

# NEC MINUTES

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**National Executive Committee  
Meeting  
4-5 November 2005**

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**Orlando FL**

# 4-5 November 2005

## Contents

### OPEN SESSION

| <u>Action Agenda Items</u>   | <u>Page</u>    |   |
|--|----------------|---|
| 1. Approval of the May 2005 NEC Minutes..... Col Kauffman .....              | 4              |   |
| 2. Ratification of Regulations..... Col Kauffman .....                       | 5              |   |
| 3. Review of Polices Relating to Historical Photographs . Col Kauffman ..... | 7              |   |
| 4. Indemnification .....   | Col Todd ..... | 9 |
| 5. Region/Wing Director of Finance..... Col Kuddes .....                     | 11             |   |
| 6. Squadron Financial Accounting Polices..... Col Todd .....                 | 12             |   |
| 7. National Level Cadet Programs Award..... Col Sharkey .....                | 14             |   |
| 8. Aircraft Markings..... Col Kauffman .....                                 | 16             |   |
| 9. Committee Reports..... Col Kauffman .....                                 | 18             |   |
| 10. Old Business .....   | 20             |   |
| 11. New Business.....  | 22             |   |

### Information Agenda Items

|  |    |
|--|----|
| 12. Chaplain Service Update..... Ch, Col Sharp ..... | 25 |
| 13. Litigation Update..... Mr. Leibowitz .....       | 26 |

|                                   |    |
|-----------------------------------|----|
| Administrative Announcements..... | 27 |
|-----------------------------------|----|

### Attachments

|   |     |
|---|-----|
| 1. Draft – Photo Terms of Use and Agreement .....                   | 1-1 |
| 2. Finance Committee Minutes.....                                   | 2-1 |
| 3. AF Transition Assistance Program .....                           | 3-1 |
| 4. VHF/FM Repeater Requirements Study .....                         | 4-1 |
| 5. New Mexico Hangar Sale .....                                     | 5-1 |
| 6. Posse Comitatus .....  | 6-1 |
| 7. Chaplain Services Update .....                                   | 7-1 |
| 8. Proposed Guidelines for use of the name “Civil Air Patrol” ..... | 8-1 |

**The minutes were approved at the National Executive Committee Meeting in May 2006.**

Civil Air Patrol  
National Executive Committee  
4-5 November 2005  
Orlando FL

**OPEN SESSION**

CALL TO ORDER ..... Maj Gen Antonio J. Pineda, CAP  
INVOCATION ..... Ch, Col Charles E. Sharp, CAP  
PLEDGE OF ALLEGIANCE ..... Col Larry D. Kauffman, CAP  
ROLL CALL ..... Mr. Don Rowland, HQ CAP/EX  
  
NATIONAL COMMANDER REMARKS ..... Maj Gen Antonio J. Pineda, CAP  
EXECUTIVE DIRECTOR UPDATE ..... Mr. Don Rowland, HQ CAP/EX  
SENIOR AIR FORCE ADVISOR UPDATE ..... Col Russell Hodgkins, USAF

**NATIONAL EXECUTIVE COMMITTEE**

Maj Gen Antonio J. Pineda, CAP ..... National Commander  
Brig Gen Rex E. Glasgow, CAP ..... National Vice Commander  
Col Russell Hodgkins, USAF ..... Senior AF Advisor  
Col Larry D. Kauffman, CAP ..... National Chief of Staff  
Col Fredric K. Weiss, CAP ..... National Finance Officer  
Col J. Rock Palermo, CAP ..... National Legal Officer  
Col Rodney F. Moody, CAP ..... National Controller  
Col Robert Diduch, CAP ..... Northeast Region Commander  
Col Charles S. Glass, CAP ..... Middle East Region Commander  
Col William W. Webb, CAP ..... Great Lakes Region Commander  
Col Matthew R. Sharkey, CAP ..... Southeast Region Commander  
Col Steven W. Kuddes, CAP ..... North Central Region Commander  
Col Thomas L. Todd, CAP ..... Southwest Region Commander  
Col Russell E. Chazell, CAP ..... Rocky Mountain Region Commander  
Col Merle V. Starr, CAP ..... Pacific Region Commander

**Non-voting members:**

Col William S. Charles, CAP ..... CAP Inspector General  
Ch, Col Charles E. Sharp, CAP ..... Chief of Chaplain Services

**CORPORATE TEAM**

|                       |   |
|-----------------------|---|
| Mr. Don Rowland       | Executive Director                      |
| Mr. Mark Richardson   | Director, Plans & Programs              |
| Mr. Ray Bean (Acting) | Director, Leadership Development        |
| Ms. Susan Easter      | Chief Financial Officer                 |
| Mr. John Salvador     | Director, Operations                    |
| Mr. Johnny Dean       | Director, Logistics & Mission Resources |
| Mr. Stanley Leibowitz | General Counsel                         |
| Mr. Jim Shea          | Director, Strategic Partnerships        |

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**AGENDA ITEM - 1**

**XP**

**Action**

**SUBJECT: Approval of the May 2005 NEC Minutes  
CAP/CS – Col Kauffman**

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**INFORMATION BACKGROUND:**

The minutes of the May 2005 National Executive Committee meeting were distributed in draft form. This allowed the National Board members a chance to review the minutes for any discrepancies.

