

# ASSOCIATION OF KENYANS IN ALBERTA (AKA)

## BY-LAWS

Amended

07/15/2018

Association of Kenyans in Alberta



## ASSOCIATION OF KENYANS IN ALBERTA (AKA) – BY LAWS

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Association of Kenyans in Alberta (AKA)

**1. Article 1: Organization Name**

- 1.1 The name of the organization shall be the Association of Kenyans in Alberta, herein shortened as AKA (hereafter also referred to as “the organization”. The organization was formed in April Sunday 19th, 2015 and thereafter registered in the Province of Alberta.
- 1.2 The organization may at its pleasure by a vote of the membership body, Properly constituted as dictated in this charter change its name.

**2. Article 2: Membership**

Any reference to a “Member” therein shall mean, “Someone whose membership dues and obligations as described therein this document have been satisfied.

- a) Membership shall be open to all persons of Kenyan descent living in Alberta and or moved out of Alberta and continues to maintain their membership and commit themselves to abide by the AKA Bylaws;
- b) Associate membership shall be open to all persons who, not being Kenyans or of Kenyan descent, will be considered Kenyans by virtue of marriage, cohabitation, birth or adoption to Kenyan citizens living in Alberta;
- c) Membership fee will be a onetime non-refundable registration charge of CAN\$ 20 and thereafter \$20 annual subscription unless modified by the board of directors. Annual membership fee can only be revised by the members at the AGM or any special meeting called for that purpose and the revised figures shall be implemented immediately;
- d) A prospective member shall become a member upon signing the membership agreement form and paying the membership fee;
- e) A member shall take part in all the Association’s activities and shall have **one vote** and may hold any position in the Association;
- f) At each General Meeting, eligible members whose dues are paid for the current year if AGM is held at the end of the year or the previous year if AGM is held in the new year are eligible to vote, provided such members have

renewed their membership no later than 30 days before the AGM is held.

New members signing at the AGM are not eligible to vote;

- g) Membership fees will be due the first week of January of the Coverage year except for (e) above. If a member does not pay their membership fee within one month after the fees are due, their membership shall be cancelled.

### **3. Article 3: Termination of Membership**

A person may cease to be a member of the Association by written voluntary resignation, upon death, suspension or upon failure to pay membership dues within 30 days from the date it is due.

- a) The Board of Directors may suspend and/or revoke a person's membership should his/her actions, activities and objectives become at variance with the interests and objectives of the Association.
- b) If a member is not satisfied by reasons given for suspension or revocation, he/she may appeal to the general membership either in a special or general meeting: The membership may advise the Board to set aside or ratify the suspension or confirm the revocation of the said member.

### **4. Article 4: Language**

The official language shall be English and/or Kiswahili. Minutes of the Board of Directors and the proceedings of the annual general meeting shall be recorded in English and/or Kiswahili.

### **5. Article 5: Membership Meetings**

**5.0** This society shall hold an annual meeting on or before **JULY 31<sup>st</sup>** in each year, of which notice in writing to the last known address of each member shall be delivered in the mail **Twenty One (21)** days prior to the date of the meeting. Annual General meeting shall be called ordinary General meeting and all other general meetings shall be called Extraordinary/Special General Meetings.

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- a) The Secretary on the direction of the president shall cause to be emailed to every member in good standing at his official email address with the organization as it appears in the membership roll book a notice telling the time and place of such meeting;
- b) Regular meetings of this organization shall be held at a place that will be decided by the Board or the membership;
- c) The presence of not less than 33 % of the members shall constitute a quorum and shall be necessary to conduct the business of the organization and shall be recorded and record kept in case of a dispute on attendance; but a lesser percentage may adjourn the meeting for a period of not more than a month from the date scheduled by this by-laws and the Secretary shall cause a notice of this scheduled meeting to be sent to all those members who were not present at the meeting originally called.
- d) A quorum as herein before set forth shall be required at any adjourned meeting;
- e) Special meetings of this organization may be called by the president when he deems it for the best interest of the organization. Such notices shall be sent to all members at least 14 days before the scheduled special meeting. Such a notice shall state the reasons that such meeting has been called, the business to be transacted at such meeting and by whom it was called.
- f) At the request of 1/3 of the Board of Directors or 1/4 of the membership of the organization in good standing, the president shall cause a special meeting to be called but such request must be made in writing at least 14 days before the requested scheduled date.
- g) No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such a meeting.

