

**NEW HAMPSHIRE NEPALI  
COMMUNITY  
(NHNC)**

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**NHNC BY-LAWS**

**ADOPTED ON APRIL 2<sup>ND</sup> 2011**

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**NHNC OFFICE/MAILING ADDRESS:-**

**18-STYLES DRIVE, CONCORD, NH -03301**

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## ARTICLE I: NAME

1. The name of this organization shall be the **New Hampshire Nepali Community (NHNC)**. It shall be an autonomous, independent, non political, non religious and non-profit organization, which shall be registered as an exempt organization under Section 501(c) 3 of the Internal Revenue Code.

## ARTICLE: II: DEFINITIONS

1. **New Hampshire Nepali Community(NHNC)**-NHNC Resident-Nepali means a Nepali, who is a citizen of Nepal, and has been living in the New Hampshire and has a picture ID or residential proof documents.

2. Person of Nepali Origin who is a citizen of the United States.

3. In this bylaw, NHNC collectively means a New Hampshire-Resident Nepali.

4. **Executive Committee of New Hampshire Nepali Community (ECNHNC)** means the policy making representative body of New Hampshire Nepali Community.

## ARTICLE III: GOALS AND OBJECTIVES

a) To represent and promote interests of New Hampshire Nepali Community.

b) To create and coordinate manifold networks among NHNC members.

c) To organize events that reflects the need and choice of NHNC members.

d) To establish alliance among similar organizations for mutual corporation & growth.

e) To improve the relationship between the people of Nepal and the United States.

## ARTICLE IV: NHNC EXECUTIVE COMMITTEE

1. There shall be an Executive Committee to formulate policies and implement programs and activities to achieve the objectives of the NHNC.

2. The Executive Committee will formulate with an inclusive procedure and create equal opportunities of participation from all possible race, gender and disability in the Executive Committee.

3. The Executive Committee shall have power to form additional sub-committees and task forces as may be deemed necessary and shall determine the functions and terms of their existence.

4. The Executive Committee shall take any action or decision required to be taken at the meeting of the Committee through any means including email, fax, internet, and conference calls.

5. The Executive Committee shall hold its *Annual General Meetings (AGM)* to transact the organization's work, including but not be limited to review the past year's program activities and accounts, recommend policy, bylaws changes, and consider any other business of the agenda that is allowed by the presiding Executive Committee members at his or her sole discretion.

6. The Executive Committee shall encourage one to three Nepali students from the New Hampshire College or University to participate in NHNC with enrollment evidence as a NHNC Student Ambassador. Student Ambassadors shall be invited to Community's Annual General Meetings and encouraged to elect a Student Executive Member.

7. All Executive Committee members must have valid NHNC membership to participate in election process and new president candidate must serve at least one term (2 years) in the NH Executive Committee prior to his/her Nomination. Otherwise, in option, presidential candidate must be obtained 100 % vote from all NHNC general members.

8. The Executive Members of the Committee shall consist of a President, a Vice President, a General Secretary, a Joint Secretary, a Treasurer, a Joint Treasure, seven executive members from different areas and a student member, all of whom are elected as described in this bylaws.

9. The total numbers of executive members in the executive committee shall be decided on the basis of necessity by the executive committee, but executive body shall not be less than 7 members or more than 17 members, including Student Ambassadors.

10. The election of the executive committee shall be conducted as stated in these by-laws.

11. The term of the executive committee shall be two years, beginning of July 1<sup>st</sup> 2011. No executive committee members shall hold the same position more than two terms. However, one person can be nominated more than two terms in different positions.

11. **PRESIDENT:** The duties and powers of the President are as follows:

(a) Preside at the meetings of the Committee and run day-to-day operation of the Committee including, but not be limited to, the growth of memberships, fund raising, recruiting student ambassadors, organizing town hall meetings, coordinating youth affairs, education, press, publications, and conferences.

(b) Serve as a spokesperson of the Committee on policy matters and Public Relations affair.

(c) Perform such other duties of the Committee as the Community may delegate to the President.

(d) Perform or supervise that all regulatory requirements (such as filing IRS Tax Forms, etc.) have been met on a timely fashion.

(f) Be the spokesperson for Nepali Diaspora in the NHNC issues concerning them.

