



MINNESOTA
SWIMMING

Robert J. Crunstedt, CAE
Minnesota Swimming Inc.
1001 Highway #7, Room 250
Hopkins, MN
55305-4723

bcrunstedt@mns swim.org

April 8, 2011

952.988.4185 o
952.988.4183 f
612.910.1616 m

To: Minnesota Swimming House of Delegates

Cc: Natalie Kuramoto, General Chair
Jim Hanton, Administrative Vice-chair
Michael Gibbons, Legislative Coordinator

Re: Amendments to the LSC Bylaws

Amendments to the Bylaws of Minnesota Swimming Inc. (“MSI”) can only be adopted at a meeting of the MSI House of Delegates. Following a review with Administrative Vice-chair Jim Hanton, and Legislative Coordinator, Michael Gibbons, a complete set of Bylaws for MSI is posted on our web site under the “House of Delegates” link, marked for review and adoption at the meeting on April 30, 2011.

You will note a number of insertions and deletions. Many of these are requisite from the *Required LSC Bylaws* approved by the USA Swimming House of Delegates. Part Six of the USA Swimming’s Rules and Regulations (the “Rules”) states, each LSC, within the flexibility granted in the *Required LSC Bylaws*, shall adopt these changes. In addition, amendments with optional language are highlighted. They include those adopted at previous MSI House of Delegates meetings (no further action required), as well as new ones for consideration at this meeting.

Following adoption of the new amendments, our Bylaws will be submitted to the Rules Committee for final approval. The committee will make its determination within forty-five (45) days of receipt by its Chair. Once approved, the Bylaws will be on file in the USA Swimming National Office, the MSI office and posted on our web site.

A couple of the more significant changes are:

1. Establishing 20% athlete representation of the voting membership on the MSI House of Delegates (Article 604.1.2 & 604.1.3), and the MSI Board of Directors (Article 605.1). This will put MSI in compliance with the Ted Stevens Olympic and Amateur Sports Act, which sets out a governance structure for amateur sports in our country. The Act is adopted by USA Swimming.
2. An Athletes Committee will be formed and chaired by the Senior Athlete Representative (Article 607.3.5). The Senior Coach Representative will be the liaison to the Athletes Committee (Article 606.7.5).

The new proposed amendments are listed with this cover letter. They are followed by a summary table to guide you through the document markings of the complete set of Bylaws posted online.

Sincerely,

A handwritten signature in cursive that reads "Bob Crunstedt".

Robert J. Crunstedt, CAE
Executive Director



MINNESOTA
SWIMMING

New Proposed Amendments to the Bylaws of Minnesota Swimming Inc.

Article 604.1.2

AT-LARGE HOUSE MEMBERS - Up to ten (10) at-large members of the House of Delegates may be appointed by the General Chair with the advice and consent of the Board of Directors. Additionally, a sufficient number of athlete members-at-large shall be appointed by the General Chair with the advice and consent of the Board of Directors to constitute at least 20% of the voting membership of the House of Delegates. The At Large House Members shall hold office from the date of appointment through the conclusion of the annual meeting of the House of Delegates following such appointment or until their successors are appointed to the House of Delegates.

Article 604.1.3

ATHLETE REPRESENTATIVES - ~~Two (2)~~Three (3) Athlete Representatives shall be elected by the House of Delegates, one each year for a two-year term and one for a one-year term as Athlete Committee Vice-chair, or until their respective successors are elected. At the time of election, each Athlete Representative must (a) be an Athlete Member in good standing; (b) be at least sixteen (16) years of age or at least a sophomore in high school; (c) be currently competing, or have competed during the three (3) immediately preceding.

Article 604.5

ANNUAL AND REGULAR MEETINGS - The annual meeting of the House of Delegates of MSI shall be scheduled in April or May ~~at the prior meeting of the House Delegates~~ of each year. Regular meetings of the House of Delegates shall be held in accordance with a schedule adopted by the House of Delegates or the Board of Directors.

