

# **THE AMENDED CONSTITUTION**



**OF**

**MBOHO ANAM ASSOCIATION  
ORUK-ANAM LOCAL GOVERNMENT AREA  
AKWA IBOM STATE**

**JANUARY, 2008**

## **THE AMENDED CONSTITUTION OF MBOHO ANAM ASSOCIATION**

### **PREAMBLE:**

We, the members of the Mboho Anam Association (hereinafter called "The Association") having firmly and harmoniously resolved to come together as a body with a view to ensuring the promotion of understanding, love, unity, goodwill and progress of Anam DO HEREBY MAKE And Give To Ourselves The Following Constitution.

### **ARTICLE I**

**DESIGNATION:** The body shall be known, called and addressed as "Mboho Anam Association".

**MOTTO:** The motto of the Association shall be: Unity, Peace and Progress.

**CITATION:** The constitution shall be cited as the constitution of **MBOHO ANAM ASSOCIATION**

### **ARTICLE II**

#### **AIMS AND OBJECTIVES**

1. To foster development programme/project in Anam.
2. To promote education of the citizenry and encourage welfare activities for Anam.
3. To foster co-operation, understanding, love, unity, goodwill and progress in Anam Community of Oruk Anam Local Government Area.
4. To promote the economic, cultural and social progress and enabling environment for encouragement and initiation of development projects.
5. To serve as a channel of communication, dialogue, negotiation and advice for the Anam people.
6. To cater for the welfare of the less privileged in the society.
7. To promote unity among members.
8. To foster peace, love, unity and progress towards the development of the association.
9. To cater for the general welfare of members and the society at large within the limits of the Association's resources.
10. To assist members in situations of need.
11. To assist members and the less privileged in the society.
12. To identify members with the aspiration of Local, State and Federal Governments.

### **ARTICLE III**

**MEMBERSHIP:** Membership of the Association shall be opened to all sons and daughters of Anam at home and abroad.

#### **RIGHTS AND OBLIGATIONS OF MEMBERS:**

- i. Every member shall be entitled to the rights and privileges as provided for in this constitution or in any other Rules and Regulations for the time being in force in the Association or as shall be made from time to time.
- ii. Every member shall be loyal and show a sense of belonging to the Association through active participation in its affairs and/or activities and by carrying out all lawful instructions and observe all lawful orders which may from time to time be handed down.
- iii. A member shall have a right to vote and be voted for in any approved Association's elections, provided that such a member is an active member of the Association.
- iv. A member shall show devotedness to his duties/assignments.
- v. A member shall attend meetings and engagements of the Associations regularly.
- vi. Every member shall pay his levies promptly and such other fees as may from time to time be prescribed.
- vii. Every member shall strive at promoting brotherly love and unity in the Association and shall also promote encourage, support and sustain the welfare or well being of the individual members of the Association.
- viii. A member shall not by any act or omissions do or suffer to be done or say anything which may be detrimental to the interest or tarnish or portray the image of the Association in bad light.

### **ARTICLE IV**

#### **ORGANS OF THE ASSOCIATION:**

**The Association shall consist of two major organs namely:**

- i. The Board of Trustees
- ii. The National Executive Council

## **ARTICLE IV**

### **THE NATIONAL EXECUTIVE COUNCIL**

1. The National Executive Council shall comprise of all officers of the Association. The Council shall have the power to co-opt other members into the Council.
2. The National Executive Council shall be headed by the National President of the Association who shall preside over both the National Executive Meetings and the General Meetings of the Association.
3. In the case of a joint meeting of the Board of Trustees and the National Executive Council of the Association, the Chairman of the Board of Trustees shall preside.

### **FUNCTIONS OF THE NATIONAL EXECUTIVE COUNCIL**

- a) The National Executive Council of the Association shall be the policy/regulation making body of the Association and such policies/regulations shall be ratified and /or amended by the general house at the General meeting and which shall have a binding effect on the members.
- b) The National Executive Council shall represent the Association in all issues/matters affecting the Association save those functions/duties meant for the Board of Trustees.
- c) The National Executive Council shall either directly or through appointed committees execute on behalf of the Association all projects and programmes of the Association as shall be directed at the general meeting or as initiated by the Executive Council and approved by the General House.

