
Civil Air Patrol
Board of Governors Meeting Minutes
6 June 2007
Atlanta GA

Chairman, Civil Air Patrol Board of Governors
Major General Richard L. Bowling, CAP
Member-at-Large

Vice Chairman, Civil Air Patrol Board of Governors
Lieutenant General John D. Hopper, Jr., USAF (Ret)
CEO, Air Force Aid Society

Members

Brigadier General Paul M. Bergman, CAP
Member-at-Large

Brigadier General Amy S. Courter, CAP
Civil Air Patrol National Vice Commander

Mister Paul L. Graziani, President and CEO
Analytical Graphics Inc.

Lieutenant General Nicholas B. Kehoe, USAF (Ret)

Major General Henry C. Morrow, USAF
Commander, 1st Air Force

Major General Antonio J. Pineda, CAP
Civil Air Patrol National Commander

Lieutenant General Charles J. Searock Jr., USAF (Ret)
General Aviation & Technology Consultant

Major General John M. Spiegel, USAF (Ret)
Booz Allen Hamilton, Inc.

Mister Bruce N. Whitman, President
FlightSafety International Inc.

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Schedule

CALL TO ORDER
Major General Richard L. Bowling, CAP

PLEDGE OF ALLEGIANCE
Lieutenant General John D. Hopper, Jr., USAF (Ret)

ROLL CALL
Mr. Don R. Rowland

RECOGNITION OF NEW MEMBERS AND VISITORS
OPENING REMARKS
Major General Richard L. Bowling, CAP

CIVIL AIR PATROL BOARD OF GOVERNORS AGENDA

CLOSING REMARKS
ADJOURNMENT
Major General Richard L. Bowling, CAP

Civil Air Patrol
Board of Governors Meeting Minutes
6 June 2007
Washington DC

Table of Contents

Opening Remarks and Announcements ----- Maj Gen Bowling ----- 5

1. Approval of previous minutes ----- Maj Gen Bowling ----- 6
ACTION REQUIRED

2. National Commander's Report ----- Maj Gen Pineda----- 7

 a. Update on CAP activities----- 8

 b. Items referred the March 2007 National Board and the May 2007 NEC

 (1.) Constitution & Bylaw changes

 (a) Provision for Mid-Term Election of National
 Vice Commander ----- 8
 ACTION REQUIRED

 (b) CAP-USAF Commander designated a "Non-Voting"
 Member of the National Board ----- 9
 ACTION REQUIRED

 (c) Wing and Region Commander Terms ----- 9
 ACTION REQUIRED

 (d) Constitution and Bylaws Amendment Process ----- 10
 ACTION REQUIRED

 (2.) Federal Legislative Agenda----- 11
 ACTION REQUIRED

 (3.) Executive Director Authority in Litigation -- ----- 12
 ACTION REQUIRED

3. Executive Director's Update----- Mr. Rowland ----- 24

 a. Assessment

 b. FY07 Year-to-Date Review

 c. FY08 Corporate Budget----- 24
 ACTION REQUIRED

3.	Executive Director's Update (cont)		
	d. Line of Credit Review		
	e. Investments		
	f. Program Narrative (SOW) Rewrite		
	g. Twin-Engine Aircraft Requirement		
	h. CAP HQ Program Development & Foundation		
4.	Audit Committee Report-----	Brig Gen Bergman ----	30
5.	Litigation Update -----	Mr. Odell-----	32
6.	Membership Action Review Board Update -----	Mr. Odell-----	34
7.	CAP Commander School & PD Track -----	Brig Gen Bergman ----	36
	<i>ACTION REQUIRED</i>		
8.	Appointment of BoG Ethics Committee-----	Brig Gen Bergman ----	38
	<i>ACTION REQUIRED</i>		
9.	Ratification of Maj Gen Rank After Successful Completion of National Commander Tour of Duty -----	Brig Gen Bergman ----	40
	<i>ACTION REQUIRED</i>		
10.	Extension of Appointment for CAP Member-at-Large -	Brig Gen Bergman ----	42
	<i>ACTION REQUIRED</i>		
11.	Other Business -----	Maj Gen Bowling -----	43
12.	Next Meeting -----	Maj Gen Bowling -----	44
	<i>ACTION REQUIRED</i>		

Appendix

APPENDIX A-----	FY07 Corporate and Appropriated Budgets: Year-to-Date -----	46
APPENDIX B-----	FY08 Corporate Budget -----	47

OPENING REMARKS AND ANNOUNCEMENTS

CALL TO ORDER. Maj Gen Richard L. Bowling, Chairman, Civil Air Patrol Board of Governors, called the meeting to order. Lt Gen John D. Hopper, Jr., USAF (Ret), Vice Chairman, Civil Air Patrol Board of Governors, led the group in reciting the Pledge of Allegiance. Mr. Don Rowland, Executive Secretary, called the roll and noted that there was a quorum with all members present.

THE CHAIRMAN noted that this date, 6 June 2007, marks the special occasion of D-Day. He asked the board members to reflect back on those brave souls who sacrificed their life, limb, and fortune for this great country and what they did to pave the way for future generations through the ages. He also asked the board members to think about what price they paid for our freedom and in some instances what the veterans continue to pay

THE CHAIRMAN thanked everyone attending this June meeting of the Civil Air Patrol Board of Governors, especially the two new members, Maj Gen Hank Morrow, USAF, Commander of the 1st Air Force, and Mr. Paul Graziani, a former cadet, benefactor to Civil Air Patrol and President and CEO Analytical Graphics Incorporated.

THE CHAIRMAN reminded everyone that this is the Board of Governors of Civil Air Patrol and that the members are here not as representatives of either group, but as a representative oversight for Civil Air Patrol and especially to be the advocates for Civil Air Patrol for those things needed to foster the organization to make it the best that it can be by bringing best practices to the organization and helping professionalize the organization.

THE CHAIRMAN recognized and welcomed the attendance of:

Lt Gen Steve Lorenz, Commander, Air University and members of his staff; Maj Gen Dwight Wheless, CAP, former National Commander and member-elect of the Board of Governors; members of CAP's National Executive Committee; CAP deputy chiefs of staff; and Col Russ Hodgkins, USAF, Commander, CAP-USAF, and members of his staff.

THE CHAIRMAN also recognized and thanked the staff members of National Headquarters for all their efforts to ensure the success of this meeting.

Mementos were presented to Lt Gen Nicholas B. Kehoe, USAF (Ret), for his service as Chairman of the Civil Air Patrol Board of Governors for the past two years; and to Brig Gen Paul M. Bergman, CAP, for his service as a Member-at-Large on the Civil Air Patrol Board of Governors whose membership will expire 24 August 2007.

Agenda Item: 1

Approval of Previous Minutes

Background

The BoG met last on 6 December 2006 in Washington DC. The 6 June 2007 meeting of the Board of Governors is to review and approve the previous meeting minutes.

Proposed BoG Action

That the Board of Governors votes to approve the 6 December 2006 minutes.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

BRIG GEN AMY S. COURTER, CAP moved and LT GEN HOPPER, USAF (Ret), seconded a motion that the BoG approve the 6 December 2006 minutes.

