

# USMS COMMITTEE REPORTS

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## CONVENTION

Chair - Michael Heather

Vice Chair - Debbie Cavanaugh

Committee Members: Joanne Berven, Jean Fox, Tracy Grilli, Edie Gruender, Lil haneman, Mary Hull, Cris Meier-Windes, Meg Smath, Joanne Tingely, William Tingley, Rhea Wilkins.  
Executive Committee Liaison – Jim Miller, MD

### ANNUAL REPORT

As you know, the committee does the majority of its business during the convention. On the off time, we have : received, interpreted and forwarded to USAS the meeting schedule, polled the BOD and other meeting operators for A/V needs, and have forwarded those to USAS, contacted Florida local USMS volunteers, contracted with the Justus Y pool for morning practice sessions for the delegates, have solicited and received 2 bids for bus transportation from the hotel to the pool, and are in the process of setting a certification table staffing schedule. We have also reserved a suite for hospitality, and arranged for USMS to establish a master billing account with the hotel.

### AGENDA

**Wednesday, September 15<sup>th</sup>, 4:00 – 5:00 pm**

**Meeting Room - Council**

1. Hospitality suite setup and staff liaison with local volunteers
  2. Certification table schedule and staff
  3. Printing and distribution of reports and media
  4. Meeting setup reviews
  5. LCD scheduling and transport
  6. New business
  7. Adjourn
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## FINANCE

Chair – Tom Boak

Vice Chair – Ralph Davis

Committee Members: Joanie Campbell, Trisha Commons, Betsy Durrant, Lucy Johnson, Homer Lane, Jeff Moxie, Anna Lea Roof, Barbara Thomas, Sarah Welch, Kris Wingenroth Margaret Bayless (Ex-officio). Executive Committee Liaison - Doug Church

### ANNUAL REPORT

During 2004, the Finance Committee was asked to deal with several over-budget requests. Most notable was the request from Communications Committee to add \$35,000 for an Assistant Webmaster. A subsequent ruling by the Legal Counsel took the decision out of the over-budget process and the request was approved by vote of the Board of Directors. While the result may have been in the best interest of the organization, the methodology was questionable.

The 2005 budget currently projects a deficit of almost \$95,000. The Finance Committee is charged with the responsibility of bringing a balanced budget to the House of Delegates. USMS is experiencing flat registrations for the current year, on top of a similar pattern last year. In addition, the commitment to fund the up-front expenses for the 2006 Worlds Championships is placing a financial burden on the organization that it has not experienced in a number of years. It is expected that this years' Finance Committee meetings will be most challenging.

### AGENDA

**Thursday, September 16<sup>th</sup>, 11:30 – 12:30 pm**  
**Meeting Room - Yeoman**

**Friday, September 17<sup>th</sup>, 8:30 – 10:30 am**  
**Meeting Room - Council**

**Saturday, September 18<sup>th</sup>, 8:00 – 10:00 am**  
**Meeting Room – Exhibit Hall B**

1. Welcome and call to order
2. Approval, Minutes of the Finance Committee, 2003 Convention
3. Treasurer's Report – Doug Church
4. Controller's Report – Margaret Bayless
5. Audit Report – Margaret Bayless
6. Review of FOG – Ralph Davis
7. Old business
8. 2005 Budget
9. Other new business
10. Adjourn

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## AD HOC LEGAL COUNSELORS

Committee Chair - Patty Powis

Vice Chair - Bruce Hopson

Committee Members: Carl Botterud, Jude Bourque, Mike Laux, Hill Carrow, Mike Lemke, Jeanne Crouse, Ralph Davis, Jon Steiner, Jack Geoghegan, Martin Zoltick

### ANNUAL REPORT

#### INTRODUCTION:

Ad Hoc Legal Counselors (AHLC) is an interesting committee in that it operates more in an advisory capacity than does a standing committee with specific projects and recurring duties. The challenge for AHLC is to determine how USMS's legal needs can be met given the time constraints facing our volunteers. To date, committee members have for the most part not been able to act upon requests for assistance from the Committee Chair. This is understandable, as committee members all have busy schedules and workloads in their paying jobs. Therefore, the committee has the opportunity to determine how the legal work for this growing corporation can be accomplished in the most effective manner with minimal cost to USMS. The need for this analysis comes at an important time when a task force led by USMS's Planning Committee is examining the organization's governance structure – which will likely include decisions about the use of paid professional services.

