

CONSTITUTION FOR THE KENYA COMMUNITY IN THE NORTH EAST OF USA. (K.C.N.E)



PREAMBLE

Guided by the people's desire for a better standard of life, committed to a holistic approach to development, and knowing that our projects seek to improve access to quality education and health care, environmental protection and productivity, sports for the youth, cultural and democratic participation, support for the local enterprises, and other economic activities beneficial to the daily lives of the community.

Being mindful that effective implementation of small-scale, locally-adapted community projects are key to economic and social development, being aware that small projects generated within the community are compatible with existing cultural practices have greater chances of success than large-scale, hereby resolve, adopt, firmly and irrevocably commit: To achieving high standard of life for all community members resident in our sphere of operation by responding to the needs of the people, harness existing community organizations' resources (the youth and women , mutual aid societies, schools and health facilities).

VISION

Achieve high quality of life for all members

708 Linden Street, Bethlehem PA 18018

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MISSION STATEMENT

To alleviate poverty from the Kenyan Community through projects, programs that meet the local needs and are community driven, participatory in nature with gender valuation. We seek to bring sustainable development by empowering the community with appropriate skills and resources to own and run the development agenda of members.

ARTICLE I – NAME AND INCORPORATION

The name of the organization shall be Kenyan Community in the North East U.S.A (K.C.N.E). The organization shall be incorporated under the laws of the State of Pennsylvania, (USA) with its headquarters at 231 N 6th St, Allentown, PA 18102.

ARTICLE II – PURPOSE

K.C.N.E shall operate and carry out its objectives in the United States of America and the Continent of Africa exclusively for charitable and educations purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any United States Internal Revenue Law). It is a Nonprofit Grassroots Community Development Organization and shall have perpetual succession with power to sue and be sued in its own name.

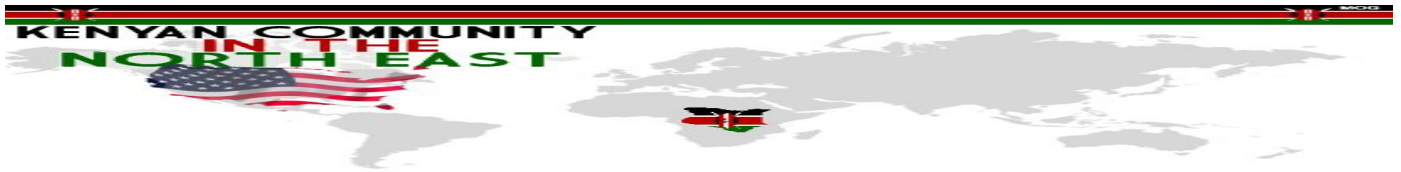
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The KCNE-

- a. Shall set out to improve the conditions of the people by responding to the development challenges in the community in particular the Millennium development goals i.e. education, health, environmental protection, entrepreneurs and talent promotion, democracy, governance within the organization , culture, gender promotion and empowerment.
- b. Shall solicit funds for a development from well-wishers, governments, conduct fundraising, private donations, the involvement of development partnerships, and stake holders i.e. the civil society, the private sector, global partners and different community interests.
- c. Shall work with the international Community, Community Based Organizations (CBO's), Cooperative Societies, the Faith Based Community, Academic Community, Development Committees and all persons with common developmental interests of the community.
- d. Shall engage, aid and supplement any other activities as may be desirable or required to fulfill and serve its objectives in community development consistent with the corporation's mission statement, goals and mandate.
- e. Any other mandate as the Board of Trustees shall advice provided always the mandate is consistent with (D) above and ratified by the General Assembly.

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These objectives shall be achieved through recognizable functional committees.

ARTICLE III – MEMBERSHIP

Section A – Membership Eligibility

- a. The membership of the KCNE shall be open to individuals, groups, community Based Organizations, partnerships, societies, and foundations whose mission and mandate is consistent with the mission, goals and mandate of **KCNE *provided always*** that no eligible member, group, or any person, entity, whatsoever, shall carry out activities that create a conflict of interest of undermines the mission, goals and mandate of **KCNE**.
- b. Save as stated herein, there shall be no limitation on the number of participants from the general membership.
- c. Attendance at regular meetings and payment of the registration fee constitute membership of **KCNE**.

ARTICLE IV – COMMITTEES

The committees shall form the governance structure of **KCNE**:

- a. Education, Health and Culture

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- b. Entrepreneurship and Talent
- c. Environment
- d. Global Partnership and Development, Monitoring and Evaluation

As shall be decided by the Executive Committee

Section 1: There shall be an Executive Committee consisting of the Chairman, Vice – Chairman, Secretary, Vice Secretary, The Treasurer, Assistant Treasurer, Organizing Secretary, Vice Organizing Secretary, Women Leader, Assistant Women Leader, Youth Leader, Assistant Youth Leader, Patron, and Committee Chairmen.

