

USMS EXECUTIVE COMMITTEE REPORTS

PRESIDENT – Jim Miller, MD

I would like to begin this report by expressing thanks to the Executive Committee and National Office for their steadfast dedication to USMS. As you will quickly see, there is a remarkable amount of work going on by this volunteer group of elected officers. I have always closed my annual report by thanking them for dedicating their time and talents, but this year was so remarkable that it was most appropriate to begin there.

Last year we closed the convention with a large item up for closure. Hosting the 11th FINA World Masters Swimming Championships had been debated in and out of committee and remained a hot topic that we had brought to you. Since then Michael Moore and his outstanding meet committee made extraordinary efforts to prepare the meet bid and present it to FINA (actually traveling to Dubai). Michael was very successful, winning the bid on the first ballot. Since then he and his organizing committee have been very active coordinating marketing efforts worldwide. They set up a booth in Riccione, Italy at the 10th World Masters Championships this past summer getting exposure to over 4,000 athletes. The response worldwide has been gratifying. Michael and all of his workers deserve our applause. As you can see in their report, he is now establishing a corporate structure to satisfy legal requirements and involve the necessary stakeholders, including other aquatic governing bodies. You can see why I have touted this as a wise investment in the world of Masters swimming. Our task going forward is to maximize our opportunity for national growth for USMS from this high profile event.

We will have some international visitors at our convention in Orlando. Amateur Swimming Union of the Americas (ASUA) is the FINA regional governing body for the Americas. Indeed, USAS comes under the governance of ASUA. ASUA is in the developmental stages with regard to Masters swimming. The first Masters Technical Committee meeting will occur in Orlando. We have a golden opportunity to help to mold the ASUA Masters movement. Representatives from all over the Americas will be attending the last several days of our convention and the USAS Banquet. They are here to learn about our self-governing process. As a reminder, ASUA is the FINA governing body for the Americas. This year in late 2003, I met with the President of Masters Swimming for Canada. In January I traveled to Puerto Rico to meet with Mr. Orban Mendoza (President of ASUA) and Jose' de Jesus (Chair of the Masters Technical Committee) following our mid-year Executive Committee meeting in Fort Lauderdale. We discussed cooperative efforts with the existing Masters organizations and how USMS can help support ASUA as they get their Masters Technical Committee under way. The topic of the upcoming Masters Pan American Championships (summer 2005) was central to these discussions and those that were held in Riccione, Italy. FINA has made it clear that they are firmly behind ASUA Masters Pan Ams. The Masters movement in the Americas is fortunate that Mr. Mendoza has taken this opportunity to work with USMS, following his visit to the 2003 convention and introduction to the HOD last year, to strengthen the Masters movement in ASUA and FINA. We are honored to host to ASUA first Masters Technical Committee Meeting. Join me in welcoming them.

Our midyear Executive Committee meeting was very productive. From that meeting came several topics that have been openly debated. The Executive Committee has listened to the requests for expansion of web services. This led to Board of Directors (BOD) approval of a temporary independent contractor for specific projects that have been running far behind. An over budget item for hiring and payment of the contractor was approved by the BOD and the Finance Committee. After issuance of an RFP and interviews a contractor was hired 10 weeks ago. Her work will be directed at web development, member services (via service to our committees and their projects), and web design. The potential ability to catch up to increasing demands for web services is enormous.

This year, the Executive Committee initiated a call for bidders to publish the USMS national publication. The current contract with Sports Publications, Inc., publisher of SWIM, expires at the end of this year. USMS has grown over the years and the publishing world has a lot to offer USMS to promote its core objectives. A professional consultant was engaged, on a limited basis, to assist us in evaluating the strengths and weaknesses of the bids, as they came in. Moving in the direction of a publication that is truly our magazine and responsive to the needs of our members is a tremendous opportunity for USMS. The results of our solicitation of bids, research, and interviews will be presented shortly.

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The governance project has come a long way under the direction of the Planning Chair, Betsy Durrant. It has become increasingly evident that USMS needs a BOD that is focused on the broad scope of the corporation's work core objectives and is of a manageable size. We must be more responsive to our members' needs and have the ability to follow through on the wonderful ideas that come out of every convention. Recent years' developments in cooperative efforts in the committee system (e.g. task forces, block meetings), streamlining and coordinating of the national database, establishment of functioning core objectives, and expansion of communication systems sets this up as a time that is ripe for the opportunity for change. This is an investment in our future that will reap rewards for us for us going forward for years to come. I applaud your courage to look forward and be excited about the potential that the proposed governance changes offer.