THE MOTION CARRIED UNANIMOUSLY

Agenda Item: 2

CAP National Commander's Report

Background

Maj Gen Antonio Pineda, CAP, will discuss the following Civil Air Patrol issues, plus other items of interest since the last meeting of the Board of Governors.

- a. Update on CAP activities
- b. Items referred by the March 2007 National Board and May 2007 NEC
 - (1.) Constitution & Bylaw changes
 - (a) Provision for Mid-Term Election of National Vice Commander
ACTION REQUIRED
 - (b) CAP-USAF Commander designated a "Non-Voting" Member of The National Board
ACTION REQUIRED
 - (c) Wing and Region Commander Terms
ACTION REQUIRED
 - (d) Constitution and Bylaws Amendment Process
ACTION REQUIRED
 - (2.) Federal Legislative Agenda
ACTION REQUIRED
 - (3.) Executive Director Authority in Litigation
ACTION REQUIRED

Proposed BoG Action

To be determined.

Funding Impact

None.

Committee Recommendation

None.

BoG Action**a. Update on CAP activities:**

During this update there was discussion on the Homeland Security (HLS) Legislation. The bill, HR-1333, directs the Secretary of the Department of Homeland Security (DHS) to establish a Memorandum of Understanding (MOU) between DHS and the Secretary of the Air Force (or DoD) so that DHS can task Civil Air Patrol to perform HLS missions. The Executive Secretary added that a key point being discussed is how to get civilian organizations like Civil Air Patrol involved in disaster response. A copy of the current language of the bill will be provided to BoG members so they will be able to evaluate whether the language of the bill will be beneficial and result in increased missions for CAP.

Lt Gen Lorenz, USAF, was recognized by the chair and reminded all in the attendance that command and control is a factor and parts of these missions are funding and liability. He also reminded that dealing with DHS is new territory and this needs to be watched and included in Strategic Missions.

Lt Gen Kehoe, USAF (Ret), stated that, theoretically, liability would be covered if the DHS mission were an Air Force-assigned mission, like other missions. Then, funding, theoretically, would be covered by reimbursements from the department that wants to use the capability that has not been funded through the Air Force chain.

FOLLOW-ON ACTION: Provide a copy of the current language of the bill and a periodic summary of the progress of the proposed legislation to BoG members (inclusion in the December 2007 agenda)

Also during this update, Brig Gen Courter, CAP, Vice Commander provided an update of the results obtained by the deputy chiefs of staff—Missions, Operations, Training, and Support. Gen Courter also solicited assistance from board members in making introductions of CAP for Marketing in the areas of corporations and foundations, legislators, public affairs, and other agencies.

b. Items referred by the March 2007 National Board and May 2007 NEC:**1. Constitution & Bylaws changes:**

- a. Provision for Mid-Term Election of National Vice Commander

BRIG GEN BERGMAN, CAP, moved and LT GEN SEAROCK, USAF (Ret) seconded a motion that the BoG approve a change to the Civil Air Patrol Constitution and Bylaws, ARTICLE XIV, TERM OF OFFICE, paragraph 1.b., to read as follows (change from current term of office is underlined):

“1.b. The National Vice Commander shall serve an annual term of office commencing at the close of the general membership National Board meeting at which elected, and terminating at the close of the next general membership National Board meeting. In the event of his or her resignation, removal, or incapacity prior to the winter National Board meeting, a new National Vice Commander may be elected at the winter National Board meeting to serve a term to expire at the close of the next general membership National Board meeting.”

THE MOTION CARRIED UNANIMOUSLY

b. CAP-USAF Commander designated a “Non-Voting” Member of the National Board

LT GEN KEHOE, USAF (Ret) moved and LT GEN SEAROCK, USAF (Ret) seconded a motion that the BoG approve the following changes to the Civil Air Patrol Constitution and Bylaws:

(1) ARTICLE X, NATIONAL BOARD, paragraph 1.j. to read as follows (change from current National Board is underlined): The Commander, Civil Air Patrol – United States Air Force (CAP-USAF) as a non-voting member.

(2) ARTICLE XI, THE NATIONAL EXECUTIVE COMMITTEE, paragraph 3.i. to read as follows (change from current National Executive Committee is underlined): The Commander, Civil Air Patrol – United States Air Force (CAP-USAF) as a non-voting member.

THE MOTION CARRIED UNANIMOUSLY

c. Wing and Region Commander Terms

MAJ GEN PINEDA, CAP, moved and BRIG GEN COURTER, CAP, seconded a motion that the BoG approve the following changes to the Civil Air Patrol Constitution and Bylaws, ARTICLE XIV, TERM OF OFFICE, paragraphs 1.e. and f.:

“e. Regional commanders shall serve a four-year term ~~are not eligible to succeed themselves,~~ *and the National Commander may grant one additional consecutive four-year term.* This provision shall not preclude a region commander from serving a subsequent non-consecutive term.”

“f. Wing commanders shall serve a probationary period of one year followed by a three-year term of office. The region commander may grant an additional ~~one-year consecutive~~ *three-year* term with the concurrence of the National Commander. Any time during the probationary period, the region commander may remove the wing commander with or without a right of appeal except as provided in Article XVI. *This*

provision shall not preclude a wing commander from serving a subsequent non-consecutive term."

	Current C&BL Terms of office	Proposal	If approved, potential length of Command
Region CCs	One 4 year term	One additional 4 year term	4 + 4 = 8 years
Wing CCs	1 year probation, 3 year term, 1 year extension	One additional 3 year term in lieu of current 1 year extension	1 + 3 + 3 = 7 years

There was discussion on the reasons for requesting these extensions: A desire to keep some members in those positions in order to allow sufficient time to bring vice commanders along at wing and region level so they are adequately prepared.

There was also discussion as to why the proposed extensions may be too lengthy: "Does it allow growth within the ranks?" "Are we blocking members from moving up?" Also discussed was the possibility of extensions one year at a time instead of an automatic 3 or 4 year extension.

MAJ GEN PINEDA, CAP, moved a substitute motion and BRIG GEN COURTER, CAP, seconded the substitute motion that the BoG approve the following changes to the Civil Air Patrol Constitution and Bylaws, ARTICLE XIV, TERM OF OFFICE, paragraphs 1.e. and f.

"e. Regional commanders shall serve a four-year, and the National Commander may grant successive one-year extensions up to a maximum of four additional years. This provision shall not preclude a region commander from serving a subsequent non-consecutive term.

"f. Wing commanders shall serve a probationary period of one year followed by a three-year term of office. The region commander may grant successive one-year extensions up to a maximum of three additional years, with the concurrence of the National Commander. Any time during the probationary period, the region commander may remove the wing commander with or without a right of appeal except as provided in Article XVI. This provision shall not preclude a wing commander from serving a subsequent non-consecutive term."

