



BYLAWS

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NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

TABLE OF CONTENTS

SECTION 1 - GENERAL

- 1.1 OVERVIEW OF THE NSMA
- 1.2 NATURE OF THESE BYLAWS

SECTION 2 - MEMBERSHIP

- 2.1 MEMBERSHIP ELIGIBILITY
- 2.2 APPLICATIONS FOR MEMBERSHIP
- 2.3 MEMBERSHIP CLASSIFICATIONS AND RELATED RIGHTS AND PRIVILEGES
 - A. *Regular Membership.*
 - B. *Student Membership.*
 - C. *Associate Membership.*
- 2.4 NON-TRANSFERABILITY OF MEMBERSHIP
- 2.5 ANNUAL MEMBERSHIP DUES
- 2.6 PAYMENT OF ANNUAL DUES
- 2.7 NON-REFUNDABILITY OF DUES
- 2.8 WAIVER OF ANNUAL DUES
- 2.9 NSMA FELLOWS AND OTHER BOARD-GRANTED RECOGNITION
- 2.10 ANNUAL MEMBERSHIP CONFERENCE
- 2.11 GENERAL MEMBERSHIP QUORUM

SECTION 3 - BOARD OF DIRECTORS

- 3.1 GENERAL RESPONSIBILITIES
- 3.2 BOARD ORGANIZATION
- 3.3 RESPONSIBILITY OF THE OFFICERS
 - A. *President.*
 - B. *Vice President.*
 - C. *Treasurer.*
 - D. *Secretary.*
- 3.4 MEMBER ELIGIBILITY FOR OFFICER AND DIRECTOR POSITIONS
- 3.5 ELECTION OF OFFICERS AND DIRECTORS
- 3.6 BOARD TERMS
- 3.7 BOARD VACANCIES
- 3.8 BOARD MEMBER RESIGNATIONS
- 3.9 BOARD MEETINGS
- 3.10 BOARD QUORUM
- 3.11 MEMBER OBSERVATION OF BOARD MEETINGS

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

- 3.12 ANNUAL BUDGET
- 3.13 APPROVAL OF NSMA RECOMMENDATIONS
- 3.14 APPROVAL OF NSMA REPORTS
- 3.15 PROMPT ACTION ON SUBMISSIONS
- 3.16 EXTERNAL REPRESENTATIONS
- 3.17 BOARD OVERSIGHT OF WORKING GROUPS AND COMMITTEES
- 3.18 BOARD FORMATION OF COMMITTEES
- 3.19 FINANCIAL TRANSACTIONS
- 3.20 REMOVAL OF INDIVIDUAL BOARD MEMBERS
- 3.21 SPECIAL ELECTIONS

SECTION 4 - COMMITTEES

- 4.1 GENERAL
- 4.2 MEMBERSHIP COMMITTEE
- 4.3 NOMINATIONS COMMITTEE

SECTION 5 - WORKING GROUPS

- 5.1 GENERAL
- 5.2 WORKING GROUP CHAIRPERSONS
- 5.3 WORKING GROUP MEETINGS
- 5.4 PARTICIPATION IN WORKING GROUPS
- 5.5 DECISION-MAKING PROCESS
- 5.6 RECOMMENDATIONS AND REPORTS
- 5.7 BOARD OVERSIGHT

SECTION 6 - RECOMMENDATIONS AND REPORTS

- 6.1 GENERAL
- 6.2 PROCESSING OF RECOMMENDATIONS
- 6.3 PROCESSING OF REPORTS
- 6.4 AVAILABILITY OF HARD COPIES OF RECOMMENDATIONS AND REPORTS

SECTION 7 - FINANCIAL MATTERS

- 7.1 BOARD APPROVAL
- 7.2 COMPENSATION / REIMBURSEMENT OF EXPENSES
- 7.3 ANNUAL REPORT BY THE TREASURER
- 7.4 FISCAL YEAR

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

SECTION 8 - OTHER ADMINISTRATIVE MATTERS

- 8.1 INCORPORATION
- 8.2 OFFICES
- 8.3 PARLIAMENTARY PROCEDURES
- 8.4 MEMBERSHIP YEAR
- 8.5 INDEMNIFICATION OF BOARD MEMBERS

