

**OHIO LOCAL MASTERS SWIMMING COMMITTEE
BYLAWS**

ARTICLE 1

GENERAL

1.1 OBJECTIVES The objectives of the Ohio Local Masters Swimming Committee (Ohio LMSC) shall be to promote and develop swimming for the benefit of swimmers of all abilities age nineteen (19) years and over, in accordance with the standards and under the rules prescribed by United States Masters Swimming, Inc. (USMS) and this Local Masters Swimming Committee.

1.2 NAME AND BOUNDARIES The name of this committee shall be the Ohio Local Masters Swimming Committee (Ohio LMSC). The geographic boundaries of the Ohio LMSC shall be as officially defined and approved by USMS as published in its Rules.

1.3 JURISDICTION The LMSC shall have jurisdiction over the sport of Masters Swimming as has been delegated to it by USMS.

ARTICLE 2

MEMBERS

2.1 MEMBERS OF THE LMSC

2.1.1 Group Members:

(a) Those swim organizations which have joined USMS and are in good standing as members of USMS and the LMSC and who have athletes registered to represent said organization in the sport of Masters Swimming.

(b) Those organizations which conduct a program in swimming or are composed of persons joined together in support of swimming or some aspect of swimming.

(c) Each group member shall appoint a representative to the LMSC. Such appointment shall be in writing, duly certified by the chief executive officer or secretary of the appointing member. The appointing member may withdraw its representative by written notice addressed to the secretary of the LMSC and signed by the chief executive officer or secretary and may by further written notice appoint a new representative. All representatives must be individual members of the LMSC and of USMS.

2.1.2 Individual Members

Each individual who is an athlete, coach, official, administrator or other person who is (1) interested in the purposes or programs of the LMSC and (2) who has completed the required membership application and

paid the required membership fee to the LMSC which includes a required membership fee to USMS shall be a member of the LMSC.

2.2 RESPONSIBILITIES

2.2.1 Duties and Powers of Individual Members:

(a) To elect officers and members of the board of directors at the annual meeting in each odd numbered year.

(b) to propose and bring up for vote at any annual or special meeting called for that purpose, any policies, programs and/or rules by which the LMSC shall be governed and such shall be approved or not by a majority vote of those present and eligible to vote on said measures. It is required that 30 days notice be given to all members that consideration of such policies, programs and/or rules is to be had at the annual or special meeting at which such measures will be brought up and that a petition, signed by ten percent (10%) of the then current membership asking that such a vote be taken, must be presented to the board to effect the procedures of 2.2.1 (b).

(c) to amend the bylaws of the LMSC.

ARTICLE, 3

MANAGEMENT

3.1 LMSC BOARD OF DIRECTORS

3. 1.1 MEMBERS The LMSC Board of Directors shall consist of:

(a) The officers of the LMSC

(b) Three (3) representatives from the membership to be elected for a two year term and/or until their successors are elected at the annual meeting in each odd year. Only members in good standing with the Ohio LMSC are eligible to be elected to the board of directors.

3.1.2 DUTIES AND POWERS The LMSC Board of Directors shall act for the LMSC and its members during the interval between membership meetings, subject to certain approvals and ratifications of the membership, except that the board cannot amend these bylaws. The board shall have the power and the duty:

(a) To establish programs, policies and rules for the operation of the LMSC and to govern the conduct of all competitions and other activities, of whatever nature, of the LMSC and its members, subject to a vote by the membership pursuant to Article 2.2.1 (b) and the rules of USMS

(b) To establish a Review Section pursuant to these bylaws

(c) To review and adopt the annual budget of the LMSC

(d) To call meetings of the LMSC Board of Directors and annual and special

meetings of the membership

(e) To disseminate policies, programs or rules to the membership at least annually.

3.1.3 MEETINGS OF THE BOARD OF DIRECTORS The board shall meet upon the calling of a meeting by the chairperson or upon the calling of a meeting by at least three (3) members of the board of directors. A meeting called by the chairperson or by 3 or more members of the board shall be called by notice to all board members pursuant to Section 5.3. Any meeting of the board of directors may be held by means of electronic communication so long as all members attending such meeting can hear one another.

3.1.4 QUORUM A quorum for all board meetings shall be not less than a majority of the then sitting board members. A majority of those present and eligible to vote may conduct business on behalf of the board.

3.2 POSITIONS An individual may hold more than one position within the Ohio LMSC except that the same person may not be Chairperson and Treasurer at the same time.

