

Executive Memo

June 2004

High Five, CSAE!

by Raquel Alexander, MA, CAE, CSAE President

Inside

- 2 **President's Message**
- 3 **Training Manual Musts**
- 4 **Colorado Legislative Session**
- 6 **Why Arbitrate?**
- 8 **Sharing Records With Members**
- 10 **Member Profile: Yvette Fonda**
- 11 **Executive Sessions**
- 12 **CSAE Conference Photo Gallery**
- 13 **2004-2005 CSAE Board**
- 15 **Register for CSAE Meetings**

2170 S. Parker Road
Suite 265
Denver, Colorado 80231
303-368-9090
Fax 303-368-4222
joant@csaenet.org
coverton@csaenet.org

www.csaenet.org

As the 2003-04 year winds to a close, it's nice to realize that we are celebrating another successful year...or what I like to call a "High Five" year. Although our accomplishments have been many, there are five that stand out:

1. Our Public Policy Committee needs to be commended for organizing a luncheon program, hosting a very successful legislative reception, tackling the fax issue with HB 1125 and working on producing an economic impact study.

This study provided great insight into CSAE members and the people in and working for the associations they represent:

(1) The members of CSAE associations represent a quarter of a million people in Colorado or roughly five percent of the state's population.

(2) CSAE member associations employ at least 900 staff in Colorado, making associations a significant employer (collectively) in the state.

(3) The members of CSAE associations employ over 600,000 Coloradans and have combined budgets of over \$200 million.

This significantly impacts the Colorado economy through purchasing power and tax revenues. Associations are here to stay. Although mergers and acquisitions are commonplace, new associations are born every day. CSAE member associations date back to 1875 (one year prior to Colorado's

statehood, and for history buffs, a year before The Battle of the Little Bighorn).

2. At the request of many members, CSAE launched a series of facilitated networking sessions throughout the year to help you learn how to better interact with other CSAE members. We realize that networking and building lasting relationships is an important aspect of your membership. You can be assured that your leadership heard your request and acted accordingly. We thank Julia Hubbell for her expertise and the time she has donated to CSAE in organizing and holding these sessions.
3. CSAE launched a new conference-calling program through PremierConferencing, a leader in the area of conference services. Time is precious and often schedules do not allow for face-to-face meetings. This program allows you to get your business done for a nominal 10 cents a minute. If you have not signed up, I highly encourage you to look into this new service.
4. During the annual conference we kicked off our latest venture through Boxwood Technologies. To enhance our already existing Job Posting Service, CSAE is launching, through our web site, a program that offers a national job board network with local and regional job postings for local job seekers. It's quick, convenient and effective. Now you can view job postings from ASAE, CSAE and other allied

Continued on page 4

Executive Memo

Executive Memo is the monthly publication of the Colorado Society of Association Executives (CSAE) and is provided as a benefit to members. Submit your article by e-mail to JoanT@csaenet.org. Deadline for all material is six weeks before issue date. Submissions are edited and published as space allows. Letters to the editor, suggestions, comments and encouragement are welcomed. Expressed opinions and statements in this publication do not necessarily represent the opinions of the CSAE board of directors or its membership.

Editorial Committee

Committee Chair:

Corinne Fey
Caruso Group International
 303-694-4728
 cfey@assnoffice.com

Tim Blum

*Rocky Mountain
 Electrical League*
 303-695-0089
 timblum@rmel.org

Mo Goldman

ConferenceDirect
 720-334-1905
 mo_goldman@conference
 direct.com

Mary Jordan, Ed.D.

*International Electrical
 Testing Association*
 303-697-8441
 mjordan@netaworld.org

Stan Orr, CAE

Non-Profit Resources
 970-945-1478
 npr@sopris.net

Editor: Jill Ladouceur

303-804-9778
 ladjill@qwest.net

Publisher: Colorado Society of
 Association Executives

Executive Director:

Joan Tezak, CAE, CMP
*Colorado Society of
 Association Executives*
 303-368-9090
 joant@csaenet.org

President's Message

CSAE Karma Flourishes

—by *Raquel Alexander, MA, CAE, CSAE President*
 (aka *Randi J. Morris*)



I believe each of us comes into this life with a path that we have chosen so we can learn and grow in the ways we need to. Of course, we aren't always aware of this chosen path, but the people and circumstances we encounter throughout life need to be there and are a part of our path.

Your path is determined by your karma. What you create, you will experience—cause and effect. We aren't always aware of this karma and many times we question why one thing or another happens. But there is a purpose to everything. In my opinion nothing happens without good reason.

I believe that, like individuals, organizations have paths created by karma, as well. Members and leaders work hard to create positive experiences and energy. You can feel the karma of an organization—sometimes you are with a group and feel unsettled or uncomfortable. It is because of the collective karma.

CSAE has wonderful karma. Good effects were created by CSAE's past leaders. We have been fortunate to have had such wonderful past presidents and some of them continue to

give their time to CSAE. My term as president of CSAE had a strong foundation laid by past leaders. The continuity of this strength has been made possible by CSAE's amazing staff—JT and Cheri.

I set out to accomplish two main goals during my term as president. One was to strengthen CSAE programs so that we produce high quality events. The other was to create a branding and marketing program that highlights and elevates CSAE. Because of the hard work of our committee chairs and volunteers we have accomplished these beyond our dreams.

