

# By-Laws of the Arizona Local Masters Swimming Committee

Revised February 15, 2009

## ARTICLE 1

- 1.1 **OBJECTIVES:** The objectives shall be to promote and develop swimming, physical fitness, and good health for the benefit of Masters swimmers of all abilities in accordance with the goals objectives, rules, and standards prescribed by United States Masters Swimming, Inc. (USMS) and by the Arizona Local Masters Swimming Committee (AZ LMSC).
- 1.2 **NAMES AND BOUNDARIES:** The name of this committee shall be the Arizona (AZ) Local Masters Swimming Committee (LMSC). The national two-letter designation is "AZ"; the national two-number designation is "48". This LMSC shall include all of the State of Arizona.
- 1.3 **JURISDICITON:** The AZ LMSC shall have jurisdiction delegated to it by USMS over the sport of Masters swimming.

## ARITCLE 2 – MEMBERSHIP

- 2.1 **AZ LMSC** membership shall consist of the following:
  1. Team Members
    - a. Those swim organizations or groups who have members registered by the AZ Local Masters Swim Committee with USMS who are in good standing who participate in the sport of swimming or some aspect of it.
    - b. Each team may appoint a working member to the AZ LMSC Board of Directors. The team shall make such appointments either in writing or via email to the chairman of the LMSC from the chairman or equivalent position of the team or group. The team or group may change its representation on the AZ LMSC at any time either by written notice or via email to the AZ LMSC chairman from the chairman or equivalent member of the team or group.
  2. Individual Members
    - a. Each individual
      1. who is an athlete, coach, official, administrator, or other person;

2. who is interested in the purposes or programs of the AZ LMSC;  
and
  3. who has completed the required membership application and paid the required membership fee (including the fee to USMS) to the AZ LMSC.
- b. Each individual member shall receive a USMS membership card certifying his or her membership and may attend annual and special meetings of the AZ LMSC membership.

## **2.2 RESPONSIBILITIES**

1. Duties and Powers of Members
  - a. To elect officers
  - b. To promote and participate in programs and activities conducted by the AZ LMSC and USMS and may attend all membership meetings of the AZ LMSC.
  - c. To vote on any matters, which the Board of Directors submits to a vote of the membership, and on all issues to be voted on at any membership meetings.

## **ARTICLE 3 – MANAGEMENT**

### **3.1 AZ LMSC BOARD OF DIRECTORS**

1. Members – the AZ LMSC Board of Directors shall consist of:
  - a. Each elected officer of the AZ LMSC and the appointed Registrar, all of who shall also be registered members of the LMSC and USMS. The Registrar will serve at the pleasure of the Board.
  - b. The designated representative from each team who shall also be registered members of the AZ LMSC and USMS.
  - c. The immediate past AZ LMSC chairmen.
  - d. At-large representatives may be appointed by the Board of Directors, in its sole discretion.

- e. Each member of the board shall be entitled to only one vote regardless of whether the member is serving in one or more board capacities.
  - f. A quorum of the board required to conduct business shall consist of at least (50%) or more of its members present and eligible to vote
  - g. Board members with more than three (3) consecutive unexcused absences from board meetings may be removed from service on the board at the discretion of the Board of Directors. Excuses from attending meetings shall not be unreasonably withheld.
  - h. All Board members shall have an active email address and telephone number.
2. Duties and Powers – The AZ LMSC Board of Directors shall act for the AZ LMSC and its members during the interval between General meetings.
- a. To establish program and policy; To manage and/or supervise program policy.
  - b. To establish the Review Section.
  - c. To review and adopt the annual budget of the AZ LMSC, including the setting of AZ LMSC registration rates, which shall also include the USMS registration fee and any LMSC entry fees, sanction, recognition or approval fees, which it deems appropriate. Long Distance and National Championship fees shall be in accordance with USMS Rules.
  - d. To amend the By-Laws.
  - e. To call or provide notice of meetings of the Board as well as call membership meetings.
  - f. To take any and all action necessary and /or proper to carry out its powers and duties as well as the programs, activities and objectives of the AZ LMSC, including assisting in appointments, assignments and removal of its members or officers for failure to perform their duties where circumstances warrant such action.

## **ARTICLE 4 – OFFICERS**

- 4.1 OFFICERS:** The elected officers of the AZ LMSC are the Chairman, Vice Chairman, Secretary and Treasurer.