VICE PRESIDENT – Scott Rabalais

The role of the USMS vice president is to perform the duties as assigned by the president and to perform the duties of the president should be president be unable or incapable of performing such duties.

During the past year, your vice president has been intimately involved with the process of soliciting bids for the publishing of our national publication, answering questions from potential bidders and reviewing bids. I also took part in the interviews with selected bidders and worked with the Executive Committee in making the final decision on the recommendation to the House of Delegates.

With the ASCA World Clinic in Indianapolis in October, I assisted the Coaches Committee and Mel Goldstein in securing a Masters track for the abbreviated clinic, which will be held in conjunction with the World Short Course Championships. Three experienced Masters coaches will give presentations, and 15 registration grants are being provided to LMSCs by USMS.

"Swim the World for Malaria" is a global swim event in the making that is predicted to enlist one million swimmers participating in December 2005 to raise funds for the malaria cause. USMS has been asked to participate, and more information and an event web site will be up soon that will enable our swimmers to be more knowledgeable about the event. Multitudes of organizations around the world, from governments, corporations, associations, groups and countless individuals have committed to the event.

Along with participating in our annual retreat and regular conference call, I continue to serve as the Executive Committee liaison to Championship, Coaches, Fitness and Recognition & Awards Committees. I am proud of the work that each of these committees has accomplished this past year!

This year's convention promises to present us with interesting opportunities for growth and change. Your willingness to consider such changes is sincerely appreciated.

SECRETARY – Sally Ann Dillon

The Executive Committee has been extremely busy this past year with many important projects crossing our "desks". As secretary I have prepared minutes for our frequent conference calls. The minutes are distributed to the Board of Directors, special assignments, and vice chairs electronically and they are posted on the USMS web site for all to see. I have also kept quite busy in recent months collecting the delegate information and assisting President Jim in selecting the At-Large Delegates.

I continue to be the EC liaison to the History & Archives, Officials, Publications, and Rules Committees and it is a pleasure working with the committee chairs and being involved in their various activities. Sincere thanks to, David Diehl, Barbara Dunbar, Leo Letendre, Meg Smath and their committee members for all of their hard work.

The past year has been quite challenging for me. In addition to my duties as USMS Secretary, I have become a full-time caregiver to my husband who suffered a serious accident and spinal injury in July of 2003. I sincerely appreciate all the good wishes and support that has come from my swimming family at USMS and please know that Glen and I feel very fortunate to have you as friends.

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TREASURER – Doug Church

The year to date has been reasonably unremarkable and the process of tracking cash flow, investments, accounting reports and other financial activities has been normal in every sense. As global markets have taken a beating, our strategy of maintaining most of our reserve funds in fixed income instruments has proven useful even though interest rates for relatively short term certificates of deposit have been very low. We have a number of CD's earning less than 2% interest. Nonetheless, our investments overall have performed reasonably and we continue to maintain a significant reserve.

This is the fourth year for an outside firm to perform a review function. Last year, we obtained a audit. This year we received a review. The audit/review procedure is helpful in providing insight into our financial functions, recommendations for improvements and particular focus on issues of concern, if any. The audit conducted by Clifton Gunderson should be available at convention for general review.

Finally, the opportunity to continue to gain insight into the way the USMS functions as an organization and to interact with other officers, directors, employees and members of USMS has been extraordinary. While there will never be a lack of issues to be dealt with, I have continued confidence in the spirit and motivation of the individuals entrusted with doing our work. We have an outstanding group of officers, an excellent staff and committed and dedicated volunteer leadership at every level.

ZONE CHAIRMAN – Lynn Hazlewood

It's been another busy year in the Zone Chair's office. Somehow, my work for USMS has crept up over 100 hours per month. Wonder how that happened? Without meaning to, I have now exceeded my commitment to consider this position as the functional equivalent of a part-time job, with one year remaining. This unintended consequence feeds into the topics on USMS governance that the Planning Committee will be discussing with the HOD. I hope everyone will give careful consideration to their interesting proposals for streamlining and improving the efficiency of USMS, as well as providing relief from overwork for Executive Committee members.

