

# KINGMAN AREA USERS ASSOCIATION

## CONSTITUTION

### ARTICLE I

#### SECTION 1: Identification

This organization shall be called the Kingman Area Users Association, hereinafter referred to as “the Association”.

#### SECTION 2: Purpose

The purpose of this organization shall be threefold:

To provide a cooperative forum for all users to resolve existing and possible future electromagnetic interference problems;

To provide coordination of funds and labor for maintenance and snow removal on the portion of the site access roads which must be maintained by and for the existing users; and

To provide recommendations on behalf of all users to the Site Manager, the United States Bureau of Land Management (“Bureau”), regarding compatibility of proposed equipment additions or modifications, and any other matter relating to the users’ use and occupancy of all communication sites required to be members of this association by the BLM Kingman Field Office.

#### SECTION 3: Scope

This Association shall include all of the Primary Users of communication sites that the BLM Kingman Field Office requires to be members of a Users Association.

### ARTICLE II

#### SECTION 1: Membership Qualifications

All primary users of all those sites shall be members in good standing of the Association, as required in the Bureau’s Right of Way Agreement.

#### SECTION 2: Definition of “Good Standing”

Members shall be in good standing when all Association fees and assessments are paid, and when they are in compliance with the Association’s Constitution and By-laws.

#### SECTION 3: Definition of “Primary User”.

A Primary User is the site owner of a single-user site or the manager of a multiple-user site. The Primary user is ultimately responsible for site maintenance, payment of fees, assuring compliance of all secondary users, and making proper advance notification to the Association of new facilities contemplated.

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ARTICLE III

SECTION 1: Association Offices

The Association shall be coordinated and guided by a panel of Officers consisting of President, Vice President, and Secretary/Treasurer. Each office shall be assigned to the elected organization. The member organization shall be responsible for reassigning the Association Officership within itself when its representative changes employment or duties.

SECTION 3: Elections

Officers shall be elected by majority vote at the annual meeting, and shall hold office until the next annual meeting. The outgoing officers shall conduct the annual meeting, brief the new officers, relinquish all pertinent documentation, and then transfer control to the New Officers.

ARTICLE IV

SECTION 1: Voting

Each member or member organization in good standing who is also a Primary user shall have one vote per Right-of-Way.

SECTION 2: Amendments

Amendments to the Constitution may be made at the annual meeting only. Proposed changes must be distributed to all Primary Users and any other directly affected parties at least 30 days before the meeting.

An amendment must be passed by a two-thirds majority of all votes cast. Votes may be cast in person, by written proxy carried by an attending member, or by pre-written decision. If there are any votes cast by pre-written decision, however, and those votes are part of the two-thirds majority, the amendment must be passed exactly as it was written in the advance notice.

This Constitution is as amended by vote of the membership at the annual meeting held March 8, 2005.

# **KINGMAN AREA USERS ASSOCIATION**

## **BYLAWS**

### **ARTICLE I**

#### **SECTION 1: President's Duties**

1. Arrange for and preside at the annual meeting of the Association.
2. Represent the Association in public meetings and meetings with the Bureau of Land Management
3. Supervise the work of the other officers to assure coordination of efforts and on-time completion.
4. Approves and signs all Association expenditures greater than \$100.00.

#### **SECTION 2: Vice-President's Duties**

1. Assume any or all duties of the President's given appropriate notice, if the President is not able to fulfill them.
2. Monitor site inspections to assure fair and impartial results.
3. Coordinate and direct committee work.
4. Promote cooperation among users.

#### **SECTION 3: Secretary-Treasurer's Duties**

1. Prepare outgoing Association correspondence and present to President for approval and distribution.
2. Disseminate incoming correspondence to directly affected users.
3. Record minutes at annual meeting, and keep members apprised of meetings and planned activities which affect the Association, including annual and public meetings.
4. Maintain all files, records, and accounts, keeping them current and accurate. All Association documents shall be open for inspection by any member.
5. Pay all routine and ordinary expenses such as office supplies and postage that are less than \$100.00. Prepare all checks for payments greater than \$100.00 and present to the President for Approval and signature. Record all transactions, including date, amount received or disbursed, from or to whom, and for what purpose.

