

BYLAWS

NEW MEXICO MASTERS SWIMMING - LMSC

ARTICE I

1.1 OBJECTIVES - The objectives shall be to promote and develop swimming for the benefit of swimmers of all abilities over the age of twenty-five (25) years, in accordance with the standards and under the rules prescribed by the United States Masters Swimming, Inc. (USMS) and this Local Masters Swim Committee (LMSC).

1.2 NAME OF BOUNDARIES - The name of this Committee shall be the New Mexico Masters Swimming Local Masters Swimming Committee (LMSC). The geographic boundaries of this LMSC shall include the state of New Mexico.

1.3 JURISDICTION - The LMSC shall have jurisdiction over the sport of masters swimming as has been delegated to it by USMS.

ARTICLE 2 MEMBERSHIP

2.1 The membership shall consist of the following:

1. Group members:

(a) Those swim organizations which have joined and are in good standing members of the LMSC and who have athletes registered to represent said organization in the sport of swimming.

(b) Those organizations which conduct a program in swimming or are composed of persons joined together in support of swimming or some aspect of it.

(c) Each group member shall appoint a representative to the LMSC. Such appointment shall be in writing, duly certified by the Chief Executive Officer or Secretary of the appointing member. The appointing member may withdraw its representative by written notice addressed to the secretary and signed by its Chief Executive or Secretary and substitute a new representative.

2. Individual members:

(a) Each individual who is an athlete, coach, official, administrator or other person who is (a) interested in the purposes or programs of the LMSC; and (b) who has completed the required membership application and paid the required membership fee to the LMSC which includes the fee to USMS.

Each individual member will receive a membership card certifying his or her membership and may attend all general meetings of the LMSC.

2.2 RESPONSIBILITIES:

1. Duties and Powers of Members:

(a) To elect officers;

(b) To ratify or rescind policy and programs established by the Board of Directors;

(c) To amend the By-Laws of the LMSC.

ARTICLE 3
MANAGEMENT

3.1 LMSC BOARD OF DIRECTORS:

1. Members - the LMSC Board of Directors shall consist of:

- (a) Each officer of the LMSC; and
- (b) A representative of each swimming organization which has joined and is in good standing. Each such representative shall be certified in writing by the chief executive officer or secretary of such organization.

2. Duties and Powers - the LMSC Board of Directors shall act for the LMSC and its members during the interval between membership meetings, subject to the approval and ratification of the membership, except that it cannot amend these by-laws. The Board shall have the power and it shall have the duty:

- (a) To establish program and policy, subject to ratification by the membership and to lend direction thereto;
- (b) To establish the Review Section;
- (c) To review and adopt the annual budget of the LMSC;
- (d) To call regular and special meetings of the LMSC Board of Directors.

ARTICLE 4
OFFICERS

4.1 OFFICERS - The elected officers are Chairman, Secretary, Treasurer and Registration Chairman.

4.2 ELIGIBILITY - Only members of the LMSC are eligible to hold office.

4.3 TERM OF OFFICE - Each officer shall serve for a term of two years, or until his successor is chose. He or she is not eligible for re-election to the same office if he or she has served four successive years therein, unless others are not available to fill the office, until the lapse of two years.

4.4 NOMINATION - The slate of officers to stand for election will be prepared by a nominations committee, with a minimum of three (3) serving. The nominations committee shall be elected by secret ballot at the annual membership meeting, and nominations of the nominating committee will be distributed to the membership with notice of the next annual meeting. Additional nominations may always come from the floor.

4.5 DUTIES - The duties of the officers are as hereafter set forth, and such others as may be designated by the Board of Directors from time to time.

1. General Chairman - the General Chairman shall be responsible for the day-to-day management of the business affairs of the LMSC. He or she shall call meetings when and where deemed necessary and shall preside at all meetings. He shall appoint committee chairmen for such standing and special committees as may be necessary to fill the duties and responsibilities of the LMSC, all with the advice and consent of the Board of Directors.

2. Secretary - The Secretary is responsible for keeping a record of all meetings, conducting official correspondence, issuing meeting notices and minutes of meetings, and making such reports as may be required by USMS.

3. Treasurer - The Treasurer shall be responsible for preparing the annual budget for review and approval by the Chairman and Board of Directors. The Treasurer shall receive all the monies and pay all the bills approved by the Board of Directors or authorized by a budget approved by the Board of Directors. The Treasurer is responsible for maintaining all financial records, including bank and checking records, and for making timely reports (at least annually) to the Board of Directors.

4. Registration Chairman - The Registration Chairman shall be responsible for registration of swimmers.

4.6. VACANCIES - Vacancies created for whatever reason in any office may be filled by the appointment of the Chairman, with the advice and consent of the Board of Directors, until the next regularly scheduled meeting of the membership.

ARTICLE 5 MEETINGS

5.1 ANNUAL - The annual meeting of the membership shall be held no later than November 15 of each year, and when elections are held, the new officers' terms shall commence no later than January 1 of the succeeding year.

5.2 SPECIAL - Should the Chairman fail to call regular membership meetings, or should a special membership meeting be required, such a meeting may be called at any time upon the request of any three members of the Board of Directors.

5.3 NOTICES

(1) Time - Not less than 15 days notice must be given by the Secretary for any annual or special meeting of the membership or Board of Directors.