SECTION 9 - BYLAWS MODIFICATIONS

- 9.1 PROPOSALS TO MODIFY THESE BYLAWS
- 9.2 REVIEW PROCESS
- 9.3 BOARD APPROVAL
- 9.4 NOTIFICATION OF BYLAWS MODIFICATION

SECTION 10 - MEMBERSHIP PETITIONS

- 10.1 SCOPE OF MEMBERSHIP PETITIONS
- 10.2 ALTERNATIVE PETITION PROCEDURES

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

SECTION 1 - GENERAL

1.1 OVERVIEW OF THE NSMA

The National Spectrum Managers Association [NSMA, or Association] is a voluntary organization of individuals whose interests span telecommunications system design and engineering, interference analysis and control, radio frequency coordination, and licensing for radio systems operating in the radio frequency spectrum.

The NSMA provides a forum for subject matter experts to discuss and resolve technical and/or procedural issues of common interest, with the objectives of ensuring appropriate control of radio interference and making the radio system engineering and licensing process as efficient and effective as possible.

The NSMA's primary focus is on addressing inter-system interference and frequency coordination issues, supplementing the FCC's related regulations with technical and procedural recommendations to the industry, and providing input and advice to the FCC on matters relating to spectrum management and use.

The NSMA is governed by an elected, 15-member Board of Directors, and is organized into a number of Working Groups whose functions are to identify, address, and resolve specific issues, and to draft formal NSMA Recommendations [offering useful advice] or NSMA Reports [with useful information] to the industry. NSMA Recommendations and Reports, each reviewed by the membership and approved by the Board, are made available to the entire membership as well as other interested parties outside the NSMA. In addition to the NSMA's Working Groups, a small number of NSMA Committees exist to support the Board and the membership on specific matters, such as Bylaws, the processing of membership applications, conference planning, and similar matters.

Individuals' participation in the Association is open to, and supported by, virtually all sectors of the industry – firms involved in system engineering, frequency coordination, licensing, equipment manufacturing, consulting, legal and regulatory services – as well as representatives of government agencies, and individuals whose current work, work history or educational efforts relate to NSMA interests.

1.2 NATURE OF THESE BYLAWS

These Bylaws are intended to serve as the NSMA's operating ground rules and are subject to modification using the process described in Section 9.

SECTION 2 - MEMBERSHIP

For purposes of these Bylaws, the term "general membership" is intended to cover all classifications of NSMA membership. There are three such basic classifications: Regular Member, Student Member, and Associate Member. Each classification is described below. Note that the NSMA does not accept any corporate memberships.

2.1 MEMBERSHIP ELIGIBILITY

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

There are three basic classifications of NSMA membership. Regular Membership in the NSMA is open to any interested individual whose profession or work history directly involves the telecommunications industry. Student Membership is available to any full-time student in college, technical school, or the equivalent. A third classification, Associate Membership, exists to facilitate interaction with and participation by representatives of federal government agencies responsible for spectrum management and regulation.

2.2 APPLICATIONS FOR MEMBERSHIP

The NSMA Membership Committee makes membership applications available. Completed applications should be sent, along with a check [made out to the NSMA] for the amount of the applicable annual dues, to the Membership Committee chairperson. Applications are reviewed by the Membership Committee and, upon acceptance; new Regular and Student members will be provided with a membership certificate and then become eligible for the rights and privileges applicable to the particular membership classification, as described in Section 2.3 below. [Specific issuance of membership certificates for Associate Members is also addressed in Section 2.3.]

The Board reserves the right to override the Membership Committee's approval of individual membership applications, but such action requires at least ten votes against membership by the Board. In the event the Board denies membership to an individual, any pre-paid dues will be promptly refunded.

2.3 MEMBERSHIP CLASSIFICATIONS AND RELATED RIGHTS AND PRIVILEGES

A. *Regular Membership.* All Regular Members may participate in any NSMA activities, provide input in all working discussions, vote when votes are called for, and hold elected and/or appointed leadership positions. [In cases of voting, written proxies from absent Regular Members are accepted, providing the proxy is given to another Regular Member]. Regular Members are eligible to be named NSMA Fellows by the Board. Annual dues for Regular Members are established by the Board and are the same for all Regular Members, except for those individuals for whom the Board has specifically waived or reduced the dues requirement. Regular Membership remains in full effect as long as dues are paid, unless the Board specifically denies or revokes an individual's membership per the appropriate sections of these Bylaws. NSMA Fellows have all of the rights and privileges of a Regular Member but not subject to any annual dues.

