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February 7, 2010

To the Members of the Davis Food Co-op:

Whereas the Davis food Cooperative has a duly authorized system of bylaws, rules, and procedures that guide its actions, among them Bylaw Article X, Section 2, which requires that all members supported initiatives must specify *a lawful and proper purpose* before they can be placed on the ballot, and

Whereas Directors are charged with the fiduciary duty of upholding these internal rules and bylaws while complying with all relevant federal, state, and local laws, and

Whereas the Bureau of Industry and Security of the US Department of Commerce administers and enforces anti-boycott laws [Export Administration Regulations], and these laws which apply to the Davis Food Cooperative through the Commerce Clause of the U.S. Constitution, penalize or prohibit the co-op from making “agreements to refuse or actual refusal to do business with or in Israel or was blacklisted companies...”, and

Whereas the Davis Food Cooperative has determined after consultation with legal counsel that the proposed member initiative calling for an anti-Israel boycott does not specify a lawful purpose,

Therefore the Davis Food Cooperative respectfully concludes that the proposed member initiative calling for an anti-Israel boycott does not qualify under its bylaws to be presented to the membership on the ballot.

As a result of this resolution, the Board of Directors will not be putting the current “Boycott, Divestment and Sanctions” petition on the ballot.

The Board respects the rights of members to propose member sponsored initiatives and will act in accordance to the bylaws with respect to these initiatives.

Sincerely,

Steve Reynolds
President, Davis Food Co-op Board of Directors

Moved by Samuel Citron/Seconded by Jack Young; **passed unanimously** by Directors Booth, Citron, Cross, Frerichs, Jolly, Reynolds, Ulrich, Wolf and Young on **February 5, 2010**.