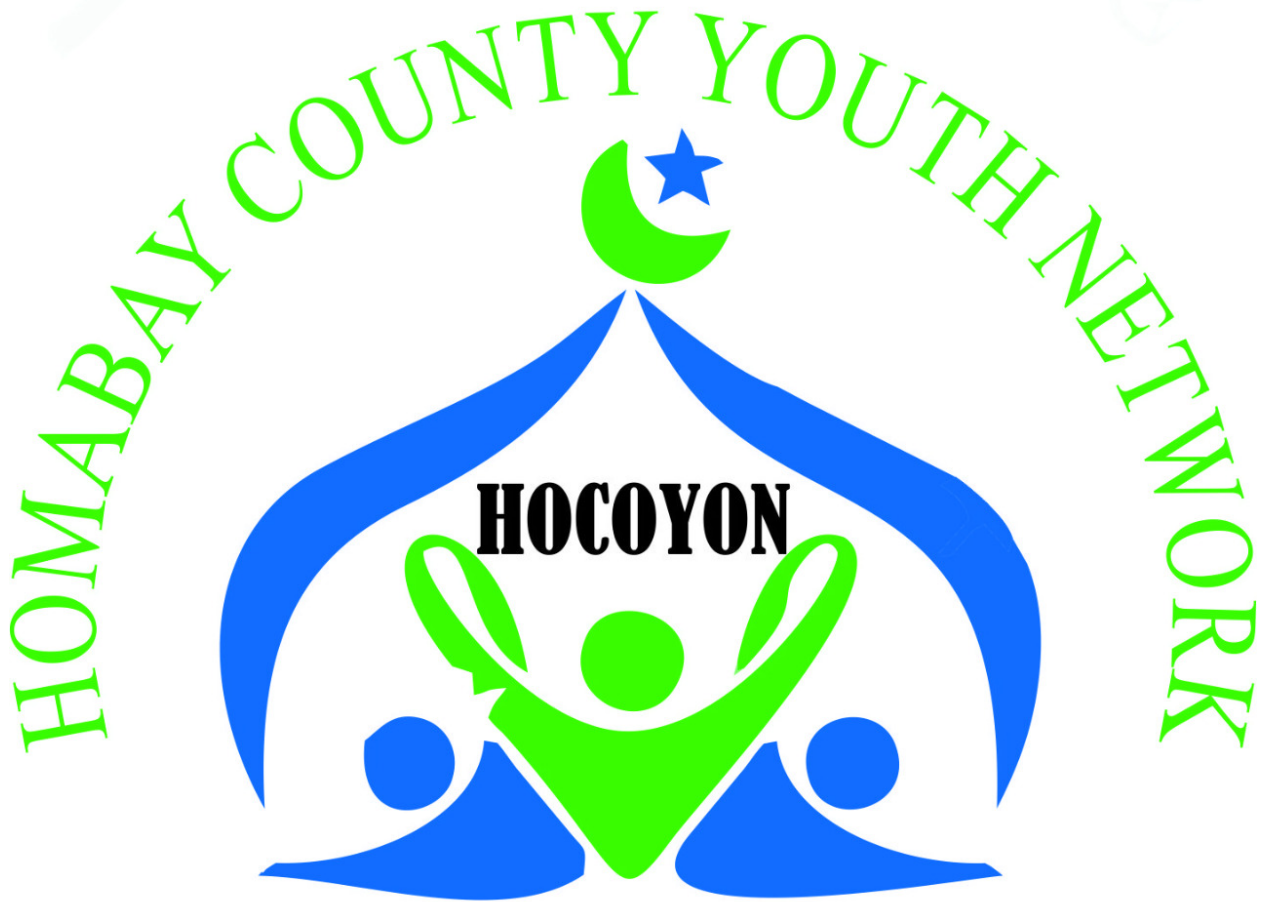


THE CONSTITUTION



Creating Chances

(HOMABAY COUNTY)

SEPTEMBER 2019

THE CONSTITUTION OF HOMABAY COUNTY YOUTH NETWORK [HOCOYON]

PREAMBLE

AWARE of the leading population of youths across the county,

NOTING that despite of the leading population of youths, they are still referred to as the vulnerable group due to lack of opportunities.

HAVING REALISED THAT in the overwhelming number of youths across the county is a hidden ability and power,

WHEREAS many youth initiatives have done a lot in terms of advocacy, coordination and resource mobilization for sustainability of youth empowerment and development, there is still much more to be done for true realization of a self dependence youthful subsistence.

REALISING THAT poor governance, poverty, illiteracy, incapacitation and several socio-economic issues hinder their efforts.