Our good CSAE karma has continued to flourish over the past year and because of you, the members, CSAE will continue to flourish in the future and to provide association executives and associate members with many career enhancing programs. I applaud you for making this a great organization. Thank you.

Raquel Alexander, MA, CAE
CSAE President

Why CSAE?

Creating networking opportunities
Serving educational needs
Advancing your profession
Enhancing the community

Your career deserves it

Training Manual Musts

by Stephanie Retz, *InterNational Electrical Testing Association*

Training new employees is a complex task requiring well thought out preparation, presentation, demonstration, practice and follow-up. A well-planned training program should include instructional guidance in all the job responsibilities of your association. So, how should you start developing a productive and efficient staff member? The best place is at the beginning—the training manual.

The employee training manual should be a complete guide for new employees. It should be used regularly and referenced throughout the training program. Each employee should have their own manual for note taking and for reference after the formal training period is complete.

No training manual would be complete without the following items:

1. **About the association—** Include information about the association's beginnings, how it has grown, the mission, its responsibility to members, who members are, information about the industry, who are the key decision makers, valued volunteers, committees and the services offered.
2. **Phones—**Not only should the employee be able to operate the equipment, but it should be clear how one is expected to answer the phone. What types of greetings are appropriate?
3. **Written correspondence—** Is an opening greeting required on all letters and e-mails? On memos? When should a letter be on letterhead and when is it acceptable to send an e-mail? Are spelling and punctuation errors tolerated?
4. **Tasks—**Not only should you list who is responsible for sending out renewal notices and who is responsible for opening mail, but tasks should be grouped into categories. This way the new employee knows who to go to if they have questions about membership, and they know the specific person to talk with when they have a question about a renewal notice, for example.
5. **Frequently asked questions...and the answers to each question—**Chances are, this will be the most frequently used section of the manual.
6. **All forms, informational brochures and applications—**Not only can they look at the same paperwork a customer is looking at, but they can more easily find information and become familiar with your association's promotional pieces.
7. **Yearly schedule—**It is important for all employees to know the dates of your annual meetings, billing dates, renewal notice dates or other deadlines.
8. **Standard responses—**Just like questions over the phone, it seems that you see the same e-mail questions over and over again. Don't reinvent the wheel each time, put together some well thought out answers to these ques-

Some do not even know their association has policies. Employees will often tell a customer "I'm sorry, I can't do that." When they could say "Unfortunately, association policy dictates that no discounts can be given."

It is also a good idea to pass the training manual around to current employees and encourage their input.

Investing time in a usable training manual can be extremely beneficial. Not only does it give you a solid guide for that first critical week of training, but it puts responsibility in the hands of the employee.

tions and file them somewhere handy, for everyone to adapt and use.

9. **How-to's—**How do you pull information out of the database? How do you order more supplies? This section should be a compilation of step-by-step instructions, as well as procedures. Make a note if things need to be approved by Bob or Mary before moving on to the next step.
10. **Policies—**Most employees do not realize that policies are in place to protect them and the association.

Investing time in a usable training manual can be extremely beneficial. Not only does it give you a solid guide for that first critical week of training, but it puts responsibility in the hands of the employee. ♦

Special thanks to Judy "SuperJude" Strnad, International Erosion Control Association, for her real-world wisdom.

Board of Directors

President

Raquel Alexander, MA, CAE
Colorado Academy of Family
Physicians
303-696-6655 ext 10
raquel@coloradoafp.org

President-Elect

Sam Albrecht, CAE
Society for Range Management
303-986-3309
sam_albrecht@rangelands.org

Vice President

Ralph Johnson
Colorado and Denver
Veterinary Medical Association
303-318-0447
ralphjohnson@colovma.com

Secretary-Treasurer

Bruce Boynton, CAE
National Honey Board
303-776-2337 ext 17
bruce@nhb.org

Past President

Karen M. Wojdyla
Great Western Association
Management Inc
303-770-2220
kwojdyla@gwami.com

Directors

Timothy E. Blum
Rocky Mountain Electrical League
303-695-0089
timblum@rmele.org

Barbara J. Bowman

Grand Junction Visitor &
Convention Bureau
970-244-1480
barbarab@ci.grandjct.co.us

Nelson E. Fabian

National Environmental
Health Association
303-756-9090 ext 301
nelsonf@neha.org

Mary R. Jordan, Ed.D.

InterNational Electrical
Testing Association
303-697-8441
mjordan@netaworld.org

Lois A. Rice, CAE

Colorado Gaming Association
303-237-5480
melrose53@prodigy.net

Douglas Slothower

Association Management Alliance, Inc.
303-758-3513 ext 11
dslothower@amainc.net

Marilee Yorchak

Business Marketing Association
303-986-7611
marilee@bmacolorado.org

Executive Director

Joan Tezak, CAE, CMP
Colorado Society of Association
Executives
303-368-9090
Fax: 303-368-4222
JoanT@csaenet.org

957, But Who's Counting?

by *Corky Kyle, CAE, President—The Kyle Group*

957 bills and 120 days later, the Colorado Legislature completed the task of establishing the public policy of the State. After all was said and done, the House had introduced 597 and the Senate has introduced 360 individual pieces of legislation for consideration by the body.

How does this compare to years past? Lets take a look. 2001 saw 662 bills introduced. 2002 had 731 bills introduced. And 2003 saw that number increase to 754 bills. For those of you that do the math, that is a 30-percent increase in legislation over the last three years.