**PROPOSED NEC ACTION:**

That the National Executive Committee vote to approve the May 2005 NEC minutes.

**ESTIMATED FUNDING IMPACT:**

None.

**REGULATIONS AND FORMS AFFECTED:**

None.

**CAP NATIONAL HEADQUARTERS' COMMENTS:**

None.

**CAP-USAF HEADQUARTERS' COMMENTS:**

None.

**COMMITTEE RECOMMENDATION:**

None.

**NEC ACTION:**

**COL KAUFFMAN/CS MOVED and COL TODD/SWR** seconded the PROPOSED NEC ACTION.

**MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Remove the word DRAFT and add an approval page to the currently printed minutes.

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**AGENDA ITEM - 2**

**LG**

**Action**

**SUBJECT: Ratification of Regulations  
CAP/CS – Col Kauffman**

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**INFORMATION BACKGROUND:**

Constitution Article XX, effective 27 Feb 01, requires that, in the normal course of events, regulations shall be adopted and maintained by the National Commander and shall be ratified by a majority vote of the National Board.

The following regulations are ready for ratification:

**Number**                      **Title**

CAPR 67-1, *Civil Air Patrol Property Regulation.*

**PROPOSED NEC ACTION:**

That the NEC vote to ratify the proposed regulations.

**ESTIMATED FUNDING IMPACT:**

Cost of printing and distribution.

**REGULATIONS AND FORMS AFFECTED:**

All of the above.

**CAP NATIONAL HEADQUARTERS' COMMENTS:**

None.

**CAP-USAF HEADQUARTERS' COMMENTS:**

The above regulation is under review by CAP-USAF.

**COMMITTEE RECOMMENDATION:**

None.

**NEC ACTION:**

**COL KAUFFMAN/CS MOVED and COL TODD/SWR seconded** that the NEC vote to ratify *CAPR 67-1, Civil Air Patrol Property Regulation.*

Following discussion, there was agreement that Brig Gen Glasgow and Col Webb would rewrite to incorporate and clarify additional changes.

## November 2005 NEC Minutes

Later in the meeting, **COL WEBB/GLR MOVED TO AMEND and COL KAUFFMAN/CS seconded** the following amendments to CAPR 67-1;

- a. (Page 4) **Section 1-6.a.** In the event CAP-USAF or CAP leadership determines that a wing has inadequate control over its resources, that wing may be restricted from receiving DoD excess property or any property purchased with Federal appropriated funds per paragraph 1-6.b. (Balance of section unchanged).
- b. (Page 5) **Section 1-6.b.2.** Level Two Freeze. Will be imposed jointly by the respective CAP-USAF Liaison Region Commander and CAP Region Commander when a wing fails to take the appropriate action within six months to correct the conditions that led to a Level One Freeze.

### **MOTION TO AMEND CARRIED WITH NO DISSENTING VOTES**

### **AMENDED MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Publish CAPR 67-1 as ratified and amended.

### ***CAPR 62-1, Civil Air Patrol Safety Responsibilities and Procedures***

COL PALERMO/NLO briefed and suggested a change on page 2, Section C, Paragraph 4, line 6: Add a period after the word "efforts," and delete the remainder of the sentence.

COL WEBB/GLR suggested a change on page 5, paragraph 4, **FLIGHT**, add the words "**Sterile Cockpit Procedures**".

**ACTION:** There was agreement to publish CAPR 62-1 as an **EMERGENCY REGULATION**, with the following provisions: (1) adding the suggested changes, (2) including the National Director of Safety and the NHQ Director of Safety, (3) working with Col Palermo on final changes, (4) pending concurrence of CAP-USAF, and (5) bringing it to the Winter 2006 National Board

**FOLLOW-ON ACTION:** Make approved changes, coordinate with CAP-USAF, print and distribute as an Emergency Change, and include in the winter 2006 National Board agenda.