NOTING THAT there is no substantive and operational Youth Network for the suffering Youths in Homabay County of Southern Nyanza - Kenya.

CONVINCED THAT we can better address the plight of such Youths through empowering the Youths who have got little or no chance of formal education with basic technical/vocational skills, coordination and joint effort as an organized Youth Network.

We the several members whose names are subscribed hereunder attached do constitute ourselves into **Homabay County Youth Network (HOCOYON)**

NOW THEREFORE, we the same members hereunder attached do hereby adopt and bind ourselves and posterity with this constitution.

ARTICLE 1: NAME AND LOCATION

- 1.1 The name of the organization shall be **HOMABAY COUNTY YOUTH NETWORK (HOCOYON)** hereinafter referred to as the organization.
- 1.2 The Offices of the organization shall be located within Homabay County with main office in Homabay Sub-County and Sub-County desks in all the Sub-Counties making Homabay County under the addresses;

P.O. Box: 8 - 40305, Homabay- Kenya,

Email: homabay.youthnetwork@gmail.com

- 1.3 **HOCOYON** shall be a non-profit making Organization.
- 1.4 The organization shall be deemed to have come into force after registration at the County by the Homabay Town Sub-County Based Social Services Department.

ARTICLE 2: VISION & MISSION OF THE ORGANISATION

- 2.1 **VISION**
HOCOYON is dedicated to the principles of Economic, Social & Political justice, Rule of Law, Self determination and Awareness. We intend to educate, Unite and Empower all youths across Homabay County through creation of more grass root youth initiatives among the existing ones.
- 2.2 **MISSION** We envision a cohesive and economic just county for sustainable development that allows more and better opportunities to the majority youth population.

ARTICLE 3: OBJECTIVES OF THE ORGANISATION.

- 3.1.1 To improve knowledge of the beneficiaries in practical skills and education that can make them entrepreneurs as well as empowering the youth who have got little or no chance of formal education with basic technical/vocational skills

- 3.1.2 To find a sustainable solution to early pregnancy and Girl child Education within the Region
- 3.1.3 To improve and promote food security in Homabay County households.
- 3.1.4 To increase general awareness among all categories of people on HIV/AIDS and its related problems with specific attention to children.
- 3.1.5 To advocate for active involvement of Youth initiatives in all the county Development Agenda
- 3.1.6 To increase collaboration plans with other organizations, bodies or individuals whether county, national or international but having advocacy strategies for the similar cause as laid herein.
- 3.1.7 To increase awareness about the acceptable health standards among Youth, the next fathers and care for children suffering from other opportunistic infections.
- 3.1.8 **HOCOYON** is very much aimed at empowering youth with the basic information communication technology (ICT) skills. This is really very important for the fact that with the growth of the ICT world, it is favorable for youth to be equipped with basic computer knowledge thus competing with other youth from the outside world.
- 3.1.9 To advocate for accountability and good governance for better sustainable opportunities
- 3.1.10 To sensitize youth initiatives across the county on emerging Economic, Social & Political trends and opportunities
- 3.1.11 To have and cause the organization be registered in accordance with the laws and regulations governing Community based Organization.
- 3.1.12 To identify, mentor and nurture talents across the county

3.1.13 **ACTIVITIES OF THE ORGANISATION**

- 3.2.1 Food Security & Agribusiness
- 3.2.2 Education & Awareness
- 3.2.3 Health & Environmental Management
- 3.2.4 Culture, Art & Tourism
- 3.2.5 Sports & Talent
- 3.2.6 Youth & Human rights
- 3.2.7 Technology & Innovations
- 3.2.8 Community mobilization, sensitization, training and Counseling.

ARTICLE 4: MEMBERSHIP.

- 4.1 A person shall qualify for membership if;

- (a) He/she is a born, resident of or works in any Sub-County of Homabay County.
- (b) He/she is an adult according to the Laws of the Republic of Kenya.
- (c) He/she is of sound mind.
- (d) He/she subscribes to the objectives of the organization.

ARTICLE 5: GENERAL DUTIES OF MEMBERS

5.1 Every member of the organization shall;

- (a) Pay a onetime membership fee of a rate that shall be determined from time to time at the Annual General Meeting.
- (b) Pay a quarterly subscription fee that shall be determined from time to time by the General Assembly.
- (c) Comply with the provisions of this constitution and resolutions of the Executive committee and General Assembly.
- (d) Promote, develop, implement and protect the interests of the organization.
- (e) Meet all the obligations as shall be from time to time be determined by the organization.
- (f) Do such work as shall be assigned to him or her by the Executive Committee or any other organ of the Organization.