What does this mean in the political scheme of an election year? First, it is obvious that our society has become more complex in providing the quality of life and business that we want in Colorado. Citizens are looking to the legislature to handle more and more issues as social and economic issues change.

Second, this is an election year! That's right, everyone was out to establish a voting record that would assist in their re-election, or for those who have chosen not to run

again or were term-limited, to add to their résumés while looking for new employment opportunities.

Given this trend, it looks like we can expect continued increase in the amount of legislation introduced and acted upon. Which in turn means that there must be continued interaction with prospective and incumbent legislators to assure that your political agenda is part of the political psyche of the legislature.

Politics requires commitment. Through an association's political educational program, its enhanced involvement by the membership, and increased membership financial support of the PAC and "Small Donor Committee," it helps assure that the association expands and maintains its influence with the political body.

"All politics is local," as the saying goes. Associations are local and the catalyst for getting things done. Stand back, Colorado, here they come. ♦

Corky Kyle is president of The Kyle Group. Visit his renovated web page—www.TheKyleGroup.com.

High Five CSAE!

Continued from page 1

societies with one click. The same is true for posting résumés.

5. Certainly, one of the most important tasks this year for your staff and leadership has been CSAE's new branding initiative which was unveiled at the annual conference. For CSAE, it has been a year of reflection, direction and strategic planning. We spent a great amount of time analyzing our organization and defining our positioning.

Throughout the year, we have determined that the core essence of the organization has not changed. CSAE still represents the high level of networking, education and career enhancement that members seek. To reflect the organiza-

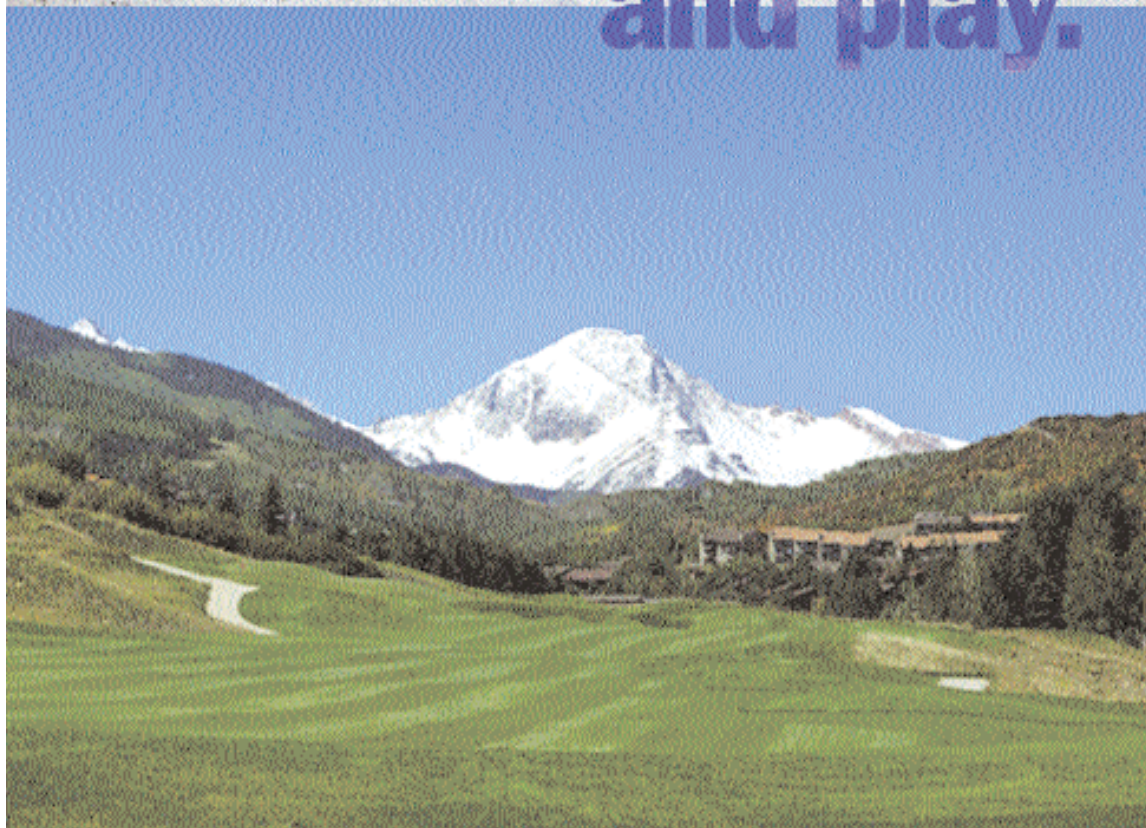
tion's power, magnitude, and innovation, it was determined that we needed a fresh new image. I believe our new look has definitely achieved this goal.

Carrying through on this new image is our 2004 Power Series Education program featuring some of the nation's most sought after association experts.

As I look back on this past year, I think you'll agree that it truly has been a "High Five" year. Give yourselves a "High Five" as we celebrate all that we have accomplished together! ♦

Raquel Alexander, MA, CAE, is CSAE's 2003–2004 president and executive director of the Colorado Academy of Family Physicians.

america's #1 mountain for work... and play.



Here you'll find all you're looking for to hold the perfect meeting, conference, or event...