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**AGENDA ITEM - 3**

**GC**

**Action**

**SUBJECT: Review of policies and procedures pertaining to access to and use of a collection of historical photographs  
CAP/CS – Col Kauffman**

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**INFORMATION BACKGROUND:**

Col Sambold presented an agenda item dealing with the CAP Historical Foundation (CAHPF) at the August National Board meeting but it was tabled without discussion until further information can be gathered. The issue was addressed at the CAHPF at which Col Sambold was present. The CAHPF determined that it needed a definition of “commercial use” and an agreement to be used when a “commercial use” of photographs either owned by the CAHPF or owned by CAP but on loan to the CAHPF was anticipated.

The agreement at **(Atch 1)** defines “commercial use” and provides the CAHPF with an agreement to be used when a “commercial use” is anticipated.

**PROPOSED NEC ACTION:**

That the NEC vote to approve the definition of “commercial use” as “any use by a for-profit entity, not-for-profit entity or individual where the grantee has the reasonable expectation of selling, licensing, or otherwise exploiting for consideration the photographs or the works incorporating the photographs” and the concept of the CAHPF charging for the “commercial use” of CAP historical photographs.

**ESTIMATED FUNDING IMPACT:**

None.

**CAP NATIONAL HEADQUARTERS’ COMMENTS:**

None.

**CAP-USAF HEADQUARTERS’ COMMENTS:**

None.

**COMMITTEE RECOMMENDATION:**

None.

**REGULATIONS AND FORMS AFFECTED:**

None.

November 2005 NEC Minutes

**NEC ACTION:**

**COL TODD/SWR MOVED and COL KAUFFMAN/CS seconded** the PROPOSED NEC ACTION.

**COL TODD/SWR MOVED TO AMEND and COL WEISS/NFO seconded** the amendment to add the words “symbols and artifacts” to the motion.

**MOTION TO AMEND PASSED WITH NO DISSENTING VOTES**

**AMENDED MOTION PASSED WITH NO DISSENTING VOTES**

**NOTE:** The motion reads as follows:

That the NEC vote to approve the definition of “commercial use” as “any use by a for-profit entity, not-for-profit or individual where the grantee has the reasonable expectation of selling, licensing, or otherwise exploiting for consideration the photographs or the works incorporating the photographs, symbols and artifacts” and the concept of the CAPHF charging for the “commercial use” of CAP historical photographs, symbols, and artifacts.

**FOLLOW-ON ACTION:** Implementation of policy and notification to the field.

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**SUBJECT: Indemnification  
SWR/CC – Col Todd**

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**INFORMATION BACKGROUND:**

Former member Aric Hall has sued 151 parties in the US District Court for the Eastern District of Texas, Tyler Division. Many of these parties are members or former members of the Board of Governors, the National Board, or employees or former employees of CAP.

CAPR 112-10, *Indemnification*, provides indemnification of National Board members and certain other members and employees, for costs of defense and costs of judgments not covered by liability insurance; but such indemnification is not automatic. Each covered member is required to request indemnification, in writing addressed to the National Commander but mailed to the Executive Director. The requests are then approved or disapproved by a Board of Review consisting of the CC, CV, CS, NLO and GC. There is a provision for disqualification of any of these Board of Review members if they are defendants, but paragraph 5d says: "In the event all or a majority of the NEC or the Board of Review are named as parties' defendant in a civil action or related actions, then such actions shall be deemed to be actions against CAP as a corporate entity and the Board of Review shall not be deemed to have been disqualified." Here, clearly, a majority of the NEC and the Board of Review are named as parties' defendant, thereby deeming the action to be against CAP as a corporate entity.

**PROPOSED NEC ACTION:**

That the NEC vote to approve:

1. That the provisions of CAPR 112-10 requiring each member or employee covered by the regulation file a separate indemnification request be waived;
2. That the NEC authorizes indemnification of all CAP members and employees who are named defendants under the same terms and conditions as National Board members without the need to file a request for indemnification;
3. That the Board of Review be requested to meet prior to the adjournment of the NEC meeting and report its vote with respect to each eligible defendant to the NEC; and
4. That paragraph 4e of CAPR 112-10 ("If at any time it becomes apparent that the determination of the eligibility or ineligibility of the member or employee to indemnification was in error, such determination may be changed as the circumstances require by order of the National Commander") apply to all members and employees covered by this NEC action.

**November 2005 NEC Minutes**

**ESTIMATED FUNDING IMPACT:**

To be determined.

**CAP NATIONAL HEADQUARTERS' COMMENTS:**

Recommend approval. Claims have been submitted under our commercial general liability, directors & officer's liability and umbrella insurance policies, and all have routinely reserved their rights to deny coverage pending further development of the case and clarification of the causes of action. In the unlikely event that the causes of action are not covered by our insurance, members and employees will require indemnification for any personal liability ultimately assessed by the court.

