

Fall 2016 HOD
Proposed Legislation

Block A – Requires 50% vote			
Number	Subject	Effective Date	Result
R-01	Add 10 & U Top 5 and All Star recognition	Immediate	Approved
R-02	Change Open Water All-Star selection Criteria	Immediate	Approved
HK-01	Change reference to Sanction Fees	Immediate	Approved

Block B – Requires 2/3 vote			
B-01	Change expected residence of athlete representative from ½ of term to full term	Immediate	Approved
B-02	Replace Nominating Committee with Governance Committee	Immediate	Approved

Block C – To be Withdrawn			
R-03	Increase sanction fees for meets added to schedule after approval	Immediate	Withdrawn

To be Considered by the
House of Delegates
Fall 2016

B-01

ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Summary: Change requirement for Junior Athlete Rep to expect to live in the LSC for 2 years instead of 1.

Rationale: When a junior athlete rep is elected who only stays for one year, there is no continuity because a new rep has to be appointed/elected to fulfil the Senior Athlete Representative role.

Submitted by: Legislative Committee

Recommendation: *(Office Use Only)*

Effective Date: Immediate

ARTICLE 604 - HOUSE OF DELEGATES

- .2 Athlete Representatives - ~~A Junior~~^{Two (2)} Athlete Representatives shall be elected, ~~one~~ each year for a two-year term, or until their respective successors are elected. At the time of election, an Athlete Representative must (a) be an Athlete Member or a Seasonal 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 years, in the program of swimming conducted by NCS or another LSC; and (d) have his or her place of permanent residence in the Territory and expect to reside therein throughout ~~at least the first half of the term (other than periods of enrollment in an institution of higher education)~~. The election of Athlete Representatives shall be conducted annually during NCS's long course senior swimming championship, or other regularly scheduled meet designated by the Board of Directors. The balloting shall take place at a meeting called for that purpose by the Athletes Committee, or failing that, at a time and in a manner designated by the Board of Directors. The Athlete Representatives elected shall be determined by a majority of the Athlete Members in good standing present and voting who are thirteen (13) years of age or older.

To be Considered by the
House of Delegates
Fall 2016

B-02

ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Summary: Establish Governance Committee

Rationale: Governance committee is needed to better identify and develop future leaders of the LSC and help improve the effectiveness of the Board of Directors and committees of North Carolina Swimming

Submitted by: Board of Directors

Recommendation: *(Office Use Only)*

Effective Date: Immediate

604.4 DUTIES AND POWERS - The House of Delegates shall oversee the management of the affairs of NCS and the establishment of policies, procedures and programs. In addition to the duties and powers prescribed in the USA Swimming Rules and Regulations or elsewhere in these Bylaws, the House of Delegates shall:

.3 ~~Elect members to the Nominating Committee~~

604.8 ~~NOMINATING COMMITTEE~~ NOMINATIONS FOR ELECTIONS

.1 ~~Members of Nominating Committee; Election—The Nominating Committee shall comprise not fewer than five (5) Individual Members. The Nominating Committee members shall be elected annually by the House of Delegates and will serve until their successors are elected. 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 five (5) may be designated from time to time by either the House of Delegates or the Board of Directors. 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 Board Members or Executive Committee members. Section 606.6.3 shall apply to members of the Nominating Committee but service as the immediate past General Chair shall not be counted for that purpose. 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. In no event shall the General Chair serve on the Nominating Committee.~~

.2 ~~Chair Elected by Nominating Committee—The Chair of the Nominating Committee shall be elected annually by a majority vote of the members of the Nominating Committee present at a meeting called promptly after the members are elected or appointed.~~

.31 Slate of Candidates - Duties of Nominating Committee—A slate of candidates for election as the officers or committee chairs specified in Section 606.1 and the NCS members of the Zone Board of Review to be elected at the next annual meeting shall be prepared by the Nominating-Governance Committee. The Nominating-Governance Committee may in its discretion nominate a slate of one person for each position to be filled or may nominate more than one candidate for one or more of the positions. ~~The Nominating Committee shall also nominate a slate of candidates for the Nominating Committee to be elected at the last regularly scheduled meeting before the next annual meeting of the House of Delegates.~~

~~.42~~ Publication of Nominations - Nominations by the ~~Nominating-Governance~~ Committee shall be published by distributing a slate of candidates together with the positions for which they have been nominated to each member of the House of Delegates and to each Group Member not less than twenty (20) calendar days prior to the election. This notice may be combined with the notice of the meeting pursuant to Section 604.15.1 where convenient. See Section 617.1.4 for the methods which may be used for the distribution.

~~.53~~ Additional Nominations - Additional nominations may be made from the floor of the House of Delegates by any member of the House of Delegates eligible to vote.

~~.6 Meetings and Notices - Meetings of the Nominating Committee shall take place at a site within the Territory when called by the Chair or any three members of the Committee with a minimum of six (6) days' notice required. Pertinent provisions of Sections 607.5 through 607.15 and Section 617.1.4 also shall apply to the Nominating Committee's meetings and notices.~~

~~.7 Quorum - A quorum for any meeting of the Nominating Committee shall consist of not fewer than four (4) members. The committee shall act by a majority vote of its members voting in any meeting at which a quorum is present.~~

ARTICLE 605 - BOARD OF DIRECTORS

605.3 EX-OFFICIO MEMBERS – The following person(s) should be an ex-officio member(s) of the Board of Directors during the time period in which they meet the defined status:

- .1 The Immediate Past General Chair of NCS, if the Individual Member is in good standing.
- .2 Individual members in good standing of North Carolina Swimming who are voting members of the USA Swimming House of Delegates; and
- .3 Individual members in good standing of North Carolina Swimming who are USA Swimming Committee Chairs.