Article 605.1

MEMBERS - The Board of Directors of MSI shall consist of the following elected officers, committee Chairs, coordinators and representatives of MSI, together with those additional members designated in Sections 605.2 and 605.3:

- .1 General Chair
- .2 Administrative Vice-chair
- .3 Senior Vice-chair
- .4 Age Group Vice-chair
- .5 Finance Vice-chair
- .6 Secretary
- .7 The Coach Representatives
- .8 The Athlete Representatives
- .9 Athletes Committee Vice Chair
- .10 Safety Coordinator



MINNESOTA
SWIMMING

- .11 Technical Planning Chair
- .12 Officials Chair

Article 606.1

ELECTED OFFICERS AND COMMITTEE CHAIRS - The officers, committee chairs and coordinators who shall be elected by the House of Delegates are:

- .1 General Chair
- .2 Administrative Vice-chair
- .3 Finance Vice-chair
- .4 Senior Vice-chair
- .5 Age Group Vice-chair
- .6 Secretary
- .7 Technical Planning Chair
- .8 Safety Coordinator
- .9 Officials Committee Chair
- .10 Athlete Representative: Junior (most recently elected) and Senior (in the second year of their term)
- .11 [Athletes Committee Vice-chair](#)
- .12 Coach Representative: Junior (most recently elected) and Senior (in the second year of their term)

Article 606.2

ELECTIONS - The House of Delegates, at its annual meeting, shall elect the General Chair, the Administrative Vice-chair, the Secretary, the Finance Vice-chair, and the Senior Vice-chair and the Age Group Vice-chair, the Technical Planning Committee Chair, the Safety Coordinator, the Officials Committee Chair, Athlete Representatives, [Athletes Committee Vice-chair](#), Coach Representatives, Nominating Committee and the Board of Review members.

Article 607.1.6

ATHLETES DIVISION - Senior Athlete Representative

Athlete Representatives

[Athletes Committee](#)

Article 607.2.2.H

[ATHLETES COMMITTEE CHAIR - The Senior Athlete Representative shall chair and have general charge of the business, affairs and property of the Athletes Committee, which shall undertake such other activities \(a\) delegated to it by the Board of Directors or the General Chair or \(b\) undertaken by the Committee as being in the best interests of the Athlete Members, of MSI, USA Swimming and the sport of swimming.](#)

Article 607.3.5

[Athletes Committee - The Athletes Committee shall consist of the Athlete Representatives and at least three other Athlete Members or Seasonal Athlete Members. The Senior Athlete Representative or the](#)



MINNESOTA
SWIMMING

Athletes Committee shall determine the number of additional Athlete Members. The Senior Athlete Representative shall be the chairman of the committee.

Article 608.5

ANNUAL AUDIT - An annual audit of the accounts, books and records of MSI shall be completed no later than the end of the third month following the end of its fiscal year. The audit, or review, shall be conducted by an independent auditor who shall be a certified public accountant or by the Finance Committee. The audit shall cover any federal, state or local income tax return that MSI is required to file under the IRS Code or applicable provisions of state or local law, rules or regulations, the balance sheet, the statement of income and expenses, check register and bank statements and other records as is deemed appropriate. If the audit, or review, is conducted by the Finance Committee, the committee shall issue a report signed by all of its members and stating that the financial records and reports of MSI have been reviewed and fairly present the financial condition of MSI as of the date of the balance sheet and for the fiscal period of the statement of income and expenses and the report is true and correct to the best of the Committee's knowledge, information and belief. If the audit, or review, is conducted by an independent auditor, the report shall be in accord with generally accepted auditing practices applicable to the audit or review, as the case may be.

Article 608.6

MEMBERSHIP AND REGISTRATION REPORTS - ~~The Senior A M~~member of the Paid Staff of MSI, acting as Membership/Registration Coordinator, shall forward in a timely manner all required reports to the Executive Director of USA SWIMMING. These reports shall be accompanied by a remittance of the appropriate membership and registration fees due to USA SWIMMING. The Paid Staff, acting in this position, shall make periodic summary reports to the Administrative Vice-chair, the Board of Directors and the House of Delegates.

Article 614.4

TREASURER DUTIES - The duties of the Treasurer of MSI shall be delegated to ~~the senior a~~ member of the Paid Staff at MSI's permanent office.

