

BY-LAWS
METROPOLITAN LOCAL MASTERS SWIMMING
COMMITTEE
11-21-2021

ARTICLE I: ORGANIZATION

Section 1: Objectives, Territory, and Jurisdiction

- A. Objectives: Metropolitan Local Masters Swimming Committee (Metro) is the local organizing body of United States Masters Swimming, Inc. "USMS", a group of sportswomen and sportsmen founded in 1970 and dedicated to the promise that the lives of participants will be enhanced through aquatic physical conditioning. The LMSC and USMS support and encourage competitions both among their members and with participants from other nations. These competitions will be held in accordance with the standards and under the rules prescribed by the Federation International Natation Amateur (FINA), U.S. Masters Swimming, Inc. (USMS), and the Metro LMSC (Metro). As defined by USMS, the LMSC shall register swimmers, grant sanctions to events, and disseminate information to its member clubs, workout groups and swimmers.
- B. Territory: The territory of the Metro LMSC includes New York City, Long Island, Westchester, Rockland, Orange, Dutchess, and Putnam Counties.
- C. Jurisdiction: the Metro LMSC has jurisdiction over the sport of Masters competitive swimming as has been delegated to it by USMS.

Section 2: Membership

- A. Classes of Membership:
 - 1. Individual members include athletes, coaches, officials, administrators, or persons otherwise interested in the purposes and programs of the Metro LMSC. Upon joining the Metro LMSC, each individual may attend all meetings of the Metro LMSC with voice but not vote.
 - 2. Club and workout group members are organizations or groups of permanent character currently registered with USMS through the Metro LMSC that actively promote and participate in Masters Swimming.
 - 3. The membership year shall be the same as established by USMS (January 1- December 31).
- B. Responsibilities of Membership:
 - 1. Individual members shall become cognizant of the objectives, rules, and policies of the Metro LMSC and USMS and shall abide by these rules, objectives, and policies. Individual members shall pay an annual fee which includes a national fee established by USMS and a local fee established by the LMSC.
 - 2. Individual members must be registered with USMS for the current year in order to participate in any sanctioned competition, clinic, or other LMSC event. Proof of USMS registration is required prior to participation in any such event. Club and workout group members must be registered with USMS for the current year in order for any individual member to represent that club in a sanctioned USMS competition.

3. Club and workout group members shall:
 - (a) endeavor to inform their athlete members of the rules, objectives, and policies of the Metro LMSC and USMS.
 - (b) appoint a voting delegate(s) to the Metro LMSC Board of Directors as provided in the By-Laws (Article I, Section 3). This delegate shall also receive official correspondence on behalf of the club or workout group from the LMSC.
 - (c) pay an annual fee which includes a national fee established by USMS and a local fee established by the LMSC.
 - (d) be responsible for updating the contact information to the LMSC registrar and Metro website.
 - (e) make sure all members are current USMS members.

Section 3: Board of Directors

- A. Membership: The membership of the Board of Directors of the Metro LMSC shall consist of the officers, the chairs of the standing committees, club and workout delegates, and special appointments as defined in Article I, Section 3, paragraph D. All members of the Board of Directors shall be current members of United States Masters Swimming (USMS) and the Metro LMSC.
- B. Officers: The officers of the Metro LMSC consist of the Chair, Vice Chair, Secretary, and Treasurer. Each officer serves a term of two years or until a successor is selected. No person may hold more than one officer position. In the event an officer is also a Committee Chair, such officer shall be entitled to a single vote. Chair and Vice Chair are elected at a general meeting of the Metro LMSC held no later than December 15. If the office of Vice Chair, Secretary, or Treasurer is vacated before the end of the term, the office shall be appointed by the Chair until the next annual meeting with the appropriate election. Any officer or chairperson may resign at any time by giving written notice to the Chair or Secretary. The resignation shall take place immediately. Any officer while still severing, who moves to another LMSC may still hold their position on Metro board with board approval.
 1. Duties of the Chair: The Chair calls meetings when and where deemed necessary, presides at all meetings, and appoints secretary, treasurer and committee chairs for standing and Ad Hoc committees as necessary to fulfill the duties and responsibilities of the Metro LMSC, with the advice of the Board of Directors. The Chair shall be responsible for day-to-day management of the LMSC.
 2. Duties of the Vice Chair: The Vice Chair will assist the Chair as needed and will take over the Chair position until the next election if the current Chair leaves office before the conclusion of his or her two year term.
 3. Duties of the Secretary: The Secretary is responsible for keeping a record of all meetings and providing copies of the minutes to the Board of Directors, and making such reports to the national office as are required by USMS rules.
 4. Duties of the Treasurer: The Treasurer receives all the monies and bills approved by the Finance Committee or Board of Directors. The Treasurer is responsible for maintaining all financial records, including bank and checking records, for making

annual and semi-annual financial reports to the Board of Directors, and for making such reports to the national office as are required by USMS rules.

