



Winter 2006 Meeting will be in San Antonio

The San Antonio Radio Club is hosting the Winter 2006 meeting in conjunction with their 2006 Swapfest. For more information on the swapfest, surf to <http://www.w5sc.org/swapfest.htm>. Time and actual location of the board and general meeting will be posted on the society web site prior to that weekend.

VHF Communications Aid Hurricane Recovery

During the months of September and October, emergency VHF operators in East Texas were to again prove their worth to their fellow citizens. From Austin, Beaumont, Dallas, Houston, Tyler, Waco, and all points in between, messages, both analog and digital, flashed between stations to assist the people displaced, fleeing, or trying to recover from two of the worst hurricanes in recent memory in this area.

Katrina and Rita evacuations and the resulting emergency communications activity caused major traffic on numerous Texas repeaters. Red Cross repeaters, repeaters belonging to the Sam Houston Amateur Radio Klub, Steven F. Austin Repeater Club, a mobile repeater provided by TARMA, and many other clubs and groups were involved. One path was established between Houston's Astrodome area and Galveston in anticipation of traffic to be caused by housing over 5,000 evacuees on cruise ships in Galveston harbor.

At the request of federal officials, clubs and repeater groups were active up and down I-10, I-45, U.S. Highways 59 and 290 in an attempt to monitor vehicle traffic as 2.7 million people tried to leave the Texas Gulf Coast. This critical information was passed using voice, IRLP repeaters, and EchoLink to ARES coordinators and government officials. Despite long-term power failures over large areas of Texas, many Hams and repeaters system stayed on line due to their having backup power. Hams continue to support Red Cross and other served agencies even now in areas like Jasper more than month after the arrival of Rita.

As the U.S. Congress heard this week from ARRL representatives testifying in Washington, Texas amateur radio operators deserve a "very well done," for their support of the hurricane communications. Hams again did what no one else could.

Rusty Herman KB5R
Director and Vice-President
Texas VHF FM Society

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From the President's Desk



The Texas VHF-FM Society was founded decades ago by the hams that began building repeaters in Texas. Now, 40 years later and with over 1700 coordinations, our mission to serve the Amateur Radio community of Texas with frequency coordination services continues. I am proud and honored to be the President of the Society for 2005-2006.

I have served on the Board of Directors at two different periods of time but always as Newsletter Editor. Now that I am President, I have to give my 'baby' over to the capable hands of Dave Davis, Acting Editor, who I have complete confidence in to do a fantastic job. However, I do have my red pen standing by to mark up any errors I find...

I also want to thank Paul Baumgardner, W5PSB, for his many years of service to the Society on the Board and as President during the past year. Paul served during a difficult year and set forth a challenge for the Society to study and improve in many areas. I look forward to rising to that challenge and continuing to work with Paul as he assumes the position of State Frequency Coordinator.

The past year was anything but fun with regard to the Board, at least in my opinion. Our membership is at almost 900, and with such a large number of people comes a lot of different viewpoints with regard to voting, member classes, databases, etc. Some of our members have chosen to file a lawsuit to set in place certain changes, and unfortunately dealing with these legal matters diverts time and resources that could be spent in other areas. Regardless of this action, though, I am very encouraged at what I have seen in the last sixth months or so, and that is communication.

These issues have in fact caused more people to express interest and to get involved with the workings of the Society than ever before, in my opinion. I have had lots of discussions with many people about all aspects of the Society, and I think that is a good thing. Sure, not everyone agrees with everyone else, but we've had periods in our history where hardly anyone was interested or willing to get involved at all, and I think that's far worse than where we are today. There is always room for improvement, and as long as we don't let things get personal then we can look at all sides and determine the best course of action. Involvement by members and building consensus within the membership is key to making beneficial changes to our organization.

I was hoping to report on some of the committees but in fact I am still working on filling key positions. I anticipate being able to report good progress at the Winter Meeting in San Antonio. I look forward to seeing many of you there in January.

73's John N5NH, President 2005-2006, Texas VHF-FM Society

Texas VHF-FM Society Standing Committees

Frequency coordination:	Paul Baumgardner, W5PSB
Database Committee:	Dave Davis, WB5WIA
Technical Committee:	Greg Jurrens WD0ACD
Trustee (W5OGZ):	Jay Maynard K5ZC
Publications Committee:	Dave Davis, WB5WIA



Notes from the State Frequency Coordinator

Paul Baumgardner, W5PSB

Hopefully by now, everyone has gotten your annual repeater renewal in the mail. Please make sure that you review the renewal, make any appropriate corrections and mail it back to the appropriate coordinator. This renewal process helps us make the data more accurate and assists with the annual ARRL submission for the repeater directory.

This will be my first year as Statewide Frequency Coordinator—of which I hope there are many more. The Texas VHF FM Society has a lot to offer to the amateur community in support of repeater operations. We have been around for 40 years—coordinating repeaters for over 20 years—that plus the experience of the folks on the board, the permanent committees and the staff appointments make this a robust group.

I would like to welcome Kerry James-K5RGV to the position of Frequency Coordinator for the Rio Grand Valley area. Kerry has been an amateur radio operator for a bunch of years, a repeater builder and trustee and currently works for a cellular provider. His experience both in the amateur and commercial world will assist him in his new role as Zone 3 Frequency Coordinator.

Paul Finch - WB5IDM has taken over the position of Zone 1 UHF Coordinator. Paul operates a commercial radio shop in the North Fort Worth area and has operated numerous commercial and amateur repeaters over the years. By having a WB call...that was originally assigned...Paul has been around a long time and worked with many of the trustees that he will be helping in his new role. Please welcome Paul to the coordinator's job.

Craig Green-KV5E has taken over all of the bands that I was responsible for—10 meters, 6 meters, 222, 900, 1200, 2400 and ATV for Zone 1-North Texas. Craig is still responsible for 2 meters coordinations as well. Craig also brings a lot to the coordination committee—he has been involved in commercial and amateur systems for a number of years.

