

By-Laws of the Arizona Local Masters Swimming Committee

Revised August 12, 2012

ARTICLE 1

- 1.1 **OBJECTIVES:** The objectives shall be to promote and develop swimming, physical fitness, and good health for the benefit of Masters swimmers of all abilities in accordance with the goals objectives, rules, and standards prescribed by United States Masters Swimming, Inc. (USMS) and by the Arizona Local Masters Swimming Committee (AZ LMSC).
- 1.2 **NAMES AND BOUNDARIES:** The name of this committee shall be the Arizona (AZ) Local Masters Swimming Committee (LMSC). The national two-letter designation is "AZ"; the national two-number designation is "48". This LMSC shall include all of the State of Arizona.
- 1.3 **JURISDICITON:** The AZ LMSC shall have jurisdiction delegated to it by USMS over the sport of Masters swimming.

ARITCLE 2 – MEMBERSHIP

- 2.1 **AZ LMSC** membership shall consist of the following:

1. Team Members

- a. Those swim organizations or groups who have members registered by the AZ Local Masters Swim Committee with USMS who are in good standing who participate in the sport of swimming or some aspect of it.
- b. Each team may appoint a working member to the AZ LMSC Board of Directors. The team shall make such appointments either in writing or via email to the chairman of the LMSC from the chairman or equivalent position of the team or group. The team or group may change its representation on the AZ LMSC at any time either by written notice or via email to the AZ LMSC chairman from the chairman or equivalent member of the team or group.

2. Individual Members

- a. Each individual

1. who is an athlete, coach, official, administrator, or other person;

2. who is interested in the purposes or programs of the AZ LMSC;
and
 3. who has completed the required membership application and paid the required membership fee (including the fee to USMS) to the AZ LMSC.
- b. Each individual member shall receive a USMS membership card certifying his or her membership and may attend annual and special meetings of the AZ LMSC membership.

2.2 RESPONSIBILITIES

1. Duties and Powers of Members
 - a. To elect officers
 - b. To promote and participate in programs and activities conducted by the AZ LMSC and USMS and may attend all membership meetings of the AZ LMSC.
 - c. To vote on any matters, which the Board of Directors submits to a vote of the membership, and on all issues to be voted on at any membership meetings.

ARTICLE 3 – MANAGEMENT

3.1 AZ LMSC BOARD OF DIRECTORS

1. Members – the AZ LMSC Board of Directors shall consist of:
 - a. Each elected officer of the AZ LMSC, all of whom shall also be registered members of the LMSC and USMS.
 - b. The immediate past AZ LMSC chairmen.
 - c. Four elected at-large representatives, with no more than two at-large representatives being affiliated with a single workout group.
 - d. Each member of the board shall be entitled to only one vote regardless of whether the member is serving in one or more board capacities.

- e. A quorum of the board required to conduct business shall consist of a minimum of five of its members present and eligible to vote
 - f. Board members with more than two (2) consecutive unexcused absences from board meetings may be removed from service on the board at the discretion of the Board of Directors. Excuses from attending meetings shall not be unreasonably withheld.
 - g. All Board members shall have an active email address and telephone number.
2. Duties and Powers – The AZ LMSC Board of Directors shall act for the AZ LMSC and its members during the interval between General meetings.
- a. To establish program and policy; To manage and/or supervise program policy.
 - b. To establish the Review Section.
 - c. To review and adopt the annual budget of the AZ LMSC, including the setting of AZ LMSC registration rates, which shall also include the USMS registration fee and any LMSC entry fees, sanction, recognition or approval fees, which it deems appropriate. Long Distance and National Championship fees shall be in accordance with USMS Rules.
 - d. To amend the By-Laws.
 - e. To call or provide notice of meetings of the Board as well as call membership meetings.
 - f. To take any and all action necessary and /or proper to carry out its powers and duties as well as the programs, activities and objectives of the AZ LMSC, including assisting in appointments, assignments and removal of its members or officers for failure to perform their duties where circumstances warrant such action.

