

BY-LAWS
METROPOLITAN LOCAL MASTERS SWIMMING
COMMITTEE
5-27-2015

ARTICLE I: ORGANIZATION

Section 1: Objectives, Territory, and Jurisdiction

- A. Objectives: Metropolitan Local Masters Swimming Committee (Metro) is the local organizing body of United States Masters Swimming, Inc. "USMS", a group of sportswomen and sportsmen founded in 1970 and dedicated to the promise that the lives of participants will be enhanced through aquatic physical conditioning. The LMSC and USMS support and encourage competitions both among their members and with participants from other nations. These competitions will be held in accordance with the standards and under the rules prescribed by the Federation International Natation Amateur (FINA), U.S. Masters Swimming, Inc. (USMS), and the Metro LMSC (Metro). As defined by USMS, the LMSC shall register swimmers, grant sanctions to events, and disseminate information to its member clubs, workout groups and swimmers.
- B. Territory: The territory of the Metro LMSC includes New York City, Long Island, Westchester, Rockland, Orange, Dutchess, and Putnam Counties.
- C. Jurisdiction: the Metro LMSC has jurisdiction over the sport of Masters competitive swimming as has been delegated to it by USMS.

Section 2: Membership

- A. Classes of Membership:
 - 1. Individual members include athletes, coaches, officials, administrators, or persons otherwise interested in the purposes and programs of the Metro LMSC. Upon joining the Metro LMSC, each individual shall be issued a membership card which certifies their membership, and they may attend all meetings of the Metro LMSC with voice but not vote.
 - 2. Club and workout group members are organizations or groups of permanent character currently registered with USMS through the Metro LMSC that actively promote and participate in Masters Swimming.
 - 3. The membership year shall be the same as established by USMS (January 1-December 31).
- B. Responsibilities of Membership:
 - 1. Individual members shall become cognizant of the objectives, rules, and policies of the Metro LMSC and USMS and shall abide by these rules, objectives, and policies. Individual members shall pay an annual fee which includes a national fee established by USMS and a local fee established by the LMSC.

2. Individual members must be registered with USMS for the current year in order to participate in any sanctioned competition, clinic, or other LMSC event. Proof of USMS registration is required prior to participation in any such event. Club and workout group members must be registered with USMS for the current year in order for any individual member to represent that club in a sanctioned USMS competition.
3. Club and workout group members shall:
 - (a) endeavor to inform their athlete members of the rules, objectives, and policies of the Metro LMSC and USMS.
 - (b) appoint a voting delegate(s) to the Metro LMSC Board of Directors as provided in the By-Laws (Article I, Section 3). This delegate shall also receive official correspondence on behalf of the club or workout group from the LMSC.
 - (c) pay an annual fee which includes a national fee established by USMS and a local fee established by the LMSC.
 - (d) be responsible for updating the contact information to the LMSC registrar and Metro website.
 - (e) make sure all members are current USMS members.

Section 3: Board of Directors

- A. Membership: The membership of the Board of Directors of the Metro LMSC shall consist of the officers, the chairs of the standing committees, club and workout delegates, and special appointments as defined in Article I, Section 3, paragraph D. All members of the Board of Directors shall be current members of United States Masters Swimming (USMS) and the Metro LMSC.
- B. Officers: The officers of the Metro LMSC consist of the Chair, Vice Chair, Secretary, and Treasurer. Each officer serves a term of two years or until a successor is selected. No person may hold more than one officer position. In the event an officer is also a Committee Chair, such officer shall be entitled to a single vote. Officers are elected at a general meeting of the Metro LMSC held no later than December 15. If the office of Vice Chair, Secretary, or Treasurer is vacated before the end of the term, the office shall be appointed by the Chair until the next annual meeting with the appropriate election. Any officer or chairperson may resign at any time by giving written notice to the Chair or Secretary. The resignation shall take place immediately.
 1. Duties of the Chair: The Chair calls meetings when and where deemed necessary, presides at all meetings, and appoints committee chairs for standing and Ad Hoc committees as necessary to fulfill the duties and responsibilities of the Metro LMSC, with the advice of the Board of Directors. The Chair shall be responsible for day-to-day management of the LMSC.
 2. Duties of the Vice Chair: The Vice Chair will assist the Chair as needed and will take over the Chair position until the next election if the current Chair leaves office before the conclusion of his or her two year term.
 3. Duties of the Secretary: The Secretary is responsible for keeping a record of all meetings and providing copies of the minutes to the Board of Directors, and making such reports to the national office as are required by USMS rules.
 4. Duties of the Treasurer: The Treasurer receives all the monies and bills approved by the Finance Committee or Board of Directors. The Treasurer is responsible for maintaining all financial records, including bank and checking records, for making