**6. Article 6: Voting**

- a) At all meetings, except for the election of officers and directors, all votes shall be by voice or by visible hand count. The election of officers; ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such a ballot;
- b) At any regular meeting or special meeting, if a majority so requires, any question may be voted upon in the manner and style provided for election of officers and directors;
- c) No person acting as inspector of election shall be a candidate for office or shall be personally interested in the question voted upon; the President where there is a tie shall vote for the second time to break the tie.

**7. Article 7: Order of Business**

- a) Roll Call
- b) Reading of the Minutes of the preceding meeting
- c) Reports of Committees
- d) Reports of Officers
- e) Old and Unfinished Business
- f) New Business
- g) Adjournments

**8. Article 8: Elections**

**8.1 General Rules:**

- a) Any member of the association shall have the right to vote and a right to stand for any of the executive and standing committee positions.
- b) Elections shall be conducted in accordance to the rules and regulations stipulated by these By-Laws.
- c) Each registered member shall be entitled to one vote.

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- d) The executive board shall notify membership to nominate 5 electoral committee members no later than the last day of the eleventh month of the officials' term in office.
- e) No member of the executive board shall be nominated to be a member of the electoral committee.
- f) The electoral committee shall:
  - i. Perform the duty of ensuring that the electoral code is adhered to as laid down in the election by-laws document.
  - ii. Be independent; its powers shall not be usurped by any sitting executive board member. No member of the election committee shall run for any office during the election period in which he/she is an election officer.
  - iii. Be required to address any perceived regional or gender imbalances through the election of at large members, subject to their acceptance of their roles.
  - iv. Disband no more than 7 days after:
    - v. Successful completion of elections
    - vi. Swearing in of the new elected officials
    - vii. Overseeing the handover of offices and all official records from the incumbents.
  - viii. Electoral positions shall be contested by duly registered members only.

### **8.2 Election Process:**

- a) Nominations will be open for all the electable positions in that election year.
- b) The nomination period shall be two (2) weeks prior to the Election Day. All nominations shall be forwarded to the election committee.
- c) Voting shall be by secret ballot.
- d) Counting of the ballots will be done by the election committee on the day of elections and winners, by simple majority, shall be announced immediately.
- e) In case of a tie, the elections shall be repeated for the candidates in a tie.



- f) Any position where one person runs uncontested, it shall be filled by that uncontested candidate.
- g) Any position left vacant after the general election or vacated by its elected officer shall be filled by the in-coming executive committee on interim until the next general meeting.

## 9. Article 9: Board of Directors

### 9.1 Term of Office

- a) The term of office of the Organization's officers and the Board of Directors shall be 2 year-two term period; where a term shall mean two years.
- b) A term shall be defined as 2 Years. Notwithstanding (a) above, the initial officers and members of the Board might be in office for a longer time in their first term depending on when the initial elections are held.
- c) Except for the initial elections after the launch of the organization that shall take place within 3 months of the launch subsequent elections shall be held in any day in the month of December during the election year.

### 9.2 Qualifications

To run for office of Directorship and or any office, a candidate shall;

- a) Be an active, fully paid up member. Candidates running for the office of **the President, Secretary and Treasurer** must be fully paid up member for a period of not less than a year except for the initial launch of the organization. Those running for other offices must be paid up members for at least 6 months prior to elections;
- b) Abide by Org. Bylaws and fully subscribe to its purpose and objectives;
- c) Be a member of good report and standing;
- d) Be at least 18 years of age before they can contest a committee position;

### 9.3 Duties and Appointment of the Board of Directors

- a) The business of this organization shall be managed by a Board of Directors consisting of nine (9) members inclusive of officers of this organization. At