## **ARTICLE VI**

### **i. OFFICERS OF THE ASSOCIATION**

**The officers of the Association shall include the following:**

- a) The National President
- b) The Vice President
- c) Secretary General
- d) Assistant Secretary
- e) Financial Secretary
- f) Treasurer
- g) Public Relations Officer (P.R.O)

- h) Welfare Officer
- i) Legal Adviser
- j) Auditor
- k) Organizing Secretary
- l) Youth Leader
- m) Woman Leader
- n) Ex-Officio I
- o) Ex-Officio II
- p) Ex-Officio III
- q) Ex-Officio IV
- r) Ex-Officio V

ii. **FUNCTIONS OF THE OFFICERS:**

A) **THE NATIONAL PRESIDENT**

- i. The President shall preside over all meetings of the Association and sign as being correct all minutes of meetings he shall so preside.
- ii. He shall authorize the summoning of all the Association's meetings.
- iii. He shall ensure proper control of funds of the Association.
- iv. He shall be a signatory to the Association's Account.
- v. He shall deliver Annual Report at the Annual General Meeting.
- vi. He shall serve as the leader and spokesman of the Association during the tenure of his office.
- vii. He shall be responsible for the implementation of the decisions of the Association.
- vii. He shall also perform such other functions as the calling of his office may demand.

B) **THE VICE PRESIDENT:**

- i. He shall assist the president in the performance of his duties.
- ii. He shall carry out the duties or functions of the president in his absence.
- iii. He shall perform any other function(s) as may be delegated to him.

C) **SECRETARY GENERAL:**

- i. He shall be responsible for all secretarial matters of the Association.
- ii. He shall in consultation with the president convene all meetings of the Association.

- iii. He shall keep all records of the proceedings of both the Executive and General meetings of the Association.
- iv. He shall initiate actions after due consultation with the president on any matter of interest for consideration by the Executive and/or the General body.
- v. He shall be one of the signatories to the Association's Account.
- vi. He shall prepare and compile Annual Report of the secretariat to the Annual General Meeting of the Association.

**D) ASSISTANT SECRETARY**

- i. He shall assist the secretary in the performance of his duties and act in his absence.
- ii. He shall perform all duties as may be assigned to him.

**E) FINANCIAL SECRETARY**

- i. He shall ensure that accurate records of all finances and relevant financial document of the Association are well kept and that these are made available when required.
- ii. He shall demand and receive from members all dues, levies or other payments made to or for the benefits of the Association.
- iii. He shall promptly pay such money or monies to the treasurer within seven days for safe keeping.
- iv. He shall render yearly financial statement at the Annual General Meeting.
- v. He shall perform any other function(s) as may be assigned to him.

**F) TREASURER:**

- i. He shall be the banking officer of the Association.
- ii. He shall be one of the signatories to the Association Bank Account.
- iii. He shall pay all monies collected to the bank within 48 hours from the date of collection.
- iv. He shall in liaison with the president and secretary sign bills and vouchers (including cheques) drawn in respect of the Association.
- v. He shall perform any other duty as may be delegated to him from time to time.

**G) PUBLIC RELATIONS OFFICER (P.R.O)**

- i. The public relations officer shall be responsible for all publicity matters and dissemination of information of the Association.

- ii. He shall see about works relating to or which falls in line with his office.
- iii. He shall be the chairman of the publicity committee.
- iv. He shall be the spokesman/image maker of the Association and carry out other duties that may be assigned to him.

H) **WELFARE OFFICER**

- i. He shall be responsible for all welfare services of the Association.
- ii. He shall mobilize and organize members for the Association's activities.

I) **YOUTH LEADER:**

- i. He shall take charge of matters affecting youths in the Association.
- ii. He shall perform other functions that may be assigned to him.

M) **WOMEN LEADER:**

- i. She shall be responsible for women affairs as they affect the Association.
- ii. She shall coordinate activities of the Association that are women oriented.
- iii. She shall perform other functions that may be assigned to her.

N) **EX OFFICIO OFFICES I – V**

There shall be Ex-officio officers in the executive body of the Association who shall be men and women of proven integrity.

