

BYLAWS OF THE CALIFORNIA FOREST PEST COUNCIL  
A CALIFORNIA PUBLIC BENEFIT CORPORATION

ARTICLE 1  
OBJECTIVES

SECTION 1. The California Forest Pest Council (herein referred to as the "Council") is an organization, founded in 1951, of private and public forest managers, foresters, entomologists, pathologists, zoologists, biologists and others interested in the protection of forests from damage caused by animals, insects, diseases, and weeds. The objectives of the Council are to:

1. Coordinate the detection, reporting, and compilation of pest damage.
2. Evaluate pest conditions.
3. Make recommendations on pest control to forest management and protection agencies and forest landowners.
4. Review policy, legal and research aspects of forest pest management and submit recommendations thereon to appropriate authorities.
5. Foster educational work on forest pests and forest health.

SECTION 2. The Council is recognized by the State Board of Forestry as the advisory body to it with respect to forest health protection matters, and is a participating member of the Western Forest Pest Committee of the Western Forestry and Conservation Association.

ARTICLE 2  
MEMBERSHIP

SECTION 1. Participation in the Council is open to anyone having an interest in forest health protection. There is only one class of membership and all members have the same voting rights and privileges.

ARTICLE 3  
OFFICERS

SECTION 1. The Council shall elect from its membership for a two year term of office a chairperson, vice-chairperson, and secretary.

A treasurer, conference chairman and editorial chairman will be appointed annually by the council chairperson to serve a one year term.

SECTION 2. **Duties of the Chairperson.** The chairperson shall preside at all meetings of the Council and the executive committee and shall perform any other duties or functions authorized by the executive committee. The chairperson may appoint adhoc committees and their chairpersons, as deemed necessary to assist in carrying out the purposes of the Council. The chairperson is a non-voting member of all committees of the Council.

The Council Chairperson or other designated member of the executive committee or Council shall represent the Council, and report forest pest conditions and recommendations of the Council to the State Board of Forestry and appear on behalf of the Council before any other public bodies.

The Council Chairperson or other designated member of the executive committee or Council shall represent the Council, and report to, the annual meeting of the Western Forest Pest Committee of the Western Forestry and Conservation Association.

**SECTION 3. Duties of Vice-Chairperson.** In the absence of the chairperson, or in the event of his or her inability or refusal to act, the vice-chairperson shall perform all the duties of the chairperson.

**SECTION 4. Duties of Secretary.** The secretary shall be custodian of the records and keep the original, and a copy of these Bylaws, a book of minutes of all meetings of the executive committee, standing committees and Council business meetings. The secretary should also keep a copy of all conditions reports, proceedings and other publications distributed by the Council.

The secretary shall take minutes at the executive committee meetings and Council business meetings and distribute them to the executive committee within thirty days after the meeting.

The secretary shall see that all meeting notices are distributed in a timely fashion and maintain the membership list.

**SECTION 5. Duties of Treasurer.** The treasurer shall receive all payments, be custodian of funds of the Council, keep an account of all monies received and expended, and make commitments and disbursements authorized by the executive committee. At the annual business meeting and when asked by the executive committee, the treasurer shall make a full report covering the financial affairs of the Council. All funds, books, records and vouchers in the treasurer's control should be subject to inspection and verification by the executive committee. The treasurer shall deliver to their successor all books, records, money and accounts pertaining to or belonging to the Council.

**SECTION 6. Compensation.** Council officers shall serve without compensation.

**SECTION 7. Non-liability of Officers.** The officers shall not be personally liable for the debts, liabilities, or other obligations of the Council.

#### ARTICLE 4 COMMITTEES

**SECTION 1. Standing Committees.** Standing committees are established as follows:

- Animal Damage Committee
- Disease Committee
- Insect Committee
- Weed Committee
- Southern California

Editorial Committee  
Conference Committee  
executive committee

SECTION 2. Membership on the Animal Damage, Disease, Insect, Weed and Southern California Committees shall be open to anyone interested in the subject matter of the Committee.

The Animal Damage, Disease, Insect, Weed and Southern California Committees shall elect annually, from their membership, a chairperson, and a secretary.

