

Bylaw Amendments to be Considered by the

House of Delegates

Potomac Valley Swimming, Inc.

May 21, 2008

Note: all three amendments are directly from action taken at the USA Swimming Convention in September 2007.

- A. Board of Review membership—requirement to have 20% athlete representation. This bylaw change is mandatory and requires no further action. The only proposal is to implement it (through HOD approval) by LSC explanatory wording that it will be implemented with a membership of nine and the Chair shall select a minimum of three per panel, alternating members, and including at least 20% athlete representation on any panel. **Recommend approval of the implementation wording.**

BOARD OF REVIEW ORGANIZATION -

.1 ESTABLISHMENT - The Board of Review of PVS shall be independent and impartial.

.2 MEMBERS - The Board of Review shall have *at least five (5) regular members and at least three (3) alternate members*. The Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members to constitute at least 20% of its membership. The House of Delegates may increase the number of *regular or alternate* members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of *regular or alternate* members upon the expiration of the term of office of any incumbent members. When a matter is being heard by less than the full Board of Review, the panel hearing the case shall include a sufficient number of athlete members so as to constitute at least 20% of the hearing panel. No hearing shall proceed without the required athlete representation.

The current provisions read as follows (only .2 will change):

.1 ESTABLISHMENT - The Board of Review of PVS shall be independent and impartial.

.2 MEMBERS - The Board of Review shall have at least five (5) members. The House of Delegates may increase the number of members by resolution but, subsequent to the adoption of these Bylaws, may only decrease the number of members upon the expiration of the term of office of any incumbent members.

- B. Financial Controls: The following was adopted effective 1/1/08. PVS already addresses these issues and no bylaw change is required (See Sec. 8 of the current bylaws). **Recommend no action.**

509.1 LSC Model By-Laws: Each LSC, in accordance with its By-Laws, which are based on the “LSC Model By-Laws”, adopted and amended from time to time by the USA Swimming of House of Delegates, shall meet the reporting requirements to USA Swimming contained within the “LSC Model By-Laws”, including, but not limited to a copy of (1) the annual closing Balance Sheet and Statement of Income and Expense and (2) the corresponding federal income tax return (Form 990). The Balance Sheet and Statement of Income and Expense shall be audited or reviewed by an outside auditor or the LSC Finance Committee.

509.2 Financial Requirements: Annually, a copy of the financial reports listed above shall be forwarded to USA Swimming headquarters within five (5) months after the close of the fiscal year for the LSC. Upon submission of a

request to extend the time to file its federal income tax return, an LSC may be granted additional time to meet its financial reporting requirements to USA Swimming equal to the extension period (typically three months), provided that the LSC submit a copy of the request for extension with the IRS to USA Swimming at the time the extension is filed and the IRS grants such an extension.

509.3 Suspension of LSC Voting: Should an LSC not be current, including extensions, with its financial reporting requirements to USA Swimming as of 45 days prior to the annual meeting of the USA Swimming House of Delegates, the Board of Directors may, with written notice, suspend the LSC from voting at the House of Delegates meeting, said suspension of votes applying only to the LSC positions entitled to vote in the House of Delegates, excluding any at-large members of the LSC.

- C. Nominating Committee. The following bylaw amendment was made effective this year. (Please note: the “fewer than 4” language can be changed to “fewer than 5.” Recommend approval with the following implementation.

HOD delegates are being asked to either: 1. Take no action after approval and the Committee membership appointments and action will continue to be handled by the Board of Directors; or 2. By proper motion, present nominations at this meeting to fill the positions in accordance with the following. The Board feels this new wording works best for LSC’s with more than one HOD meeting per year. Any slate voted on at this meeting would be for next May’s elections. For that reason Option 1 is recommended (and to repeat, under either option, the new provisions are recommended to be approved).

NOMINATING COMMITTEE —

.1 MEMBERS OF NOMINATING COMMITTEE; ELECTION —

The Nominating Committee shall comprise *the Immediate Past General Chair and* not fewer than four (4) Individual Members. The Nominating Committee shall be elected annually by the House of Delegates. If the House of Delegates does not act in a timely fashion the Board of Directors shall elect a Nominating Committee to serve until their successors are elected. A number greater than four (4) may be designated from time to time by either the House of Delegates or the Nominating Committee. Each Nominating Committee member shall be a member of the House of Delegates and no more than two (two-fifths if there are more than five (5) members of the Nominating Committee) shall be Executive Committee Members. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates.

The current provision reads as follows:

.1 MEMBERS OF NOMINATING COMMITTEE; APPOINTMENT - The Nominating Committee shall comprise not fewer than three (3) Individual Members appointed by the Board of Directors. At least one (1) member of the Nominating Committee shall not be a member of the Board of Directors. Each Nominating Committee member shall be an Individual Member of PVS and USA-S. Section 6.5.3 shall apply to members of the Nominating Committee. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor.