

6/16/2004

USTA NorCal Board of Directors Meeting
June 16, 2004
Fremont Marriott

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

Past Presidents Present: Paul Kepler, John Frank, Kim Fuller, Don Jacobus, Mark Manning, Liz Blum and Mike Mee.

Parliamentarian Present: Rosie Bareis

Staff Present: Executive Director Bruce Hunt and Sarah Robinson

Delegate Present: Tony Silveria

Guests Present: Bill Hansen, Sandi Kaney, Lucy Grisetti, Mike Hansen and Eileen Obata

The regular meeting of the USTA NorCal Board of Directors was called to order by Vice- President Dwight Johnson at 6:30 p.m.

Bruce Hunt introduced the guests.
Andrea Norman passed out the program for the Maze Cup.

No public comments.

The minutes of the May 19th, 2004 meeting were approved as corrected and amended
Correction: The name of the guest was Bill Hansen instead of Roland Barcos.
Amendment: To strike out the discussion portion of the reinstatement of Tony Silveria.

President's Report –

A. Strategic Partnerships: Dwight presented a slide show of the Level 1 priorities and how companies can work with USTA in attaining its goals.
National is not clear as to the relationship with sponsors as it pertains to the sections.

B. Reinstatement of Terry Cossette: (Terry Cossette leaves the room.)
Motion: To reinstate Terry Cossette to the board. Secret ballot
Motion passed 17 for vs 4 against.

E. D. Report – In Board Packet

A. TWC: TIA has not sent out any official report as of this date. After the initial advertising there has been no “ground swell” on the local level. We still don't know the short term results.

B. TPI: Kim reported that approximately 70-75 organizations should be registered by the Combo deadline. Andrea expressed concern that about 80% of the orgs that had combo teams last year are still not registered.

Treasurer's Report – In packet

Motion: To approve additional funds in 2004 of \$4500 for Adult Leagues and \$12,500 for Community Tennis. Motion passed.

Committee Decisions – In Board Packet

Adult League request for the Board to reconsider decision regarding Las Animas discussed under Action Items.

Adding the effective dates to motions passed by the Adult League Committee: Increasing the league player registration fee \$1.00 – effective date 2005

The word “match” in the LLAR will mean team match - effective immediately

Action Items:

Motion to amend the agenda in order to discuss the Las Animas/Gilroy issue.

Motion passed

Motion to amend the order of the Action Items to

- A. Las Animas/Gilroy
- B. Opinions from Legal Counsel
- C. Removal of President-Elect
- D. Election of new President

E. Directive regarding TPI

Motion passed 12 for vs 5 against

Action Item A: Las Animas and the Gilroy Tennis Club

Eileen Obata (Gilroy Tennis Club) read a prepared statement (attached) regarding the problems at Las Animas and what the GTC has done to alleviate the problem. Also attached is a letter from the Gilroy Police Department.

Eileen stated that banning night matches will mean fewer teams.

Motion for the Board to maintain its previous decision to take no action and allow USTA league matches at Las Animas and to send a letter of support to GPD

and to consult with the attorney in order to protect us from any liability.

Motion passed 16 for vs 4 against

Reminder: To Call the Question requires a 2/3 vote.

Action Item B: Interpretation of the By-Laws requires a 2/3 vote otherwise the attorney decides.

Of the 15 questions asked of the attorney (attached), Opinions 1 & 2 are binding on the Board. Mark

Manning challenged the attorney's opinion on #2 because of the footnote stating that the attorney

reversed his former opinion but did not give any reasons for the reversal. The chair ruled that Opinions 1

& 2 are binding. Secret ballot to affirm validity of 1 & 2. Majority vote

Motion passed 16 for vs 6 against.

Motion: If there is a vacancy in the position of President-Elect, the Board has the right to hold a special election for this position.

Secret ballot – 2/3 vote - Motion defeated 12 for vs 10 against.

Action Item C: Removal of President-Elect

Motion to remove Paul Kepler as President-Elect.

Secret Ballot - Majority vote - Motion passed 15 for vs 7 against.

Action Item D: Election of President

Motion: When there is a vacancy in the office of President, the Vice President takes over as President for the balance of the term and immediately resigns as Vice-President.

Motion withdrawn

Motion to elect Dwight Johnson as President and President-Elect to take effect immediately.

Secret Ballot. Motion passed 21 for vs 1 against.

Motion to reconsider interpretation of the By-Law regarding the special election for President-Elect.

Secret Ballot – 2/3 vote - Motion passed 15 for vs 3 against

Revote on motion: Action Item B regarding special election for President-Elect.

Motion passed – unanimous

Dwight Johnson resigns as Vice-President at 10:45 pm.

Motion to hold a special election for the office of Vice-President.

Motion withdrawn.