annual and semi-annual financial reports to the Board of Directors, and for making such reports to the national office as are required by USMS rules.

C. Standing Committees: The standing committees of the Metro LMSC include the Finance, Sanctions, Coaches, Top Ten, and Awards committees. The chair of the Finance Committee shall be the Treasurer. All committee chairs shall be appointed by the LMSC Chair and reviewed every two years. Members of each committee shall be appointed by the chair of that committee.

1. Finance Committee: The Finance Committee shall review regular financial statements prepared by the Treasurer, including receipts and disbursements; assist the LMSC Chair in the preparation of the annual budget; provide for an audit, when appropriate, of the LMSC's financial records; and make sure the required tax forms are prepared and filed. It should make sure the Financial Operating Guidelines are updated, when needed.
2. Sanctions Committee: The Sanctions Committee shall oversee the competitive program to insure that the Metro LMSC program offerings are consistent with USMS and Metro LMSC objectives, rules, and policies; process applications for meet and event sanctions; provide meet directors with USMS rulebooks; keep accurate records of said sanctions and reports; make suggestions for projects and priorities to the Board of Directors; and develop long-range plans for the Metro LMSC programs.
3. Coaches Committee: The Coaches Committee shall develop programs and tools to enhance the quality of Masters swimming programs and coaching. The Committee shall maintain a list of coach members within the LMSC and be the liaison between coaches and the Metro LMSC Board of Directors. The Committee will work with the USMS Coaches Committee.
4. Records and Top Ten Tabulator. The Records and Top Ten Tabulator shall maintain Metro LMSC Swimming records; review Metro LMSC meet results and prepare lists of swimmers for national Top Ten consideration.
5. Awards Chair: Responsible for acknowledging awards including USMS Top Ten for SCY, SCM, and LCM, selecting Swimmer of the Month, and any year end awards.

D. Other Committee Chairs

1. Review Chair: The Review Chair shall receive and process complaints brought by LMSC members pursuant to Part Four of the current USMS Rules and Regulations and in accordance with Article II of these By-Laws.
2. Long Distance and Open Water Committee: The Long Distance Committee shall work with the Sanctions Committee in matters concerning long distance swimming as per the long distance swimming rules in the USMS rule book. This Committee shall also promote long distance and open water events within the LMSC and work with the Sanctions Chair on events carrying both USMS and USA Swimming sanctions.
3. Fitness Committee: The Fitness Committee shall develop fitness swimming activities for the general membership, work with the USMS Fitness Education Committee, and educate adults on the fitness benefits of swimming.
4. Officials Committee: The Officials Committee shall develop policies and procedures to assure that all Metro LMSC sanctioned events are officiated uniformly and conducted in conformance with the USMS swimming rules. This committee shall also