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- least one of the directors shall be a resident of the State of Alberta Province and a citizen of Kenya by birth or naturalization;
- b) The directors who are not officers of this organization but members of the Board of Directors of this organization shall be appointed to serve various positions that might be created by the Board of Directors or the Membership for the smooth running of the organization;
  - c) The directors to be chosen for the ensuing year shall be chosen at the annual general meeting (AGM) of this organization in the same manner and style as the officers of this organization and they shall serve for a maximum of two terms;
  - d) The Board of Directors shall have the control and management of the affairs and business of this organization. Such Board of Directors shall only act in the name of the organization when it shall be regularly convened by its Chairman after due notice to all the directors of such meeting;
  - e)  $\frac{3}{4}$  of the members of the Board of Directors shall constitute a quorum and the meetings of the Board of Directors shall be held regularly as will be determined by that Board's majority members;
  - f) Each director shall have one vote and such voting may not be done by proxy;
  - g) The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary;
  - h) Vacancies in the Board of Directors shall be filled by a vote of the majority of the remaining members of the Board of Directors for the balance of the year;
  - i) The President of the organization by virtue of his/her office shall be the Chairman of the Board of Directors;
  - j) The Secretary of the organization shall also act as the Secretary of the Board of Directors or the Board shall select one of their member to act as the Secretary of the Board of Directors;

- k) A director may be removed when sufficient cause exists for such removal.
- The Board of Directors may entertain charges against any director. A director may be represented by counsel upon any removal hearing. The Board shall adopt such rules for this hearing as it may in its discretion consider necessary for the best interest of the organization.

## **10. Article 10: Officers**

The initial officers of the organization shall be as follows with their duties as stated thereafter below:

### **10.1 President**

The President shall:-

- a) By virtue of his/her office be the Chairman of the Board of Directors;
- b) Shall ensure that meetings are properly convened in accordance with the rules of the Association. That proper notice is given and that a quorum is present at each meeting;
- c) Ensure that all statutory regulations and the Association's rules, policies and procedures are observed;
- d) Oversee the execution of the group policies by the executive board and offer counsel to the members where necessary.
- e) Ensure that the agenda is prepared and circulated, setting out items of business to be considered;
- f) Presides over the association's Annual Meetings and executive meetings;
- g) Ensure that adequate opportunity is given to members who wish to speak;
- h) S/he acts impartially and ensures that discretionary powers are used in the best interests of the association's members;
- i) Shall present the president's report to the members during the Annual general meeting.
- j) Shall be the sole custodian of the member databank;

- k) Shall be responsible for all final versions of all Organizations' public statements;
- l) And any other duties as may be defined by the Association's Bylaws or as amended by the membership.

## 10.2 Vice President

The vice president shall;

- a) Assist the President with all duties of that office as demanded;
- b) In the event of the absence or inability of the President to exercise his office become acting president of the organization with all the rights, privileges and powers as if he had been the duly elected president;
  - i. In such case of inability or resignation of the President, by a majority of the Board of Directors shall confirm/vote the vice president to remain in office to the end of the remaining period and, where no such majority vote of the BoD is attained then a new elections shall be conducted within 90 days to fill the vacant position of the president.
- c) Perform such other representing and coordinating duties assigned to him by the president.

## 10.3 Secretary

The Secretary Shall:

- a) Keep the minutes and records of the organization in appropriate books and manner;
- b) Be responsible in filing any certificate required by any statute, federal or state;
- c) Give and serve all notices to members of this organization;
- d) Be the official custodian of records and seal;
- e) Present to the membership at any meetings any communication addressed to him as Secretary of the organization;
- f) Submit to the Board of Directors any communications which shall be addressed to him as Secretary of the Organization;

- g) Keep an up-to-date copy of the Bylaws and other federal/state required documents;
- h) Maintain correspondence to and from Org duly notifying the president of all correspondences;
- i) Attend to all correspondence of the organization and shall exercise all duties incident to the office of the Secretary.

