



BY-LAWS

Adopted - 29 August 1998
Revised - 14 August 2004
Revised - 9 May 2005
Revised - 23 August 2008

Article I

The name of this organization shall be the New England Spectrum Management Council (NESMC).

Article II

The purposes for which NESMC is formed are as follows:

- 1) Appoint and support frequency coordinators, provide spectrum management services for repeater or other dedicated frequency operations for the amateur radio service. The phrase "repeater or other dedicated frequency operations" (hereinafter "operations") includes within its definition, but is not limited to, linear translators, repeaters, RTTY repeaters, packet simplex and digipeaters, control links and remote communication links, terrestrial beacons and all other dedicated frequency modes that NESMC shall designate.
- 2) In furtherance of this primary purpose, NESMC will provide the following services:
 - a) NESMC frequency coordinators will establish a database listing repeater and other dedicated frequency operations within its service area and shall supplement the database with listings obtained from other frequency coordination organizations representing adjacent service areas.
 - b) NESMC will appoint frequency coordinators that will provide coordination services for members and nonmembers of NESMC for each of the following bands of the Amateur radio service: 2m, 6m, 10m, 222 MHz (1.25m), 440 MHz (70cm), 900 MHz (33cm), 1.2 GHz (23cm) and higher. These frequency coordinators shall recommend frequencies, change frequency recommendations, and withdraw frequency recommendations for repeaters and dedicated frequency operations in its stated jurisdiction. These coordinators will also maintain the regionally recognized bandplans for their respective bands.
 - c) NESMC coordinators will communicate with frequency coordinators representing service areas for the purpose of exchanging database information; for confirming the assignment, change, and withdrawal of frequencies; and for the resolution of interference problems.
 - d) NESMC will establish and adopt technical standards for repeater and other dedicated frequency operations, shall monitor compliance with these standards, and shall provide technical assistance to ensure conformity with these standards.
 - e) NESMC will provide a forum for the resolution of coordination and interference problems between repeaters and other dedicated frequency operations and shall seek the enforcement assistance of the Federal Communications Commission in appropriate cases.

Article III - Non-Profit Purposes

NESMC is non-profit and shall not have or issue shares of stock or pay dividends. NESMC does not contemplate pecuniary gain or profit to the members thereof.

Article IV - Fiscal year

The fiscal year and terms of office shall commence on the first day of September and shall end on the last day of August.

Article V - Membership and Dues

- 1) Any individual who is duly licensed as an Amateur Radio Operator by the Federal Communications

Commission and resides in a NESMC district may become a member upon application and payment of dues as required.

- 2) The dues that constitute a fully paid NESMC membership are set by a majority vote of the NESMC board. Each NESMC member must be paid in full for at least six months prior to any meeting in order to participate in any ballot taken by the general membership. Only one vote may be cast per NESMC member.
- 3) NESMC dues may be paid in person or by first class mail to the NESMC treasurer. A NESMC officer should verify the name and address of the current treasurer or other NESMC authorized communications medium prior to making any payment. Checks should be written to the treasurer's name - notation may be made to "NESMC dues". Payments should always include the full name, address and callsign and be accompanied by a valid payment voucher. Dues payments never constitute coordination updates, certification or approval - all correspondence which pertains to the coordination process, updates or applications must be made to the attention of the individual coordinator by first class mail.

Article VI - Meetings

- 1) The meetings of the membership of NESMC shall be as follows: There must be at least one annual general meeting which is open and advertised for NESMC members and interested licensed amateurs. The president shall make the selection of the meeting date and location. No general NESMC meeting may exclude any licensed amateur. NESMC is an equal opportunity organization, without regard to color, national origin, handicap or disability, gender, race, religion or sexual orientation.
- 2) Certain facilities that host NESMC meetings may require at least one form of official identification. At no time will any weapon whatsoever be allowed into any NESMC meeting facility, building or room.
- 3) The annual meeting will be for the purpose of electing officers and directors for the following term, hearing committee and other reports, and for transaction of such other business as may be properly brought before it. Nominations for elections will be taken from the floor for all open positions prior to elections at this annual meeting.
- 4) The president may also call additional general meetings at which nominations and elections can be held for vacated or appointed offices, or the transaction of other business as may be properly brought before NESMC. The president will also call board of directors meetings. These meetings are for the officials, directors, vice-directors, coordinators, and other parties called on by NESMC's board of directors to handle special issues including, but not limited to, general meeting preparation, disputes, and policies.