- provide updates on rule changes and differences in USA Swimming rules and USMS rules to the meet directors.
5. Communications Chair: The Communications Chair shall publish an LMSC newsletter on a timely basis and delivered to members by electronic mail.
 6. Insurance and Safety Coordinator: The Safety Coordinator shall study, develop, recommend, and implement safety education programs for swimmers, coaches, and volunteers in Masters Swimming and making available forms for injured members.
 7. Equipment Chair: The Equipment Committee is responsible for maintaining a list of equipment belonging to the LMSC. The person must keep track of when and where equipment is lent, and make those parties responsible for its return.
 8. Robert's Rules Chair: The Robert's Rules Chair shall oversee all MLMSC meetings to assure that all meetings are followed per Robert's Rules of order.
 9. Diversity Chair: The Diversity Chair shall serve as a voice of the under-represented LMSC population. To promote, develop and implement strategies, policy and programs that will include and increase diversity in Metro LMSC
 10. Additional ex-officio members may be appointed at the discretion of the Chair. Ex-Officio members shall be permitted to attend meetings of the Board of Directors with voice, but may not vote on matters pending before the Board.
- E. Club and workout group representatives:
1. Each club and workout group, with at least 10 registered swimmers, is entitled to one voting delegate to the LMSC Board of Directors; if the club or workout group has over 200 registered swimmers, it is entitled to a second voting delegate; if a club or workout group has over 300 registered swimmers, it is entitled to a third voting delegate. Current registration is required in order for the club and workout group to have a voting delegate on the Board of Directors.
 2. The LMSC Chair shall appoint up to two "small teams" delegates to represent the needs of teams with fewer than ten members.
 3. Each such representative shall be acknowledged at every Board meeting of their representation during roll call.

Section 4: Executive Committee

- A. Membership.
1. Officers (Chair, Vice Chair, Secretary, Treasurer).
 2. Five other members of the Board of Directors, as appointed by the LMSC Chair.
- B. Authority. Between annual meetings and semi-annual meetings of the Board of Directors, the Executive Committee shall have the authority to:
1. Carry out policies established by the Board of Directors.
 2. Assume the policy-making responsibilities of the Board of Directors for time-sensitive LMSC business.
- C. Reporting. A report of the actions taken by the Executive Committee shall be made available to the Board of Directors within 30 days of the action taken. Actions taken by

the Executive Committee shall be effective until the next meeting of the Board of Directors, at which time such action shall be ratified.

Section 5: Meeting of the Board of Directors

- A. The annual meeting of the Board of Directors shall be held no later than December 15 of each year and the semi-annual meeting no later than July 15.
- B. A special meeting may be called by any two officers making a written request to the Chair.
- C. All LMSC members shall be notified of the date, time and place of the annual and semi-annual meetings through the LMSC website. Members of the Board of Directors shall also be notified of the date, time and place of any such meetings by electronic mail no fewer than fifteen days prior to the date of the meeting.
- D. Officers and Committee Chairs must write and submit an annual report of their activities pertaining to the LMSC to the Chair 5 days prior to the annual meeting.
- E. All meetings of the Board of Directors may be attended by any registered LMSC member(s).
- F. Order of Business. At all meetings of the Board of Directors, the agenda shall include the following list of items as well as any additional items:
 - 1. Roll Call
 - 2. Reading, correction, and adoption of minutes
 - 3. Reports of Officers
 - 4. Reports of Committee Chairs
 - 5. Unfinished business
 - 6. Elections when appropriate
 - 7. New business
 - 8. Resolutions and orders
 - 9. Adjournment
- G. Quorum. A quorum at all meetings shall consist of one-fourth of the voting membership of the Metro LMSC Board of Directors.
- H. Rules of Order. It is highly recommended that the current Robert's Rules of Order be the procedural rules for all meetings.

Section 6: Election of Officers

- A. General Precepts
 - 1. Elections of officers shall be held in even-numbered years for the Chair and Vice Chair, and odd-numbered years for the Secretary and Treasurer.
 - 2. Elections of officers shall be held at the annual meeting of the Board of Directors, which meeting shall be held in accordance with Article I, Section 5, A.