- C. Standing Committees: The standing committees of the Metro LMSC include the Finance, Sanctions, Coaches, Top Ten, and Awards committees. The chair of the Finance

Committee shall be the Treasurer. All committee chairs shall be appointed by the LMSC Chair and reviewed every two years. Members of each committee shall be appointed by the chair of that committee.

1. Finance Committee: The Finance Committee shall review regular financial statements prepared by the Treasurer, including receipts and disbursements; assist the LMSC Chair in the preparation of the annual budget; provide for an audit, when appropriate, of the LMSC's financial records; and make sure the required tax forms are prepared and filed. It should make sure the Financial Operating Guidelines are updated, when needed.
2. Sanctions Committee: The Sanctions Committee shall oversee the competitive program to insure that the Metro LMSC program offerings are consistent with USMS and Metro LMSC objectives, rules, and policies; process applications for meet and event sanctions; provide meet directors with USMS rulebooks; keep accurate records of said sanctions and reports; make suggestions for projects and priorities to the Board of Directors; and develop long-range plans for the Metro LMSC programs.
3. Coaches Committee: The Coaches Committee shall develop programs and tools to enhance the quality of Masters swimming programs and coaching. The Committee shall maintain a list of coach members within the LMSC and be the liaison between coaches and the Metro LMSC Board of Directors. The Committee will work with the USMS Coaches Committee.
4. Records and Top Ten Tabulator. The Records and Top Ten Tabulator shall maintain Metro LMSC Swimming records; review Metro LMSC meet results and prepare lists of swimmers for national Top Ten consideration.
5. Awards Chair: Responsible for acknowledging awards including USMS Top Ten for SCY, SCM, and LCM, selecting Swimmer of the Month, and any year end awards.

D. Other Committee Chairs

1. Review Chair: The Review Chair shall receive and process complaints brought by LMSC members pursuant to Part Four of the current USMS Rules and Regulations and in accordance with Article II of these By-Laws.
2. Long Distance and Open Water Committee: The Long Distance Committee shall work with the Sanctions Committee in matters concerning long distance swimming as per the long distance swimming rules in the USMS rule book. This Committee shall also promote long distance and open water events within the LMSC and work with the Sanctions Chair on events carrying both USMS and USA Swimming sanctions.
3. Fitness Committee: The Fitness Committee shall develop fitness swimming activities for the general membership, work with the USMS Fitness Education Committee, and educate adults on the fitness benefits of swimming.
4. Officials Committee: The Officials Committee shall develop policies and procedures to assure that all Metro LMSC sanctioned events are officiated uniformly and conducted in conformance with the USMS swimming rules. This committee shall also

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5. Communications Chair: The Communications Chair shall publish an LMSC newsletter on a timely basis and delivered to members by electronic mail.

6. Insurance and Safety Coordinator: The Safety Coordinator shall study, develop, recommend, and implement safety education programs for swimmers, coaches, and volunteers in Masters Swimming and making available forms for injured members.
7. Equipment Chair: The Equipment Committee is responsible for maintaining a list of equipment belonging to the LMSC. The person must keep track of when and where equipment is lent, and make those parties responsible for its return.
8. Robert's Rules Chair: The Robert's Rules Chair shall oversee all MLMSC meetings to assure that all meetings are followed per Robert's Rules of order.
9. Diversity Chair: The Diversity Chair shall serve as a voice of the under-represented LMSC population. To promote, develop and implement strategies, policy and programs that will include and increase diversity in Metro LMSC
10. Additional ex-officio members may be appointed at the discretion of the Chair. Ex Officio members shall be permitted to attend meetings of the Board of Directors with voice, but may not vote on matters pending before the Board.

E. Club and workout group representatives:

1. Each club and workout group is entitled to one voting delegate to the LMSC Board of Directors; if the club or workout group has over 200 registered swimmers, it is entitled to a second voting delegate; if a club or workout group has over 300 registered swimmers, it is entitled to a third voting delegate. Current registration is required in order for the club and workout group to have a voting delegate on the Board of Directors.
2. Each such representative shall be acknowledged at every Board meeting of their representation during roll call.

Section 4: Executive Committee

A. Membership.

1. Officers (Chair, Vice Chair, Secretary, Treasurer).
2. Five other members of the Board of Directors, as appointed by the LMSC Chair.

B. Authority. Between annual meetings and semi-annual meetings of the Board of Directors, the Executive Committee shall have the authority to:

1. Carry out policies established by the Board of Directors.
2. Assume the policy-making responsibilities of the Board of Directors for time sensitive LMSC business.

C. Reporting. A report of the actions taken by the Executive Committee shall be made available to the Board of Directors within 30 days of the action taken. Actions taken by the Executive Committee shall be effective until the next meeting of the Board of Directors, at which time such action shall be ratified.

