

## Board of Directors Interim Report

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Reference  
Key Number

### 100 INTRODUCTION

The Board of Directors held its quarterly meeting on Saturday and Sunday, January 23 - 24, 2010, and continued meeting during work periods throughout the remainder of the Interim Meetings. The Board of Directors and the National Type Evaluation Program (NTEP) Committee invited members to dialogue with the Board on the following issues: improving efficiency and effectiveness; proposed Bylaw changes; membership; the newsletter and website; strategic planning; conformity assessment; and participation internationally, i.e., International Organization on Legal Metrology (OIML), the OIML Mutual Acceptance Arrangement (MAA), the Mutual Recognition Arrangement (MRA) with Measurement Canada, and U.S. National Work Groups (USNWG).

Table A identifies the agenda items in the Report by reference key number, item title, and page number. An item marked with an “T” after the reference key number is an informational item. An item marked with a “V” after the reference key number is a voting item. Table B lists the appendices to the Report.

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**Details of all Items**

(In order by Reference Key Number)

**100-1 W NCWM Automatic Temperature Compensation (ATC) Steering Committee**

The ATC Steering Committee was formed in 2007 to assist NCWM in forming a consensus on issues before the Specifications and Tolerances (S&T) Committee and the Laws and Regulations (L&R) Committee. The Board receives quarterly activity reports from the Chair of the ATC Steering Committee. In addition, they review future Steering Committee activities and related NCWM work on this issue.

To date, the Steering Committee has forwarded numerous recommendations to the standing committees to assist them in the development of their respective agenda items. Following the 2008 Annual Meeting, the Steering Committee was asked to provide responses to comments and questions that were received by the Specifications and Tolerances Committee during its open hearings. The responses were provided to the Specifications and Tolerances Committee for consideration at the January 2009 NCWM Interim Meeting.

Based on actions taken by the Laws and Regulations Committee at the 2009 Annual Meeting, the Board of Directors has chosen to discontinue the ATC Steering Committee and this item is withdrawn. Members of the Board expressed great appreciation for the work of the Steering Committee for the meetings and the charge given to it when it was formed in 2007. Specific praise was given for the meeting the Board conducted in Chicago, Illinois, that year and the recommendations that followed.

**100-2 I Membership and Meeting Attendance**

The Board continues to assess avenues for improving membership and participation at Interim and Annual Meetings. Membership and attendance are driven to some degree by the items on the agendas and by the economy. It is important that NCWM be active in notifying potential stakeholders of agenda items that may be of interest and warrant their attention. This effort will have an impact on both membership and attendance.

The attendance at the 2010 Interim Meeting was exceptional with 148 registered attendees. However, membership has declined again this year, primarily in the category of state government members. This is viewed as a direct impact of budget cuts.

The following is a comparison of NCWM membership levels for the past six years.

<b>NCWM Membership Report</b>						
	<b>December 2009</b>	<b>December 2008</b>	<b>December 2007</b>	<b>December 2006</b>	<b>December 2005</b>	<b>December 2004</b>
Associate	757	777	807	804	783	784
Foreign Assoc	51	47	53	49	51	33
Federal Gov't	11	10	9	9	13	13
NIST	12	13	14	14	10	8
State Gov't	550	668	814	794	791	826
Local Gov't	512	522	548	547	465	453
Int'l Gov't	11	23	22	29	21	29
Retired	197	216	222	221	221	224
<b>Total</b>	<b>2101</b>	<b>2276</b>	<b>2489</b>	<b>2467</b>	<b>2355</b>	<b>2370</b>

### 100-3 I NCWM Newsletter and Website

The Board continuously considers ways to monitor and improve the content of the newsletter and website. Members are encouraged to bring ideas and articles forward for inclusion in newsletters. Of particular interest are articles that would be pertinent to field inspectors and the service industry.

In the fall of 2009, NCWM contracted with a new vendor to redesign and host our website. This new site provides e-commerce through PayPal and a new “shopping cart” feature that allows visitors to pay fees for membership, meeting registration, publication orders, NTEP applications, and NTEP maintenance fees online. With the new e-commerce features, the site gives each member control of their log-in password for improved security. We have also added the NCWM Policy Manual and approved minutes from Board of Directors meetings to the “Members Only” section.