.4 The Chair of the Governance Committee. This position shall have voice, but no vote.

ARTICLE 607 - DIVISIONS, COMMITTEES AND COORDINATORS

607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES - Except as otherwise provided in these Bylaws or by the Board of Directors, members of each standing committee shall be appointed by the General Chair with the advice and consent of the respective division Vice Chair and the chair of the committee. Athlete members of each committee shall be appointed by the General Chair with the advice of the senior athlete representative. Athlete membership is required on all committees. Athlete membership shall amount to at least twenty percent (20%) of the voting membership of the committee. The division Vice Chair shall be an ex-officio member, with voice and vote, of each standing committee within the respective division. The ex-officio members and other designated members of certain standing committees shall be as follows:

.8 GOVERNANCE COMMITTEE - The Governance Committee shall report to the General Chair and be made up of four non-athlete members and one athlete member appointed by the General Chair with the advice and consent of the board. Each non-athlete committee member shall be appointed to a four year term with a one term limit and staggered terms so

one new member is appointed each year. The athlete member would be appointed to one year terms with no term limits. Appointments to replace someone for an incomplete term or when the committee is first created, may be appointed for a term less than four years.

607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS -

.8 GOVERNANCE COMMITTEE – The Governance Committee shall assist the Board of Directors in developing effective governance principles that assures the practices and operation of the organization is conducting business efficiently, establishing accountability, and mentoring all members serving in the organization. The duties of the committee shall include, but not be limited to, recruitment and succession planning for the leadership of NCS, overseeing the strategic planning process, education and training of the Board of Directors and committees, assessment of the structure and effectiveness of the Board of Directors and Committees. In addition, the committee shall act as guardians of all board documents.

To be Considered by the
House of Delegates
Fall 2016

R-01

ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Summary: Add the 10 and under age group to be recognized as Top 5 and All Stars.

Rationale: Not sure if the omission was intended, but the 10 and under age group has been included for at least the past five years.

Submitted by: Bill Martin

Recommendation: *(Office Use Only)*

Effective Date: Immediate

214.2. ALL STAR CRITERA

- .1 An NCS Top 5 list will be published that includes the Top 5 NC swimmers in both Short Course Yards and Long Course Meters (from September 1 of the previous year thru August 31 of the current year) in each event in the following age groups: [10 and under](#), 11-12, 13-14, 15-16, 17-18.

To be Considered by the
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R-02

ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Summary: Revise NCS Open Water All-Star Selection Method

Rationale: When OW Zones are on the same weekend as NCS OW
Championship, top swimmers may not participate in NCS OW
Championship

Submitted by: Open Water Committee

Recommendation: *(Office Use Only)*

Effective Date: Immediate

214.2 ALL STAR CRITERIA

- .5 ~~Swimmers placing in the Top 3 in each age group in the NCS Open Water Championship as well as any 18& under swimmer who participates in the USA Swimming Open Water National Championships will be recognized as an NCS Open Water All-Star.~~ Three male and three female swimmers will be selected as NCS Open Water All-Stars by the Open Water Committee in each of the following age groups: 10 and Under, 11-12, 13-14, and 15-18. Selection will be based on a policy established by the Open Water Committee and published in the NCS Policies and Procedures.

To be Considered by the
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R-03

ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Withdrawn

Summary: Charge higher meet sanction fees for clubs that request meets outside the approved Technical Planning process.

Rationale: Clubs have no incentive to follow the current process. In fact, it could be argued that submitting meet requests outside the current process is easier. However, managing late, ad hoc meet requests is an administrative burden for volunteers and staff and has significant potential for inconsistent decisions.

Submitted by: Technical Planning Committee

Recommendation: *(Office Use Only)*

Effective Date: Immediate

ARTICLE 205: AWARD OF DATES

205.1. SCHEDULING

- .9 Once approved, the schedule shall be open to additional meets requiring scheduling as long as any such meet does not conflict with a protected date. These meets will be subject to a higher sanction fee (See 207.9). Any requests for additional meets requiring scheduling must be submitted to both the technical planning committee and the sanctions committee prior to the appropriate sanction request deadline (30 days prior to the meet start date for closed, dual, tri or quad meets and 60 days prior the meet start date for all other type meets). Requests for additional meets that are made after the sanction request deadline shall be assessed a late fee of \$100 for intrasquad meets and \$300 for all other meets in addition to the higher sanction fee. Meet requests within 8 days of the meet start date will not be considered. The Technical Planning Committee shall have the authority to approve or reject any additional meets submitted for scheduling approval. A club may appeal any rejection or fine to the Board of Directors.

ARTICLE 207: MEMBERSHIP, SANCTION, AND APPROVAL FEES

207.9. SANCTION and APPROVAL FEES

- | | | |
|----|---|----------------|
| .1 | National or Sectional Championships | \$0.00 |
| .2 | Meets with no fees other than Travel Fund fees. | \$0.00 |
| .3 | <u>Meets submitted after schedule approval</u> | <u>\$75.00</u> |
| .4 | All other meets | \$10.00 |

| .⁴⁵ Fees shall accompany requests for sanction or approval.

To be Considered by the
House of Delegates
Fall 2016

HK-01

ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Summary: Change reference to proper fees

Rationale: Current reference is incorrect

Submitted by: Legislative Committee

Recommendation: *(Office Use Only)*

Effective Date: Immediate

203.3. APPLICATION PROCEDURE

- .1 Meets - For swim meets other than closed, dual, tri or quad meets, prior scheduling approval is required except as provided in Article 202. As soon as possible after scheduling approval, and at least sixty (60) days before the meet, the meet host must submit to the Senior Vice Chair or his designee:

D. Appropriate Fees. See Article ~~202~~[207.9](#).