B. *Student Membership.* Any full-time student in a college or equivalent program over the age of 18 is eligible for NSMA Student Membership, which is subject to discounted membership dues and conference fees [with the discount, nominally 50 percent, reviewed annually by the Board]. Student Members may participate in all NSMA activities and provide input in Working Group discussions, but are not eligible to cast votes on any matters or to serve in NSMA leadership positions. Student Membership remains in full effect as long as the applicable dues are paid and the individual retains eligibility for this classification, unless the Board specifically denies or revokes an individual's membership per the appropriate sections of these Bylaws.

C. *Associate Membership.* In order to facilitate participation in the NSMA by representatives of federal governmental agencies responsible for spectrum management and regulation [primarily the FCC, NTIA and Industry Canada], the classification of Associate Member exists and is not subject to any annual dues or conference fee. Associate Members may participate in all NSMA activities and provide input in Working Group discussions, but are not eligible to cast votes on any matters. Subject to Board approval and the non-

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

voting provision, Associate Members may serve as chairpersons of Working Groups or Committees, but are not eligible to serve on the Board. Completion of membership applications is requested for record purposes, and the Board may of its own accord list certain federal government contacts as Associate Members for purposes of distribution of NSMA information. Membership certificates for Associate Members are provided only on request and only if a completed membership application has been submitted.

2.4 NON-TRANSFERABILITY OF MEMBERSHIP

NSMA membership is not transferable.

2.5 ANNUAL MEMBERSHIP DUES

Annual membership dues are reviewed and established by the Board annually for each membership classification. The dues for Student Members are normally established at fifty percent of the figure for Regular Members, subject to annual review by the Board of Directors. Also subject to annual review by the Board, no annual dues are asked of Associate Members. Individuals who have been named NSMA Fellows are exempt from payment of annual dues. In other cases, the Board will decide any waiver or reduction in annual dues on a case-by-case basis

2.6 PAYMENT OF ANNUAL DUES

The applicable annual dues, except those included with new membership applications, must be paid prior to or at the Annual Membership Conference, or at such schedule as the Board may determine.

New members should submit the applicable annual dues amount to the Membership Committee chairperson along with the completed membership applications.

Existing members shall be notified at least 60 days in advance of the Annual Membership Conference that dues should be paid by the first day of the Annual Membership Conference, and that dues should be sent to the address indicated on the notification. The period covered by the dues payment shall run until the start of the Annual Membership Conference. Dues paid after January 1st of any year shall run until the start of the Annual Membership Conference of the following year.

2.7 NON-REFUNDABILITY OF DUES

Dues are non-refundable, except in the case of an initial membership application that is rejected by the Board or an existing membership that is revoked by the Board.

2.8 WAIVER OF ANNUAL DUES

The Board can, for good cause shown, waive or reduce the annual dues requirement for any member. The annual dues requirement is permanently waived for those individuals the Board names NSMA Fellows.

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

2.9 NSMA FELLOWS AND OTHER BOARD-GRANTED RECOGNITION

In recognition of special contributions the Board, as it sees fit, may bestow honor on particular members or others in the industry, and express that recognition in the form of a membership title [e.g., NSMA Fellow] and/or a special certificate. The only additional related privilege, however, that the Board can bestow in granting such recognition is a waiver or reduction of the annual dues requirement. Only Regular Members may be selected as an NSMA Fellow.

The granting of such individual honor and related privilege to an individual requires at least ten affirmative votes by the Board.

2.10 ANNUAL MEMBERSHIP CONFERENCE

A meeting of the general membership is held once every membership year [see Section 8 for definition of membership year]. The date, location and agenda for the Annual Membership Conference will be established by the Board or determined in a manner established by the Board.

In addition, any Regular Member can petition the Board to conduct an extraordinary conference. On receipt of a petition in accordance with the procedures described in Section 10 of these Bylaws, the Board is obligated to conduct an extraordinary conference of the general membership within 60 days, and to provide reasonable advance notification of the conference to the general membership.

2.11 GENERAL MEMBERSHIP QUORUM

A quorum of the membership is defined as at least 25 percent of the membership eligible to vote at that time.