- 4.2 ELIGIBILITY:** Only registered members of the AZ LMSC are eligible to hold office. One member may hold two (2) offices simultaneously, except the Chairman.
- 4.3 TERM OF OFFICE:** Each officer will serve for a term of two (2) years or until a successor is chosen by election or appointment by the Board to fill a vacancy.
- 4.4 NOMINATION:** The Nominating Committee shall be composed of team representatives, with a minimum of three (3) appointed by the Chairman and approved by the Board. No member of the Nominating Committee can be a candidate while serving on the Nominating Committee. By June 30 of the second year following an election, a letter to each registered member shall be sent by the Board and the Registrar advising each member of their right to nominate another member or to have themselves proposed as a candidate; provided a letter in support of such nomination is presented to the Nominating Committee from another registered member giving reasons why such member is being nominated as well as giving information to the Committee where the candidate being proposed can be reached by phone, letter and (if possible) email. Candidates must be contacted by the Nominating Committee to verify they are interested in seeking the office and performing the work of the position for which they have been nominated. Letters from members nominating candidates must be received by the Committee no later than 60 days from the date on the letter from the Registrar notifying members of the election (August 30).

#### **4.5 MAIL BALLOT PROCEDURE**

1. Mail ballots shall be used in all elections of LMSC officers.
2. The Nominating Committee shall forward its list of authorized candidates (if possible, at least two candidates for each position) to the Registrar by 90 days (September 30) following the June 30 date of the Registrars letter to members regarding the date of the election and their right to nominate and vote. No later than October 15, the Registrar shall send a letter to each registered member (by mail or along with the Newsletter, if there is one), which letter will contain an official ballot on the reverse side and will also contain each members name, address and current registration number as well as instructions to return the ballot in a colored pre-addressed return envelope to the Registrar, by mail only, by the deadline date entered on the ballot. The ballots should be completed by the member, signed and mailed to the Registrar. Only original ballots with the registration number will be counted. Upon receipt of the ballots by the deadline date, the Registrar will contact the Nominating Committee to meet with him/her to observe the counting of the ballots. Any discrepancy or disputes concerning the ballots shall be reported to the Board for resolution. Unsigned ballots, or where the intent of the voter is not clear, shall not be

counted. After the counting is completed the Registrar shall seal the ballots in a tamper free container and notify the Board of the name of the candidate in each position who has received the highest number of votes. After the election the Registrar shall deliver them to the Secretary who shall keep and preserve them for two years and then destroy them. Mail ballots cannot be delivered by a coach or other intermediary. The newsletter Editor, if there is one at the time, shall announce the results of the election in the next issue, or in the absence of a Newsletter, the Board shall be responsible for notifying the members by whatever means it reasonably deems appropriate.

**4.6 DUTIES:** The duties of the officers and the Registrar are the following:

1. Chairman - The Chairman shall be responsible for the day to day management of the business affairs of the LMSC, shall call meetings when and where deemed necessary and shall preside at all meetings; and with the advice and consent of the Board of Directors, shall appoint those committee chairmen necessary to fulfill the duties and responsibilities of the LMSC. The Chairman shall also be entitled to appoint a Legal Advisor who will serve as an Ex Officio member of the Board.
2. Vice Chairman - The Vice Chairman shall preside at all meetings of the LMSC when the Chairman is absent. The Vice Chairman shall have all of the powers and duties of the Chairman when the Chairman is unable or incapable of performing such duties and responsibilities. In addition, the Vice Chairman shall assist the Chairman and any other officers, and perform such duties as assigned by the Chairman.
3. Secretary - The Secretary shall be responsible for keeping written records of all meetings, preparing official correspondence, issuing meeting notices and minutes of meetings, and making reports required by USMS and the Chairman.
4. Treasurer - The Treasurer shall be responsible for preparing the annual budget for review and approval by the Chairman and the Board of Directors; shall receive all of the monies and pay all of the bills approved by the Board of Directors; and shall be responsible for maintaining all financial records and for making timely reports (at least annually) to the Board of Directors and such reports required by the Chairman and such reports required to be filed and made to USMS.
5. Registrar - The Registrar shall be responsible for registration of the LMSC, the clubs, and the swimmers, and making reports required by USMS and the Chairman.

- 4.7 VACANCIES:** Vacancies created in any office for any reason may be filled by appointment of the Chairman, subject to advice and consent of the Board at its next meeting.

