CONSTITUTION OF THE ISLAMIC CENTER OF FRISCO (FRISCO MASJID)



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Rev R8

PREAMBLE

Whereas, we the members of Frisco Masjid Inc (FMI aka Islamic Center of Frisco), Texas (hereinafter "ICF") recognize Islam as a total way of life based on the Qur'an and Sunnah of Prophet Mohammed, peace be upon him (pbuh) and have pledged to endeavor practicing it as such, do hereby adopt this constitution and pledge to abide by its provisions, In Shaa Allah.

The spirit of the constitution shall always be in accordance with the Quranic law of consultation as prescribed in 42:38 as under.

And their system is based on their consultation. (42:38)

These By-laws (hereinafter "the Constitution") govern the affairs of ICF which shall be a nonprofit organization organized under the Texas Non-Profit Corporation Act. The General Body (Al Majlis Al Aam) is referred to as "Majlis." The Board of Directors is referred to as "Shura." The President is referred to as "Ameer". The Muslim residents of City of Frisco or FISD (Frisco Independent School District), TX who are registered with ICF are referred to as the "Community".

NOTE: 1. NO PART OF THIS CONSTITUTION SHALL BE IN VIOLATION OF ARTICLE NO. TWO (2) BELOW.

ARTICLE 1

1. Name and Address

- 1.1. The name of this organization shall be Islamic Center of Frisco (ICF) with an assumed name "Frisco Masjid Inc", Texas.
- 1.2. The principal office of ICF shall be located in the City of Frisco, TX.
- 1.3. All real estate properties, when acquired shall be utilized to provide maximum benefit to the Community. All acquisition, utilization, maintenance, and operational aspects of these properties shall be determined by the Shura.

2. Purpose and Objectives

- 2.1. ICF has been formed exclusively for religious, charitable, social and educational purposes. All of its activities shall be in accordance with the Qur'an and Sunnah (traditions) of Prophet Mohammed (pbuh) also documented in the authentic books of Hadith and fiqh. ICF shall strive to strengthen and reinforce the faith of all Muslims in the Oneness of Allah Subhanahu Wa Ta'ala and the final messengership of prophet Mohammad (pbuh), the Holy Qur'an, and the Sunnah of the last Prophet, Mohammad (pbuh).
- 2.2. ICF shall be a non-profit organization which shall qualify as a tax-exempt entity under Section 501 (c) (3) of the Internal Revenue Service Code.
- 2.3. ICF shall conduct religious and social activities aimed at preserving Islamic values and traditions and shall strive to provide an environment for Muslims that shall strengthen their Islamic beliefs and encourage them to engage in Islamic activities.
- 2.4. ICF shall promote Islamic education by establishing and maintaining masajid, libraries, Islamic centers, schools, and institutions of higher learning. ICF shall also establish cemeteries, funeral facilities, community centers, child care centers and health centers and chapters pursuing similar objectives in adjacent communities.
- 2.5. ICF shall strive to promote good relations and understanding between Muslims and Non-Muslims and shall strive to propagate Islam and shall actively engage in Islamic Daw'ah work.
- 2.6. ICF shall work with other Islamic communities and organizations pursuing similar objectives and shall foster coordination, communication and cooperation among such organizations.
- 2.7. ICF shall collect and distribute Zakat (Al Mal and Al Fitr), Sadaqah and other donations in accordance with the Our'an and Sunnah.
- 2.8. ICF shall respect the laws of the land and promote good American citizenship among its community members.

ARTICLE 3

3. Organization

- 3.1. ICF shall be governed by the following two branches:
- 3.1.1. Al Majlis Al Aam (General Body): The Al Majlis Al Aam (also referred to as "Majlis") shall consist of all registered members of ICF in accordance with Article 5. The Majlis is the final authority of ICF and its decisions are final, as long as they are in accordance with the Qur'an and Sunnah.
- 3.1.2. The Shura (Board of Directors) shall be composed of nine (9) elected members including the President (Ameer), who shall be responsible for all affairs of ICF.

The Shura may appoint committees and subcommittees in order to accomplish the goals and objectives of ICF in accordance with Article 2.

