

**LEGISLATION PROPOSALS**  
**2017 Convention – Dallas, Texas**

<b>Action:</b>	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Withdrawn	Pulled
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**L-1    202.1.1, 204.1                    pages 59, 65    Board of Directors                    Modify**

**202.1.1 Sanction Requirements**—Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

**A** Applications for sanction shall be made to the LMSC within which the event is to be held. Sanction applications shall be accompanied by the entry form.

**(1)** The entry forms, except those for postal events, shall contain the language of the liability release as stated in USMS policy (see USMS Guide to Operations, Sanctions section). All swimmers, before participating, shall have signed the liability release.

...

**204.1 Release**

All individual membership application forms and sanctioned entry forms, except those for postal events, shall include a liability release. The liability release shall be signed by the person registering or entering. The liability release shall conform to the language and format specified by USMS policy (see USMS Guide to Operations, Sanctions section).

**Rationale:** The Long Distance Committee and the Executive Committee agree that adjustments to the sanctioning rules should be made to remove the waiver requirement and simplify the registration for postals and allow clubs to register swimmers and/or upload results in bulk. Postal event entries often happen AFTER the USMS member completes the swim, so the liability releases are not signed prior to participating. As USMS members, sanctioned postal event participants have already signed the same liability release when they registered for USMS membership.

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**L-2    601.2.3, 601.2.4                    pages 107–108 Rules Committee                    Modify**

**601.2.3 Submission Deadline**—The deadline for changes submitted by an LMSC to the chair of the LMSC Development Committee is February 1 to be considered as described in 601.4.4. Proposed changes to the *USMS Code of Regulations and Rules of Competition* by an LMSC must be submitted to the chair of the Legislation, Long Distance, or Rules Committee not later than JulyJune 10 to be considered as described in articles 601.4.1, 601.4.2, and 601.4.3.

**601.2.4 Submissions After the Deadline**—The Board of Directors, Executive Committee, or standing committees of the House of Delegates may propose changes to the USMS code after JulyJune 10. Submissions after the deadline may be adopted in accordance with articles 601.4.1, 601.4.2, or 601.4.3 by a two-thirds vote of the committee of jurisdiction, provided the proposed amendment is made available to all members of the House of Delegates in advance of the annual meeting. All other submissions after the deadline shall be considered as emergency amendments and adopted in accordance with article 601.4.6.

**Rationale:** The USMS convention is evolving to include more content outside of committee business with less meeting time. This necessitates committee consideration and action prior to convention. An earlier deadline would facilitate committee work prior to publishing proposed amendments to the House of Delegates by August 15.

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**L-3      202.1.1A                                      page 60                                      Rules Committee                                      Modify**

**202.1.1 Sanction Requirements**—Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

**A** Applications for sanction shall be made to the LMSC within which the event is to be held. Sanction applications shall be accompanied by the entry form.

...

*Insert new (4) and renumber*

- (4) ~~The meet information shall state the primary timing system INTENDED TO BE USED, REFERRING SWIMMERS TO xxx that will be used during the meet and which requirements listed in articles 103.18.5–103.18.7 are expected to be satisfied for purposes of records and Top 10.~~ If it is not possible to provide timing systems that will satisfy the requirements for records or Top 10 submission (articles 103.8.5–103.8.7), the meet announcement must include a statement that informs swimmers that times cannot be submitted for records and/or Top 10.

**Rationale:** Require the meet director to inform swimmers of the expectation to achieve records and Top 10 times based on the primary timing system in use.

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**L-4      201.2.4                                      page 58                                      Virginia LMSC                                      Modify**

**201.2.4 Changing LMSC Affiliation**—A club wishing to change its LMSC affiliation must approve such change by a majority vote of its general membership at a regular club meeting or at a special meeting called for that purpose, with the vote duly certified by the club’s president and secretary. The transfer also must be approved by a majority vote of the officers of the club’s current and proposed LMSCs. If approved, the transfer shall be effective 60 days after receipt of written notice by the National Office. This requirement applies regardless of the timing of the affiliation change, including when an existing club’s annual membership is renewed.