#### DISCUSSIONS AND PROJECTS THAT HAVE TAKEN PLACE SINCE THE LAST CONVENTION:

In 2003, AHLC opined on the validity of on-line signatures under the federal e-sign law and state Uniform Electronic Transactions Acts. The committee found that, as long as USMS complies with the dictates of those statutes, electronic signatures on releases for on-line meet registration and USMS registration should be enforceable. At that time, it was anticipated that USMS would come up with a standard, centralized method for meet registration that could be used by all LMSCs. Unfortunately, the demands on our database administrator/webmaster have been great and that just hasn't happened. As a result, our local clubs and LMSCs are itching to do on-line event registration and some may already be using a standard service (e.g. active.com) for event registration. AHLC needs to create concise and brief legal guidelines for on-line event registration to ensure that releases signed on-line will be valid. This will be a great service that will allow our clubs to move forward with on-line event registration while protecting USMS. Items to be covered include ensuring that a registrant cannot move forward in the registration process without clicking "I accept" on the release, a method (e.g. SSN) to ensure that the person accepting the release is who he or she purports to be, and how on-line signature records should be maintained.

With the growth of our organization, the reality that USMS members who are passionate about swimming and the organization sometimes become engaged in heated disputes, and the passage of new grievance legislation at the 2003 convention, there is a need for legal advice to the new National Board of Review. Advice was provided this year during an appeal of a previous panel decision. The appeal was decided by a panel of members from the USMS Board of Directors, as provided in Part 4.

For additional information about legal matters handled since the last convention, see the Annual Report of the Legal Counsel in this packet.

#### ACTION ITEMS

None

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## AGENDA

**Saturday, September 18<sup>th</sup>, 9:15 – 10:15 am**  
**Meeting Room – Exhibit Hall A**

1. Role of the Ad Hoc Legal Counselors Committee
    - a. Committee tasks v. individual tasks
    - b. Payment for outside professional services
  2. Legal aspects of governance changes
  3. Providing services to the National Board of Review
  4. Legal aspects of on-line registration
  5. Model LMSC bylaws
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## LEGISLATION

**Chair – Rob Copeland**  
**Vice Chair – Jennifer Parks**

Committee Members: Bill Cleveland, Daniel Cox, Marilyn Fink, Sean Fitzgerald, Marie-Pierre Graf, Cindy Hawkinson, Mary Hull, Homer Lane, Arni Litt, Marcia Marcantonio, Steve Peterson, Leslie Smith, Richard Smith, Jon Steiner, Erin Sullivan, Leo Letendre (Ex-officio), Meg Smath (Ex-officio). Executive Committee Liaison - Patty Powis

## ANNUAL REPORT

2004 is an off year for Legislative amendments. You will find the 2004 legislation emergency amendment proposal to be considered by the committee and the House of Delegates elsewhere in this handbook and on the USMS website. This year only one emergency amendment has been proposed, while we anticipate a few others being proposed by standing committees at the convention. Please take time before convention to review it and discuss it with other members of your LMSC. The Legislation Committee is looking forward to discussion that will focus on the merits of each proposal and its impact on USMS.

The committee currently is working on an LMSC bylaws project, assisting in the Planning Committee Governance task force, performing research on special requests, and providing legislative interpretation of our code.

The accomplishments of the Planning Committee's Governance task force will be presented at this year's convention and will end up generating many proposed amendments and much work for the Legislation committee next year.

A LMSC bylaws projects is moving along slowly and steadily. The Legislation Committee is looking into how best to assist LMSC's in ensuring we all have complete, consistent and viable bylaws. The committee is looking at how our LMSC's are structured today and looking at model LMSC bylaws, based on a USA-Swimming model. This effort will most likely be rolled into the Governance task force and presented to the House of Delegates in 2005.