ARTICLE 4

4. General Rules

- 4.1. The following general rules are applicable to both branches of ICF. They also apply to all committees, subcommittees, members, non-members, guests, employees, and contractors of ICF.
- 4.2. The Shura may accept on behalf of ICF any property, whether real and/or personal, by way of gift, bequest from any person, firm, trust, or corporation; such property is to be held, administered, and disposed of in accordance with and pursuant to the provisions of this document. However, no gift or bequest of any such property shall be received or accepted if it is conditioned or limited in such a manner as to require the disposition of the income or property for any purpose other than the purposes set forth in Article 2 above, or in violation of any local, state and federal laws.
- 4.3. No person may be elected to the same office for more than two (2) consecutive terms
- 4.4. ICF shall carry liability insurance. Shura members are not individually or collectively liable for the actions of the Shura.
- 4.5. Shura members shall not receive salaries, remuneration, compensation, or wages for their services to ICF. To avoid any conflict of interest, Shura members shall not do business with or participate in any competitive bidding to render any paid services to ICF.
- 4.6. All original legal documents of ICF shall be kept in a safe deposit box. The President and his designee shall have access to this box at all times. Copies of such documents shall be kept on the premises of the principal office of ICF. Such documents shall be available to the registered members for general viewing within a week of written request. The Shura may restrict disclosure of certain personal information.
- 4.7. ICF's official language of communication shall be English.
- 4.8. The relationship between ICF and other organizations pursuing similar objectives as specified in Article 2 shall be governed by a Memorandum of Understanding (MOU). Such an MOU shall be signed by the authorized representatives of both organizations and implemented thereafter. The purpose of an MOU is to allow the members of each organization to enjoy the benefits of the other organization without becoming a member of that organization. However, such benefits shall not include voting rights.
- 4.9. All members shall observe the Islamic code of conduct and ethics in all proceedings, meetings and activities of ICF.
- 4.10. The venue for any legal action against ICF shall be in the proper courts of Collin or Denton County, Texas, to the exclusion of all other courts in any other venues.

- 4.11. For the purpose of Eid-Ul-Fitr, Eid-ul-Adha and the declaration of Ramadan and to keep the unity of Muslims in the DFW metroplex, ICF shall take into consideration the decision of the Fiqh Council of North America (FCNA). ICF may also coordinate with other Islamic Associations of the DFW metroplex and declare Eid and Ramadan keeping in view the FCNA and the majority decision of Islamic associations in the DFW metroplex. In case of FCNA's non-existence, any such equivalent organization as agreed upon by Shura and areas Islamic Associations will be followed for such decisions.
- 4.12. Shura may appoint a constitution committee to interpret the articles, sections and clauses of this constitution to further clarify the purpose and intent and may recommend necessary amendments required as the situation demands. It is strongly recommended that at least one member of the original Constitution Committee, if available, be involved in this committee because of prior knowledge and the purpose and intent of any clause.
- 4.13. Arbitration Procedure: In any dispute between persons concerning activities of ICF, all parties involved shall cooperate in good faith to resolve the dispute. If the parties cannot resolve the dispute between themselves, ICF members can bring the concern or complaint in writing to the Shura. Shura shall acknowledge such complaint, in writing, within 15 days and try to resolve the dispute. The Shura may advise the President to form a Grievance Committee, formed and headed by the President. The committee will consist of three members of Shura. This committee will try to conduct a reasonable investigation of the issue in 15 days and then will present their findings to the Shura in next scheduled meeting. The Shura will then take a final decision in this matter.

5. Membership

- 5.1. ICF membership is open to all who subscribe to the purpose and objectives set forth in Article 2.
- 5.2. Muslim residents of City of Frisco or Frisco Independent School District (FISD), TX boundaries can register with ICF. Only registered members are eligible to vote for electing the President and Shura members and participate in the proceedings of the Majlis. Dependents over eighteen (18) years of age must register separately.