**Rationale:** The provisions of article 201.2.4 are in place so that each LMSC has a voice in decisions to change club affiliation. Clubs changing affiliation due to geographic proximity to another LMSC can have a significant long-term impact on the stability and financial health of an LMSC and, at a minimum, both LMSCs need to be part of the discussion. The current article has been interpreted in a way that permits clubs to change affiliation at the time of annual membership renewal, which circumvents the intent.

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**L-5      507.1.11                                      page 104                                      Records and Tabulation Committee                                      Modify**

**507.1.11 Records and Tabulation**—The Records and Tabulation Committee shall establish and maintain a standardized ~~process~~ national procedures to verify and record results of pool meets. This shall include maintaining the list of certified pool measurements and coordination of coordinating sanction, pool measurement, and event results databases. The committee shall maintain USMS records, All-American and All-Stars rosters, and USMS Top 10 times for each course, and shall publish all of the above at least annually. of recording and verifying times and shall publish the Top 10 times, All American and All Star rosters, and USMS records annually for each course. The committee shall consist of the committee chair and sufficient members to execute the committee function. The national swims coordinator will be an ex officio member of the committee.

**Rationale:** This change updates the committee definition to reflect current responsibilities. The committee has morphed over the years, acquiring additional responsibilities and distributing more Top 10 work to the LMSC Top 10 recorders through the use of quality tools developed to support the End to End Event Management initiative.

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**L-6      508.2                                      page 105                      Board of Directors                                      Delete**

**508.2—Fees**

~~Fees shall be established by the House of Delegates.~~

**Rationale:** The House of Delegates already has the nondelegable power to review and approve the annual budget pursuant to rule 504.2.2C, including revenue and expenditures. Also, article 201.1.5 already addresses the annual membership fee. Article 508.2 has created confusion in recent years about which fees it applies to and whether they need to be brought before the House of Delegates separately from the budget.

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**L-7      508.3                                      page 106                      Board of Directors                                      Modify**

**508.3      Budget Requests**

~~Requests for budget items or funding that are disapproved by the Board of Directors (or those not submitted to the Board of Directors) may be approved by the House of Delegates by a two thirds vote. Changes to a budget submitted by the Board of Directors shall require a two-thirds approval by the House of Delegates.~~

**Rationale:** The proposed change to article 508.3 will make USMS budget approval consistent with the process followed for Rules and Legislation proposals: a recommendation by the responsible committees requires a super majority to change. The budget is constructed and reviewed by the individuals (CEO, CFO, and treasurer) and committees (Finance Committee and BOD) most knowledgeable on the organization’s finances and spending needs. A super majority requirement to change the proposed budget should help streamline the budget discussion by ensuring only the most important changes are discussed on the HOD floor. The HOD retains its nondelegable power to review and approve the annual budget.

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**L-8      202, 203                                      pages 60–64                      Board of Directors                                      Modify**

**202.1      Sanctions**

...

**A** Applications for sanction shall be made to the LMSC within which the event is to be held. Sanction applications shall be accompanied by the entry form.

...

**(4)** The sanction fee shall consist of a national fee established ~~by the House of Delegates~~ in the annual budget. Each LMSC may also establish a local fee.

...

**202.2      Recognized Events**

...

**202.2.1 Recognition**—Recognition shall be issued, withheld, or withdrawn in accordance with the following:

**A** Application for recognition of events within the jurisdiction of USMS shall be made to the LMSC within which the event is to be held, and applications shall be accompanied by the recognition fee. The recognition fee shall consist of a national fee established ~~by the House of Delegates~~ in the annual budget. Each LMSC may also establish a local fee.

...

**203.3.2 Requirements**—The following requirements shall be followed by the sanctioning LMSC and sanction applicant:

...

- J The sanction fee shall consist of a national fee established ~~by the House of Delegates~~ in the annual budget. Each LMSC may also establish a local fee.

