

BY-LAWS of THE SOUTH TEXAS ASSOCIATION OF  
UNITED STATES MASTERS SWIMMING  
Restated as of 2-16-2002

ARTICLE 1 - GENERAL

1.1 OBJECTIVES. The objectives of this Association are to promote and develop swimming for the benefit of swimmers of all abilities, in accordance with the standards and under the rules prescribed by United States Masters Swimming Inc. (USMS) and this Association.

1.2 NAME and JURISDICTION. This Association is named the South Texas Local Masters Swim Committee (STLMSC). USMS delegates jurisdiction of the sport of Masters Swimming to STLMSC over an area as defined in Appendix D of the USMS Rule Book.

ARTICLE 2 -MEMBERSHIP

2.1 TYPES -- The membership of the STLMSC shall consist of the following:

2.11 Club Members (CLUBS);

- (a) Those swim clubs for Masters swimmers registered by and in good standing with the STLMSC.
- (b) Each Club in good standing shall select a representative to STLMSC. The Club shall submit the name of its representative to the STLMSC registrar. Club representatives must be a member of the club they represent and be in good standing with STLMSC and USMS.

2.12 Individual Members ---(INDIVIDUALS)---

- (a) Individual members are persons who are registered with the STLMSC.
- (b) Individuals need not reside in the STLMSC territory to register with STLMSC.

2.2 RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS.

2.21 Each individual member has the right to:

- (a) Vote in the election for Board of Directors of the STLMSC.
- (b) Participate (including voting) in the annual general membership meeting.
- (c) Vote for ratification or rejection of policies and programs established by the Board of Directors at the General Membership meeting.
- (d) Propose amendments to the by-laws of the STLMSC and vote on said amendments
- (f) The STLMSC shall operate on the concept of "one person, one vote"
- (g) Participate in sanctioned competitions and pay any required fees or dues.

## ARTICLE 3 - Board of Directors

### 3.1 STLMSC BOARD OF DIRECTORS.

3.11 The Board of Directors (the Board) shall consist of the following:

- President
- Vice President/Sanctions
- Treasurer
- Registrar
- Secretary/Top Ten Recorder
- Parliamentarian,
- Five at-large members selected by the Club Representatives.

3.12 An Individual may only hold one position on the Board. Only currently registered members of USMS and STLMSC are eligible to hold office. Each member of the Board of Directors shall be a member in good standing of USMS and the STLMSC.

3.13 Board of Directors Officers and at-large members shall serve a term of 2 years.

3.14 Elections will take place at the general membership meeting during odd number years.

### 3.2 DUTIES -- Board of Directors

3.21 The Duties of the Board of Directors include, but are not limited to the following items:

- (a) Appoint delegates to represent STLMSC at the national convention.
- (b) Conduct an annual membership meeting during the first 6 months of each calendar year
- (c) Approve any contract or expenditure with potential exposure in excess of \$500.
- (d) Form committees as needed to perform the duties of the STLMSC
- (e) Delegate the authority to manage the operations of the LMSC to the president, within the confines of these bylaws
- (f) Propose and implement Board Policies and Procedures to assist in management of the LMSC consist with these bylaws.
- (g) If appropriate delegate the tasks to the appropriate member of the board of directors
- (h) Designate the board members authorized to signed LMSC checks
- (i) Delegate authority to the treasurer to issue checks for miscellaneous expenses within limits established in the Board Policy and procedures. Limits established in Policies and (j) Procedures do not apply to payment of national organization fees or dues.
- (k) Establish LMSC sanction fees, team and individual membership fees
- (l) Appoint members to standing committees

- (m) Appoint members to ad hoc committees as needed

#### Article 4 - Officers

4.1 The officers of the LMSC and their duties are as follows:

4.11 President - the President shall:

- (a) Manage the day-to-day business activities of the STLMSC as delegated by the board.
- (b) Schedule the Board of Directors meetings, Annual Meeting and any other meetings of the general membership when and where deemed necessary.
- (c) Preside at Board meetings
- (d) Approve any contract or expenditure with potential exposure less than of \$500.
- (e) Ensure that the duties of the other members of the Board of Directors are being performed.

4.12 Vice-President - the Vice-President shall:

- (a) Perform the duties of the President in the absence of the President.
- (b) Assume position of President if the position is vacated
- (c) Sanction competitions, clinics, and other special events within the sanctioning guidelines established by USMS held within the jurisdiction of the STLMSC.