Article VII - Officers

- 1) 1) The NESMC executive board consists of the elected positions of president, vice president, secretary, and treasurer, the section directors (as outlined below), and each appointed frequency coordinator. An individual receives only one vote, regardless of the number of position that person holds.
- 2) 2) For elected positions, candidates shall be nominated by the members from the floor, and then voted on. The term of each shall be two (2) years. Officers in these positions may run for reelection as many times as they like. Any NESMC member is eligible to be nominated, provided they do not own, maintain, and/or operate an uncoordinated system. Individuals who are elected officers and/or hold a leadership position in a group, club, or organization operating an uncoordinated system are also ineligible.
 - a) The president must:
 - i) have held a technician class amateur radio license or higher, for three years,
 - ii) reside in one of the NESMC states, must not have any system which is operating in non-coordinated status or in disregard to area band plans,
 - iii) understands the coordination and frequency management process well,

- iv) have an outstanding capability to communicate both in writing and orally with staff members and the amateur community,
 - v) be organized,
 - vi) be able to solve or mitigate difficult problems or issues which are presented at meetings or in correspondence.
- b) The vice president must:
- i) have held a technician class amateur radio license or higher for one year. If the owner or trustee of a system, it must be NESMC coordinated.
 - ii) have excellent written and oral skills and the ability to efficiently process correspondence
 - iii) be fully supportive of presidential duties if the president is unable to preside over a meeting
 - iv) be willing and able to replace the president's office, if required by extenuating circumstance.
- c) The secretary must:
- i) hold a valid amateur radio license
 - ii) understand the basic fundamentals of repeater, system technology and the frequency coordination process,
 - iii) have comprehensive professional skills in both word processing and oral communications.
- d) The treasurer must:
- i) hold a valid amateur radio license
 - ii) understand the basic fundamentals of repeater, system technology and the frequency coordination process
 - iii) have some experience and capability in word processing, fundamental accounting, record keeping and money management. Although large sums of money will not normally be encountered, the treasurer must still be professionally accountable for money, cash flow and basic banking processes.
- e) Nominees for the office of president, vice president, treasurer and secretary must be willing make a reasonable effort to attend NESMC meetings or withdraw from the ballot. Nominees who are voted into office but who are absent during the election must attend meetings that follow.
- 2) There shall be two section directors. from each American Radio Relay League (ARRL) section within the NESMC service area. These candidates shall be nominated from the members from the floor, and then voted on. The term of each shall be two (2) years. Directors may run for reelection as many times as they like.
- a) All directors must reside in the NESMC section they represent.
 - b) A director must hold a valid technician or higher class amateur license.
 - c) [deleted]
 - d) [deleted]
 - e) Nominees for the office of each state's director must be willing to attend at least 50% of yearly NESMC meetings. Section directors who are unable to regularly meet these requirements may be removed by a majority vote of the officers and directors present at any general meeting. Directors who are removed from office because of non-participation or in-activity, shall be notified by the president or secretary by first class mail within ten (10) days of the vote, and may not be re-elected into any NESMC position for five (5) years.
 - f) Directors must have good written and oral communications skills in order to work with the amateur community throughout the state section. An ability and willingness to solve problems and issues before they reach NESMC is a plus. They must be willing to follow through, be progressive and responsive to the mission of NESMC officers and coordinators.
- 3) Each director may appoint one NESMC member as a vice-director, who serves at the will of the director.
- a) Appointed vice directors do not have voting rights in board of directors meetings unless they are substituting for the director who appointed them and have been granted voting status by that director.
 - b) [deleted]
 - c) The board of directors shall fill vacancies occurring between elections through appointment. This

appointment will be valid until the next annual meeting where the office will be open for nomination and election.

- 4) Officers and section directors/vice directors may be removed by a three-quarters (3/4) vote of all membership present in good standing at any annual, regular or special meeting.
- 5) During general meetings, officers and directors may vote to remove non-participating officers who repeatedly miss meetings. These positions may be refilled during a special election, which includes at least the following forum: the president or vice president and the treasurer or secretary, two coordinators and two directors from different states. Officers who are removed from office must be notified within ten (10) days of the vote by the president or secretary and may not be re-elected into any NESMC position for five (5) years.
- 6) [deleted]
- 7) A general election of officers must be held every two years and no later than thirty months following the previous election date. General election information must be advertised via U.S. Mail, Packet Radio, e-mail, or web site announcement(s). Optionally, an advertisement in QST, or other ham radio magazine may be used in addition to the above. If so, the ad should appear in a magazine at least one month prior to the election month.
- 8) During bi-annual general elections of officers and directors, each executive board member may cast one vote. Additionally, each paid member whose membership has been valid for least 6 months prior to the meeting may cast one vote.
- 9) [deleted]