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ARTICLE II

SECTION 1: Financial Committee

1. The Financial Committee shall be an ad hoc committee, appointed by the President, which shall audit the Treasurer's financial records just prior to the annual meeting, and present a report of its findings at that meeting.

SECTION 2: Technical Committee

1. The Technical Committee shall be a standing committee which prepares and maintains the technical guidelines with which all users must ultimately conform. It shall consist of members of the Association, one representing a Primary User. A Primary User may provide only one member of the committee. The committee shall select a chairman, who shall represent the Association in technical matters. The committee shall also help the Bureau conduct annual site inspections and prepare a report of the results, to be presented at the following annual meeting. It shall perform other duties of a technical nature, like evaluating the compatibility of proposed additions or modifications and recommending acceptance or rejection to the Bureau.

SECTION 3: Road Committee

1. A Road Committee shall be established as a standing committee which monitors the condition of those roads that have established a road fund. These committees shall prepare a report for each annual meeting. It shall consist of members appointed from the Association who are users of the subject road. When the Association decides that conditions warrant repair or snow removal the committee shall research the work, exploring all costs, complexity, and contracting options. This committee shall be responsible for providing not less than 120 days notice of work to the Bureau and the Bureau will be responsible for obtaining approval from the Department of Fish and Wildlife if necessary. The Road Committee shall present its findings to the Association and implement the approved plan of action. In emergencies, the Vice-President may evaluate the immediate need and with the Presidents approval implement appropriate action.
2. The users of each site location shall determine by a simple majority vote if they desire to establish a fund for maintenance of the road.

ARTICLE III

SECTION 1: Assessments

1. An annual assessment shall be made upon all Primary Users to provide funds for operational expenses. Special assessments may be made and apportioned as approved by the membership.

SECTION 2: Maximum and Actual Assessment

1. The total annual assessment, comprised of all Primary User assessments, shall not exceed \$20,000.00 for each road. Setting a maximum simplifies fiscal planning for all members. The actual annual assessment shall be based on recommendations made by the Treasurer and Road Committee chairman at the annual meeting, and shall be approved by a simple majority of the members present with sites accessed by the subject road.

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2. The treasurer shall account for receipts and expenses separately for each road.

SECTION 3: Formula

1. Administrative expense

The administrative expenses that exceed the revenue generated by data sheet filing fees shall be divided equally among all Primary Users.

2. Road Maintenance expense

The road maintenance expenses for each road shall be divided among all Primary Users of the subject road according to the following formula unless users of a specific road establish different formula. Fifty percent (50%) of the total shall be divided evenly among the Primary Users. This amount is the site charge. The remaining Fifty percent (50%) shall be divided by the total number of transmitters and the resulting quotient is the cost per transmitter. This cost will therefore consist of two parts: the site charge and the cost per transmitter multiplied by the user's total number of transmitters.

3. Total Assessment

Each Primary Users annual assessment will therefore consist of their portion of the administrative expenses any road maintenance assessments that apply to the location of their site.

SECTION 4: Proration. late penalties, enforcement, collection

1. Assessments for new members shall be prorated to reflect the number of months that their sites were under construction or in use during the assessment period.

2. Assessments shall be due 30 days after the invoice date. After 30 days, a late fee of 1 1/2 percent (1.5%) per month shall be added to the amount due. This penalty shall not reflect in the maximum assessment figure as stated in Section 2 above.

3. Enforcement and collection action will be with the cooperation of the Bureau. As a member that has not paid the assessments is considered as a member "not in good standing" and is therefore in violation of the BLM Right-of-Way Agreement. The member will be reported by the Treasurer to the Bureau after six (6) months delinquency. Upon receiving this report, the Bureau is requested to begin action to terminate the members Right-of-Way Agreement.

ARTICLE IV

SECTION 1: Technical Standards

1. Adherence to these standards will minimize physical damage and interference, thus providing for improved electromagnetic compatibility for all users.

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2. Installation Data Sheets

All users are required to complete a BLM data sheet for each transmitter prior to its installation. The data sheet shall be submitted to the Secretary with payment of the proper processing fee. Installation may not begin until 30 days following distribution of the data sheet to all members by the secretary. Any objections to the new installation must be filed with the Technical Committee Chairman during this period.