4.13 Secretary - The Secretary shall:

- (a) Issue notices of meetings.
- (b) Act as records custodian.
- (c) Take minutes at all meetings and prepare them for inspection by the membership at large.
- (d) Prepare official correspondence.
- (e) Make reports as may be required by USMS.
- (f) Send Annual reports to USMS.
- (g) Act as Top Ten tabulator for the STLMSC.

4.14 Treasurer - The Treasurer shall:

- (a) Receive all monies and pay all bills approved by the Board of Directors. All checks in excess of \$100 must have the Treasurer's signature and the initials of one other member of the board.
- (b) Maintain all financial records including banking and checking accounts. .STLMSC checking accounts must be maintained in a separate checking account in the name of 'South Texas Masters Swimming'. STLMSC funds must not be co-mingling of any personal funds
- (c) Prepare an annual budget for review and approval by the Board of Directors.
- (d) Prepare an annual financial report for the General Membership meeting STLMSC meeting.
- (e) Prepare an annual financial report at the end of each year and submit it to the Secretary as required by USMS.

(f) Send appropriate registration fees monthly to USMS.

4.15 Registrar - The Registrar shall:

- (a) Register all individual members and clubs within the STLMSC.
- (b) Forward to USMS the names, addresses and other pertinent information of all Individuals and Clubs registered with the STLMSC.
- (c) Maintain the accuracy and integrity of the STLMSC roster of individuals and clubs. The official roster shall be the list of individuals and clubs maintained in the approved registration format or software provided by USMS.
- (d) Provided on the following reports on a quarterly basis:
  - (1) LMSC roster to the President and Secretary;
  - (2) A Club roster of its members to each Club representative
  - (3) A list of registered individuals to the election committee

4.16 Parliamentarian/Sergeant-at-Arms - The Parliamentarian/ Sergeant-at-Arms shall:

- (a) Interpret the by-laws in case of a dispute.
- (b) Maintain order at all meetings.
- (c) Act as Sergeant-at-Arms and maintain order at all meetings of the Board of Directors
- (d) Review all grievances filed with the secretary and if necessary request the President form a committee to hear the grievance.
- (e) Parliamentarian shall only vote on items before the Board or General Membership in the event of a tie vote after all other ballots are cast

4.2 VACANCIES -- The President shall declare an office to be vacant if:

4.21 the officer is no longer a member of the STLMSC, the officer resigns the office; or if, the Board of Directors votes to declare the duties of the office no longer being performed.

4.22 Before declaring an office vacant, the Board shall; Send a registered letter to the officers in question stating that belief and requesting a response to be delivered to the Secretary. If the secretary receives no response within fourteen (14) days from the day of postmark the office shall be declared vacant. If a response disputes the claim then a meeting of the Board of Directors shall be called to consider the issue.

## 4.3 RECALL --Recall of members of Board of Directors

4.31 A member of the Board of Directors may be recalled from office by the general membership by the following procedures:

- (a) A petition containing signatures of 10% of STLMSC registered members must be presented to the Secretary with a request to recall the Director in question

- (b) The Parliamentarian will validate the petition and that the required signatures are legitimate
- (c) If the petition is valid, a recall election by the general membership will be conducted by the election committee
- (d) A Director will be considered recalled if the number of votes in favor of a recall exceeds the votes against a recall
- (e) If a Director is recalled, the position will be declared vacant and replacement will be appointed.

#### 4.3 FILLING VACANCIES

4.31 In the event the office of President becomes vacant the Vice-President will become President.

4.32 In the event an office besides other than President becomes vacant, that vacant office shall be filled by appointment by the Board of Directors for the remainder of the term. Replacements for vacant at-large Board positions shall appointed by the President.

### ARTICLE 5 - MEETINGS

5.1 SCHEDULE - Meetings shall be scheduled in the following manner

5.11 Meetings of the Board of Directors may be called by the President, or by any four members of the Board of Directors by notifying the Secretary. The Secretary shall schedule the meeting and send notice to members of the Board at least 10 days prior to the meeting. The President or members calling the meeting shall establish the agenda for the Board Meeting.

5.12 Meetings of the general membership may be called by the President Board of Directors as necessary, or by a petition of 10% of the individual membership submitted to the Secretary. **Notice of a General Membership meeting must be made with thirty days (30) of the meeting.** Proper notice to each member shall include any of the following; mailing to membership or email to membership.