ARTICLE 6

6. Elections

6.1. An Election Commissioner shall be appointed by the Shura sixty (60) days before Election Day. The Election Commissioner shall be a registered member of ICF

- outside of the Shura (i.e., a non-Shura member). The Election Commissioner shall choose minimum of two members outside the Shura to serve on the commission.
- 6.2. Only members who are residents of City of Frisco or FISD, TX and have been registered with ICF for at least six (6) months prior to the Election Day shall be allowed to vote. Proof of City of Frisco or FISD, TX residency shall be required.
- 6.3. Registered members shall be at least eighteen (18) years of age.
- 6.4. Elections shall be conducted at the end of the term on the last Sunday of November and newly elected officials shall take office effective after Zohar prayer on the last Sunday in December.
- 6.5. Early voting or Election Day voting shall be conducted only in person. Mail-in votes shall not be accepted.
- 6.6. The Election committee shall adopt the following procedure:
- 6.6.1. Seek nominations at least 45 days prior to the Election Day. Nominations are to be submitted by an ICF member.
- 6.6.2. Announce final list of candidates for respective offices at least 30 days prior to election
- 6.6.3. Provide an opportunity for early voting for those who may not be able to vote on Election Day. Early voting may begin right after the final list is announced and may end one week before Election Day.
- 6.6.4. Count the ballots (early votes and Election Day votes) in public, announce and document the election results.
- 6.6.5. All election ballots and records shall be maintained by the Shura for a period of two (2) years.
- 6.6.6. If the conditions on election day warrant postponing the election due to reasons beyond control of the election committee (e.g., inclement weather, a community emergency), it may be postponed to the following Sunday. If the circumstances warrant again, it may be postponed to the following Sunday until the election is held.
- 6.7. Serving Terms:
- 6.7.1. The term of the Shura including President, Treasurer and Secretary shall be two (2) years.
- 6.7.2. Any vacancy of an elected office shall be filled in accordance with article 6.7.4 below. The term of the vacant position that was filled shall be for the unexpired term only.
- 6.7.3. The Secretary and Treasurer shall be nominated for the remaining term by the President from the elected Shura members.
- 6.7.4. The most recent election results shall be used to fill a vacancy. The person with the highest number of votes who was not elected shall be offered the vacant position. If such a person is not available or declines the position, then the individual with the next highest number of votes shall be offered the vacant position. The above procedure shall be repeated until the vacant position is filled. If the vacant position is not filled through this process, then the Shura, including the President, is authorized to fill the vacant position within 30 days through an appointment provided that the remaining unexpired term is less than twelve (12) months.

- 6.8. Special Elections:
- 6.8.1. Special elections shall be held only if the unexpired term of the vacant office is more than twelve (12) months. The procedure outlined in Article 6 above shall be followed to fill the vacancy through special election.
- 6.8.2. If any position including the President cannot be filled through article 6.7.4, a special election shall be held. If the vacant position is that of the President, the Shura members shall elect the President among themselves until the special election is held.
- 6.9. In case the entire Shura including the President resign, the Imam shall take charge of the responsibilities of the President and carry out the affairs of ICF until a new President and Shura are elected in accordance with article 6.7. If the Imam's position is vacant, the last Election Commission shall take charge of the affairs of ICF until a new President and Shura are elected in accordance with article 6.7.

7. Qualifications

- 7.1. Candidates for the Shura and President shall be practicing Muslims who frequent the Frisco Masjid. This condition shall apply to the nominator, the nominee and members of the Election Commission.
- 7.2. Candidates for the office of President and Shura must be current residence of City of Frisco or FISD, TX for at least one year.
- 7.3. The candidates running for President shall not hold or accept any position such as Chairman, Chairman-Elect, President, President-elect, Vice President or Treasurer in any other Islamic/Muslim organization during the term of office.
- 7.4. The candidates should have valid ICF membership for atleast 6 months.
- 7.5. Must have a clear record when a background check is preformed
- 7.6. Be a legal resident or citizen of USA and can provide necessary documentation, when and if requested

ARTICLE 8

8. Responsibilities

8.1. Majlis (General Body)

- 8.1.1. The Majlis elects the members of the Shura and authorizes them to administer the affairs of ICF in accordance with this constitution.
- 8.1.2. Any no confidence vote against elected member must be approved by a simple majority of the Majlis present at the meeting after satisfying the quorum requirements as provided in Article 10 below.
- 8.1.3. Liquidation of any assets in excess of \$100,000 (One Hundred Thousand US Dollars) must be approved by the Majlis.