- Newly renovated conference complex easily accommodates meetings from 20 to 2,000 – one of the largest in the Rocky Mountains, steps to area properties and Snowmass Mountain
- Wireless communications capability
- On-site conference professionals
- An additional 35 meeting rooms, encompassing 37,000 square feet, available in nearby lodges and condos (95% are ski-in/ski-out)
- Attractive outdoor locations for seasonal gatherings, meetings, events, and special occasions
- Multiple breakout rooms available
- On-site audiovisual company
- Superb family environment with a variety of activities for spouses and children
- Convenient access through Aspen/Sardy Airport, 10 minutes away
- Vast array of mountain activities, from skiing to hiking to fishing – even golf!

Contact us to plan your next meeting:

1.877.923.0050

www.snowmassmeetings.com

 **SNOWMASS**
VILLAGE
RESORT ASSOCIATION

Why Arbitrate When You Can Litigate?

by Michael D. Nosler, Esq., Rothgerber Johnson & Lyons LLP

Employers must like getting sued by their employees. Since our highest court has determined that nearly all employment claims can now be arbitrated, it is unclear why most employers and businesses have not rushed to adopt some form of mandatory arbitration policy.

Perhaps it's because employers enjoy having a public trial where the statements and misdeeds of their executives or supervisors can be broadcast on the news, or covered in detail by a newspaper reporter who has nothing better to do. Maybe it's because they like spending boatloads of money on attorneys' fees and waiting several years before their case goes to trial. Or, it's probably because they trust a jury of their employee's peers to render a fair and impartial verdict in favor of management and the company—that's why employers love to litigate employment cases in court. After all, there is nothing more rewarding than to listen to the employee's attorney make impassioned speeches to the jury in order to prey upon their heart strings about how the employee's demotion or termination was so traumatic it caused them to suffer hundreds of thousands of dollars in emotional pain and suffering. Further, it can be quite exciting to see if your executives can avoid personal liability and the company escape a punitive damages award. Perhaps employers are hesitant to adopt arbitration policies because they just don't understand how arbitration works and how such a policy could be implemented at their company.

Recently, the U.S. Supreme Court in *Circuit City Stores Inc. v. Adams*, 532 U.S. 105 (2001), clarified that with the exception of transportation workers, statutory and common law tort claims of employees are subject to arbitration under the Federal Arbitration Act (FAA). This of course requires the existence of a valid and enforceable arbitration provision, policy or contract with the

employee. In the *Adams*' case, Circuit City had an arbitration clause in its employment application.

The Supreme Court has now brought all of the Circuit Courts into line and confirmed that private arbitration of employment claims is an acceptable means of dispute resolution. And in this author's opinion, it is the best forum for resolving all types of employment disputes.

Our federal and state legislatures and our courts have overcome their historical reluctance to force parties to arbitrate their disputes. Many states, like Colorado, have had arbitration statutes on the books for years. The Federal Arbitration Act was passed in 1925. Courts have now declared that there is a strong public policy favoring arbitration and believe me, our judges are looking for any opportunity to unclog their dockets by enforcing a private arbitration agreement to settle these disputes. If your company has not yet considered implementing an arbitration policy it should do so now. However, you will need to consider the benefits and risks of such a policy and how the policy is designed and communicated to employees.

Benefits of Arbitration

The benefits of private arbitration are many. First, it is private. The arbitration hearing is not open to the public. Thus, the problem of airing your company's dirty laundry in the press is avoided. It is also less formal than a courtroom proceeding. The hearing generally takes place in someone's conference room. This gives the parties and witnesses more comfort in testifying as compared to a courtroom setting which can be intimidating to some. Secondly, the potential for a "runaway" jury verdict based on irrelevant issues is greatly reduced when such claims are present-

ed to an experienced arbitrator. This may also aid in a more realistic pre-hearing settlement posture from the plaintiff's counsel when they know they don't have a jury to play to. In addition, some technical legal arguments may have a greater chance of success of being understood by the arbitrator than they would by a jury. Third, your attorneys fees should be less, because there are very few formal pre-hearing motions in the arbitration context, and discovery may also be limited by the rules governing the particular arbitration. Finally, the arbitration process is streamlined so that the claims of the parties are heard within a short time frame. You can generally expect a hearing within six months to a year from the date a claim is filed. A final decision is then issued, from which there is no or a very limited appeal.

Risks of Arbitration

There are risks associated with arbitration. First, the decision is final. If the arbitrator is wrong on the facts and the law, you're probably stuck with the decision. Final and binding arbitration means just that. As mentioned above, there are very few grounds upon which to appeal an arbitration decision under the FAA, and courts have held that the parties cannot vary these statutory appellate constraints. Secondly, the plaintiff's bar has not given up the fight and they continue to challenge the validity of arbitration agreements. The Equal Employment Opportunity Commission (EEOC) has also taken a position that such agreements are not binding on their agency's enforcement powers. Thus there is some risk that a company may have to defend the validity of the arbitration provision itself in court, and may still be subject to court litigation with the EEOC.

Continued on page 7

Why Arbitrate?

Continued from page 6

I would also point out that statistics do indicate that while the size of verdicts are likely to be reduced in arbitration, plaintiffs prevail more often in arbitrations. This does not, in my view, change the benefits of using the arbitration forum. Some have argued against arbitration because the parties do not get the opportunity to prevail on a motion for summary judgment. This is tempered by recent Supreme Court cases which appear to make it more difficult to obtain summary judgment in court. In addition, you can build into your agreement a provision that allows you to have the arbitrator resolve pre-hearing motions on the merits of a claim.

