

MEMORANDUM FOR DFMWR, Private Organizations, ATTN: Wendy Reid & Yuki Celestino

SUBJECT: Request to Establish Permission to Operate on **[USAG Presidio Of Monterey]**

1. Request approval to establish the **[organization's name]** and obtain permission to operate on the installation.
2. The **[organization's name]** will provide a source of support to further the morale and well-being of Soldiers and Family Members of your command. The organization will operate in accordance with AR 210-22, all regulatory guidance, local policies, and the enclosed constitution and by-laws.
3. The **[organization's name]** understands the installation nor the government will have any liability for the PO's actions or debts. **[Organization's name]** will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the government and will not seek to deprive individuals of their civil rights. The installation commander may revoke permission to operate at any time.
3. A roster of Executive Board members (enclosed) will be updated and kept current at the DFMWR Private Organization Office.
4. The **[organization's name]** will resubmit the constitution and by-laws for revalidation on a two-year basis and submit any changes/amendments for approval before the effective date.
5. The treasurer/fund manager will submit monthly or quarterly financial statements and an audit every two years, or upon change of the treasurer/fund manager.
6. The [organization name] will submit a revalidation request no less than 90 days before expiration of the two year approval.
7. Requests to conduct all fundraisers on the installation will be submitted for approval in sufficient time for SJA approval (if necessary).
8. All documentation will be forwarded to DFMWR Financial Management Office, 4260 Gigling Road, Seaside, CA Ste 08 or Ste 10. Email: wendy.j.reid.naf@army.mil and yuki.h.celestino.naf@army.mil

[Signature]
[Title]
[Organization]

SAMPLE - PRIVATE ORGANIZATION CONSTITUTION AND BY-LAWS

CONSTITUTION

(ORGANIZATION TITLE)

ARTICLE I

NAME AND PURPOSE

Section 1. The name of this organization will be the (state the full name of the private organization).

Section 2. The purpose of the organization is to:

ARTICLE II

GENERAL PROVISIONS

Section 1. The organization is established as a Type 3 Independent Management Private Organization (PO), and, as such, it has no formal connection with organizations outside the installation. It operates and exists on the military installation of Presidio of Monterey only with the consent of the Installation Commander or his designee, the Directorate of Family, Morale, Welfare and Recreation (DFMWR). This consent is contingent upon compliance with the requirements and considerations of all Army regulations, specifically Army Regulation 210-22, and applicable state and local laws.

Section 2. Activities of the organization will not be conducted in the name of the installation or organization of the military establishment unless the organization has received authorization to use the name of the installation in its title. Even if this approval is received, the organization will not represent itself to be an official appropriated (APF) or nonappropriated fund (NAF) activity of the Department of the Army. No seal, insignia or other identifying device of the local installation or other military department or service may be utilized, unless permission to utilize the installation's symbol or insignia is received from the Installation Commander.

Section 3. All activities conducted by the organization will not prejudice or discredit the military services or other agencies of the U.S. Government.

Section 4. The FUND is more limited in scope than a formal private organization. It operates and exists on the Presidio of Monterey military installations only with the approval of the installation commander, acting through his/her designee, the Director of Morale, Welfare and Recreation (DFMWR). This approval is contingent upon the FUND's compliance with DOD Instruction 1000.15.

Section 5. The FUND will comply with all Federal, State, and local laws, to include tax laws. The FUND must seek private counsel or contact proper tax officials to ensure its compliance with all tax laws.

Section 6. All members will totally understand that they may be held personally liable if assets of the FUND are not sufficient to discharge all liabilities in the event of bankruptcy, insolvency or dissolution. Liability will be determined in accordance with the laws of applicable jurisdiction. The Department of the Army will not be liable for any liability incurred by the FUND, or by any member or members acting in its behalf.

(SELECT EITHER)

All FUND obligations incurred by an agent of the FUND, acting in an official capacity as the FUND's representative, which cannot be satisfied by the FUND's assets, will be paid by equal contributions from all FUND members regardless of when the liability incurred.

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All FUND obligations incurred by an agent of the FUND, acting in an official capacity as the FUND's representative, which cannot be satisfied by the FUND's assets, will be paid by equal contributions from all FUND members at the time the obligation was incurred.

ARTICLE III OFFICERS AND GOVERNING BODY

Section 1. The FUND Manager will be appointed by (Name of Commander or Director), or The FUND Manager will be elected by a majority of the FUND membership at its annual meeting.

Section 2. The FUND Manager will be responsible for the FUND's custody, accounting and documentation.

Section 3. Duties of the **FUND** Manager are also expressed in the by-laws.

ARTICLE IV MEMBERSHIP

Section 1. Active Member: Membership is restricted to soldiers and DOD civilian employees actually assigned or attached to (Unit Name). Membership is voluntary and is effective upon verbal or written request. Thereafter membership shall continue until and will automatically terminate upon departure, reassignment, retirement or resignation from the unit, or death.