12. **PRESIDENT-ELECT:** The President-elect shall be elected no later than June 30<sup>th</sup>, or (a month prior) and shall take office as President-elect on July 1<sup>st</sup> of the second year of the executive committee's term and thereafter as President on July 1<sup>st</sup> after the expiration of the current executive committee's 2-year term. The candidate of NHNC President he/she must serve one term in NH Nepali Executive Committee prior to election or he/she interested to become a NHNC President.

13. **VICE PRESIDENT:** The Vice President shall assist the President and facilitate and oversee the growth of memberships, fund raising, recruiting student ambassadors, organizing town hall meetings, coordinating youth affairs, education, press, publications, and conferences. The Vice President shall act as President in the event of the President's death, resignation, removal or temporary absence and shall have all the powers and duties of the President.

14. **GENERAL SECRETARY:** The General Secretary shall record all the proceedings of the meetings of the Committee. The Secretary shall distribute minutes of the meetings to the appropriate members within one month after the date of the meeting. The General Secretary shall be responsible for maintaining and securely archiving all official records of Committee.

15. **JOINT SECRETARY:** The Joint Secretary's duties shall be assigned by the President in consultation with the Committee. The Joint Secretary shall act as General Secretary in the event of the General Secretary's death, resignation, removal or temporary absence and shall have all the powers and duties of the General Secretary.

16. **TREASURER:** The Treasurer shall be the custodian of all funds of the Committee, shall maintain bank accounts, receipts and disbursement of funds and shall give complete financial reports to the executive committee. The Treasurer shall prepare a financial statement sufficiently detailed for the preparation of any annual reports or tax returns required by the Internal Revenue Service. S/he shall fulfill all regulatory requirements such as filing IRS tax returns etc. on a timely fashion.

17. **JOIN TREASURER:** The Joint Treasure's duties shall be assigned by the President in consultation with the Committee. The Joint Treasure shall act as Treasure in the event of the Treasure's death, resignation, removal or temporary absence and shall have all the powers and duties of the Treasurer.

18. **STUDENT MEMEBERS:** The duties of the Student Members shall include and limited one to three students from NH Colleges and Universities for coordination and overall promotion and growth of NHNC's activities.

19. Once elected, an executive member of the Committee shall serve for a full term except in the event of the person's death, resignation, removal, or recall or loss of membership to the Community.

20. The fiscal year of the NHNC shall be the July 1<sup>st</sup> to June 30<sup>th</sup> of the year.

#### **ARTICLE V: ADVISORY COMMITTEE**

Committee shall have an Advisory Board consisting of individuals whose primary responsibility shall be to advise the President and Committee on specific matters as and when necessary. The Advisory Board shall have a minimum of three (3) to a maximum of nine (9) individuals. NHNC Executive Committee shall have the authority to constitute such Advisory Committee. NH residence, devoted, publicly esteemed persons shall be nomination to advisory committee and all earnest past President shall be automatically becomes Advisory Committee Member.

#### **ARTICLE VI: MEMBERSHIP**

1. **MEMBER:** The NHNC membership shall have following membership provision:

**A.GENERAL MEMBER:** To be an Individual Member, one must be at least 18 years old and living in the New Hampshire, submit an application and pay membership dues as determined by the NH-Nepali Committee. Latest projected individual membership fee is \$20.00/year/(\$40/term).

**B. STUDENT MEMBER:** To be a Student Member, must be at least 18 years old and enrolled as a full/part time student in a college or university in New Hampshire, submit an application and pay membership dues as determined by the NH-Nepali Committee. Latest projected student membership fee is \$10.00/ year.

**C.LIFE MEMBER:** To be a Life Member, an Individual Member must pay life membership dues as determined by the Committee. The Life Members name shall be published and maintained their name list separately. Present Proposed Life membership fee is \$300.00

**D.HONORARY MEMBER:** The Committee may, at its discretion, confer Honorary Memberships to distinguished persons who are recognized nationally or internationally in their profession and have significantly contributed to the betterment of Nepal and Nepalese in general. Honorary members shall have no voting rights. All Honorary Members name shall be published and maintained their name list separately.

## 2. Admission and Revocation:

The Committee shall have power and discretion to issue procedure for filing an application for a membership. The application for membership shall be reviewed and approved, at its discretion, by the Committee. The membership can be revoked by Committee if the Committee determines that a member has violated or acted against the objectives or by-laws of the NHNC.