3. Each officer shall serve a term of two years or until a successor is elected. The Chair shall not serve more than three consecutive two-year terms. Each officer's term shall commence on the 1st of January immediately following the election, with the month of January being a transition period for the old and new officer to work together to insure a smooth transfer of responsibilities.
4. Emeritus positions will be created for outgoing Executive Chair positions if the BOD and outgoing EC Chair so wishes

B. Nominations

1. By the Semi-Annual meeting of each election year, the LMSC Chair shall select a Nominating Committee composed of one, max of three individuals who are LMSC members.
2. The Nominating Committee shall canvass interested and qualified persons in order to present one or more candidates for each office. The Nominating Committee shall publish the open board positions for that year's election 30 days prior to the LMSC meeting and shall publish the slate of the candidates' platforms on the website 15 days prior to the LMSC meeting.
 - a. Qualified candidate have to be Metro LMSC members for at least 2 years prior to running for a position
3. At the meeting, the Nominating Committee shall present one or more candidates for each office.

- C. Voting Procedures and Eligibility. New officers shall be elected by a simple majority of the Board of Directors of the Metro LMSC present. A quorum must attend the election in order for the vote to be valid. The Nominating Committee shall conduct the election and vote shall be taken by written ballot if there is more than one candidate for any office.

ARTICLE II: Grievances, Hearings, and Appeals

- A. The LMSC shall hear grievances on any matter arising solely within the territorial jurisdiction of the Metro LMSC; involving any current or past individual or club or workout group member or sanctioned event. Complaints may be brought alleging unsporting conduct, defined in Part 4 of the USMS Rule Book.

B. Complaints

1. Complaints shall be in writing or by email, shall consist of a concise statement of the behavior or circumstance involved, and signed by the person responsible for making the complaint. The complaint shall clearly identify the person or entity making the complaint and the person or entity against whom the complaint is made. The complaint shall be directed to the Review Chair whose email address is located on the website.
2. The Review Chair shall dismiss complaints that do not meet the criteria specified in Article II, Paragraph A and shall notify the LMSC Chair and the party bringing the complaint of this action.
3. If the Review Chair does not dismiss the complaint, the Review Chair shall transmit a copy of the complaint to all other parties involved.

4. 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 made within thirty (30) days from the date the copy of the complaint is transmitted by the Review Chair. Replies shall be in writing and signed by the person responsible for making the reply. The Review Chair shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Part 4 of the current USMS Rulebook . The Review Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

C. Mediation and Hearings

1. The Review Chair shall attempt to resolve the controversy by mediation. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the LMSC Chair. If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Review Chair may proceed to mediation under this section, or to a hearing.
2. If no party who is the subject of a complaint makes a reply, then the Review Chair may act on the complaint as filed, or may take evidence or information from any source. The Review Chair shall make such findings as appear to be justified and reasonable to resolve the controversy. Findings shall be reduced to writing and transmitted to the parties and to the LMSC Chair.
3. If no agreement can be reached, the Review Chair shall convene a hearing panel. The Review Chair shall designate three members of the LMSC (including the Review Chair) to act as a panel to resolve the grievance and all matters related thereto. The Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.
4. The hearing panel shall take such statements and evidence as it deems necessary to resolve the controversy, and shall, wherever possible, take evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the panel deems it necessary to hear testimony, then the Chair may appoint one member to take such evidence and report to the panel. Any cost of production of evidence shall be advanced by the party on whose behalf such evidence is taken.
5. Upon completion of presentation of evidence, the hearing panel shall, by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be reduced to writing and transmitted to all parties and the LMSC Chair. In connection with any complaint heard by the hearing panel, if the hearing panel determines that any individual has engaged in any unsporting conduct, as such term is defined in USMS Part 4 of the USMS Rule Book, the hearing panel may elect to take all or any of the following actions with respect to any such individual: (i) deny the individual membership in the LMSC, (ii) elect to censure the individual, (iii) place the individual on probation,(iv) suspend, fine or expel individuals from LMSC membership and (v) restrict the individual from participating in the affairs of the LMSC.
6. Upon rendering of a final decision, the Review Chair shall notify all parties in writing of their right to appeal to the National Board of Review USMS Part 4 of the USMS

Rulebook. The LMSC shall if requested by the National Board of Review stay the imposition of any penalty pending any appeal to the National Board of Review.