**CAP-USAF HEADQUARTERS' COMMENTS:**

Concur, providing this action does not increase the Air Force funded liability insurance premium.

**COMMITTEE RECOMMENDATION:**

None.

**REGULATIONS AND FORMS AFFECTED:**

None.

**NEC ACTION:**

**COL TODD/SWR MOVED and COL SHARKEY/SER seconded** the PROPOSED NEC ACTION.

**MOTION PASSED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Implementation of policy with respect to the Aric Hall lawsuit.

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**AGENDA ITEM - 5**

**FM**

**Action**

**SUBJECT: Region/Wing Director of Finance  
NCR/CC – Col Kuddes**

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**INFORMATION BACKGROUND:**

CAPR 173-2, *Financial Procedures for CAP Regions and Wings*, currently does not preclude a close family member of the Wing commander from serving as the Region/Wing Director of Finance. This appears to be a potential conflict of interest. While it is possible to establish procedures to ensure there is a proper segregation of financial duties, the perception remains that there may be a conflict of interest in this vital position within the Region/Wing. Internal controls at Region/Wing level will be enhanced by adopting a more stringent requirement for independence of these two positions.

**PROPOSED NEC ACTION:**

That the NEC vote to approve a change to CAPR 173-2 to restrict the Region/Wing Director of Finance staff position to a non-family member and change the language in paragraph 3 to include the following language:

“The Region/Wing Director of Finance must not be a family member of the Region/Wing Commander or be a member of the Region/Wing Commander’s immediate household”

**ESTIMATED FUNDING IMPACT:**

The cost of revising, publishing and distributing a change to the existing regulations.

**REGULATIONS AND FORMS AFFECTED:**

CAPR 173-2, *Financial Procedures for CAP Regions and Wings*.

**CAP NATIONAL HEADQUARTERS COMMENTS**

Concur with this recommendation.

**CAP-USAF HEADQUARTERS’ COMMENTS:**

No comment.

**COMMITTEE RECOMMENDATION:**

Finance Committee supports this recommendation.

**NEC ACTION:**

**This agenda item was withdrawn and action taken under AGENDA ITEM 9, Committee Reports--1. Finance Committee.**

**SUBJECT: Squadron Financial Accounting Policies  
SWR/CC – Col Todd**

**INFORMATION BACKGROUND:**

There are several squadrons within CAP whose financial transactions and/or assets exceed that of many Regions/Wings. Financial oversight of these squadrons is currently extremely limited. Currently 15 squadrons would fall under this provision. Improved oversight of these squadrons would also further our goal of ultimately achieving an unqualified audit opinion. These squadrons account for approximately half of the expenditures by units below Wing level.

**PROPOSED NEC ACTION:**

That the NEC vote to change CAPR 173-1 to require squadrons whose annual financial transactions exceed \$30,000 or whose assets (cash and/or investments) exceed \$30,000 be subject to the same accounting and auditing oversight as CAP Regions/Wings and follow the financial procedures outlined in CAPR173-2, *Financial Procedures for CAP Regions and Wings* and that CAPR173-2, 1-c shall be amended to state:

“CAP regions and Wings will audit financial accounts annually in accordance with generally accepted accounting principles. Additionally, squadrons whose annual expenditures exceed \$30,000 or assets (cash and/or investments) exceed \$30,000 will be subject to the audit requirement.”

CAPR 173-2, paragraph 1 be amended to include the following:

“d. Squadrons whose annual expenditures exceed \$30,000 or report assets of \$30,000 (cash and/or investments) will be required to follow CAPR 173-2 in its entirety.”

Further, that CAPR173-1, paragraph 1-a be amended to include:

4. Squadrons whose annual expenditures exceed \$30,000 or report assets (cash and/Or investments) of \$30,000 will be required to follow CAPR 173-2, *Financial Procedures for CAP Regions and Wings* in its entirety.”

**ESTIMATED FUNDING IMPACT:**

The cost of revising, publishing and distributing a change to the existing regulations. Cost for e-Accounting \$5,880.

**CAP NATIONAL HEADQUARTERS' COMMENTS:**

Concur with this recommendation.

**November 2005 NEC Minutes**

**CAP-USAF HEADQUARTERS' COMMENTS:**

Concur.

**COMMITTEE RECOMMENDATION:**

Finance Committee supports this recommendation.

**REGULATIONS AND FORMS AFFECTED:**

CAPR 173-2, *Financial Procedures for CAP Regions and Wings* and CAPR 173-1 *Financial Procedures and Accounting Report for Units Below Wing Level*.