## **ARTICLE VII**

**SECRETARIAT:**

The Association shall have its office at Ikot Akpan Essien, Oruk Anam Local Government Area, Akwa Ibom State or at any other address acceptable to members of the Association.

## **ARTICLE VIII**

**ELECTION OF OFFICES:**

Election shall be conducted to the offices spelt out under Article VI of this constitution and such elections shall be conducted at a General Meeting.

**MODE OF ELECTION:**

- a) The election shall be by open ballot.
- b) The electoral process shall be by a simple majority of votes.
- c) A candidate shall not be elected in absentia.

- d) A member of the Association shall be appointed a returning officer who shall see to the conduct of the elections.
- e) The result of the election shall be announced within a reasonable time in the election hall.

**TENURE OF OFFICE:**

- a. Every member of the Executive Council shall hold office for a period of four years from the date of his swearing in.
- b. An officer shall vacate office at the end of four years and shall be eligible to be re-elected for another term based on his past good performance.
- c. No officer, however competent, shall be eligible to hold a particular office after two consecutive terms.

**VACATION OF OFFICE:**

An officer is deemed to have vacated his office through any of the following circumstances.

- i. Resignation and
- ii. Removal from office.

(i) **RESIGNATION**

If an officer at any time before the expiration of his tenure intends to resign, he shall do so by giving a month's notice in writing to the president and secretary.

In the case of president or secretary resigning, such a notice in the manner aforementioned shall be given to Association in a general meeting and upon the receipt of such a notice and approval thereof, the person shall cease to be a member of the executive council.

(iii) **REMOVAL FROM OFFICE:** An officer of the Association shall be removed from office for:

- a) Gross in-subordination.
- b) Absenteeism for a period of three consecutive general or business meetings of the executive council without any genuine excuse.
- c) Criminal behaviour and /or involvement in a case of fraud or dishonesty.
- d) Misappropriation of funds
- e) Such behaviour and actions capable of bringing the Association into disrepute.
- f) Any deviant behaviour.



In the event of any of the above, the officer shall cease to function and he shall be treated as if a vacancy occurs.

## **BYE ELECTION**

If a vacancy occurs by reason of the resignation or removal of an officer or by any other reason, a bye election may be conducted to fill, the vacant position.

## **ARTICLE IX**

### **1. MEETINGS:**

- a. General, Executive and Emergency Executives and General Meetings: These meetings shall be convened as need arises. There shall be an Annual General Meeting. Notice of meeting shall be in writing, SMS and mass/social media.
- b. There shall be a joint meeting of the Board of Trustees and the National Executive Council of the Association which shall be convened at the instance or directive of the Chairman of the Board of Trustees.

### **2. QUORUM:**

- a) In general and executive meetings, a simple majority of registered members present shall constitute quorum.
- b) No business shall be transacted at any meeting unless a quorum is formed.

### **3. DISCIPLINE:**

- a) An officer who absents himself for three consecutive general meetings or business Meetings of the Executive Committee without genuine excuse may be removed from office.
- b) A vote of no confidence may be passed against an officer if found wanting in the performance of his duties. Such vote shall not be valid unless it is passed by a two-third ( $\frac{2}{3}$ ) majority of the members of the Association at a General Meeting. A motion must be proposed, reduced into writing and signed by at least one-third ( $\frac{1}{3}$ ) majority of the members of the Association.
- c) Any officer may be removed from office if found guilty of gross misconduct.
- d) A member of the Association who behaves in a way likely to impair the good name of the Association or is found guilty of gross misconduct shall be disciplined in a manner as shall be determined by the Association.

## **ARTICLE X**

- (i) **FINANCES:** The Association shall derive funds for its operation through the following:
  - (a) Regulation fees
  - (b) Dues
  - (c) Donations
  - (d) Gifts
  - (e) Grants
  - (f) Fines
  - (g) Any other fund that may accrue to the Association in the course of the performance of her objectives.
  
- (ii) **REGISTRATION:** Registration fee shall be once for a member's lifetime and the registration fee of ₦1000.00 shall be paid by all registered members, subject to review by the General house.
  
- (iii) **FINES:** The association shall impose fines for breaches of Rules and Regulations as shall be determined by the Disciplinary Committee and subject to approval by Executive Council.
  