The website continues to be a work in progress. Many good suggestions were offered at the 2010 Interim meeting and were incorporated into both the NCWM site and the regional sites that are hosted and maintained by NCWM.

Ms. Lindsay Hier, Project Coordinator for NCWM, serves as the Webmaster. Comments and suggestions for improvements to the newsletters and website should be directed to NCWM at (402) 434-4880 or via e-mail at [info@ncwm.net](mailto:info@ncwm.net).

### 100-4 I Meetings Update

#### *Interim Meetings*

January 23 - 26, 2011	The Fairmont Dallas, Dallas, Texas
January 2012	To Be Determined

#### *Annual Meetings*

July 11 - 15, 2010	Crowne Plaza St. Paul Hotel, St. Paul, Minnesota
July 10 - 14, 2011	Holiday Inn Downtown at the Park, Missoula, Montana
July 2012	TBD in the Northeastern Region
July 2013	TBD in the Southern Region

The 2010 Interim Meeting was very well attended this year and included an interesting array of new items for consideration for the standing committees. The 2010 Annual Meeting will be at the Crowne Plaza in historic downtown St. Paul, Minnesota, on the Mississippi riverfront. It promises to be a terrific setting for our attendees, and we have a unique Wednesday evening outing planned.

The 2011 Interim Meeting will be held at the Fairmont Dallas in Dallas, Texas. This hotel is set in the heart of downtown Dallas, surrounded by arts, shopping, dining, and entertainment. The 2011 Annual Meeting will be at the Holiday Inn Downtown in Missoula, Montana. The hotel is adjacent to the Clark Fork River and within easy walking distance to the downtown district, where attendees can enjoy food and entertainment that cater to tourists, the college crowd, and locals.

The 2012 Interim Meeting site has been narrowed down to Charleston, South Carolina, or New Orleans, Louisiana. Attractive offers have been made by hotels in both cities. The 2012 Annual Meeting will be in the Northeast Region. NCWM Staff has received recommendations from the Northeast Region. The selection has been narrowed to Portland, Maine, and Rochester, New York.

The 2013 Annual Meeting will be held at a location to be determined in the Southern Region. The SWMA is asked to provide suggestions of cities and properties to NCWM. It is not necessary for members to enter into negotiations with hotels. Members may obtain site selection criteria from Ms. Shari Tretheway, NCWM Office Manager, at (402) 434-4880 or e-mail to [shari.tretheway@ncwm.net](mailto:shari.tretheway@ncwm.net).

## **100-5 I Participation in International Standard Setting**

Dr. Charles Ehrlich and other NIST Weights and Measures Division (WMD) staff briefed the NCWM Board and NCWM members on key activities of OIML and regional legal metrology organizations during open hearings of the 2010 Interim Meeting (see Appendix A).

Of particular interest is the International Committee of Legal Metrology (CIML) Meeting to be held at the Doubletree Hotel in Orlando, Florida, September 20 - 24, 2010. Mr. Ehrlich extended an invitation to NCWM to provide a keynote address to the assembly to welcome them and provide a brief overview of the legal metrology system in place in the United States. Those interested in attending should contact Dr. Ehrlich, NIST at (301) 975-4834 or Ms. Lisa Warfield, NIST at (301) 975-3308 for more information. Interested vendors should contact Mr. Bob Murnane, Seraphin Test Measure at (609) 267-0922.

## **100-6 I Efficiency and Effectiveness**

The Board is examining methods of efficient use of NCWM resources that will promote effective service to its members and stakeholders. The Board welcomes member feedback on ideas to increase the effectiveness of the Conference.

### **Regional Support**

**Regional Website Hosting:** Currently, the Southern and Central regional association websites are hosted through the NCWM. Due to interest expressed by Northeastern and Western members to host their sites as well, NCWM received pricing from our web host to include them. The cost is \$4,000 per region if they use the similar template as the Southern and Central sites. Each region has the ability to customize menu options and color design. At the January 2010 Board Meeting, the Board agreed to fund the development of the two remaining regions' websites if they would like to be hosted through NCWM. NCWM would also absorb any cost in hosting fees as it does with the initial two regions already using this service. This offer was forwarded to the regional President/Chairman of the Northeastern and Western for a response due by July 31, 2010. They would be subject to the Regional Website Maintenance Policy outlined below.