Last year we approved an amendment to replace our Part 4, which included how USMS handles grievances filed by the organization and our members. To support our new National Board of Review, a Review Policies and Procedures handbook is being developed. The committee will work with Carolyn Boak and Patty Powis to prepare a final draft.

In addition to these initiatives, the committee has been asked to interpret many vague or confusing provisions to our code. None of these interpretations have resulted in proposed emergency amendments to code.

In closing I would like to express my gratitude to the members of the Legislation Committee for volunteering their time and efforts to make United States Masters Swimming a truly great organization.

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## AGENDA

Thursday, September 16<sup>th</sup>, 10:30 – 11:30 am  
Meeting Room- Yeoman

1. Roll call and assignments.
2. Introductory comments
3. Proposed legislative amendments
  - a. Review of amendment criteria and voting procedures
  - b. Consideration and recommendation of proposed amendments
4. Sub-committee reports
  - a. USMS Governance Task Force
  - b. LMSC bylaw review - model bylaws
  - c. Legislation committee policies and procedures manual
5. New business and projects
  - a. LMSC bylaw review - model bylaws
  - b. LMSC handbook
  - c. Other

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## PLANNING

Chair – Betsy Durrant

Committee Members: Joan Alexander, Vicki Buccino, Rich Burns, Michael Collins, Maria Doelger, Godon Gillin, Michael Heather, Sarah Hromda, Lucy Johnson, Homer Lane, Nancy Miller, Mark Moore, Debbie Morrin-Nordlund, Jeff Moxie, Mark Murphy, Carl Saxton, Dore Schwab, Susanne Simpson, Jim Wheeler. Executive Committee Liaison - Doug Church

### ANNUAL REPORT

The Planning Committee “Tasks for the Upcoming Year” from the 2003 convention and progress on each:

1. Gather materials on selling a program to facilities directors and send materials to Marketing for creation of a brochure. Material was sent to Doug Garcia who designed the brochure. The draft was sent to Rich Burns for final editing.
2. Develop a distribution list for the brochure and other materials. No progress.
3. Develop a process to review USMS Structure and Governance and make recommendations for changes. A subcommittee for Structure and Governance was formed. All members of Planning were invited to participate if they had the time and interest. Joan Alexander, Rich Burns, Michael Collins, Maria Doelger, Michael Heather, Lucy Johnson, Homer Lane, Debbie Morrin-Nordlund, Mark Murphy, Doug Church, and Betsy Durrant formed the subcommittee. Rob Copeland (Legislation Chair), Nancy Ridout (Past President), and Jim Miller (President) were asked to join the subcommittee.

#### SUBCOMMITTEE ON STRUCTURE AND GOVERNANCE: DISCUSSIONS AND RECOMMENDATIONS

During the Planning Committee meeting at the 2003 Convention, it was decided that the VVMOST Procedure would be used in studying USMS structure. In order to develop an efficient structure for USMS, it is important to understand what the organization wants to offer members. VVMOST stands for Values, Vision, Mission, Objectives, Strategies, Tactics.

I. VALUES. Members of the House of Delegates were asked to list what they value about USMS. The list was compiled and discussed. The following was approved by the subcommittee:

*Key concepts that USMS values:*

1. *Healthy Lifestyle*
  - *Fitness*

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- Longevity
- Wellness
- 2. Competitive Opportunities
- 3. Camaraderie
  - Fun
  - Friendships
  - Social Activities
- 4. Coaching and Training
- 5. Educational Resources
  - Information
  - Communication
  - Safety
- 6. Self-government
  - Uniqueness of the athletes governing the organization
  - Heritage
  - Volunteerism
  - Quality Leadership

II. VISION. The Vision Statement was created from the list of Values.

*A Vision for United States Masters Swimming*

*United States Masters Swimming (USMS) is a national association that provides organized workouts, coaching, competitions, clinics, and education for adults aged 18 and over.*

*United States Masters Swimming is an affiliation of individuals seeking to enhance life through swimming. The organization is stewarded by dedicated volunteer member/athletes who facilitate the programs that provide numerous and significant member benefits.*

*Offering safe places to swim, team affiliations, coaching, instruction and competition, United States Masters Swimming fosters a shared passion for lifelong fitness, health and wellness through swimming. USMS provides opportunities for testing one's skills and prowess, both against oneself, as well as friendly like-minded competitors. It is a community of learning and growth through coaching, teaching, research and mutual support. USMS is a national alliance for athletic camaraderie, fitness and just plain fun.*

III. MISSION. The Mission Statement from the Rule Book was discussed. The subcommittee believes the wording could be improved, but the content is correct. The subcommittee did not spend time trying to rewrite the current statement.