SECTION 3 - BOARD OF DIRECTORS

3.1 GENERAL RESPONSIBILITIES

The Board's main roles are to manage the affairs of the Association, oversee the functions and activities of all Working Groups and Committees, approve NSMA Recommendations and Reports, approve the annual budget, and approve any and all external representations on behalf of the NSMA [including meetings, filings, and other correspondence or interaction with regulatory agencies].

3.2 BOARD ORGANIZATION

The Board consists of a total of 15 members, including four officers -- President, Vice President, Treasurer, and Secretary -- along with eleven Directors.

3.3 RESPONSIBILITY OF THE OFFICERS

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

A. *President.* The President serves as the chief executive officer of the Association, and presides at Board meetings and the Annual Membership Conference. The President, subject to the Board's direction, supervises and manages the affairs of the Association as a whole.

B. *Vice President.* The Vice President is second-in-command, and substitutes for the President in his/her absence. In the event the Presidency is vacated, the Vice President becomes President.

C. *Treasurer.* The Treasurer is responsible to maintain the NSMA's financial records and to manage, under the direction of the Board, all NSMA funds, including the handling of deposits and disbursements [see Section 7]. The Treasurer is also responsible to submit a proposed annual budget to the Board for review and approval.

D. *Secretary.* The Secretary is responsible for producing minutes of Board and general membership meetings, and for maintaining a complete file of official NSMA documents [other than financial records].

3.4 MEMBER ELIGIBILITY FOR OFFICER AND DIRECTOR POSITIONS

All Regular Members in good standing are eligible to be elected to the Board.

3.5 ELECTION OF OFFICERS AND DIRECTORS

Elections are conducted during the Annual Membership Conference. Prior to the election, the NSMA Nominations Committee will develop a slate of nominees consistent with these Bylaws and shall ensure that the nominees, together with the existing members of the Board, shall be reasonably representative of a cross-section of the Regular Membership.

The slate of nominees shall include at least one nominee for each anticipated vacancy, and at least two nominees for President when the subject election addresses that position. Nominations will be taken from the floor during the election process. During the Annual Membership Conference and at least one day before the formal election, the Nominations Committee shall present its recommended slate of nominees to the general membership. Opportunities will be provided in each stage for nominations from Regular Members.

In the years in which the officers of the Association are elected, the following will apply on the day of the election. The election of the officers will take place first and the election of the non-officer Board members will take place second. Between the two separate elections, the results of the officer election will be announced and additional nominations may be made for the non-officer Board members.

In all cases, popular vote of the Regular Members determines which nominees are elected to fill each vacant slot. Written proxies from Regular Members not in attendance will be honored, providing the proxy has been given to another Regular Member. In addition, to facilitate voting by members not present at the Conference, the Nominations Committee's slate of nominees will be distributed sufficiently in advance of the Annual Membership Conference.

3.6 BOARD TERMS

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

All members of the Board, including officers, hold two-year terms as defined by the membership year. Board terms specifically begin and end at the conclusion of the respective year's Annual Membership Conference. No NSMA President may serve more than two consecutive terms in that role, but no term limits apply to the other officer and Board member positions. Following the completion of the term of office as NSMA President, that individual shall automatically be placed on the Board of Directors for a full two-year term, except in those cases where the President has either resigned or has been removed from office.

3.7 BOARD VACANCIES

All of the following relates only to vacancies that may occur outside the usual election process. Should the position of President be vacated, the Vice President will immediately become President. Should a vacancy occur in any of the other officer positions [Vice President, Treasurer, or Secretary], the Board shall fill the position with an existing Board member. The Board may choose any eligible NSMA Regular Member to fill vacancies in other non-officer Board positions. When multiple simultaneous vacancies are to be filled, the Board shall conduct separate, serial elections to fill each vacancy. In each case the Board votes to fill a vacancy, simple majority vote among the Board members shall determine the outcome. If the vacancy occurs coincident with the Annual Membership Conference, the Board may decide to include the vacant position in that meeting's election process.

3.8 BOARD MEMBER RESIGNATIONS

Any Board member wishing to resign should submit that intent in writing to the ranking officer and specify the effective date.

3.9 BOARD MEETINGS

The Board shall meet at least four times each membership year. The Board will meet at the Annual Membership Conference. The Board meetings may be conducted in person or by conference call. Adequate advance notice of all meetings shall be provided to all Board members.

3.10 BOARD QUORUM

A quorum of the Board is defined as ten members in attendance or represented by proxy.