Section 2. The Fund fully supports the government's policy on equal opportunity. There will be no membership discrimination based on age, race, color, sex, national origin or religion.

Section 3. Members will read the constitution and by-laws as a condition of membership.

ARTICLE V ADMINISTRATION

The **FUND** shall be administered in accordance with the provisions of the constitution and its by-laws. DOD Instruction 100.15, and other governing regulations and directives may be issued by the Installation Commander.

ARTICLE VI
METHOD OF FINANCING

Section 1. The FUND is considered a self-sustaining, non-Federal entity. Its' income will be obtained primarily through dues, contributions, service charges, fees or fundraising activities.

Section 2. All fundraising activities will receive prior written approval from DFMWR, ATTN: Ms. Wendy Reid and Yuki Celestino after written application.

ARTICLE VII ACTIVITIES

Activities of the FUND will be consistent with its stated purpose. Such activities may include, but are not limited to: EXAMPLES:

- a. Promote unit cohesion by sponsoring planned social activities.
- b. Provide a source of funds to assist employees, soldiers and family members during times of tragedy.

ARTICLE VIII MEETINGS AND QUORUMS

Section 1. Meetings shall be held (state when)

Section 2. An annual meeting of the general membership shall be held for the election of the FUND Manager. This annual meeting may coincide with a monthly meeting during the month of provided there is a quorum of members present. In the event a quorum is not present, a special meeting will be scheduled within 30 days from that date to effect election.

Section 3. Special meetings may be called, as required, by the Fund Manager. The Fund Manager will send out notices in advance of said meeting.

Section 4. Should the FUND's net worth exceed **\$1,000.00** in value, the FUND must submit a fiscal statement or audit to the Installation Commander and DFMWR. At this time, the FUND must also request authorization from DFMWR to operate as a formal PO or request an exception to policy for the fund overage.

ARTICLE IX BY-LAWS

Section 1. The FUND shall establish by-laws from time to time as is necessary for the efficient operation of the organization.

Section 2. By-laws shall be conditionally effective upon approval by the FUND Manager and finally effective when adopted by a majority vote taken in an active membership meeting. Amendments to the bylaws are subject to the same procedure as stated in Article X.

ARTICLE X ADOPTION AND AMENDMENT

Section 1. This constitution is adopted subject to the approval of a majority vote of the general membership of the FUND and subject to final approval by the Installation Commander.

Section 2. This constitution may be amended by a two-thirds vote of the general membership.

ARTICLE XI
DISSOLUTION

Section 1. Upon receipt of notification from the Installation Commander or upon agreement of three-fourths of the membership, the FUND shall be dissolved.

Section 2. All funds contained in the treasury at the time of dissolution will be used to meet any outstanding debts, liabilities, or obligations. All organizational obligations incurred by the FUND Manager which cannot be satisfied by the FUND's assets, will be paid by equal contributions from all FUND members at the time the obligation was incurred.

ARTICLE XII
ADOPTION

This constitution was adopted by a majority vote of the active membership on (date)

(Signature of FUND Manager) This is the same as a president, not the Fund Custodian or Treasurer.

BY-LAWS

(YOUR ORGANIZATION TITLE)

ARTICLE I ADOPTION OF BY-LAWS

These by-laws are adopted and may be demanded in accordance with Article IX, Section 2 - Constitution.

ARTICLE II

Duties of the FUND CUSTODIAN:

- a. Responsible for fund custody, accounting and documentation.
- b. Report quarterly to the appropriate military or civilian supervisor concerning the fund's existence and purpose, financial status, or upon occurrence or suspicion of irregularities associated with the fund. A copy of this financial report will be provided to DFMWR annually or upon change of FUND custodian or change of commander.

ARTICLE III MEMBERSHIP APPLICATIONS, RESIGNATIONS

Section 1. Prospective members may apply by submitting their name and address (orally or in writing) to the FUND Manager.

Section 2. Resignations will be accepted at any time after a member has settled all outstanding financial obligations to the FUND.

ARTICLE IV ELECTIONS AND VOTING

Section 1. Elections shall take place annually in accordance with Article VIII, Section 2 - Constitution.

- a. The FUND Manager will be elected for a period of 1 year.
- b. The FUND Manager shall be elected by secret ballot.

Section 2. Voting:

- a. Each member shall have one vote. Voting will not be permitted by proxy.

b. At all meetings, except for the election of the FUND Manager, all votes shall be via voice.

ARTICLE V
DUES AND FEES ARTICLE V

Section 1. There will be no initial fee or dues required in order to be a member of the FUND. However, the FUND may levy, upon the general membership, such dues and fees as deemed necessary for the business of the FUND. A majority of the membership must approve this action prior to its initiation.