I would like to give a special thanks to Harold Reasoner K5SXX. Harold did a terrific job as State Frequency Coordinator for the last 6 years.

I would like to extend a personal thank you to all that attended the Summer Meeting in Austin. The meeting was the largest meeting of the Society ever—we exceeded last year's attendance by over 50 people. Thank you for keeping the meeting running and orderly—I know that the meeting ran long, but everyone cooperated and we got through it.

Please let me know if there is anything that we can do to improve the process.

I would also like to say thank you for nominating me for Honorary Life Membership. I appreciate your support.

Paul Baumgardner - W5PSB
Statewide Frequency Coordinator
Past President (2004-2005)
Honorary Life Member

Frequency Coordinators

State Frequency Coordinator

Paul Baumgardner - W5PSB
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Euleless, TX 76040
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fax: 817-354-7736
coord@txvhffm.org

Zone 1, Northeast Texas

All bands except 440 Mhz

Craig Green - KV5E
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Mesquite, TX 75150
972-270-8234
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Zone 1, Northeast Texas 440Mhz

Paul Finch - WB5IDM
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Zone 2, Southeast Texas

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Zone 3, South Texas

Kerry James - K5RGV
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Zone 4, Central Texas

Louis Hancock - K5UUT
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Zone 5, West Texas

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Link Frequencies

420Mhz, 900Mhz, 1.2Ghz

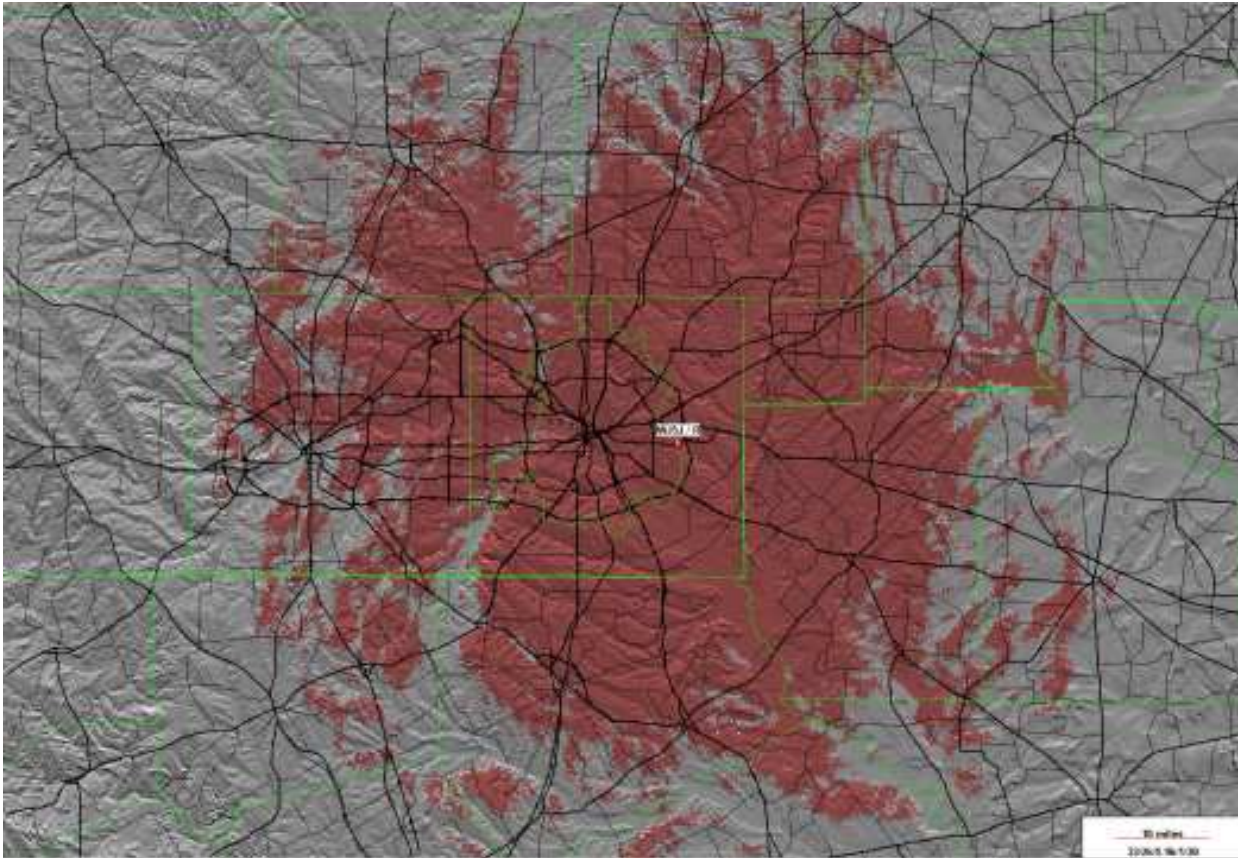
Johnny Stigler - WA5ZRQ
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Corrdinator's Corner cont.

Zone 1 10, 6, 2m, 220, 900 and up

Zone 1 from an RF perspective clearly is congested for available frequency pairs for 2 meters in within the Metroplex. With the help of others in the region, I am making every effort to accommodate the many requests for 2-meter pairs. An updated waiting list for 2-meter pairs will be issued shortly in Zone 1. I have begun utilizing propagation prediction tools with "rough earth" modeling as an adjunct to perhaps find ways of creating more frequency pairs in the congested Metroplex. An example of a rendered prediction is seen below:



The rendering is the propagation prediction for a DB-224E Omni directional antenna pattern. The traced radials from the antenna pattern are from a TIREM or Terrain Integrated Rough Earth Modeling algorithm that are rendered with the rusty color where a minimum -105 dBm contour would exist. This is approximately 1.25 uV and it would be measured with an antenna height at 3' AGL as a unity gain 1/4 wave. The terrain data is seen in the background with the predicted contour as the rust colored region(s).