There are also some practical workforce morale issues associated with adopting arbitration agreements with employees. Some companies fear a disruption in an otherwise tranquil workforce. Still others believe that arbitration agreements encourage the filing of claims by employees who might not otherwise proceed to court. However, if the arbitration policy is fair and is simply the final step in an existing dispute resolution process, then the benefits of its implementation far outweigh the short term disruptions.

Arbitration Policy Design

Finally, there is the issue of how to design and implement an arbitration policy. As a general rule, the policy should provide the employee with the "functional equivalent of a court proceeding and must preserve a plaintiff's rights under the law." (Gibeaut, Detoured to ADR, ABA Journal, Oct. 2000, p. 54). The policy should explain in writing all of the potential claims including a recitation of the statutory claims that are covered by the arbitration provision. It should disclose that the right to a jury trial is being waived. It should set out the procedures on how, when and where to file their

claims. The selection process for the arbitrator should be described. There should be a set of rules relating to the type and extent of any pre-hearing discovery that is to be accomplished. You may want to incorporate some of the court rules regarding pre-trial procedures or reference a set of rules that are established and generally accepted by experienced lawyers in the labor and employment area. (See, e.g., National Rules for the Resolution of Employment Disputes of the American Arbitration Association, as amended, Jan. 1, 2001.)

Arbitration Policy Implementation

With regard to the implementation of an arbitration policy, I recommend that it be set out in a separate document and that it be signed by the employee. This can most easily be accomplished at the orientation phase for new employees. As to existing employees, depending on the various state laws, there may be a requirement to offer some additional consideration in order to make the new policy effective. Each state's law where you have employees should be examined to determine how it would view this "consideration" issue. For instance, in Wyoming, separate consideration would probably be necessary in order for the policy to be enforceable. This means that you might need to tie any bonuses or new benefits to the acceptance of an arbitration policy. Whereas in Colorado, continued employment may be sufficient consideration for the arbitration agreement to be valid under state law. In any case, and in any state, the arbitration provision should provide that it is governed by federal law and the Federal Arbitration Act, as this may buttress an argument that state law is inapplicable and that the federal law overrides application of any state's laws.

Costs of Arbitration

As to the costs of the arbitration itself, the company should bite this bullet and absorb the majority of these costs. Sev-

eral courts have invalidated arbitration agreements that require the employee to pay or share in the cost of an arbitrator. These courts have held that it is inconsistent with the enforcement of our anti-discrimination laws to require an employee to pay more than would be required in order to file their case in court. The filing fee in federal court is now \$150. To require more of an employee in an arbitration provision runs the risk of having the agreement rendered unenforceable. The costs of an arbitration can be limited by the efficiencies previously mentioned, and given the relative financial positions of the parties, it is only fair that a company that wants the benefits of a private arbitration should pay for it.

Hourly fees for arbitration services range from \$210 to \$350. Generally, a single arbitrator is appropriate in employment cases and a hearing can last for one or two days in a single plaintiff case. My experience has been that charges for administration, pre-hearing matters, and a one to two day hearing can range between \$5,000 to \$8,000.

In summary, a carefully crafted arbitration policy that is fully explained to employees should result in a more efficient and cost effective way for American employers to resolve employment claims with its employees, unless of course you like being sued. ♦

Michael D. Nosler is an attorney who has been practicing in the labor and employment area for 25 years. He is presently the Managing Partner and Labor and Employment practice group chair for the law firm of Rothgerber Johnson & Lyons LLP with offices in Denver, Colorado Springs, Casper and Cheyenne.

Does Your Association Need to Share Its Records With Members?

by Adrienne O. McNamara, Faegre & Benson in Denver

You've heard the slogan on television: membership has its privileges. Not surprisingly, some people believe that their membership privileges include a right to review everything and anything about their associations—records, documents, information, etc. So if a member arrives one afternoon looking to go through your association's files, what should you do?

You're not alone in asking the question. At a CSAE educational seminar, Ed McMillan mentioned that a common question he receives from associations throughout the country is a variant of: "What records and information is an association obligated to give its members?"

Let's look at the answer. In addition to applicable federal regulations which require associations to make available their exemption application (with some exceptions) and their three most recently filed annual information returns (Form 990s), most states generally add their own requirements. Below, we look at the specific requirements in Colorado.

Inspection Rights

Under the Colorado Revised Nonprofit Corporation Act ("the Act"), your association must allow its members to inspect and copy the records listed below during regular business hours at the association's principal office. However, a member must make a written demand at least five business days in advance in order to do so. The records your association must provide to a member in response to a timely request are:

- ◆ Articles of Incorporation
- ◆ Bylaws
- ◆ Board resolutions relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members

- ◆ Minutes of all members' meetings and records of all actions taken by members without a meeting for the past three years
- ◆ All written communications within the past three years to members as members
- ◆ A list of the names and business or home addresses of current directors and officers
- ◆ Most recent periodic/annual report delivered to the Secretary of State
- ◆ Annual financial statements, if any, and most recently published financial statements, if any, showing in reasonable detail its assets and liabilities and results of its operations,

of the date the demand is made; 2) the demand is made in good faith and for a proper purpose; 3) the member describes with reasonable particularity the purpose and the records the member desires to inspect; and 4) the records are directly connected with the described purpose. The phrase "proper purpose" is defined as "a purpose reasonably related to the demanding member's interest as a member," which may require some legal interpretation, depending on the circumstances.

