

Meeting called to order at 11:00 by Jack Geoghegan

ACTION ITEMS

We recommend to the Legislation Committee that Article 505.4.1 be amended such that Legal Counsel shall be an ex-officio member of the Board of Directors, the Executive Committee, the Rules Committee and the Legislation Committee and those only. Further, members of the Ad Hoc Legal Counselors Committee would be assigned by the chair to act as liaisons to various other committees on an as needed basis.

We recommend to the Legislation Committee that, in lieu of L-11, we adopt the language of Ross Wales in his March 30, 2001 letter to Jeannie Crouse. In substance, this is "All meetings of USMS, its LMSC's and committees, shall be open to all members of USMS except in those situations where by majority vote of the meeting body it is determined to go into executive session in the best interests of USMS (e.g., those relating to corporate or committee personnel or legal matters)."

Based on events and occurrences known to this committee, we recommend to the Legislation Committee that L-23 through L-31 be tabled. It appears to this Committee that the existing part 4 procedures working. However, we further recommend that two members of this committee be assigned to work with Legal Counsel and the Legislation Committee to identify specific problems not addressed by existing procedures and to formulate appropriate language, if necessary, to correct those specific problems.

Attendance

Number of committee members present 7. Number of committee members absent 5.

Total number of non-voting delegates attending the meeting 7.

Minutes

I. How long should registrars keep registration information

Since there are different statutes of limitations among the states, it will be difficult for us to make a definitive recommendation to the registrars as to how long they should retain information. It may be possible to scan this information so as to make storage easier. Motion was made, seconded and passed that our committee recommend to registrars that they scan the registration information and store it digitally. Registrars should check with local counsel to see what statute of limitations is in their state.

The digital information should be kept at least as long as the relevant limitation period and if possible should be kept perpetually.

II **Federal Electronic Signature Act**

As of now, there is no information as to whether any states have adopted laws permitting electronic signatures. There is no recommendation beyond what has been made previously.

III **Privacy issues**

Recommendation is made that the new legal counsel keep all members of the committee up to date with developments in this area. There were two privacy issues discussed last year, 1) publishing members' birth dates and 2) use of members' names and addresses. Meet results are routinely published using members' ages, if not actual birth dates. Carl House has come up with a method of tracking data and results without divulging birth dates.

IV **Legislative Issues requiring comment**

A. **Article 505.4.1 regarding whether the Legal Counsel should have a voice, but not a vote, on the executive committee , etc.**

Summary of discussion

It may be unfairly burdensome to have legal counsel be a member, or have some duty to be involved with every committee. If every committee has the right of access to the legal counselor, then this could be overly burdensome to the counsel. If such an obligation were to be outsourced to private counsel, the expense to the corporation would be extreme.

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B. **Article 509.1 regarding open meetings.**

Summary of discussion

We should strive to keep the business of the corporation open to the members without requiring burdensome regulations and without exposing the Corporation or members to needless litigation.

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- Motion by Patty Powis, seconded and passed unanimously.

C. Article 402 regarding the Grievance Committee and procedures regarding handling grievances.

Summary of discussion

We should try to keep the grievance procedures simple and fair for the members without exposing the Corporation or members to needless litigation. There have been some issues that have arisen with respect to members who are eligible for membership and participation under our rules but who, for various reasons (usually concerning their behavior) are not welcome at facilities (pools) not controlled by the Corporation or an LMSC or member.

Action item

Based on events and occurrences known to this committee, we recommend to the Legislation Committee that L-23 through L-31 be tabled. It appears to this Committee that the existing part 4 procedures working. However, we further recommend that two members of this committee be assigned to work with Legal Counsel and the Legislation Committee to identify specific problems not addressed by existing procedures and to formulate appropriate language, if necessary, to correct those specific problems. Moved by Jack Geoghegan, seconded and passed unanimously.

Meeting adjourned at 12:02 p.m.