As Zone Chair, my prime focus this year has been the reinvigoration of the Zone Committee. You can review our accomplishments under the committee reports section of the packet. I believe we have a need for a regional approach to support the local level—whether we keep or replace the current zone configuration. With 53 LMSCs, 500+ clubs, and 42,000+ members, it is too difficult to service and educate the local level from a single point at the top of the pyramid. My hope is that we will develop concepts and support for programs at the national level and place their proactive implementation at the regional level. This would require us to define our regions for functional purposes as well as mandate an activist internal management structure. In the meantime, the Zone Committee will continue to build programs that may be adopted by whatever structure is devised.

Counted among my Executive Committee duties, I am the liaison to the Communications and Long Distance committees. You can review their annual reports in the committee reports section of the packet. I am also liaison to Jim Matysek, USMS Webmaster/IT Director and, along with Jim and Communications Chair Hugh Moore, make up the Web Administration. This year we were able to contract with Marian Briones, to assist Jim in web development. Her value goes beyond providing added resources, in that she gives our webmaster someone to discuss technical and design issues with and, could ultimately grow into a back-up for Jim. Her appointment is for six months, and we will be discussing an extension of the contract during convention. To familiarize HOD members with web operations, the administrators have included information on the Web Development Plan and Web Management Guidelines directly after the Webmaster

PAST PRESIDENT – Nancy Ridout

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It has been my pleasure to continue serving this extraordinary organization during 2004. This Executive Committee has worked diligently and with great commitment since our last convention. We communicate at least twice a month via conference calls during which a lengthy agenda is tackled. Be assured your leadership is working hard to make USMS an organization of which to be proud.

The Executive Committee met face to face for four days in January in Miami at a mid-year meeting. While there we also attended the Masters International Swimming Hall of Fame inductions. Hearing of the achievements of these athletes and listening to what aquatics has meant to them was truly inspirational.

I have also had the pleasure of working with Betsy Durrant and the Task Force on USMS Governance. It has been an exciting group to work with! Many creative and innovative ideas were offered and considered. You will see many of these ideas elsewhere in this packet.

Additionally, over the last three years have thoroughly enjoyed working with the chairs of Marketing (Rich Burns), Records and Tabulation (Pieter Cath), Registration (Anna Lea Roof), the USMS Sponsor Liaison (Mel Goldstein), and the USMS Swim Magazine Editor (Bill Volckening), as Liaison from the Executive Committee. These chairs and service providers are doing fine jobs on behalf of USMS and for the 43,000 swimmers in our ranks. We are truly blessed to have them and so many others like them in our ranks who are willing to share their talents with us.

LEGAL COUNSEL – Patty Powis

In previous years, I have not written a separate Annual Report for the Legal Counsel function, but have instead referred to the Ad Hoc Legal Counselors Committee Annual Report, which often describes specific projects that were undertaken during the year. However, the reality is that most of the legal work for USMS is not in the form of projects that are handled by a committee, but rather is in the form of ongoing legal advice. Therefore, I thought it would be helpful to provide in this Annual Report a description of what Legal Counsel does on a regular basis, highlighting examples of legal work from the past year.

Contracts

USMS has many relationships with individuals and organizations that are governed by contracts. We have contracts with logo licensees (i.e. companies that pay to use the USMS logo on their products) and national sponsors. Working with Mel Goldstein, USMS' National Sponsor Liaison, I create new contracts or adjust renewal contracts based on the specific agreements Mel has reached with sponsors and licensees on USMS' behalf. For example, in addition to the payment of money to USMS, some sponsors provide special member benefits under their contracts. USMS currently has contracts with 11 sponsors and 5 licensees. In the past year, FINIS was added as a new sponsor.

USMS also has agreements with its independent contractors. Some of those contractors are long-term (e.g. SWIM Magazine Editor, National Sponsor Liaison, Controller) and merely require annual renewals. In the past year, we contracted with a new Controller, Margaret Bayless. Other contractors are used only for specific projects. For example, we recently created a contract for a Web Contractor to accomplish some tasks related to the USMS website.

My involvement on a task force that helped prepare USMS' successful bid to host the 2006 FINA Masters World Championships included review and changes to the host organization's contract with FINA. The contract had to be submitted with the bid packet and the task force negotiated with FINA for several changes to the form contract.