3.11 MEMBER OBSERVATION OF BOARD MEETINGS

Any member of the Association who is not a Board member may attend a Board meeting. For administrative purposes, the Secretary should be notified of such intent in advance, and the member's participation in the meeting will be limited to passive observation and, unless specifically requested, not include active participation in the Board's discussions.

3.12 ANNUAL BUDGET

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

The NSMA annual budget is prepared by the NSMA Treasurer, and is reviewed and approved by the Board. The Board reviews and sets the annual membership dues based on the annual budget.

3.13 APPROVAL OF NSMA RECOMMENDATIONS

Final approval of NSMA Recommendations requires at least ten affirmative votes by the Board. Prior to approving a Recommendation, a majority vote of the Board will take place prior to submission of the proposed Recommendation to the general membership for review and comment. A period of at least 30 days must be provided for this membership review.

The Board reserves the right to edit the text of Recommendations before they are approved, although it should exercise prudent judgment in cases where substantive editorial changes suggest a need for additional review by the initiating Working Group and/or the general membership. [Additional details related to the development, review, and approval of Recommendations is provided in Section 6.]

3.14 APPROVAL OF NSMA REPORTS

Approval of Reports requires a simple majority of affirmative votes by the Board. The Board may approve a Report without review and comment by the general membership. The Board reserves the right to make editorial changes to the draft Report, although prudent judgment should be exercised in cases where substantive editorial changes suggest a need for additional review by the initiator. [Additional details related to the development, review, and approval of Reports is provided in Section 6.]

3.15 PROMPT ACTION ON SUBMISSIONS

The Board is obligated to act promptly on any submissions from the Working Groups, Committees, individual members, or groups of members.

3.16 EXTERNAL REPRESENTATIONS

The Board must approve in advance any formal, external representations by or on behalf of the Association.

3.17 BOARD OVERSIGHT OF WORKING GROUPS AND COMMITTEES

The Board exercises oversight of the Working Groups and Committees. It has the right to form, place in inactive status, or disband Working Groups [or Committees, save for the Membership and Nominations Committees], to approve the selection of Working Group and Committee chairpersons, and to remove a chairperson for good cause.

The Board may assign general or specific issues to any particular Working Group or Committee, and it may require a status report from any Working Group or Committee chairperson at any time.

3.18 BOARD FORMATION OF COMMITTEES

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

The President and/or the Board may form Committees for general or special purposes, and select the Committee chairperson.

At minimum, there will be a Membership Committee and a Nominations Committee. Other Committees may be formed, placed in inactive status, or disbanded by the Board, as it deems appropriate. [See Section 4 for additional details.]

3.19 FINANCIAL TRANSACTIONS

The Board approves all financial transactions by the Association. Advance Board approval is required for all transactions. The Board may pre-authorize the President to incur financial expenses not exceeding a specific amount. [See Section 7 for additional details.]

3.20 REMOVAL OF INDIVIDUAL BOARD MEMBERS

Individual Board members can be removed via a petition by the general membership prepared in accordance with the procedures described in Section 10.

3.21 SPECIAL ELECTIONS

The general membership can petition for a special election of officers and/or Board members by following the procedures described in Section 10. Upon receipt of a petition signed by a majority of the general membership, the Board is obligated to conduct a special election [particulars defined by the petition] within 60 days.

SECTION 4 - COMMITTEES

4.1 GENERAL

The President and/or the Board may form committees to satisfy any general or administrative purpose. Either the President or the Board may select the chairperson for each Committee. Unless otherwise decided by the Board, Committees report to the Board. The President and/or the Board may place into inactive status or disband Committees as appropriate.

At minimum, there shall exist two Committees: the Membership Committee and Nominations Committee.

4.2 MEMBERSHIP COMMITTEE

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

A. Role: The role of the Membership Committee is to administer the membership process, consistent with the requirements in these Bylaws. The Membership Committee reviews new membership applications and provides membership certificates upon approval. The Membership Committee is also responsible to bring any membership-related items of interest to the Board's attention.

B. Participation: Participation in the Membership Committee is open to all interested members, but the Board reserves the right to name the chairperson and directly oversee the activities of the Committee.