Motion to ratify Mark Manning as a Past-President of USTA NorCal.

“WHEREAS, upon the resignation by Kim Fuller as president, it was the Board's assumption that Mark Manning became president and for the remainder of the term he was so regarded and performed all duties as president;

THEREFORE, BE IT RESOLVED, that the Board ratifies Mark Manning's presidency.”

Motion passed - unanimous

Action Item E: E.D. explanation as to why the staff promoted Alvin Hom's CTA for use by player's wanting to register for TPI.

E.D. replied: The Board directive stated that USTA NorCal would not form a dummy org in order to register players into TPI and that NorCal was to promote existing member orgs. An e-mail was sent to all member orgs asking who was interested in allowing outsiders to register for TPI using their CTA. Alvin Hom's CTA was the only CTA to respond positively.

Motion: Anonymous letters addressed to the Board and sent to USTA NorCal should not be forwarded to

the Board members.
Motion tabled.

Announcement: Mark Manning was named Coach of the Year by the California Coaches Association.

Meeting adjourned at 11:30 p.m.

Respectively submitted by
Margie Peterman, Secretary

BOARD OF DIRECTORS' MEETING AGENDA

Wednesday, June 16, 2004

Fremont Marriott
46100 Landing Parkway
Fremont, CA 94538

Directions:

Driving South on 880, take the Cushing Parkway Exit towards Fremont Blvd. South.
Turn right on Fremont Blvd. Marriott is ahead on the left.
Driving North on 880, take the Cushing Parkway Exit towards Fremont Blvd. South.
Turn left onto Fremont Blvd. and loop over the freeway. Marriott is ahead on the left.

I. 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

A. Request for Reinstatement by Terry Cossette

B. Strategic Partnerships

VIII. Executive Director's Report

IX. Treasurer's Report

A. Variance Report (Green)

B. Monthly Grants (Red)

C. Budget Requests (Purple)

X. Committee Decisions/Reports/Meeting Schedule (Yellow)

XI. Action Items (Blue)

A. Discuss and Vote on the Answers from Legal Counsel

B. Election of President

C. Removal of President-Elect

D. Executive Director's Directions about TPI

XII. Old Business

XIII. New Business

A. Emailing Information to Directors

XIV. Adjournment of Meeting

Next Regular Meeting: Wednesday, July 21, Marriott Fremont

June 2004 A

Presenters: Linda Peltz, Dave Sperry, Kim Fuller

Statement of Action Item: To discuss and vote on legal counsel's interpretation of the By-Laws and questions presented to him regarding the positions of President, Vice-President, and President Elect of USTA NorCal.

Rationale for Action: Not all statements provided by legal counsel were available for prior discussion.

Fiscal Impact: None

Staff Comments: None

June 2004 B

Presenter(s): Dave Sperry, Alvin Hom, Kim Fuller, Fred Tierney, Liz Blum, Linda Peltz, Shar'ron Smith, Gary Lee, Betty Cookson, Patrick King

Statement of Action Item: Dwight Johnson is currently acting President of USTA Norcal. We wish to have a vote to confirm him as President for the balance of the existing term.

Rationale for Action: We need a President for the upcoming meetings for National meetings of the USTA

Fiscal Impact: None

June 2004 C

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

Statement of Action Item: Remove Paul Kepler as President-Elect.

Rationale for Action: Paul Kepler has been removed as President, He should not be our President-Elect

Fiscal Impact: None

Staff Comments: None

June 2004 D

Presenter(s): Jean Hassoun, Liz Blum, Philip Stromer

Statement of Action Item:

Part 1: Request that the Executive Director explains why he instructed his staff to promote the use of Alvin Hom's CTA to allow players to register in TPI, against an explicit directive from the board.

Part 2: If needed, after hearing the ED's explanation, a motion to reprimand the ED for violation of a board decision.

Rationale for Action:

Board decision from March 2004 (Action Item F) (approved in April 2004):

"The office would look at teams not associated with any member org and facilitate those teams in finding and org that they can be a part of."

Concern of Bruce Hunt: NorCal should not be in competition w/member orgs whose members possibly pay dues.

(Motion defeated, 10-2)

Concern:

In the included email from Bruce Hunt, he acknowledges acting in contradiction of the explicit board decision listed here.

If the explanation is unsatisfactory, the presenters will make a motion to reprimand the ED for violation of a board directive.

Note: Appended to this document will be Bruce Hunt's email confirming his action with his knowledge of acting against the board decision, and the actual email sent by the staff to the captains.

Fiscal Impact:

None.

Staff Comments:

When I directed the staff to ask all member organizations to inform us if they would allow non-members to join their organization at no or low cost for the purposes of joining TPI, I believed, and I still do believe, that action was in agreement with the actions of the Board.