Section 5: Meeting of the Board of Directors

- A. The annual meeting of the Board of Directors shall be held no later than December 15 of each year and the semi-annual meeting no later than July 15.
- B. A special meeting may be called by any two officers making a written request to the

Chair.

- C. All LMSC members shall be notified of the date, time and place of the annual and semi annual meetings through the LMSC website. Members of the Board of Directors shall also be notified of the date, time and place of any such meetings by electronic mail no fewer than fifteen days prior to the date of the meeting.
- D. All meetings of the Board of Directors may be attended by any registered LMSC member(s).
- E. Order of Business. At all meetings of the Board of Directors, the agenda shall include the following list of items as well as any additional items:
 - 1. Roll Call
 - 2. Reading, correction, and adoption of minutes
 - 3. Reports of Officers
 - 4. Reports of Committee Chairs
 - 5. Unfinished business
 - 6. Elections when appropriate
 - 7. New business
 - 8. Resolutions and orders
 - 9. Adjournment
- F. Quorum. A quorum at all meetings shall consist of one-fourth of the voting membership of the Metro LMSC Board of Directors.
- G. Rules of Order. It is highly recommended that the current Robert's Rules of Order be the procedural rules for all meetings.

Section 6: Election of Officers

A. General Precepts

- 1. Elections of Chair and Vice Chair shall be held in even-numbered years
- 2. Elections of Chair and Vice Chair shall be held at the annual meeting of the Board of Directors, which meeting shall be held in accordance with Article I, Section 5, A.
- 3. Each officer shall serve a term of two years or until a successor is elected. Each officer's term shall commence on the 1st of January immediately following the election, with the month of January being a transition period for the old and new officer to work together to insure a smooth transfer of responsibilities.
- 4. Emeritus positions will be created for outgoing Executive Chair and Vice Chair positions if the BOD so wishes

B. Nominations

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- 1. By the Semi-Annual meeting of each election year, the LMSC Chair shall select a Nominating Committee composed of one, max of three individuals who are LMSC members.
- 2. The Nominating Committee shall canvass interested and qualified persons in order to

present one or more candidates for each office. The Nominating Committee shall publish the open board positions for that year's election 30 days prior to the LMSC meeting and shall publish the slate of the candidates' platforms on the website 15 days prior to the LMSC meeting.

a. Qualified candidate have to be Metro LMSC members, in good standing, for at least 2 years prior to running for a position

3. At the meeting, the Nominating Committee shall present one or more candidates for each office.

C. Voting Procedures and Eligibility. New officers shall be elected by a simple majority of the Board of Directors of the Metro LMSC present. A quorum must attend the election in order for the vote to be valid. The Nominating Committee shall conduct the election and vote shall be taken by written ballot if there is more than one candidate for any office.

ARTICLE II: Grievances, Hearings, and Appeals

A. The LMSC shall hear grievances on any matter arising solely within the territorial jurisdiction of the Metro LMSC; involving any current or past individual or club or workout group member or sanctioned event. Complaints may be brought alleging unsporting conduct, defined in Part 4 of the USMS Rule Book.

B. Complaints

1. Complaints shall be in writing or by email, shall consist of a concise statement of the behavior or circumstance involved, and signed by the person responsible for making the complaint. The complaint shall clearly identify the person or entity making the complaint and the person or entity against whom the complaint is made. The complaint shall be directed to the Review Chair whose email address is located on the website.

2. The Review Chair shall dismiss complaints that do not meet the criteria specified in Article II, Paragraph A and shall notify the LMSC Chair and the party bringing the complaint of this action.

3. If the Review Chair does not dismiss the complaint, the Review Chair shall transmit a copy of the complaint to all other parties involved.

4. The parties other than the complaining party shall have the right to make a written reply, which shall consist of a concise statement of any matter of defense to the complaint, and which shall be made within thirty (30) days from the date the copy of the complaint is transmitted by the Review Chair. Replies shall be in writing and signed by the person responsible for making the reply. The Review Chair shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Part 4 of the current USMS Rulebook . The Review Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

C. Mediation and Hearings

1. The Review Chair shall attempt to resolve the controversy by mediation. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the LMSC Chair. If a party who is the subject of a complaint fails to