By mapping co-channel users with accurate data, it is my goal that a better understanding of co-channel interference and possibly some additional frequency reuse be obtained where the terrain and EIRP of co-channel users make it feasible.

There are plenty of pairs in the other bands! Let's try and get some of the other spectrum resources utilized!

Craig -KV5E
Zone 1 Frequency Coordinator (All bands except 440)

Corrdinator's Corner cont.

Notes from Zone 2 – Fall 2005

Welcome to the Zone 2 repeater coordination update. Repeater coordination activity has been fairly steady over the past few months with the following repeaters newly coordinated since the Summer 2005 issue of the NEWS.

Zone 2 Newly Coordinated Repeaters between 6/11/05 and 11/3/05

Location	Output	Input	Call	Notes
Baytown	441.800	446.800	KK5XQ	C
Channelview	145.270	144.670	WA5SIX	O123.0
College Station	443.050	448.050	W5AC	O88.5
Crockett	146.700	146.100	WA5EC	OTAE123.0

In addition to these new coordinations, there are currently eleven active construction permit applications in Zone 2.

The repeater renewals for Zone 2 (Houston Metro area) were mailed on 8/27/05 with over 360 renewals going out to 155 trustees. The return rate to date has been over 80%, and I sincerely thank all those that have promptly mailed their renewals. Everyone that provided an email address on the renewal form was sent an email receipt. Please contact me via email or phone if you have not yet received your renewal and I will send one out right away. My contact information is listed in the front of the newsletter or on our website.

The following is the waiting list for Zone 2. A detailed explanation of the waiting list description and process appears on the Society website.

Zone 2 Coordination Waiting List

Callsign	City	Band	Application Date
KD5HHW	Magnolia	2m	5/11/2004
KK5XQ	Baytown	2m	1/28/2005
KW5O	Conroe	2m	3/29/2005

Please feel free to contact me if you have any question or are interested in constructing a repeater in Zone 2. I welcome your feedback on any improvements that I can make in Zone 2.

73,

Eric Schmidt
KA5WMY
Zone 2 Frequency Coordinator

Corrdinator's Corner cont.

Zone 3

I'm Kerry James, K5RGV and I would like to introduce myself as your new Zone 3 Frequency Coordinator. I am starting my 30th year as a licensed amateur and I must say that VHF/UHF and repeaters has been my favorite aspect of the hobby. Professionally, I am Senior RF Engineer for a major cellular company and frequency planning south Texas is just one of my responsibilities. I have been in RF Engineering around 18 years.

My first task is frequency coordination renewal. I ask that every repeater trustee please take the time and promptly send back their verification of data.

I know the feeling of excitement when getting a new repeater on the air and I look forward to working with new trustees as well as veteran repeater owner/trustees. I hope to get to a few hamfest and am looking forward to meeting many of you in person.

Kerry K5RGV

Zone # Frequency Coordinator

Greeting from South Texas.....

I would like to thank all of those that voted me in for a Director. I hope to serve you and your needs. The new board members are interested in working with the remaining board members to make the Society a very good organization.

I would encourage you to look at the new society web page. It looks great and has many new features. Consider receiving the news letter via e-mail. This helps the society out by cutting back on mailing expenses.

I would like to welcome the new Zone 3 Frequency coordinator, Kerry James, K5RGV. Any questions regarding new sites or renewals should be forwarded to him. His mailing information is on the new web.

A BIG THANKS goes to Richard Norton, the Past Zone 3 Frequency Coordinator, for his many years of service to the Society.

As I travel through the State, give me a hollar when you hear me. I maybe reached at w5jyj@arrl.net or 361-215-1599. Feel free to contact me at anytime. I would like your comments on how to improve the Society.

Thanks Again for your vote

Bob Lobaugh, Director

W5JYJ

It's Time for a Riverwalk

The Winter 2006 meeting of the Texas VHF-FM Society has been set to coincide with the 2006 SwapFest presented by the San Antonio Radio Club. This "first of the year" swap meet will beon Sat. Jan.14, 2006 at Little Joe's Country Gold,7405 Old Pearsall Road (1 mile outside Loop 410, on SW side of San Antonio). Talk-in will be provided on both 146.940- (179.9 PL) and 444.100+ (179.9 PL) courtesy of volunteer members from Bexar County REACT Team #4950 using SARC Club Call of W5SC. Visit the SARC web site www.sarc.org for more information. The specific time and location of the board and general meeting will be announced before the swapmeet.

W. E. "Rusty" Herman

Attorney at Law

Board Certified Criminal Trial Law
Texas Board Legal Specialization
Former State and Federal Prosecutor
Texas Municipal Court Judge

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October 31, 2005

TO: All Members, Texas VHF FM Society

This is an open letter addressed to all members of the Society regardless of their affiliations. I have been a ham for more than 30 years. During that time I have served in RACES leadership; as an ARRL Assistant Emergency Coordinator for Montgomery County, Texas; as a club president; as legal advisor to a large ham club, and am a ARRL Volunteer Legal Counsel.

During all these associations with various organizations, clubs, and ham groups at no time did I ever meet, to the best of my recollection, any member of the Armadillo Group. Not that they are bad or good for amateur radio in Texas, I just never remember meeting anyone who said he was a member. The first time I ever met members of that organization was at a barbeque in Austin after my election by you to the board of the Society and my election by my fellow board members as your vice-president.

What does this mean to you, the members of the Society? It means that my vote representing your interest in the Society is not at the beck and call of ANY organization or interest group. Just as when I vote as a member of city council or decide a case as a Texas municipal judge, the result of my vote will be what I honestly believe is in the best interest of the group I represent, our Society.

Amateurs have enough outside competition for our frequencies, for our tower or repeater sites, for the young people we must attract to this hobby that we love. Just think what WE ALL could accomplish together if our common goal was the betterment of amateur radio.