ARTICLE 4 – OFFICERS

4.1 OFFICERS: The elected officers of the AZ LMSC are the Chairman, Vice Chairman, Secretary and Treasurer.

4.2 ELIGIBILITY: Only registered members of the AZ LMSC are eligible to hold office. One member may hold two (2) offices simultaneously, except the Chairman.

- 4.3 TERM OF OFFICE:** Each officer will serve for a term of two (2) years or until a successor is chosen by election or appointment by the Board to fill a vacancy.
- 4.4 NOMINATIONS:** A nominating committee will be formed according to the Policies and Procedures Manual.
- 4.5 ELECTIONS:** Elections will be held every two (2) years and take place before the Annual Meeting. Elections will be carried out as described in the Policies and Procedures.
- 4.6 DUTIES:** The duties of the officers and the Registrar are the following:
1. Chairman - The Chairman shall be responsible for the day to day management of the business affairs of the LMSC, shall call meetings when and where deemed necessary and shall preside at all meetings; and with the advice and consent of the Board of Directors, shall appoint those committee chairmen necessary to fulfill the duties and responsibilities of the LMSC. The Chairman shall also be entitled to appoint a Legal Advisor who will serve as an Ex Officio member of the Board. The Chairman may assist the Secretary in the issuing of meeting dates, agendas, and minutes.
 2. Vice Chairman - The Vice Chairman shall preside at all meetings of the LMSC when the Chairman is absent. The Vice Chairman shall have all of the powers and duties of the Chairman when the Chairman is unable or incapable of performing such duties and responsibilities. In addition, the Vice Chairman shall assist the Chairman, other officers, and the Sanctions Chair, and perform such duties as assigned by the Chairman.
 3. Secretary - The Secretary shall be responsible for keeping written records of all meetings, preparing official correspondence, issuing meeting notices and minutes of meetings, and making reports required by USMS and the Chairman.
 4. Treasurer - The Treasurer shall be responsible for preparing the annual budget for review and approval by the Chairman and the Board of Directors; shall receive all of the monies and pay all of the bills approved by the Board of Directors; and shall be responsible for maintaining all financial records and for making timely reports (at least annually) to the Board of Directors and such reports required by the Chairman and such reports required to be filed and made to USMS.
 5. Registrar - The Registrar shall be responsible for registration of the LMSC, the clubs, and the swimmers, and making reports required by USMS and the Chairman.

- 4.7 VACANCIES:** Vacancies created in any office for any reason may be filled by appointment of the Chairman, subject to advice and consent of the Board at its next meeting.

ARTICLE 5 - MEETINGS

- 5.1 ANNUAL:** The annual meeting of the membership shall be held no later than November 15 of each year. New officers shall be elected every two (2) years. When elections are held, the terms shall begin January and expire December 31 two (2) years later.
- 5.2 BOARD:** A minimum of two (2) meetings per year is required. Should the Chairman fail to call meetings of the Board, a meeting may be called upon the request of any three members of the Board. The meeting can be conducted as a normal meeting, a teleconference, or a combination of both at the discretion of the Board.
- 5.3 MEMBERSHIP:** Should the Chairman fail to call an Annual membership meeting or should such membership meeting be required, such special meetings may be called at any time upon the request of any three (3) members of the Board of Directors. The meeting can be conducted as a normal meeting, a teleconference, or a combination of both at the discretion of the Board.
- 5.4 NOTICES:**
1. Time - Not less than fifteen (15) days notice must be given by the LMSC Secretary for any Annual or Special meeting of the membership. The notice shall be posted and announced at the AZ sanctioned swimming meet which immediately precedes the meeting and in the newsletter preceding the meeting, or by written and/or electronic means.
 2. Information - The notice of a meeting shall contain the time, date and site. For each special meeting, the purpose(s) of the meeting shall also be given.
 3. Address - Each member of the Board of Directors shall be notified of any meeting by the LMSC Secretary either verbally and/or via email.
- 5.5 ORDER OF BUSINESS:** At all membership meetings and meetings of the Board of Directors, the following should be the order of business:
1. Roll call;

2. Call to order;
3. Reading, correction and adoption of minutes;
4. Reports of Officers;
5. Reports of Committees;
6. Unfinished business;
7. Elections, where appropriate;
8. New business;
9. Resolutions and orders;
10. Adjournment.