5.13 The notice of the meeting shall contain the purpose, time, date, and the site of the meeting.

5.2 ANNUAL GENERAL MEMBERSHIP MEETING -- There shall be a general membership meeting held during the first 6 months of each year open to all registered STLMSC members.

5.3 ORDER OF BUSINESS - The agenda of the Annual General Membership meeting will be as follows:

Roll Call  
Reading, correction, adoption of minutes  
Reports of officers  
Reports of committees  
Unfinished business  
Elections when appropriate  
New business  
Resolutions and orders  
Adjournment

#### 5.4 QUORUM -

5.41. A quorum at the Annual General Membership meeting shall be all individual members present and eligible to vote.

5.42 Quorum at a meeting of the Board of Directors shall be at least 4 members present. A member may be considered present if participating in the meeting via phone.

5.5 RULES OF ORDER - All meetings shall follow the current Roberts' Rules of Order for procedural rules.

### ARTICLE 6- SANCTIONS FOR and CONDITIONS OF COMPETITION

6.1 CONDITIONS - The conditions of competition in any swimming event/ championship and the rules governing it are those established by USMS and the STLMSC where its rules and regulations are not contrary to the rules of USMS.

6.2 SANCTION - Only registered Clubs in good standing or individuals in good standing registered with USMS may receive a sanction from STLMSC.

6.3 REGISTRATION -- Registration for any sanctioned meet within the STLMSC will be conducted by the STLMSC registrar or the registrars appointee.

### ARTICLE 7 - DUES and FEES

7.1 DUES -- The Board of Directors will set dues and fees

7.11 Clubs - Each Club shall submit an approved application and pay to the Registrar an annual fee established by the STLMSC Board of Directors.

7.12 Individual - Each individual member shall submit an approved application and pay to the Registrar an annual fee established by the STLMSC which covers the USMS fee, and the local STLMSC fee, established by the STLMSC Board of Directors.

7.13 All Fees and dues paid are non-refundable

## 7.2 SANCTION:

7.21 Sanction fees shall be established by the Board of Directors.

7.22 Each applicant for sanction shall submit at time of application any fees and documents as required by STLMSC.

7.23 In addition to, or in place of, a sanction fee, Board of Directors may establish a service charge consistent with the nature of the event.

7.24 In the event that a National Championship is held within the STLMSC, the Board of Directors may impose a maximum fee of one (1) dollar per competitor entered in the meet to be forwarded to the STLMSC Treasurer within ninety (90) days of the end of that championship. The Board is not required to impose this fee.

7.25 All Fees and dues paid are non-refundable

## ARTICLE 8- COMMITTEES, DELEGATES AND ELECTIONS

8.1 STANDING COMMITTEES - The standing committees of the STLMSC shall be the Election and Rules Committee.

8.12 The President shall not serve on standing committees.

8.13 The Election Committee shall be comprised of no less than three (3) members. The President shall appoint the committee members, one of whom shall be the Vice President. The election committee shall elect the chair, be responsible for receiving nominations, preparing the official ballot, certifying the roster of eligible voters and conducting elections.

8.14 The Rules Committee shall be comprised of no less than three (3) members. The President shall appoint the committee members, one of whom shall be the parliamentarian. The Rules Committee will elect a chair and consider all changes to STLMSC policy and approve all proposed amendments to the by-laws before they are presented to the general membership for ratification.

8.2 OTHER COMMITTEES - Other Committees may be formed and appointed as deemed necessary by the President with advice and consent of the Board of Directors.

8.3 DELEGATES - Delegates to National Convention: The Board of Directors shall select members to represent STLMSC at the National Convention each year. The Board shall decide the number of delegates to send and to what extent expenses shall be reimbursed.

8.4 ELECTIONS - Election for officers shall be conducted during odd number years at the Annual General Membership meeting.

8.41 OFFICES: The following offices of the Board of Directors shall be elected at the General membership meetings: President, Vice-President, Treasurer, Secretary, Registrar, and Parliamentarian.

8.41 AT-LARGE MEMBERS - The club representatives shall elect the 5 At-large members. The election committee shall accept nominations for at-large members from the club representatives. The election committee will conduct an election of at-large members by distributing a ballot to the club representatives. The election committee will ensure no more than 2 at-large members on the ballot are from the same club.

