

Kenya Young Greens

THE CONSTITUTION

FOUNDED IN JANUARY 2007.

1.0 NAME:

The name of the society shall be Kenya Young Greens hereinafter referred to as KYG.

2.0 OBJECTIVES:

- A. Empower young people within the framework of participatory democracy
- B. Create a space for young people to be active without being dominated by older generations
- C. Address inequalities between organizations and individuals
- D. Forge strong links between sectors and organizations
- E. Further the Green principles on planet Earth

3.0 MEMBERSHIP

- A. Any Youth Groups, CBO's, Movements, Youth serving NGOs, may be eligible for membership of the society and shall be subject to the approval of the National Executive Committee become a members of KYG upon payment of the stipulated membership fees as from time to time decided upon by the National Congress
- B. Any young person between the age of 18 to 35 years shall be eligible for membership of the society and shall be subject to the approval of the National Executive Committee become a member of Kenya Young Greens upon payment of the stipulated membership fees as from time to time decided upon by the National Congress.
- C. There shall be such category of membership otherwise known as Senior Members who shall be drawn from friends of the organisation who have attained the age of 35 and above. These members however shall be ex-officio and will have no voting rights as envisioned in this constitution.
- D. Any member desiring to resign from the society shall submit his/her resignation to the Secretary of the National Executive Committee which shall take effect from the date of the receipt by the Secretary of such notice. In the event the member being the Secretary, the resignation should be submitted to the chairperson and will take effect from the date of receipt by the Chairperson.
- E. National Executive Committee may expel any member from membership by a 2/3 majority vote of the committee members, that such a member should be expelled on the grounds that his/her conduct has adversely affected the reputation or dignity of the society or that has contravened the vision of the constitution of the society or is guilty of conduct which, in the opinion of the National Executive Committee, renders that member unfit to be a member.

- i.** The National Executive Committee shall have power to suspend a member from his/her membership until the National Executive Committee of the society, has had chance to consider the expulsion of such a member. The suspension shall be in effect for a period of 21 days after the notification of suspension has been made known to the member.
- ii.** The intention of the National Executive Committee shall, however, be notified to the member in writing and the member shall be asked to submit any explanation in writing to the executive committee before final action is taken
- iii.** A member holding office or a member in the National Executive Committee shall upon expulsion forfeit his or her duties notwithstanding provisions under Section 5 (E)

4.0 THE NATIONAL CONGRESS

- A. The National Congress is the supreme organ of KYG. It shall determine the main lines of policy and assume responsibility for the direction and administration of KYG.
- B.
 - i. The Congress shall receive from the Executive Committee a report on the implementation of and activities carried out by KYG since the previous Congress.
 - ii. The Congress shall receive from the Executive Committee a report on the finances of KYG, which shall include audited accounts of income, expenditure, and balance sheets for the period since the previous Congress. It shall approve the accounts and financial statements of KYG.
 - iii. The Congress shall decide the programmes of KYG.
 - iv. The Congress shall elect the Executive Committee.
 - v. The Congress shall give the necessary authorization to the Executive Committee to take action in cases where the power attributed to it by the Constitution shall be insufficient.
- C. The Congress's decision are taken by a majority vote of the members present except where a different procedure is indicated in the Constitution.
 - i. Each paid up member of KYG shall be have a right to vote in the Congress.
 - ii. Each such paid up member, shall have one vote in the Congress.

D.

- i. The Congress shall meet every year at a date not later than the 15th of December for the General meeting and shall be convened by the Executive Committee. A notice shall be sent at least 21 days before the Congress to the members.
- ii. Quorum
 - a. Quorum for a General meeting of the Congress shall not be less than five percent (5%) of the registered members entitled to vote
 - b. If no quorum is present within 15 minutes of the time for which the meeting is called, the meeting shall be adjourned to the same place and time 14 days later, but not later than the 31st of December. If no such quorum is present at the adjourned meeting the members present and eligible to vote shall be a quorum
2. The agenda of the Annual General Meeting of the National Congress of the Society should include;
 - a. Minutes of the previous Annual General Meeting and of any subsequent Special General Meeting of the National Congress to be confirmed and signed by the Chairperson
 - b. Business arising out of the minutes to be discussed
 - c. Annual Report.
 - d. Financial Report
 - e. Matters raised by the executive committee
 - f. Any other business of which due notice in the form of the resolution to be proposed has been given to the Secretary, signed by not less than 2 members, not less than 21 days before the date of the meeting.
 - g. Election of National Executive Committee and constitution of the working groups.
 - h. Election of Trustees
 - i. Appointment of auditors
 - j. Any other business with the approval of the Chairperson.