8.2. President and Shura Members

- 8.2.1. The Shura shall be responsible for providing policy guidelines for programs and activities of ICF.
- 8.2.2. The Majlis shall elect the President through a majority vote.
- 8.2.3. The Shura shall strive for all decisions through consensus; however majority vote of the Shura shall always prevail.
- 8.2.4. The Shura shall formulate long-term planning of ICF. An integrated four (4) year plan detailing the activities and the resource requirements shall be presented at the annual Majlis meeting.
- 8.2.5. The Shura shall meet at least once a month. Minutes of these meetings shall be maintained and be available to the registered members on request for review within 5 working days after the meeting.
- 8.2.6. The Shura must maintain all records and documents of ICF including but not limited to deeds of trust, leases, marriages, deaths, births, divorces, registered members list and financial records.
- 8.2.7. The Shura shall be responsible for all financial activities including but not limited to fund-raising, collection and disbursement of Zakat and Fitra funds and other donations.
- 8.2.8. The Shura may hire or terminate employee(s) of ICF as required to efficiently run the operations of ICF on such terms and conditions as the Shura deem fit. Specific scenario of the termination (not renewal) of Imam requires 70% Shura approval.
- 8.2.9. The Shura shall be authorized to obtain bids, execute and award contracts. Any contract work over US Five Thousand Dollars (\$5,000) shall require at least three bids
- 8.2.10. The succeeding Shura shall implement the written commitments of the previous Shura as long as these commitments are within the framework of Article 2.
- 8.2.11. Any Shura member who is absent for three consecutive meetings will be considered by the Shura for dismissal and the vacancy so created shall be filled in accordance with article 6.7.4 above.
- 8.2.12. The first Shura in the history of Frisco Masjid shall consist of unelected founding members. Refer to Elections Article 6.

8.3. IMAM

- 8.3.1. The office of Imam is to lead the community in religious and spiritual affairs
- 8.3.2. The Imam shall possess strong knowledge of Qur'an and Sunnah. He shall preferably be a Hafiz Al Qur'an and be fluent in Arabic and English and shall provide references for any previous experience and training.
- 8.3.3. The Imam shall reside in Collin or Denton County, Texas and must lead all prayers on time.
- 8.3.4. The Imam shall perform by himself or through the Shura's designee all religious rituals, ceremonies, and duties, including but not limited to leading the daily prayers, jum'a prayer, taraweeh prayer in Ramadan, eid prayers, funeral prayers, marriages, or any other duties pertinent to the office of Imam.

8.4. Selection of Imam

- 8.4.1. The Shura shall appoint an Imam committee consisting of at least three (3) and upto five (5) members for the selection of Imam who shall make a final recommendation to the Shura. This committee shall consist of people like the former President and respected senior community members knowledgeable in Our'an and Sunnah.
- 8.4.2. This committee shall seek applications for the Imam, make announcements, may advertise for the position or contact Islamic organizations to invite applications, and scrutinize the applications using the criteria established in Article 8.3. The committee shall separately invite a minimum of three (3) prospective candidates to provide interaction with the community in the Masjid by way of holding lectures, and jum'a khutba.
- 8.4.3. Shura shall seek approval for the final candidate from the Majlis in a Majlis meeting or by referendum and offer the position as an ICF employee under contract clearly defining the terms, for an initial period of five (5) years, renewable for three (3) years by approval of the Shura. If this candidate does not accept the position, the process is repeated to obtain Majlis's approval for the next candidate from the list. If no candidate accepts the offer, the process shall start again by assigning the task to a special committee.
- 8.4.4. The President shall seek advice on Islamic rulings from Frisco Masjid Imam, Imams of other masajid and other religious Ulema, however final decision in such matters will be decided by the majority vote of the Shura members.

8.5. President (Ameer)

- 8.5.1. The President or his designee from Shura shall conduct and preside over all meetings of the Majlis and the Majlis-e-Shura.
- 8.5.2. The President shall present an Annual Report to the Mailis.
- 8.5.3. The President shall sign all documents on behalf of the Shura.
- 8.5.4. The President shall implement all decisions made by the Shura.
- 8.5.5. The President may execute any deeds, contracts, or other instruments that the Majlis has authorized.
- 8.5.6. The President shall designate someone from Shura in his place in case of his absence.
- 8.5.7. The President shall seek advice on Islamic rulings from ICF Imam, Imams of other masajid and other religious Ulama. However, final decision in such matters will be decided by the majority vote of the Shura members.