THE MOTION DID NOT PASS

d. Constitution and Bylaws Amendment Process

BRIG GEN COURTER, CAP, moved and MAJ GEN SPEIGEL, USAF (Ret), seconded a motion that the BoG approve a change to the Civil Air Patrol Constitution and Bylaws, ARTICLE XIX, AMENDMENT OF THE CONSTITUTION

AND BYLAWS, by adding a new paragraph 3, to read as follows (the current paragraph 3 will be renumbered paragraph 4.):

3. *Proposals to amend the Constitution and/or Bylaws may be initiated by the Board of Governors, National Board, or National Executive Committee.*

(a) *Such initiatives by the Board of Governors shall be ordinarily routed through the Constitution and Bylaws Committee before being routed back to the Board of Governors for approval.*

(b) *Such initiatives by the National Board shall be ordinarily routed through the Constitution and Bylaws Committee before being routed to back to the National Board (or the National Executive Committee at the discretion of the National Board) before submission to the Board of Governors for approval.*

(c) *Such initiatives by the National Executive Committee shall be ordinarily routed through the Constitution and Bylaws Committee before being routed to back to the National Board before submission to the Board of Governors for approval.*

(d) *The Board of Governors may exercise its discretion in making exceptions to this process for reasons including but not limited to administrative changes and exigent circumstances.*

THE MOTION CARRIED UNANIMOUSLY

2. Federal legislative Agenda

BRIG GEN COURTER, CAP, moved and MAJ GEN PINEDA, CAP, seconded a motion that the BoG approve that the following listed seven items be brought forth as the tentative order of priority for the Civil Air Patrol legislative agenda:

1. CAP is being underutilized.
2. Governance of CAP
3. Posse Comitatus remains a barrier to CAP assistance to Federal Agencies.
4. Civil Air Patrol is unduly restricted in its use of grant funds appropriated by Congress.
5. FTCA protection needs reinforcement for claims arising from Air Force assigned missions.
6. FECA protections need reinforcement for members returning home during multi-day missions.
7. State and local taxation on major procurement items unduly strains the CAP acquisitions budget.

THE CHAIRMAN called for a vote on the agenda item; however, a request was made by Lt Gen Kehoe to allow further discussion. The Chairman declared that further discussion would be allowed on the motion to approve the item before a vote is taken. During discussion there was clarification that the BoG is not being asked to approve the approach, but to approve just the issues. Also, there were suggestions that more dialogue is needed between CAP and CAP-USAF before going forward. There was

also explanation that these issues were brought forward as a point of discussion and to pursue a process to change or clarify some issues that affect Civil Air Patrol's roles and missions, and to provide ways to gain other missions for Civil Air Patrol.

LT GEN SEAROCK, USAF (Ret) moved and BRIG GEN BERGMAN, CAP, seconded a motion to postpone action on this agenda item (deleting the attachment—pages 14-16 of the original agenda) and refer it back to National Headquarters for further work and coordination with CAP-USAF toward reporting back to the BoG at its next meeting regarding points of agreement or disagreement.

THE MOTION TO POSTPONE CARRIED UNANIMOUSLY

FOLLOW-ON ACTION: Progress report provided the BoG following discussions with the Air Force and inclusion in the December 2007 BoG agenda.

3. Executive Director Authority in Litigation

MAJ GEN PINEDA, CAP, moved and LT GEN SEAROCK, USAF (Ret) seconded a motion that the BoG approve and adopt the following policies:

1. The Executive Director or his designee is hereby granted the authority to initiate litigation on behalf of Civil Air Patrol. Specific actions include but are not limited to actions to ascertain, protect, and enforce the corporation's contractual and property rights.

2. The Executive Director or his designee is granted authority to compromise claims and actions against Civil Air Patrol as follows that are either within CAP's insurance policy limits or which will result in payments by CAP not to exceed \$100,000.

3. The Executive Director or his designee is granted authority to compromise claims and actions which the Executive Director has brought on behalf of Civil Air Patrol.

4. The Executive Director or his designee may be exercise authority to compromise claims or actions brought on behalf of Civil Air Patrol at the request of National Commander, NEC or National Board as such authority is granted by the requesting authority.

5. Upon the authorization of National Commander, NEC, National Board, or Executive Director, CAP may appear as an *amicus curiae* ("friend of the court") in matters that are in the best interests of the Civil Air Patrol. This paragraph does not authorize the expenditure of funds such as hiring outside counsel or incurring fees beyond reasonable filing fees.

THE MOTION CARRIED

DECISION PAPER**ON****AMENDMENT TO CAP CONSTITUTION****Provision for Mid-Term Election of National Vice Commander**

- **PURPOSE:** To obtain Board of Governors (BoG) vote to amend CAP constitution to provide for mid-term election of National Vice Commander.

- **BACKGROUND:** From time to time, the office of National Vice Commander has been vacated mid term. The National Board requests in the event of his or her resignation, removal, or incapacity prior to the Winter National Board, that a National Vice Commander may be elected at that meeting, to serve a six month term to expire at the close of the next general membership National Board meeting.

Pursuant to assignment by the National Board, Constitution and Bylaws Committee proposes that Article XIV, paragraph 1b be revised to meet the request of the National Board as follows (changes are shown in italics):

**ARTICLE XIV
TERM OF OFFICE**

1. The terms of office for corporate officers are as follows:

* * *

b. The National Vice Commander shall serve an annual term of office commencing at the close of the general membership National Board meeting at which elected, and terminating at the close of the next general membership National Board meeting. *In the event of his or her resignation, removal, or incapacity prior to the Winter National Board meeting, a new National Vice Commander may be elected at the Winter National Board meeting, to serve a six month term to expire at the close of the next general membership National Board meeting.*

- DECISION:

-- Vote to approve / disapprove amendment.

DECISION PAPER

ON

AMENDMENT TO CAP CONSTITUTION

CAP-USAF Commander designated a "Non-Voting" Member of the National Board

- PURPOSE: The Board of Governors vote to amend the Constitution to change the Commander, Civil Air Patrol-United States Air Force (CAP-USAF) from a voting member to a non-voting member of both the National Board and the National Executive Committee.

- BACKGROUND: This change is proposed at the request of Commander CAP-USAF and has the approval of the National Board. Changes are shown in italics below:

ARTICLE X - NATIONAL BOARD

1. The members of the National Board shall be as follows:

* * *

j. The Commander, Civil Air Patrol-United States Air Force (CAP-USAF) as a non-voting member

* * *

ARTICLE XI - THE NATIONAL EXECUTIVE COMMITTEE

3. The members of the National Executive Committee shall be as follows:

* * *

i. The Commander, Civil Air Patrol-United States Air Force (CAP-USAF) as a non-voting member

* * *

- DECISION:

-- Vote to approve / disapprove amendment.

DECISION PAPER

ON

AMENDMENT TO CAP CONSTITUTION

Wing and Region Commander Terms

- **PURPOSE:** To amend Article XIV, paragraphs 1e and f of the Constitution to permit Wing and Region Commanders to serve an additional term.

- **BACKGROUND:** The National Board voted to propose that the Constitution be amended to provide that Region Commanders be permitted to serve one additional four year term and that Wing Commanders be permitted to serve one additional three year term in lieu of the current one year extension.