4.3 NOMINATIONS COMMITTEE

A. Role: The role of the Nominations Committee is to develop a recommended slate of nominees for the annual election of officers and directors [see Section 3]. The Nominations Committee shall attempt to secure nominees who will be able to actively participate in NSMA affairs. The Nominations Committee is responsible to ensure that its recommended slate of nominees, together with the existing members of the Board, shall be representative of a cross section of the membership. The Nominations Committee also conducts the election at each Annual Membership Conference. Details of the election process, along with other specific responsibilities of the Nominations Committee, are addressed in Section 3.

B. Participation: Participation in the Nominations Committee is open to all interested members except current Board members. The Board reserves the right to name the Nominations Committee chairperson. However, other than naming the chairperson, the Board shall exercise no influence on the activities of the Nominations Committee, providing the Committee satisfies its basic obligations described in these Bylaws.

SECTION 5 - WORKING GROUPS

5.1 GENERAL

The role of the Working Groups is to identify and address technical and/or administrative issues related to spectrum management, and to draft responsive Recommendations and/or Reports.

5.2 WORKING GROUP CHAIRPERSONS

A chairperson[s] leads each Working Group and is[are] responsible for managing the activities of the Working Group. The chairperson[s] is[are] also responsible for submission of a status report to the Board prior to the Annual Membership Conference and each cluster group session.

5.3 WORKING GROUP MEETINGS

Active Working Groups are to meet at least once every membership year. Adequate advance notice of meetings should be given to all members of the particular Working Group.

5.4 PARTICIPATION IN WORKING GROUPS

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

Participation in Working Groups is open to all interested members of the Association.

To join a Working Group and receive meeting announcements, members need only contact the appropriate Working Group chairperson.

5.5 DECISION-MAKING PROCESS

Working Groups should reach decisions on draft Recommendations and Reports by achieving group consensus, if at all possible. In the event consensus is not possible, majority vote of the members present shall determine the decision. An opportunity shall be provided for individual members of the Working Group to append a written minority view to any draft Recommendation or Report to be submitted to the Board for approval.

5.6 RECOMMENDATIONS AND REPORTS

Recommendations and Reports drafted by the Working Groups are to be submitted to the Board for processing and approval. [See Section 6]

5.7 BOARD OVERSIGHT

The Board exercises oversight of the Working Groups; to form, place in inactive status, or disband them; assign issues to them; and to approve the selection of Working Group chairpersons. [See Section 3]

SECTION 6 - RECOMMENDATIONS AND REPORTS

6.1 GENERAL

The NSMA produces recommendations for uniform industry practice via formal NSMA Recommendations, and produces otherwise useful information to the industry via formal NSMA Reports. The information in each type of document is developed via a consensus process. NSMA Working Groups may develop Recommendations or Reports. NSMA Committees may develop Reports, and may otherwise submit proposed Recommendations to the appropriate Working Group.

6.2 PROCESSING OF RECOMMENDATIONS

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

A Recommendation is drafted by a Working Group and submitted to the Board once consensus or majority agreement is reached within the Working Group.

The Board reviews the draft and may decide to [1] circulate it to the general membership for review and comment; [2] return it to the Working Group for revision; or [3] refer it to another Working Group for review.

After the Recommendation has been circulated at least once for general membership review, with adequate time [at least 30 days] for comments, the Board will consider it for final approval.

The Board reserves the right to edit the text of a draft Recommendation at any stage after it has been submitted. However, the Board should exercise prudent judgment in cases where substantive editorial changes suggest a need for additional review by the initiating Working Group and/or the general membership.

Approval of a Recommendation requires at least ten affirmative votes by the Board.

After a Recommendation is approved, it is properly formatted and made available to the general membership.

6.3 PROCESSING OF REPORTS

A Working Group, Committee, or any individual member or group of NSMA members may draft Reports.

Reports may be submitted to the Board and approved, without review by the general membership, with at least ten affirmative votes by Board members. The Board may choose to circulate the Report for general membership review.

The Board reserves the right to make editorial changes in the text of a Report. However, the Board should exercise prudent judgment in cases where substantive editorial changes suggest a need for additional review by the initiating Working Group and/or individual.

After a Report is approved, it is properly formatted and made available to the general membership.

6.4 AVAILABILITY OF HARD COPIES OF RECOMMENDATIONS AND REPORTS

Generally, NSMA Recommendations and Reports will be distributed in electronic form to the general membership, or otherwise made available via the NSMA's web site on the Internet. Upon reasonable request from either a member or non-member, hard copies of specific Recommendations and Reports will be provided.