5.6 QUORUM: A quorum at all meetings other than Board meetings shall consist of those present and eligible to vote, provided that proper notice of the meeting has been given. A list of current Board members shall be provided by the Secretary before the start of each meeting.

5.7 RULES OF ORDER: At all meetings, the "Robert's Rules of Order" may be the Procedural rules.

5.8 VOTING: The support of the vote of a majority of the members present and eligible to vote shall be required to pass any matter, at any meeting except for votes to amend the By-laws, which requires a favorable vote of two-thirds (2/3) of the members of the Board of Directors. All votes cast via teleconference participants will be roll call votes.

ARTICLE 6 – COMMITTEES

6.1 CHAIRMAN: The Chairman of each committee shall be appointed by the LMSC Chairman with the advice and consent of the AZ LMSC Board of Directors.

6.2 MEMBERSHIP: Members of each committee shall be appointed by the Committee Chairman with the advice and consent of the Chairman of the AZ LMSC.

ARTICLE 7 - CONDITIONS OF COMPETITION

- 7.1 GENERAL:** The current USMS rules and regulations as outlined in the " United States Masters Swimming Code of Regulations and Rules of Competition" shall be the rules and regulations used to govern Masters swimming competitions. They guarantee uniform and fair standards and ensure fair and equal conditions during swimming competitions. The "USMS Adapted Swimming Handbook" may be used where applicable. These rules and conditions may be augmented by the AZ LMSC provided that the LMSC rules and regulations are not contrary to those of USMS.

ARTICLE 8 – CHAMPIONSHIPS

- 8.1 GENERAL:** When swimming championships are conducted, they shall be in accordance with USMS rules for conduct of championships as described in the USMS rules.

ARTICLE 9 - DUES AND FEES

- 9.1 ATHLETE REGISTRATION:** Each member or each swimming organization on the member's behalf, shall pay an annual fee established by the AZ LMSC to the Registrar. The fee shall include the National USMS fee and the AZ LMSC fee.

ARTICLE 10 - REPORTS AND REMITTANCE

- 10.1 ANNUAL REPORTS:** The AZ LMSC shall comply with the financial record keeping and reporting requirements of USMS. The AZ LMSC Secretary shall forward a copy of the minutes of the annual meeting and the AZ LMSC Treasurer shall forward a copy of the annual financial report to USMS.
- 10.2 MEMBERSHIP REPORTS:** Each month, the Registrar or designee shall forward to the USMS National Registrar a report listing all AZ LMSC members and clubs, with addresses, who have joined AZ LMSC during the prior month. This report will be accompanied by the appropriate fees.
- 10.3 GENERAL:** The AZ LMSC shall make such other reports and remittances, as required, to USMS. The AZ LMSC Chairman, Secretary Treasurer and Registrar are responsible for ensuring that all required reports and remittances are made.

**ARTICLE 11 – ATHLETE’S BILL OF RIGHTS;
AZ LMSC GROUNDS FOR GRIEVANCE AND GRIEVANCE PROCEDURE;
NOTICE TO ATHLETE WHERE NO GRIEVANCE INVOLVED**

11.1 ATHLETE’S BILL OF RIGHTS: The AZ LMSC, in accordance with the rules of USMS, shall respect and protect the right of every eligible individual to participate as an athlete, coach, trainer, manager, administrator or other official in any Masters swimming competition, so long as such competition is conducted in compliance with reasonable local, national and applicable international requirements.