ARTICLE 4

OFFICERS

4.1 OFFICERS The elected officers are the Chairperson, Vice Chairperson, Secretary and Treasurer.

4.2 ELIGIBILITY Only members in good standing of the Ohio LMSC are eligible to hold office.

4.3 TERM OF OFFICE Each officer shall serve for a term of two years, and/or until a successor is chosen at the annual meeting in each odd numbered year. Each officer is eligible for re-election to the same office. Elections shall be held in odd numbered years.

4.4 DUTIES The duties of the officers are as hereafter set forth and such other duties as may be designated by the board of directors from time to time.

4.4.1 Chairperson

The chairperson shall be responsible for the day-to-day management of the business affairs of the LMSC. The Chairperson shall call meetings of the board and/or the membership when and where necessary and shall preside at all meetings. The Chairperson shall appoint committee chairpersons for such standing and special committees as may be necessary to fulfill the duties and responsibilities of the LMSC, all with the advice and consent of the board of directors.

4.4.2 Vice Chairperson

The vice chairperson shall act as chairperson in the absence of the chairperson and shall perform such other duties as are from time to time delegated to said officer by the chairperson or the board of directors.

4.4.3 Secretary

The secretary is responsible for keeping a record of all meetings, conducting official correspondence, issuing meeting notices and minutes of meetings and making such reports as may be required by USMS. The secretary shall file with the Executive Secretary of USMS a copy of the minutes of the annual meeting of the LMSC, pursuant to USMS Rules, 502.7.

4.4.4 Treasurer

The treasurer shall, pursuant to Article 502.7 of USMS Rules and these bylaws:

- a. maintain the financial records of the LMSC
- b. prepare an annual budget for the LMSC and make recommendations as to the level at which membership dues shall be set
- c. account for all income and expenditures of the LMSC in a fiscal year-end balance sheet report
- d. make a fiscal year-end report of the cash position of the LMSC in reconciled cash statements (operating and savings) and attached to such reports shall be copies of the bank statements or other financial records verifying the amounts shown. An audit of these accounts shall be performed at the end of each fiscal year pursuant to the requirements of Article 10.1 of these bylaws. The treasurer shall prepare such reports by the end of the second month after the end of the LMSC's fiscal year and, after certification pursuant to Article 10.1, forward same to the members of the board of directors of the LMSC
- e. receive all monies and pay all bills, as approved by the board of directors or authorized by a budget approved by the board of directors
- f. file with the Executive Secretary of USMS a year-end financial report pursuant to USMS Rules, 502.7, within 4 months of the end of the LMSC's fiscal year

4.5 VACANCIES Vacancies created for whatever reason in any office or among the three (3) additional board members may be filled by appointment by the chairperson, with the advice and consent of the board of directors, or, if the office of chairperson is vacant, vacancies may be filled by nominations from, and a majority vote of, the remaining board members. Such persons as are appointed hereunder shall serve for the balance of the term they are appointed to fill.

ARTICLE 5

MEETINGS

5.1 ANNUAL MEETING The annual meeting of the membership should be held in the first quarter of each year, however, if circumstances prevent the meeting from taking place during that period, then it shall be held as soon thereafter as possible. -When elections are held, new officer's terms shall commence upon qualification and election.

5.2 SPECIAL MEETINGS Should the chairperson fail to call an annual membership meeting or should a special membership meeting be desired, such meeting may be called at any time upon the written request to the chairperson of

any three (3) members of the board of directors or by a petition signed by 10% of the current membership of the Ohio LMSC.

Such request shall state the nature of the meeting called (annual or special) and the time, date, place and purpose of such meeting and the meeting shall automatically take place unless the concurrence of two-thirds of the then sitting board of directors shall otherwise direct another time, date and place.

5.3 NOTICES

5.3.1 TIME Not less than fifteen (15) days notice must be given by the secretary for any annual or special meeting of the membership or three (3) days for any meeting of the board of directors.

5.3.2 INFORMATION The notice of a meeting shall contain the time, date and place. For special meetings, the purpose of such meeting shall be stated.

5.3.3 ADDRESS The notice for any membership meeting shall be posted on the LMSC website and shall be sent to the last electronic address given to the secretary for each member. The notice for any board meeting shall be communicated to members of the board of directors through their electronic address. If an LMSC member does not have an electronic address it shall be the duty of such member to access the LMSC website regularly to remain apprised of actions affecting that member or the LMSC in general.

5.3.4 ORDER OF BUSINESS At all annual membership meetings and regular meetings of the board of directors the following shall be the recommended order of business:

1. Roll call, establishment of a quorum
2. Reading, correction and adoption of minutes
3. Reports of officers
4. Reports of committees
5. Unfinished business
6. Elections
7. New business
8. Resolutions and orders
9. Other matters
10. Adjournment

At special meetings of the membership or meetings of the board of directors the order of business shall include at least items 1., 5., 7., and 10., and such other matters as are appropriate.