E.

A Special General Meeting of the Congress may be called:

- i. By two-thirds of Executive Committee, notice in writing of such a meeting shall be sent to all members in not less than 7 days before the date thereof and where practicable by press advertisements not less than 7 days before the date of such meeting, or
- ii. By the Chairperson within 30 days of the receipt of the request in writing of not less than 12 members of KYG. such a meeting shall be held within 30 days of the date of the requisition. The notice for such meetings cannot be discussed other than that stated in the requisition.
- iii. Subject to section 5(E)(f)
- iv. Twenty one days after the resignation of an elected office bearer of the National Executive Committee for the purposes of electing of a replacement.

F.

The agenda, proposed by the Executive Committee, is decided upon in its final form by the Congress itself.

5.0 NATIONAL EXECUTIVE COMMITTEE

- A. This is the second highest decision making body of Kenya Young Greens. The National Executive Committee shall be composed of not more than ten members comprising of seven elected office bearers and four other members will be drawn from the membership and who will be seconded to the committee by a vote of the members
- B. The seven elected office bearers are;
- i. The Chairperson
 - ii. The Vice-chair
 - iii. The Secretary
 - iv. The Vice Secretary
 - v. The Treasurer
 - vi. The Vice Treasurer
 - vii. The National Coordinator,
- All the elected office bearers and the four-seconded members shall hold office from the date of the election until the next General Elections two years later during the meeting of the National Congress and they will all be eligible for re-election.
- C. The National Executive committee is to be balanced taking due cognisance to gender and regional balance.

D. Duties of the Office Bearers.

i. The Chairperson

- a. The Chairperson shall, unless prevented by illness or other sufficient cause, preside over meetings of the National Executive Committee and at all the General or Special meetings of the National Congress subject to Section 9.
- b. The chairperson shall direct and supervise all the activities of the members of the National Executive Committee
- c. The Chairperson shall be one of the signatories of all the Societies' financial accounts.
- d. The Chairperson shall represent the Kenya Young Greens in foras, meetings, conferences once requested to do so by the National Executive Committee.
- e. The Chairperson shall be eligible to seek and hold positions/responsibilities of the Kenya Young Greens steering committees or working groups.

ii. The Vice Chairperson

- a. The Vice Chairperson shall perform all the duties of the Chairperson in his/her absence or when requested to do so.
- b. He/she shall represent Kenya Young Greens in foras, meetings, conferences once requested to do so National Executive Committee or the Chairperson.

iii. The Secretary

- a. The Secretary shall deal with all the correspondence of the society under the supervision of the committee. In case of urgent matters where the committee cannot be consulted, he/she can consult the Chairperson, if he/she is not available the Vice Chairperson. The decisions reached shall be subject to ratification or otherwise at the next committee meeting.
- b. He/she shall represent Kenya Young Greens in foras, meetings, conferences once requested to do so by the National Executive Committee or the Chairperson.

iv. The Vice Secretary

- a. The Vice Secretary shall in the absence of the Secretary perform all duties of the Secretary or any duty requested by the Secretary.
- b. He/she shall represent the Kenya Young Greens in foras, meetings, conferences once requested to do so by the National Executive Committee or the Chairperson

v. The Treasurer

- a. The Treasurer shall receive and shall also disburse, under the directions of the committee, all moneys belonging to the society and shall issue receipts for all moneys received by him/her and preserve vouchers for all moneys paid by him/her. The treasurer is responsible to the committee and to the members that proper books of account of all moneys received and paid by the society are written up, preserved and available for inspection and auditing. He/she shall be one of the signatories of the society's accounts and finances.
- b. He/she shall represent the Kenya Young Greens in foras, meetings, conferences once requested to do so by the National Executive Committee or the Chairperson.

vi. The Deputy Treasurer

- a. The Assistant Treasurer shall perform such duties as may be specifically assigned to him by the Treasurer or by the committee and in absence of the Treasurer shall perform the duties of the Treasurer.
- b. He/she shall represent the Kenya Young Greens in foras, meetings, conferences once requested to do so by the National Executive Committee or the Chairperson.

vii. The National Coordinator

- a. The National coordinator shall perform the duty of management and coordination the functions of the National Committee and the working groups in line with the resolutions of the committee and the direction of the Chairperson.
- b. He/she shall represent the Kenya Young Greens in foras, meetings, conferences once requested to do so by the National Executive Committee or the Chairperson.