**NEC ACTION:**

**This agenda item was withdrawn and action taken under AGENDA ITEM 9, Committee Reports--1. Finance Committee.**

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**AGENDA ITEM - 7**

**LM**

**Action**

**SUBJECT: National Level Cadet Programs Award  
SER/CC – Col Sharkey**

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**INFORMATION BACKGROUND:**

At the National and Region levels, we currently recognize Wings that excel in two of our chartered missions (Emergency Services and Aerospace Education), as well as CounterDrug Operations. Recognition for our third mission (Cadet Programs) is lacking.

**PROPOSED NEC ACTION:**

That the NEC vote to approve the creation of a National level “Outstanding Cadet Programs” award. This award would use the same selection criteria that are used for the ES, CD and AE awards, namely coordination between the CAP Region CC and USAF Liaison Region Commander.

**ESTIMATED FUNDING IMPACT:**

Minimal - The cost of plaques and announcements.

**CAP NATIONAL HEADQUARTERS’ COMMENTS:**

Concur. Makes sense to select a wing in each region to be recognized as the outstanding cadet program, just as we already do for Emergency Services and Aerospace Education at the summer National Conference. We agree that the selection criteria should also be similar to these other awards. We recommend that the Region Commander and CAP-USAF Liaison Region Commander review the annual Squadron of Distinction data as a guide for their decision. The SOD data, while designed to help highlight an outstanding unit, can easily be used to also help identify an outstanding wing.

**CAP-USAF HEADQUARTERS’ COMMENTS:**

Concur.

**COMMITTEE RECOMMENDATION:**

None.

**REGULATIONS AND FORMS AFFECTED:**

To be determined.

November 2005 NEC Minutes

NEC ACTION:

COL SHARKEY/SER MOVED and COL CHAZELL/RMR seconded the PROPOSED NEC ACTION.

MOTION CARRIED WITH NO DISSENTING VOTES

**FOLLOW-ON ACTION:** Implementation of policy, notification to the field, and change to appropriate regulations and forms. There was concurrence with NHQ comment that the Region/CC and CAP-USAF LR/CC review the annual Squadron of Distinction data as a guide for their decision.

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**AGENDA ITEM - 8**

**LG**

**Action**

**SUBJECT: Aircraft Markings  
CAP/CS – Col Kauffman**

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**INFORMATION BACKGROUND:**

Currently, paragraph 7 of CAPR 66-1, *CAP Aircraft Maintenance Management*, allows region commanders to authorize additional aircraft markings such as wing logos or distinctive tail flashes. Use of these markings creates misperceptions of “ownership” by units and incurs additional expense upon the transfer of the aircraft from one unit to another.

**PROPOSED NEC ACTION:**

1. That the NEC vote to delete the last sentence of paragraph 7b of CAPR 66-1 which reads: “To promote camaraderie, region commanders may approve additional authorized CAP corporate aircraft markings and wing logo/tail flash.”
2. That the NEC vote to direct that existing distinctive markings are to be removed immediately.

**ESTIMATED FUNDING IMPACT:**

Cost of removing existing markings is to be paid by the unit.

**CAP NATIONAL HEADQUARTERS’ COMMENTS:**

Concur.

**CAP-USAF HEADQUARTERS’ COMMENTS:**

No comment.

**COMMITTEE RECOMMENDATION:**

None.

**REGULATIONS AND FORMS AFFECTED:**

CAPR 66-1, *CAP Aircraft Maintenance Management*.

**NEC ACTION:**

**COL KAUFFMAN/CS MOVED and COL SHARKEY/SER seconded** the PROPOSED NEC ACTION.

## November 2005 NEC Minutes

**COL WEBB/GLR MOVED to table** this item and refer to the Operation Committee for study of the costs issues and bring it back to the NEC.

**Motion to table died for lack of a second.**

**COL GLASS/MER MOVED and COL PALERMO/NLO seconded** the following SUBSTITUTE MOTION:

1. (No change). That the NEC vote to delete the last sentence of paragraph 7b of CAPR 66-1, which reads: "To promote camaraderie, region commanders may approve additional authorized CAP corporate aircraft markings and wing logo/tail flash."
2. (Changed). That the NEC vote to direct that existing additional distinctive markings be removed the next time the aircraft is normally painted.
3. (Added). That the NEC vote to direct that no aircraft registration numbers shall be altered without approval by the National Commander

### **MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Implementation of policy, notification to the field, and change to *CAPR 66-1, CAP Aircraft Maintenance Management*.