(2) Information - The notice of a meeting shall contain the time, date, and site. For special meetings, the purpose of such meeting shall be given.

(3) Address - The notice shall be sent to the last address given to the Secretary of each member or Board of Directors.

5.4 ORDER OF BUSINESS - At all membership meetings and meetings of the Board of Directors, the following is the order of business:

1. Roll call
2. Reading, correction and adoption of minutes
3. Reports of Officers
4. Reports of Committees
5. Unfinished business
6. Elections where appropriate
7. New business
8. Resolutions and Orders
9. Adjournment

5.5 QUORUM - A quorum at all meetings shall consist of those present and eligible to vote.

5.6 RULES OF ORDER - At all meetings, the current Robert's Rules of Order are the procedural rules.

ARTICLE 6 COMMITTEES

6.1 CHAIRMEN - The Chairmen of Committees are appointed by the General Chairman with the advice and consent of the Board of Directors.

6.2 MEMBERSHIP - Members of all committees shall be appointed by the General Chairman with the advice and consent of the Chairmen thereof.

ARTICLE 7 CONDITIONS OF COMPETITION

7.1 GENERAL - The conditions of competition in any swimming event, and the rules governing it, shall be those established by USMS or the LMSC where its rules and regulations are not contrary to the rules of USMS.

ARTICLE 8 CHAMPIONSHIPS

8.1 GENERAL - Swimming championships when possible, will be held in accordance with the rules of the USMS 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 his or her behalf, pays to the Registration Chairman an annual fee established by the LMSC and USMS, which fee shall include a charge for insurance.

ARTICLE 10 REPORTS AND REMITTANCE

10.1 ANNUAL REPORTS - The Secretary shall forward to the Secretary of USMS a copy of the audit of the accounts of the LMSC, together with a complete report on the annual meeting of the LMSC within thirty (30) days following the annual meeting. The audit of accounts is to be signed either by a Certified Public Accountant or by three members of the Board of Directors. The Secretary of USMS shall then forward to the Treasurer of USMS for filing.

10.2 MEMBERSHIP REPORTS - The Registration Chairman or his or her designee shall forward each month to the USMS Registrar a report listing all athletes and clubs, with addresses, who have joined the LMSC and USMS within the prior month. This report shall be accompanied by the appropriate fees.

10.3 GENERAL - The LMSC shall make such other reports and remittances to the USMS as specified in its Code or by the National Board of Directors or Board of Governors. The General Chairman, Secretary and Treasurer are responsible for seeing that all required reports and remittances are made.

ARTICLE 11

HEARINGS, APPEALS, AND ATHLETE'S RIGHTS

11.1 ATHLETES' BILL OF RIGHTS - The LMSC, in accordance with the rules of the 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 - The Board of Directors shall annually elect a Review Section comprised of no less than five members. Its hearings may be conducted by an attorney at law retained by the Review Section for that purpose. If the attorney is not a member of the USMS, he shall have no vote. The Chairman of the Review Section shall be elected by its membership. A quorum for any hearing conducted by the Review Section shall be 50 percent of its membership, but in any event, no less than three.

11.3 GENERAL JURISDICTION - The Review Section may conduct hearings on any matter affecting USMS and the LMSC and arising solely within the geographical boundaries of the LMSC and involving only members of the LMSC.

11.4 APPEAL - The decision of the Review Section will be final in all cases, subject only to the appeal to the Board of Directors of the LMSC at the option of the applicant, and thereafter to the USMS National Board of Review.

11.5 NOTICE TO ATHLETES - In each case, where notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to him at the residence given in his application for registration; or, if he has filed with the registration committee a written notice of change of residence, then at such changed address.

ARTICLE 12

MISCELLANEOUS

12.1 AMENDMENTS - Any provision of these by-laws not proscribed by USMS may be amended at any meeting of the membership of the LMSC by a two-thirds vote of the members voting. At least thirty days notice must be given to every member of any proposed amendment.

12.2 FISCAL YEAR - The fiscal year of the LMSC shall correspond to the calendar year.

12.3 MAILING ADDRESS - The LMSC must submit a permanent mailing address for use by the national headquarters.

12.4 MAIL VOTE - Any action which may be taken at any regular or special meeting of members of either the membership or the Board of Directors, except amendment of these by-laws, may be taken without a meeting. If an action is taken without a meeting, the Secretary shall distribute a written 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 a reasonable time within which to return the ballot to the Secretary. Approval by written ballot shall be valid only when the number of votes cast by ballot within the time period specified constitutes a majority of the votes entitled to be cast.

12.5 AAU ASSOCIATIONS - Some or all of the administrative functions which are the responsibility of the LMSC may be assigned to the local AAU Association under agreement between the LMSC and the Association outlining the nature of the services and the fees to be paid therefor. Such an agreement shall be in accord with general policies and guidelines established by USMS and the National AAU.

12.6 DISSOLUTION - Upon dissolution, the net assets of the LMSC will not inure to the benefit of any private individual or corporation, but will be distributed to United States Masters Swimming, Inc. to be used exclusively for educational or charitable purposes, or, if United States Masters Swimming, Inc. is not then in existence, or is not then a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code and to which contributions, bequests and gifts are deductible under Sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, such assets shall be distributed to such a corporation, and be used exclusively for educational or charitable purposes.

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