



Audit Committee
Jill Gellatly, Chair

Committee Members: Phil Dodson, Elyce Dilworth, Paul Griffin, Jeanne Ensign, Ralph Davis (Ex-officio)

Introduction: New committee formed in spring of 2010 reporting directly to Board of Directors;

Discussions and projects since the last convention: Upon formation, the committee with assistance of Susan Kuhlman, USMS Controller, sent out a RFP for new external auditors. After interviews and review of the proposals from 3 local Sarasota firms, Kerkering and Barberio (K&B) was selected as auditors for USMS for 2009-2011. K&B performed a review of the 2009 financial statements and issued an unqualified opinion in July. Prior to completing the review, the audit committee met with the auditors in Florida and discussed a variety of topics facing the organization including planning for the 2010 audit.

Action items:

- Review and make any proposed changes to Charter, if needed
- Review/Discuss final management letter comments received from K&B
- Provide annual report to BOD prior to October 1 (due 60 days after audit opinion issued)
- Prepare calendar and goals for 2011

Audit Committee Meeting Agenda
Wednesday, September 15th 5:15 p.m. – 6:30 p.m.
McCommas Bluff

Thursday, September 16th 1:30 p.m. – 2:45 p.m.
McCommas Bluff

1. Results of Final 2009 report and tax returns
 - a. Management letter comments
 - b. Conflict of Interest Questionnaire
 - c. Other comments?
2. Review Audit Committee Function
 - a. Assess our effectiveness
 - b. Review charter for any proposed changes, and compliance
 - i. Review Internal Control Questionnaire (from AICPA Toolkit)
 - ii. Review Effectiveness of External Auditors Questionnaire (from AICPA Toolkit)
 - c. Review /coordination with Finance committee regarding financial policy/procedures
3. Calendar for 2011
 - a. Audit 2010
 - b. Frequency of meetings/Visit to Sarasota
 - c. Goals



Election Committee
Rob Copeland, Chair

Committee Members: : Ed Tsuzuki, Lori Payne

Introduction: 2010 is an election year for all at-large Board of Director positions. The Election Committee conducted nominations, in accordance with USMS Election Policy. At the conclusion of the initial nomination process (Note floor nominations at the annual meeting of the HOD are pending), the following candidates have been qualified and are slated for election, awaiting zone endorsement.

Breadbasket	Anthony Thompson
Colonies	Chris McGiffin
Dixie	Rowdy Gaines
Great Lakes	Phil Dodson
Northwest	Hugh Moore
Oceana	Jim Clemmons
Southwest	Errol Graham, Phil Whitten
South Central	Don Mehl

Action items:

Conduct election.

1. Assist - Zones meet to endorse Director candidates (09/16/2010)
2. Assist - HOD nominations and floor nominations for all positions. (09/16/2010)
3. Facilitate - Meet the Candidates opportunities (09/16/2010)
4. Conduct - Elections (09/17/2010)

Endowment Fund Board of Governors
Doug Church - Chair

Committee Members: Mark Gill, Ted Haartz, June Krauser, Jim Miller, Rob Copeland, Jody Wellborn, Mel Goldstein, Tom Boak, Michael Heather, Patty Miller, Dan Gruender, Leo Letendre, Meg Smath, Mike Laux

Opening paragraph:

The United States Masters Swimming Endowment Fund was established to provide a philanthropic means of supporting projects that benefit Masters swimmers and to receive gifts and contributions as memorials or honoraria recognizing achievements by Masters swimmers. It is governed by the Board of Governors which receives and approves grant requests and otherwise governs the activities of the Endowment Fund.

Discussions and projects since the last convention:

1. The BOG authorized a grant at last year's convention to the Counsilman Center for the Study of Swimming at Indiana University.
2. The BOG has considered and is voting on approval of an "out of cycle" grant to the University of Michigan to conduct a survey.



3. The Endowment Fund has received several grant applications which have been circulated for discussion and action at convention.
4. The Executive Committee of USMS approved the establishment of a Task Force to consider an update to the Mission of the Endowment Fund. Chris LaBianco, Nancy Ridout, Rob Butcher and Doug Church are serving on the Task Force and expect to have a report for convention.

Action items:

1. At convention, all formal requests for funding will be considered and voted on.

Endowment Fund Meeting Agenda

**Meeting #1 - Thursday, September 16th 1:30 p.m. – 3:00 p.m.
Cumberland C**

**Meeting #2 – Friday, September 17th 1:30 p.m. – 3:00 p.m.
Cumberland C**

1. Call to order.
2. Review of financial report for 2009 and current 2010.
3. Consideration of Grant request(s).
4. Task Force report.
5. Other old business.
6. New business.
7. Adjourn.