**Regional Website Maintenance:** In the past, regions whose sites were hosted through NCWM have paid NCWM an hourly rate for updates to the content. This has caused the regional associations to economize by requesting updates to information posted on their sites only once or twice per year.

At the May 2009 Board Meeting, the Board adopted the following policy for hosting regional websites that incorporates an annual flat fee for NCWM staff services to post updates.

1. NCWM will invoice the Treasurers of participating regional associations annually during the month of January in the amount of \$200 for the hosting and maintaining of regional association websites.
2. Hosting fees will pertain to any routine website maintenance and updates that are performed in-house.
3. A bid will be provided to the regional association for any requested services that would involve fees outside the scope of normal maintenance. Additional costs for these services will be assessed to the regional association.
4. NCWM will contact the regional representative for each participating regional association on a quarterly basis requesting any updates to their respective web pages.

**Shopping Cart Service for Regional Websites:** NCWM has also received bids from its new web host to add shopping cart services for online membership dues and meeting registrations to the regional sites hosted by NCWM. The cost to develop is \$3,500 per region. If regional associations choose to incorporate these features through their NCWM-hosted sites, it would be through the NCWM PayPal account and the funds would be transferred to the region's bank account, less credit card fees, currently about 3.5 %.

**Administrative Support to the Regions:** NCWM was asked to consider providing administrative services to the regions. This would reduce burdens on the Secretary/Treasurer who volunteers those services to the region. It would also enable acceptance of credit card payments for membership and meeting registrations using NCWM's merchant services. Credit card fees would apply, which are currently about 3.5 %. At the January 2010 Board Meeting, a fee schedule was approved that would apply to regions who request NCWM administrative services for membership invoicing, meeting registration, database maintenance, and monthly reporting. These services, including credit card processing, are available whether or not a region elects to add the shopping cart feature to their website as mentioned above. The shopping cart feature would simply be an added enhancement to the administrative process and customer convenience.

### **Staffing**

**NCWM Staff:** The new management structure at NCWM is providing significant cost savings. These savings combined with the benefit of full-time dedicated staff, has enabled the Board of Directors to consider dramatic enhancements to its level of service and effectiveness. More information is available in the NCWM strategic plan made available at [www.ncwm.net](http://www.ncwm.net) in the "Members Only" portion of the website.

**Meetings:** The Board has considered options for meeting staffing, including the use of volunteer assistance from the local jurisdiction as a means of conserving meeting costs. Last year, volunteer assistance was used in combination with NCWM staff. The Board has recognized that the number of NCWM staff at meetings in 2009 was less than under previous management so cost savings are realized if the Board continues at the current level. The Board also discussed the benefits of the full-service NCWM staff to maintain the professional image of the organization at these national events. The Board's decision is to support the level of staffing that was used in 2009. The Executive Director will assess staffing needs on an ongoing basis to ensure an appropriate level of professional service at NCWM events without undue cost.

### **Standing Committee Structure**

**Specifications and Tolerances Committee:** The Board has explored the possibility of splitting the S&T Committee into two separate standing committees – one for measuring instruments and one for weighing instruments. Historically, the agenda of the S&T Committee has been very demanding. By dividing the committee into more specialized groups, it would:

- effectively reduce the number of agenda items for a standing committee;
- allow the committees to give more attention to the items that are on their respective agendas;
- provide specialized expertise to each standing committee; and
- expedite the standards development process.

The Board envisions that General Code items and codes that do not fall clearly into weighing or measuring would be addressed by some form of a joint committee.

At the fall 2009 Board meeting, a small group was formed to review ideas and options on the S&T Committee structure. This work group reported back to the Board at the 2010 Interim Meeting. A review was made of the past workload of the S&T Committee. The work group noted that the format of the Interim Meeting was modified in recent years to be a day shorter and to have consecutive open hearings instead of concurrent open hearings. These format changes reduced the amount of time the committees have to develop their agenda items. The Board also discussed the use of Informational and Developing status for items, noting that it may be helpful to set out some guidelines in how these categories of items are ultimately developed to reduce some burden for the committees. The Board continues to consider options including committee structure, use of subcommittees, changes to meeting format, and a structured approach for Informational and Developing items.