Processing Fee Schedule:  
Up to 3 Data Sheets \$15.00  
Each additional sheet \$ 5.00

3. Licenses

A. License Posting

Each transmitter shall have a copy of the license for that transmitter or a tag indicating the call sign, licensee and licensee's address posted. If posted in a common location, each piece of equipment shall be marked in a manner that allows its license to be identified.

B. Amateur Frequency Coordination

Transmitters licensed in the Amateur Radio Service, operating on channels coordinated by the Amateur Radio Council of Arizona frequency coordinators must attach written evidence of coordination to their Data Sheet prior to submission. Radios operating on frequencies that are not subject to coordination must be approved by the Association Technical Committee prior to installation.

4. Transmitters

A. Type Acceptance

All transmitters shall be FCC Type Accepted or meet type acceptance criteria.

B. Protective Devices

All transmitters shall have protective devices, designed-in or externally installed to prevent interference to others:

1) Direct radiation of out-of-band emissions (i.e. transmitter wideband noise, spurious emissions, harmonics) shall be reduced to a non-interfering level by using bandpass, low-pass, and/or harmonic filtering. Band-reject filtering may be required in certain applications.

2) Re-radiation of signals from a transmitter and its associated antenna system shall be prevented by installing appropriate devices (i.e. ferrite isolators), with a minimum return loss of 25 db.

C. Transmitter Power

1) Transmitter Power for Hayden Peak and Potato Patch Sites:

Transmitter power output shall not exceed 120 watts. The Effective Radiated Power (ERP) shall not exceed 1,200 watts. Microwave point-to-point systems shall be exempt from this requirement.

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2) Transmitter Power for Getz Peak:

Transmitter Power on this site shall comply with their FCC license power and if that power exceeds 120 watts output, the antenna must be of a type with minimal radiation straight down and / or high enough to comply with ANSI Standard C95.1-1994.

3) Transmitter Power for Goldroad Crest:

Transmitter Power for the Goldroad Crest radiated at the lower level (4050' AMS) shall not exceed 120 watts. The Effective Radiated Power (ERP) shall not exceed 1,200 watts. Microwave point-to-point systems shall be exempt from this requirement. Transmitter Power at the upper level shall comply with their FCC Licensed power and shall not exceed the authorized Effective radiated Power (ERP) and the antenna must be of a type with minimal radiation straight down and / or be high enough to comply with ANSI Standard C95.1-1994.

5. Receivers

A. FCC Compliance

All receivers shall comply with all applicable parts of the FCC rules, including Parts 2 and 15.

B. Selectivity

All receivers shall have sufficient "front-end" pre-selection to prevent receiver spurious response. The use of bandpass or band-reject cavities or crystal filters may be required to prevent receiver produced intermodulation or adjacent channel interference.

6. Antennas, Feedlines, and Support Structures

A. All antennas and transmission lines, including those not in immediate use, shall be terminated in their characteristic impedance to prevent re-radiation of intercepted signals or noise.

B. All coaxial transmission lines shall be of double-braided or solid-shielded construction and jacketed.

C. All steel towers shall meet EIA Standard RS222C, Structural Standards for Steel Antenna Towers.

D. All tower construction shall meet manufacturers recommended specifications for ice and wind in this area.

E. All new towers will be Self Supporting (free standing), no guyed towers. Tower plus antenna shall not exceed 199' AGL. Towers will not be painted or lighted unless authorized by the authorized Bureau officer or directed to by the FAA.

F. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.

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G. Anti -climb devices, removable steps, or other means to discourage unauthorized climbing, are highly recommended.

H. Transmission lines shall enter the building by a means to seal the building against weather and vermin. Cable trays, hangers, and strain reliefs should be installed as needed.

6. Electrical

A. All electrical facilities, equipment, and the installation thereof, shall conform to the most recent edition of the “National Electrical Code” and local laws and regulations.

B. All permanent AC wiring shall be installed in UL approved conduit.

7. Buildings

A. All buildings and structures shall conform to the latest edition of the “Uniform Building Code”, and local laws and regulations at the time they are built.

B. All metallic materials used in building construction shall be galvanized, plated or coated. Dissimilar metals shall not be placed in such a manner that could create a galvanic junction.