Article VIII - Duties of the Officers

- 1) The president shall be the chief executive officer of NESMC and:
 - a) Shall have general supervision over carrying on the activities of NESMC as directed by the board of directors.
 - b) Shall preside at all meetings of the board of directors and at all annual, regular and special meetings of the members.
 - c) Shall sign official documents on behalf of NESMC unless otherwise provided, and shall perform all the customary duties pertaining to the office of the president.
 - d) Makes final decisions on recommended meeting dates.
 - e) Must represent NESMC before all national authorities including the Federal Communications Commission.
 - f) Attendance of all meetings is critically important unless arrangements are made in advance with vice president.
- 2) The vice president, in the absence of the president, performs the duties and exercises the power of the president.
 - a) The vice president shall serve as coordinator of such committees and activities as designated by the president or the board of directors.
 - b) While attending each meeting, assists all NESMC staff, where necessary.
 - c) Attendance of all meetings is critically important unless arrangements are made in advance with the president.
- 3) The secretary
 - a) The secretary shall keep a detailed record of all meetings and edit these meeting notes into abbreviated, but accurate, "minutes" to be read at following meeting. Each meeting report must be edited, typed and mailed first class mail or other agreed on method to the president within 21 days of each meeting.
 - b) Carry on correspondence as directed by the board
 - c) Maintain all necessary records
 - d) The secretary must be willing to assist with mailing, rosters, elections, duplication requirements and the acquisition of basic office materials.
 - e) Attendance of meetings is critically important.
 - f) At the expiration of term shall turn over the records to the successor.

- 4) The treasurer shall have charge of the funds of NESMC.
 - a) Keeps the money of NESMC in the name of and to the credit of NESMC in a bank or trust company.
 - b) Disburses the funds in accordance with these by-laws or as directed by the board of directors.
 - c) Reports the financial condition of NESMC at the annual, regular, and meetings of the board of directors or as requested by the president.
 - d) Maintains the roster of members and gathers applications for membership with dues. At the expiration of the term shall turn over all records and funds to the successor.

- 5) The section director shall report directly to the president and the frequency coordinators.
 - a) Section directors shall be involved with coordination of systems and spectrum management for their geographical area.
 - b) They are to work with trustee and would be trustees.
 - c) They are to supply all pertinent information to the frequency coordinators. They are to be the ears of the coordinators, and are to supply input to the coordinators on all matters pertaining to spectrum problems in their areas. They are to supply a report, on matters, to the coordinator involved as well as the president.
 - d) [deleted]
 - e) They do NOT have the right to coordinate any frequencies on their own.
 - f) The directors must provide local support for NESMC coordinators. This includes collection of data, distribution of forms, contacting system operators, and other tasks NESMC may designate.
 - g) Directors may call a meeting for their section and provide a local forum to reduce the dependence on annual meetings, to alleviate travel time for members in his section while allowing their opinions to be heard, to solve problems of local importance, or to gather information to bring to the NESMC board. Notice of such a meeting, and the agenda, shall be given to the NESMC board thirty (30) days in advance. At such a meeting, minutes shall be taken and provided to the NESMC president within ten (10) days following the meeting.
 - h) [deleted]
 - i) The director may not miss more than three meetings in a row or may be discharged from office by NESMC vote.

- 6) [deleted]

- 7) Frequency coordinators
 - a) The NESMC board shall establish a process for the appointment of frequency coordinators. This process is at the board's discretion, subject to the following requirements: When a majority of the NESMC board votes that a coordinator is needed, that need shall be published in a public forum such as, but not restricted to, the NESMC website and/or announcements in amateur radio publications. All interested individuals will have no less than thirty days to submit an application detailing their qualifications for the position. The board will consider all applications. All candidates not selected will be given details as to how the board came to its decision.
 - b) Work must always be performed in a professional and efficient manner and must best serve the overall amateur community, rather than any particular individual, mode or group.
 - c) The coordinators shall have jurisdiction over the frequency coordination for their assigned frequency bands of all operation in the amateur radio service involving the assignment of dedicated frequencies for repeaters and other operations including, but not limited to linear translators, repeaters, RTTY stations, packet simplex and digipeaters, control links and communication receiver links, terrestrial beacons and all other dedicated frequency modes that NESMC shall designate.
 - d) Coordinators shall have the authority to assign frequencies, change frequencies, assignments and withdraw frequency assignments for repeaters and related dedicated frequency operations in NESMC's jurisdiction area.