SECTION 3. **The Editorial Committee.** The editorial committee shall be responsible for arranging for preparation and publication of an annual forest pest conditions report, proceedings of the annual CFPC meeting, and any other printed material of interest. The editorial committee will be chaired by one member representing the Director, California Department of Forestry and Fire Protection. The chairperson of the editorial committee will appoint the editor-in-Chief and any other members as needed.

SECTION 4. **The conference committee.** The conference committee with the assistance of the Council shall plan and carry out an effective annual meeting of the California Forest Pest Council. It shall consist of a chairperson and members to handle the program, local arrangements, registration, publicity and other matters. The conference committee chairperson is appointed by the council chairperson. The conference chairperson may then appoint all committee members.

SECTION 5. **The executive committee.** The executive committee shall be composed of 15 members, as follows:

- 1) executive committee chairperson - council chairperson
- 2) executive committee vice-chairperson - council vice-chairperson
- 3) executive committee secretary - council secretary
- 4) executive committee treasurer - council treasurer
- 5) member - animal damage committee chairperson
- 6) member - disease committee chairperson
- 7) member - insect committee chairperson
- 8) member - weed committee chairperson
- 9) member - Southern California committee chairperson
- 10) members - editorial committee chairperson & editor-in-chief
- 11) member - conference committee chairperson
- 12) three members - at large, elected annually by the Council.

SECTION 6. In the event the above membership of the executive committee does not include one member each representing the California Department of Forestry and Fire Protection, the Pacific Southwest Region of the USDA Forest Service, the University of California, and private industry, the Chairperson is authorized to appoint an additional person or persons as necessary to represent these organizations.

SECTION 7. Each executive committee member may designate an alternate to represent their interests in the event they can not attend an executive committee meeting.

SECTION 8. The executive committee shall coordinate all activities of the Council and its committees, and review recommendations for Council action made by the committees. It shall be empowered to take emergency action on behalf of the Council when necessary. No action may be taken on a matter which concerns the subject area of a standing committee unless the standing committee's representative is present.

SECTION 9. The following 11 members of the executive committee have voting rights for matters that the executive committee votes upon.

- 1) executive committee chairperson - Council chairperson
- 2) executive committee vice-chairperson - Council vice-chairperson
- 3) executive committee secretary - Council secretary
- 4) member - animal damage committee chairperson
- 5) member - disease committee chairperson
- 6) member - insect committee chairperson
- 7) member - weed committee chairperson
- 8) member - Southern California committee chairperson
- 9) three members - at large

Six voting members shall constitute a quorum if a representative from at least three of the following standing committees are present: animal damage, disease, insect, weed and Southern California.

SECTION 10. Executive committee members shall serve without compensation.

SECTION 11. The executive committee will serve as the advisory committee to the Board of Forestry.

SECTION 12. Ad hoc committees may be organized and serve at the pleasure of the Council chairperson or the executive committee.

#### ARTICLE 5 VOTING RIGHTS

SECTION 1. Voting rights at the annual Council meeting and standing committee meetings will be established by attendance at the previous year's Council or standing committee meeting, by attendance at a field meeting of a standing committee the current year, or by application to the Council secretary sixty days prior to the annual Council meeting. Any rights so established will remain valid for two years without further participation.

Each member is entitled to one vote on each matter submitted to a vote by the members. Voting at meetings shall be by voice vote with majority rules. Election of Officers, however, shall be by ballot if the results of the voice vote are not clear. Each member of a standing committee shall vote for officers of only one committee.

SECTION 2. **Rosters.** The Council secretary shall maintain and annually distribute to members of the executive committee:

- 1) Names and addresses of standing committee officers and of the full membership of the conference, editorial and executive committee.

2) Names and addresses of voting members thirty days prior the annual meeting of the Council.

The animal damage, disease, insect, weed and Southern California committees shall prepare and maintain lists of members interested in their subject matter field, and send copies to the Council secretary.

#### ARTICLE 6 NOTICE OF MEETINGS

SECTION 1. The Council secretary shall prepare and distribute notices of Council meetings to the membership.

SECTION 2. Standing committee chairpersons or secretaries shall handle distribution of notices of their meetings to those interested, sending copies also to members of the executive committee.