ARTICLE 6: CESSATION OF MEMBERSHIP

6.1 A person shall cease to be a member of the organization if he/she;

- (a) Dies,
- (b) Resigns,
- (c) Is certified to be of unsound mind by a recognized medical practitioner.
- (d) Is expelled from the organization provided that members shall not be expelled unless the Executive committee has heard and given written warning.

ARTICLE 7: DISCIPLINE OF MEMBERS

- 7.1 The executive committee shall have powers to suspend any member from the organization if such member acts and/or conducts himself in a manner prejudicial to the interests of the organization.
- 7.2 The duration of such suspension shall be 14 days exemption from the organization's activity or benefit if any, provided it shall be reasonable in the circumstances
- 7.3 The suspended member shall have the right to appeal to the Administrative Assembly within three (3) weeks from the date of the decision of the Executive committee.

- 7.4 The Administrative Assembly shall have powers to reinstate, further suspend or expel such a person.
- 7.5 In case of a disagreement with the decision of the Administrative Assembly, the aggrieved party shall be at liberty to petition the Registering Authority or the Court of law for further management of the matter at hand.

ARTICLE 8: ORGANS OF THE ORGANIZATION

- 8.1 The organs of the organization shall be;
- (a) The Administrative Assembly.
 - (b) The Executive Committee.
 - (c) The Development Committee
- 8.2 The **Administrative Assembly** shall be the overall Law making body of the organization.
- 8.3 There shall be a patron of the organization who shall be a person of high moral standing, integrity and competent appointed by the Chairperson, vetted and approved by the General Assembly.
- 8.4 The patron shall be an ex-officio on the Executive Committee and Administrative Assembly.

ARTICLE 9: COMPOSITION, DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE

- 9.1 There shall be an **Executive committee** of the organization comprising of each member per Sub-County.
- 9.1.1 Each aspirant for elective Executive positions shall appoint Deputies from across the sub- Counties and present themselves as a pair one month to General elections
- 9.1.2 Administrative Assembly shall consist of;
- a) 40 Administrators elected by the organization members per ward (each ward will have an initiative registered as the organization's branch)
 - b) 16 Coordinators elected by the organization members from all the sub- counties within the county
- 9.2 **The Administrative Assembly shall have the following Functions;**
- a) Receiving and approving reports from the chairperson of the Executive committee on the activities of the organization for the previous year.
 - b) Receiving, scrutinizing and approving audited financial reports from the treasurer.

- c) Vetting and approving nominees for appointment to the development committee and any other position as may be provided for by this constitution
- d) Approve the budget and expenditure of the Organization
- e) Approve the borrowing by the Organization in implementation of the constituted activities and in accordance with any law or term set by the Administrative Assembly
- f) Perform any other role as may be set out under the constitution or legislation

9.3 The Executive Committee shall consist of the Following positions;

- (a) Chairperson
- (b) Deputy Chairperson
- (c) Secretary General
- (d) Deputy Secretary
- (e) Treasurer
- (f) Publicity/ Organizing Secretary
- (g) Deputy publicity/ Organizing Secretary
- (h) Patron (Ex-Officio)

9.3.1 The Executive Committee shall have the following duties;

- (a) Act for and on behalf of the organization's daily administrative functions.
- (b) Oversee smooth implementation of the organization's policies.
- (c) Coordinate resources for the implementation of the organization's policies
- (d) Mobilize and manage organization funds and finances.
- (e) Discuss and decide on all important matters affecting the organization and bear collective responsibilities of all such matters discussed and agreed upon.
- (f) Have powers to suspend any of their members pending approval or otherwise of the Administrative Assembly as provided for in article 7 and temporarily fill vacancies in the executive committee pending elections during the Annual General Meeting.
- (g) Establish the Development Committee in vetting and approval of the Administrative Assembly.

9.3.2 The Development Committee shall have the following duties;

- (a) Feasibility on organization's projects study and Policy making.
- (b) Implement and execute decisions and policies passed by the Administrative Assembly in line to the Organization's activities

9.3.3 The Development Committee shall comprise of **8 Ministers** appointed and approved by the Administrative Assembly, each Minister taking charge of the Organization's Activities. Appointment of the Ministers shall be done in a manner that regionally considers all the sub-counties.

9.4 The Chairperson shall;

- (a) Be the overall administrative head of the organization.

- (b) Call and preside over all Executive Committee meetings and the Annual General Meeting.
- (c) Summon all emergency meetings of the organization whenever deemed fit.
- (d) Coordinate all the activities of the executive committee.
- (e) Be the principal signatory to the organization bank account.