- e) Coordinators shall establish and maintain a database for each frequency band, which they are responsible for. The coordinators shall maintain communications with adjacent coordinating organizations.
- f) Should a coordinator require assistance in the performance of coordination duties, volunteer "assistant(s)" may be recruited. Coordinators who require the services of assistants must approve by personal signature, coordination paperwork prior to it being officially recognized by NESMC. In contrast, any coordination certificate or action that has not been signed by the primary NESMC coordinator will not be considered valid.
- g) Slight variations may exist between the requirements set forth by each NESMC coordinator in the conduct of his/her spectrum management and coordination processes. NESMC coordinators must keep NESMC staff briefed with activities reports, sample forms and regional band plans at least twice per year. This information will assist NESMC in insuring that each coordinator's processes and work are in the best interest of the region's amateur repeater and system community.
- h) For each band, the coordinator is responsible for the submission and maintenance of accurate and up-to-date repeater and system directory listings. For coordinators first recognized by NESMC after January 1, 1997, the database is the property of NESMC. The coordinator must deliver the data to NESMC, when directed to do so by a majority vote of the NESMC board, per the board's instructions.
- i) [deleted]
- j) The NESMC board shall establish a process for removal of a frequency coordinator. This process is at the board's discretion, subject to the following requirements: if a coordinator is removed, that coordinator has a right to appeal the board decision. The appeal shall be submitted to the board in writing. The appeal will be published by the same method used to announce coordinator openings, and will require the president to hold a NESMC general meeting within sixty days. Said meeting will be subject to requirements of Article VI paragraph 1. The appeal is successful if the coordinator receives a 2/3 majority vote of all those in attendance at the general meeting. Only those who meet the requirements of Article V may vote. All current NESMC coordinators who were recognized by NESMC as of January 1, 1997 are not subject to the provisions of this subparagraph.
- k) The NESMC general membership may vote to direct the board to remove a coordinator. An individual wishing to begin this process must submit a petition to the NESMC board with the request, and the petition must contain at least twenty signatures of individuals meeting the requirements of Article V. A valid petition will require the president to call a NESMC general meeting within sixty days. The petition is successful if it receives a 2/3 majority vote of all those in attendance at the general meeting. Only those who meet the requirements of Article V may vote.

Article IX - Board of Directors

- 1) The management of the activities, funds and property of NESMC shall be delegated to the board of directors comprised of the elected officers and appointed frequency coordinators. The board of directors shall take by majority vote all reasonable and proper actions to further the purpose of NESMC. A quorum shall be comprised of seven (7) members of the board of directors.
- 2) The board of directors shall meet at least quarterly and at the call of the president. Meetings of the board of directors shall be called by the president who shall designate a date, time and place. The president may suspend meetings in July and August.

Article X - Committees

- 1) The president shall appoint the chairman of the following standing committees, for a term of two years.

- a) Executive committee - the executive committee shall be comprised of the president, vice president, secretary, treasurer and the chairmen of all other standing committees. The president shall be the chairman of the executive committee that shall meet at the call of the president.
 - b) Interference Committee - an interference committee shall be comprised of NESMC members. This committee is charged with gathering all information pertaining to interference complaints within NESMC's jurisdiction; including coordination status, technical parameters, operational history, or other substantive items the committee views as relevant, and presentation of facts to the NESMC president, board, or general membership as directed by the president. Members of the NESMC board of directors are not eligible for seats on this committee.
- 2) At any special meeting, NESMC officers may appoint special representatives, assistants or advisors who volunteer to assist with any unforeseen issue or task. Special appointments shall come up for review at least once per year by NESMC officers. These appointments may be dissolved during any meeting if or when it is found that the position is no longer required or is not effective. Special appointees may not serve as officers or coordinators. They may provide direct assistance for NESMC officers or coordinators. Each appointee must have a pre-determined (written) task or assignment as well as an understood chain of command for reporting progress or information to NESMC. Persons who volunteer for these positions must be willing to provide accurate, periodic written reports, and/or documentation in order to fulfill the appointed task.
 - 3) The president may, at any time, form a committee and appoint a chairman of the committee. These committees have no power beyond that of the president and can only work on his behalf, unless subsequent approval is obtained from the board of directors.