#### ARTICLE 7 MEETINGS

SECTION 1. **Full Council Meetings.** The full Council shall meet at least annually in November. The animal damage, disease, insect, weed and Southern California committees shall meet at least annually, and prior to the annual Council meeting, to review pest conditions in their subject area and to develop recommendations thereon to the Council.

SECTION 2. **Executive committee meetings.** Regular meetings of the executive committee shall be held in February, August and November. In November, the executive committee shall meet just prior to the annual Council meeting, to review and coordinate recommendations being submitted by committees to the Council.

SECTION 3. **Conduct of Meetings.** Meetings of the Council and committees shall be presided over by the appropriate chairperson. Meetings shall be governed by "Roberts' Rules of Order", revised version.

SECTION 4. **Minutes.** The Council secretary shall prepare and distribute minutes of Council meetings within thirty days thereof to members of the executive committee. Copies of the minutes may be distributed to other members with notices or at any subsequent meetings. The Council secretary shall send copies of resolutions or other important material being submitted to external bodies, as a result of Council action, to members of the executive committee.

The chairpersons or secretaries of the animal damage, disease, insect, weed and Southern California committees shall distribute copies of any minutes prepared of their meetings, and of any other pertinent correspondences and material, to the Secretary of the executive committee.

#### ARTICLE 8 RESOLUTIONS

SECTION 1. **Resolutions.** Resolutions are the means by which the Council advocates action or states positions on forest pest and forest health matters.

Resolutions shall be introduced for discussion and adoption in the appropriate subject area committee. The Committee chairperson will forward the resolution to the executive committee for review. The Committee chairperson or his or her designee will then present the resolution at the annual business meeting so the membership may discuss and vote on the resolution.

Resolutions shall include the names and addresses of intended recipients.

Emergency resolutions may be presented to the executive committee for a vote if the resolution deals with an urgent matter that can not wait until the November meeting of the full council.

## ARTICLE 9 FINANCES

SECTION 1. **Expenditures.** The executive committee may authorize expenditures of Council funds. Checks, orders for the payment of money, and other evidence of indebtedness of the Council shall be signed by the treasurer, or Council chairman, or other person designated by the council chairman. The Council chairman may authorize the reimbursement of reasonable incidental expenses in support of Council business.

SECTION 2. **Deposits.** All funds of the Council shall be deposited from time to time to the credit of the Council in such banks, trust companies, or other depositories as the executive committee, or other person designated by the Council chairman may select.

SECTION 3. **Contracts.** The executive committee may authorize any officer or agent of the Council to enter into a contract on behalf of the Council. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the Council to any contract.

SECTION 4. **Gifts.** The Council chairman or the treasurer may accept on behalf of the Council any contribution, gift, or bequest for the charitable or public purposes of this Council.

SECTION 3. **Fiscal year.** The Council fiscal year shall begin on the 1st of January and end on the last day of December.

## ARTICLE 10 AMENDMENT OF BYLAWS OR ARTICLES OF INCORPORATION

SECTION 1. **Amendments.** Changes to the Bylaws or Articles of Incorporation shall be presented to the executive committee for review and then presented to the full Council at the next regularly scheduled business meeting. The By-laws and Articles of Incorporation may be amended by a majority vote of the eligible voting members present at the business meeting.

ARTICLES OF INCORPORATION  
OF  
The California Forest Pest Council

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A CALIFORNIA PUBLIC BENEFIT CORPORATION

ONE: The name of this corporation is The California Forest Pest Council.

TWO: This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes. The specific purposes for which this corporation is organized are to: Coordinate the detection, reporting and compilation of forest pest damage; evaluate pest conditions; make recommendations on pest control to forest management and protection agencies and landowners; and to review policy, legal, and research aspects of forest pest control and submit recommendations thereon to appropriate authorities.

THREE: The name and address in the State of California of this corporation's initial agent for service of process is Scott A. Johnson, Wilbur-Ellis Co., 13771 So. Prescott Road, Manteca, CA 95336.

FOUR: (a) This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

(b) Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (2) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

(c) No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of, or in opposition to, any candidate for public office.