Finally, upon the written request of any member, an association is required to mail to the member its most recent annual financial statements, if any, and

These requirements will vary under the laws of different states. So, if a member of your association shows up and demands access to the association's records, look at your state's laws and your governing documents, and call your lawyer if you need legal advice.

for periods ending during the last three years.

Except to the extent the right to copy may lawfully be restricted by the association, a member is also entitled to inspect and copy, during regular business hours, at a reasonable location specified by your association, any of the other records of the association if the member meets the requirements set forth below and gives the association written demand at least five business days in advance. The requirements that the member must meet are: 1) the member has been a member for at least three months immediately preceding the demand or is a member holding at least five percent of the voting power as

its most recently published financial statements, if any, showing its assets and liabilities and results of its operation in reasonable detail.

Other Important Information

- ◆ The right of inspection to which members are entitled may not be abolished or limited by the Articles of Incorporation or Bylaws; however, the right to inspection is broader than the right to copy.
- ◆ Members also have certain rights to inspect member lists in connection

Continued on page 9

Sharing Records With Members

Continued from page 8

- with a meeting or action of members by ballot.
- ◆ If a member is in litigation with the association, the right of a member to inspect records is the same as any other litigant.
- ◆ A member's agent or attorney has the same inspection and copying rights as a member.
- ◆ The right to copy includes, if reasonable, the right to receive copies made by a photographic, xerographic, electronic or other means.
- ◆ Except with respect to certain required financial statements, an association may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the member. The charge may not exceed the estimated cost of production and reproduction.

Refusal to Allow Inspection

If your association refuses to allow a member who complies with applicable statutory requirements to inspect or copy any records to which the member is entitled, a court may order it to do so. If so, the association can be liable for the member's costs in obtaining the order (including attorney fees), unless it had a good faith reasonable basis to refuse. Depending on the circumstances, the court may also require the association to pay damages, the member's inspection and copying expenses, and/or grant other allowable legal remedies.

Keep in mind that the foregoing requirements apply to members of associations that are nonprofit corporations subject to Colorado law. These requirements will vary under the laws of different states. So, if a member of your association shows up and demands access to the association's records, look at your state's laws and your governing docu-

ments, and call your lawyer if you need legal advice. ◆

©2004 Faegre & Benson LLP. All rights reserved.

Adrienne O. McNamara represents associa-

tions and other nonprofit organizations at the law office of Faegre & Benson in Denver. She can be reached at 303-607-3500 or by e-mail at amcnamara@faegre.com.

The information in this article is informational only and is not intended as legal advice.

WHERE
WILL YOUR
ORGANIZATION
GO FROM HERE?

In a tight economy, SMART ORGANIZATIONS take time to strategize company goals and build leadership and team skills among their staff.

In addition, you'll enjoy the RECENT IMPROVEMENTS at BEAVER RUN, including:

- NEW LOBBY
- NEW CONFERENCE CENTER
- NEW SPENCER'S RESTAURANT
- REFURBISHED GUEST ROOMS



BEAVER RUN
RESORT & CONFERENCE CENTER
Breckenridge, Colorado

1.800.288.1282

www.beaverrun.com



Member Profile: Yvette Fonda, The Resort Company

by Mo Goldman, ConferenceDirect

You've probably seen her at our monthly CSAE meetings, she's been a regular for the past five years. Of course, I'm talking about Yvette Fonda. Yvette has been senior

regional sales manager for the Resort Company since 1998 representing The Charter at Beaver Creek, Beaver Creek Lodge and Lion Square Lodge—all located in the Vail Valley. She works all mar-

ket segments in Colorado, Texas and the west coast.

Born in London, Yvette and her British family all moved to the United States in 1981, settling in Parker, Colorado, where she attended Ponderosa High School. Upon graduation, it was then on to Mesa State where she received her associate's degree in travel management, and then Yvette attended Metropolitan State College and earned her bachelor's in Hotel Management.

From 1992–1998, she was employed by The Warwick Hotel where she learned the hotel business. She worked in many areas of operations, and then moved on to sales and became the U.S. sales representative for Warwick's sister property in Jamaica. While still based in Denver, she headed national sales for Trelawny Beach Resort, attending numerous trade shows all over the U.S. and traveling to Jamaica two times a year for site visits, or as she says "the fun part of the job."

Yvette is married to her high school sweetheart, Jeff, an accountant and, also, has three sisters who still live in the Denver area. Yvette enjoys downhill skiing, water skiing, running and bicycling. Yvette and Jeff are looking forward to the birth of their first child this June. Afterwards, Yvette is planning to continue working for The Resort Company. Within the next five years, she would like to work on attaining her CMP designation. What would Yvette like to be doing in 10 years? "I would like to be general manager for a small boutique property in a mountain resort town, preferably the Vail Valley!"

If you would like to learn more about The Resort Company, Vail Valley Division or want to book a meeting or event with Yvette, you can contact her at 303-805-4162 or yfonda@theresortcompany.com. ♦



Where meetings stand far above the competition.