**FINA Representative
Nancy Ridout**

The FINA Masters Committee met in Gothenburg, Sweden in September 2009, to view and evaluate the facilities for hosting the World Championships in 2010. The facilities were adequate though quite far apart. Suggestions were made to bring about a better diving environment and one of the competition pools for swimming needed upgrades. The Local Organizing Committee was receptive to the comments and ideas and agreed that some improvements were necessary.

The FINA Masters met again prior to the World Championships and was pleased with the progress that had been made. As chair of the Masters Development Subcommittee, I presented a report that stimulated much discussion that called for another meeting. The majority of the committee attended and good ideas were put into a plan that we hope will be approved so that our sport will get established in areas of no Masters swimming opportunities.

The next meeting of the FINA Masters Committee will take place in Riccione, Italy, in June of 2011. It has been a pleasure and privilege to be a part of this committee and I thank you for this opportunity.



Board of Directors Governance Committee
Anthony Thompson, Chair

Membership: Anthony Thompson (Chair), Michael Moore, Don Mehl, Nancy Ridout, Sean Fitzgerald, and Meg Smath.

To begin the 2009-10 year, the Governance Committee reviewed its charter and accomplishments to identify tasks not yet completed. In addition, several items were assigned to the Governance Committee by the USMS BOD at the meetings at the end of the 2009 USMS annual meeting. The task list was prioritized and work began.

The Governance Committee reviewed the need for a safety/risk management coordinator, collected information from some experts, and drafted a document for the BOD to approve.

Several issues related to conflict of interest were discussed over several meetings, including staff and contractors as delegates to USMS conventions. Policy proposals were drafted for review and approval of the BOD. A policy for BOD members seeking employment with USMS was also drafted. USMS directors holding leadership positions within their LMSC was discussed at the request of the BOD.

The Governance Committee noted that BOD committee charters were not posted on the website or in the BOD minutes and asked that they be included in some location accessible to our membership. It was suggested these full charters be included in the USMS Policy Manual.

A review of the governance structure and roles of the zones was completed, and no changes were recommended. A review of the governance structures in LMSCs began with reviewing the work being done by the newly formed LMSC Development Committee. Governance tabled its work to allow this newly formed to committee to collect information; The Governance Committee would play a supporting role until otherwise instructed.

Governance changes related to the BOD and intended implementation were reviewed. The Governance Committee's role as educator for the BOD was also reviewed. The committee looked at the USMS Policy Manual and Rule Book to see if these documents were consistent with planned changes in roles for BOD. Some inconsistency was found between the Election Operating Guideline and article 506.1.1 and referred to Legislation Committee for action. Other items of concern in part 5 of the rule book were also referred to the Legislation Committee for additional review.

To improve transparency in the workings of in all committees and task forces, a policy to require posting of committee meeting minutes on the USMS website within seven days of a committee's approval of its minutes was drafted for review by BOD.

BOD Governance Committee Meeting Agenda
Wednesday, September 15th 2:30 p.m. – 3:45 p.m.
Aerial Queen

- a. Review Committee Charter and key work in 2009-2010
 - Conflict of Interest
 - Policy Drafted
 - Transparency
 - Review and Evaluations
- b. Review Task List (Old Business)
- c. New Business



International Gay and Lesbian Aquatics (IGLA) Liaison

Jessica Seaton

International Gay and Lesbian Aquatics (IGLA) held its general meeting on July 30, 2010 in Cologne, Germany, where the VIII Gay Games were being held from July 30-August 7, 2010. The aquatics events were sanctioned by the German Swimming Federation (DSV) and ran smoothly. All the swimming rules were followed, and the competition was observed by the chair of the swimming division of the DSV. In October 2009 I visited Cologne and explained to the aquatics director the problem with FINA recognizing the meet. He and the others in the DSV did not believe me, since this policy is not in the FINA rulebook, nor is it posted on their web site, nor is it commonly known. In the beginning of February 2010 I asked the FINA Top Ten Recorder, Walt Reid, if he would be recognizing the times. The FINA President, Cornel Marculescu, replied that FINA would not since he had been informed by the German FINA representative, who was misinformed, that the meet was not sanctioned. It took another 4 months to clear this up. On June 17, 2010 Mr. Marculescu wrote that it is FINA policy not to approve records set at meets "owned" by a separate organization. I asked the DSV to make both Gay Games Cologne and the Federation of Gay Games affiliate members of the DSV. The DSV does not have such a category and was not in a position to create one. There are 29 pending world records (primarily relays), 13 of which were set by USMS members, many of whom are very upset that FINA may not recognize them. The aquatics director for the meet has said that he will submit the results and the records, and when they are turned down, with my help, will appeal to the FINA legal department.

