

## BY-LAWS of

### New Mexico Local Masters Swimming Committee (NM LMSC)

(Revised August 2025 as a compilation of the NM LMSC By-Laws and the March 2018 West Texas LMSC)

#### ARTICLE I – OBJECTIVES, BOUNDARIES AND JURISDICTION

**OBJECTIVES:** In accordance with the standards and under the rules prescribed by United States Masters Swimming, Inc. (USMS), the objectives of the NM LMSC shall be:

1. To promote and develop swimming for the benefit of swimmers of all abilities 18 years and older in age.
2. To promote and encourage physical fitness, personal safety, enjoyment and improvements in health in older individuals not previously involved in U.S. Masters Swimming Programs.
3. To offer encouragement and support to individuals, clubs, organizations and communities in organizing and conducting physical, Adult-Learn-To-Swim, recreational, and competitive U.S. Masters Swimming programs.
4. To enhance camaraderie and fellowship amongst participants in U.S. Masters Swimming programs.
5. To maintain active liaison and cooperation with local, regional and national organizations and individuals concerned with U.S. Masters Swimming.
6. To evaluate and implement appropriate recommendations submitted by Coaches, Officials, Meet Sponsors, Clubs and Individual Masters swimmers.

**BOUNDARIES:** The geographic boundaries of the NM LMSC shall include the State of New Mexico and an area of West Texas annexed in 2022 by USMS defined as: that part of the State of Texas west but not including the counties of Val Verde, Sutton, Schleicher, Concho, Runnels, Taylor, Jones, Haskell. Knox, Foard and Hardeman; also bounded by the north and east by the State of Oklahoma and northwest by the State of New Mexico and the South by Mexico.

**JURISDICTION:** The NM LMSC has jurisdiction over the sport of Masters Swimming as has been delegated to it by the USMS.

#### ARTICLE II – MEMBERSHIP

The membership shall consist of the following:

1. Group/Club Members
  - a. Those swim organizations/clubs/workout groups which have joined/are recognized and are in good standing with USMS and who have athletes registered to represent their organization in the sport of 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 it.
  - c. Groups/Clubs shall be considered in good standing if:
    - 1. It has a minimum of 4 registered swimmers.
    - 2. It has paid the required yearly registration fee.
    - 3. It maintains at least 80% (rounded up to a whole swimmer) of its membership of the NM LMSC.
  - d. Groups/Clubs shall appoint a representative to the NM LMSC. Such appointment shall be in writing (e-mail accepted), duly certified by the Chair or Secretary of the appointing Groups/Club member. The appointing Group/Club member may withdraw its representative by written notice addressed to the Group/Club Secretary and signed by its Chair and substitute a new representative.
2. Individuals
- a. By default, active and in good-standing USMS Membership status and residency and participation within the boundaries as defined above for athletes, coaches, officials, volunteers, administrators or other person(s) interested in the purposes or programs of the NM LMSC.
  - b. All may attend General Meetings and are entitled to voice but no vote except for the following:
    - Election of Officers
    - Ratification or Rescinding Policy and programs established by the NM LMSC Board of Directors
    - Ratification of the Amended the By-Laws of the NM LMSC
    - Annual Budget Approval

## RESPONSIBILITIES

- 1. Income: Any income derived from the promotion of Masters Swimming by the NM LMSC must be used for further promotion of swimming or for the general welfare of the NM LMSC as a whole.
- 2. Infractions: a Group/Club may be held responsible for infractions of rules and regulations committed by an athlete who is competing as a representative of such organization.

## ARTICLE III NM LMSC BOARD OF DIRECTORS

### COMPOSITION

OFFICERS: The elected Officers are Chair, Co-Chair, Secretary and Treasurer.

**ELIGIBILITY:** Only members in good standing of USMS within the boundaries of the NM LMSC are eligible.

**TERM OF OFFICE:** Each officer shall serve for a term of two years (consistent with the new USMS Registration year (each November) or until a successor is chosen and approved by the NM LMSC Board of Directors at its next regularly scheduled meeting. An incumbent officer is not eligible to serve in the same office if served in that office four successive years with the exception others are unable to fill the office until the lapse of two years.

**NOMINATION:** The slate of officers to stand for election will be prepared by a nomination committee of a minimum of three members. The nominations committee shall solicit nominees at any time and take suggestions from prior to and in addition, from the floor, at the Annual Meeting.

**DUTIES AND POWERS:** THE NM LMSC Board of Directors shall have the power and it shall be its duty to:

1. Establish and promote programs and policy.
2. Manage the business affairs of the NM LMSC
3. Work with the Nominating Committee to select and have elected officers.
4. Review and adopt the Annual Budget of the NM LMSC
5. Choose and Approve delegates to the USMS House of Delegates in accordance with Article 503.1.1 of the USMS Code of Regulations and Rules of Competition.
6. Admit eligible USMS members residing within the boundaries.
7. Amend the By-Laws of the NM LMSC.