8.6. Secretary

- 8.6.1. The President shall appoint one of the Shura members as Secretary.
- 8.6.2. The Secretary shall prepare the General Shura meeting agenda in conjunction with the President and the Shura.
- 8.6.3. While the Secretary shall prepare the Shura meeting agenda, the President, members of Shura, and the members can identify the items.
- 8.6.4. The Secretary shall document the minutes of General Body and Shura meetings.
- 8.6.5. The Secretary shall prepare a list of action items.

- 8.6.6. The Secretary shall monitor the progress of all committees, collect their reports, and brief the Shura. The following items shall always be part of a regular Shura meeting:
- 8.6.6.1. Reading of the minutes of the previous meeting and its approval.
- 8.6.6.2. Progress reports of the Committees.
- 8.6.6.3. The action items covered between the current and previous meeting.

8.7. Treasurer

- 8.7.1. The President shall appoint one of the Shura members as Treasurer.
- 8.7.2. The Treasurer shall be responsible for financial transactions, including the annual budget and financial reports. Any transaction other than the fixed cost shall have endorsement of the Shura.
- 8.7.3. The Treasurer shall receive and give receipts for moneys due and payable to ICF from any source provided the receipts and payments are consistent with article 2. Receipts issued for non-cash items shall not exceed the fair market value of the item donated.
- 8.7.4. The Treasurer shall write checks, and distribute funds to discharge obligations of ICF. Funds greater than \$5000 (Five Thousand Dollars) shall require the signature of the Treasurer and the President.
- 8.7.5. The Treasurer shall maintain the financial books and records of ICF and keep separate ledgers for Sadqah, Zakat, Fitra, and donations for any special projects.
- 8.7.6. The fiscal year of ICF shall begin on the first day of January and end on the last day of December in each year. At the end of the fiscal year, the Treasurer shall have ICF's accounts and financial statements showing income and expenses, assets, liabilities, and net worth and post this statement on ICF's bulletin board.
- 8.7.7. Quarterly statement of income and expenses shall be prepared and displayed for public viewing in the Masjid.
- 8.7.8. The Treasurer shall hand over all the accounts and books of ICF in the presence of Shura members to the succeeding Treasurer at the end of the term or upon leaving the office.

8.8. Committee and sub-Committees:

8.8.1. Committees and sub-committees may be established or dissolved by the Shura in the respective areas. The responsibilities of all committees shall be within the frame work of this constitution. No Committee shall have authority to take any action outside the scope of authority delegated to it by the Shura. All committees shall be composed of at least three members including the chairperson. It is recommended that the chairperson be one of the Shura members. All members of committees and subcommittees shall be residents of the City of Frisco or FISD, TX. This condition may be waived by the Shura for fundraising committees or special events benefiting Muslims of other areas.

8.9. Member

- 8.9.1. Individual Shura members, registered members and non-registered members shall safeguard ICF's assets and facilities.
- 8.9.2. Each member shall observe the Islamic code of conduct in dealing with each other and respect authorities. The sanctity of the Mehrab, prayer hall and other facilities shall be observed in accordance with the injunctions of Qur'an and Sunnah.
- 8.9.3. For any member or group found in violation of Islamic rules of behavior or disturbing the peace and harmony in the Masjid or insulting ICF authorities, or abusing ICF's assets, the Shura may take appropriate disciplinary action against such individual or group.

ARTICLE 9

9. Finances

- 9.1. The Shura shall maintain non-interest bearing account for ICF at a bank in Collin or Denton County, Texas. This account shall be operated under the Treasurer's and President's signatures.
- 9.2. The Shura shall appoint a certified public accountant (CPA) to audit ICF's accounts every two years.
- 9.3. Audit will be done after the first year of regular Shura elections.

