College;
  3. Certified Financial Planner (CFP) licensed by the CFP Board; or
  4. Is studying for another financial planning designation, and the Board, in its discretion, determines the professional would be a good addition to the junior membership.
- d. Any person working towards becoming an Officer of the State of National Banks, or Trust Companies who are actively employed in the Trust field in Michigan.
- e. Any person who is an employee of a non-profit organization engaged in development work, and does not meet the regular membership criteria, but is actively involved in the estate planning and/or planned giving area.

Junior Members shall enjoy the rights and privileges that the Board of Directors, in its sole discretion, determines. Junior members shall have no rights to be elected to the Board of Directors. The Board of Directors may establish annual membership dues for junior members that are less than the dues for other members. A person may not be a junior member for more than three (3) years. It is the expectation that at or before the

three years, the member would meet the qualifications for regular membership.

## **Article IV – Officers and Duties**

### *Section 1*

The officers of the Council shall consist of a President, a Vice President, a Secretary, and a Treasurer. The office of Secretary and Treasurer may be combined. The President and Vice President shall not be members of the same professional group.

### *Section 2*

The officers of the Council shall be elected by a majority vote of the Board of Directors of the Council at a meeting of the Board of Directors held immediately after the annual meeting of the Council. An officer may be removed by a two-thirds vote of the Board of Directors at a meeting called for that purpose.

### *Section 3*

Vacancies of any office may be filled by a majority vote of the Board of Directors until the next annual meeting.

### *Section 4*

The President shall preside at all meetings of the Council and Board of Directors. He shall be an ex-officio member of all committees. He shall have the right to vote in case of a tie vote. He shall appoint all committees with the majority approval of the Board of Directors. The President shall be accountable to the Board of Directors.

### *Section 5*

The Vice President shall assume the duties of the President when he is absent and carry out any other duties as assigned by the President with the approval of the Board of Directors. He shall be accountable to the President.

### *Section 6*

The Secretary shall attend and record minutes of all Council and Board of Directors meetings. He shall give notices as required by these Articles of all meetings of the Council and Board of Directors and shall carry out such other duties as assigned to him by the President of the Board of Directors. He shall be accountable to the President.

### *Section 7*

The Treasurer shall have custody of all funds and property of the Council, and he shall deposit all funds of the Council in a depository bank designated by the Board of Directors. The Treasurer shall be accountable to the Board of Directors.

All disbursements of the organization's funds shall be approved by the Board of Directors. All withdrawals of such funds shall be by checks or orders signed by the Treasurer or such officer designated by the Board of Directors. The Treasurer shall prepare and submit a statement of the financial condition of the Council at the annual meeting and at such other times as directed by the Board of Directors.

## **Article V – Board of Directors**

### *Section 1*

The affairs of the Council shall be governed by a Board of Directors consisting of a maximum of fifteen (15) Directors (with a maximum of three from each discipline), and the immediate past President if not among the fifteen (15) Directors serving. Directors shall be elected in May of each year for three-year terms and elections shall be staggered so that one-third of the Board (one Director from each voting discipline) shall be elected each year. A Board member may not be elected to a consecutive term on the Board of Directors without at least one year (1) intervening between his previous service and subsequent election, unless this requirement is waived by the Board of Directors. Provided however, that if following a three-year term, a Board member shall be elected President, Vice President, Secretary, or Treasurer, such Director shall be entitled to serve on the Board of Directors as President, Vice President, Secretary, or Treasurer and, in the case of President, in the year following as immediate Past President.

### *Section 2*

Any vacancy on the Board of Directors shall be filled by appointment by the President and majority approval of the Board of Directors. The vacancy of an immediate Past President may be filled by appointment of a former Past President by the President of the Council and majority approval of the Board of Directors.

### *Section 3*

The meetings of the Board of Directors shall be at the call of the President, or when requested by three (3) members of the Board of Directors.



#### *Section 4*

A quorum of the Board of Directors shall consist of a majority of its members present at the meeting. If fewer than one-half of the members are present, then immediate notice of any action taken at such meeting shall be given to all members of the Board of Directors. No member may vote at a Board of Directors meeting by proxy.