**Work Session Protocol:** NCWM standing committees have historically refrained from accepting comments from observers during their committee work sessions at Interim and Annual Meetings. The rationale has been that all meeting attendees should benefit from stakeholder input during open hearings. However, there are times when an

observer could offer technical clarifications that would make a committee's work session more productive and its decisions more informed. Past policy has made observers hesitant to raise their hand because the perception exists that it is unacceptable. Likewise, committee chairs have been reluctant to call on observers for assistance.

At the January 2010 Board Meeting, the following policy was adopted and implemented for the Interim Meeting that followed. This policy change enables standing committees to accept input from observers in an appropriate manner during these work sessions, allowing the committees to work more efficiently without circumventing due process.

**The following policy was adopted:**

- Committee chairs may accept contributions of technical clarification only from observers during their work sessions.
- Observers shall not dominate discussions, restate positions from the open hearings, or provide new positions.
- Committees shall communicate any new information received during work sessions in their addendums so other attendees have an opportunity to respond.
- For consistency, the following prepared statement shall be read out loud by the committee chair at the beginning of each work session and throughout as deemed necessary:

*"This is a work session of the standing committee. Observers who wish to contribute technical clarification to assist in the committee's decision process shall raise their hand to be recognized by the committee chair. No opinions or positions will be heard from observers during the work session and should be stated publicly during open hearings."*

**100-7 V Bylaws Amendment: Article I, Article IX, and Article X – Establish NCWM as a Nebraska Corporation**

**Purpose:** Provide continuity to the Corporation by changing its corporate status from Virginia to Nebraska now that its headquarters is located in Nebraska.

**Proposal:** Amend Articles, I, IX, and X by removing references to the Commonwealth of Virginia and the Virginia State Corporation Commission and replacing them with references to the State of Nebraska and the Nebraska Secretary of State, as follows:

**Article I – General**

**Section 1 - Corporate Status**

This Corporation shall be known as "The National Conference on Weights and Measures, Inc.," hereinafter called the "Corporation," and is incorporated under the laws of the ~~Commonwealth of Virginia~~ State of Nebraska as a ~~Virginia Nonstock~~ Nebraska Domestic Nonprofit Corporation.

**Article IX – Committees**

**Section 5 – Duties and Fields of Operation of the Board of Directors and Committees**

A. Board of Directors

The Board of Directors is the governing body of the Corporation and is authorized to make all decisions relating thereto, including but not limited to the following:

1. conducts the business of the National Conference on Weights and Measures, Inc., as a Corporation, which at a minimum includes ~~(a)~~ overseeing the preparation and filing of the ~~annual-biennial~~ report and fee for filing with the ~~Virginia State Corporation Commission~~ Nebraska Secretary of State in compliance with ~~Va. Code §13.1-936~~ Nebraska Rev. Stat. Section 21-301, and ~~(b)~~

~~payment of the annual registration fees prescribed in Va. Code §13.1-936.1 (insert statute here);~~

2. reviews and approves the budget;
3. selects the place and dates, and also fixes the registration fee for each meeting of the Corporation;
4. fixes the annual membership fee; and
5. advises the responsible individual or organization, as designated by the Chairman, with respect to the programs for the meetings of the Corporation and its committees, and makes recommendations to the Corporation, the Corporation officers, and the committee chairmen.

## **Article X – Voting System**

### **Section 9A - Voting - Technical Issues**

At the conclusion of debate (if authorized) on a motion, there shall be a call for the vote by voice vote, a show of hands, standing, or electronic count.

#### **A. Motion Accepted If:**

1. a minimum of 27 members of the House of State Representatives votes Yea.