- (iv) **DUES:** The monthly dues shall be ₦200.00.

## **ARTICLE XI**

### **COMMITTEE:**

The Association shall maintain the following committees as organs of administration:

- a) Standing committees and
  - b) Ad-hoc committees
- a) **STANDING COMMITTEES:** These shall include:
1. Executive Committee comprising of all the Executive Officers.
  2. Welfare committee comprising of the Vice Chairman, Welfare Officer, Financial Secretary, Treasurer and other members as may be appointed at the general meeting.
  3. Disciplinary committee: Members of this committee shall be appointed at the general meeting of the Association.
  4. And such other committee(s) as shall be found necessary.
- b) **AD-HOC COMMITTEES:** These shall include:
- i. Publicity Committee
  - ii. Electoral board

- iii. And such other committee that may be set up to deal with specific matters which may arise from time to time.

## **ARTICLE XII**

### **1. NOTIFICATION OF SOCIAL EVENTS:**

The Association shall be notified if any social event(s) or celebration before official participation by members.

### **2. ACCOUNT:**

- i. There shall be proper keeping of accounts of Association by both the financial secretary and the treasurer as to money or monies passing through each of them.
- ii. The bank tellers and other relevant Bank Books shall be kept with the treasurer.
- iii. The books of account shall include:
  - a) All receipts (credit) and expenses (details) with matters relating thereto.
  - b) All rates and purchases (if any)
  - c) The assets and liability of the Association.
- iv. **SAFE CUSTODY OF FUNDS:** The executive body shall take all necessary steps to ensure the safe custody of funds of the Association and in particular the treasurer shall be held responsible for the safe custody of funds.

### **3. INVESTMENT AND DISBURSEMENT OF FUNDS:**

- a) The funds of the Association may be invested in any manner permitted by the constitution and approved by the Executive body of the Association.
- b) The funds of the Association shall be applied only to the furtherance of its stated objects in accordance with the constitution.
- c) There shall be no disbursement of funds above ₦10,000.00 by the president without the approval and/or ratification by the Executive body of the Association.
- d) Such amount mentioned in sub-clause (c) above may be reviewed from time to time by resolutions taken at the general meeting of the Association.

### **4. BANK ACCOUNT**

- a) With the reception of such amounts as may be required of immediate use, the limit of which shall not be less than

~~₦~~10,000.00 or as shall be reviewed from time to time, the funds of the Association shall be kept in current and/or saving accounts in a reputable bank approved by the Executive body of the Association.

- b) For all banking transactions the Association shall maintain three (3) signatories comprising; the President, Secretary and Treasurer, two of which shall be valid for withdrawals including the President.
- c) All money or monies collected by any designated officer(s) of the Association on its behalf shall be deposited within 48 hours in Association's bank opened and operated for the Association.

### **ARTICLE XIII**

1. **BOARD OF TRUSTEES:** The appointed trustees shall constitute themselves into Board of Trustees to be presided over by a chairman.
2. **APPOINTMENT OF TRUSTEES:**
  - a) The trustees of the Association shall be appointed at the General meeting of the Association
  - b) The trustees shall not be less than twelve (12) persons in number and shall be men of high reputation and integrity.
3. **POWERS OF THE TRUSTEES:**
  - i. The trustees shall have power to accept and hold in trusts, all land belonging to the Association and to acquire land on behalf of the Association.
  - ii. The trustees shall have power to administer and manage the Association's property.
  - iii. The trustees shall enter into binding contract on behalf of the Association.
  - iv. The trustees shall, subject to this constitution, execute documents of the Association.
  - v. The trustees shall represent the Association.
  - vi. The powers contained in sub-clause (i) and (ii) above shall be exercised subject to the directions of the Executive body of the Association.
  - v. The trustees shall ensure that all relevant and enabling legislations in force as they affect the operations and functioning of the Association are complied with.
  - vii. The trustees shall keep proper books of accounts.

- vii. The trustees or any one of them shall be liable to restitution, fine and/or imprisonment in the event of commission of Association breach of trust.

