

**4/21/04**

USTA NorCal Board of Directors Meeting  
April 21, 2004  
ClubSport Fremont

Board Members Present: President Paul Kepler, Fred Tierney, Andrea Norman, Patrick King, Dwight Johnson, Rick Kepler, Linda Peltz, Bill Schoen, Bill Simons, Shar'ron Smith, Dave Sperry, Alvin Hom, Jean Hassoun, Philip Stromer, Brian Cory, Terry Cossette, and Margie Peterman.

Past Presidents Present: John Frank, Kim Fuller, Don Jacobus, Mark Manning, Liz Blum and Gary Lee.

Parliamentarian Present: Rosie Bareis, David Shapiro

Staff Present: Executive Director Bruce Hunt

Guests Present: Roland Barcos, Suzy Cossette, Bill Hansen and Jack Drimmer

The regular meeting of the USTA NorCal Board of Directors was called to order by President Paul Kepler at 6:48 p.m.

Bill Hansen made a public comment regarding the Presidency.

The minutes of the special meeting of February 25 were approved as corrected. The minutes of special meeting of the April 13 were approved. Approval of the minutes of the Special meeting of April 14 was postponed. Minutes of the Executive Session of March 17 were approved as corrected ( Add date – "March 11, Conference Call" to Motion to retract actions of the Executive Committee.). Corrections to the minutes of the regular March 17 Board meeting include:

1. Add – A report regarding TDM was given by Tom Epley and comments regarding TDM was made by Pua Johnson
2. Regarding Action Item H – an explanation of the change in grant procedure was requested
3. under E. D. report change wording of #2 "and that" to "out of" 43 orgs were ready to be loaded.
4. Note: It was requested that decisions made in Executive Session that are to be made public be brought up during the regular meeting so as to be included in the minutes.

Executive Session called at 7:00 and ended at 7:13 p.m. to review minutes of Special meetings and Executive session.

President's Report –

1. Good News goes to lapsed members as well as current members
2. Committee Handbook – to be ready by next month. Any corrections send to Bruce by end of week.
3. Letter from Paul – Executive Session 7:20 p.m. and ended at 7:30 p.m.  
Bill Simon objected: "Culture of secrecy is inappropriate and over the top. We should be open and have trust and be willing to take responsibility for our votes. This rush to secrecy is hurting the section."  
Discussion regarding whether we should even have Executive Session.

E. D. Report – In Board Packet

TPI – 18 clubs have signed on with 3886 players. (question asked: Is there a way to figure out how many of the 3886 played combo league? Answer – Yes and No – It can be done but takes time and may delay something else)

TPI calculates from the beginning (Livermore 1996)

Players will have 1 record (1 org) but several affiliations

If a player is dropped from an org he is then unassigned but his record is never dropped.

Administrator cannot add a player until the total database is checked for a the player record.

Paul is concerned about 2 issues

- a. The time required to put all names into the system
- b. The time required for playing 10 matches

The issue of loading the names is not a big issue – what is the issue is the time it takes for an org to return

the database.

Kim's concern – last minute sign-up of clubs before combo league starts.

Combo League starts in August and you need 10 matches by the 2nd week of August. If org signs up after June 25 there is no guarantee for players to play 10 matches to get into combo league.

Training will be cut in ½ if work load grows exponentially.

- a. Org is loaded.
- b. Codes released to administrator only after training
- c. No scores can be entered until codes are released.

Jean Hassoun would like a monthly report stating where we are in loading players in TPI for Combo Leagues.

2. Project A.N.N. – to be used only for tournaments

Treasurer's Report – In packet

Committee Decisions – Correction to Adult League Committee, March 10 Meeting – Line should read: A forfeited match shall count as a match played for the player(s) forfeiting, but not for the player(s) who received the forfeit.

Action Item A – Withdrawn

Executive Session 8:15 p.m.

Executive Session ended at 10:50 p.m.

Dwight Johnson chairing the meeting.

Motion: To include in the minutes of the regular meeting that after much deliberation Paul Kepler was removed as President and the Vice-President Dwight Johnson is now acting as President and that Tony Silveria has been reprimanded for acting without Board direction.