## **ARTICLE 5 - MEETINGS**

- 5.1 ANNUAL:** The annual meeting of the membership shall be held no later than November 15 of each year. New officers shall be elected every two (2) years. When elections are held, the terms shall begin January and expire December 31 two (2) years later.
- 5.2 BOARD:** A minimum of two (2) meetings per year is required. Should the Chairman fail to call meetings of the Board, a meeting may be called upon the request of any three members of the Board. The meeting can be conducted as a normal meeting, a teleconference, or a combination of both at the discretion of the Board.
- 5.3 MEMBERSHIP:** Should the Chairman fail to call an Annual membership meeting or should such membership meeting be required, such special meetings may be called at any time upon the request of any three (3) members of the Board of Directors. The meeting can be conducted as a normal meeting, a teleconference, or a combination of both at the discretion of the Board.
- 5.4 NOTICES:**
1. Time - Not less than fifteen (15) days notice must be given by the LMSC Secretary for any Annual or Special meeting of the membership. The notice shall be posted and announced at the AZ sanctioned swimming meet which immediately precedes the meeting and in the newsletter preceding the meeting, or by written and/or electronic means.
  2. Information - The notice of a meeting shall contain the time, date and site. For each special meeting, the purpose(s) of the meeting shall also be given.
  3. Address - Each member of the Board of Directors shall be notified of any meeting by the LMSC Secretary either verbally and/or via email.
- 5.5 ORDER OF BUSINESS:** At all membership meetings and meetings of the Board of Directors, the following should be the order of business:
1. Roll call;
  2. Call to order;

3. Reading, correction and adoption of minutes;
4. Reports of Officers;
5. Reports of Committees;
6. Unfinished business;
7. Elections, where appropriate;
8. New business;
9. Resolutions and orders;
10. Adjournment.

**5.6 QUORUM:** A quorum at all meetings other than Board meetings shall consist of those present and eligible to vote, provided that proper notice of the meeting has been given. A list of current Board members, Team Representatives, and other voting members shall be provided by the Secretary before the start of each meeting.

**5.7 RULES OF ORDER:** At all meetings, the "Robert's Rules of Order" may be the Procedural rules.

**5.8 VOTING:** The support of the vote of a majority of the members present and eligible to vote shall be required to pass any matter, at any meeting except for votes to amend the By-laws, which requires a favorable vote of two-thirds (2/3) of the members of the Board of Directors. All votes Cast via teleconference participants will be roll call votes.

## **ARTICLE 6 – COMMITTEES**

**6.1 CHAIRMAN:** The Chairman of each committee shall be appointed by the LMSC Chairman with the advice and consent of the AZ LMSC Board of Directors.

**6.2 MEMBERSHIP:** Members of each committee shall be appointed by the Committee Chairman with the advice and consent of the Chairman of the AZ LMSC.

## **ARTICLE 7 - CONDITIONS OF COMPETITION**

- 7.1 GENERAL:** The current USMS rules and regulations as outlined in the " United States Masters Swimming Code of Regulations and Rules of Competition" shall be the rules and regulations used to govern Masters swimming competitions. They guarantee uniform and fair standards and ensure fair and equal conditions during swimming competitions. The "USMS Adapted Swimming Handbook" may be used where applicable. These rules and conditions may be augmented by the AZ LMSC provided that the LMSC rules and regulations are not contrary to those of USMS.

## **ARTICLE 8 – CHAMPIONSHIPS**

- 8.1 GENERAL:** When swimming championships are conducted, they shall be in accordance with USMS rules for conduct of championships as described in the USMS rules.

## **ARTICLE 9 - DUES AND FEES**

- 9.1 ATHLETE REGISTRATION:** Each member or each swimming organization on the member's behalf, shall pay an annual fee established by the AZ LMSC to the Registrar. The fee shall include the National USMS fee and the AZ LMSC fee.

## **ARTICLE 10 - REPORTS AND REMITTANCE**

- 10.1 ANNUAL REPORTS:** The AZ LMSC shall comply with the financial record keeping and reporting requirements of USMS. The AZ LMSC Secretary shall forward a copy of the minutes of the annual meeting and the AZ LMSC Treasurer shall forward a copy of the annual financial report to USMS.
- 10.2 MEMBERSHIP REPORTS:** Each month, the Registrar or designee shall forward to the USMS National Registrar a report listing all AZ LMSC members and clubs, with addresses, who have joined AZ LMSC during the prior month. This report will be accompanied by the appropriate fees.
- 10.3 GENERAL:** The AZ LMSC shall make such other reports and remittances, as required, to USMS. The AZ LMSC Chairman, Secretary Treasurer and Registrar are responsible for ensuring that all required reports and remittances are made.