West Hollywood Aquatics is hosting the 2011 IGLA Championships at the University of Hawaii, Honolulu from July 6-10.

IGLA 2012 will be held Mary 29-June 3, 2012 in Reykjavik, Iceland.

Investment Committee

Dave Burgio, Chair

Committee Members: Dave Burgio, Chair, Elyce Dilworth, Homer Lane, Susan Kuhlman, staff, Ralph Davis, ex officio

Introduction: This new Committee is responsible for overseeing USMS's Investment Philosophy of investing the financial assets of USMS, in excess of needed working capital, consistent with a policy of prudent investment planning and protection of assets according to the established USMS Investment Policy.

The USMS Investment Committee had its first meeting on August 3, 2010 by Conference Call to begin organization.

Discussions and projects since the last convention:

Three Conference Calls were conducted in August, 2010 to begin formulation of a plan for Investment Management and Administrative Services for the financial portfolio of USMS.

Action items:

The following are the activities in process and/or soon to be initiated:

- Finalize a Request for Proposal (RFP) to obtain bids for Investment Management Services.
- Selection of additional members for the Committee
- Evaluate the Proposals for the best value and service for USMS.
- Effectuate the plan for Investment Management Services, contingent on BOD Authorization.
- Monitor the Investment Portfolio of USMS with the selected Financial Advisor utilizing appropriate strategies, benchmarks and other evaluative tools.



Investment Committee Meeting Agenda

Wednesday, September 15th 2:30 p.m. – 3:45 p.m.

Dallas Belt

Thursday, September 16th 12:00 p.m. – 1:15 p.m.

McCommas Bluff

1. Welcome and Call to Order
2. Discussion/finalization of a Request for Proposal for Investment & Mgt Services
3. Preparation of a Client List of Financial Advisors for RFP mailing
4. Review of timeframe for tasks to be completed
5. Selection of additional members for the Investment Committee
6. Other items requiring attention

LMSC Board of Review Task Force

Rob Copeland, Chair

Committee Members: Doug Church, Laura Groselle, Ed Tsuzuki, Anna Lea Matysek (staff liaison)

Introduction:

In light of recent grievance activities, it was determined the grievance section of the bylaws and the grievance procedures for LMSC's may not be adequate. Jeff Moxie formed an LMSC Board of Review Task Force to look into this.

The mission of the task force is to develop LMSC board of review code, policies and procedures to assist LMSC's in the formation and management of a Board of Review and filed grievances.

Discussions and projects since the last convention:

The task force met:

- 1) Agreed upon proposed language for inclusion in the USMS LMSC Model Bylaws. Sections 16 and 17 of the attached model bylaws contain the recommended language. Included at end of report.
- 2) Began to develop LMSC Board of Review Policies, Procedures and Guidelines. A framework draft of the document is attached; please note this document is still under construction.
- 3) Discussed other areas of improvement in the model bylaws. We determined broader changes to the bylaws are out of scope of this task force. It is recommended the Governance and LMSC Development committees look into this. A few items of concerns are listed below.

LMSC Model Bylaws concerns

The attached model bylaws, with the proposed language for Sections 16 and 17, also include highlighted passages that should be reviewed.

- A) To be consistent with USMS LMSC's should have a mission
- B) geographic boundaries are defined in USMS code, defining them here are unnecessary and can lead to conflict
- C) LMSC CLUB OPTION – LMSC's should not "own" clubs, clubs are members of USMS
- D) Article 3 appears to be defining a House of Delegates, but "membership" should deal with individual and club members, not a HOD. In addition the model bylaws do not identify a Board of Directors, which is required in some states for not-for-profits
- E) Annual Formation of the LMSC – The LMSC does not need to re-form.
- F) Meetings – LMSC's should meet before the end of the year to set a budget not after it starts. Any target budgets should be policy not bylaws, some LMSC's are not carrying large balances.
- G) Executive Committee – typically composed of officers, why are 2 chairs added? The authority to create policy resides with the HOD or BOD.



H) Activities – This seems to be related to programs and services not code, why is it included?

Action items:

- Approve the inclusion of Section 16 and 17 in the model bylaws and communicate this to the LMSCs
- Agreement to continue working on LMSC Board of Review Policies, Procedures and Guidelines
- Formation of an LMSC Model Bylaws task force to address the concerns raised below.