**Rationale:** Since the national sanction and recognition fees were approved several years ago there has been uncertainty on the process by which they are set. The proposed changes establish the process.

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**L-9      503.3.4                                  page 95                                  Board of Directors                                  Insert**

**503.3.4** Each zone chair is eligible for election to the same office for two consecutive terms. No person so elected for two successive terms is eligible for reelection to the same position until after the lapse of two years following the term of office to which that person was last elected.

**Rationale:** USMS uses term limits for officers and at-large directors to encourage succession. The same practice should apply to zone chairs. This language mirrors that in article 505.2.4 (Officers) and 506.2.4 (At-Large Directors).

## Report of the Finance Committee Budget and Fees Subcommittee

Unanimously Approved by FC May 9, 2017

The Subcommittee members are Peter Guadagni, Chair, Ralph Davis, Phil Dodson, Jeanne Ensign, Harry Greenfield, Susan Kuhlman, and Susie Young. We met by conference call four times between December and March. Our findings and recommendations are below.

The Subcommittee members discussed concerns about the USMS budget and fee setting process. The issues included:

1. The USMS budget is primarily the National Office budget and created by the professional staff. The current HOD approval process was created when USMS was a volunteer run organization.
2. There is a lack of clarity about which fees the HOD should establish and the process for doing so.
3. Fees are the budget element delegates are most interested in, yet there is limited opportunity for delegates to comment early in the convention.
4. A change in fees on the HOD floor can have significant budget effects with no opportunity to rebalance the budget prior to the end of convention.
5. In practice, the process for changing budget items including fees on the HOD floor has been unwieldy with suboptimal results. The thought, logic and underlying support of the original proposal is often lost. Roberts Rules is not a good process for amending a budget.

The Rules and Legislation Committees' process for enacting changes includes early communication of proposals, enablement of delegate comment and a super majority requirement to overturn Committee recommendations. The Subcommittee believes this would be a good model for the budget approval process.

### **The Subcommittee unanimously recommends:**

1. Membership registration fees should continue to be approved by the House of Delegates;
2. Any changes to a proposed budget passed out of Finance Committee and approved by the Board will require a super majority vote by the HOD;
3. The proposed budget will be available to delegates prior to convention (this has been the practice in recent years but it is not formalized). A fee change and budget summary will be included with the proposed budget; and
4. There will be an open forum early in the convention where delegates may ask questions, voice concerns or offer suggestions regarding the budget and fees. This is in addition to the two Finance Committee budget review meetings open to all delegates.

Recommendations 3 and 4 will be incorporated into FOG. FOG changes do not require submission to the Legislation Committee but do require approval by the Board of Directors.

Specifically, the Subcommittee recommends the Finance Committee approve sending a request to the Board of Directors for the following legislative and rules changes:

## **FC1**

### 508.2 Fees

Membership registration fees ~~Fees~~ shall be established by the House of Delegates.

## **FC2**

### 508.3 Budget Requests

~~Requests for budget items or funding that are disapproved by the Board of Directors (or those not submitted to the Board of Directors) may be approved by the House of Delegates by a two-thirds vote.~~ Changes to a budget approved by the Board of Directors shall require a two-thirds affirmative vote by the House of Delegates.

## **FC3**

### Pool Meet Sanction Requirements

202.1.1.A(4) ~~The sanction fee shall consist of a national fee established by the House of Delegates~~ in the annual budget. Each LMSC may also establish a local fee.

## **FC4**

### Pool Meet Recognition Requirements

202.2.1.A Application for recognition of events within the jurisdiction of USMS shall be made to the LMSC within which the event is to be held, and applications shall be accompanied by the recognition fee. The recognition fee shall consist of a national fee established ~~by the House of Delegates~~ in the annual budget. Each LMSC may also establish a local fee.

## **FC5**

202.3.2.J The sanction fee shall consist of a national fee established ~~by the House of Delegates~~ in the annual budget. Each LMSC may also establish a local fee.