**DUTIES OF ELECTED BOARD OF DIRECTORS:** The duties of the specific elected officers are described below and other responsibilities may be designated by the members of the Board of Directors at will.

1. **CHAIR:** The Chair shall be responsible for the day-to-day management of the business affairs of the NM LMSC. The Chair shall call meetings when and where deemed necessary and shall preside at all meetings. The Chair shall appoint committee members for such standing as special committees as may be necessary to fill the duties and responsibilities of the NM LMSC all with the advice and consent of the Board of Directors.
2. **CO-CHAIR:** Shall act in absence of the Chair at NM LMSC Meetings.
3. **SECRETARY:** The Secretary is responsible for keeping the records of all meetings, conducting official correspondence, issuing meeting notices as necessary providing reports as may be required by USMS and providing minutes of all meetings.
4. **TREASURER:** The Treasurer shall be responsible for maintaining all financial records, including bank and checking records, making reports to the Board of Directors, paying all

bills, receiving all monies and preparing an Annual budget. The Treasurer shall also serve as the Financial Liaison with the USMS on behalf of the NM LMSC and comply with tax reporting requirements arising.

REMOVAL: An officer can be removed from office, for cause, by written petition of  $\frac{3}{4}$  of the NM LMSC members and by a vote of the majority of the Committee at the next regularly scheduled meeting.

VACANCIES: Vacancies created for whatever reason in any office may be filled by the appointment of the CHAIR, with the advice and consent of the Board of Directors, until the next regularly scheduled meeting of the membership.

#### DUTIES OF APPOINTEES/VOLUNTEERS:

1. TOP TEN/RECORDS COORDINATOR: The Top Ten Records Coordinator shall maintain the NM LMSC records and review NM LMSC meet results to prepare lists of swimmers for National Top Ten Times Consideration. IN addition, the Top Ten Records Coordinator shall be responsible for overseeing National Records that are set within the NM LMSC area.
2. SANCTIONS: responsibility includes issuing sanctions for meets held in the NM LMSC area and reporting to the National USMS Office.
3. NEWSLETTER/COMMUNICATIONS/SOCIAL MEDIA (WEB) MASTER(S): Can be more than one person serving in this role. Responsibilities include electronic distribution of (at least) quarterly newsletter containing information pertinent to the operation of the NM LMSC, design, hosting of website of social media sites and assisting with marketing collateral as required for distribution.
4. SAFETY/OPEN WATER COORDINATOR: Serves as a provider of requirements and guidelines and as a liaison with non-USMS organizations at venues (Open Water) to oversee required protocol during operations under the auspices of the required permitting and sanctioning organizations/committees.
5. COACHES LIAISON; Serves as a liaison between NM LMSC and the USMS Coaches Committee.
6. OFFICIALS LIAISON: Serves as a liaison between NM LMSC and the USMS Officials Committee.

BY-LAWS: Any provision of these By-Laws not prescribed by USMS may be amended at any meeting of the NM LMSC Board of Directors by a two-thirds vote of the voting members. At least fifteen (15) days notice must be given to every member of the Board of Directors of any proposed amendment. Ratification is necessary by a majority of those present and voting at the Annual Meeting.

#### ARTICLE IV MEETINGS

**ANNUAL:** The Annual Meeting of the membership shall be held no later than November 15 of each year, and when elections are held, the new officers' terms will begin/commence no later than January First of the succeeding year.

**SPECIAL:** Should the Chair fail to call regular membership meetings, or should a special membership meeting be required, such a meeting may be called at any time upon the request of any three members of the Board of Directors.

**NOTICES:** Below are Guidelines Strongly Recommended

1. **TIME:** Not less than (10) days notice is given by the Secretary/Treasurer for any regular or special meetings of the NM LMSC Board of Directors. Waiver of the 10 days notice requires approval of a majority of the officers.
2. **INFORMATION:** The notice of the meeting shall contain the time, date, and site. For Special Meetings, the purpose of the meeting shall be given.
3. **ADDRESS:** The notice shall be sent to the address (e-mail) last given to the Co-CHAIR of each member of the NM LMSC Board of Directors.
4. **ORDER OF BUSINESS:** At all meetings of the NM LMSC Board of Directors, the following is the Order of Business:
  - a. Roll Call
  - b. Reading, correction and adoption of Minutes
  - c. Reports of Officers
  - d. Reports of Committees
  - e. Unfinished Business
  - f. Elections (when appropriate)
  - g. New Business
  - h. Resolutions and Order
  - i. Adjournment
5. **QUORUM:** a quorum of all meetings shall consist of those present and eligible to vote. In determining a quorum, a club/organization representative and NM LMSC Officers cannot be one and the same. The minimum quorum for all meetings shall be five (5) of which at least two (2) must be officers, as determined from the record.
6. **RULES OF ORDER:** At all meetings, the current Roberts Rules of Order are the procedural rules.
7. **VOTING:** In-person verbal (aye or nay), online video meeting, mail paper ballot, in person anonymous paper, e-mail shall all be acceptable forms. Any action which may be taken at any regular or special meeting of members of either the membership or the NM LMSC Board of Directors, except amendment of these bylaws, may be taken without a meeting. If an action is taken without a meeting, the Secretary shall distribute a written (or e-mail)

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 a ~~reasonable deadline~~ time ~~within by~~ which to return the ballot to the Secretary. Approval by written or e-mail ballot shall be valid only when the number of votes cast by ballot ~~within by~~ the time period specified constitutes a majority of the votes ~~entitled to be~~ cast.