## **ARTICLE 11 - HEARINGS, PROTESTS, APPEALS**

## AND ATHLETE'S RIGHTS

- 11.1 ATHLETE'S BILL OF RIGHTS:** The LMSC, in accordance with the rules of USMS, shall respect and protect the right of every eligible individual to participate as an athlete, coach, trainer, manager, administrator or other official in any Masters swimming competition, so long as such competition is conducted in compliance with reasonable local, national and applicable international requirements.
- 11.2 REVIEW SECTION:** When necessary, the Board of Directors shall appoint a Review Section comprised of no fewer than five (5) members. The Review Section hearings may be conducted by an attorney-at-law who is retained by the Review Section. If the attorney is not a member of USMS, then the attorney shall have no vote. The Chairman of the Review Section shall be elected by the Review Section members. A quorum for any hearing conducted by the Review Section shall be fifty (50) percent of the Review Section members, but in any event, no fewer than three (3) members.
- 11.3 GENERAL JURISDICTION:** The Review Section may conduct hearings on any matter affecting USMS and the AZ LMSC which arises solely within the AZ LMSC geographical boundaries and which involves only AZ LMSC members.
- 11.4 APPEAL:** The decision of the Review Section may be subject to appeal by the applicant to the AZ LMSC Board of Directors, thereafter, to appeal by the applicant to the USMS National Board of Review for final determination.
- 11.5 NOTICE TO ATHLETE:** In each case in which a notice is mailed to a registered member, it is sufficient to address the notice to the member and mail it to the residence given on the member's application for registration. If a written change of address has been filed with the Registrar, then the notice should be sent to that address.

## ARTICLE 12 – MISCELLANEOUS

- 12.1 FISCAL YEAR:** The fiscal year of the AZ LMSC shall correspond to the fiscal year of USMS.
- 12.2 MAILING ADDRESS:** The AZ LMSC must submit a permanent mailing address for use by the USMS National Office.
- 12.3 SPECIAL VOTE:** Except for amendments of the AZ LMSC By-laws, any action which can be taken at an annual or special meeting of either membership and/or the Board of Director meetings may be taken without a meeting when, in the

judgment of the Chairman, action must be taken on a matter which cannot await the next scheduled meeting. If an action is to be taken without a meeting, the AZ LMSC Secretary shall distribute an email ballot to every member entitled to vote on the matter. The ballot shall set forth proposed action, provide an opportunity to specify approval or disapproval of any proposal and provide five (5) days within which to return the email to the AZ LMSC Secretary. Ballots returned by the specified date shall constitute a fair representation of popular opinion, with the majority of these ballots deciding the issue.

- 12.4 ADMINISTRATION:** Some or all of the administrative functions which are the responsibility of the AZ LMSC may be assigned [by mutual agreement] to a local office or organization. This agreement must outline the nature of the services and the fees associated with those services and shall be in accord with general policies and guidelines established by USMS.
- 12.5 DISSOLUTION:** Upon dissolution of the AZ LMSC, the net assets of the LMSC will not inure to the benefit of any private individual, corporation, organization or association. These net assets will be distributed to the United States Masters Swimming Inc. (USMS) to be used exclusively for educational or charitable purposes. At that time, if USMS is not in existence or if it is not a corporation which is exempt under Section 501(c)(3) of the US Internal Revenue Code and to which contributions, bequests and gifts are deductible under Section 170(c)(2), 2055(a)(2) and 2522(a)(2), then the net assets of the LMSC shall be distributed to a corporation which is exempt under Section 501(c)(3) of the US Internal Revenue Code and to which contributions, bequests and gifts are deductible under Section 170(c)(2), 2055(a)(2) and 2522(a)(2). These assets are to be used exclusively for educational or charitable purposes.
- 12.6 TELEPHONE NUMBER:** Arizona Masters is authorized to maintain a local phone number for receiving messages, announcing events, and containing contact information for selected LMSC leaders. The Board can designate one or multiple recipients of the messages and has sole discretion over the content of any announcements and other information presented via telephone.
- 12.7 EXTERNAL COMMUNICATION:** The only person allowed to speak on behalf of Arizona Masters Swimming is the Chairman of the Board. The Chairman may appoint a person or persons to speak on behalf of Arizona Masters Swimming for a specified amount of time or on a specific matter that has been defined by the Chairman.