11.2 ARIZONA LMSC GROUNDS FOR GRIEVANCE AND GRIEVANCE PROCEDURE: The AZ LMSC has determined that a written grievance procedure, to include a listing of the grounds for grievance, is needed to:

- A. Implement the policies of United States Masters Swimming (USMS) as expressed in the Rules of USMS concerning member rights and standards of conduct under Article 402 thereof (hereinafter “Article 402”).
- B. Allow the AZ LMSC to appropriately respond to certain conduct not listed in the USMS Rule Book but described in Subparagraph (b) of Paragraph 2 below.

Accordingly, the following grievance procedure, which includes a listing of the grounds for grievance in Paragraph 2 below, is adopted by the AZ LMSC:

1. General Jurisdiction.

Section 403.2 of the USMS Rule Book provides that disputes arising within a single LMSC and not brought by USMS shall be filed directly with such LMSC and handled pursuant to LMSC rules and procedures. Accordingly, this grievance procedure applies to any complaint affecting USMS and the AZ LMSC that arises solely within the AZ LMSC geographical boundaries, involves only AZ LMSC members, and is filed not by USMS, but rather by a person, club, or team authorized to do so under Paragraph 2 of this grievance procedure.

2. Grounds for Grievances.

Any individual member of the AZ LMSC, any AZ LMSC member Club, or any AZ LMSC Team meeting both of the prerequisites set forth in Paragraph 3 below, and acting within the deadline set forth in Paragraph 4 below, may file a complaint with the AZ LMSC:

- a. On any matter for which grievances may be brought and heard by the AZ LMSC under Article 402 of the most current version of the USMS**

Rule Book. Specifically, complaints may be brought alleging the following unsporting conduct, as defined by the USMS Rule Book, Section 402.4:¹

- i. Violation of the opportunity to participate, as set forth in article 401. (USMS Rule Book, Section 402.4.1)
- ii. Discrimination in violation of article 501.3. (USMS Rule Book, Section 402.4.2)
- iii. Any act of fraud, deception or dishonesty in connection with any USMS related activity. (USMS Rule Book, Section 402.4.3)
- iv. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel, in connection with a USMS event. (USMS Rule Book, Section 402.4.5)
- v. Any nonconsensual sexual conduct, pattern of unwelcome sexual advances or other inappropriate sexually oriented behavior or action by a USMS member toward a member or any other person participating in any capacity whatsoever in the affairs or activities of USMS. (USMS Rule Book, Section 402.4.6)
- vi. Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC or the sport of swimming. (USMS Rule Book, Section 402.4.7)
- vii. Aiding or abetting another to engage in any of the foregoing violations. (USMS Rule Book, Section 402.4.8)

b. Regarding any of the following additional matters occurring between AZ LMSC members:

- i. Harassment or intimidation by words, gestures, body language, or any type of menacing behavior;
- ii. Physical contact with another person in an angry, aggressive, or threatening way;
- iii. Verbally abusive behavior, including angry or vulgar language, swearing, name-calling, or shouting;
- iv. Sexually explicit conversation or behavior;
- v. Theft or behavior that results in the destruction or loss of property or injury to a person;
- vi. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct by an AZ LMSC member toward another AZ LMSC member, coach, or any other

¹ The listing shown is taken from the 2012 Rule Book.

person participating in any capacity whatsoever in the affairs or activities of AZ LMSC.

3. Prerequisites to initial filing of complaint with AZ LMSC.

a. Personal knowledge.

Any complaint to the AZ LMSC must be based on personal knowledge of events, behavior, or circumstances as experienced, seen, or heard by the person making the complaint. The AZ LMSC will not consider any complaint, or portion of a complaint, that is based solely on hearsay information received from third parties, rather than the personal knowledge of the person making the complaint.

b. Attempted informal resolution prior to filing complaint.