Section 2: There shall be a Nominations Committee selected by members of the Executive Committee, but does not include the Executive Committee, and two at-large voting members of **KCNE**. The nominations committee shall be chaired by the Vice-Chairman save if the Vice chairman is running in which case a select member of the committee shall preside.

Section 3 – The chairman and the Board may establish standing and ad hoc committees whenever the need arises.

- a. The chairman shall have the power to nominate committee chairs and to appoint committee members subject to the approval of the Board of Directors provided always that the decision of

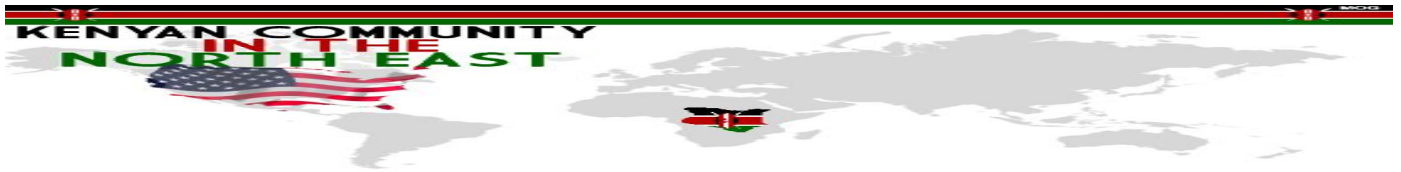
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the executive committee shall be collective and the chairman shall not override the committee.

- b. The chairman is an ex-officio member of all committees and shall participate in such committees informally as an ordinary member.

ARTICLE V – BOARD OF TRUSTEES

Section 1: There shall be a Board of Trustees. The Board of Trustees shall have at most 5 members as the community may determine. The Board shall consist of the following:

- A. Chairman
- B. Secretary
- C. Treasurer
- D. Assistant Treasurer

Section 2: During Board meetings, only Board members shall have voting privileges, the chairman voting only in case of a tie to defuse any stalemate.

Section 3: The Board members shall serve one term of two years with an option for one re-run.

Section 4: Past chairmen of **KCNE** Shall be ordinary members at the general meeting after leaving office.

ARTICLE VI – VACANCIES OF THE KCNE BOARD

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Section 1: If a vacancy occurs between general membership meetings of **KCNE**, the Board is empowered to fill the vacancy until the next general membership meetings of **KCNE**. At the next general membership meeting, an officer will be elected to serve a full two-year term. The person selected by the Board to fill the vacant position in the interim shall be eligible for election to that position.

Section 2: In the case of death or resignation of a chairman, the Vice – Chairman assumes the duties of the chairman and completes the term of office.

ARTICLE VII – QUALIFICATIONS OF OFFICE BEARERS

Section 1: The office bearers of **KCNE** must be members in good standing (fully paid) and voting members of **KCNE**.

Section 2: The office bearers must be of sound character, competent and mature in judgement and experience.

Section 3: The Board shall take into account diversified interests and may include two members outside **KCNE** with business or fund raising acumen.

ARTICLE VIII – ELECTIONS OF EXECUTIVE OFFICE BEARERS

Section 1: There shall be Executive Office Bearers. Election of Executive Office Bearers shall be

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held once every two years via balloting, in July, following the general membership meeting held in June.

Section 2: The nominating committee shall prepare a slate of nominees for approval by the **KCNE** Board. The nominees will be introduced at the general membership meeting of **KCNE** held the third week of June every other year on years ending with an even number.

Section 3: The Secretary, with the updated list of voting members from the treasurer, shall send mail ballots to all eligible voting members at their most recent mailing addresses.

Section 4: The Nominating Committee shall oversee the collection and counting of the ballots under the supervision of an independent entity appointed by the executive committee.

Section 5: In the event of a resignation of an Office Bearer between general meetings of **KCNE**, the board is empowered to fill the vacancy until the next general membership meeting of **KCNE**. The Chairman shall have the authority to make an interim Appointment to fill the vacancy with the approval of the Board. The appointee will serve until the next balloting at which time they shall be eligible to run for election to the appointed position if they so wish.

ARTICLE IX – DUTIES OF OFFICERS

1. Chairman.

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- a. Shall function as the chief executive officer of **KCNE**.
 - b. Preside at all business meetings of **KCNE**.
 - c. Provide liaison between **KCNE** Branches, National and International.
 - d. Work closely with the staff of **KCNE** at the community level, Welfare groups, CBO's and any affiliates promoting **KCNE** mission and programs.
 - e. Officially represent **KCNE** at external meetings as authorized by the Executive Committee members.
 - f. Maintain contact with the membership of **KCNE** through regular contributions to the **KCNE** newsletter or by a nominee.
 - g. Be an ex-officio member of all **KCNE** committees except the Executive.
2. The Vice-Chairman/Chairlady
- a. Shall perform the duties of the chairman in his absence or if the post is vacant; serve as an ex-officio member of all committees and Vice chairman/ chairlady of the Board of Directors; and such other duties as assigned by the president or the Board of Directors.
 - b. Shall be the Chairperson of the Nominating Committee save when not running.