## 3. Membership Dues:

Membership dues for each class of membership shall be determined by the NHNC Committee. Renewal of the membership is due every year prior to June 30<sup>th</sup>. Or (one week Prior to election dates).The Committee may send one or more reminders to the member if dues are not received within the due date. Failure to pay dues by designated date may suspend the rights and privileges of the membership at the Committee's discretion.

## NHNC- FOUNDATION:

There shall be a NHNC Foundation established within the Committee, which shall be the charitable and philanthropic arm of the Committee. The objective of the Found shall be to develop and raise funds from various individuals and organizations and maintain an endowment of funds which can be used for certain specified charitable purposes. The purposes shall be as approved by the two-thirds of the Executive Committee Members. The NHNC shall provide guidelines and operating procedures of the Found. The guidelines shall also explain procedures

for raising, maintaining and disbursing funds for and from the Founders to support philanthropic activities for deserving candidates from Nepali community in the NH in New Hampshire, USA and Nepal.

The Foundation shall maintain two types of funds as briefly described in the following paragraphs:

1. General Foundation – Collection of funds through donations from individuals, families, and organizations. The General Fund shall consist of unrestricted donations, which shall be invested and/or disbursed by the Committee to deserving candidates from Nepali community in New Hampshire as provided in the aforementioned guidelines and operating procedures for the Foundation. The General Foundation fund shall be collected over a time period as determined by the NH Committee.
2. Legacy Funds – The Foundation shall maintain Legacy Funds that are for the most part restricted donations. Individuals, families, organizations may like to donate funds and establish a Legacy Fund. The Fund shall be named by the Foundation as per the recommendations of the donor and no reasonable name shall be denied. The Fund shall be permanently endowed, that is, the principal amount shall remain unspent in perpetuity. The income received from the investment of the Fund shall be disbursed by the Foundation to deserving candidates from Nepali community in the NH/Nepal as provided in the aforementioned guidelines and operating procedures for the Foundation, except that at least 2-4 % of the annual income fixed by the committee shall be reinvested in the Fund to allow for annual inflation. The donor may make additional contributions to the Fund at any time in the future.

Administrative costs: From time to time Committee may raise funds for philanthropic causes in Nepal and for Nepali related causes in the NH. To help defray Committee's administrative costs, Committee may retain 5% of the collected money in its general administrative fund to be used by Committee. In some rare circumstances, the President, in consultation with the Committee, can waive or lower the 5% requirement.

## ARTICLE VII: NATIONAL CONVENTION

The Committee shall:

- (a) Encourage and facilitate to participate in national conventions as interested or needed.

## ARTICLE VIII: ANNUAL GENERAL MEETING

1. The Committee shall hold at least one *Annual General Meeting/ Assemble (AGM)* every year at an appropriate time to transact the Committee business such as, conduct elections as provided in this bylaws, review the activities for the past year, receive and adopt amendments, if any, to the by-laws, consider any policy changes or new policies and transact any other business included in the agenda or allowed by the presiding officer at his or her discretion. All NHNC general members and student members shall be invited to attend this meeting.
2. During the *Annual General Meeting/ Assemble (AGM)*, the Committee shall encourage and facilitate a half/full day workshop or seminar on contemporary issues on Nepal and NRN (Non Resident Nepali) affairs and other subjects of interest to Nepali Diaspora in the USA.

## ARTICLE IX: MEETINGS

1. The President of the Committee shall preside over the meetings. Each NH Committee member qualified to vote shall have only one vote, which shall be exercised by the Committee member at the meeting.
2. Special meetings: If for any reason, a meeting of the Committee is deemed necessary by Committee Members to that effect is received by the Committee; such a meeting shall be called by the Secretary within 30 days of the receipt of such a request. President, with the consent of the Committee, shall specify the place, date and time of yearly, special and other meetings of the Committee.
3. Extraordinary/Emergency meetings: The President may call an extraordinary/emergency meeting at anytime if such meeting is necessary.
4. Notice of Meetings: Any meeting or meetings shall be called upon no less than 14 days written notice, email, Phone call to each Member.
5. Venue: Meetings shall be held at such times and places as the President may, from time to time, decide.
6. Conduct of Meetings: The order of business at meetings shall be fixed by the President and all meetings of the Committee shall be public.
7. Agenda for Meetings: The agenda for each regular Committee meeting shall be assembled by the President or Secretary as designated. Any Committee Members may transmit material and recommend guests for inclusion on the agenda. Such material shall be submitted no later than 10 calendar days prior to the meeting. The President shall distribute the agenda to the Executive Committee Members no later than 5 calendar days prior to the date of the meeting. Additional items may be



placed on the agenda at the regular meeting by a majority vote of the Committee Members present.