The upcoming selection of a publisher for USMS' National Publication after 2004 has necessitated reference to and interpretation of USMS' contract with its current publisher, Sports Publications, and consideration of items that will need to be included in the next National Publication contract.

Other contracts that I have reviewed or changed in the past year include the contract USMS uses with its National Championship hosts, a contract with a meet management software vendor, a grant requirements

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document for the USMS Foundation, and a non-disclosure agreement for companies providing on-line event registration services.

Grievances

Although USMS now has a new grievance structure and National Board of Review, Legal Counsel is frequently contacted by members, clubs, LMSCs, and the Executive Committee to address potential and formal grievances. The past year has required extensive involvement in disputes arising in one particular LMSC, and the hearing and appeal of a long-standing grievance from another LMSC. I must say that while I appreciate the enthusiasm that many USMS members have for their sport and LMSC/club governance, I am disappointed by the acrimonious manner in which some members communicate with one another that often gives rise to disputes and grievances.

During 2004, I have been involved in the appointment of the National Board of Review in compliance the new Part 4 legislation that created the NBR. NBR Chair Carolyn Boak has selected a very capable and qualified NBR.

Liability and Insurance

Throughout the year, I receive questions about liability and insurance issues. The insurance issues, many of which deal with whether there would be coverage in a particular situation, necessarily involve USMS' Insurance Committee Chair and insurance broker, who I copy on any responses regarding insurance. We frequently receive questions about insurance coverage for Masters practices (especially when non-members are in the water or coaching on deck) and coverage for competitions and fitness events that may involve members and non-members. We also receive questions about insurance and liability that arise in the sanctioning process, with sanctions chairs asking whether they should sanction certain events that raise potential liability risks or coverage issues.

We also have occasional claims under our insurance policy that include potential liability claims against USMS. For example, in the past year I consulted with our insurance broker with regard to a claim arising from an injury at the 2003 Long Course Nationals.

Releases

I often receive questions about liability releases that USMS registrants must sign. At times, a person registering for USMS will either refuse to sign our liability release or attempt to change its wording, and the LMSC registrar contacts me for advice. USMS does not accept registration without a signed release and does not allow any changes to its registration release.

I also receive questions about event releases. Some members are unaware that we can add the names of other entities to the liability release so that a meet or open water participant not only releases USMS from liability, but also releases entities such as municipalities and named sponsors.

With regard to other types of releases, I provided some legal review in the past year for the USMS History & Archives Committee, which has been diligently perfecting USMS' photo archives by getting releases from persons who are subjects of photos and seeking permission to use photos from photographers.

Legal Review

In addition to tasks in specified areas such as contracts or grievances, Legal Counsel is asked to give advice on various matters related to the ongoing business of USMS. For example, I often review written material to spot potential legal issues or, because attorneys work with language, assist with wording. In this regard, I review meeting minutes for the Executive Committee and task forces on which I serve, and review SWIM articles that may raise legal issues.

Increasingly, I receive inquiries about how certain actions may affect the privacy concerns of our members. At times, vendors or other entities outside of USMS seek mailing lists or e-mail lists. Other than our USMS

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sponsors, who are allowed to make one mailing to members per year, USMS does not provide this information outside of the organization.

Upcoming Issues

In addition to the areas above, we will have additional matters that will require legal advice in the coming year. As you will see from other materials you will receive in this packet, USMS is undertaking a deep examination of its governance structure and recommending changes to that structure. These changes and their consequences will require legal advice both with regard to implementation in our bylaws and to ensure that USMS complies with applicable state laws regarding corporate structure and federal tax laws for non-profit entities.

As the 2006 FINA World Masters Championships near, the Local Organizing Committee that is preparing for the meet is involved in a tremendous amount of activity. The LOC does have its own attorney but, to the extent that legal issues affect USMS, its LMSCs or its sponsors, the LOC will be contacting USMS Legal Counsel.

USMS is now preparing for on-line membership registration, and many clubs have begun using on-line registration for swimming events. These on-line capabilities raise legal issues with regard to privacy protection and the validity of on-line signatures, among other things. This area will therefore require further attention in the coming year.

The role of USMS Legal Counsel is active and affords the privilege to serve USMS on many levels. I appreciate the opportunity to work with so many capable and dedicated volunteers and to serve a sport and organization that are very important to me.