#### **10.4 Treasurer**

The Treasurer Shall:

- a) Have the care and custody of all monies belonging to the organization and shall be solely responsible for such monies or securities of the organization;
- b) Cause to be deposited in a regular basis within business hours of all monies collected or received from members;
- c) Be one of the officers who shall sign checks or drafts of the organization. No special fund may be set aside that shall make it unnecessary for the Treasurer to sign the checks issued upon it;
- d) Render at stated periods as the Board of Directors shall determine a written account of the finances of the organization and such report shall be physically affixed to the minutes of the Board of Directors of such meeting;
- e) Present the organization's annual financial statements that shall include Balance sheet, Income & Expenditure, and cash flow statement for the period to the members at the Annual General Meeting (AGM);
- f) Make available all financial records to the organization's auditor, finance committee or Board when requested for purposes of financial audit;
- g) Exercise all duties incident to the office of Treasurer.

#### **10.5 Project Coordinator**

The Project Coordinator

- a) Be in charge of recruitment of membership and cause the same to be entered in the membership roll call upon meeting membership requirements;

- b) be in charge of coordinating all activities and events hosted by the Org. to ensure smooth planning and execution;
- c) Present logistical requirements of such activities to the board;
- d) Table a post activity report of all events conducted by this organization to the Board of Directors for review;
- e) Delegate event duties as necessary to ensure smooth execution;
- f) Exercise all other duties incident to the office of a Project Coordinator and/or as directed by the Board.

#### **10.6 Miscellaneous**

- a) Officers by virtue of their office are members of the Board of Directors.
- b) No officer shall for reason of his office be entitled to receive a salary or compensation, but nothing herein shall be construed to prevent an officer or director for receiving any compensation from the organization for duties other than as a director or officer.

#### **11. Article 12: Attendance of Board of Directors Meetings**

- a) Members of the board shall attend all board meetings. Meetings refer to either physical or electronically mediated proceedings.
- b) Failure to attend three consecutive board meetings shall be grounds for suspension from the committee.
- c) A member who shall be unable to attend any board meeting shall inform the president and/or secretary in advance.
- d) A motion to suspend a board member for non-attendance in 3 consecutive meetings shall be carried by 3/4 votes of the committee.
- e) The committee may appoint a replacement to serve for the remaining period of tenure should it become necessary.

**12. Article 12: Issuance of Official Statement on Behalf of the Organization**

- a) Any and all statements that the Board of Directors shall deliver to the public shall have been endorsed by **the President** and shall have been agreed upon in advance by a majority of members of the Board.
- b) Where practicable, draft statements to be issued by the Organization will be circulated to members for comment and input where reasonable time shall be provided for such comments.
- c) In the event that more than 33% of members completely disagree with certain parts of the statement, such sections shall require revision, or be withdrawn.

**13. Article 13: Confidentiality /Member Databank**

The organization recognizes the importance of our members trust. Keeping our members information confidential is a top priority and shall strictly follow the following privacy policies:

- a) The organization and all officers in its service will safeguard according to strict standards of security and confidentiality, "non-public, personal information" maintained in our member databank.
- b) Access to this information shall be kept to the minimum as per to safeguard members' privacy.
- c) Member Databank/Emails shall ONLY be accessible to the President and the organization's Secretary.
- d) Email communication shall be on individual recipient's (Bcc.) basis and not bulk e-mailing to protect members privacy. Email addresses will be used for the sole purpose of distributing organization's information.
- e) Officials or members of the organization violating the privacy policies are subject to the disciplinary process as will be determined by the Board of Directors.