ARTICLE III: MISCELLANEOUS

Section 1: Amendments to the By-laws

- A. Any provision of the by-laws of the Metro LMSC not proscribed by the USMS may be amended at any legal meeting by an affirmative vote of a simple majority of the Board of Directors in attendance, provided a quorum is present.
- B. Any additional meetings held during any one year shall in no event eliminate the need for an annual meeting as stated in Article I, Section 4.
- C. A copy of the current bylaws shall be posted on the website.

Section 2: Group exemption from Federal Income Tax

The following paragraphs are included in the LMSC by-laws so as to be consistent with Section 501(C) (3) of the Internal Revenue Code.

- A. The Metro LMSC agrees to operate exclusively for public health, safety, and charitable purposes, including for such purposes, the making of distributions to corporations, trusts, community chests, funds, or foundations that qualify as exempt organizations under Section 501(C) (3) of the Internal Revenue Code of 1954, as amended (or the corresponding provisions of any future United States Internal Revenue Law).
- B. No part of the net earnings of Metro LMSC shall inure to the benefit of or be distributable to its members, directors, officers, or other private persons, except that the Metro LMSC shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III hereof. No substantial part of the activities of Metro LMSC shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Metro LMSC shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation, the Metro LMSC shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from the Federal Income Tax under Section 501(C) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170 (C) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).
- C. Upon the dissolution of the Metro LMSC, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Metro LMSC, dispose of all of the assets of the Metro LMSC exclusively for the purposes of the Metro LMSC in such manner, or to such organization or organizations under Section 501 (C) (3) or the

Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

Section 3: Indemnification Clause

- A. Each person who is or was a director, officer or employee of the LMSC (including the heirs, executors, administrators or estate of such person) shall be indemnified by the LMSC as a division of USMS to the full extent permitted by the Nonprofit Corporation Law of the State of incorporation of USMS against any liability, cost or expense incurred in the capacity as director, officer or employee, or arising out of the status as a director, officer or employee (including serving at the request of the LMSC as a director, trustee, officer, employee or agent of another not-for-profit organization).

Section 4: Paid Positions

- A. The following are paid, but non-Board positions within the LMSC:
- B. Registrar: The Registrar shall process individual and club and workout group applications for membership in Metro LMSC/USMS, keep accurate records of said individual and club or workout group registrations, and make such reports to the USMS Registration Chair and/or Registrar as are required by USMS rules.
- C. Web Site Administrator: The web site administrator shall maintain a web site with information for members.
- D. Accountant: Review financials and prepare tax returns and 1099s.

Section 5: Convention

- A. Approve, before the end of July, as many delegates to the USMS Convention as allowed by USMS Rules, and to establish a stipend for them, which should be covered by the LMSC annual budget.
- B. The Chair will contact prospective candidates in the following order of priority by groups to determine interest and availability:
 - 1. Officers
 - 2. Standing Committee Chairs
 - 3. Other Committee Chairs
 - 4. Club or workout group representatives
- C. Given the budget and interest from Board members, the LMSC will apply for at-large delegates.

Section 6: Event safety

- A. The LMSC shall keep our members safe in open water events by having at least one member of the Long Distance Committee, or the Insurance and Safety Chair at each event to determine if conditions are safe enough to proceed with the event.

Section 7: Conflicts of Interest

- A. All LMSC Board members must disclose and sign the Metro LMSC Conflict of Interest document.

Section 8: Financial Operating Guidelines

- A. The Financial Operating Guidelines shall be incorporated herein as policies and procedures that must be followed by the LMSC.

METROPOLITAN LOCAL MASTERS SWIMMING COMMITTEE, INC.

Financial Operating Guidelines

(5/27/2015)

I. PURPOSE

The purpose of the Financial Operating Guidelines ("FOG") manual is to list and maintain in one place all of the operating financial policies and procedures currently in existence in the Metropolitan Local Masters Swimming Committee, Inc. ("MLMSC"). The FOG will be updated by the finance committee (an ad hoc committee assembled by the TR per our Metro bylaws) when needed and the changes will be voted on by the MLMSC Board of Directors ("BOD") at any meeting.