Upon assignment by the National Board, the Constitution and Bylaws Committee has drafted language to effectuate this change, which is submitted below (Deletions are shown in strikethrough type, additions are in italics.):

**ARTICLE XIV
TERM OF OFFICE**

1. The terms of office for corporate officers are as follows:

* * *

e. Region commanders shall serve a four-year term ~~are not eligible to succeed themselves.~~ *and the National Commander may grant one additional consecutive four-year term. This provision shall not preclude a region commander from serving a subsequent non-consecutive term.*

f. Wing commanders shall serve a probationary period of one year followed by a three-year term of office. The region commander may grant an additional ~~one-year consecutive three-year~~ *term with the concurrence of the National Commander. Any time during the probationary period, the region commander may remove the wing commander with or without cause and without a right of appeal except as provided in Article XVI. This provision shall not preclude a wing commander from serving a subsequent non-consecutive term.*

	Current C&BL Terms of office	Proposal	If approved, potential length of Command
Region CCs	One 4 year term	One additional 4 year term	4 + 4 = 8 years
Wing CCs	1 year probation, 3 year term, 1 year extension	One additional 3 year term in lieu of current 1 year extension	1 + 3 + 3 = 7 years

- DECISION:

-- Vote to approve / disapprove amendment.

Odell/CAP/GC/334-264-7152/go/10 May 07

DECISION PAPER**ON****AMENDMENT TO CAP CONSTITUTION****Process for Amendments to the Constitution and Bylaws**

- **PURPOSE:** To obtain Board of Governors (BoG) vote to amend CAP constitution to outline process for submitting changes to the C&BL.

- **BACKGROUND:** At the June 2006 NEC meeting, the Constitution and Bylaws Committee was tasked to "look at the present process for legal review of Constitution and Bylaws changes and make appropriate recommendations back through the National Board to the BoG." The process below was devised by the Committee and approved by the National Board at its March 2007 meeting for further revision by the Committee and approval by the NEC. The NEC approved this language at its May 2007 meeting (Deletions are shown in strikethrough type, additions are in italics.):

**ARTICLE XIX
AMENDMENT OF THE CONSTITUTION AND BYLAWS**

1. This Constitution may be amended at any time by the approval of a majority of the members of the Board of Governors at a duly constituted meeting.

2. Bylaws may be amended at any time by the approval of a majority of the members of the Board of Governors at a duly constituted meeting.

3. *Proposals to amend the Constitution and/or Bylaws may be initiated by the Board of Governors, National Board, or National Executive Committee.*

(a) Such initiatives by the Board of Governors shall be ordinarily routed through the Constitution and Bylaws Committee before being routed back to the Board of Governors for approval.

(b) Such initiatives by the National Board shall be ordinarily routed through the Constitution and Bylaws Committee before being routed to back to the National Board (or the National Executive Committee at the discretion of the National Board) before submission to the Board of Governors for approval.

(c) Such initiatives by the National Executive Committee shall be ordinarily routed through the Constitution and Bylaws Committee before being routed to back to the National Board before submission to the Board of Governors for approval.

(d) The Board of Governors may exercise its discretion in making exceptions to this process for reasons including but not limited to administrative changes and exigent circumstances.

3 4. No entity of the Civil Air Patrol shall have the power to amend or eliminate any of the requirements established by federal statute for the Board of Governors, such authority being reserved to the Congress of the United States.

DECISION PAPER**ON****LEGISLATIVE AGENDA - FEDERAL****Federal Legislative Agenda**

- **PURPOSE:** To obtain Board of Governors approval to pursue the Federal Legislative Agenda discussed below.

- **BACKGROUND:** There exists a shopping list of issues that remain unresolved and appear best suited for resolution through Federal legislation. The issues are listed in a tentative order of priority, subject to revision upon advice of CAP's legislative consultants. A discussion of possible approaches to these items is attached.

1. CAP is being underutilized.
2. Governance of CAP
3. Posse Comitatus remains a barrier to CAP assistance to Federal Agencies.
4. Civil Air Patrol is unduly restricted in its use of grant funds appropriated by Congress.
5. FTCA protection needs reinforcement for claims arising from Air Force assigned missions.
6. FECA protections need reinforcement for embers returning home during multi-day missions.
7. State and local taxation on major procurement items unduly strains the CAP acquisitions budget.

Attachment below outlines each issue and an overview of approach.

- DECISION:

-- Vote to approve / disapprove the agenda.

**ATTACHMENT
FEDERAL LEGISLATIVE AGENDA**

**Summary Table: Civil Air Patrol White Paper on Legislative Cures to
Ongoing Problems**

27 February 2006

(All references are to the United States Code unless otherwise stated.)

Issues	Overview of Approach
<p>1. CAP is Being Underutilized. USAF appears to be "filtering" CAP's attempts to market its services to other Federal agencies, specifically including Customs and Border Patrol. (This is closely tied to the <i>posse comitatus</i> issue, discussed below.)</p>	<p>A multi-pronged approach: change titles 5, 10, and 36 to provide that: (1) CAP is the AF Auxiliary <i>only</i> when performing services for DoD (10 U.S.C. §9442), (2) move the provision regarding CAP's "deemed instrumentality" status to chapter 403 of title 36 and change it and (3) 5 U.S.C. §8141 (regarding FECA coverage) to be in effect when CAP is performing missions for <i>any Federal agency</i>.</p>
<p>2. Governance of CAP. Board of Governors, and not Secretary of the Air Force, is the highest CAP authority. AF GC Opinion of March 2005 asserts that SAF has authority over all CAP activities.</p>	<p>Change of language in 10 U.S.C. §9448 and move language regarding of non AF Auxiliary matters to Title 36.</p>
<p>3. Remove Posse Comitatus as a Barrier to CAP Assistance to Federal Agencies. USAF has advised CAP that the doctrine of <i>posse comitatus</i> (13 U.S.C. §1385) applies to missions assigned to CAP by the Secretary of the Air Force notwithstanding 22 U.S. Op. Off. Legal Counsel 103, 1998 WL 1751079 (O.L.C.) (Civilian employees of DoD not subject to PCA when on duty with civilian law enforcement.) because CAP reports to military personnel in performance of missions for the Federal government.</p>	<p>Change the law to provide that military members working in conjunction with CAP in law enforcement missions are in violation of 13 U.S.C. §1385 <i>only</i> if such military members personally participate in a search, seizure, arrest, or other similar activity without lawful authorization. (Phrasing borrowed from 10 U.S.C. §375.)</p>
<p>4. Broaden Use of Federal Grant Funds. Legislative changes to 10 U.S.C. §9441 in 2001 narrowed CAP's Federal appropriated funds usage from "assist[ing] the Civil Air Patrol in the fulfillment of its objectives as set forth in section 2 of the Act of July I, 1946 (36 U.S.C 202)" (Former 10 U.S.C. §9441(b).) to (by way of example) "provid[ing] support . . . appropriate for furthering the fulfillment of Air Force missions and objectives." (10 U.S.C. §9444(b)(12).))</p>	<p>Amend 10 U.S.C. §9444 to authorize the Secretary of the Air Force to provide support to enable Civil Air Patrol to fulfill "its corporate purposes under section 40302 of title 36" in place of language reflecting only Air Force purposes.</p>
<p>5. FTCA Protection for "Claims Arising From Air Force Assigned Missions." On 29 September 2006, Judge Flanagan ruled in <i>Ashley v Civil Air Patrol et. al.</i>, U.S. District Court for the Eastern</p>	<p>Add language to 10 U.S.C. §9442 to provide that (a) CAP is deemed to be an instrumentality for with respect to any <i>claim</i> against CAP arising from Air Force assigned missions and</p>