Any person, club, or team wishing to file a complaint with AZ LMSC (hereafter referred to in this Subparagraph 3(b) as the “complainant”) also must be able to show (and must specifically state in the complaint) that the complainant has, prior to the filing of the complaint, done at least one of the following, and failed to resolve the matter:

- i. Spoken directly to the person(s), or to the coach(es) or authorized representative(s) of the club(s), or team(s), against whom the complaint is to be filed to try to resolve the matter; or
- ii. Spoken to the complainant’s own coach and had the complainant’s coach either:
 - A. Speak to the person(s), or to the coach(es) or authorized representative(s) of the club(s) or team(s), against whom the complaint is to be filed to try to resolve the matter; or
 - B. Be present when the complainant speaks to the person(s), or to the coach(es) or authorized representative(s) of the club(s) or team(s), against whom the complaint is to be filed to try to resolve the matter.

If the complainant wishes to file a complaint against the complainant’s own coach, then for purposes of complying with (ii)(A) or (B) above. the complainant must have spoken to the Chair of the AZ LMSC, or another coach, and had them act in place of the complainant’s own coach to try to resolve the matter.

4. Deadline for filing complaint.

A complaint will not be considered by the AZ LMSC unless it is received by the AZ LMSC Chair no later than thirty-five (35) calendar days after the date of the occurrence of the events, behavior, or circumstances that form the basis of the complaint.

5. Complaint Procedure.

a. A complaint shall consist of a concise statement of the events, behavior, or circumstances involved; shall be in writing; shall be signed by the person making the complaint, or, if filed on behalf of a club or team, by both the person(s) with personal knowledge making the complaint and a coach or other person authorized to act on the club's or team's behalf; and shall include contact information (e.g., address, e-mail address, phone, or all of those) where the person(s) signing the complaint may be reached with all notices or communications occurring as part of this grievance procedure. The complaint shall clearly identify the person(s), club(s), or team(s) making the complaint and the person(s), club(s), or team(s) against whom the complaint is made. The complaint shall be directed only to the AZ LMSC Chair. The AZ LMSC chair, at this time shall assign a Grievance Chair. It is highly recommended, though not required, that this Grievance Chair be an attorney.

b. Upon receipt of a complaint, the Grievance Chair shall first make a determination whether:

- i. The subject matter involves an issue for which a grievance may be brought and heard under Article 402 of the most current version of the USMS Rule Book, or under Subparagraph 2(b) above;
- ii. The complaint involves a person, club, or team that is part of the LMSC.
- iii. The complaint is timely filed.
- iv. The complaint is based on personal knowledge, and not on hearsay.
- v. Informal resolution was attempted, and is described in the complaint.
- vi. A reasonable person could conclude that the alleged acts could have occurred.

c. If the Grievance Chair determines that the complaint, or any part(s) of it, does not meet one or more of the criteria set forth in Subparagraph 5(b), the Grievance Chair shall dismiss the complaint, or the part(s) not meeting the criteria, and provide notice of that decision and action to the person(s), club(s), or team(s) filing the complaint and to the AZ LMSC Chair.

d. If the Grievance Chair determines that the complaint, or any part of it, does meet all of the criteria set forth in Subparagraph 5(b), then the complaint, or the complying part of it, constitutes a facially viable AZ LMSC grievance. The Grievance Chair shall transmit a copy of the complaint to the other parties involved, along with a copy of this grievance procedure (in order that they be aware of their rights under this grievance procedure, and of their eventual appeal rights under Article 403 of the USMS Rule Book); the address, e-mail address (or both) where the party should send its written reply to the Grievance Chair under

Subparagraph 5(e) below; and, if applicable, a description of the part(s) of the complaint constituting a facially viable AZ LMSC grievance and requiring a reply from the parties. The parties to the controversy shall be the USMS member(s), club(s) or team(s) filing the complaint; the USMS member(s), club(s), or team(s) complained of in in the complaint; and, if appropriate, the AZ LMSC. In the event there are multiple parties or varying interests, any interested person may ask the Grievance Chair to (or the Grievance Chair may at that officer's own option) realign the parties according to their interests in the matter.

e. 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 received by the Grievance Chair within twenty (20) days from the date the copy of the complaint is transmitted to those parties by the Grievance Chair. Replies shall be in writing; signed by the person making the reply or, if filed by a club or team, by a person authorized to act on the club's or team's behalf; and shall include contact information (e.g., address, e-mail address, phone, or all of those) where the person(s) making the reply on behalf of the party may receive all notices or communications occurring as part of this grievance procedure. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit for reply, or for any other action under this grievance procedure except the deadline for filing a complaint under Paragraph 4 above.