II. BUDGETING

- A. 30 days prior to the annual MLMSC meeting, each member of the Board of Directors shall submit a written request for budget allocations to the Chair ("CHP") and Treasurer ("TR")
- B. After reviewing each budget request submitted, the CHP and TR will prepare the annual budget for MLMSC
- C. Any non-budgeted items must be presented and approved by the Executive Committee at any upcoming scheduled meeting or by majority vote over email.

III. RECEIPT OF MONIES

- A. The TR shall deposit any monies received within twenty-one business days of receipt. Simultaneously with such deposit, appropriate documentation must be kept by the TR.
- B. Any MLMSC monies received by Committee Chair's or any other individuals shall be forwarded to the Treasurer within five business days of receipt.

IV. DISBURSEMENTS AND REIMBURSEMENTS

- A. All requests for disbursements of MLMSC's funds shall be made in writing to the TR. 2 signatures needed on every check issued. The only people who can sign the checks are officers of the Board of Directors. If a check is issued to an organization in which an officer of the BOD is affiliated, that officer cannot approve the expense. No 3rd party checks issued when applicable.
 1. Request reimbursements of \$200 or less the TR has full authority to reimburse.
 2. Request reimbursements of \$201 - \$500, the TR has to get approval from the CHP in writing.
 3. Request reimbursements of \$501 or more, a majority vote in writing from the four Officers (CHP, VCHP, Secretary and TR).
 4. Grants- Grants for each Metro Club/Swim Group will be budgeted to help subsidize Metro organizations who can't afford certain situations; will be evaluated on a case-by-case basis and approved by the CHP. (Grant allocations will be awarded based on the proportional amount of swimmers per group).
- B. The TR shall not act on requests for reimbursements until documentation supporting such requests in accordance with IRS and/or MLMSC guidelines has been received. The TR shall be responsible for maintaining the appropriate documentation supporting each disbursement.
- C. Convention Expenses
 1. Elected Delegates

- a. Actual expenses for airfare and origin and destination airport shuttle bus or cab transfers (limited to \$40.00 round trip on each leg) for travel to and from USMS annual meetings shall be reimbursed by MLMSC; unless a free shuttle is provided.
 - b. \$35.00 a day is budgeted for food per delegate while at convention or for a travel day: (\$7.00 breakfast, \$10.00 lunch, \$18.00 dinner). No cumulating of meal money. If meals are provided by the convention organizers for free, reimbursement is not offered by MLMSC. No alcoholic beverages will be reimbursed.
 - c. The TR will pay the expense for all the rooms for each delegate. All delegates will stay at the hotel picked by the convention hosts. It is the responsibility of the TR or Chair to make reservations at the hotel with enough time that they are not sold out. The TR will only pay for hotel rooms during the duration of the convention. Delegates must put up their own credit card for any other charges made to the room other than lodging-internet, food, movies etc. Metro is not liable for any person expenses.
 - d. The expenses incurred for Convention per delegate (as above in FOG C. 1. A.-B.) shall be included in the MLMSC annual budget.
 - e. Those eligible to be reimbursed shall each directly pay their own expenses while at convention and shall subsequently be reimbursed within accordance FOG IV. C. 1. i.
 - e. Upon written request, airfare can be reimbursed prior to convention by approval of the CHP and TR.
 - f. No reimbursements will be made without full documentation and/or original receipts.
 - g. Checked bags fee will not be reimbursed.
 - h. Convention reports from every delegate must be submitted to the CHP and approved before the TR will reimburse a delegates expenses.
 - i. If a delegate misses activities (meetings, workshops, House of Delegate Meetings, Banquet etc.) at Convention, expenses will not be reimbursed.
 - j. MLMSC members that have automatic status due to serving on specific USMS committees, will not get automatic reimbursement/sponsorship from the MLMSC. However, the MLMSC will pay the registration fee for automatic and at-large delegates that have pre-approved by Metro.
 - k. Expense reports must be submitted within 30 days of convention, unless hardship is alerted or at the discretion of the TR.
3. The Convention registration fee for all delegates/appointed attendees will be pre-paid by the TR by the deadline for early registration fees. The fee will be included in the annual budget.
 4. The CHP, VCH and the TR may authorize the payment of the approved lodging portion directly to the hotel, unless the individual would prefer to pay the entire bill and be reimbursed later.
- D. National Event Expenses
- Expenses for attendance any National events for any individual must be approved in advance by the special Executive Committee and included as part of the budget.
- E. Miscellaneous Reimbursement Policies
1. Permissible Travel Expenses
 - a. Reimbursement for personal auto use, for such purposes approved in advance by the CHP, shall be reimbursed at the rate which is the lesser of (i) the annual applicable Federal IRS standard non-profit mileage reimbursement rate or (ii) the actual gasoline receipts (and tolls if applicable).

