

URGENT NOTICE

The Special House of Delegates for Southern California Swimming that was announced on December 27th with a scheduled date for January 15, 2020 **is cancelled.**

The Southern California Swimming Board of Directors meeting that has always been scheduled for January 15, 2020 will begin at 8:00 PM as it was regularly scheduled.

My decision on December 27 to include the five days remaining in December and the 15 days in January as a 20-day notice has been ruled out of order by the USA Swimming Chairman of the Rules and Regulations Committee.

“I can confirm the 20-day notice that you gave is ineffective.

The way you properly calculate the 20 days is starting the day AFTER as the first day so the 16th of January would have been the first available date for a meeting.

Thus the notice is not in compliance with your bylaws and you will need to re-notice the date and time of the meeting. Also, your bylaws do not require exactly 20 days, but at least 20 days.

SoCal bylaws 4.13.1

.1 Time - Not less than twenty (20) days' written notice shall be given to each member of the House of Delegates for any annual, regular or special meeting of the House of Delegates. See Section 14.1.3 for the various permitted means of notice.

Additionally, it is unclear who decides when the notice is given, the petition only grants those requesting a meeting. I would poll the board to get input on when the meeting should occur and allow at least 20 days' notice.

As to the validity of the petition, your bylaws say the petition must be signed by at least 10 group members of the (SCS) House of Delegates. The petition was not signed by anyone as far as I can tell. Moreover, it seems the person signing should be a group member of the (SCS) House of Delegates who has been duly appointed per bylaw. I do not have the info to make this assessment.”

Clark Hammond, USA Swimming Rules and Regulations Committee

As a result of these rulings the Special House of Delegates for Southern California Swimming scheduled for January 15, 2020 **is cancelled.**

The request to have a Special House of Delegates remains received and the request will be added to the agenda for the SCS BOD at its regularly scheduled meeting on January 15th. Here is what our bylaws say regarding a request such as this:

From the SCS Bylaws:

4.7 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of Directors or the General Chair. Should the Board of Directors or the General Chair fail to call the annual or scheduled regular meetings or should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by a petition signed by at least ten (10) group members of the House of Delegates.

4.13 NOTICES

.1 TIME - Not less than twenty (20) days' written notice shall be given to each member of the House of Delegates for any annual, regular or special meeting of the House of Delegates. See Section 14.1.3 for the various permitted means of notice.

.2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special meetings of the House of Delegates, the expected purpose (which may be general) of the meeting shall be stated. If an expected purpose is the amendment of the Bylaws, a copy of the proposed amendment shall be included in the notice. Failure to have included in the notice any germane amendments subsequently adopted by the House of Delegates at the noticed meeting shall not be the basis for any claim that the amendments as so adopted are invalid.

Regarding the reasons to hold a Special House of Delegates Meeting for Southern California Swimming as stated in the SCS Bylaws 4.7:

4.7 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of Directors or the General Chair.

1. *“Should the Board of Directors or the General Chair fail to call the annual or scheduled regular meetings or*
2. *should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by a petition signed by at least ten (10) group members of the House of Delegates.”*

I will add the request to the agenda for January 15th's SCS BOD Meeting by way of recognizing the Orange Committee - Chair during the General Chair Report and entertain a motion to call for a Special House of Delegates Meeting of Southern California Swimming at that time.

Should the SCS BOD desire to accommodate this request and pass such a motion then my recommendation would be to hold a Special HOD meeting on the third Wednesday of the month.

- This is when the SCS Board of Directors normally meets.
- I would recommend February 19, 2020 for the date of this Special HOD.
- This would help meet the March 31st deadline required by USA Swimming.

This proposal is:

Re: Formation of Orange County Swimming (See attached)

In every HOD meeting, each currently registered club in SCS has a vote. Please read and ask questions beforehand in order to have an informed decision with an understanding of the content of the proposal. This could help each voting member to best consider how it will affect their club and its effect on the entire SCS LSC.

Positions Statements from the Orange Committee and SCS General Chair with collaboration are attached to this email notification and posted on the SCS website.

Here is the process:

The approval votes by the clubs of Orange Committee received by the SCS office are being confirmed.

From the USA Swimming Rulebook

604.3 FORMATION OF A NEW LSC

.1 If two-thirds (2/3) of the number of Club Members in a contiguous area within an LSC wish to form a new and independent LSC, and should the House

of Delegates of the LSC, by a two-thirds (2/3) vote of the members present approve the change, the proposed formation of the new LSC shall be submitted to the Chair of the USA Swimming Rules & Regulations Committee. Such request must be received by the Chair prior to April 1.

.2 The USA Swimming Rules and Regulations Committee shall make a recommendation to the USA Swimming House of Delegates at the next annual meeting for its approval or disapproval. Should approval be granted, the formation of the new LSC shall become effective as of the first day of the fiscal year of the old LSC following such approval, unless an earlier date is agreed to by the Board of Directors of the existing LSC. Club Member approval of the creation of the new LSC shall be in accordance with the rules of the Club Member and shall be duly certified by the Club Member's president and secretary. The change shall include all clubs in the specified contiguous area.

.3 At the time of the effective date the net assets of the existing LSC (after payment of or provision for all debts) shall be divided with the new LSC in proportion to the number of registered athletes within each LSC as of the August 31 closest to the effective date.

.4 During the period of time between the date on which the new LSC is approved by the USA Swimming House of Delegates the effective date of the new LSC, the USA Swimming Board Chair shall promptly appoint a governing ad hoc committee of no fewer than seven (7) members from among USA Swimming members of the new LSC, including one athlete and one coach, to be charged with the responsibility of:

A notifying all clubs within the new LSC to elect at least one delegate and alternate to the new LSC House of Delegates; B scheduling and notifying in writing about the place, date and time of a meeting of the new LSC House of Delegates as soon as conveniently possible after the effective date; C providing an agenda for the first meeting to permit the orderly election of officers and directors, adoption of Bylaws, appointment of committees and their respective chairs; and D attending to such other matters as may be necessary to permit the new LSC to become a fully functioning administrative unit of USA Swimming.

- Please discuss what the impact of the formation of a new LSC has within your Club's Leadership.
- Please discuss the impact of this decision within your Geographic Committee's Leadership.
- Please have your Club's Representative present at the Special House of Delegates to vote your club's preference on this proposal.

Date: TBD

Time: TBD

Place: Baldwin Park Courtyard Marriott
14635 Baldwin Park Towne Center
Baldwin Park, CA 91706

Thank you for your attention, concern and input on this matter.

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Terry W. Stoddard, General Chair
Southern California Swimming
Cell Phone: 818-681-5985
Email: twstoddard@pasadena.edu

Kim O'Shea, Executive Director
Southern California Swimming
310-684-1151
www.socalswim.org

Southern California Swimming
28000 S. Western Ave., #226
San Pedro, CA 90732
310-684-1151

XC SCS Board of Directors