To this end, any e-mail, letter, or comment that my vote is controlled by any organization is not true and I invite anyone who would start such comment to meet me in discussion before the general membership.

Rusty Herman, KB5R
Director and Vice-President
Texas VHF FM Society

pc: R. Hollingsworth
Editor QST

From the Secretary's Desk

Howdy folks,

Thank you for your show of support in August. I hope we can all resolve our differences soon and get back to the real reasons we are here; to promote and to coordinate efficient amateur spectrum use for the benefit of everyone.

In fact, I blame Echolink and IRLP for recently rekindling my interest so strongly in repeaters. I believe these Voice Over IP technologies have done a lot to breathe new life into systems that would otherwise be quiet most of the time. While I have been having a lot of fun with these tools on my systems in Georgetown, I have learned a lot about fine tuning the process along the way. I am presently working on an article for the next issue of NEWS that will share these tips with you. There are a lot of folks doing great things with VOIP and repeaters but there are little things that are not implemented on some systems that could be improved in order to make the whole experience that much better.

Another area I would like to improve on regards the context of the Society meetings themselves. Would you be interested in hearing or participating in any of the meetings via Echolink or IRLP? With technology today, making this happen is not too difficult. Some discussion is in order here lest we put time and energy into something of little interest to our members.

Please let me hear from you on these issues or any other concerns you may have. My contact information is elsewhere in the newsletter and on the Society website. I welcome your input.

73,

Mark Stennett NA6M
Secretary, TX VHF-FM Society

Status of Pending Lawsuit

November 1, 2005

As our members are aware, there is an ongoing lawsuit brought against the Society by a small group of past board members. The plaintiffs filed a Motion for Summary Judgment shortly before the Summer Meeting. However, the court date for that motion has been pushed out two times and is now tentatively set for hearing in January. Effectively there has been no change with regard to the lawsuit at this time.

John Johnson, President
Texas VHF-FM Society

Editor's Note: The original minutes submitted to the board for approval were judged too sparse to properly reflect the work of the society at the Summer meeting. Incoming Secretary Mark Stennet then submitted a revised set of minutes from a recording made during the meeting. The board has agreed that this version of the minutes be submitted to the membership.

Texas VHF-FM Society General Meeting 06 August 2005

Called to order by President Paul Baumgardner at 13:05, agenda presented.

Jay Maynard, moved that the agenda be approved as posted. Motion 2nd. and passed.

Roll Call for all members and election committee verification.

40th Anniversary Oldest Radio Contest presented by Eric Schmidt, KA5WMY.

Most Likely To Have Just Completed A QSO Award – presented to WC Miller, W5VSD for his IC-2AT S/N 00001 radio.

Most Pristine Radio Award - presented to Paul Sullivan, KT5TKO for his Radio Shack HTX-202.

Best In Show Award - presented to Jim Hopper, W5EBQ for his 1955 Motorola VHF Portable with service manual.

The membership reviewed and discussed the 2005/2006 budget. W5WP moved to accept the budget. The motion was seconded and approved. Budget is set.

The membership reviewed the minutes as printed in the newsletter. Motion made to accept as published and it was seconded. All were in favor. Motion carries.

Director Bancook presented the Treasurer's report.

As of 31 July, 2005;

Checking : \$ 2,136.00

Life Membership CD: \$34,768.69

Coordination Fund: \$ 1,400.00

Harold Reasoner K5SXX presented the Frequency Coordination Report. Harold nominates Richard Norton as an Honorary Life Member. Motion to accept was made and seconded All in favor, motion passes.

Greg Jurens, WD0ACD presented the Technical Committee Report.

Not much activity to report. Mark Stennett, NA6M joined the committee from Central Texas. Greg welcomed others to step and help the Technical Committee. Director Johnson presented the Publication Committee Report.

Not much to report, 2 news letters out this year already, another newsletter will likely be sent out this year, maybe 2 depending on the budget and timing with events. Johnson recognized Dave Davis with helping to fold and staple newsletters. And Larry Pollock for stepping up to handle newsletters while John was out on business. A round of applause ensued.

Greg, KD5NO, asked why members can't get the newsletter by email. President Baumgardner referred interested parties to the Society's web page for details.

Director Reasoner said that the email option was available on the web site for about a year and that there are presently 72 members receiving the newsletter by email. Director Johnson said we are still mailing about 600 paper copies.

Tim, KD5RER asked why we could not increase the dues for members who elect to receive the newsletter by mail in order to cover the increased costs. President Baumgardner indicated that the motion could certainly be considered.

President Baumgardner presented the Database Committee Report.

Nothing has happened since the last report. Everyone resigned.

Eric Schmidt, KA5WMY announced that he sorely neglected to include as part of the 40th anniversary contest, the recognition of any founding members who attended the first Society meeting in the audience. K5AUW, K5SXX, K5YFW, Bryan King, WB5ICB asked why the database cannot be an open public record for all members to see. President Baumgardner responded that it was for a number of reasons, including tradition. President Baumgardner went on to explain that the Society's founder, Walt Weiderhold made a commitment to all the trustees that the data would be kept private. That is, beyond what frequency it was on and who owned it, you would not know exactly where a repeater was located. A member said that there are a lot of repeaters in locations they should probably not be. He feared that should the information become public knowledge, a lot of these would go off the air. Bryan King made a motion that the database should be an open public record that the members can access. Army Curtis, AE5P seconded it. Discussion followed. Called the question – motion does not pass.

President Baumgardner recognized the members present for the first Society meeting as presented by Eric Schmidt and said that over the course of the past 40 years, a lot of members had performed duties for the Society as coordinators, directors and officers. He asked those in attendance to stand up to be recognized and thanked them for their service. A round of applause ensued. Director Baumgardner then recognized honorary life members in attendance, Merle Taylor, WB5EPI, Eric Schmidt, KA5WMY, and Larry Higgins, W5EX. Another round of applause followed.