**5.(i) TENURE AND VACATION OF OFFICE:**

The trustees shall hold office for life but any of them shall cease to hold office if he:

- a) Resigns his office.
- b) Ceases to be a member of the Association
- c) Becomes insane
- d) Is officially declared bankrupt.
- e) Convicted of a criminal offence involving dishonesty by a court of competent jurisdiction.
- f) Is recommended for removal from office by the Executive body and majority vote of members present at any general meeting of the Association.

**6. REMOVAL FROM OFFICE:**

- a) A trustees shall be removed from office by the Executive body of the Association on any of the following grounds.
- b) Gross insubordination.
- c) Conviction for a criminal offence involving dishonesty or fraud.
- d) Loss of interest in the affairs of the Association.
- e) Where in the opinion of the Executive body, the trustee is not a fit and proper person to continue in office as a trustee.
- f) Guilty of breach of trust.
- g) For any other cause which in the opinion of the Executive body he is incapable of continuing to act as a trustee.
- h) Upon his removal the trustee shall surrender all the properties of the Association in his possession or which ought to have been in his possession.

**7. RESIGNATION OF TRUSTEE:**

- a) A trustee may resign his office by giving at least three months notice in writing to the Executive body of his intention to resign.
- b) The body reserves the right to reject or accept such resignation for good cause.
- c) Upon resignation, the trustee shall surrender to the Executive body all properties of the Association in his possession or which ought to have been in his possession.

**F) REPLACEMENT OF A TRUSTEE:**

Upon a vacancy occurring in the number of trustees, an eligible member of the Association shall be appointed to fill the vacant position and such an appointment shall be done in a general meeting of the Association.

**ARTICLE XIV**

**BRANCHES OF THE ASSOCIATION**

1. The Association shall have branches within and outside Nigeria which shall be organized by Anam indigenes resident in such areas.
2. Each branch shall operate within the confines of the constitution of the Association and its officers shall not be different from the officers of the National body, performing the same functions and they shall be known as "Branch Officers".
3. The National body of the Association shall be the umbrella of all the branches of the Association.

**ARTICLE XV**

**COMMON SEAL AND AMENDMENT OF THE CONSTITUTION**

**a) Commons Seal:**

- i. The trustees of the Association shall have a common seal.
- ii. Such common seal shall be kept in the custody of the National President who shall produce same when required by the trustees.
- iii. All documents to be executed by the trustees shall be signed by the National President, the secretary and at least two trustees and sealed with the common seal.

**b) AMENDMENT OF THE CONSTITUTION**

No additional, alteration or amendment of this constitution shall be made for the time being in force unless the same have been previously approved by the Association at its general meeting by a simple majority of votes.

**c) SPECIAL CLAUSE**

- i. The income and property of the Association whosoever derived shall be applied solely towards the promotion of the objects of the Association as set in these Rules and Regulations/Constitution, and no portion thereof shall be paid or

transferred directly or indirectly, by way of profit, to the members of the Association.

ii. Provided that nothing herein shall prevent the payment, in good faith, of reasonable and proper remuneration to any officer or servant of the Association in return for any service actually rendered to the Association but so that no member of the council of management of governing body shall be appointed to any salaried office of the Association or any office of the Association paid by fees; and that no remuneration or other benefit in money or monies shall be given by the Association to any member of such Council or Governing Body except repayment of out of pocket expenses or reasonable and proper rent for premises demised or let to the Association provided that he provided that the provision last aforesaid shall not apply to any payment of any company to a member of the Association may a company in which such member shall not hold more than one hundredth part of the capital, and such member shall not be bound to account for any share of profits he may receive in respect of any such payment.

iii. **NO ADOPTION**, alteration, or amendment shall be made to or in the **RULES AND REGULATIONS/CONSTITUTION** for the time being in force, unless the same have been previously submitted to and approved by the Registrar General.

iv. In the event of winding up or dissolution of the Association there remains, after the satisfaction of all its debt and liabilities, any property whatsoever, the same shall not be paid to and distributed among the members of the Association but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Association and body or bodies are prohibited from distributing its or their income and property amongst its or their members to an extent at least as great as is imposed on the Association under or by virtue of the **SPECIAL CLAUSE** hereof; such institution or institution to be determined by the members of the Association . Effect cannot be given to the aforesaid provision than to some charitable object.

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**PRESIDENT**

Date:.....

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**SECRETARY**

Date:.....