E. Conduct of Office Bearers

- a. The conduct of the office bearers should be in line with the objectives and vision of the organisation.
- b. The actions of the office bearers are to be in accordance with the resolutions of the National Congress and the National Executive Committee as from time to time resolved.
- c. In the event that the conduct of an office bearer is found to be wanting, the Chairperson will inform the officer in writing to submit a conclusive report on their activities as from the time elected for deliberation by the National Executive Committee.
- d. A member of the National Executive committee may, at any time, as a matter of concern over the performance of an office bearer,
 - i. Write to the chairperson and in the event such an office bearer being the chairperson, to the Vice chairperson issuing a concern. The concern should be with the approval of another member of the Committee
 - ii. On receiving the letter of concern, the Chairperson or the Vice chair, will inform the officer of a concern raised by a member of the committee and issue an order in accordance with Section 5 (E)(c)
- e. The National Committee will deliberate upon a matter raised under Section 5(E)(c)&(d) based on the report submitted by the affected member and will upon consideration of the views of the mover of such a matter, issue a declaration as to the validity or in validity of such a concern. If judged invalid then the proceedings will be deemed quashed

- f. If the National Executive Committee constituted for the purposes of Section 5(E) find a concern as so raised to be valid, the committee shall, as it may deem fit, issue an order as to the suspension of the office bearer until the next meeting of the National Congress. The Congress shall have full power to decide what further action should be taken in the matter.

F. Meetings of the National Executive Committee

- a. The National Executive Committee shall hold as many meetings as may be necessary but no less than three in a given month.
- b. Notice for Meetings of the National Executive Committee will be given not less than two days to the day of the meeting unless otherwise as may be deemed necessary by the Chairperson in consultation with the Secretary and the National Coordinator
- c. The quorum for the meetings of the National Executive committee is three (excluding the seconded members)
- d. Any member of the committee who fails to attend more than 3 consecutive meetings of the National Executive Committee without the written consent of the Chairperson will be deemed to be found wanting in conduct and will be subject to Section 5(E)(c)

6.0 Working Groups

- A. The activities of the Kenya Young Greens will be conducted through the five working groups.
- B. The five working groups are:
 - i. Ecological Sustainability
 - ii. Peace and Non-Violence
 - iii. Social Justice
 - iv. Participatory Democracy
 - v. Millennium Development Goals
- C. Each working group shall plan, coordinate and implements projects, formulate policy proposals, guidelines, positions, and present representation on their specific thematic areas of focus
- D. The functions of the working groups will be managed and coordinated by the National Coordinator subject to Section 5(D)(vii)
- E. The management of the working groups will be in accordance with policies as from time to time formulated by the National Executive Committee with ratification by the National Congress.
- F. The membership of the working groups shall be drawn out of the membership of the organisation. Members can belong to any working Group Subject to provision 6(G)
- G. Members to each working group shall be selected at the National congress. Membership to a particular working group by a member shall be allowed provided such a member writes to the National Executive Committee informing it of such an intent.

7.0 Regional Chapters

- A. There shall be regional chapters of KYG at the provincial and constituency level. The chapters shall not be of the sort envisioned under Section 8.
- B. The chapters will function under the authority of the National Executive Committee and will not by any means acquire, hold and appropriate any property or finances in their own name unless with the due consent of the National Executive Committee with the supervision of the National Coordinator and The Treasurer.
- C. Each chapter shall be established upon the consent of the National Executive Committee and subject to ratification and approval of the National Congress.
- D. Each established chapter will be modelled in line with the structure under Section 5(D) (i-vi) with a constituency or provincial coordinator whichever applicable in accordance with the provisions of Section 5(D) (vii)

8.0 BRANCHES

- A. Branches of the society may be formed with the approval of the committee and the Registrar of societies and they will adopt the same constitution as that of the headquarters with the following exceptions;
 - i. The aim and objects will not include the formation of branches.
 - ii. Amendments to the constitution can only be made by the headquarters of the society in accordance with the provisions of rule 14.
 - iii. The provisions of rule 15 shall apply to branches but, in addition, branches will not be dissolved without consultation with their headquarters.