- .1 The duties of the Treasurer of MSI shall be delegated to ~~the senior a~~ member of the paid staff at the MSI permanent office. The Paid Staff, acting as Treasurer, shall be the principal receiving and disbursing officer of MSI. Except as otherwise directed by the Finance Vice-chair, the Finance Committee or the Board of Directors, the Paid Staff shall receive all moneys, incomes, fees and other receipts of MSI and pay all bills, salaries, expenses and other disbursements approved by an authorized officer, committee chair, coordinator, the Finance Vice-chair, the Finance Committee, the Board of Directors or the House of Delegates or required to be paid in accordance with to Section 610.3.. When authorized by the Board of Directors, income and expenses may be received and paid by a division, officer, committee, or coordinator, provided that such division, officer, committee, or coordinator promptly submits to the Paid Staff an itemized report, duly attested by the division, officer, committee chair, or coordinator and either



MINNESOTA
SWIMMING

within the approved budget of such division, officer, committee or coordinator or authorized by the Board of Directors or the House of Delegates. The Paid Staff shall issue a monthly report listing the current budget variances by line item, all receipts, all expenditures and the current fund and account balances for the preceding month and for the fiscal year to date, together with such other items as the Finance Vice-chair, the Finance Committee, the General Chair or the Board of Directors may direct. The ~~senior~~ member of the Paid Staff, acting as Treasurer, shall:

Article 614.5

MEMBERSHIP/REGISTRATION - The duties and responsibilities of the Membership/Registration Coordinator shall be delegated to ~~the senior~~a member of the Paid Staff at MSI's permanent office. The Paid Office Staff, acting as Membership/Registration Coordinator, of MSI shall:

- .1 be authorized and obligated to conduct the registration of Group and Individual Members and supervise the transmission of registration information to USA SWIMMING and prepare the reports required by Section 608.6, together with such additional reports as may be requested by USA SWIMMING, the Board of Directors or the Administrative Vice-chair.
- .2 forward in a timely manner all required reports to the Executive Director of USA SWIMMING. These reports shall be accompanied by a remittance of the appropriate membership and registration fees due to USA SWIMMING.
- .3 make periodic summary reports to the Administrative Vice-chair, the Board of Directors and the House of Delegates.

###

(Summary of required and new amendments next page)



**MINNESOTA
SWIMMING**

SUMMARY OF REQUIRED AND NEW AMENDMENTS TO THE BYLAWS OF MINNESOTA SWIMMING INC.

(Refer to the complete set of Bylaws posted online)

UNIVERSAL CODING	DESCRIPTION	EFFECTIVE	LOCATION
<u>Underlined, blue text</u>	Unless noted hereafter, these are insertions covered in the <i>Required LSC Bylaws</i> .	January 1, 2009	throughout
Struck through, red text	Unless noted hereafter, these are deletions covered in the <i>Required LSC Bylaws</i> .	January 1, 2009	throughout
Text highlighted in gray	LSC Bylaws previously approved by the MSI House of Delegates that will be subject to final approval by the USA Swimming Rules and Regulations Committee	Various dates	throughout
Text highlighted in yellow	Proposed new amendments that will be subject to final acceptance by the USA Swimming Rules and Regulations Committee	Proposed April 2011	various
Text highlighted in green	Proposed amendments and terminology concerning athlete representation. Amendments under the House of Delegates or the Board of Directors articles are needed in order to comply with the Ted Stevens Olympic and Amateur Sports Act.	Unless noted differently, proposed April 2011	various
CODING FOR SPECIFIC CITATION	DESCRIPTION	APPROVED	LOCATION
<u>Underlined, blue text</u>	Housekeeping: Addition of Polk County in Wisconsin, which was approved by the MSI House of Delegates, WSI House of Delegates and USA Swimming in 2010.	April 2010	601.3
Text highlighted in green	Per options provided in the <i>Required Bylaws</i> , the MSI General Chair will appoint a sufficient number of at-large athlete representatives to MSI House of Delegates to constitute at least 20% of the voting membership.	New	604.1.2