9.5 The Deputy Chairperson shall;

- (a) Perform the chairperson's duties in his absence apart from being a signatory to bank transactions.
- (b) Perform such other duties as may be assigned to him by the executive committee or General Assembly.

9.6 The Treasurer shall;

- (a) Present audited accounts and financial reports at annual general assembly meetings.
- (b) Be responsible for the finances of the organization.
- (c) Perform such duties as may be assigned to him by the executive committee or General Assembly.
- (d) Keep proper books of accounts preserve the books and make them available for inspection by those authorized to do so.
- (e) Receive and disburse money belonging to **HOCOYON** and shall obtain receipts for all money paid out by him.
- (f) Collect all subscription fees, membership contributions to the capital fund and all other money to which **HOCOYON** is entitled.
- (g) Deposit cash and cheques of **HOCOYON** to the bank agreed upon by the General Assembly.
- (h) Be a mandatory signatory to all financial documents of the organization.

9.7 The Secretary General shall;

- (a) Keep up-to-date register of all member of **HOCOYON**.
- (b) Give notice of meeting.
- (c) Take and keep records of all meetings.
- (d) Perform other duties as maybe assigned by the Executive Committee or Administrative Assembly.
- (e) Signatory to the organization bank account.

9.8 The Executive Committee shall have powers to suspend any of their members pending approval or otherwise of the Administrative Assembly as provided for by article 7 and temporarily fill vacancies in the executive committee pending elections during the General Assembly.

9.9 The Publicity/ Organizing Secretary shall;

- a) Sensitize and market the organization.
- b) Pass information to concerned members of the organization as per the scheduled meetings.
- c) Play the role of publicity and public relations.

10.0 There shall be an independent auditor General, a reserve for the Sub-County that shall lack representation in the executive.

10.1 The auditor general shall inspect, audit and report to the Administrative Assembly ;

- a) On the Forum's account, and
- b) On the control of and on transactions with or concerning moneys and property of the Forum and such other functions as may be prescribed by the General Assembly.

10.2 The Auditor general shall have the necessary skills required to enable him conduct;

- a) Financial statement audits

- b) Performance audits

- c) Special audits

10.2 Removal of Elected Executive members from the office

10.2.1 A member of the Administrative Assembly through endorsement by **2/3** of the registered members from at least 20 wards & 5 Sub-counties and approval by $\frac{1}{2}$ of the Administrative Assembly members may move a motion for the removal of any elected Executive member;

- a) On the grounds of gross violation of provision the constitution and any other Law

- b) For gross misconduct

10.2.2 Upon a successful removal of any elected Executive member, the respective deputy shall take charge temporarily awaiting mini elections within 60 days except for the treasure's case where the mini election shall be held within 30 days.

ARTICLE 10: ELECTION PROCEDEURE

10.0 Administrative Assembly once established, shall legislate on elections board

10.1 All Executive office bearers, Coordinators and Administrators shall hold such for a period not exceeding three consecutive terms.

10.2 Subject to the provisions of this Constitution a term limit shall be equal to **three years**.

10.3 Unless as the context may otherwise require, elections of the office bearers shall be held during the Annual General Meeting.

10.4 Subject to the provisions of this Constitution, the method of voting during Executive and General Meetings shall be online and by secret ballot.

10.5 The Executive committee shall have powers to nominate three competent persons to an extraordinary general meeting among whom the presiding officer for the general elections shall be selected one month before the elections provided that no such person shall have connections with or be part of the organization.

10.6 Handling and taking over of offices shall be done within five working days from the date of elections.

10.7 Ministers shall remain in office until the next Executive takes office

ARTICLE 11; MEETINGS

11.1 There shall be executive committee meetings following the procedures below;

- (a) The executives committee shall meet monthly to conduct business at such times and places the chairperson shall choose.
- (b) The quorum at the Executive Committee meeting shall be two thirds of the members.
- (c) The committee may invite any persons of specialized training and knowledge to its meetings for purposes of advising the committee provided that such persons shall not have powers to vote.
- (d) Subject to the provisions of this constitution, the Executive Committee may regulate these procedures.