#### **And If**

2. a majority of the members of the House of Delegates votes Yea (a minimum of 27 Yea votes<sup>1</sup> required);

#### **And, in the case of motions relating to business items; If**

3. a majority of the members of the House of General Membership votes Yea (a minimum of 27 Yea votes required).<sup>1</sup>

#### **B. Motion Rejected If:**

1. a minimum of 27 members of the House of State Representatives votes Nay

#### **And If**

2. a majority of the members of the House of Delegates votes Nay (a minimum of 27 Nay votes required);<sup>1</sup>

#### **And, in the case of motions relating to business items, If**

3. a majority of the members of the House of General Membership votes Nay (a minimum of 27 Nay votes required).<sup>1</sup>

#### **C. Split Vote:**

When a split vote is recorded or the minimum number of votes supporting or opposing an issue is not obtained in the House of State Representatives, the issue is returned to the Standing Committee for further consideration, except when there is a split vote on approval of the ~~annual biennial~~ report for filing with the ~~Virginia State Corporation Commission~~ Nebraska Secretary of State. In the case of a split vote on the filing of the ~~annual biennial~~ report, the vote of the Chairman on the filing of the report shall prevail.

Except for the ~~annual biennial~~ report, the Committee may drop the issue or reconsider it for submission the following year. The issue cannot be recalled for another vote at the same Annual Meeting.

**Discussion:** In 1997, NCWM formed into a nonprofit corporation. NCWM's legal counsel at the time was a resident of the Commonwealth of Virginia. It was not known at that time where NCWM's headquarters would be

located so NCWM filed for incorporation in Virginia. Soon after, NCWM contracted with a company in Maryland for association management services. From 1998 through September 2008, NCWM's headquarters were located in Maryland. In 2008, NCWM transitioned to contracted management and hired staff. A new office was opened in Nebraska. Considering these recent changes in location and management structure, NCWM asked legal counsel to provide a review and recommendations for the Bylaws, Articles, and other documents. Through this process, it has been determined that it is in NCWM's best interest to become a Nebraska Corporation as a means of streamlining and providing continuity to the organization. Nebraska statutes provide provisions for this change of status that will allow the original corporation to stay intact, retaining the current federal EIN number.

## **100-8 V Bylaws Amendment: Article I, Section 6 – Resolution of Disputes and Mediation**

**Purpose:** Establish a mediation process in the NCWM Bylaws that fosters amiable dispute resolution through free exchange of ideas.

**Proposal:** Amend Article I by adding a new Section 6 as follows:

### **Section 6 – Dispute Resolution**

**All members and entities acknowledge that the open discussion of any disputed matter may lead to positive resolution. Upon completion of any applicable administrative appeal procedure, all members and entities shall be required to submit any grievance or claim to the mediation process set forth in this section before filing any lawsuit. Conclusion of the mediation process is a mandatory condition precedent to the filing of any litigation against or involving NCWM, and its directors, officers, employees and agents. No person or entity shall have legal standing to file any lawsuit against or involving NCWM and its directors, officers, employees, and agents unless and until the mediation process has been completed.**

**The mediation process includes the following: the specific grievance or claim and supporting information shall be discussed by the aggrieved party and the NCWM at the staff level; if the matter is not resolved within 30 days of the completion of the staff level discussions, the aggrieved party and the NCWM shall schedule a face-to-face meeting at a mutually acceptable location. The Board of Directors of the NCWM shall determine at its discretion the number and identity of the NCWM representatives attending the face-to-face mediation. The Chief Executive Officer or designated representative of the aggrieved entity shall attend the face-to-face mediation with such other persons as the aggrieved party identifies, not to exceed three representatives. NCWM and the aggrieved entity shall designate a mutually acceptable, independent mediator to conduct the mediation. The mediator shall provide a written report on the mediation to the parties within 30 days following the face-to-face mediation session(s). The mediator shall determine in such report if the dispute or grievance has or has not been resolved in a mutually accepted manner. The receipt of the mediator's report shall be the conclusion of the mediation process.**

**Discussion:** NCWM has always favored the free exchange of ideas and the opportunity to be heard in an appropriate, professional setting. The proposed bylaw adds a further opportunity for exchange of ideas before an independent mediator. The mediation process is a prerequisite to any litigation being brought against NCWM and its directors, officers, employees, and agents.

## **100-9 I Strategic Planning**

The NCWM Strategic Plan that will be updated and revised on a continual basis as goals are met, changed, or added. The purpose of the strategic plan is to ensure the organization is moving forward and in the right direction. The plan is available on the NCWM website at [www.ncwm.net](http://www.ncwm.net) under the "Members Only" tab.

Five primary goals are contained in the strategic plan.