President Baumgardner said that he joined the board in 1997 and at that time, the Society was in a general crisis. For two years, the Society had only had one general meeting and two board meetings. At the time, the board that was elected had pledged to have meetings. The Society has met that goal and has not had any meetings cancelled because of the lack of a quorum by board members.

President Baumgardner presented the Health Update.

Financial status, in the black.

Budget passed for next year.

Members are needed for the coordination committee.

The database committee resigned.

The Technical Committee only has a few members.

The Publications committee only has a few members.

We were sued for declaratory relief that the vote by mail action in January, 2005

meeting was proper and served with TRO which prevented our members from doing anything at the April Special Meeting. The TRO was vacated following a hearing 10 days later and our court date is set for March 20th. This has been a very troubling time for the Society. Actions have been challenged, motives questioned and intentions second and triple guessed. Honest mistakes have been attributed to malicious actions. And in a lot of cases that simply has not been true. Remembered a real simple time 15 years ago when we met and talked about things, waited for the news, we came together and voted and worked together. It is unfortunate that the internet can give us things that happen so quickly, primarily web pages email and the like, anything that gets talked about, said about or written about is instantaneously approved.

Visited a splinter channel issue in DFW. The assumption was that the coordination was malicious. Checked with all the people involved and all assured that it was an honest mistake.

President Baumgardner declines nomination for another term on the board and further resigns as Database Committee Chairman and as Zone Frequency Coordinator.

Old Business

Tabled Motions

Removal of NDA Provision to By-Laws by Jay Maynard

After Polling the Vested Members, 15 for removing it, 20 against.

Discussion followed. Question was called, 62-42 in favor of calling the question.

Jay Maynard, K5ZC raised a point of order that calling the question requires a 2/3rd majority vote and cited page 192, line 24 of Robert's Rules of Order for basis.

Larry Higgins, W5EX, made a motion to amend Jay's motion to require the board to appoint a committee to study the problem and find a solution – and that no action be taken at this time. Motion to amend was seconded. Discussion followed. The question was called on the amendment. Larry Higgins withdrew his amendment.

All in favor of Jay's motion – motion passed.

Larry makes a motion for the board to appoint a committee to study the NDA situation and find a solution by next summer meeting. Motion seconded at least 18 times. Membership voted, motion carried.

Vote By Mail discussion

President Baumgardner called on Steve Agee to review his vote by mail proposal as presented at the January 2005 meeting.

Discussion followed.

Motion passed to call the question. Question was called.

By a hand count, the election committee counted 79 members who voted for the Vote By Mail amendment and 140 who voted against it.

Dues Increase

Billy McDonald made a motion 4 years ago to increase the dues from 10 to 15 dollars per year. This motion, should it pass, would be effective immediately.

Discussion followed. Director Bancook pointed out that the database platform in use by the Society is 30 years old and is in need of upgrading. He further noted that the Society's books are presently being kept under his Quickbooks software license and encouraged the Society to license their own bookkeeping software seat. Question was called, seconded. Pause offered to those who wished to sign up for life membership at the meeting. Following a hand count, 173 members voted for and 9 against – motion is passed.

Charge fees for Coordination Services

An amendment to begin charging fees for coordination services was presented by Jay Maynard at the April 9th Special Meeting. Jay requested leave of this amendment. W5WP moved to withdraw. Motion was seconded and the membership voted to withdraw.

Election Committee Body Armor At Arms, recognized election committee workers Tom Blackwell, Michael Lay, Joe Peterson, Gary Peterson (who dropped from the committee due to being a candidate for office), Lori Schmidt, Royce Taylor and Lyle Turner for their efforts and went on to describe the guidelines for voting eligibility, including a visual demonstration that the ballot box was not stuffed. A cardboard box was presented which was taped on all sides and one panel cut open for inspection by members of the board. Concluding the description, a call was made for any member not verified according to the procedures to speak up and be heard.

Director Rasmussen stated that pursuant to section 1396-2.13 of the Texas Non Profit Corporation Act, she was the designated proxy voter for 86 members, plus one from herself, and presented a stack of paperwork to the election committee in support of her claim. Jay Maynard, K5ZC raised a point of order and stated that under the Society Bylaws which prohibit proxy voting and Vernon's Texas Civil Statutes Chapter 9 which pertain to non profit corporations, that proxy voting is not permissible in this organization. K5KTX stated that according to text in 1396, chapter 5, proxies are allowed unless specifically prohibited by the articles of incorporation or the bylaws. Chris, N5UF, stated that Article 1396-2.13 does allow Bylaws to restrict proxy voting for business that is on the floor; however state law requires that proxy votes be allowed for the election of directors. Numerous members called on Chris to read the text of the law in question. Chris went on to state that

Article 1396-2.13, Texas Non Profit Corporation Act, Section C reads that; "At each election for directors every member entitled to vote at such election shall have the right to vote, in person or by proxy, for as many persons as there are directors to be elected and for whose election he has a right to vote, or, if expressly authorized by the articles of incorporation, to cumulate his vote by giving one candidate as many votes as the number of such directors multiplied by his vote shall equal, or by distributing such votes on the same principle among any number of such candidates."

Chris clarified that the Society Bylaws do not allow for the accumulation of votes and pointed out that the law is very clear that "At each election for directors every member entitled to vote at such election shall have the right to vote, in person or by proxy."