*To promote fitness and health in adults by offering and supporting Masters swimming programs.*

IV.. OBJECTIVES. Objectives were derived from the Values list.

*USMS will promote a healthy lifestyle and Swimming for Life by:*

1. *providing training and fitness opportunities*
2. *sponsoring swimming activities and events*
3. *educating the membership*
4. *promoting the benefits of swimming and USMS programs*
5. *providing the infrastructure to accomplish the above*

V. STRATEGIES. The Strategies were created by expanding the objectives to detail how an objective could be accomplished. .

*Strategies to Implement Objectives*

1. *USMS will provide training and fitness opportunities*
  - a. *by increasing access to facilities*
  - b. *by providing coached/group workouts*
  - c. *by supporting member clubs*

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2. *USMS will sponsor swimming activities and events*
  - a. *to measure fitness*
  - b. *for competition*
  - c. *using local pools*
  - d. *in open water*
  - e. *to be conducted by mail*
3. *USMS will educate the membership through*
  - a. *coaching*
  - b. *articles*
  - c. *clinics*
  - d. *instructional media, including tapes and DVDs*
4. *USMS will promote the benefits of swimming and USMS programs through*
  - a. *the electronic and print media*
  - b. *active web site*
  - c. *marketing materials and programs*
5. *USMS will provide the infrastructure to accomplish the above by*
  - a. *maintaining and enhancing the volunteer base*
  - b. *evaluating the effectiveness of the organizational structure and its ability to meet current and future needs*
  - c. *adapting the Code of Regulations and policies to be responsive to the needs of the corporation and its members.*
  - d. *assuring an appropriate level of professional staffing*

VI. TACTICS. It is not the function of this committee to determine how the Objectives and Strategies will be implemented. Tactics for implementation are the responsibility of the Board of Directors and the Executive Committee, working with the committees.

## PROPOSAL FOR THE RESTRUCTURE OF USMS

*It is the belief of this committee that the current structure of USMS is not conducive to implementation of the Values and Objectives determined in the VVMOST process. As the organization has grown, the number of committees and the activities demanded of our volunteers have increased. This Committee on Structure and Governance therefore recommends that the structure of USMS be reorganized and streamlined. In addition, this committee foresees the need for additional professional staff, with the first priority being that of an Executive Director, who will be selected by and be responsible to the Board of Directors.*

*Under the current structure, the Board of Directors automatically increases each time a new committee is created and now stands at 43 members. Our proposal recommends streamlining the organization so that the BOD consists of 17 elected members. Over the years the Executive Committee's responsibilities have grown immensely and go beyond reasonable expectations for volunteers. Our National Office needs to be expanded to provide support for committees, the Executive Committee, and the Board of Directors. Therefore, this committee recommends the following changes.*

## STRUCTURE

1. The Executive Committee will have 8 voting members.
  - a. Seven officers elected by the House of Delegates
    - President
    - Vice President of Internal (Member) Services
    - Vice President of External (Community) Services
    - Vice President of National Operations
    - Vice President of Local Operations
    - Secretary
    - Treasurer
  - b. The Immediate Past President.
  - c. Ex officio:
    - Executive Director
    - Legal Counsel

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## Discussion

*The Legal Counsel will be appointed by the President with the Advice and Consent of the rest of the Executive Committee. The Executive Director will be hired by and report to the Board of Directors.*

2. The Board of Directors will have 17 voting members.
  - The eight voting members of the Executive Committee (7 elected officers and the Immediate Past President).
  - Four Regional Directors elected by their Region.
  - Five Block Directors elected by the members of each block.
  - Ex Officio:
    - a. Executive Director
    - b. Legal Counsel
    - c. A representative from USA-Swimming
    - d. All Past Presidents.