1. Enhance the NCWM as a national and international resource for measurement standards development.
2. Promote uniform training for individuals involved in weights and measures.
3. Continue to improve the National Type Evaluation Program (NTEP).
4. Expand the role of the NCWM as a resource for state and local weights and measures programs.
5. Ensure financial stability of the NCWM.

**National Certification Program:** The Board is continuing to refine the strategies and measurements for meeting these goals. One of the strategies for the second goal is the implementation of a National Certification Program for weights and measures officials. This strategy has been placed as a top priority. In January 2010, the Board designated Mr. Tim Tyson and Mr. Richard Cote to liaison between the Board and the PDC in finalizing this project for launch this year. More details are available in the PDC report.

**Viable Support for NTEP Laboratories:** Another strategy of high priority is to maintain viable support for NTEP laboratories under the third goal. The Board will be monitoring the number of full-time employees associated with the authorized laboratories and will continue to track evaluation time and backlog statistics to ensure that NTEP evaluations can be completed in a timely manner.

**Online Position Forum:** A third priority item is a proposal to develop a web-based system that enables participation by members only, including those who may not be able to attend the NCWM Annual Meetings. It is not a voting system. It is simply a method to present positions, opinions, and supporting documents. The system would require log-in as a member. After selecting an item, the user would select one of the following positions:

- Support as written.
- Support but with suggestions and comments.
- Oppose with comments.
- Neutral with comments.
- Neutral without comments.

Position comments would be accepted until a predetermined closing date. Entries would be posted on the website for membership access following the closing date. These postings would be archived on the website for future reference. Members and non-members could continue to submit comments or positions in writing in the traditional manner.

This web-based system would promote participation by those who cannot attend meetings, and when they view others' comments, they may realize the importance of attending to defend/advance their position.

## **100-10 I Financial Report**

The NCWM operates on a fiscal year of October 1 through September 30. The net cost of the management transition for fiscal year 2007 - 2008 was approximately \$155,000. This cost included obtaining office space, furniture, computers and other equipment, office supplies, salaries, etc. The net surplus for the last fiscal year of 2008 - 2009 was over \$236,000. This surplus can be attributed to two major factors: 1) the new management structure is more cost efficient, and 2) NCWM received a record number of NTEP applications during that 12-month period.

The budget for the current fiscal year is conservative toward revenues, yet projects a net surplus for the year. The Board of Directors anticipates adequate resources to fund new initiatives currently under consideration.

The following is the balance statement as of December 31, 2009.

<b>ASSETS</b>	<b><u>December 31, 2009</u></b>
Current Assets	\$
Checking/Savings	
Associate Member Fund	14,925.66
Certificates of Deposit	634,677.34
Checking	43,684.74
Savings	402,616.85
Total Checking/Savings	<u>1,095,904.59</u>
Accounts Receivable	960.00
Other Current Assets	55,096.32
Fixed Assets	8,111.90
<b>TOTAL ASSETS</b>	<b><u><u>1,160,072.81</u></u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	<u>1,096.75</u>
Total Liabilities	1,096.75
Equity	
Unrestricted Net Assets	784,771.17
Net Income	374,204.89
Total Equity	<u>1,158,976.06</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u><u>\$ 1,160,072.81</u></u></b>

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Mr. Randy Jennings, Tennessee, NCWM Chairman  
 Mr. Tim Tyson, Kansas, Chairman-Elect  
 Ms. Judy Cardin, Wisconsin, NTEP Chairman  
 Mr. Richard Cote, New Hampshire, Treasurer  
 Mr. Michael Sikula, New York, Northeastern Regional Representative  
 Mr. Steven Malone, Nebraska, Central Regional Representative  
 Mr. Stephen Benjamin, North Carolina, Southern Regional Representative  
 Mr. Kirk Robinson, Washington, Western Regional Representative  
 Mr. Stephen Langford, Cardinal Scale, At-Large  
 Mr. Mark Coyne, Brockton, Massachusetts, At-Large  
 Mr. Robert Murnane, Seraphine Test Measure, Associate Membership

Mr. Gilles Vinet, Measurement Canada, Advisory  
 Ms. Carol Hockert, Chief, NIST, Weights and Measures Division, Executive Secretary  
 Mr. Jim Truex, NTEP Administrator  
 Mr. Don Onwiler, NCWM, Executive Director

**Board of Directors**