

**League of American Bicyclists**  
Board Meeting  
[Telephone Conference]

November 29, 2004

Members present: Amanda, Preston, Paul, Rich, Don, John, Martha, Brenda, Joe, Mike, Chris

Staff present: Andy

Absent: Phyllis

Preston opened the meeting at 3.05pm EST; Chris joined a few minutes later.

Don agreed to re-send the October 2004 board minutes for approval before the next meeting.

The meeting's major topic was to review the recent work and recommendations of the nominating committee. The following items were discussed:

1. Timetable for 2005 elections. Paul led discussion. John suggested that ballots should be counted in the open, with LAB members observing as opposed to just an outside judge only. Discussion followed.

Motion: Paul made the following motion: the board instructs Andy to include in the selected firms that counts the votes an additional service of inspecting any petitions. Preston seconded. In favor: all; Opposed: o.

Don made the motion to accept the timeline. Brenda seconded. Favor: all; opposed o.

2. Policy Statement on use of membership lists. Paul led the discussion. Paul made a motion to accept statement with John's addition of his paragraph 3c, 3d and 6. Preston seconded. In favor: all; Opposed: o.

Chris directed the nominating committee to take into account and work with John's concerns specifically par 7.

3. Appointment of director to fill vacant board-appointed seat. Martha led the discussion.

Brenda announced her intention to resign March 1. Joe moved that Brenda be replaced by Mike Abrams for Region 4 at that date and that Gary Brustin be appointed for the at-large seat. Amanda seconded. In favor: all; Opposed: o.

Chris will call Mike and Amanda will call Gary with the news.

Martha reviewed next steps, including looking at qualifications for regional seat elections, list policy.

The meeting ended at 4.00pm. The next board meeting is scheduled for Friday, December 3.

**League of American Bicyclists –Nominating Committee**

**Proposed Resolution Regarding Policy Statement on**

**Use of League’s Membership List by Members**

*Approved by the Board, 11-29-04*

WHEREAS, Article XII, Section 1 of the League’s Bylaws provides that “... a record giving the names and addresses of its members entitled to vote ... may be inspected by any member ... for any proper purpose at any reasonable time,” and

WHEREAS, the Board of Directors deems it a “proper purpose” for members to make use of the membership list in the solicitation of members’ signatures on nominating petitions, in accordance with Article III, Section 7 of the Bylaws, and

WHEREAS, the Board further deems it a “proper purpose” for members to make use of the membership list in the solicitation of members’ votes, in elections for the Board of Directors, and

WHEREAS, the League has, from time to time, provided either “hard copy” (i.e., printed, on paper) or electronic membership lists to members in connection with the solicitation of petition signatures, or votes, or for other purposes, and

WHEREAS, the Board has determined that the practice of providing membership lists to members entails risks to the League, in that said list might be used for some improper purpose and/or used in violation of members’ privacy, and/or on violation of laws or regulations regarding the privacy of mailing lists,

Now, therefore, it is

RESOLVED, that the following Statement be adopted as the League’s Policy regarding use of the membership list,

AND further

RESOLVED, that all members of the League’s staff be given clear instructions regarding the implementation and enforcement of this Policy.

(Policy Statement attached)

## **League of American Bicyclists**

### **Policy Statement Regarding Use of League's Membership List by Members**

*Approved by the Board, 11-29-04*

1. Any Member (or a Member's attorney or agent) may physically inspect the League's membership list (the "List"), at the League's office, at any reasonable time. The concept of a "reasonable time" implies such common courtesies as advance appointments.
2. The League will not provide copies of the List, nor permit the making of copies, except for proper purposes specifically approved by the Board.
3. As of the date of adoption of this Policy Statement, the following purposes have been designated by the Board as "proper purposes" for Members' use of the List:
  - a. solicitation of signatures for nominating petitions, in accordance with Article III, Section 7 of the Bylaws;
  - b. solicitation of votes, for or against any candidate, in an election for the Board of Directors;
  - c. solicitation of signatures, or dissuading members from signing, a petition for a referendum, in accordance with Article III, Section 5B of the Bylaws;
  - d. solicitation of votes for or against a referendum, in accordance with Article III, Section 5B of the Bylaws.
4. Any person requesting a copy of the List (or any part thereof, such as a list of all Members in a Region), for a proper purpose, may be required to pay the cost of copying the List, and must provide a written statement:
  - a. stating the purpose for which the List will be used,
  - b. acknowledging that the List is not to be used for any other or improper purpose,
  - c. acknowledging the receipt of, and understanding of, this Policy Statement, and
  - d. agreeing to indemnify the League, the Board of Directors, individual Officers and Directors, and individual members of the Staff, from and against any claims arising from any use of the List, for any purpose and by any person, other than the purpose stated in accordance with paragraph 4(a) above.
5. A Member may make use of the List, or any portion thereof, without obtaining physical access to the List (and thus avoid the indemnification described in paragraph 4(d) above), by engaging the services of the

fulfillment house which is under contract with the League for the purpose of maintaining the List. The League staff will assist Members who wish to make use of the List via the fulfillment house. Each such use of the List must be approved as a "proper purpose." The Member must bear all costs of mailing, including postage, materials, and the fulfillment house services. Further, the Member must comply with paragraphs 4(a) through 4(c) above.

6. A member may also make use of the list, or any portion thereof, without obtaining physical access to the List (and thus avoid the indemnification described in paragraph 4(d) above), by requesting that the League's staff broadcast a message via the Internet. Each such use of the List must be approved as a "proper purpose." The Member must bear the reasonable cost of staff time in preparing and distributing the message. Further, the Member must comply with paragraphs 4(a) through 4(c) above.
7. If the List is to be used, either directly by a Member or via arrangement with the League's fulfillment house, to send a written communication to all or any substantial portion of the membership, whether nationally or in a region, the Member must submit, in advance, a sample or specimen of said written communication piece. All communication pieces must disclose the name(s) of the Member(s) sponsoring the mailing.

The Board of Directors reserves the right to reject any communication piece that contains libelous material, or that otherwise might subject the League to threat of legal action.