C. Buildings shall be designed and installed to withstand severe weather conditions.

8. Site and Equipment Grounding

A. Site grounding must be constructed of copper, with #2 AWG or larger wire or 2” or larger solid copper strap, connected to an adequate site ground electrode system. Guy wires should also be grounded, using manufacturers approved methods to preclude bi-metallic junctions and corrosion. All equipment on the site (buildings, towers, power units, transmitters, receivers, Combiners, telephone systems, power cabinets, etc.) must be connected to the site ground. High power operations should use copper strap bonding in accordance with manufacturers specifications. The grounding system shall comply with applicable laws and codes and in accordance with standard engineering practice.

9. Miscellaneous Equipment

A. Any miscellaneous equipment that could cause harmful interference shall be adequately shielded.

10. Housekeeping

A. Housekeeping has environmental, visual and aesthetic impact. It further has an electromagnetic compatibility impact. Debris which is permitted to remain adrift, and the residue of construction, installation, removal, modification or other evolution, raises the noise “floor” for all users and gives rise to intermodulation potential which often defies identification. No debris shall be allowed to accumulate.

SECTION 2: Grandfathering and Enforcement

1. Grandfathering

A. New users, new installations, and changes of equipment shall comply with all Technical Standards at the time of construction or installation of equipment.



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B. Existing users and equipment shall comply with the Technical Standards within the time frame specified at the annual inspection, if any noncompliance is found.

2. Enforcement: Annual Inspection

A. The Technical Committee and the Bureau shall conduct an annual inspection of each Primary User's site. This inspection will Verify:

- a. Compliance with Technical Standards
- b. Structural integrity
- c. Electromagnetic compatibility
- d. General safety
- e. As-built plan accuracy

B. Any non-compliance found shall be recorder by the Bureau. The record will include :

- a. A description of the offense
- b. What corrective action is required
- c. The name and address of the responsible party or organization
- d. Time frame for completion of corrections

3. Copies of Non-compliance reports and user's responses shall be forwarded to the Technical Committee Chairman for incorporation into the annual report.

4. The Bureau shall provide written notice of the scheduled inspection date at least 30 days in advance and each Primary User shall arrange to have personnel available at the site at the time of inspection.

SECTION 3. When Interference Occurs:

1. All users shall cooperate with this Association and the Bureau in identification and correction of any interference related problems.

2. Neither this Association nor the Bureau shall recognize complaints from users who are not in good standing.

3. New site applicants may be required to furnish an intermodulation study or other interference related data before the application can be evaluated.

4. The Technical Committee may request a field test for compatibility at the expense of the applicant before recommending acceptance or rejection of the application.

ARTICLE V

SECTION 1. Annual Meeting

1. The Association shall conduct an annual meeting in Kingman, Arizona during the first quarter of each calendar year.

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SECTION 2: Advanced Notice

1. The annual meeting notice shall be distributed no less than 30 days before the scheduled date. It shall include the date, time, place, and agenda items for the meeting. If any guests are scheduled, that information should also be included.

SECTION 3 : ORDER OF BUSINESS

1. Robert's Rules of Order shall be followed in all procedural matters.
2. Meeting Format  
Meetings shall have the following general form:
  - a. Call to order
  - b. Sign-in
  - c. Reading of the minutes of last annual meeting
  - d. Report of the Financial Committee
  - e. Report of the Technical Committee
  - f. Report of the Road Committee
  - g. Determination of standing of members
  - h. Old Business
  - i. New Business
  - j. Election of Officers
  - k. Appointment of Committees
  - l. Comments from members
  - m. Adjournment

ARTICLE VI

SECTION 1: Amendments to the Bylaws at annual meeting

1. The Bylaws may be amended at the annual meeting by a two thirds majority of all votes cast, including proxy and pre-written votes.

SECTION 2 : Amendments to the bylaws by mail

1. The Bylaws may also be amended by mail. The proposed amendment(s) shall be mailed to all members in good standing with a 30 day response period from date of mailing. A signature sheet shall be circulated among voting members to record their concurrence or non concurrence. The amendments may be passed if two-thirds of all eligible members concur in writing to the amendments as worded in the mailing.

These Bylaws are as amended by vote of the membership at the annual meeting held March 8, 2005.