Proposed amendments to LMSC model bylaws

ARTICLE XVI Participation and Conduct

The LMSC shall respect and protect the opportunity of every eligible individual to participate in administrative activities and sanctioned or recognized events as defined by USMS. The LMSC shall also respect and protect the opportunity of other entities and/or individuals who interact with USMS pursuant to these rules. It shall be the responsibility of all members, applicants for membership and other individuals and/or entities who interact with the LMSC and/or USMS to comply with the rules and regulations of USMS and the LMSC.

ARTICLE XVII Hearings and Appeals

An Individual Members or applicants for Membership or other individuals or entities who interact with the LMSC or USMS may bring a complaint on any matter for which grievances may be heard under USMS Part 4 to the Board of Review.

BOARD OF REVIEW - The Board of Review of shall be an independent and impartial body of at least 3 Individual Members appointed by the LMSC Board of Directors for a one year term. Members of the Board of Review should not be policy or operational decision makers within the LMSC, therefore officers and directors of the LMSC should not be members of the Board of Review or members of hearing panels. The Board of Review, once formed, shall elect a chair who shall appoint a vice-chair and secretary.

REGULAR MEETINGS - The Board of Review shall meet for administrative purposes at least once annually to elect the Chair, appoint the vice-chair and secretary, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties and powers.

AUTHORITY OF THE BOARD OF REVIEW - The Board of Review in hearing grievances has the authority, within their geographic boundaries, to:

1. Impose and enforce penalties for any violation of the rules and regulations, administrative or technical, of USMS.
2. Determine the eligibility and right to participate of any member or individual.
3. Vacate, modify, sustain, reverse or stay any decision or order properly submitted for review, or remand the matter for further action.
4. Investigate any alleged election impropriety.
5. Review any revocation, suspension, reinstatement of membership or challenge to the granting or denial of membership.
6. Issue such interim orders as may be necessary pending a final decision of the Board of Review.
7. Require the production of any available evidence bearing on an alleged violation.
8. Take testimony from witnesses.
9. Transcribe the Board of Review hearings.
10. Assess costs and fees against one or more parties, and refund filing fees.

AUTHORITY OF THE BOARD OF REVIEW CHAIR - The Board of Review chair has the authority to:

1. Initiate an investigation into the alleged misconduct, as described in a written grievance
2. Dismiss a grievance to be without merit
3. Mediate or delegate the mediation of a grievance
4. Appoint a hearing panel of at least 3 members to conduct a formal hearing to decide a grievance. If any member of the hearing panel has a conflict of interest, that member shall recuse himself/herself and a substitute member shall be appointed.



APPEAL TO THE NATIONAL BOARD OF REVIEW - Any person directly affected by the Board of Review's decision may appeal to the National Board of Review for review of any decision of the Board of Review within 30 days of the postmark date of the mailing of the Board of Review's written decision.

DOCUMENTATION - The Board of Review secretary shall maintain a permanent file of all physical evidence and written decisions pertaining to any matter that was reviewed by the Board of Review. That file shall be retained for at least 10 years after the date of any final decision or withdrawal of any matter brought to the Board of Review.

FILING FEE - The Board of Directors shall establish fees for filing grievances with the Board of Review.

RECOGNITION AND ENFORCEMENT - Final decisions rendered by the Board of Review shall, when applicable, be recognized and fully enforced.

Rule Book Coordinator

Susan Ehringer

Introduction:

I would like to thank the National Office, Walt Reid; Tracy Grilli; Kathy Casey and the Rules Committee; and Marcia Cleveland and the Open Water Long Distance Committee; and Sean Fitzgerald and the Legislation Committee who did a great job in helping to edit and publish the 2010 Rule Book.

Discussions and projects since the last convention:

- Published 2010 Rule Book and Mini Rule Book
- Worked with Legislation, Rule Book, Open Water and Long Distance Committees to edit 2010 Rule Book and to correct errors after printing
- Chose Spotlight Graphics as the printing company for the 2010 printing and shipping of the Rule Book and Mini Rule Book

Action items:

- Work with committee chairs to edit various sections 2011 Rule Book
- Estimate the number of 2011 Rule Books and Mini Rule Books for printing
- Edit and publish the 2011 Rule Book and Mini Rule Book
 - October 1 - Receive first edits from committee chairs
 - October 15 - Send first draft to committee chairs
 - October 22 - Receive second edits from committee chairs
 - October 29 –
 - Receive ads from Kyle Deery
 - Receive electronic copy of the cover
 - Send second draft to committees
 - November 5 – Receive records from Walt Reid and Marcia Cleveland
 - November 12 – Send final draft to committee chairs
 - November 19- Receive final edits from committee chairs
 - November 26 – Upload Rule Book to Printer's website
 - December 24 –
 - Rule Books Shipped
 - Upload 2011 Rule Book to website
- Announce at the 2010 Convention the 2011 Rule Book cover winner
- Announce at the 2009 Convention the 2011 Rule Book Dedication
- Recommend the approval of selecting the same printer chosen by U.S. Master Swimming National Office to print the 2011 Rule Book.
- Recommend removing Appendix A (Records) from the printed Rule Book and moved to online only
- Appendix E (USMS Directory) from the printed Rule Book and moved to online only