Nestled in the Colorado Rockies, the Cheyenne Mountain Resort offers an unparalleled meeting destination. Featuring 316 guest rooms with balconies overlooking Cheyenne Mountain and Pikes Peak, 40,000 square feet of dedicated conference space and a Corporate Learning Center for leadership and team-building programs. Surrounding the property, an 18-hole championship Pete Dye golf course, four swimming pools, fitness center and a 35-acre recreational lake allow for meetings of a more social variety. For more information on how to elevate your meetings, contact us today.

Living. Learning. Leisure.™



3225 Broadmoor Valley Road, Colorado Springs, CO 80906
tel 719.538.4000 • 800.588.6531 • fax 719.540.5779 • www.cheyennemountain.com

Executive Sessions

by Bob Harris, CAE

Some boards believe that executive sessions are a way to hold discussions without staff present and without liability for discussions held. Generally the meeting is closed to staff for a discussion of executive or topics that someone feels should be private. The practice can lead to trouble. There are several reasons to discourage closed-door meetings:

- ◆ Most executive sessions have no agenda. Discussions wander and may enter areas to which volunteer leaders should not be involved, such as staff salaries or price fixing.
- ◆ Seldom are minutes kept. If troubles arise for the organization, the participants of the closed-door meeting have no proof as to what was said or not said. All association meetings deserve good minutes.
- ◆ Executive sessions can damage the relationship between board and

staff. The natural assumption is that staff are being excluded for some reason—possibly facing criticism. They have no opportunity to respond, resulting in misunderstandings or suspicion.

- ◆ Some executive sessions turn into gripe sessions. The board chair that invites leaders to throw anything on the table is opening Pandora's box. Rather than bringing closure to issues, new problems arise.
- ◆ Closed door sessions breed rumors. With no one to provide accurate rebuttals and facts—bad information is passed on as fact because the leaders mentioned it.
- ◆ Some directors may call an executive session as a way to promote their personal agenda behind closed doors. An open door meeting insures that personal agendas take a backseat.

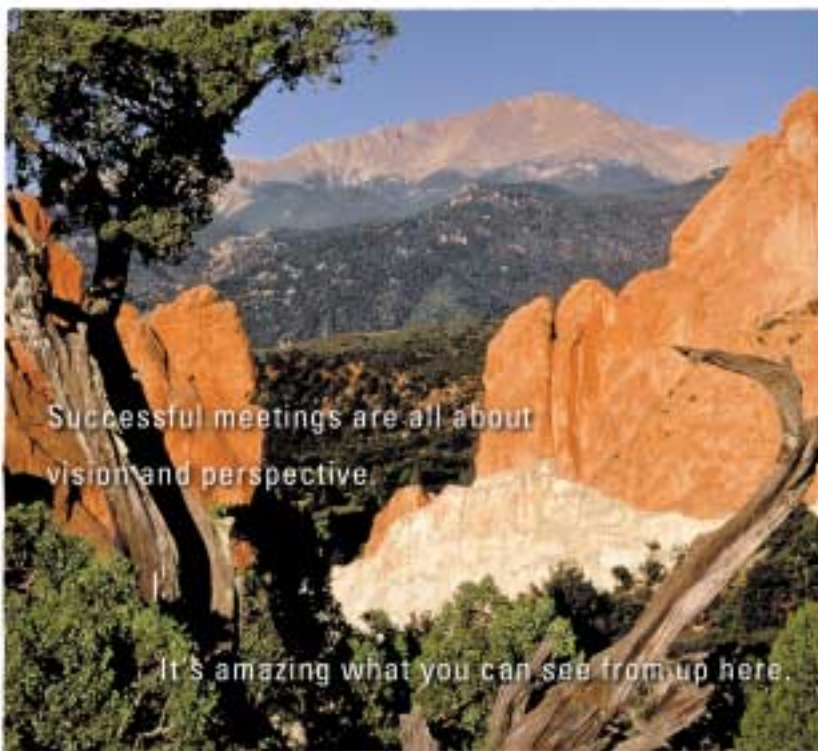
Policy on Executive Sessions

If closed-door sessions are held, consider having a policy to be sure that volun-

teers know what will be discussed, and take responsibility for recording minutes and reporting the outcomes.

The intent of the policy is to focus the discussion on specific topics and to discourage rambling debate on other issues. Further, it suggests that any actions must be reported out to the official minutes of the board of directors. Here is a policy sample: "Prior to calling an executive session a motion must be passed by the board of directors to identify the specific topics to be discussed. Those topics shall frame and limit the discussion. After the meeting, actions of the executive session shall be reported to the board of directors for inclusion in the official meeting minutes of the current or next board meeting, summarizing what was discussed and any decisions made in the executive session." ◆

Bob Harris, CAE, conducts strategic planning, organizational performance assessment, and leadership seminars. His web site offers free management tools at www.nonprofitcenter.com.



When you meet in Colorado Springs, you add an element of inspiration and excitement to your agenda. Accessible and affordable, with superb facilities and services, outdoor adventures and more, Colorado Springs raises your meeting to a whole new level.

FOR COMPLETE DETAILS, VISIT WWW.MEETINTHESPRINGS.COM

1-800-888-4748, EXT. 125



CSAE's 2004 Annual Conference: A Huge Success



CSAE 2004-2005 Board Sworn In

Volunteerism is the heart of CSAE. At the June luncheon meeting, CSAE's 2004-2005 board of directors were sworn into office. The slate takes office in July 2004.