Jay Maynard, K5ZC made a motion that the Society not accept any proxy from any person who is not a verifiable member of the Society and who has not provided a signed and notarized statement to that effect. Motion was seconded. Discussion followed. John Bogard, WX5TX stated that each member present at the meeting was verified as eligible to vote in person and handed a card. He questioned how any proxy vote could be verified in a similar manner. Jay Hoffmann, KA5OST stated that he would like to know the validity of the proxy vote, and if every member authorized to vote was given the same opportunity to vote proxy, or if only a few members were given this opportunity. Another member noted that while he was not up on Robert's Rules, he felt that we could all do proxy voting at the next election if fair notice were given. He stated that the Society has never accepted proxy voting and accused Director Rasmussen of changing the rules. Eric Moller, KC5FOG questioned the validity of ID checks for those verified. President Baumgardner defended the verification process for those members present. A member asked if Society Counsel was present at the meeting. President Baumgardner replied that the Society had no counsel present at the meeting. Another member pointed out that law changes over the years may leave the Society vulnerable and if we don't look into it, we may be setting ourselves up. Jay Maynard stated that state law supersedes Bylaws, Articles of Incorporation as well as Robert's Rules of Order. And that being the case, regardless of what we think, we are stuck with it. Jay is interrupted by a member who reads from a textbook of the law. In the Texas Non Profit Corporation Act Article 1396-2.13 Voting of Members;

"Each member, regardless of class, shall be entitled to one (1) vote on each matter submitted to a vote of the members, except to the extent that the voting rights of members of any class or classes are limited, enlarged, or denied by the articles of incorporation or the by-laws."

Jim Reese made a motion that the Society conducts the election as planned while holding the proxy votes in quarantine pending review by counsel. President Baumgardner reminded the membership that a motion was already on the floor and seconded by Jay Maynard that called for any proxy vote to require a signed and notarized statement that the voter be a qualified member of the Society.

President Baumgardner sought clarification that Jay's motion was seconded. The membership affirmed. Army Curtis, AE5P stated that according to his interpretation of the State Statute, such a vote would be in violation of state law. W5WDY made a motion to amend the Jay's motion to remove "notarization" clause.

W5KTX reiterated that the law is very specific. The member's right to vote can be enlarged or denied or restricted by the Bylaws. If we elect to accept proxies by notarization, then in effect, we are accepting proxy votes. And that is prohibited in our Bylaws. Our Bylaws are very specific. If we had never mentioned proxies in our Bylaws, then proxies would be allowed. However, our Bylaws are very specific and they say no voting by proxy will be allowed, period. And the law is very specific when it says that proxy will be allowed unless it is denied. And we have denied them. I posed this question months ago and was told that the Bylaws did not allow it. We have never allowed vote by proxy. we should not accept them now unless ordered by court.

A member stated that this is obviously a ploy, that everyone has a right to vote, and that everyone knows they have a right to vote and the way our Bylaws are written, if you don't show up you don't vote. Now everyone will have an opportunity to vote, even those who are not here to today will be notified and have a chance to vote for this to be a fair election.

Question was called to vote on W5WDY's amendment to remove the Notary Public requirement. It was seconded. 64 in favor, 110 opposed. Amendment failed. President Baumgardner read sections 6.6 and 6.6.1 of the Society Bylaws.

6.6 VOTING. All Society Members, excluding Associate and Affiliated Group Members, may vote at a Society Membership or Special Meeting. Only Directors may vote at a Director's Meeting.

6.6.1 All decisions at any meeting of the membership or Board of Directors or a committee shall be by a majority vote of a quorum.

Each voting member shall have one (1) and only one (1) vote and no voting by proxy shall be permitted.

President Baumgardner stated that the first article relating to voting of members, regardless of class, shall be entitled to one vote on each matter submitted to a vote of the members, except for the extent that the voting rights of members or any class or classes are limited, enlarged or denied by the articles of incorporation in the Bylaws. The Bylaws State it.

Jim Reese, WD5IYT stated that he believed the Society should accept the proxy votes in quarantine and hold the election, pending advice from legal counsel concerning how to handle them.

A member noted that accepting them would be in violation of the Bylaws.

Pat, AD5BR stated that if the motion is in violation of the current Bylaws and is not a motion to amend the Bylaws, then it is out of order and should be set aside.

A member stated he came here today to elect a new board of directors and that state law versus the Society Bylaws will not be decided today. We have been here for 3 hours already. The organization Bylaws say no proxy votes, so should progress based on that.

Another member points out that this whole situation has been coming on for the past 5 to 10 years. He further noted that there should be effort to cooperate and that has been lacking for some time. Put the egos away and save the proxies. Let the lawyers figure whether they count or not. We don't need a motion to do that, the directors can handle it. We can vote and go home.

Jay Maynard described a heated environment and moved to adjourn the meeting.

President Baumgardner pointed out that adjourning the meeting would mean the present board of directors would carry over. Members noted that a previous motion was on the floor. Jay Maynard noted that a motion to adjourn was always in order. President Baumgardner acknowledged and called for discussion. Jay Maynard reminded President Baumgardner that a motion to adjourn is never subject to discussion. President Baumgardner called himself out of order. Motion was seconded. Vote to adjourn failed.

Motion still on the floor – accept proxies if signed and notarized. Voted. Motion failed. (2:49:30)

W5WP makes a motion to take the vote including the proxy votes, and hold the proxy votes for legal review. Motion gets 2nd by Kent, W5TXV.

Discussion continued.

Question on the motion – all in favor to call the question.

Motion passed.

Election continues. Motion on the floor is to continue the election, hold the proxy votes in abeyance, pending legal review and recommendation. 144 voted for, 79 against. Motion passed to run the election as planned.

President Baumgardner asked that the proxy votes be handed off to a director surviving this term and appointed Dave Davis as custodian. Jay Maynard asked if we could verify if any of the proxy votes in question were present in the room.

Another member stated that we have to start trusting people sometime. Jay responded by offering to buy steak dinners if he thought it was possible.

President Baumgardner turned the floor over to the election committee. No nominations from the floor. Election Committee Chairman stated that Paul Baumgardner and Eric Schmidt dropped from the election. Directors campaign speeches followed. The Election Committee chairman directed the membership to please ignore voting for Paul Baumgardner or Eric Schmidt and to exchange their colored card for a ballot in order to cast their vote.