Workout Groups Task Force

Rob Copeland, Chair

Committee Members: Jerry Clark, Nadine Day, Michael Moore, Anna Lea Matysek (staff liaison)

Introduction:

After last year's annual meeting of House of Delegates, the president formed a Workout Groups Task Force with the mission to "*Investigate the USMS phenomenon known as Workout Groups and make recommendations to the Board based upon our findings.*"

The task force met and came up with the following objectives:

1. Understand and document the nature, scope, purpose and value of workout groups
2. Investigate growth patterns in Workout Groups versus Clubs
3. Define Workout Groups (possibly look at alternative names Chapters, etc.)
4. Define services to be provided to Workout Groups; differentiate these from club/member services
5. Determine cost and level of effort to provide Workout Groups services
6. Determine minimum standards for Workout Groups

Discussions and projects since the last convention:

The task force met throughout the year to gather and share information regarding clubs and workout groups. And while we have not crafted the definitive definition of a workout group, our basic definition from the 2010 rule book is "For administrative or competitive purposes, a club may establish workout groups within the club."

A survey was sent to the LMSC's in order to gather basic information about which LMSC's currently had clubs with recognized workout groups. Based on the survey response and the experiences of the task force members, we made a number of observations:

- The structure and nature of the relationship between LJMSCs, clubs and workout groups varies greatly across the country. Two contributing factors to this variety are 1) the general practice of allowing a high level of autonomy within member clubs and 2) the absence of a national program to provide services and support to workout groups.
 - Some clubs charge a fee to each workout group; some don't
 - Some clubs maintain a list of workout contacts, locations and other key information; some don't
 - Some clubs conduct sanctioned events with scoring by workout group; some don't
 - Some members join a workout group to swim on club relays and for "points"; others don't; most don't really know the difference
 - Some LMSCs encourage the formation of new clubs and discourage or disallow workout groups; some LMSCs encourage the formation of new workout groups and discourage new clubs; many LMSCs fall somewhere in between
- No discernible growth patterns variants have been proven between clubs and workout groups. The investigation into whether clubs or workout groups are more beneficial to growth continues.
- Through the annual club registration process, USMS has a good database of club information. No such information exists for workout groups. These groups are under-served, because we have no official contacts to workout group representatives.

Action items:

The task force recommended to the Board that the national office determine the development and support costs associated with developing the tools and services to support workout groups, based on the following general requirements and assumptions.

- Clubs will not be required to have or register workout groups. However, if a club decides to have "Registered Workout Groups", these Registered Workout Groups will follow an annual registration



- process, similar to annual club registration.
- The task force and the national office will determine the programs, products and services that will be made available to registered workout groups.
 - The task force will recommend, to the board, a proposed fee for registering a workout group.

The task force will look into developing minimum standards for clubs and registered workout groups.

USMS Liaison to USA Swimming

Ted Haartz

2010 has been a year of adverse publicity for USA Swimming primarily beginning with an ABC News broadcast interview with Swimming's CEO, Chuck Wielgus, concerning alleged abuse, past and present, of children in the swimming programs. While USA Swimming has a Code of Conduct, background screening for coaches and other volunteer members, it also had a policy on confidentiality that has now given way to a public listing of those banned from Swimming for child abuse.

In the interim since the TV broadcast, some plaintiff's attorneys, the media and a former vice-president of USA Swimming have filed law suits, published additional articles and sent letters to the officers and board of USA Swimming asking why more is not being done sooner to address the abuse problem.

USA Swimming, its officers, staff, board and legal counsel have been and are working extensively to present to the House of Delegates at this convention in Dallas policy and legislative controls to better recognize and report child abuse, to impose stricter and more detailed background screening and to lower the chances of pedophiles of ever being members of USA Swimming. All of the new protections being developed and implemented at Swimming will be shared with any and all youth organizations from the USOC down wishing to improve their own child abuse prevention protocols.

In the meantime, USA Swimming continues to operate its core day to day business at normal levels and expectations as the NGB of swimming.

Of minor interest was the realization by the USOC board of directors this year that the "one size fits all" board membership of 11 directors for all of the NGBs might not be the epitome of efficiency for all NGBs including themselves!