6. Mediation or Resolution by the Grievance Chair.

a. After all parties entitled to reply have transmitted a reply to the Grievance Chair, the Chair shall attempt to resolve the controversy by mediation. The method of mediation shall be at the discretion of the Chair. Methods of mediation may include (without limitation) in-person contact, telephone contact, or communication by writing or email. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the LMSC Chair.

b. If a party who is the subject of a complaint fails to make a reply within the time limit for doing so, but other parties have replied, then the Grievance Chair may proceed to mediation under this Paragraph 6, or to the Hearing Procedure under Paragraph 7 below.

c. If no party who is the subject of a complaint makes a reply within the time limit for doing so, then no mediation under this Paragraph 6, nor Hearing Procedure under Paragraph 7 below, shall be required. The Grievance Chair may act on the complaint as filed, or, at that officer's sole option, may receive such evidence (statements, testimony, documents, or physical evidence), from any source, as that officer deems necessary to resolve the controversy, in the same manner, and under the same conditions, that would apply to a hearing panel under Subparagraph 7(b) below. The Grievance Chair shall then proceed

to resolve the controversy in the form of a written decision, complying with the same requirements and procedures, and exercising the same authority regarding dismissal or penalties, that would apply to the written decision of a hearing panel under Subparagraph 7(c) below.

7. Hearing Procedure.

a. If no agreement can be reached through mediation, the Grievance Chair shall convene a hearing panel to resolve the grievance and all related matters. The Grievance Chair shall designate not less than three nor more than five members of the AZ LMSC to act as a hearing panel. The Grievance Chair shall not be a member of the hearing panel, and shall have no vote regarding hearing panel decisions, but shall be present for any proceedings held under Paragraph 7(b) below, if the hearing panel so requests; and shall at all times give counsel to the panel concerning procedural matters and USMS rules. If the Grievance Chair is not an attorney, then it is highly recommended, though not required, that at least one of the committee members shall be an attorney.

b. The hearing panel shall receive such evidence (including, but not necessarily limited to, statements, testimony, documents, or physical evidence), as it deems necessary to resolve the controversy, and shall, wherever possible, receive evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such persons and their evidence available to the hearing panel, and any cost of production of such persons or evidence shall be at the sole expense of the party on whose behalf such evidence is received. Whenever the panel deems it necessary to receive evidence, the panel, at its option, may either: (1) meet together to receive the evidence; or (2) appoint one or more of its members to do so on behalf of the panel as a whole.

c. Upon completion of the hearing panel's receipt of evidence under Subparagraph 7(b) above, the hearing panel shall consider the evidence and, by majority vote, resolve the controversy in the form of a written decision. The written decision shall include any explanation the hearing panel wishes to present; any dissent; and any actions the hearing panel is taking (which may include dismissal of the complaint), or penalty the hearing panel is imposing, regarding any party. The written decision shall be transmitted to all parties and the AZ LMSC Chair. The hearing panel may dismiss all or part of the complaint against any party, or it may deny membership in the LMSC, censure, place on probation, suspend, fine or expel from LMSC membership any member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Article 402 (all as authorized by Section 403.1 of the USMS Rule Book), and it also may impose any of those penalties for any conduct set forth in Subparagraph 2(b) above. If a person is expelled from the LMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, if deems necessary.