8.5 NOMINATIONS -- The elections committee shall call for nominations at least 60 days in advance of the election. Any member of the STLMSC may submit nomination in writing to the Election Committee.

8.51 Nomination must be received by the committee at least thirty (30) days in advance of an announced election. The slate of candidates to stand for election will be presented by the Election Committee at the STLMSC annual General Membership Meeting during years in which elections are held.

8.6 MEMBERS ELIGIBLE TO VOTE -- Only individual members registered with the registrar 30 days in advance of an announced election shall be eligible to vote in that scheduled election.

8.7 BALLOTS -- The election committee will prepare an official ballot and distribute the ballot to the membership 20 days prior to the scheduled election. The election committee is responsible for ensuring the election is conducted by secret ballot. The election committee shall verify that all votes cast are valid and that only one ballot has been submitted by an individual member

8.71 Submission of Ballots: Eligible voters may submit their ballot to the election committee either by mail or in person at the general meeting. The election committee shall provide official ballots to all members present at the General Membership meeting who have not previously submitted a ballot and where eligible to participate in the election. All mail ballots must be received 1 day prior to the election. All ballots to be counted must be received by the election committee prior to the published cut-off time designated by the election committee.

8.8 ELECTION RESULTS -- The person receiving the most votes cast for an individual office shall be elected to that office.

## ARTICLE 9 - ATHLETE'S RIGHTS AND HEARINGS

9.1 ATHLETE'S BILL OF RIGHTS - The STLMSC shall protect the right of every individual who is eligible under reasonable local, national, and applicable international Masters Swimming rules and regulations to participate as an athlete, coach, trainer, manager, administrator, or other official in any Masters Swimming program; so long as such program is conducted in compliance with reasonable local, national, and applicable international requirements.

9.2 ATHLETES' RIGHTS, HEARINGS AND APPEALS -- An athlete may request in writing that the STLMSC consider holding a hearing on a subject in questions. The request must be in writing and the following procedures will be used to review the issue:

9.21 Grievance shall be sent to the secretary in writing. Secretary shall forward the grievance to the Parliamentarian, who will determine if grievance has merit and warrants review by a committee of the Board of Directors. The Parliamentarian shall inform the President in writing as to his review of the grievance and to request the formation of a special committee of the Board of Directors to review the grievance, if necessary. The Parliamentarian may rule the grievance is without merit and it would be considered dismissed. Upon request of the Parliamentarian, the President must appoint a committee of at least 3 members of the board of directors to hear the grievance. This committee will determine the format of the review, which may include one or more of the following; submission of written statements, interviews, or a hearing. The burden of proof of allegation is on the person filing the grievance.

9.22 The person filing the grievance may appeal the ruling of the parliamentarian and committee to the full Board of Directors by sending notice to the Secretary.

## ARTICLE 10 - MISCELLANEOUS

10.1 MEMBERSHIP DATA -- The information is only to be used to conduct STLMSC and USMS business. The STLMSC shall not distribute membership data to third parties. The official roster shall be the list of individuals and clubs maintained by the registrar.

10.2 AMENDMENTS - Amendments to these bylaws may be submitted to the Rules Committee by any STLMSC member. The Rules committee will review all proposed amendments submitted to the committee for consideration. If a majority of the committee votes in favor of the proposed amendments, the committee will forward the amendment to the general membership for ratification.

10.21 Any amendments to these by-laws approved by the rules committee must be ratified by two-thirds vote of members eligible to vote at the general membership meeting. At least thirty (30) days notice of any proposed amendment must be given to each Club representative of the STLMSC.

10.3 FISCAL YEAR - The fiscal year of the STLMSC shall be the registration year.

10.4 MAILING ADDRESS - The STLMSC must submit a permanent mailing address

for use by USMS, which shall be that of the STLMSC Registrar.

10.5 CHANGES OR NEW LEGISLATION - Any changes or new legislation affecting the existing Code of USMS automatically be incorporated in these by-laws without ratification.

10.6 DISSOLUTION - Upon dissolution the net assets of the STLMSC will not inure to the benefit of any private individual or corporation, but will be distributed to USMS to be used exclusively for education or charitable purposes. If USMS is not then in existence, or is not a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code and to which contributions, bequests, and gifts are deductible under Section 170(c)(2), 2055(a)(2), and 2522(a)(2), such assets shall be distributed to such a corporation which has as its primary purpose the promotion of aquatic safety to be used exclusively for educational or charitable purposes.