5.3.5 QUORUM A quorum at membership or annual meetings shall consist of those present and eligible to vote but shall be no less than three (3) members. A majority of those present and eligible to vote may conduct business on behalf of the LMSC.

5.3.6 RULES OF ORDER At all meetings the current Robert's Rules of Order shall govern the proceedings.

ARTICLE 6

COMMITTEES

6. 1. STANDING COMMITTEES There shall be four (4) standing committees, Sanctions, Top Ten, Registration and Nominations

(a) SANCTIONS COMMITTEE

The Sanctions Committee shall be responsible for the issuing of meet sanctions in conformance with USMS and LMSC rules and regulations.

(b) TOP TEN COMMITTEE

The Top Ten Committee shall be responsible for collecting meet results, compiling the long and short course top tens for the Ohio LMSC and for compilation and maintenance of all other swimming records.

(c) REGISTRATION COMMITTEE

The Registration Committee shall be responsible for registering swimmers and for keeping current all records, addresses and other information regarding the LMSC membership.

(d) NOMINATIONS COMMITTEE

The Nominations Committee shall be responsible for nominating a slate of officers and board members to stand for election, with a minimum of three (3) people serving on said committee. The Nominations Committee shall be appointed by the LMSC chairperson, with the concurrence of the board of directors, and nominations of the Nominations Committee shall be distributed to the membership with notice of the annual meeting at which elections shall occur. Additional nominations may come from the floor at the annual meeting. If a Nominations Committee is not appointed, or does not complete its work, nominations shall be taken from the floor at any meeting where officers are to be elected.

6.2 OTHER COMMITTEES Such other committees may exist as shall be created by the Chairperson or the board of directors.

6.3 CHAIRPERSONS The chairpersons of committees shall be appointed by the LMSC Chairperson with the advice and consent of the board of directors.

6.4 MEMBERSHIP Members of all committees, except the Nominations Committee, shall be appointed by the LMSC Chairperson with the advice and consent of the committee chairperson. Members of the Nominations Committee shall be appointed pursuant to Section 6. 1 (d).

ARTICLE 7

CONDITIONS OF COMPETITION

7.1 GENERAL The conditions of competition in any swimming event, and the rules governing it, shall be those established by USMS and the Ohio LMSC where the latter's rules and regulations are not contrary to the rules of USMS.

ARTICLE 8

CHAMPIONSHIPS

8.1 GENERAL Swimming championships, when possible, will be held in accordance with the rules of USMS for conduct of championships as described in USMS rules.

ARTICLE 9

DUES AND FEES

9.1 ATHLETE REGISTRATION In order to be officially registered, each member shall complete and sign the official registration application form and pay to the registration chairperson an annual fee established by the Ohio LMSC and USMS.

ARTICLE 10

REPORTS AND REMITTANCE

10-1. ANNUAL REPORTS Pursuant to Article 502.7 of USMS Rules, the treasurer of the Ohio LMSC shall forward to the secretary of USMS within four (4) months of the end of the fiscal year, a copy of the audit of the accounts of the Ohio LMSC. The audit of accounts is to be signed either by a certified public accountant or by two (2) members of the board of directors other than the treasurer. The audit shall certify to the accuracy of the accounts as presented by the treasurer. Pursuant to Article 502.7 of USMS Rules, the secretary of the Ohio LMSC shall, within four (4) months of the end of the fiscal year, forward to the secretary of USMS a complete report of the annual meeting of the LMSC.

10.2 MEMBERSHIP REPORTS The registration chairperson or the chair's designee shall forward each month to the USMS registrar a report listing all athletes and clubs, with addresses, who have joined or changed their registration with the Ohio LMSC and USMS within the prior month. This report shall be accompanied by the appropriate fees.

10.3 GENERAL The Ohio LMSC shall make such other reports and remittances to USMS as specified in its Code or Rules or by the national board of directors. The chairperson and treasurer are responsible for seeing that all required reports and remittances are made.

ARTICLE 11

HEARINGS, APPEALS, ATHLETE'S RIGHTS, NOTICES

11. 1 ATHLETE'S BILL OF RIGHTS The Ohio 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 or participant in any Masters Swimming competition, so long as such competition is conducted in compliance with reasonable local, national and applicable international requirements.