<p>District of North Carolina, Northern Division, No. 2:04-CV-22-FL, that the claims of negligence in maintenance and training are not covered under FTCA as they were not part of the AFAM in which the deaths occurred. (Tab 1.) This ruling is not consistent with expectations based on previous handling of claims arising out of Air Force assigned missions (AFAMs.)</p> <p>Specifically, in <i>Kelley v. United States</i>, 792 F. Supp. 793 (M.D. Fla. 1992) and <i>Williamson v. Sartain</i>, 555 F. Supp. 487 (D. Mont. 1982). In <i>Kelley</i>, once the court found that the mission was an AFAM, it dismissed all claims (both negligent operation and negligent maintenance claims) against CAP. In <i>Williamson</i>, the court also dismissed all claims against CAP. Although the court based its ruling on other grounds, the U.S. argued that 10 U.S.C. 9442(b) (2) abolished all common law claims against CAP arising out of an AFAM. The argument used by the Court in the present case was not briefed or argued by either party and is not addressed in any prior case.</p> <p>This ruling undermines the basic intent that CAP be covered by claims arising in the course of Air Force assigned missions.</p>	<p>(b) It is the sense of Congress that this is merely a clarification an applies to any and all matters not yet finally adjudicated.</p>
<p>6. FECA Protection For Returning Home During Multi-Day Missions. CAP volunteers should be protected when traveling home during missions for lodging. USAF and DOL denied FECA claims of the widows members flying home for lodging during an Air Force assigned mission. AF & DOL position was that such travel was that "voluntary returns home for personal reasons were not covered under the scope of the mission" and that "the claimant [<i>sic</i> – decedent] was not engaged in an Air Force sanctioned Civil Air Patrol flight at the time of his death. . . ." (DOL Notice of Decision, Claim CP2000014, 12/09/04.) The decision ignored language in 5 U.S.C. 8141 that says that "performance of duty" includes travel to and from service on missions and instead treated CAP members as Federal employees would be treated. Volunteer and employee travel are not in a similar manner – although reimbursement of travel expenses might be authorized for volunteers by law, lodging has traditionally been unfunded both due to budget constraints and the day to day nature of volunteerism. For example, member can – and should be able to – choose to go home when not being specifically tasked. That travel is</p>	<p>Amend 5 U.S.C. §8141(b)(4) to include travel for lodging at home notwithstanding the funding, reimbursability, or availability of lodging at or near the site of such service.</p>

<p>presumed to be protected, notwithstanding whether it is specifically funded. CAP volunteers routinely travel home for lodging during multi-day missions. This is not consistent with the volunteer nature of Civil Air Patrol or its missions.</p>	
<p>7. State & Local Taxation. Many state and local governments are taxing CAP aircraft, typically at rate in excess of \$1,000 per aircraft per year. In some instances the tax is avoided under charitable statutes under the local jurisdiction. This approach requires perhaps as many as 20 man hours per local venue (whichever local government owns the airport). With approximately 550 aircraft spread over 52 state jurisdictions (without considering the number of city or county governments involved) the strain on volunteer resources is great as is the potential exposure of up to \$550,000 (more likely, closer to \$100,000) annually. Legally, it appears that the Federal interest in the aircraft (arguably an equitable lien, see <i>In re Joliet-Will County Community Action Agency</i>, 847 F. 2d 430 (7th Cir. 1988).) would override the local interest in taxing the aircraft. ("[A] right to tax is a right to destroy." (<i>McCulloch v State of Maryland</i>.) The imposition of local taxes on property acquired with Federal appropriated funds jeopardizes the Federal rights in the subject property as well as unduly limiting the overall purpose of the appropriation.)</p>	<p>Establish a section to in chapter 63 of title 31 of the United States Code, which exempts from state and local taxation all property secured with grant funds subject to equitable liens (or other interest) of the Federal government.</p>

DECISION PAPER**ON****LITIGATION POLICY****Granting Litigation Authority to Executive Director**

- **PURPOSE:** To extend certain authority to Executive Director to Litigate on behalf of the Corporation.

- **BACKGROUND:**

1. Authority to Compromise. Corporations typically extend authority to senior executives to act on behalf of the corporation in litigation, to prosecute matters on behalf of the corporation and compromise on claims made by and against the corporation.

From time to time, Civil Air Patrol has required such authority be exercised by its Executive Director or his designee regarding claims covered by liability insurance.

2. Authority to Litigate. CAPR 112-9, *Claims, Demands, and Legal Actions for or Against the Civil Air Patrol, the United States Air Force, and the United States*, ¶9 provides, in pertinent part:

As a legal entity, Civil Air Patrol, Inc. has the authority to sue. No law suits to recover damages or legal claim of any kind in the name of Civil Air Patrol, Inc., shall be brought without the approval of the National Commander, NEC or National Board.

It is anticipated that CAP will need to be progressively more proactive in enforcing its rights in the procurement arena (contesting the reasonableness of maintenance and repair bills) and intellectual property (protecting property rights in trade marks, copyright and publications.)

Authority for CAP to appear as *amicus curiae* ("friend of the court") has arisen from time to time in the context of denial of benefits (e.g. Federal Employment Compensation Act or Public Safety Benefit Act benefits) reasonably due to widows of members killed in the line of duty. Volunteers and employees have been willing to volunteer their time to argue positions that, although beneficial to specific widows, are of lasting value and importance to the membership – and thus the corporation as a whole.

3. This Proposal. The proposal below would ratify traditional practices with regard to insured claims and grant additional authority to the Executive Director. It has been endorsed by the NEC and is now forwarded to the Board of Governors for approval.

- **PROPOSAL:** That the Board of Governors approve and adopt the following policies:

1. The Executive Director or his designee is hereby granted the authority to initiate litigation on behalf of Civil Air Patrol. Specific actions include but are not limited to actions to ascertain, protect, and enforce the corporation's contractual and property rights.

2. The Executive Director or his designee is granted authority to compromise claims and actions against Civil Air Patrol as follows that are either within CAP's insurance policy limits or which will result in payments by CAP not to exceed \$100,000.

3. The Executive Director or his designee is granted authority to compromise claims and actions which the Executive Director has brought on behalf of Civil Air Patrol.

4. The Executive Director or his designee may be exercise authority to compromise claims or actions brought on behalf of Civil Air Patrol at the request of National Commander, NEC or National Board as such authority is granted by the requesting authority.

5. Upon the authorization of National Commander, NEC, National Board, or Executive Director, CAP may appear as an *amicus curiae* ("friend of the court") in matters that in the best interests of the Civil Air Patrol. This paragraph does not authorize the expenditure of funds such as by hiring outside counsel or incurring fees beyond reasonable filing fees.