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**AGENDA ITEM - 9**

**NCS**

**Action**

**SUBJECT: Committee Reports  
NCS – Col Kauffman**

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**Committees**

**1. Finance Committee**

**Col Weiss**

COL WEISS/NFO distributed copies of the minutes of the NEC Finance Committee Meeting, Orlando, Florida, 3 November 2005 (**Atch 2**). The highlights of the minutes were briefed.

**ACTION:**

**1. Modification to CAPR 173-2 (Agenda Item 5, Region/Wing Director of Finance)**

See wording in the PROPOSED NEC ACTION of Agenda Item 5.

**2. Modification to CAPR 174-1 (Agenda Item 6, Squadron Financial Accounting Policies)**

See wording in the PROPOSED NEC ACTION of Agenda Item 6.

**3. CAPMart Outsourcing.**

**COL KAUFFMAN/CS MOVED and BRIG GEN GLASGOW/CV seconded** a motion for a RESOLUTION that the NEC endorses outsourcing CAPMart to Vanguard in a five-year contract with renewal options, with a target date of 1 January 2006.

**MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Executive Director action and inclusion in the December 2005 BoG agenda.

**COL WEISS/NFO MOVED and COL KAUFFMAN/CS seconded** the approval of the recommendations of the National Finance Committee.

**MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:**

1. Implementation of policy, notification to the field, and change to *CAPR 173-2, Financial Procedures for CAP Regions and Wings*
2. Implementation of policy, notification to the field, and change to *CAPR 173-1, Financial Procedures and Accounting Report for Units below Wing Level*

## November 2005 NEC Minutes

### 2. Operations

Col Skiba

MR. SALVADOR briefed the committee report in the absence of Col Andy Skiba, Chairman, Operations Committee.

There was a lengthy discussion on the liability of CAP members while flying member-owned aircraft, the hold-harmless agreement, and the provisions of AFI 10-2701

### 3. Development Committee

A formal report was not given, a copy of the minutes from the last meeting were included in each NEC's members package.

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**AGENDA ITEM - 10**

**Action**

**SUBJECT: Old Business**

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**1. ITEM: CAP Membership Cards: Agenda Item 12, August 2003 NB; Agenda Item 12, November 2003 NEC; Agenda Item 12-4, May 2004 NEC; Agenda Item 10-1, August 2004 NB; Agenda Item 10-1 Nov 2004 NEC, Agenda Item 7-1, May 2005 NEC; Agenda Item 11-1, August 2005 NB.**

Final design approval of the card was given at the August 2005 NB. A sample of the new ID card will be distributed. CAP-USAF will provide an update on the ID card approval through Air Force channels.

A sample of the new ID card was distributed.

COL HODGKINS/Senior AF Advisor reported that the new ID card was approved by the AETC Commander. It then went through the Air Force Uniform Board process, and is still in the Pentagon pending signature by HQ USAF/DP. He added, "I know people have told you this before but we anticipate that it will be signed by the 3-star DP within this month." There was clarification that this action will constitute final approval by the Air Force.

MS. PARKER/DP stated that as soon as the final approval is received, DP can start pre-selling the cards, but they will have to re-bid the contract and select a vendor before proceeding with production. There was agreement that a machine-affixed hologram will be placed on the card.

**2. ITEM: Air Force Transition Assistance Program: Agenda Item 13-4, August 2005 NB.**

The NB approved the concept of getting CAP involved in the Transition Assistance Program for soon-to-be-retired or separated Air Force members. The program outline and brochure proposals will be presented at the winter 2006 NB meeting. This briefing will be an update for the NEC on the current status of the program development.

COL HODGKINS/Senior AF Advisor briefed that he has received this proposal from the National Headquarters staff and will assign it to the newly-assigned CAP-USAF vice commander, Lt Col Senci, who will coordinate through appropriate Air Force channels. See attached DPD staff summary sheet with TAB: Proposed slides (**Atch 3**).

**3. ITEM: CAP Aircraft Checklist: Agenda Item 4, November 2004 NEC.**

The NEC approved the use of a standardized checklist tailored for each CAP aircraft. The final version was approved by CAP-USAF. The wings are in the process of finalizing their tail number specific checklists. A summary of the wings that have submitted their final checklists will be provided at the NEC meeting.

## November 2005 NEC Minutes

MR. SALVADOR/DO briefed that status pages were distributed to each region commander at the beginning of the meeting. The program and project is moving along and is starting to build up momentum. Bi-monthly updates will be provided to region commanders so they can track the progress and ensure that the wings are complying with the NEC directive.

### **4. VHF Repeater Study: Agenda Item 13-8, May 2004 NEC; Agenda Item 12, November 2004 NEC; Agenda Item 3, March 2005 NB; Agenda Item 6, May 2005 NEC.**

The May 2005 NEC voted to approve the repeater plan proposed by the National Repeater Coordination Group. See **(Atch 4)** for an executive summary of the final plan that was submitted to CAP-USAF.