11.2 There shall be general meetings organized in the following manner;

- (a) The organization shall convene an Annual General Meeting to be known as the general assembly and this shall be specified in the notice calling the same.
- (b) At the general meeting, the general assembly shall be presided over by the chairperson of the Executive Committee.
- (c) The Secretary of the Executive Committee shall circulate the notice of the meeting and the agenda one month before the meeting.
- (d) Determination of any issue at the general assembly shall be by a simple majority vote of the registered members present in person and no proxies shall be allowed. The chairperson shall have a casting vote at the general assembly in the event of a tie.
- (e) The quorum at any general assembly shall be one half of the total full numbers.
- (f) The general meetings or general assembly shall take place at such places and time and dates as the Executive Committee may appoint, provided that where the Executive Committee fails to do summons the meeting by fourteen calendar months without reasonable cause, any registered member may cause call of the general assembly by petitioning the Secretary and serving copies to all Executive members.
- (g) Subject to the provisions of this constitution, the general assembly may regulate its procedures.

ARTICLE 12: THE ANNUAL GENERAL MEETING

12.1 The Annual General Meeting shall have the following duties;

- (a) Receiving annual reports on projects.

- (b) Receiving audited financial reports & budget statement approved by the Administrative Assembly from the treasurer.
- (c) Deliberating any issue, which may be raised by the members?

12.2 Attendance at the Annual General Meeting;

The annual general assembly shall be attended by;

- (a) Members of the Executive committee.
- (b) All registered members of the organization.
- (c) Any persons or organizations that may be sharing aspirations with the organization and are sympathetic to the aims and objectives of the organization at invitation of the Executive Committee provided that this category shall not have powers to vote.

12.3 Extraordinary General Meeting;

An extraordinary General meeting to conduct urgent business may be convened by;

- (a) The chairperson of the Executive Committee.
- (b) The quorum at the extraordinary General Meeting shall be one third of the registered members of the organization.
- (c) Subject to the provisions of this constitution, the extraordinary General Meeting may regulate its own procedures.

ARTICLE 13: SOURCES OF FUNDING

The funding sources of the organization shall include but not limited to the following;

- (a) Money contributed by members.
- (b) Money accruing from fundraising activities.
- (c) Donations from donors and beneficiaries.
- (d) Loans.
- (e) Government and its line ministries.
- (f) Profits from output sales.
- (g) Any other lawful source.

ARTICLE 14: BANK ACCOUNT

14.0 The Bank account(s) of the organization shall be opened with any bank agreed upon by the General Assembly. The same members may further decide on such other financial institutions deemed fit.

14.1 Except as may otherwise be authorized by the Administrative Assembly, the following Executive Committee members shall each, be signatories to the organizations bank account(s) at any material withdrawal.

- (a) The Chairperson.
- (b) The Secretary.
- (c) The Treasurer.

14.0 In the event of an intention to withdraw money exceeding **Ksh.50000** or its equivalent, **2/3** of the Executive Committee shall have to first approve such so as the Administrative Assembly

14.1 Unless as may otherwise be authorized by the Administrative Assembly, the Treasurer shall not keep in either his official or personal custody any organization money received or not spent for a period exceeding five working days.

ARTICLE 15: THE ORGANIZATION SEAL

15.1 There shall be a seal for the organization the design of which shall be approved by the Executive Committee.

15.2 The seal shall be kept by the Secretary of the organization and shall be used by the Executive Committee to authenticate the official documents of the organization or documents to which the organization is party by its duly authorized officer(s).

ARTICLE 16: AMENDMENTS

16.1 A member wishing to propose any amendment to this constitution shall give notice of such proposal by sending it to the secretary of the Executive committee at least two months before the meeting of the General Assembly.

16.2 On receipt of such proposal, the secretary shall circulate copies of the same to all members.

16.3 An amendment shall be affected by a majority vote of two thirds of the members present but entitled to vote.

ARTICLE 17: DISSOLUTION

17.1 In the event of an admission that the objectives of the organization have failed to be attained by two thirds of the registered members of either gender, any member may upon such a basis move a motion of dissolution during the Annual General Meeting.

17.2 Subject to the provisions of this Constitution, the matter of dissolution shall only be affected if the motion is duly debated and carried by three quarters of the registered members provided that the proposal to move such a motion shall have been included on the agenda.

17.3 In the event of dissolution and after settlement of the liabilities of the organization, the General Assembly shall appoint a caretaker committee to dispose off the assets of the organization in a manner to be determined by the General Assembly.

ARTICLE 18: INTERPRETATION

18.1. Any dispute arising out of the interpretation of this constitution that may fail to be settled by the Executive Committee or the Administrative Assembly shall be referred to a group of five competent and eminent persons to be appointed by the Chairperson in approval of the Administrative Assembly.

18.2. In this constitution unless the context otherwise requires, any references to the male sex includes the female sex.

We the members of **HOCOYON** do hereby adopt this Constitution and agree to be bound by the terms contained herein above by countersigning on our respective names and titles.