11.2 REVIEW SECTION

11.2.1 COMPOSITION AND APPOINTMENT The board of directors shall appoint a Review Section comprised of no less than three (3) members whenever a complaint is filed or a hearing by an independent reviewing panel is requested. Members of the Review Section shall not be officers or members of the board of directors of the Ohio LMSC but shall be registered members of USMS. Review Section hearings may be conducted by an attorney at law retained by the Review Section for that purpose. If the attorney is not a member of USMS the attorney shall have no vote. Any party may be represented by an attorney if they so desire, but such representation is not required. The chairperson of the Review Section shall be elected by its membership. A quorum for any hearing conducted by the Review Section shall be a majority of the total membership of the Review Section.

11.2.2 GENERAL JURISDICTION The Review Section may conduct hearings on any matter affecting USMS or the Ohio LMSC and arising solely within the geographical boundaries of the Ohio LMSC and/or involving only members of the Ohio LMSC. They may hear appeals from any decision resulting from the operations or organization of the Ohio LMSC, including decisions by the board of directors, any official, officer, committee, coach and/or any other person or entity which/who makes decisions affecting the conduct of swimming or any related facet under the jurisdiction of the Ohio LMSC or USMS. The Review Section shall render its decisions in writing.

11.2.3 APPEALS Decisions of the Review Section may be appealed to the USMS National Board of Review. Such appeal shall be perfected by notice, in writing, within thirty (30) days of the decision of the Review Section, to the USMS president of the decision from which an appeal is taken. No specific form is required in order to perfect an appeal but the notice to the USMS president shall contain the decision and the reasons for the appeal.

11.2.4 FINES, SANCTIONS The Review Section of the Ohio LMSC is hereby empowered to hold hearings upon the filing of a complaint that Ohio LMSC policies, programs, rules, bylaws or other governing items have been violated and to levy fines, impose sanctions, expel members, remove elected officials, or take such other remedial or punitive actions as are deemed necessary for the orderly and proper function of the Ohio LMSC. Any fines imposed shall not exceed \$50.00 for the first offense, \$100.00 for the second offense and \$200.00 for the third or any subsequent offense. Fines, sanctions, removals, expulsions and/or other actions may be implemented after notice and hearing to the allegedly offending party and appeal may be had from an adverse finding in accordance with Article 11, Sections 1. 1.2. 1 through 11.2.4. All hearings shall be conducted by the Review Section with a majority of the Review Section hearing any complaint. The decision of a majority of the Review Section members hearing any complaint shall be final.

11.3 NOTICE TO ATHLETES For all purposes of the LMSC in each case where notice is to be mailed to a registered athlete, it is sufficient to mail the notice addressed to said athlete at the address given in the athlete's application for registration and/or to the athlete's electronic address; or, if the athlete has filed with the registration committee chairperson a written notice of change of address, either mail or electronic, then at such changed address.

ARTICLE 12

MISCELLANEOUS

12.1 AMENDMENTS Any provision of these bylaws not proscribed by USMS may be amended at any annual meeting, or special meeting called for that purpose, of the membership of the Ohio LMSC by a two-thirds (2/3) vote of the members voting. At least 30 days notice must be given to every member when the bylaws are to be amended at a special meeting.

12.2 FISCAL YEAR The fiscal year of the Ohio LMSC shall correspond to the calendar year.

12.3 MAILING ADDRESS The Ohio LMSC shall submit a permanent mailing address and/or electronic mailing address for use by USMS National Headquarters.

12.4 MAIL VOTE Any action which may be taken at any annual or special meeting of the membership or meeting of the board of directors, except amendment of these bylaws, may be taken without a meeting. If an action is to be taken without a meeting, the secretary shall distribute a written ballot, either electronically or by US Mail, to every member entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval of any proposal, provide information from those in favor of and those opposed to the measure, and provide a reasonable time within which to return the ballot to the secretary, either electronically or via US Mail. Approval by written ballot shall be valid only when the number of votes cast by ballot within the time period specified constitutes a majority of the votes entitled to be cast.

12.5 DISSOLUTION Upon dissolution, the net assets of the Ohio LMSC will not inure to the benefit of any private individual or corporation, but will be distributed to United States Masters Swimming, Inc. to be used exclusively for educational or charitable purposes, or, if United States Masters Swimming, Inc. is not then in existence, or is not then a corporation which is exempt under Section 501(c)(3), or successor provisions, of the Internal Revenue Code and to which contributions, bequests and gifts are deductible under Sections 170(c)(2), 2055 (a)(2) and 2522(a)(2) thereof, or successor provisions, such assets shall be distributed to a non-profit corporation which supports athletics in some fashion, such funds to be used exclusively for educational or charitable purposes.