FIVE: The names and addresses of the persons appointed to act as the initial Directors of this corporation are:

Name	Address
Scott A. Johnson	Wilbur-Ellis Co., 13771 S. Prescott Road, Manteca, CA 95336
Nelsen Money	Pacific Gas & Electric, 788 Taylorsville Rd. Grass Valley, 95946
Susan J. Frankel	USDA-Forest Service, 630 Sansome St. San Francisco, CA 94111
John Pronos	USDA-Forest Service, 19777 Greenley Road Sonora, CA 95370
Bruce Roettgering	580 Middlebury Dr. Sunnyvale, CA 94087
Ken Pimlott	California Department of Forestry and Fire Protection 2524 Mulberry Street, Riverside CA 92501
Stephen M. Jones	California Department of Forestry and Fire Protection 1416 Ninth Street, Rm. 1516-38, Sacramento, CA 95814
Ken Fleming	Sierra Pacific Industries, 19040 Standard Road, Standard, CA 95373

SIX: The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of the organization shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person.

On the dissolution or winding up of the corporation, its assets remaining after payment of, or provision for payment of, all debts and liabilities of this corporation, shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for charitable purposes and which has established its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

Date: \_\_\_\_\_

\_\_\_\_\_  
Scott A. Johnson, Director

\_\_\_\_\_  
Susan J. Frankel, Director

\_\_\_\_\_  
Nelsen Money, Director

\_\_\_\_\_  
Bruce Roettgering, Director

\_\_\_\_\_  
John Pronos, Director

\_\_\_\_\_  
Ken Pimlott, Director



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Ken Fleming, Director

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Stephen M. Jones, Director

We, the above-mentioned Incorporators of the California Forest Pest Council, hereby declare that we are the persons who executed the foregoing Articles of Incorporation, which execution is our act and deed.

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Scott A. Johnson, Director

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Susan J. Frankel, Director

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Nelsen Money, Director

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Bruce Roettgering, Director

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John Pronos, Director

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Ken Pimlott, Director

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Ken Fleming, Director

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Stephen M. Jones, Director



INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
2 CUPANIA CIRCLE  
MONTEREY PARK, CA 91755-7406

DEPARTMENT OF THE TREASURY

Date: NOV 18 1996

THE CALIFORNIA FOREST PEST COUNCIL  
C/O S. JOHNSON  
13771 S. PRESCOTT RD  
MANTECA, CA 95336

Employer Identification Number:  
94-3248518  
Case Number:  
956292024  
Contact Person:  
B. THORNTON  
Contact Telephone Number:  
(310) 316-9015  
Accounting Period Ending:  
December 31  
Foundation Status Classification:  
170(b)(1)(A)(vi)  
Advance Ruling Period Begins:  
September 6, 1996  
Advance Ruling Period Ends:  
December 31, 2000

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the

THE CALIFORNIA FOREST PEST COUNCIL

notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If you are required to file a return you must file it by the 15th day of the fifth month after the end of your annual accounting period. We charge a penalty of \$10 a day when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty we charge cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. We

THE CALIFORNIA FOREST PEST COUNCIL

may also charge this penalty if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should keep records to show that funds are spent only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence that the funds will remain dedicated to the required purposes and that the recipient will use the funds for those purposes.

If you distribute funds to individuals, you should keep case histories showing the recipients' names, addresses, purposes of awards, manner of selection, and relationship (if any) to members, officers, trustees or donors of funds to you, so that you can substantiate upon request by the Internal Revenue Service any and all distributions you made to individuals. (Revenue Ruling 56-304, C.B. 1956-2, page 306.)

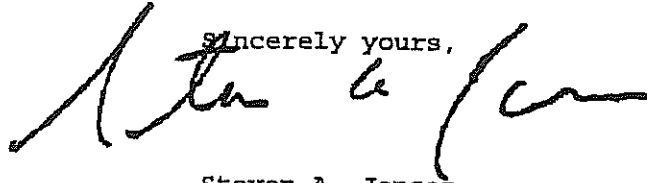
If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

THE CALIFORNIA FOREST PEST COUNCIL

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steven A. Jensen". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Steven A. Jensen  
District Director

Enclosure(s):  
Form 872-C