New Business

President Baumgardner recognized Jay Maynard, K5ZC who proposed an amendment to article 10 of the bylaws. The intent is to imply the same notice and publication requirements the Bylaws already have in place. That would prevent anybody from coming into a meeting and blindsiding the Society with a Bylaws change. President Baumgardner asked for the text to be displayed on the overhead projector while Jay Maynard prepared the amendment for display on the overhead screen. Director Davis took the floor and made a motion to recognize President Baumgardner with a lifetime membership. Motion was seconded. Voted, passed. Floor returned to Jay Maynard. Text to follow:

10.2 AMENDMENTS TO THE BY-LAWS, BAND PLANS OR STANDARDS FOR FREQUENCY COORDINATION. The By-laws shall be reviewed at the first director's meeting of the fiscal year.

10.2.1 NOTICE OF PROPOSED AMENDMENT. Proposals for amendments to the Bylaws must be submitted in writing to the Secretary-Treasurer no later than sixty (60) days prior to the next Society Membership meeting.

10.2.2 The Secretary-Treasurer shall notify the Society members in writing of each proposed amendment to the By-Laws at least thirty (30) days prior to the next Society Membership meeting. The President shall determine prior to this notification if the provisions of paragraph 6.6.3 of these By-Laws apply; if they do apply, the notification shall contain the poll required by that paragraph.

10.2.1.3 Changes, additions or corrections to the By-Laws may be proposed by the Directors or by any voting Member at any Society meeting. Such proposals Amendments to the By-Laws shall require a majority vote of a quorum of the voting Membership for their adoption.

10.2.2.4 A proposal to amend the By-laws, band plans or standards for frequency coordination shall be submitted in writing to the Secretary-Treasurer, and signed by the person making the proposal. The proposed language to be deleted shall be stricken with a horizontal line. Other methods of clearly delineating the specific changes to be made are allowed.

Motion seconded by Rusty Herman, KB5R. President Baumgardner took a straw poll and counted 12 hands who believe this action impacts trustees vs. 25 who do not believe it impacts them. President Baumgardner asked for comments from the board.

Director Davis stated that he emailed the BOD a summary report on a straw poll he conducted online concerning the way the Society conducts business, specifically the fact that our fiscal year is not anchored to a specific date and some other items. Davis noted that he had a 50% return rate and recommended that the Society start thinking about fixed dates for business year. Director Davis recommended that the successful President take these items under consideration. Director Johnson stated that he did not believe the proposed changes would have any adverse impact on the vested members.

Gerry Dalton made a motion to amend that all changes to the Bylaws be automatically tabled and that all members be given the opportunity to vote on them. Discussion followed. Motion withdrawn.

Jay's motion was voted on and passed.

A member made a motion to look at the membership list that have been turned in and that those who have email addresses, be dropped from mail list and receive instead, the newsletter electronically. It was seconded. A motion to amend was made to make an inquiry of the recipient prior to sending them the newsletter electronically. Discussion followed.

Motion was voted on and passed.

A member made a motion that the Board of Directors be instructed to create a committee to study membership demographic and geographic information for the purpose of dividing the state into districts. KE5PEQ 2nd the motion. Discussion followed. Voted on, study committee passed.

Jay Maynard made a motion regarding data sharing policy.

"Resolved that the TX VHF-FM Society shall not provide any data not published in the Society's Repeater Directory on any coordinated station to any other person or organization claiming to provide amateur radio frequency coordination services to the State of Texas or any portion thereof, without a direct written order from the FCC or a court of law being provided and resolved that no officer, director or the board of directors as a whole is authorized to modify this policy without such a written order."

Motion was seconded. Discussion followed. Voted, motion passed.

Jay Maynard made a motion to have the Society indemnify its officers and directors.

"Whereas an officer of the Society has been personally sued along with the Society itself, and whereas the lawsuit came as a result of that officer's performance of the duties of his office, and whereas the membership of the Society finds that those duties were performed in good faith and to the best of the officer's ability. Now therefore, be it resolved that the TX VHF-FM Society shall indemnify its officers and directors from any expense or judgment arising from lawsuits in which they are a named defendant along with the Society in the course they are not otherwise reimbursed. And resolved that the Society shall not accept any settlement of any such lawsuit that does not protect its officers and directors individual interests as fully as its own, and resolved that no part of this resolution shall apply to any officers or directors with regard to lawsuits in which they are the plaintiff and the Society is the defendant."

Motion was seconded. President Baumgardner appointed Vice President Petit to handle the motion. Discussion followed. Voted on, 40 in favor, 29 against. Motion passed.

Jay Maynard made a public apology to Melissa Rasmussen for his conduct after the Special Meeting in April.

Directors reports.

Director Hancock reported that he looks forward to another year.

Director Petit suggested that any person who has a problem with the manner in which the Society is handling any matter contact another board member and allow that director to work back through the system to get the problem resolved.

Director Johnson commented that while he had publicly stated that he would be presenting a vote by mail proposal at this meeting. But given the late hour, the fact that it is a lengthy proposal, and that he had worked on it in haste this week without adequate feedback from the other directors, he declined to present it at this meeting. Director Johnson pledged to continue working on it and to present it at the next formidable opportunity.

Director Rasmussen reported that there are currently 873 members in the database. President Baumgardner reported that this has been a full motion roller coaster ride. Meeting temporarily adjourned to await the election results.

The election results were tallied as follows. These numbers do not include the 87 proxy votes that were submitted.

Candidate Votes

Rusty Herman: 168, Mark Stennett: 166, Bob Lobaugh: 162/161 (different counts by each tabulator), Pat England: 156/158, Louis Petit: 155, Melissa Rasmussen: 61, Don Stevenson: 55/56, Chris Hudgins: 54, Jay Urish: 54, Charles Staples: 53, Paul Finch: 9, Gary Peterson: 8, Eric Smith: 1, "Aunt Jemima": 1 (write in).

222 total ballots cast. 2 illegal ballots, each had 6 names selected. 3 ballots had 4 votes. 1 ballot had 3 votes.

Don Stevenson formally conceded the election.