Text highlighted in green	The Junior Athlete Representative will be elected to a two-year term and the Athletes Committee Vice-chair will be elected to a one-year term by the MSI House of Delegates. The Athlete Representatives and Athletes Committee will be asked to nominate one or more athlete members for consideration	New	604.1.3
Struck through, red text, <u>Underlined, blue text,</u> Text highlighted in gray Text highlighted in yellow	From previously approved MSI legislation, the Annual Meeting of the House of Delegates shall be scheduled in April or May. In practice, the meeting is always held April or May, however, the final date is set when MSI's entire calendar is presented to the Board of Directors at meeting <u>after</u> the HOD.	October 2003	604.5
Text highlighted in green	Addition of the Athletes Committee Vice-chair to the Board of Directors	New	605.1
Text highlighted in gray	Housekeeping: At-large members appointed to the MSI Board of Directors have voice only, no vote, from previously approved MSI legislation.	October 2001	605.2
Text highlighted in gray	Housekeeping: The immediate past General Chair is not included in counting of quorum for a meeting of the Board of Directors, from previously approved MSI legislation.	October 2001	605.12
Text highlighted in gray, Text highlighted in green	Housekeeping: Updates terminology for Junior and Senior Athlete and Coach Representatives term of office, from previously approved MSI legislation. Addition of the Athletes Committee Vice-chair to the list of elected Officers and Committee Chairs	October 2001 New	606.1.10 &.12 606.1.11, 606.2
Text highlighted in gray, Struck through, red text, <u>Underlined, blue text</u>	Titles of appointed officers are updated to chair or coordinator nomenclature from the <i>LSC Required Bylaws</i> .	New	606.2A
Text highlighted in gray	Housekeeping: Commencement of the term of office for members of the Board of Directors from previously approved MSI legislation.	October 2001	606.6.2



<u>Underlined, blue text,</u> Text highlighted in gray	Housekeeping: Updates consecutive term limitation from previously approved MSI legislation.	April 2008	606.6.3
Text highlighted in green	Athlete Division responsibilities are updated with the addition of the Athletes Committee.	New	607.1.6
Text highlighted in gray	Housekeeping: MSI Legislative Coordinator duties and advisory role are set from previously approved MSI legislation	October 2001	607.2.2.G
Text highlighted in green	Athletes Committee Chair responsibilities added	New	607.2.2.H
Text highlighted in green	Addition of Athletes Committee	New	607.3.5
<u>Underlined, blue text,</u> Struck-through, red text	Housekeeping: Adjusting the number of appointed coordinators and committee chairs to the same number listed in 605.2		607.3.6
Text highlighted in yellow	Insertion from the <i>Required LSC Bylaws</i> that reflects current practice of conducting the annual audit using an independent auditor or the Finance Committee.	New	608.5
Text highlighted in yellow	Deletion of “senior” terminology perpetuates duties through changes in the permanent office staff.	New	608.6
Struck-through, red text, <u>Underlined, blue text,</u> Text highlighted in gray	Housekeeping: Updates term of office for the Board of Review from previously MSI legislation <u>and</u> incorporating insertions from <i>Required Bylaws</i> .	May 2006	610.3.3A & 610.3.3B
Struck-through, red text, <u>Underlined, blue text,</u> Text highlighted in gray	Housekeeping: Updates selection of Board of Review Chair from previously approved MSI legislation <u>and</u> incorporating insertions from <i>Required Bylaws</i>	May 2006	610.3.4
Text highlighted in gray	Housekeeping: Updates Substitution for Board of Review members from previously approved MSI legislation	May 2006	610.3.10
Struck-through, red text, <u>Underlined, blue text,</u> Text highlighted in gray	Housekeeping: From previously approved MSI legislation, terminology is updated from Chair to Coordinator, and action is defined if the Legislative Coordinator is unavailable to serve as a Presiding Officer.	October 2001	610.3.11B
Text highlighted in yellow	Deletion of “senior” terminology perpetuates duties through changes in the permanent office staff.	New	614.4



MINNESOTA
SWIMMING

Text highlighted in yellow	Deletion of “senior” terminology perpetuates duties through changes in the permanent office staff.	New	614.5
Text highlighted in gray	Housekeeping: Updates Notice by Fax or Email from previously approved MSI legislation	May 2006	616.1.5B