## ARTICLE V COMMITTEES

### TYPES:

1. STANDING: At the direction of the CHAIR, the following committees may be established:
  - a. AWARDS: The Awards Committee shall develop criteria for the selection of outstanding swimmers each year; nominate outstanding swimmers for recognition by the NM LMSC each year; and select and order awards for NM LMSC sponsored meets.
  - b. REVIEW: The Review Committee may conduct hearings on any matter affecting the NM LMSC, and arising solely within the territorial jurisdiction of the LMSC and involving only its members.
  - c. RULES: The Rules Committee shall make itself aware of the current rules as set forth by USMS. It shall interpret rules as necessary, report any violations by clubs or individuals to the NM LMSC Board of Directors and shall make rules recommendations for changes to the officers of the NM LMSC for transmittal to USMS.
  - d. AD-HOC: The CHAIR may establish other committees as needed to carry out the responsibilities and duties of the NM LMSC.
  - e. COMMITTEE CHAIRS AND MEMBERS: The Chair of a committee is appointed by the Chair of the LMSC with the Advice and Consent of the Board of Directors. Members are also appointed in the same manner. Only current members of USMS and NM LMSC are eligible to be appointed as a Chair. The duties of each committee chair are as follows:
    - a. Presides at all meetings of the committee.
    - b. Sees that all duties and responsibilities of that committee are promptly and properly carried out.
    - c. Communicates with the committee members to keep them fully informed.
    - d. Keeps the NM LMSC CHAIR and Secretary informed of committee actions and recommendations.
    - e. Forwards reports or minutes of all meetings to the CHAIR and Secretary.
    - f. Performs such specific duties as outlined in NM LMSC Policy.

## ARTICLE VI CONDITIONS OF COMPETITION

GENERAL: The conditions of competition in any swimming event, and the rules governing it, shall be those established by the USMS or the NM LMSC where its rules and regulations are not contrary to the rules of the USMS.

#### ARTICLE VII CHAMPIONSHIPS

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

#### ARTICLE VIII REPORTS AND REMITTANCE

FISCAL YEAR: The Fiscal Year of the NM LMSC shall correspond to the calendar year.

ANNUAL REPORTS: The Secretary shall forward to the USMS Secretary a copy of the audit of accounts of the LMSC, together with a complete report on the Annual Meeting of the NM LMSC within thirty (30) days following the NM LMSC Annual Meeting. The audit of accounts is to be signed by a Certified Public Accountant or by three (3) members of the NM LMSC Board of Directors. The USMS Secretary shall then forward to the USMS Treasurer for filing.

#### ARTICLE IX HEARINGS, APPEALS & ATHLETES RIGHTS

ATHLETES' BILL OF RIGHTS: THE NM LMSC, in accordance with the rules of the LMSC, shall respect and protect the right of every eligible individual to participate as an athlete, coach, trainer, manager, volunteer, 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 (World Aquatics) requirements.

REVIEW: The NM LMSC Board of Directors may annually elect a Review Section comprised of no less than five members. Its 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 the USMS, the attorney shall have no vote. The Chair of the Review Section shall be elected by the section's members. A quorum for any hearing conducted by the Review Section shall be 50 percent of its membership, but in any event, no less than three.

GENERAL JURISDICTION: The Review Section may conduct hearings of any matter affecting USMS and the NM LMSC and arising within the geographical boundaries of the NM LMSC and involving only members of the NM LMSC.

APPEAL: The decision(s) of the Review Section will be final in all cases, subject only to the appeal to the NM LMSC Board of Directors at the option of the applicant, and thereafter the USMS National Board of Review.

NOTICE TO ATHLETES: In each case, where notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to the athlete at the residence given in the athlete's application for

registration; or, if the athlete has filed with the USMS Registrar, a written notice of change of address, then at the change of address.

#### ARTICLE X DISSOLUTION

Upon dissolution, the net assets of the NM LMSC will not inure to the benefit of any private individual or corporation, but will be distributed to United States Masters Swimming, Inc. (USMS) to be used exclusively for educational or charitable purposes, or if United States Masters Swimming, Inc. is non-existent, or is not then 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 Sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, such assets shall be distributed to such corporation, to be used exclusively for educational or charitable purposes.