**14. Article 14: Organization's Finances/ Bank Custodianship**

- a. The executive board shall open a bank account in the name of the organization as shall be necessary to run the affairs of the organization.
- b. The accounts shall be opened at a bank voted and minuted by the Board of Directors and the accounts Kept shall include a checking/Business account and a Savings account all at the same banking institution.
- c. The Treasurer will table his budgetary requirements to the executive board for approval before any expenses are incurred.
- d. There shall be four signatories to the bank account and any draft or check authorizing withdrawal from the organization must be signed by at least three (3) signatories to the account whereby the Treasurer MUST be one of the co-signer to the financial instrument.
- e. The signatories to any financial instruments shall be the President, the Secretary, the Treasurer, and the Vice president or other member of the Board.
- f. No stipend or honorarium shall be paid to any official of the organization as service in the organization shall be completely voluntary.
- g. Should the need arise; the finance committee shall elect a member of the organization or outside consultant to be an independent auditor.
- h. Each outgoing board member by resignation, fulfillment of his/her term, suspension, or otherwise shall hand over all the books of account, all other documents and any instruments, or property of the organization to the existing Board or incoming members of the Board; failure to do this the Board Members agree to be subjected to reprimand and/or legal action.

**15. Article 15: Community Emergency Meetings**

15.1 The Executive board shall convene an emergency meeting to address any issue affecting membership that warrants such meeting. The meeting will be used to discuss the course of action.



15.2 The meeting called by the Executive Board or the president in case of a community emergency or issue shall;

- a) Verify that the person or persons affected are listed in the membership roll as fully paid up members.
- b) Identify contact person to source on facts about the emergency.
- c) Evaluate emergency as per its merits.
- d) Chart out a course of action, and notify the membership on the course of action.
- e) Communication of the course of action for any community issue or emergency shall only be communicated by the President of the organization or the Secretary on the request of the President when he/she is unable to do so.

### 15.3 Other Emergency Meetings

- a) The executive board voting unanimously shall have the power to convene an emergency meeting of the Org. to deliberate any issue affecting the community or its members.
- b) An emergency meeting shall also be convened if :-
  - i. The executive board should be petitioned by at least 1/3 of the registered members of the organization.
  - ii. Premature resignation of two or more of the members of the Board of Directors.
  - iii. A vote to prematurely dissolve the executive board by the members of the organization shall require two-thirds of the votes of all registered members.

## 16. Article 16: Conflict of Interest

**This organization shall define conflict of interest** using the definition of West's Encyclopedia of American Law to describe the situation in which a public official or fiduciary who, contrary to the obligation and absolute duty to act for the

benefit of the public or a designated individual, exploits the relationship for personal benefit, typically pecuniary.

- a) An officer of this organization shall be presumed to have a conflict of interest if there is a potential for his or her personal interests clashing with his/her fiduciary duties.
- b) An officer of this organization having inside knowledge of the Association's strategies seizes them to his/her personal advantage shall be construed to be a conflict of interest.
- c) Conflict of interest can lead to serious financial losses to the organization and therefore, the policy of this organization on conflict of interest is **Zero tolerance**.
- d) An officer in breach of this policy shall be subjected to disciplinary actions including suspension from leadership and or expulsion from the organization.
- e) The Board of Directors by majority vote shall determine the disciplinary action of an officer, Board member or any other member who by his/her position in the organization is in breach of this policy.

#### **17. Article 17: Participation in AKA Activities**

- a) AKA expects all its members to take an active role in all its activities.
- b) An attendance log shall be kept of all activities to reflect active participation of a member. This will greatly be considered should this member seek individual service from the organization. This log shall be available to all members at request.
- c) In the rare case that one is not able to attend, the activity coordinator must be contacted by phone with a follow-up e-mail for filing purposes.
- d) Membership will be revoked if a member does not show up for THREE (3) unexcused consecutive meetings.

**18. Article 18: Code of Conduct**

- a) Every member of this organization shall:
  - i. Abide by the provisions of the Bylaws.
  - ii. Actively participate in the activities of Org.
  - iii. Desist from using obscene or vulgar language in any proceedings of organization.
  - iv. Attend business meetings of the organization in a sober state.
  - v. Not indulge in physical confrontation in an Org meeting with another member.
  - vi. Not interrupt the proceedings of an organization (Org)'s meetings unreasonably.
- b) Any Org member who shall breach any of the provisions of Article 18 (a) shall be subject to any of the following disciplinary actions:
  - i. Removal from the venue of the meeting.
  - ii. Suspension of membership for a period of 6 months, after this time, the suspended member can appeal for reinstatement. Reinstatement shall be considered on a case-by-case basis.
  - iii. In the case of an executive board members removal from office shall require two-thirds majority vote by membership.