8. Decision: The decisions of the Committee shall be made by a majority of those present in a meeting, at which quorum is satisfied (Robert's Rule of Order), except when otherwise designated in these by-laws.

9. Motion to Reconsider: A motion to reconsider may be made at the same meeting at which the vote was taken or a subsequent meeting by any Committee Members who did not vote with the majority.

10. Compensation of Committee Members: All Committee Members shall serve voluntarily without compensation.

#### ARTICLE X: QUORUM

1. In the case of the Committee meetings, a simple majority of its membership present constitute the quorum. Members of the Committee may participate in a meeting of telephone conference or similar communications equipment by means of which all persons participating in the meeting can hear each other and such participation shall constitute presence in person at such meeting.

#### ARTICLE XI: ELECTIONS

1. At least 60 days prior to Committee's *Annual General Meeting/ Assemble (AGM)*, the President in consultation with the Committee shall appoint an Election Committee consisting of a minimum of 3 (three) to a maximum of 5 (five) members, one of whom shall be designated as the Chairperson of the committee.

2. The Election Committee shall invite nominations from Committee/Community for the position(s) of executive member(s) of the Committee to be elected at least 45 days prior to the election. All nominations for the positions shall be filed at least 7 days prior to such election date. One person shall contest election for only one position.

3. The candidates nominated for the positions of the executive body such as President, Vice President, General Secretary, Treasurer , Join Secretary, Join Treasurer and others members shall be require USA legal status.

4. The election procedure shall be completed by secret ballot through electronic media (e.g. secured, password-protected website or e-mail systems).

5. The person receiving the majority votes for a designated position shall be declared elected.

6. The election procedure shall be completed no later than May 31st of the first year of the Committee's term. The election for Executive members of the NHNC shall be completed no later than May 31<sup>st</sup> of the second year of the Committee term.

7. The Election Committee shall complete the entire election process, certify the results, and announce the names of the elected Executive members no later than June 30th.

8. If a vacancy in the Committee occurs at any time during the term of the Committee, the President, in consultation with the Committee, shall temporarily appoint an executive member to fill the position. An election to fill up the position for the remaining period of the term, if more than 6 months, shall be conducted by the Election Committee during the next *Annual General Meeting (AGM)* as provided in this bylaws.

## ARTICLE XII: NOTICES AND CORRESPONDENCE

### 1. Signatures on Notices and Correspondence.

Signatures of the President or designee by the President shall be required for:

- (i) All meetings and decisions of regular and special meetings; and
- (ii) All notices and correspondence signifying final elections of the Committee.

## ARTICLE XIII: NOTICES AND WAIVERS

### 1. Notices.

Notices required by these by-laws to be given to members shall be deemed to have been sufficiently given if in writing to each member at his or her preferred address, e.mail as it shall appear on the records of the Committee.

### 2. Waivers.

Any member may waive notice of any meetings of the Committee of these by-laws. Such notice shall be in writing and may be given by signing a waiver, mailing a card or by sending an e-mail, telegram or fax, and may be given either before or after a meeting. Attendance at any meeting shall constitute a waiver of notice and no written waiver shall be required.

## ARTICLE XIV: AMENDMENTS

### 1. Adoption of by-laws.

These by-laws shall become effective upon adoption by two-thirds of the Delegates of the Committee.

## 2. Amendments.

Any proposed amendment to these by-laws may be submitted in writing to the Committee over the signatures of at least two-thirds of executive members. The following process shall apply:

- (a) The President shall cause a copy of the proposed amendment to be circulated to all executive members.
- (b) Upon receiving seven (7) calendar days advance notice, the proposed amendment shall be placed on the agenda of the next duly constituted meeting of the Executive Committee.
- (c) Such amendment will be effective upon adoption by two-thirds of the Committee members.