8. Right of appeal; written notification to parties; deadline for appeal to AZ LMSC; stay of penalty pending appeal.

a. Any party may appeal the Grievance Chair's written decision under Subparagraph 6(c) above, or the hearing panel's written decision under Subparagraph 7(c) above, to the AZ LMSC Board of Directors, and thereafter to the National Board of Review under Article 403 of the USMS Rule Book.

b. When a written decision of the Grievance Chair or hearing panel is transmitted to all parties and the AZ LMSC Chair, the Grievance Chair shall notify all parties in writing of their rights of appeal under this Paragraph 8, and of the contact address for the AZ LMSC Chair.

c. Any appeal to the AZ LMSC must be initiated by written notice of appeal received by the AZ LMSC Chair within thirty-five (35) days of the date of the Grievance Chair's written notification to all parties.

d. The AZ LMSC, acting through the Board of Directors or the AZ LMSC Chair, may stay the imposition of any penalty pending appeal to the AZ LMSC itself or to the National Board of Review.

11.3 NOTICE TO ATHLETE WHERE NO GRIEVANCE INVOLVED: Except where a registered member has provided different contact information specifically for use as part of the grievance procedure set forth in Section 11.2 above, in each case in which a notice is mailed to a registered member, it is sufficient to address the notice to the member and mail it to the residence given on the member's application for registration. If a written change of address has been filed with the Registrar, then the notice should be sent to that address.

ARTICLE 12 – MISCELLANEOUS

12.1 FISCAL YEAR: The fiscal year of the AZ LMSC shall correspond to the fiscal year of USMS.

12.2 MAILING ADDRESS: The AZ LMSC must submit a permanent mailing address for use by the USMS National Office.

12.3 SPECIAL VOTE: Except for amendments of the AZ LMSC By-laws, any action which can be taken at an annual or special meeting of either membership and/or the Board of Director meetings may be taken without a meeting when, in the judgment of the Chairman, action must be taken on a matter which cannot await the next scheduled meeting. If an action is to be taken without a meeting, the AZ LMSC Secretary shall distribute an email ballot to every member entitled to vote on the matter. The ballot shall set forth proposed action, provide an opportunity

to specify approval or disapproval of any proposal and provide five (5) days within which to return the email to the AZ LMSC Secretary. Ballots returned by the specified date shall constitute a fair representation of popular opinion, with the majority of these ballots deciding the issue.

- 12.4 ADMINISTRATION:** Some or all of the administrative functions which are the responsibility of the AZ LMSC may be assigned [by mutual agreement] to a local office or organization. This agreement must outline the nature of the services and the fees associated with those services and shall be in accord with general policies and guidelines established by USMS.
- 12.5 DISSOLUTION:** Upon dissolution of the AZ LMSC, the net assets of the LMSC will not inure to the benefit of any private individual, corporation, organization or association. These net assets will be distributed to the United States Masters Swimming Inc. (USMS) to be used exclusively for educational or charitable purposes. At that time, if USMS is not in existence or if it is not a corporation which is exempt under Section 501(c)(3) of the US Internal Revenue Code and to which contributions, bequests and gifts are deductible under Section 170(c)(2), 2055(a)(2) and 2522(a)(2), then the net assets of the LMSC shall be distributed to a corporation which is exempt under Section 501(c)(3) of the US Internal Revenue Code and to which contributions, bequests and gifts are deductible under Section 170(c)(2), 2055(a)(2) and 2522(a)(2). These assets are to be used exclusively for educational or charitable purposes.
- 12.6 TELEPHONE NUMBER:** Arizona Masters is authorized to maintain a local phone number for receiving messages, announcing events, and containing contact information for selected LMSC leaders. The Board can designate one or multiple recipients of the messages and has sole discretion over the content of any announcements and other information presented via telephone.
- 12.7 EXTERNAL COMMUNICATION:** The only person allowed to speak on behalf of Arizona Masters Swimming is the Chairman of the Board. The Chairman may appoint a person or persons to speak on behalf of Arizona Masters Swimming for a specified amount of time or on a specific matter that has been defined by the Chairman.
- 12.8 POLICIES AND PROCEDURES:** The board has the power to enact additions, changes, or deletions pertaining to AZ LMSC policies. These policies and procedures are listed in a separate document and can be amended by a simple majority vote of the board.