Jay Maynard presented the following proposed changes to Secretary Rasmussen in writing.

Proposed amendment to article 6 of the bylaws

Texas VHF-FM Society Summer Meeting, 6 August 2005

6.6.3 Any proposed change or amendment which will affect to existing Society Band Plans, or Standards for Coordination, or any other motion the adoption of which may have an adverse affect on repeater trustees, shall automatically be tabled postponed. The determination to table postpone a motion or bring it to a vote shall be made by the society president chair. A determination that the motion shall be postponed is not subject to appeal. This tabled postponed motion shall not be brought before the membership for a vote until the Vested Membership is polled in writing for agreement or non-agreement and the results of the poll are made known to the membership prior to a vote. This poll shall be conducted prior to the next regular membership meeting. The rules in this paragraph are intended to protect the rights of Vested Members not present at the meeting, and may not be suspended by vote of the membership.

Proposed amendment to article 9 of the bylaws

Texas VHF-FM Society Summer Meeting, 6 August 2005

Add a new section, 9.3, as follows:

9.3 USE OF SEAL AND LOGO. No officer, director, or member of the Society shall use either the seal or logo of the Society on any document in a manner that would cause a reasonable person to believe that such document is an official publication of the Society unless that is, in fact, the case.

The meeting was adjourned.

Editor's Note: As this issue was going to press, the Society recieved the following proposal from Carl Noblett, N5CN. It is published here to give the membership notice of upcoming business at the winter Meeting -ed.

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Proposed  
Articles of Amendment  
to the  
ARTICLES OF INCORPORATION  
of the  
TEXAS VHF-FM SOCIETY, INC.

Pursuant to the provisions of the Texas Non-Profit Corporation Act, as amended, the TEXAS VHF-FM SOCIETY, INC., a Texas non-profit corporation (the "Corporation"), adopts the following Articles of Amendment to its Articles of Incorporation:

1. The name of the Corporation is TEXAS VHF-FM Society, INC.
2. The amendment to the Articles of Incorporation of the Corporation adds three new articles thereto, concerning voting rights and procedures, and such new articles read as follows:

ARTICLE THIRTEEN :

- (a) Five Directors will be elected in Odd numbered years, and Four Directors will be elected in Even-numbered years. If there are unexpired vacant terms to be filled, Directors receiving the highest number of votes, will fill the regular terms first, after that, unexpired vacant terms will be filled in order of votes received, until all positions are filled.
- (b) NOMINATIONS COMMITTEE: A nominations committee shall be selected and approved by the Board of Directors no later than the Winter Board of Directors Meeting. Any Board member not running for re-election, may serve on the nominations Committee, upon request by that Board Member. The nomination committee will accept nominations until ninety (90) days prior to the end of the fiscal year. A final list of nominees must be published in the NEWS and distributed no later than sixty (60) days prior to the end of the fiscal year. The candidate's biography and photo must be published if requested by the candidate.
- (c) VOTING: Voting shall be done by mail. Ballots shall be mailed to all Society members excluding Vested, Associate and Affiliated Group members. The Secretary shall prepare a list of all members that are eligible to vote. The Secretary shall distribute that list to the Nominations Committee and to the Certified Public Accounting (CPA) Firm no later than seventy (70) days prior to the end of the fiscal year. The ballots shall be mailed no later than sixty (60) days prior to the end of the fiscal year. The ballot may be mailed with the NEWS, or other material being mailed to the membership, but it must be kept separate from that material and must be sent by first class mail. The ballot shall include the candidate's biography and photo if requested by the candidate.
- (d) ENVELOPES: The envelope containing the ballot, must contain the words "Ballot Inside" on the front of the envelope. Two envelopes shall be placed inside the envelope with the ballots being mailed. One envelope shall be left blank for the ballot to be placed inside for anonymous return. The other envelope shall be an envelope that is pre-addressed for return to the Certified Public Accountant. The member shall sign and print his/her name (and/or) membership number in the space provided on the envelope. Complete instructions for voting must be included with the ballot.
- (e) BALLOTS: The ballots shall be returned to a Certified Public Accounting (CPA) firm selected and approved by the Board of Directors. All Society members excluding Vested, Associate and Affiliated Group members are eligible to vote. The CPA firm will certify that only one ballot per member has been submitted, and that only members from the membership list generated by the secretary have voted. The CPA Firm will then count the votes and certify the results. The election shall be by a plurality vote of the members voting. The ballots must be postmarked no later than thirty days prior to the end of the fiscal year. The CPA firm will prepare two sealed envelopes containing the election results, one for the President and the other for the Secretary. These envelopes are to be opened in front of the membership at the Summer General Meeting. In the event of a tie vote, a run off election will be held at the Summer Meeting. The election shall be by a plurality vote of eligible members voting.
- (f) The newly elected Directors will assume office upon adjournment of the Summer Meeting.

ARTICLE FOURTEEN

Amendments to the Articles of Incorporation shall be made and voted on using the following procedures: Amendments to the Articles of Incorporation may be proposed by any member, excluding Vested, Associate and Affiliated Group members. It must be submitted in writing to the President and the Secretary prior to, or at a General Meeting. The proposal must be discussed and may be amended at the General Meeting. Any proposal, regardless of when proposed, shall only be voted on once per year and voting must be done by mail ballot concurrent with the annual Election of Directors. Voting and balloting procedures shall be carried out as described in Article Thirteen, with the exception of two thirds (2/3) of the members voting shall be required for adoption of the amendment.

ARTICLE FIFTEEN

Any member unable to attend the General Meetings or any Special Meetings where members are allowed to vote, may vote by proxy. Proxy voting shall conform to the Texas Non-Profit Corporation Act, as amended. 3. Such amendment was adopted at the Winter 2006 meeting of the Members of the Corporation, at which meeting a quorum of Members was present, and such amendment received at least two-thirds (2/3) of the votes which members present at such meeting in person or by proxy were entitled to cast.

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