9.0 PROCEDURE OF THE MEETINGS

- A. At all meetings of the society the Chairperson, or in his/her absence, the Vice Chairperson or in absence of both the Secretary or the Vice Secretary or in absence of all a member selected by the meeting shall take chair.
- B. The Chair of the meeting may at his/her discretion limit the number of persons permitted to speak in favour of or against any motion.
- C. Resolutions shall be decided by consensus or eventually the simple voting by show of hands. In case of in equality of votes, the Chairperson shall have a second chance of casting votes.

10.0 TRUSTEES

- A. All land, buildings and other immovable property and all investments and securities which shall be vested in the names of not less than 3 trustees who shall be members of the society and shall be appointed at the annual general meeting for a period of **one** year. On retirement such trustees shall be eligible for re – election.

- B. The Trustees will be drawn from among the office bearers and members of the executive committee elected at each Annual General Meeting of the National Congress
- C. A general meeting shall have the power to remove any of the trustees and all vacancies occurring by removal, resignation or death, shall be filled at the same or the next general meeting.
- D. The trustees shall pay all income received from property vested in the trustees to the Treasurer. Any expenditure in respect of such property which in the opinion of the trustees is necessary or desirable shall be reported by the trustees to the committee which shall authorize expenditure of such monies as it thinks fit.

11.0 AUDITOR

- A. An auditor shall be appointed for the following year by the Annual General Meeting of the National Congress.
- B. All the society's accounts, record and documents shall be opened to the inspection of the auditor at any time. The treasurer shall produce an account of his receipts and payments and a statement of assets and liabilities made up to a date which shall not be less than six weeks and not more than three months before the date of the annual general meeting.
- C. The auditor shall examine such annual accounts and statements and either clarify that they are correct, duly vouched and in accordance with the law or respect to the society in what respect they are found to be incorrect, unvouched or not in accordance with the law.
- D. A copy of the auditor's report on the accounts and statements together with such accounts and statements shall be furnished to all members at the same time as the notice convening the annual general meeting is sent out. An auditor may be paid such honorarium for his duties as may be resolved by the annual general meeting appointing him.
- E. No auditor shall be an office bearer or a member of the committee of the society.

12.0 FUNDS

- A. The funds of the society may only be used for the following purposes-
 - i. Carrying out the objectives of Kenya Young Greens
 - ii. Administrative activities
 - iii. Any activity as may be deemed necessary by the National Executive Committee
- B. All the moneys and funds shall be received by and paid to the Treasurer and shall be deposited by him in the name of the society in any banks approved by the committee.
- C. No payments shall be made out of the bank account without a resolution of the committee authorizing such payment and all cheques on such bank account shall be assigned by the Treasurer and either the Chairperson or Secretary.

- D. A sum not exceeding Ksh.1000 may be kept by the Treasurer for petty disbursements of which proper account shall be kept.
- E. The committee shall have power to suspend subject to section 5 (E), any office bearer who it has reasonable cause to believe is not properly accounting for any of the funds or property of the society and shall have power to appoint another person in his place.
- F. The financial year of the society shall be from 1st January to 31st December.

13.0 INSPECTION OF ACCOUNTS AND LIST OF MEMBERS

The books of account and all documents relating thereto and a list of members of the society shall be available for inspection at the registered office of the society by any officer or member of the society on giving not less than seven days notice in writing to the society.

14.0 AMENDMENTS OF THE CONSTITUTION

Amendments to the constitution of the society must be approved by at least a two-thirds majority of members at a general meeting of the society. They cannot, however, be implemented without the prior consent in writing the Registrar, obtained upon application to him made in writing and signed by three of the office bearers.

15.0 DISSOLUTION

- A. The society shall not be dissolved except by a resolution passed at a general meeting of members by a vote of two-thirds of the members present. The quorum at the meeting shall be as shown in rule 8 (e). If no quorum is obtained, the proposal to dissolve the society shall be submitted to further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the society at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.
- B. Provided, however, that no dissolution shall be effected without prior permission in writing of the Registrar, obtained upon application to him made in writing and signed by three of the office bearers.
- C. When the dissolution of the society has been approved by the Registrar, no further action shall be taken by the committee or any office bearer of the society in connection with the aims of the society other than to get in liquidated for cash all the assets of the society. Subject to the payments of all the debts of the society, the balance thereof shall be distributed in such other manner as may be resolved by the meeting at which the resolution for dissolution is passed.