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3. The Secretary

- a. Shall keep a record of all regular and special meetings of **KCNE**.
- b. Shall provide all officers with a copy of minutes for all meetings.
- c. Correspond in relation to any business of the **KCNE** when requested to do so.
- d. Be responsible for notification of all meetings and elections.
- e. Discharge all other duties usual to the office of the Secretary.
- f. Any other duties as assigned by the chairman or executive committee.

4. The Treasurer

- a. Shall be deputized by assistant treasurer who shall be elected in the same manner and tender of the Treasurer.
- b. Shall be responsible for all the financial affairs of **KCNE**.
- c. Provide the Board and membership with accurate financial statements.
- d. Discharge all other duties usual to the office of the Treasurer.
- e. Shall not append any signature to any checks without the authority in writing of the Board of Directors duly signed. **There will be three signatures on all checks with the treasurer's signature as one of them.**

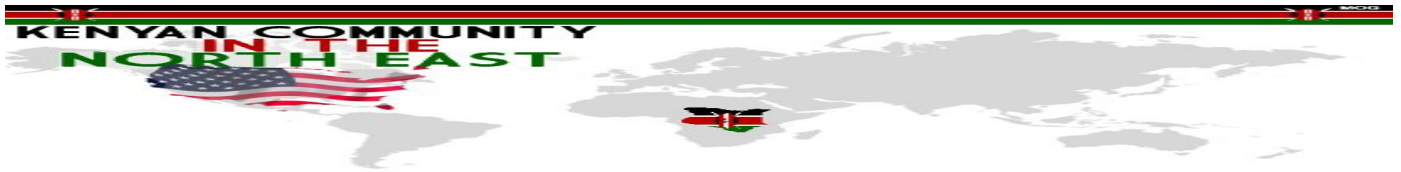
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- f. Worth with all institutions in the respective jurisdiction or International Conference to establish new sources of revenue, encourage the growth of existing programs and ensure good housekeeping.

ARTICLE X – FINANCES

Section 1: The fiscal year shall coincide with the election year.

Section 2: There shall be an annual fee for membership dues set by the Board.

Section 3: Standard accounting procedures shall be used. If financial records are maintained on a computer system, backup procedures shall be utilized as established by a designated person and approved by the Executive Committee.

Section 4: Final auditing shall be done two months before the end of the fiscal year/ election year.

The auditor must be an independent person and not a member of KCNE.

Section 5: The Treasurer shall provide a financial report at regular **executive** meetings and a full financial statement at the biennial conference/ general membership meeting and complete any necessary financial paperwork required by the Internal Revenue Service.

ARTICLE XI – RESIGNATION AND REMOVAL OF OFFICERS

Section 1: Any Officer who wishes to resign must submit a letter of resignation to the chairman at least

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thirty (30) days prior to the effective date of resignation. In the event that the chairman resigns, the letter must be submitted to the entire Board.

Section 2: Vacancy created through resignation shall be filled by procedure outlined in **Article VIII**

Section 5.

Section 3: The Board may declare the position of an Officer vacant and may remove such Officer for cause on the occurrence of any of the following events:

- a. The Officer has been declared of unsound mind by an order of the Court.
- b. The Officer has failed to attend the last three meetings of the Board.
- c. The Officer is no longer a member of **KCNE**.

ARTICLE XII – DISSOLUTION

Section 1: In the event KCNE dissolves, any and all money, assets remaining after meeting, outstanding liabilities shall be transferred to or assigned to viable Community Based Organizations in North east of U.S.A, Kenya, in equal portions (or to suitable nonprofit organization(s) of similar mission, goal and mandate). However, if the named recipient is not then in existence or is no longer a qualified distribute, or unwilling or unable to accept the distribution, the assets of this organization shall be distributed to a fund, foundation, or corporation organized and operated exclusively for the purposes specified in

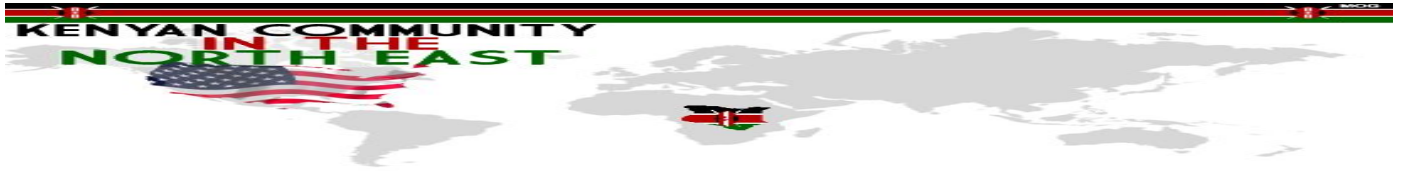
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