- b. Any MLMSC member incurring permissible travel expenses shall be reimbursed by MLMSC only to the extent not reimbursed by other parties, including, but not limited to, FINA, LMSCs, grants, metro clubs/swim groups and travel agents.
- G. The commitment or use of any funds from the "Miscellaneous/Contingency" budget shall be approved in advance by a majority of the Executive Committee, as outlined in the By Laws.

V. OVER-BUDGET PROCEDURES

Authorization to exceed original budgeted line item amounts is granted pursuant to the following procedures.

- A. All over-budget items (with the exceptions listed in V. B.) require approval of the Executive Committee.
- B. CHP may fund over-budget items up to \$250.00 without Executive Committee approval and may allocate unused funds from one budget account to fund another up to \$500.00 without Executive Committee approval. These transactions must be reported at the next BOD meeting in the CHP or TR report.
- C. For expense items whose budgeted amount is based on the number of registered swimmers or a number of units sold, proportional expense over-runs directly attributable to actual volume exceeding assumptions made for budgeting purposes are exempt from the requirements of FOG V.

VI. VENDORS, OUTSIDE CONTRACTORS, BID PROCESS, AND VENDOR PAYMENTS

- A. Budgeted Items (A Bid process of at least 3 written bids from vendors and Independent Contractors ("IC") FOG VI. B. are needed. (With the exception of all IC currently used by the MLMSC as of 10/10/2013)
- B. Independent Contractors
The following MLMSC responsibilities may be contracted to independent contractors: Registrar, Webmaster, Accountant, Top Ten, Lawyer and Auditor. Any additional contractors must be voted on by the MLMSC board.
All IC's must have signed letters of agreement at the time of being contracted by the CHP and will be reviewed each year by the Finance Committee. MLMSC, with help of the hired accountant, shall file 1099-MISC forms as may be required by the IRS relative to the IC's and at no time should the agreement between the IC and the MLMSC be construed to constitute employment by the MLMSC. All IC's are subject to reimbursement and payment according to their specific contracts with the MLMSC.
- C. Vendor Payments
Vendors shall be notified at the time an order is placed to direct all invoices to the TR. The TR shall confirm the order was properly approved in accordance with the FOG as well as the By Laws. The TR shall, upon the confirmation that the order was appropriately authorized and receipt of the items ordered, promptly process the invoice for payment within 30 days. All checks will be made payable directly to the Vendor.

VII. INSURANCE

- A. Bonding
 - 1. The MLMSC will maintain compliance with USMS FOG at all times.
 - 2. The CHP, VC, TR, and Registrar of the MLMSC that are in compliance with the USMS FOG .XI.G. and H., shall be bonded in the amount of \$1,000,000.00 (one million dollars) each.