#### *Section 5*

The Board of Directors shall investigate any written complaints against members for violations of the purposes of this Council. Violations determined to be such by the Board of Directors may bring reprimand or removal from the Council by a two-thirds vote of the Board of Directors.

#### *Section 6*

Members of the Board of Directors are expected to attend all regularly scheduled meetings of the Board. A Director who is absent from more than two (2) of the regularly scheduled Board of Directors meetings during the Council's fiscal year may be asked to resign at the discretion of the President and with majority approval of the Board of Directors.

#### *Section 7*

Any action required or permitted to be taken pursuant to authorization voted at a meeting of the Board of Directors or a Committee of the Board may be taken without a meeting if, before or after the action, all members of the Board of Directors or committee consent to it in writing. The written consents shall be filed with the minutes of the proceedings of the Board of Directors or Committee. Such consent may be mailed, hand-delivered, or given by any manner of electronic transmission.

#### *Section 8*

Participation in a regular or special meeting may be by means of conference telephone, electronic communication, or similar telecommunications equipment. All persons participating in the meeting shall be able to hear each other and be advised of the use of such equipment. All of the names of the participants in the conference must be divulged to all participants in the conference.

## **Article VI – Committees**

#### *Section 1*

The Committees and their chairman shall be appointed by the President with the approval of the Board of Directors.

## *Section 2*

There shall be a Membership Committee, Public Relations Committee, and Program Committee. These Committees or functions may be combined by the Board of Directors, such as the combination of the Membership and Public Relations Committee. The number of Board members on each Committee and primary responsibilities of each Committee are as follows:

- a. The Membership Committee shall consist of not less than three (3) Directors, unless combined with the Public Relations Committee; then the combined Committee shall only require a minimum of three (3) Directors.
  1. Consider options to increase membership.
  2. Consider options to increase attendance at regular meetings.
  3. Keep the membership informed.
  
- b. The Public Relations Committee shall consist of not less than three (3) Directors, unless combined with the Membership Committee; then the combined Committee shall only require a minimum of three (3) Directors.
  1. Maintain website, LinkedIn profile, or other media presence.
  2. Publicize meetings and other events.
  3. Consider sponsorship opportunities.
  
- c. The Program Committee shall consist of not less than five (5) Directors.
  1. Plan a variety of topics for the regular meetings.
  2. Find speakers to speak on selected topics.
  3. Coordinate with speakers about their presentation and provide them with guidelines for their presentation.
  4. Obtain a biography and PowerPoint and presentation materials from each speaker.

## *Section 3*

Special Committees, such as a Technology Committee or Annual Meeting Committee, may be appointed by the President with the approval of the Board of Directors. If a special Committee is formed, it shall consist of not less than two (2) Directors.

*Section 4*

A Nominating Committee shall be appointed in accordance with Article IX of these Articles of Association.

## **Article VII – Council Meetings and Quorum**

*Section 1*

The Annual Meeting of the Council shall be held in May of each year, unless otherwise ordered by the Board of Directors, at a time and place designated by the Board of Directors with written notice fifteen (15) days in advance of such meetings.

*Section 2*

The regular meetings of the Council shall be held at stated times or called at the direction of the Board of Directors at the time and place set by the Board of Directors. There shall be at least four (4) meetings, including the Annual Meeting, in each calendar year.

*Section 3*

Twenty (20) members or one-half of the total membership of the Council, whichever is lesser, shall constitute a quorum for all meetings of the Council.

*Section 4*

The regular meetings shall be held for the furtherance of the objectives of the Council. Any member may, in writing and signed by four (4) other members, addressed to the Secretary, bring up for discussion and vote any matter pertaining to the policy or Articles of the Council at any meeting except the Annual Meeting. Notice to all members in writing fifteen (15) days prior to the meeting shall be given stating the specific matter of discussion.

*Section 5*

Any action may be taken without a meeting, without prior notice and without a vote if a consent in writing, setting forth the action taken, is signed by all of the Council members entitled to vote on the matter. Such consent may be mailed, hand-delivered, or given by any manner of electronic transmission which has been consented to by the Council member transmitting the consent.