- **DECISION:**

-- Vote to approve / disapprove policy.

Agenda Item: 3

Executive Director's Update

Background

Mr. Don Rowland, Executive Director of CAP and Executive Secretary to the BoG, will update the BoG on the following items:

- a. Assessment
- b. FY07 Corporate and Appropriated Year-to-Date Review
- Update only (**Appendix A**)
- c. FY08 Corporate Budget (**Appendix B**)
ACTION REQUIRED
- d. Line of Credit Review
- Update only
- e. Investments
- Update only
- f. Program Narrative (SOW) Rewrite
- g. Twin-Engine Aircraft Requirement
- h. CAP HQ Program Development & Foundation Update

Proposed BoG Action

To be determined.

Funding Impact

To be determined.

Committee Recommendation

The CAP Finance Committee has reviewed the financial data presented and forwarded these items through CAP's NEC for presentation to the Board of Governors.

BoG Action

- a. Assessment – no action required
- b. FY07 Corporate and Appropriated Budget Year-to-Date Review – no action required
- c. FY08 Corporate Budget

MAJ GEN SPEIGEL, USAF (Ret), moved and LT GEN HOPPER, USAF (Ret), seconded a motion that the BoG approve the CAP FY08 Corporate Budget.

THE MOTION CARRIED UNANIMOUSLY

MAJ GEN MORROW, USAF, expressed concerns that Globalstar's ability to provide the better service promised to support aerial imaging has failed, resulting in a need for General Counsel to look at the contract entered into with Globalstar. The Executive Director explained that there is a service agreement with Globalstar and CAP has asked for compensation because the service has been denigrated.

- d. Line of Credit Review – no action required
- e. Investments – no action required
- f. Program Narrative (SOW) Rewrite Update – no action required
- g. Twin-Engine Aircraft Requirement – no action required
- h. CAP HQ Program Development & Foundation Update – no action required

DECISION PAPER

ON

FY08 CORPORATE BUDGET

- **PURPOSE:** To obtain approval of the CAP FY08 Corporate Budget.

- **BACKGROUND:** During each budget cycle, the BoG is asked to approve the CAP budgets. This meeting will seek approval of the FY08 Corporate Budget.

Budget is at **Appendix C**. Mr. Rowland will brief the significant adjustments to the FY08 budget as compared to FY07.

- **HIGHLIGHTS:**

-- Senior and Cadet membership dues are based on actual membership as of 28 February 2007

-- No NCASE in 2008

-- No Vehicle Self Insurance (VSI) Premiums in FY08

-- 12% reduction from FY07

-- New Programs:

School Enrichment Program	\$25,000
Cadet Program Summit	\$ 5,000
Professional Development Summit	\$ 4,000

-- Deleted Items:

Deputy Chief of Staff	-\$12,968
Insurance: Accident & Death	-\$20,000
Program Development Cash Reserve	-\$75,000
National Board Committee	-\$ 8,000
Oshkosh Improvement Fund	-\$10,000
Hawk Mountain Facility Improvement	-\$ 4,000
NCASE	-\$ 5,000
Squadron Leadership Course	-\$12,480
Corporate Learning Course	-\$ 3,280
National Paging System	-\$12,000

-- Increased Costs:

Chief of Staff	+\$12,000	+92%
Winter National Board Meeting	+\$ 4,000	+40%

-- Decreased Costs:

Region Operating Funds	-\$16,000	-20%
Safety	-\$ 5,999	-83%
General Counsel Prof Legal Services	-\$16,000	-80%
Salary Allocation to Corporate	-\$10,000	-33%
National Cadet Competition	-\$17,000	-23%
Advanced Technologies	-\$12,500	-63%
Membership Card Supplies	-\$13,100	-50%

- **DECISION:** Approve the CAP FY08 Corporate Budget.

DECISION PAPER**ON****TWIN-ENGINE AIRCRAFT FOR CIVIL AIR PATROL**

- **PURPOSE:** State the requirements and facts to consider about purchasing/leasing a twin-engine aircraft

- **BACKGROUND:** CAP and the Air Force would benefit from having another twin-engine aircraft (CAP already has one in HI but it is up for sale). A twin-engine aircraft would allow CAP to safely conduct deep over-water missions while not having to rely on member-owned twin aircraft. A twin-engine aircraft can more safely support Air Force Assigned Missions related to Air Defense Sector, homeland security, disaster relief, and other emergency services missions when flying outside a single-engine's gliding distance to shore. Currently CAP restricts the use of aircraft beyond 50 miles from shore due to water survival and rescue concerns. A twin-engine aircraft would allow CAP to provide services for interceptor training or counterdrug operation well beyond our normal operating range. It would also enable CAP to explore new Air Force Assigned Missions for 1st AF/AFNORTH such as offshore patrols, reconnaissance, and "presence" missions. It would allow CAP to fly a variety of missions at a greater range of airspeeds for simulated threat scenarios thus expanding CAP's capabilities to the Air Force. A CAP owned/leased twin-engine aircraft can provide disaster relief transportation support with higher speed and larger payload--addressing a distinct shortfall with aircraft used to support hurricane relief efforts in 2005. 1st AF specifically requested this mission capability immediately following Hurricane Katrina.

The Air Force requires CAP members flying their own aircraft (twin or single) to execute a "hold harmless agreement" when flying an Air Force Assigned Mission. This places the aircraft damage burden squarely on the shoulders of the CAP member and his/her insurance company. A CAP owned aircraft would relieve our members of the burden of choosing between providing support to our Nation with conflicting concerns over potential for great personal financial loss.

Previous twin-engine support for Air Defense Sector missions include: FY05 - 118 hours; FY06 - 50 hours; FY07 (to date) - 15 hours. In addition, the Hawaii Wing Partenavia flew 116, 48 and 33 hours respectively in FYs 05-07. While these total hours seem low, they are not reflective of how the Air Force could more fully utilize a CAP twin-engine aircraft. It is important to note, CAP has not had an accident involving a twin-engine aircraft as far back as our records go. To ensure this safety record stays intact should CAP buy/lease a twin-engine aircraft, CAP will make arrangements for professional training (Flight Safety International, etc) for two highly qualified multi-engine instructor pilots who will train all other initial cadre pilots.

300 hours PIC in multi-engine aircraft, a Commercial or ATP certificate, and a rigorous training program will be required to qualify and maintain currency in the aircraft.

The aircraft would most likely be based in the Southeast US where a large number of our over-water missions and twin-engine requirements are. CAP would configure the aircraft with typical CAP mission equipment to include a UHF radio to increase its capability to perform current and future missions in direct support of 1st Air Force/AFNORTH.

- **DECISION:** None required. For information only.

Agenda Item: 4

Audit Committee Report

Background

The Civil Air Patrol Board of Governors Audit Committee normally meets twice a year in conjunction with the regular meeting of the Board of Governors. Brig Gen Bergman, Chairman of the Board of Governors' Audit Committee, will provide an update on recent activities and findings as well as progress towards compliance with the Sarbanes-Oxley Act.