Article XI - Coordination and coordinators

- 1) Each coordinator shall have the authority to grant letters of coordination, to modify the terms of a letter of coordination and to revoke a letter of coordination. The coordinators shall follow the coordination process established by the board.
- 2) The coordinators along with the section directors, with the approval of the board of directors, have the authority in appropriate circumstances to file a formal complaint of behalf of NESMC with the Federal Communications Commission seeking enforcement action against uncoordinated operations, and operations in violation of technical standards or applicable federal or state laws and regulations.
- 3) Decisions by the coordinators or the section directors may be appealed to the board of directors. A decision of the board of directors may be appealed to the NESMC membership at an annual, regular or special meeting. Such decisions will remain in effect and shall be implemented during the appeal unless the Coordinator or the board of directors votes to suspend the decision.
- 4) Each repeater or dedicated frequency operation which has been coordinated by a recognized coordinating organization prior to the adoption of the NESMC constitution and by-laws shall be deemed coordinated by NESMC, which shall issue appropriate letter of coordination.
- 5) The coordinator shall follow the approved NESMC bandplan for all coordinations. The bandplan is developed and maintained by the NESMC board. Any changes to the bandplan must be approved by a majority vote of the general membership.

Article XII - Section directors

- 1) The section directors shall serve as a sounding board and source of section information for the coordinators. The section director shall in the first instance receive complaints of interference and other disputes between the owners and operators of repeaters and other frequency dedicated operations. To the extent feasible, the section director along with his/her vice directors shall resolve such coordination matters and submit it for approval and/or ratification by the coordinator and/or board of directors. Whenever any question or dispute must be resolved by the board of directors, a section director shall be permitted to cast his/her vote on the pertinent decision.
- 2) The section director may appoint sectional committees including committees to provide assistance, to monitor compliance and to resolve coordination problems on a section level.

Article XIII - Primacy of coordinating authority

- 1) NESMC shall be the primary coordinating organization for ARRL sections in its service area. At present, these sections are: Maine, New Hampshire, Eastern Massachusetts, Western Massachusetts, and Rhode Island, and these sections have voting status through their directors. NESMC shall be the secondary coordinating organization for the states of Connecticut and Vermont, which shall have non-voting status and do not have representation on the executive board. The service area may be modified as outlined below.
- 2) OPT-OUT: The licensed amateurs within any section of the existing NESMC service area may, by their majority vote, choose another National Frequency Coordinating Council certified coordinating organization as its primary coordinating organization. Such a vote must be by signature and sent to the NESMC president. The president will present the matter to the board of directors who will determine the validity of the vote. If the vote is deemed valid, NESMC will consider all memberships for the region non-voting and will maintain secondary coordinating status for the region.
- 3) OPT-IN: The licensed amateurs within any section outside the NESMC service area may choose NESMC as their primary coordinator using the following process:
 - a) A petition signed by greater than two-thirds (2/3) of all known systems trustees requiring coordination under NESMC's rules and bylaws, or a petition signed by a majority of all licensed amateurs of the region, is presented to the NESMC president. The two-thirds (2/3) majority must be shown through directory listings, the current coordinator's certification, and/or other authoritative reference. A majority of licensed amateurs must be verified via the FCC database listing.
 - b) The NESMC president will present the petition to the NESMC board of directors. The board will decide if sufficient evidence is provided to demonstrate official recognition of NESMC authority for the prospective region. If not, the president will inform the regional representative as to the reason the petition has been denied.
 - c) The board will decide whether NESMC has access to the appropriate resources to coordinate the participating section in an effective and competent manor. The board may reject the petition if it feels NESMC cannot service the petitioning section adequately.
 - d) The president shall present the proposal of the board of directors to the membership at a general meeting. The membership will vote to accept or deny the petition within the board's guidelines. If accepted, the section will be incorporated into the NESMC service area.

Article XIV - Amendments

These bylaws may be amended by a two-thirds (2/3) majority vote of all voting members present and in good standing at any annual, regular, or special meeting of the members, providing, however, that the amendment or a summary of the substance thereof is set forth in a notice to the members prior to such a meeting. Voting members in good standing may cast their vote by mailed proxy provided that the proxy is received prior to the date of the meeting.

Article XV - Rules of Order

Robert's Rules of Order shall be the parliamentary authority at all meetings of members, the board of directors, and the executive committee.

Article XVI - Duration

The duration of NESMC shall be unlimited.