## Discussion

*The purpose of establishing Regions is to provide areas of approximately equal membership for electing a member of the BOD, thus ensuring diverse geographical representation. The Regions do not correspond to the current Zones.*

*Blocks refer to the current groups of committees who meet together at the convention. Delegates are members of a block as determined by the primary committee on which they serve. No delegate may vote in two blocks. The purpose of electing from the blocks is to ensure representation from diverse committees.*

*It is anticipated that the Executive Committee will meet monthly, with two of the meetings being in person (Convention and mid year). It is anticipated that the Board of Directors will meet 4-6 times per year, with two of the meeting being in person (Convention and mid year).*

*The Officers and other members of the BOD will be elected for a two year term with the possibility of being elected for a second consecutive two year term.*

3. The House of Delegates will remain as the constitutional authority within USMS.
  - a. The primary function of the HOD is to ratify actions requested by various entities within USMS, to approve and adopt the budget, and to ratify and amend the rules and the articles of incorporation as needed.
  - b. Actions taken by the HOD cannot be overturned or ignored by other USMS entities.
  - c. The membership of the HOD will be re-evaluated prior to the 2005 convention. However, LMSC delegates will remain as the majority of the HOD. Each standing committee Chair will be a member of the HOD.
  - d. Standing Committees will be studied and recommendations for realignment will be made prior to the 2005 convention.
  - e. The business of the House of Delegates will be conducted by its Chair (a Speaker of the House) who shall be selected from its membership (in a manner that is to be determined).

## Discussion

*A Chair of the House of Delegates will be selected yearly to run the meetings of the HOD.*

4. The National Office Staff will be charged with executing the business of the corporation.
  - a. The size of the professional staff will be dictated by the needs of the corporation as defined by the Board of Directors and budgeted by the House of Delegates.
  - b. A position of Executive Director is recommended to manage the day to day operations of the Corporation. The Executive Director will be hired by and report to the Board of Directors.
  - c. The National Office Administrator, the Controller, and the Webmaster (or Management Information Systems Director) and other such employee or contractual positions will be a part of the National Office.
  - d. The National Office Staff will report to the Executive Director.

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## TASKS REMAINING FOR THIS COMMITTEE

We have more to do to complete the study of the Structure of USMS. The following topics are some that will be studied with recommendations for changes being made prior to the 2005 convention:

1. Standing Committees and their membership.
2. Composition of the House of Delegates.

### IMMEDIATE ACTION NEEDED

It is the desire of this committee to thoroughly discuss the proposals for changes in the Executive Committee, the Board of Directors, and the National Office at this convention. If the HOD agrees that this structure provides USMS with greater opportunities to plan for and provide improved services, then this committee will work with the Legislative Committee to draft the necessary legislation and present it to the HOD for a vote prior to the beginning of the 2005 convention. This committee recommends that the 2005 elections be conducted for a restructured Executive Committee and Board of Directors.

## AGENDA

**Thursday, September 16<sup>th</sup>, 1:00-2:15**

### **Governance 1**

**Meeting Room – Ireland B**

1. Briefly review report in convention packet.
2. Present proposal for Restructure of USMS
3. Comments from committee
4. Open discussion/questions
5. Restate concerns/suggested changes for committee to consider

**Thursday, September 16<sup>th</sup>, 2:30-4:00**

### **Planning**

**Meeting Room – Cloister South**

1. Roll call/introductions
2. Committee business
  - a. Old business (Facilities brochure, Structure/Governance, other?)
  - b. New business (Tasks for the year)
3. Subcommittee business
  - a. Comments/concerns from open meeting.
  - b. Discussion of changes, recommendations
  - c. Plan for completing task
  - d. Is another meeting necessary?
4. Other business

**Friday, September 17<sup>th</sup>, 6:15-7:15**

### **Governance 2**

**Meeting Room – Scotland C**

1. Continue discussions from Thursday meeting. Discuss recommendations from Planning Committee meeting.
2. Possible Legislative changes.
3. Plan for coming year.