Proposed BoG Action

To be determined.

Funding Impact

None.

Committee Recommendation

Presented by Brig Gen Bergman.

BoG Action

BRIG GEN BERGMAN presented a slide briefing:

1. Wing Banker Solution (WBS). He reported that 50% of the wings are on board with this program. It is now estimated that in 2 years CAP should be able to achieve an unqualified audit.
2. Line of Credit. The Defense Finance Accounting Service (DFAS) has notified CAP that all funding requests will soon be managed electronically for faster processing, which may reduce the amount drawn on a line of credit.
3. Risk Assessment. The risk assessment accomplished by FM and the Wing Finance Administrators indicates a great decrease in the problems of wing finance. The progress also is a result of increased command emphasis on getting wing finances in order.
4. Wilson Price Audit. He showed an update on the increase of wings under the National audit, from 30 in 2002 to 43 in 2006. He noted that the goal is for all wings audited by Wilson Price to provide better continuity and accountability.

BRIG GEN BERGMAN, CAP, moved and LT GEN HOPPER, USAF (Ret) seconded a motion that the BoG approve the Audit Committee recommendation that Brig Gen Amy S. Courter, CAP, be appointed as a member of the BoG Audit Committee to replace Brig Gen Paul M. Bergman, CAP.

THE MOTION CARRIED WITH ONE ABSTENTION (Brig Gen Courter, CAP)

BRIG GEN BERGMAN, CAP, moved and MAJ GEN PINEDA, CAP, seconded a motion that the BoG approve the Audit Committee recommendation that Lt Gen John D. Hopper, Jr., USAF (Ret), be appointed the Chairman of the BoG Audit Committee to replace Brig Gen Paul M. Bergman, CAP.

THE MOTION CARRIED UNANIMOUSLY

Agenda Item: 5

Litigation Update

Background

Mr. Gordon Odell, Headquarters Civil Air Patrol General Counsel, will update the Board of Governors on the status of litigation involving the Civil Air Patrol. (Discussion in attached Background Paper)

Proposed BoG Action

To be determined.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

MR. ODELL briefed the current lawsuits against CAP. He noted that as issues change or are settled between meetings he will ensure that board members are updated at the next meeting.

BACKGROUND PAPER**ON****GC LITIGATION UPDATE**

- **PURPOSE:** To update Board of Governors on status of lawsuits against CAP
- **BACKGROUND:** Below are the current lawsuits against CAP. Details will be provided during BoG meeting. Any discussion on strategy employed or resolution of suits will require a closed-door session.

- **Aric Hall v Civil Air Patrol**
- **Campbell v CAP***
- **CAP v American Air** *(Settled before filing.)
- **CAP v Delta & FAA** (Not filed.)
- **CAP v Jackson Hole Aviation** * (Settled before filing.)
- **Doe v CAP** (Settled)
- **Hammons Hotels v CAP** (Settled before filing.)
- **NC Aircraft Accident Litigation*** (Dismissed.)
- **Plaszowiecki v Civil Air Patrol**
- **Stella v CAP**

- **DECISION:** None required

Agenda Item: 6

Membership Action Review Board Update

Background

The Membership Action Review Board (MARB) was established by the Constitution as a board of final review for adverse membership actions taken by commanders at all levels. It has the authority to independently review demotions, removal from command, membership suspensions in excess of 60 days, and membership terminations. It has jurisdiction when a member claims that the adverse membership action was motivated by retaliation, reached without due process, or involved a material failure to follow applicable CAP regulations; and has the authority to affirm, reverse, or modify in favor of the member, the final adverse membership action. The Board of Governors has requested the MARB report on recent activities.

Mr. Gordon Odell, Headquarters Civil Air Patrol General Counsel, will report on the activities of the MARB.

Proposed BoG Action

To be determined.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

The update was provided in a MEMORANDUM FOR BOARD OF GOVERNORS, dated 3 June 2007.

There was discussion on the resolution of complaints through the Inspector General process and through the Membership Action Review Board (MARB) and whether both remedies should be available at the same time. Col Worek, CAP, National Legal Officer, the Chair of the MARB, clarified that the role of the MARB is to review the processes to be sure that due process has been followed; to ensure that there have been no violation of the regulations or no retaliation; and the members of the MARB do not revisit the cases. He added that, in his opinion, the MARB is a very good mechanism and is only used in very limited instances. Brig Gen Courter, CAP, stated that while the MARB may be fulfilling its role, she pointed out that Maj Gen Pineda had raised the issue that an IG complaint can happen at the same time as a MARB complaint and may need to be addressed. Col Worek, CAP, clarified that by regulation

and by Constitution and Bylaws, the MARB will not hear any case until all other avenues have been exhausted.

Agenda Item: 7

CAP Commander School and Professional Development Track

Background

In recent months, the Civil Air Patrol national leadership has indicated that CAP is experiencing difficulty in identifying qualified candidates for service in senior leadership positions, which was one of the driving factors in recent recommendations for extension of wing and region commander terms. Additionally, senior Air Force leaders have recently shared their concerns with the BoG on matters of CAP senior leadership selection, accountability, and other matters of professionalism. The BoG should acknowledge this as a major issue and establish a tiger team to study, analyze, and identify solutions to these leadership challenges at the December 2007 BoG Meeting.

Presently, CAP wings conduct a series of Unit Commander Courses for subordinate squadron and group commanders, and CAP National Headquarters conducts annual CAP Commanders Course for recently selected wing and region command and other CAP officers identified as strong candidates for CAP senior leadership positions. A BoG tiger team, if selected, would identify ways in which to enrich the curriculum of the CAP Commanders Course by taking a long, hard look at course content and by involving senior Air Force and Civil Air Patrol leaders to act as mentors to newly appointed wing and region commanders. The ranks of former CAP National Commanders and retired USAF general officers who now serve as CAP officers would provide a rich source of talent for the development of current and future CAP leaders. A number of other potential solutions exist and would likely be identified by this proposed BoG tiger team, which would have great potential for enhancing the professionalism of the CAP senior leadership corps for years to come.

Proposed BoG Action

That the Board of Governors approve formation of a Leadership Development Tiger Team. If approved, ask the BoG to identify members to serve on Tiger Team determined.

Funding Impact

To be determined.

Committee Recommendation

None.

BoG Action

This agenda item was presented by Brig Gen Bergman, CAP, as an informational item only. Professional Development is an on-going endeavor as outlined in a background

paper included in the Executive Director's Update. The Summary states: "CAP is being proactive in professionalizing its all-volunteer workforce by embracing technology through eLearning and formalizing guidelines for command and leadership."

FOLLOW-ON ACTION: Include a progress report on Professional Development in future BoG meetings. Include in the December 2007 BoG agenda, and future BoG agendas.