MR. SALVADOR/DO stated that an Executive Summary of the VHF/FM Repeater Requirements Study is attached. He expressed his appreciation to region commanders and their representatives for being a part of the National Repeater Coordinating Group. That group validated a requirement for 545 repeaters nationwide, which was submitted to the Air Force via staff summary package and the Air Force approval is expected very soon. Once final approval is received, the headquarters will move forward with purchasing the repeaters so they will be in place for the narrow-band transition.

### **5. Historical Photos: Agenda Item 8, August 2005 NB.**

This item was tabled by the August 2005 NB until further information could be gathered and analyzed.

**COL GLASS/MER MOVED and COL PALERMO/NLO seconded** that the NEC vote to give authorization for the use of historical photos in the Flying Minute Men Project, on a case-by-case basis, subject to the policies and procedures approved in Agenda Item 3.

MOTION restated by Maj Gen Pineda:

That the Flying Minute Men apply through the policy and procedure that we now have and the Historical Foundation Board will consider on a case-by-case basis.

### **MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Implementation of policy and notification to the WWII Victory Museum

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**AGENDA ITEM - 11**

**Action**

**SUBJECT: Additional New Business**

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**1. ITEM: New Mexico Hangar Sale**

COL TODD/SWR presented a request from the New Mexico Wing and Los Alamos Composite Squadron to sell a hangar at the Los Alamos Airport. See attached documentation. **(Atch 5)**.

**COL TODD/SWR MOVED and COL KAUFFMAN/CS seconded** that the NEC vote to approve the sale of the identified hangar at Los Alamos Airport (hangar only—not land; Hangar Space #3—AEC Contract No. AT29-1, 2160).

**MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Sale of hangar at Los Alamos, NM in accordance with CAPR 70-1, *CAP Acquisition Regulation*.

**2. ITEM: Use of the Name “Civil Air Patrol,” the Seal and/or Emblem**

COL CHARLES/IG noted the DRAFT “PROPOSED GUIDELINES FOR USE OF THE NAME ‘CIVIL AIR PATROL’ included in the agenda. He recommended a motion to approve the proposed additional guidelines for inclusion in CAPR 900-2, *Civil Air Patrol Seal, Emblem and Flag Etiquette*. **(Atch 8)**

**COL CHAZELL/RMR MOVED and COL STARR/PCR seconded** the approval of the proposed additional guidelines for use of the name “Civil Air Patrol,” the seal and/or emblem, as amended in paragraph 3.a.iv. to add the following last sentence: “Other foundations or organizations, once approved to use the CAP Seal an/or Emblem, will provide end-of-year financial reports to the National Legal Officer and/or upon request by the NEC.”

**MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Implementation of policy, notification to the field, and change to CAPR 900-2.

**3. ITEM: FAA Currency in Glass Cockpit**

COL PALERMO/NLO reported that an FAA Inspector (also a Louisiana Wing member) with the Baton Rouge FSDO approached him about using CAP glass cockpits to fulfill an FAA requirement that their inspectors stay current in aircraft that they inspect.

COL HODGKINS/Senior AF Advisor replied there probably are areas of cooperation between FAA, as a federal agency, and CAP, as the Air Force auxiliary, that can be

## November 2005 NEC Minutes

considered so that would then be an Air Force-assigned mission type status. An MOU arrangement could also be considered.

**ACTION:** NLO will e-mail the request to CAP-USAF/XO.

### 4. ITEM: Amendment to CAPR 35-5, Section 13 a.

COL WEBB/GLR proposed a change to CAPR 35-5, reverting to a previously approved policy, which says, "when a region commander appoints a vice commander a determination is made at the end of his/her term whether or not the vice commander retains grade."

**BRIG GEN GLASGOW/CV MOVED and COL KAUFFMAN/CS seconded** the following amendment, as amended, to CAPR 35-5, Section 13.a:

**Region Commander and Vice Commander.** Promotion to the temporary grade of colonel is concurrent with appointment as region commander or vice commander. **The permanent grade of colonel is contingent upon the satisfactory completion of assignment and must be recommended by the commander of the individual concerned and approved by the National Commander.**

### **MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Implementation of policy, and change to CAPR 35-5.

The following National Commander policy was clarified and endorsed by Maj Gen Pineda:

If you have two vice commanders, one must be a previous corporate officer, and in the future no region can have two vice commanders unless approved, on a case-by-case basis, by the National Commander.

**FOLLOW-ON ACTION:** Executive Director will draft a policy letter and forward to Maj Gen Pineda to revise or sign and send out.