ARTICLE 10

10. Meetings and Quorum

- 10.1. Annual Majlis (General Body) Meeting: There shall be an annual Majlis meeting of ICF at the masjid or at an appropriate place determined by the Shura to be held on the last Sunday of December each year. The purpose of this meeting is to disseminate information to the community. This meeting shall be held after Zuhr prayer and shall be chaired by the President of the Shura. In the absence of the President, a Shura member designated by the President shall conduct the meeting. The following activities shall be conducted at this meeting:
- 10.2. The Annual Report including the financial status shall be presented by the President or his designee.
- 10.3. Next year's budget shall be presented. An update on four year plan shall be provided.
- 10.4. No quorum is required and no approval of any issue is required at this meeting.
- 10.5. Non registered members may attend the Majlis meetings as observers.
- 10.6. Notification of Meetings: The time, date and place of the meeting shall be provided to all registered members by the best communication possible: e.g., by phone, fax, letter, email etc.
- 10.7. Special Meeting: The President is authorized to call for a special Majlis meeting if: (a) requested by 20% signatures of registered members or (b) through a resolution passed in the Shura meeting.

- 10.8. Quorum:
- 10.8.1. The quorum for Shura will be a minimum of 5 members.
- 10.8.2. Twenty (20%) of registered members shall constitute the quorum for Majlis meeting. Meetings adjourned for lack of quorum must be reconvened within a reasonable time, not exceeding thirty (30) days.
- 10.8.3. A reconvened meeting does not require a written notification of such meeting. However, the time, date and place for the reconvened meeting shall be determined before adjournment and posted on the Masjid bulletin board and via other means.
- 10.8.4. If the second meeting is adjourned due to lack of quorum then the matter will be decided by the Shura.
- 10.8.5. A majority quorum vote is required to adopt any decisions, in case of a tie then the matter will be decided by the Shura.

11. Amendments

- 11.1. All section(s) of this Constitution may be altered, changed, or amended at a special Majlis meeting specifically called for this purpose. Four (4) weeks written notice and an agenda, including the text of the proposed constitutional provision as well as the text of any existing provisions proposed to be altered, amended, or repealed, must be made available to the registered members of ICF. The annual meeting of the Majlis may also be utilized for this purpose provided that the registered members are notified in advance as stated above.
- 11.2. Thirty percent (30%) of registered members constitute a quorum for an amendment to the constitution. A two-thirds (2/3) majority quorum vote is required to adopt any amendments to the Constitution of ICF.
- 11.3. The amendment process may be initiated by the signatures of twenty percent (20%) of the registered members.
- 11.4. The proposed written amendments shall be reviewed by a Constitution Committee appointed by the Shura. The recommendation of this committee shall be made to the Majlis in writing.
- 11.5. ICF Constitution must be reviewed every five (5) years by the Constitution Committee appointed by the Shura in order to adopt any changes if needed.
- 11.6. This Constitution shall not be altered with the adopted amendments and shall be left in its original form. All amendments adopted shall be attached to this original document. The adopted amendment shall reference the proper Article number or sub-section and shall be made part of this Constitution.
- 11.7. If the solution to any problem is not available in the Constitution, and if permanent change in the Constitution as an amendment is not required, a rule may be adopted or passed by a simple majority vote of the Majlis, and business may be carried out as usual. Such rule may be adopted for a fixed period of time after which time the rule shall expire automatically. The rule so adopted shall not be in conflict with the Constitution, particularly Article 2.

CERTIFICATION

Signatures

Constitution Committee:

Praise be to Allah Subhanahu Wa Ta'ala, the Most Gracious, the Most Merciful, O Allah Subhanahu Wa Ta'ala pardon us and forgive us, if we have transgressed our duty, guide us to the straight path, the path of those on whom You have bestowed Your Grace. Ameen.

Through this article, we the presently appointed members of the Constitution Committee attest our signatures as witnesses and Allah Subhanahu Wa Ta'ala is the greatest of all witnesses, that this document (Constitution of ICF) which consists of Eleven (11) Articles is presented to the Majlis for approval within the framework of present rules. The Majlis has blessed and approved this Constitution to govern the affairs of ICF on bb/b2/12

Anyone who willfully or negligently, knowingly or unknowingly, or consciously or unconsciously violates the adopted rules of this constitution, such person shall be responsible for his actions in this world and the hereafter.

Mohammad Azam) (Izzat Khan) (Mohammed Tanveer)

Witnesses:

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Muhammad Khan mahammad Mah

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