Officers:

- ◆ President—
Sam Albrecht, CAE
- ◆ President-Elect—
Ralph Johnson
- ◆ Vice President—
Bruce Boynton, CAE
- ◆ Secretary/Treasurer—
Lois A. Rice, CAE
- ◆ Past President—
Raquel Alexander, MA, CAE

Directors:

- ◆ Jeffrey W. Arnold, MAM
- ◆ Barbara J. Bowman
- ◆ Liz Couture-Ludwig
- ◆ Nelson E. Fabian
- ◆ Mary R. Jordan, Ed.D.
- ◆ Stan Orr, CAE
- ◆ Linda Schafer
- ◆ Douglas Slothower



*Raquel Alexander, MA, CAE
CSAE Past President*



*Ralph Johnson
CSAE President-Elect*



*Lois A. Rice, CAE
CSAE Secretary/Treasurer*



*Liz Couture-Ludwig
CSAE Director*



*Barbara J. Bowman
CSAE Director*



*Douglas Slothower
CSAE Director*



From left: Bruce Boynton, CAE, Vice President; Raquel Alexander, MA, CAE, Past President; Ralph Johnson, President-Elect; Jeffrey W. Arnold, MAM, Director; Liz Couture-Ludwig, Director; Douglas Slothower, Director

CSAE 2004 Luncheon Calendar

January 8, 2004 Luncheon
Eye on the Economy

Thank you
Magnolia Hotel

February 6, 2004 Luncheon
*Coordinated Communications:
is technology always the
answer?*

Thank you
Hilton DTC

March 4, 2004 Luncheon
*Staying on the Cutting Edge of
Technology*

Thank you
Hyatt Regency

Denver
April 2, 2004 Luncheon
Board Governance

Thank you
Denver Marriott
West Hotel

May 6, 2004 Luncheon
*Customer Service—The Good,
The Bad & the Ugly.*

Thank you
Executive Tower Inn

June 4, 2004 Luncheon
*Effective Human Resources
Management*

Thank you
Marriott Denver
South

September 2, 2004 luncheon
*Positioning Your Association
for Financial Success*

A panel of association executives will discuss financial issues dealing with their reserve assets—from how their associations are currently positioned financially, to changes they are considering, to ideas for increasing reserves. The panel will try to offer ideas on what has worked, what has not and where to get help.

October 1, 2004 Luncheon
*Legislative Issues: Preparing
for the November Elections*

Government at all levels is a more expensive enterprise every year. Associations often fulfill needs that government cannot. The November elections will be your opportunity to review the upcoming election and the critical issues that may have an impact on the association industry and your future.

November 4, 2004 Luncheon
*Enhance Your Professional
Career*

Position yourself for career success. You learn how a CAE or CMP can enhance your professional career, the benefits of a career coach, career counseling resources, and how to get involved in your career.

December 3, 2004
Holiday Luncheon

CSAE 2004 Education Calendar

February 19, 2004 Seminar
*Facilitative Leadership: How to
Enhance Results and Maximize
Others' Contributions*
Jeff Cufaude, Idea Architects

Thank you
Hyatt Regency
Denver

April 22, 2004 Seminar
Accounting for Non-Accountants
Ed McMillan, CPA

Thank you
Hyatt Regency
Denver

September 21, 2004 Seminar
*High-Impact Governing in a
Nutshell: 17 Questions That
Board Members and CEOs Fre-
quently Ask*
Doug Eadie, Doug Eadie &
Company

What is the work of governing? For many CEOs and board members, the response seldom strays from the familiar mantra that governing means "making policies that the CEO and staff carry out." Stop! Take time with your board to develop a formal Governing Mission. Avoid the catchy two or three sentence promotional blurb. Hammer out a detailed listing of the impacts/outcomes that board's governing work is intended to produce over

the long run. The work of governing will never be the same!

November 17, 2004 Seminar
*Policies/Procedures and Legal
Issues*
Bob Harris, Harris Management
Group

Fine tune your organization. Bob Harris will team with legal counsel to provide you with what you need to know so you can implement best practices in your organization and avoid any legal difficulties.



CSAE Registration Form

Name(s) _____

Association/Company _____

Address _____

City, State, ZIP _____

Phone _____ Fax _____

Yes, I am attending for the first time. I am attending as a CSAE Member Guest

Attending new member orientation (January, March, April, June, September, October, December) Yes No

Attending how to network (February, May, November) Yes No

Alternative Luncheon Plate Fruit Plate Vegetable Plate

Luncheon Fees:

September 2, 2004: \$30/member \$35/nonmember

October 1, 2004: \$30/member \$35/nonmember

November 4, 2004: \$30/member \$35/nonmember

December 3, 2004: \$30/member \$35/nonmember

January 7, 2005: \$30/member \$35/nonmember

February 3, 2005: \$30/member \$35/nonmember

March 4, 2005: \$30/member \$35/nonmember

April 7, 2005: \$30/member \$35/nonmember

May 6, 2005: \$30/member \$35/nonmember

June 9, 2005: \$30/member \$35/nonmember

Education Fees:

September 21, 2004: \$149/member \$225/nonmember

November 17, 2004: \$149/member \$225/nonmember

Total amount due \$ _____

Payment:

Check AMEX Visa MasterCard

Name _____ Number _____ Exp. Date _____

Register today by fax 303-368-4222, online at www.csaenet.org,
or mail to: 2170 S. Parker Road, Suite 265, Denver, Colorado 80231