SECTION 7 - FINANCIAL MATTERS

7.1 BOARD APPROVAL

The Board must approve all financial transactions by the NSMA or on behalf of the NSMA. Advance approval is required for any transaction. An annual budget shall be prepared by the Treasurer and submitted to the Board for approval.

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

7.2 COMPENSATION / REIMBURSEMENT OF EXPENSES

In general, no member is to receive any compensation for NSMA-related work. Subject to advance Board approval, however, out-of-pocket expenses incurred that relate to NSMA work will be reimbursed.

7.3 ANNUAL REPORT BY THE TREASURER

The Treasurer shall deliver a financial status report to the general membership at each Annual Membership Conference. The Board may also request a financial report by the Treasurer at any time. [See Section 3]

7.4 FISCAL YEAR

The NSMA fiscal year begins on January 1 and ends on December 31.

SECTION 8 - OTHER ADMINISTRATIVE MATTERS

8.1 INCORPORATION

The NSMA is a Not-for-Profit Corporation, incorporated in the District of Columbia.

8.2 OFFICES

Offices of the NSMA shall be located in the District of Columbia and/or such other location[s] as may be determined by the Board of Directors.

8.3 PARLIAMENTARY PROCEDURES

Except as otherwise provided in these Bylaws, meetings and proceedings of the NSMA shall be governed by Robert's Rules of Order [as revised] for parliamentary procedure.

8.4 MEMBERSHIP YEAR

The term membership year is defined as the approximate one-year period of time between the conclusion of successive Annual Membership Conferences.

8.5 INDEMNIFICATION OF BOARD MEMBERS

Members of the Board of Directors are not liable for acts performed in good faith.

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

SECTION 9 - BYLAWS MODIFICATIONS

9.1 PROPOSALS TO MODIFY THESE BYLAWS

Any member or group of members may submit proposed modifications to these Bylaws to the chairperson, Bylaws Committee or to the Board of Directors.

9.2 REVIEW PROCESS

In general, the Board will circulate a modification proposal to the general membership for review and comment, within a reasonable period after receipt, and with a minimum review period of 60 days.

Except as noted below, the Board may edit the text of any proposed Bylaws modification prior to circulation for review, although prudent judgment should be exercised not to change the substance or intent of the modification.

The Board may, by at least ten affirmative votes, reject a proposed Bylaws modification upon original submission, unless a petition prepared in accordance with Section 10 of these Bylaws accompanies the proposal.

If accompanied by such a petition, the modification, in unedited form, shall be circulated for membership comments within 60 days of receipt.

9.3 BOARD APPROVAL

Following review and comment by the general membership of a proposed Bylaws modification, the Board will approve or reject the modification, by at least ten affirmative votes, not more than 60 days after the close of the general review / comment period.

In the process of conducting such vote, the Board shall give appropriate consideration to the comments received from the general membership.

At that time, the Board may also incorporate editorial changes to improve the text, although prudent judgment should be exercised not to change the substance or basic intent of the originally proposed modification.

A membership petition in accordance with Section 10 of these Bylaws may overcome rejection of the proposed amendment by the Board.

9.4 NOTIFICATION OF BYLAWS MODIFICATION

The general membership will be notified within 60 days of any approved modification[s] to the Bylaws.

NATIONAL SPECTRUM MANAGERS ASSOCIATION BYLAWS

SECTION 10 - MEMBERSHIP PETITIONS

10.1 SCOPE OF MEMBERSHIP PETITIONS

Any Regular Member may petition the Board of Directors on any matter relating to the Association. Such matters include, but are not limited to, withdrawal of a previously approved NSMA Recommendation or Report, removal of an individual member of the Board, conduct of a special election or extraordinary conference of the general membership, or modification of these Bylaws.

10.2 ALTERNATIVE PETITION PROCEDURES

There are two possible procedures by which the membership can petition the Board as described below.

The one-step process involves a petition signed by a majority of the existing Regular Members, and it requires the Board to satisfy the particulars of the petition within 90 days.

The two-step process applies to petitions signed by less than a majority but more than 25 percent of the existing membership. On receipt of such a petition, the Board must, within 60 days, distribute the petition in unedited form and request a "yes" or "no" vote on the petition from each Regular Member, who shall be allowed a 30-day period to submit a vote. If the majority of the membership eligible to vote approve the petition [i.e., vote "yes"], the Board must satisfy the particulars of the petition within 90 days.