**19. Article 19: Remuneration**

- i. Unless authorized at any meeting and after notice for same shall have been given, no officer, director, or member of the society shall receive any remuneration for his/her services.
- ii. The BOARD OF Directors shall hire and fix the remuneration of any and all employees or consultants which they in their discretion may determine to be necessary for the conduct of the business of the organization.
- iii. No Director shall receive any **remuneration** for they agree to work voluntarily for the organization.

**20. Article 20: Auditing the Books**

- i. The books, accounts and records of the Secretary and Treasurer shall be audited at least once each year by a duly qualified accountant or by two members of the society elected for that purpose at the Annual Meeting. A complete and proper statement of the standing of the books for the previous year shall be submitted by such auditor at the Annual Meeting of the society. The fiscal year end of the society in each year shall be **MAY 31** of each year.
- ii. The books and records of the society may be inspected by any member of the society at the Annual Meeting or at anytime upon giving reasonable notice and arranging a time satisfactory to the officer or officers having charge of same. Each member of the Board shall at all times have access to such books and records kept at its corporate office or at any such other place as may be known by all members.

**21. Article 21: Borrowing Powers**

For the purpose of carrying out its objects, the society may borrow or raise or secure the payment of money in such manner as it thinks fit, and in particular by the issue of debentures, but this power shall be exercised only under the authority of the society, and in no case shall debentures be issued without the sanction of a special resolution of the society.

**22. Article 22: Amendments**

- a) These By-Laws may be altered, amended, repealed or added to by an affirmative vote of not less than 75% of the organization's registered members as entered in the members' roll call.

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- b) Proposal for amendments of the Bylaws shall be presented to the executive board, who in consultation with the membership shall nominate a Bylaws revision committee.
- c) The Bylaws review shall examine and incorporate members' suggestions for amendment and a vote be conducted and carried as (A).
- d) No one member, officer, or Board of Directors shall carry out (A) above without a signed roll call indicating 75% of the vote.
- e) The minute causing amendment shall become a permanent record of the organization and kept in the same file as the updated By- Laws/Bylaws.
- f) Any amendment to the Bylaws shall take effect immediately.

### **23. Article 23: Dissolutions**

- a) The Association shall discontinue its operations, settle its affairs, and voluntarily dissolve upon the affirmative vote of not less than two-thirds (2/3) of the votes cast by its members present in person at any annual or special meeting duly called and convened for that purpose.
- b) The Association shall designate a committee of three (3) of its members, who shall, on behalf of the Association and within the time fixed in their designation, or any extension thereof, liquidate the Association's assets, pay its debts and expenses, including as appropriate entering into agreements with creditors for the satisfaction thereof, and any money left in the account and other residual assets shall be donated to another non-profit making organization as shall be voted by the members during dissolution.

**24. Article 24: Using the Society Seal**

The Secretary shall have charge of the Seal of the society which whenever used shall be authenticated by the signature of the Secretary and the President, or, in the case of the death or inability of either to act, by the Vice-President.

Association of Kenyans in Alberta (AKA)

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Date: \_\_\_\_\_ .

1. Julia Maru, President

Signature: \_\_\_\_\_

Address: 2004 68 ST. SW, Edmonton, AB T6X 0M2

2. David Ondieki, Vice President

Signature: \_\_\_\_\_

Address: 17427 96<sup>th</sup> ST. NW, Edmonton, AB T5Z 2B5

3. Patrick Chieriro, Treasurer

Signature: \_\_\_\_\_

359 Kings Court NW, Edmonton, AB T6J 2E4

4. Bernadette Mwangi, Secretary

Signature: \_\_\_\_\_

Address: #406, 5021 140 Avenue, Edmonton, AB T5A 5G3

**WITNESS |**

Name:

Address:

Signature: \_\_\_\_\_