VIII. INVESTMENTS AND RESERVES

A. Investments

1. The general guidelines and philosophical considerations for the management of cash held in the Treasury of MLMSC are:
 - a. \$12,000.00 shall be maintained as a general reserve fund.
 - b. Cash in excess of the reserve funds in VIII. A. 1. a. plus 50 percent of MLMSC's total of budgeted expenses for the current fiscal year may be invested in accordance with the FOG VIII A. 1.d.
 - c. Cash, approximately equivalent to four months' expense reimbursements, should be kept in accordance with the guidelines of FOG VIII A. 1. d. below.
 - d. The following investment vehicles are acceptable to MLMSC for the investment of its cash balances:
 - i. checking accounts in U. S. banks offering the appropriate federal deposit insurance;
 - ii. money market funds offered by one of the following companies [tbd];
 - iii. interest-bearing certificates of deposit maturing within one year from the date of acquisition there of issued by a commercial bank organized that is FDIC Insured or a US Bank rated A or above.
 - e. The Finance Committee has approval and a majority vote is need on deciding what the best investment option is for the MLMSC
- B. The TR will receive the monthly bank statements. Upon request from the finance committee, the TR will distribute the monthly statements quarterly

IX. PROPERTY AND EQUIPMENT

MLMSC will not buy or maintain any property or equipment under any circumstances.

X. MLMSC FINANCIAL REPORTING

A. Treasurer

1. The TR shall utilize a commercially available general ledger accounting software package to be provided by the MLMSC.
2. The TR will send on a quarterly basis for review, the financial documentation to the accountant.

B. Miscellaneous Reporting

1. All financial records of MLMSC shall be submitted to the Finance Committee and the BOD within three calendar months after the close of MLMSC's fiscal year-end.
2. The MLMSC will maintain compliance with USMS FOG, specifically Section XI at all times.
3. Audit: An audit of the MLMSC's books and records/financial documents may be done every three years or as deemed necessary by the Finance Committee. An audit will be performed by a Certified Public Accountant who is chosen by the Finance Committee and who is not a member of MLMSC. The audit report must be made public to the MLMSC community.

XII. MISCELLANEOUS

- A. The giving of memorial gifts and awards is appropriate and consistent with the purposes of MLMSC and shall be encouraged.
- B. MLMSC shall maintain a registration check-off box for the International Swimming Hall of Fame and the U. S. Masters Swimming Saves Lives Foundation.

- C. The CHP shall negotiate contracts or agreements between MLMSC and sponsors, independent contractors and employees for goods and/or services for which budget approval has been obtained. Proposed contracts or agreements shall be reviewed where necessary by the BOD.
- D. Financial Documentation will be kept by the TR for a minimum of 7 years. Additionally, each financial year's documentation must be scanned and saved on a USB stick for the future.
- E. The Officers of the BOD will get reimbursed for their USMS registration amount.
- F. Bond Reimbursement. Bond Reimbursement will be approved for return pending a successfully run event. The Sanction Chair will instruct the Treasurer to release the bond back to the Event Director.
- G. One of the following board members must be present to overseeing safety of our members at any open water races Sanctioned by Metro- Sanction Chair, Open Water and Long Distance Chair or Safety and Insurance Chair. If any of these Chairs cannot make the event, they can appoint someone in their place with the approval of the Chair. Expenses will be reimburse for one member only.
- H. Any monies granted for scholarship or programs to clubs or individuals must be submitted to the TR for reimbursement within 30 days of the event, unless hardship is alerted or at the discretion of the TR.
- I. Legal expenses not covered by USMS bonding, may be covered by Metro LMSC.
- J. Metro monies will not be given for funding to any non-Metro teams for promotion, open water insurance or any scholarship if an event is held within Metro jurisdiction.
- K. Metro will return the \$200 performance bond for open water events after a written elevation is submitted within 14 days to the event director. Performance bond for pool events will be returned immediately; any notable remarks will be sent to the event director via email, but no mandatory evaluation is needed.
- L. \$200 performance bond or Metro scholarship programs will be kept or withheld by Metro LMSC if any money is owed to the LMSC and has not been paid.
- M. All monies owed to Metro LMSC must be paid within 30 days after such Metro has the ability to hand it over to a collection agency.