*Section 6*

Participation in a Council meeting may be by means of conference telephone, electronic communication, or similar telecommunications equipment. All persons participating in the meeting must be able to hear each other and be advised of the use of such equipment. All of the names of the participants in the conference must be divulged to all participants in the conference.

**Article VIII – Order of Business and Rules**

*Section 1*

The order of business at the Council and Board of Directors meetings shall be to determine if a quorum is present, reading of minutes of prior meeting, reports of officers, unfinished business, new business and the program, followed by adjournment. A minimum amount of time shall be spent on the business portion of any meeting, whenever possible.

*Section 2*

Roberts Rules of Order shall be applied in a practical way, to govern procedure, voting and motions at meetings of the Council, Board of Directors, and other Committees.

**Article IX – Nominations and Election**

*Section 1*

At least fifteen (15) days prior to the date of any Annual Meeting, the President shall appoint a Nominating Committee of at least three (3) Directors to submit a list of nominees for the Board of Directors of the Council to be read at the Annual Meeting. Any member attending the Annual Meeting may also make his own nomination from the floor to be voted on.

*Section 2*

The Nominating Committee shall likewise select a slate of officers to be presented to the Board of Directors for election of officers following the Annual Meeting of the Council as provided in Article IV, Section 2.

## **Article X – Membership Dues and Expenses**

Membership dues and new members' initiation fees shall be set annually by majority vote of the Board of Directors. The Treasurer may make a quarterly adjustment of dues for any member joining during the calendar year.

## **Article XI – Advertising and Lapse of Membership**

### *Section 1*

Active solicitation of business by members during meetings is strongly discouraged, as it is not in keeping with the purposes of the Estate Planning Council set forth in Article II of these Articles of Association.

A member may use his membership herein as a part of his overall professional credentials and expertise in any form of brochure, announcement, or other advertising which is tastefully presented and sanctioned by the particular member's profession.

### *Section 2*

Any member who is sixty (60) days delinquent in payment of annual dues shall be removed from the membership roll.

## **Article XII – Notices of Meetings**

### *Section 1*

The Secretary shall have the duty of notifying the members of the Board of Directors of any regular, special, and Annual Meetings of the Board of Directors at least three (3) days prior to the meetings.

### *Section 2*

The Secretary shall give at least a fifteen-day written notice to all eligible members of the Council on the time and place and purposes of the Annual Meeting. The Secretary shall certify to such notice on the records of the minutes of the meeting.

### *Section 3*

The Secretary shall give at least a fifteen-day notice of any regular meetings of the Council to each eligible member by written notice.

#### *Section 4*

The Secretary shall be obligated to send out at least a fifteen-day notice to eligible members of any special Council meetings called by the President and Board of Directors during the calendar year. The Secretary shall certify on the records of the minutes the method of notice.

### **Article XIII – Amendments**

These Articles of Association may be amended by majority vote of the Board of Directors at any regular meeting of the Board of Directors, provided notice of the proposed changes has been given to all members of the Board of Directors at least ten (10) days prior to such meeting.

Additionally, these Articles of Association may be amended at any Annual or Special meeting of the Council at which there is at least one-half of the total membership or twenty (20) members of the Council, whichever is lesser, present, by a vote of two-thirds of the members present, providing that such notice setting forth such proposed amendment shall have been mailed to all members at least fifteen (15) days prior to the date of such meeting.

### **Article XIV – Disposition Upon Dissolution**

In the event of dissolution, all assets, whether real or personal, shall be distributed to such organizations as are qualified as tax exempt under Section 501(c)(3) of the 1986 Internal Revenue Code, as amended, or the corresponding provisions of any future United States Internal Revenue law, and no property shall be distributed to any individual whether or not associated with this corporation.

### **Article XV – Notice**

Any notice required under these Articles of Association may be by mail, any electronic medium, telephone, or word of mouth, but the Secretary shall certify in the records of the Board of Directors as to the method of the notice.

## **Article XVI – Gender and Number**

Wherever not contrary to the sense of these Articles of Association, the masculine shall include the feminine and neuter, and vice versa, and the singular shall include the plural, and vice versa.