Agenda Item: 8

Appointment of BoG Ethics Committee

Background

Currently, the BoG Audit Committee is the only subcommittee created by the Board of Governors to assist in its Congressional charter of providing independent oversight of the Civil Air Patrol Corporation. A significant number of CAP members have voiced concerns that complaints filed with the CAP Inspector General (IG) and the Membership Action Review Board (MARB) are investigated and resolved by CAP members who have been nominated by the National Commander and with subsequent confirmation by the BoG, but without independent verification of nominee qualifications or reasons for nomination by the National Commander. The result has been a widespread perception within the volunteer CAP ranks that the IG and MARB nomination processes, as well as subsequent IG investigations and MARB reviews, are biased toward outcomes pre-determined by the CAP national leadership. In the view of many, this situation impairs the ability of the IG and MARB to execute their duties, creates a perception that IG and MARB processes are flawed, and chills member confidence in these processes that are essential elements of a culture of ethics.

On 25 August 2006, the CAP published a "Civil Air Patrol Ethics Policy" that outlines expectations for ethical conduct by CAP's volunteer membership and employees; however, the situation outlined in the above paragraph works against ethical standard 3, which mandates "working relationships based on mutual respect, fairness, and openness." By establishing a BoG Ethics Committee, which would function in a manner similar to the existing BoG Audit Committee, the BoG would strengthen its oversight role and dispel any perception of impropriety in the IG and MARB selection processes and subsequent investigations and outcomes.

This BoG Ethics Committee would significantly enhance professionalism in the volunteer leadership ranks of the Civil Air Patrol through the following:

- Independent selection of individuals to serve as CAP Inspector General and as members of the MARB
- Independent selection of a CAP Ethics Officer for the CAP Corporation
- A review and revision of CAP directives that govern suspension and/or removal of the National Commander and National Vice Commander
- A study and creation of new policies and procedures for the appointment, suspension, and/or removal of all corporate officers

Proposed BoG Action

That the Board of Governors approve formation of a BoG Ethics Committee. If approved, ask the BoG to identify members to serve on this committee with the charter to first address those four items above.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

This agenda item was presented by Brig Gen Bergman, CAP as an informational item only. It was noted that CAP already has an ethics policy and several levels of ethics' checks including the command structure, the MARB, and the BoG Audit Committee.

Agenda Item: 9

Ratification of Major General Rank after Successful Completion of National Commander Tour of Duty

Background

Current Civil Air Patrol regulations specify that the National Commander will assume the CAP rank of major general upon election and assumption of the position, with the presumption that the rank is permanent in nature, regardless of the quality of performance of duty. In contrast, U.S Air Force general officers who are confirmed in the Air Force's two highest ranks (lieutenant general and general) wear three-star and four-star rank in a temporary capacity until satisfactory completion of their assignment, subsequent retirement or reassignment, and confirmation by the United States Senate after a successful period of duty performance. Alternatively, Air Force lieutenant generals and generals may revert to a prior (and lesser) general officer grade if the quality of their duty performance is considered to be sub-standard.

Because the position of CAP National Commander is the highest office in the Civil Air Patrol and likewise carries inherent obligations to the highest standards of duty performance, the BoG should adopt a mechanism for assessing the quality of duty performance by National Commanders at the conclusion of their tour of duty. Presently, no method of oversight exists by which the BoG may formally assess the duty performance of CAP National Commanders and take appropriate action in those rare instances in which the National Commander's performance of duty failed to meet acceptable minimum standards. This proposal is an important step in ensuring National Commander accountability to the BoG, assuring the Air Force and the general public that CAP is committed to the highest standards of conduct and accountability, and signaling to our own membership that we hold our leadership to the same standard as we hold our general membership.

Proposed BoG Action

Approve concept that BoG approves permanent rank for out-going National Commanders. Task C&BL committee to draft language for change to appropriate section(s) of CAP Constitution to implement this process.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

This agenda item was presented by Brig Gen Bergman, CAP as an informational item only. No action was taken.

Agenda Item: 10

Extension of Appointment for CAP Member-at-Large

Background

When the BoG was originally established, two members-at-large were elected by Civil Air Patrol to serve concurrent terms. With the rotation of the Chair and Vice Chair position every two years between the United States Air Force and Civil Air Patrol, both members-at-large and the remaining two serving CAP members on the BoG (National Commander and National Vice Commander) were all equally eligible for consideration to serve in the BoG senior leadership positions.

One CAP member-at-large who was elected to his seat on 27 February 2001 was later removed on 3 May 2003 (the *half-way* point in his four-year term), which created an out-of-cycle selection of a replacement. This out-of cycle appointment left his successor with just six months remaining in his four-year term when the BoG Chair was scheduled to rotate back to Civil Air Patrol. For all practical purposes, this precluded any opportunity for consideration to serve as BoG Chair. Approval of this proposed one-time extension of this CAP member-at-large term would revert the seat to its original tenure to serve on an equal par with the other CAP member-at-large position on the BoG.

Proposed BoG Action

Extend the upcoming CAP Member-at-Large appointment so that period of service will coincide with the original intent of the membership cycle. If approved, this action will extend Brig Gen Bergman's successor by 2 years.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

This agenda item was presented by Brig Gen Bergman, CAP as an informational item only. No action was taken.

Agenda Item: 11

Other Business

ITEM 1. Region Commander Terms

BRIG GEN COURTER, CAP, recommended reconsideration of the term of office for region commanders only (Agenda 2, paragraph b. (1) (c), by allowing a 1-year extension as is currently allowed for wing commanders.

BRIG GEN COURTER, CAP, moved and LT GEN SEAROCK, USAF (Ret) seconded a motion to reconsider and that the BoG approve the following revised change to the motion under Agenda 2, paragraph b. (1) (c) as it pertains to the region commander terms: Delete the words “successive one-year extensions up to a maximum of four additional years,” and substitute the words, “a one-year extension.” This proposed change to the Constitution would read:

“e. Regional commanders shall serve a four-year term, and the National Commander may grant a one-year extension. This provision shall not preclude a region commander from serving a subsequent non-consecutive term.”

THE MOTION DID NOT PASS

Agenda Item: 12

Next Meeting

Background

The BoG normally meets twice a year. In 2007, the proposal is to conduct the second meeting of the year on Wednesday, 5 December 2007 in the Washington DC area. (Discussion in attached Decision Paper)

Proposed BoG Action

That the Board of Governors vote to approve Wednesday, 5 December 2007 as the next meeting date and that it be held in the Washington DC area.

Funding Impact

None.

Committee Recommendation

None.

BoG Action

BY ACCLAMATION OF THE BOG, the next meeting will be held on 5 December 2007, as recommended.

DECISION PAPER
ON
NEXT BOG MEETING

- **PURPOSE:** To obtain Board of Governors (BoG) approval for their next meeting date and location.

- **BACKGROUND:**

- BoG is chartered to meet at least twice during the calendar year
- Historically meetings are held in June and December
- Last item on each BoG agenda is normally the selection of the next meeting date
- NHQ recommends the next meeting date of Wednesday, 5 December 2007 in the Washington DC area
- There are no national holidays or other significant events that would conflict with this date

- **DECISION:** Select Wednesday, 5 December 2007, Washington DC, as the next BoG meeting date and location.

APPENDIX A

FY07 Corporate & Appropriated Budgets: Year to Date

APPENDIX B

FY08 Corporate Budget