Section 2. Nonpayment of dues shall be grounds for expulsion from the FUND. However, the member must receive notice of the delinquency and 30 days from the date of notice to remedy the situation.

APPENDIX F

SAMPLE FORMAT FOR AN AUDIT REPORT

(Name of Private Organization)
P.O. Box 1234
Fort Excellence, CA 12345-6789

AUDIT REPORT

For the Period (*Beginning Month & Year*) thru (*Ending Month & Yea.*)

FUND BALANCES

	<u>Beginning Balance</u>	<u>Ending Balance</u>
Balance in Checking Account	\$ 525.31	\$ 498.76
Balance in Saving Account	\$ 125.00	\$ 125.00
Cash on Hand (change & petty cash funds, etc.)	\$ <u>100.00</u>	\$ <u>100.00</u>
Total	\$ <u>750.31</u>	\$ <u>723.76</u>

(NOTE: Beginning balances should equal ending balances on last audit)

FUND REVIEW

BEGINNING BALANCE \$ 750.32

INCOME (*List income by major categories*)

Oues	\$ 250.00	
Contributions	\$ 50.00	
<u>Meal Fees</u>	\$ <u>350.00</u>	
Total Income		\$ 650.00

EXPENDITURES (*List expenditures by major categories*)

Supplies	\$ 126.56	
Donations	\$ 200.00	
<u>Meals</u>	\$ <u>350.00</u>	
Total Expenditures		\$ 676.56

ENDING BALANCE \$ 723.76

AUDITOR COMMENTS:

(*Make any comments or exceptions in regards to the audit of these funds and their internal controls.*)

This audit was made in accordance with current regulations and includes tests of the accounting records and internal controls. In my (our) opinion, subject to the above comments and exceptions cited in this report, the fund examined reflects the results of operations in accordance with applicable directives.

<u>Signature of Audit Committee Member</u>	<u>Name of Audit Committee Member</u>	<u>Dated Signed</u>
<u>Signature of Audit Committee Member</u>	<u>Name of Audit Committee Member</u>	<u>Dated Signed</u>
<u>Signature of Audit Committee Member</u>	<u>Name of Audit Committee Member</u>	<u>Dated Signed</u>

Format for an Audit Report

APPENDIXE

SAMPLE FORMAT FOR A FINANCIAL REPORT

(Name of Private Organization)
P.O. Box 1234
Fort Excellence, CA 12345-6789

FINANCIAL REPORT
For the Month of August 2003

Operating Funds Available as of 1 August 2003 \$ 2,514.33

OPERATING FUNDS:

Change Fund	\$ 146.00	
Decorations	\$ 72.00	
I" VP (Luncheons)	\$ 380.38	
I" VP (Programs)	\$ 2.51	
Membership	\$ 72.50	
Ways & Means (Consignment)	\$ 183.20	
<u>Ways & Means</u>	<u>\$ 558.85</u>	
Total Operating Income		\$ 1,415.44

OPERATING EXPENSES:

Child Care	\$ 28.00	
Entertainment	\$ 146.00	
Decorations	\$ 57.23	
I" VP (Luncheons)	\$ 409.47	
Historian	\$ 55.94	
Membership	\$ 288.32	
Newsletter	\$ 61.42	
Recording Secretary	\$ 25.26	
<u>Ways & Means (Consignment)</u>	<u>\$ 309.88</u>	
Total Operating Expense		<u>\$ 1,381.59</u>

Operating Funds Available as of 31 August 2003 \$ 2,518.18

Submitted by:

Verified by:

Signature of Treasurer
Name of Treasurer
Position Title (Treasurer)
Date Signed

Signature of Person Verifying Report (Normally the Vice President or President)
Name of Person Verifying Report
Position Title (Title of Person Verifying Report)
Date Signed

Sample Format/or a Financial Report

APPENDIXE

APPENDIXD

SAMPLE FORMAT FOR MEETING MINUTES

(Name of Private Organization)

P.O. Box 1234

Fort Excellence, CA 12345-6789

1. The meeting of the (Name of Private Organization) was called to order on (date and time).
2. The following personnel and members were present:
 - a. Members Present:
 - b. Guest Present:
3. OLD BUSINESS:
 - a. The minutes of the last meeting were read and approve (or approve with the following changes).
 - b. The financial report was presented and approved (or approved with the following changes).
4. NEW BUSINESS:
 - a.
 - b.
 - c.
5. DISCUSSIONS:
 - a.
 - b.
 - c.
6. The meeting was adjourned at (date and time). The next meeting will be held (date and time) at (location).

Signature of Secretary

Name of Secretary

Position Title (Secretary)

Date Signed

Signature of President

Name of President

Title of Position (President)

Date Signed

Attachment

Financial Report

Sample Format/or Meeting Minutes

APPENDIXD