### 5. ITEM: Use of CAP Approved Software

COL STARR/PCR referenced the modifications to CAPR 173-2 in the minutes of the NEC Finance Committee meeting. He stated that CAPR 173-2 currently specifies that all regions and wings must use CAP-approved accounting software or its on-line equivalent. Therefore, everyone should be using e-accounting, but it is not specified or mandated. He distributed a handout, which mandates the use of e-accounting, and specifies that all regions and wings must use CAP-approved accounting software. Exceptions can be granted or approved by the National Finance Officer.

## November 2005 NEC Minutes

**COL STARR/PCR MOVED and COL WEBB/GLR seconded** that the NEC vote to approve a change to CAPR 173-2 to read as follows: "All regions/wings must use the Civil Air Patrol-approved accounting software. Exceptions to the use of the software must be approved by the National Finance Officer." Requiring all wings to be on the same accounting platform provides for consistency in accounting, reporting, and financial data management.

### **MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Implementation of policy, notification to the field, and Change to CAPR 173-2, as specified.

#### **6. ITEM: Posse Comitatus**

MR. LEIBOWITZ/GC briefed the proposal. (Atch 6)

**MAJ GEN PINEDA/CC MOVED and COL WEBB/GLR seconded** that the NEC vote to approve:

- a. The National Commander can authorized, after consultation with the National Legal Officer, one or more wings to conduct corporate missions without regard to the prohibitions of the doctrine of posse comitatus or the restrictions of CAPR 900-3, "Firearms – assistance to Law Enforcement Officials." Such authorization(s) shall address the types of mission(s), whether day-time or night-time, any special training prerequisites, prohibitions against the carrying of firearms and such other matters as the Commander considers pertinent; and
- b. The Commander is requested to prepare a report containing data regarding the missions performed under this special authorization so that the question of whether to permanently repeal or otherwise revise the regulation prohibiting missions violative of the doctrine of posse comitatus can be considered.

COL HODGKINS/Senior AF Advisor recommended getting HQ USAF approval prior to proceeding with this proposal, even if using only corporate assets.

**MAJ GEN PINEDACC MOVED and COL MOODY/NC seconded** that the NEC vote to table this motion until CAP and CAP-USAF officials work out the details.

### **MOTION CARRIED WITH NO DISSENTING VOTES**

**FOLLOW-ON ACTION:** Staff action to seek HQ USAF approval and if information available, present to the Winter 2006 National Board.

**AGENDA ITEM - 12**

**Information**

**SUBJECT: Chaplain Services Update  
Ch, Col Sharp**

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**BACKGROUND**

Ch, Col Sharp provided a slide briefing (**Ach 7**) to the NEC on issues concerning CAP's Chaplain Service.

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**AGENDA ITEM - 13**

**GC**

**Information**

**SUBJECT: Litigation Update  
HQ CAP/GC – Mr. Leibowitz**

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**BACKGROUND**

HQ CAP/GC, Mr. Leibowitz, will brief the NEC on the status and resolution to litigation cases involving CAP.

**NOTE:** Because the briefing involved information subject to a non-disclosure agreement, the briefing was given in executive session and no information was recorded for the minutes.

## November 2005 NEC Minutes

### Administrative Announcements

1. Maj Gen Pineda complimented the new recruiting pamphlet, "Opportunities Knock," which was distributed to the NEC members.
2. Maj Gen Pineda thanked everyone for coming to the meeting and participating.
3. Mr. Don Rowland passed out copies of the proposed new CAP Magazine.
4. NEC voted to approve the following promotions and awards:
  - Promotion to Permanent Grade of Colonel
    - Col Eileen L. Parker
    - Col Don R. Rowland
  - Promotion to Temporary Grade of Colonel
    - Col David L. Mikelson
    - Col Maurice Thomas, III
  - Awards Approved
    - SMV, 1<sup>st</sup> Lt Rafael A. Ronden
    - DSM, Chap Lt Col Dewy E. Painter
    - Col Russell E. Smith

**THE NATIONAL EXECUTIVE COMMITTEE WAS IN CLOSED EXECUTIVE SESSION, 0845 – 0958, FRIDAY, 4 NOVEMBER 2005 (NOTE: THIS SESSION WAS NOT RECORDED)**

**THE NATIONAL EXECUTIVE COMMITTEE WAS IN CLOSED EXECUTIVE SESSION, 0823 – 0900, SATURDAY, 5 NOVEMBER 2005 (NOTE: THIS SESSION WAS NOT RECORDED)**

**THE NATIONAL EXECUTIVE COMMITTEE ADJOURNED AT 0943, SATURDAY, 5 NOVEMBER 2005**