## ARTICLE XV – RECORDS

1. The records of the Committee, including books and records of accounts, and minutes of proceedings of Committee shall be maintained at such place as designated by Committee. Any member may inspect such books and records for any proper purpose at any reasonable time.

## ARTICLE XVI: SEVERABILITY

### 1. Authority.

If any by-law or provision of these by-laws is found in violation of any superseding law or Authority, such will not affect any other by-law or provision of these by-laws not in such provision.

## ARTICLE XVII: NON- PROFIT STATUS

The Committee is organized exclusively for charitable purposes under section 501 (c) (3) of the Internal revenue Code. No substantial part of the activities of the organization shall participate in, or intervene in (including the publishing or distribution of statements) any political and religious campaign, on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

## ARTICLE XVIII: ROBERT'S RULES OF ORDER

Robert's Rule of Order, Revised, shall govern all proceedings except where inconsistent with the provision of the bylaws of Committee.

#### ARTICLE XIX: OFFICERS' LIABILITY

No Committee Members, shall be personally liable for monetary damages for breach of fiduciary duty as Committee Members notwithstanding any provision of law imposing such liability, provided however that this provision shall not eliminate the liability of a Committee Members, to the extent that such liability is imposed by applicable law;

- A. for any breach of the Committee Members duty of the organization.
- b. for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of law; and
- c. for any transaction from which the Committee Members derived an improper personal benefit.

#### ARTICLE XX: DISSOLUTION

The property of this Committee is irrevocably dedicated to the purposes mentioned in Article III and no part of the net income or assets of this Committee shall ever incur to the benefit of any Committee Members, or member of this Committee, or to the benefit of any private individual, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. Upon the winding up and dissolution of this Committee, after paying or adequately providing for the debts and obligations of the Committee, the remaining assets shall be distributed to a non-profit fund, foundation, or corporation that is organized and operated exclusively for charitable purposes and that has established its tax-exempt status under Section 501(c) (3) of the Internal Revenue Code.

*NHNC First AGM resolution: Electronically sent this By-Law three times to all NHNC members, we believe that, they received it, read it and approved to adopt this by-Law, unless they request for explanations before April 2nd 2011.*

This By-Law Preparation Members are:

- 1) Shiva Kumar Rai (Coordinator)
- 2) Rabin Thapa (Member)
- 3) Chhatra Kumari Gurung Member)



<u>Designations:</u>	<u>Name:</u>	<u>Signature</u>
1) <u>President:</u>	Min Gautam	
2) <u>Vice President:</u>		
3) <u>General Secretary:</u>	Som Gurung	
4) <u>Treasurer :</u>	Ishwori Bhatta	
5) <u>Join Secretary :</u>	Lakpa Sherpa	
6) <u>Member:</u>		
7) <u>Member:</u>		
8) <u>Member:</u>		
9) <u>Member:</u>	Madalasa Gurung	
10) <u>Member:</u>		
11) <u>Member:</u>		
12) <u>Member:</u>		
13) <u>Student Member:</u>		

*(Additional signatures and names are present in the image, including: Anil Upadhyaya, Subodh Singh, Lok Lama, Mohan Giri, Shiva Rai, Sudip Adhikari, Sunil Pokharel, Chandra Adhikari, Khadiman Rai, and others.)*

Current Elect Executive Members of NHNC for Year 2011- 2013:

<u>Designations:</u>	<u>Name:</u>	<u>Signature</u>
1) President:	Mr. Min Gautam	
2) Vice President:	Mr. Robin Thapa (by Nomination)	
3) General Secretary:	Mr. Som Gurung	
4) Treasurer :	Mr. Ishwori Bhatta	
5) Join Secretary:	Mrs. Chhatra Gurung	
6) Join Treasurer:	Mr. Lakpa Sherpa	
7) Executive Member:	Mr. Anil Upadhyaya	
8) Executive Member:	Mr. Subodh Singh	
9) Executive Member:	Mr. Lok Lama	
10) Executive Member:	Mrs. Madalasa Gurung	
11) Executive Member:	Mr. Mohan Giri	
12) Executive Member:	Mr. Shiva Rai (by Nomination)	
13) Executive Member:	Mr. Sudip Adhikari (by Nomination)	
14) Executive Member:	Mr. Sunil Pokharel (by Nomination)	
15) Executive Member:		
16) Executive Member:		
17) Student Member:	Mr. Chandra Adhikari	