1 Against – Motion passed.

Meeting adjourned at 11:10 p.m.

Respectively submitted by  
Margie Peterman

#### BOARD OF DIRECTORS' MEETING AGENDA

Wednesday, April 21, 2004

ClubSport Fremont

46650 Landing Parkway

Fremont, CA 94538

Directions: Driving South on 880, take the Mission Blvd/Warren Ave Exit.

Continue on W. Warren and turn right on Landing Pkwy.

Driving North on 880, take the Gateway Blvd Exit. Continue on Gateway Blvd and turn right on Bayside Pkwy. Bayside turns into Landing Pkwy.

- I. Food and Refreshments—6 PM
- II. Call to Order—6:30 PM
- III. Introductions
- IV. Public Comments-10 minutes, 2 minutes per speaker
- V. Approval of Minutes
- VI. Executive Committee Activities
- VII. President's Report
- VIII. Executive Director's Report
- IX. Treasurer's Report
  - A. Variance Report (Green)
  - B. Monthly Grants (Red)
  - C. Budget Requests (Purple)
- X. Delegate's Report
- XI. Committee Decisions/Reports/Meeting Schedule (Yellow)
- XII. Action Items (Blue)

- A. President Completes Term; President-Elect Election in December
- B. Remove the President
- C. New Election for President-Elect
- D. Withdrawn
- E. Delegate Explanation of Slate Letter to USTA Nominating Comm.
- F. Officials Grievance Procedure
- XIII. Old Business
- XIV. New Business
- XV. Adjournment of Meeting

Next Regular Meeting: Wednesday, May 19, 2004 at ClubSport Fremont

Action Items

April 2004 A

Presenters:  
Paul Kepler

Statement of the Action Item:

The presenter resolves that Paul Kepler continue as President through the end of his two year term; and that Paul Kepler resign as President-Elect at the first regular meeting of the Board of Directors following the 2004 Annual Meeting and a new election for President is held at the first regular meeting of the Board of Directors following the 2004 Annual Meeting

Rational: To conclude the process of evaluating President Paul Kepler.

Fiscal Impact: Reduces budget amount \$2500 set aside for President-Elect.

Staff Comments:  
None

April 2004 B, C

Presenter(s): Kim Fuller, Linda Peltz, Dave Sperry

Statement of Action Item: (2 separate action items)

A. Vote to immediately remove Paul Kepler as President of USTA NorCal according to Article VIII Section A, Article VII Section M (Quorum and voting), and Article VI Section G of the By-laws. (Action Item B)

B. To hold a new election for the position of President elect. (Action Item C)

Rationale for Action: Article VIII Section A: The officers of the Association shall be ..... and shall be elected by and shall hold office at the pleasure of the Board of Directors.

Article VII Section M: Quorum and Voting. A quorum for the transaction of business shall consist of seven members of the Board of Directors, and a majority of those voting shall have the power to do any act, except as herein otherwise provided. Proxy voting on the Board of Directors shall not be allowed for any purpose.

Article VI Section G. Robert's Rules. Except as otherwise provided in these By-Laws, Robert's Rules of Order shall be the rules of order for meetings of the Association.

The performance of Paul Kepler warrants a vote to remove him as the President. The listed By-laws confirm that the Board may remove the President at any time by a majority vote of the Board. Article VI clearly states that the By-laws take precedent over Robert's Rules of Order, therefore the process to remove the President follows Article VIII and not Robert's Rules. Article VII makes it clear that the majority of those present and voting will decide the issue.

We agree with the following interpretation by Mike Mee as to this process:

You asked about my understanding of the bylaw at Art VIII, Sec A, "officers ... shall serve at the pleasure of the board".

I have no doubt that those words empower the board to discharge an officer at any time. I believe this is so for three reasons. First, it is the plain meaning of those words. Second, no other interpretation appears. The words were obviously intended to have meaning. If not this, what else? Third, it is not reasonable to assume that the original authors of the bylaws intended that officers elected by the board would be immune from accountability to the board.

