

" SPECIAL COMMISSION REPORTS "

" ANS " - 1967

RECOMMENDATION OF THE SPECIAL COMMISSION

On September 25, 2008, Mr. Prem Sangraula, President of the America Nepal Society ("ANS"), requested that Ms. Kathie Stein, Dr. Shyam Karki, and Mr. Kris Ghimire form a special commission (the "Commission") to recommend how to proceed with the upcoming ANS elections scheduled for October 18, 2008 in light of concerns expressed by some community members about one provision of the current bylaws.

These bylaws were lawfully adopted by the ANS Executive Committee and ratified by the general membership at a meeting on November 7, 2007. Their adoption followed a year-long review of the current bylaws by a duly constituted bylaw committee and subsequent adoption by the Executive Committee and general membership. The President of ANS formed the bylaw committee at the suggestion of a former election committee, which felt the bylaws needed to be updated before the election could proceed. As a result, the election planned for 2006 was postponed. Similarly, because the bylaw revision process was not completed by the fall 2007, elections were not held in 2007 and the current Executive Committee board was asked to serve for one more year. Thus, the current Executive Committee has been in service for four years.

The principal provision of concern is current Article VII, section 2, of the bylaws, which provides that a candidate for the Office of President shall have previously served on the Executive Committee for one term. This provision did not exist in previous bylaws, but many (not all) presidents had previously served one term on the Board. The Commission was charged with developing a recommendation for how to proceed in light of ANS elections scheduled for October 18, 2008, and was asked to present its recommendations by no later than October 5, 2008.

The Commission met on September 28, 2008 with Dr. Dan Edwards, a representative of the ANS Board, and Mr. Nagendra Paudel, petitioner. The Commission has also reviewed all written submissions and heard from several community members. During the September 28, 2008 meeting each side had an opportunity to express its views and recommend solutions to the pending dispute. During the discussion, it was called to the Commission's attention that other provisions of the bylaws may also need adjustment should the elections proceed on October 18, 2008 in light of the fact that the present dispute has precluded the current election committee ("Election Committee") from moving forward with some aspects of the nomination process.

After careful consideration, in view of ANS' 40 plus year history of providing an essential forum and critically important service to the Nepali-American community and a strong desire to avoid a fractious and detrimental dispute that

might cast a shadow over the upcoming elections or cause unnecessary disruption for the next Executive Committee, the Commission recommends as follows:

1. The election should proceed as scheduled on October 18, 2008.
2. While persons with the best interest of ANS at heart may disagree as to the advisability of the bylaw provision, for purposes of this election, the current ANS Board should take action to suspend portions of Article VII, in particular the third sentence of Article VII, section 2, which provides "The nominee for the President shall have the additional qualification of having served on the Executive Committee at least for one term." The ANS Executive Committee should ask the general membership to ratify this and any related necessary actions as outlined in a, c, and e below at the general meeting on October 18, 2008.
 - a) For purposes of this election, the Election Committee should be authorized by the Board to consider prior service on the ANS Executive Committee to be desirable experience for the position of president but not a prerequisite to run for the office of president of ANS. All interested candidates irrespective of prior service on the Executive Committee may be considered for the office of President.
 - b) For purposes of this election, the Election Committee should consider full dues-paying members who have been ANS members for at least a year during the past five years to meet the qualifications to run for a position on the Executive Committee. However, all persons running for a position on the Executive Committee shall be current on their dues at least seven days before the election.
 - c) In order to allow all qualified persons to apply, the Election Committee should extend the period by which applicants may apply to be considered for a position on the Executive Committee for one week following the ANS Executive Committee's adoption of these recommendations.
 - d) In addition to accepting and determining whether an applicant is qualified to run for a position on the Executive Committee, the Election Committee should develop a brief questionnaire to be filled out by all applicants for contested positions. The questionnaire should cover relevant topics that will help the membership decide who will best serve the interests of ANS. (such as length of ANS membership, types of activities ANS should be engaged in, plans for ANS in the future, prior community involvement, etc.). Answers to these questionnaires should be made available at the election on October 18, 2008.

- e) In light of the extended procedure for nominations above, no nominations will be accepted from the floor at the annual meeting on October 18, 2008.
- f) The Commission recommends that an ethnic American be appointed to the Election Committee.

5. The ANS Executive Committee should recommend to the new Executive Committee that following the election the new Executive Committee or a group designated by it decide whether there are any provisions in the bylaws that should be evaluated for possible modification.

6. ANS should continue to remain a friendship society and non partisan and non political organization.

Dated: September 30, 2008

Signed:

Kathie A. Stein

Dr. Shyam Karki

Mr. Kris Ghimire