- make a reply, but other parties have replied, then the Review Chair may proceed to mediation under this section, or to a hearing.
2. If no party who is the subject of a complaint makes a reply, then the Review Chair may act on the complaint as filed, or may take evidence or information from any source. The Review Chair shall make such findings as appear to be justified and reasonable to resolve the controversy. Findings shall be reduced to writing and transmitted to the parties and to the LMSC Chair.
 3. If no agreement can be reached, the Review Chair shall convene a hearing panel. The Review Chair shall designate three members of the LMSC (including the Review Chair) to act as a panel to resolve the grievance and all matters related thereto. The Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.
 4. The hearing panel shall take such statements and evidence as it deems necessary to resolve the controversy, and shall, wherever possible, take evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the panel deems it necessary to hear testimony, then the Chair may appoint one member to take such evidence and report to the panel. Any cost of production of evidence shall be advanced by the party on whose behalf such evidence is taken.
 5. Upon completion of presentation of evidence, the hearing panel shall, by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be reduced to writing and transmitted to all parties and the LMSC Chair. In connection with any complaint heard by the hearing panel, if the hearing panel determines that any individual has engaged in any unsporting conduct, as such term is defined in USMS Part 4 of the USMS Rule Book, the hearing panel may elect to take all or any of the following actions with respect to any such individual: (i) deny the individual membership in the LMSC, (ii) elect to censure the individual, (iii) place the individual on probation, (iv) suspend, fine or expel individuals from LMSC membership and (v) restrict the individual from participating in the affairs of the LMSC.
 6. Upon rendering of a final decision, the Review Chair shall notify all parties in writing of their right to appeal to the National Board of Review USMS Part 4 of the USMS Rulebook. The LMSC shall if requested by the National Board of Review stay the imposition of any penalty pending any appeal to the National Board of Review.

ARTICLE III: MISCELLANEOUS

Section 1: Amendments to the By-laws

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- A. Any provision of the by-laws of the Metro LMSC not proscribed by the USMS may be amended at any legal meeting by an affirmative vote of a simple majority of the Board of Directors in attendance, provided a quorum is present.
- B. Any additional meetings held during any one year shall in no event eliminate the need for an annual meeting as stated in Article I, Section 4.

C. A copy of the current bylaws shall be posted on the website.

Section 2: Group exemption from Federal Income Tax

The following paragraphs are included in the LMSC by-laws so as to be consistent with Section 501(C) (3) of the Internal Revenue Code.

- A. The Metro LMSC agrees to operate exclusively for public health, safety, and charitable purposes, including for such purposes, the making of distributions to corporations, trusts, community chests, funds, or foundations that qualify as exempt organizations under Section 501(C) (3) of the Internal Revenue Code of 1954, as amended (or the corresponding provisions of any future United States Internal Revenue Law).
- B. No part of the net earnings of Metro LMSC shall inure to the benefit of or be distributable to its members, directors, officers, or other private persons, except that the Metro LMSC shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of Metro LMSC shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Metro LMSC shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the Metro LMSC shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from the Federal Income Tax under Section 501(C) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170 (C) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).
- C. Upon the dissolution of the Metro LMSC, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Metro LMSC, dispose of all of the assets of the Metro LMSC exclusively for the purposes of the Metro LMSC in such manner, or to such organization or organizations under Section 501 (C) (3) or the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Section 3: Indemnification Clause

- A. Each person who is or was a director, officer or employee of the LMSC (including the heirs, executors, administrators or estate of such person) shall be indemnified by the LMSC as a division of USMS to the full extent permitted by the Nonprofit Corporation Law of the State of incorporation of USMS against any liability, cost or expense incurred in the capacity as director, officer or employee, or arising out of the status as a director,

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officer or employee (including serving at the request of the LMSC as a director, trustee, officer, employee or agent of another not-for-profit organization).

Section 4: Paid Positions

- A. The following are paid, but non-Board positions within the LMSC:
- B. Registrar: The Registrar shall process individual and club and workout group applications for membership in Metro LMSC/USMS, keep accurate records of said individual and club or workout group registrations, and make such reports to the USMS Registration Chair and/or Registrar as are required by USMS rules.
- C. Web Site Administrator: The web site administrator shall maintain a web site with information for members.
- D. Accountant: Review financials and prepare tax returns and 1099s.

Section 5: Convention

- A. Approve, before the end of July, as many delegates to the USMS Convention as allowed by USMS Rules, and to establish a stipend for them, which should be covered by the LMSC annual budget.
- B. The Chair will contact prospective candidates in the following order of priority by groups to determine interest and availability:
 - 1. Officers
 - 2. Standing Committee Chairs
 - 3. Other Committee Chairs
 - 4. Club or workout group representatives
- C. Given the budget and interest from Board members, the LMSC will apply for at-large delegates.

Section 6: Event safety

- A. The LMSC shall keep our members safe in open water events by having at least one member of the Long Distance Committee, or the Insurance and Safety Chair at each event to determine if conditions are safe enough to proceed with the event.

Section 7: Conflicts of Interest

- A. All LMSC Board members must disclose and sign the Metro LMSC Conflict of Interest document.

Section 8: Financial Operating Guidelines

- A. The Financial Operating Guidelines shall be incorporated herein as policies and procedures that must be followed by the LMSC.