Because no other percentage is specified, removal of an officer would require a majority vote by the board.

Mike Mee

Fiscal Impact: None

Staff Comments: None

April 2004 D--Withdrawn

April 2004 E

Presenter(s):

Philip Stromer, Linda Peltz, Gary Lee, Jean Hassoun

Statement of Action Item:

To have Tony Silveria explain his letter to the USTA Nominating Committee, dated 3/25/04.

Rationale for Action:

We do not believe that our delegate should lobby the USTA Nominating Committee without first obtaining authorization from the USTA NorCal board.

Tony's letter was signed Tony Silveria, USTA NorCal Delegate, stating that he was speaking for "I as well as my colleagues". This gives the distinct impression that he is speaking for the section. A copy of the letter follows this page.

Fiscal Impact: None

Staff Comments: None

April 2004 F

Umpires and Referees Committee

Grievance Subcommittee

- a. The Grievance Subcommittee shall be composed of five persons who are certified under USTA Regulations XI and members of the Officials Council. This Subcommittee shall be responsible for enforcing the requirements of The Officials Code of Conduct and the USTA Regulations as applied to members of the Officials Council.
- b. Whenever a written grievance is filed with the office of the USTA, Northern California Section (hereinafter sometimes referred to as "NorCal") charging that any member of the Officials Council has violated The Officials Code of Conduct or the USTA Regulations, that written grievance shall immediately be sent by post or hand to the Chairperson (or in his/her absence the Vice Chairperson) of the Grievance Subcommittee. NorCal shall also inform such Chairperson or Vice-Chairperson by e-mail or telephone that the grievance has been filed and is in transit. Any such written grievance shall be sent by US post, either certified or registered mail to: Executive Director, USTA Northern California, 1350 S. Loop Rd., Ste. 100, Alameda, CA 94502. Such written grievance shall be posted as above within thirty (30) days of the day on which the alleged incident, which is the subject of the written grievance, occurred.
- c. In the absence of the Subcommittee Chairperson (or pursuant to that Chairperson's request) the Vice-Chairperson of the Subcommittee shall have the same power to act on the Subcommittee's behalf. (Hereinafter the use of the term Chairperson of the Grievance Subcommittee shall include, in the alternative, the Vice-Chairperson of that Subcommittee.)
- d. Upon receipt of the written grievance the Subcommittee Chairperson may choose to hold a hearing on such written grievance before the Subcommittee or may take action on the written grievance in the form of such investigation as is deemed appropriate in the Subcommittee Chairman's absolute discretion. As a result of the investigation above deemed necessary, the Subcommittee Chairperson may recommend to the Chairperson of the Umpires and Referees Committee action under USTA Regulations XI.H, Denial of Certification and Decertification. Permitted action within the meaning of USTA Regulation XI.H includes the imposition of conditions on the approval of certification and on withholding a recommendation of decertification to the National Chairperson of Officials. The Subcommittee Chairperson shall notify by US post, certified mail, both the Officials Council member who is the subject of the written grievance (hereinafter referred to as the "subject"), and the individual filing that written grievance, of the Grievance Subcommittee's action.
- e. If the Chairperson of the Grievance Subcommittee so chooses, in response to a timely filed written grievance, a hearing shall be held before the Grievance Subcommittee and the Grievance Subcommittee

shall render a decision as a result of that hearing. In such event the Chairperson of the Grievance Subcommittee shall promptly fix a time and place for a hearing and shall give the subject not less than ten days prior written notice of such hearing, either hand delivered or sent by US post, certified mail. At such hearing the subject shall have the right to appear personally, with not more than one representative, to present testimony or other evidence and cross-examine witnesses. At the conclusion of the hearing the Grievance Subcommittee shall have a reasonable time to recommend such action to the Chairperson of the Officials Committee as is set forth in paragraph "d" above.

f. The procedures for appeal of the actions of the Chairperson of the Officials committee based on the recommendation of the Grievance Subcommittee or the Chairperson of that Subcommittee are found at USTA Regulations XII.