

CONSTITUTION OF THE XXXXXX

ARTICLE I - NAME AND PURNFESE

Section 1: This Association will be officially known as and called the " " "

Section 2: The Association is established as a Non-Federal Entity pursuant to:

- a. DODI 1000.15, Non-Federal Entities on DOD Installations.
- b. DOD 5500.7-R, Joint Ethics Regulation.
- c. AR 210-22, Non-Federal Entities on Department of the Army Installations.
- d. Maneuver Center of Excellence Policy memoranda regarding Non-Federal Entities.

Section 3: The Association exists on the military installation at the discretion and with the consent of the Installation Commander or his designee.

Section 4: The purpose of the Association is to **[You should insert the purpose of your association, for example “the purpose of XXXX is to promote esprit de corps and cohesion amongst the senior leader of XXXX Regiment by discharging certain social obligations, including hail/farewells, births, deaths, and marriages”]** This Constitution supersedes all previous constitutions.

ARTICLE II - GENERAL PROVISIONS

Section 1: The Association will be self-sustaining and will receive no financial assistance from any non-appropriated fund instrumentality in the form of contributions, repairs, services, dividends, or other donations of money or other assets.

Section 2: The Association will be a non-governmental association, established and operated by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Government. The Association is not established nor operated pursuant to authority vested in the Army or any official thereof.

Section 3: The Installation Commander or his designee may withdraw his consent for the Association to operate on the installation at any time. Consent for the Association to operate on the installation will automatically cease two years after being granted unless the Association applies for and receives revalidation within that one-year period.

Section 4: The programs and activities conducted will not prejudice or discredit the military service or any agency of the United States Government.

Section 5: We will not use the name of any DOD component, unit, or installation in our name. If we want to include such in our name, we will: **[Non-Federal Entities may include the name or abbreviation of the DOD Component, organizational unit, or installation in their name, provided they take effective steps to ensure that their status as a Non-Federal Entity is apparent and unambiguous. Such steps include, at a minimum:]**

a. Not use a seal, logo, or insignia of any DOD component, organization, unit or installation on the Association's letterhead, correspondence, or in its title.

b. Not use the name so that it may mislead members of the public to assume the Association is in fact an organizational unit within the Department of Defense.

c. Receive prior approval for such use by the head of the appropriate DOD organization. At Fort Moore the approval authority is the commander of MCoE and Ft. Moore or his designee.

d. Use a prominent disclaimer on all print and electronic media confirming that the Association is not part of the Department of Defense.

Section 6: The Association will not compete with any appropriated or non-appropriated fund activity that offers similar programs or services.

Section 7: The Association will reimburse the Army for any utility expenses incurred by the Army as a result of the operation of the Association, unless it would cost the Army more to bill and collect than it costs to provide the utility.

Section 8: The Association will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.

Section 9: The Association will not seek to deprive individuals of their civil rights.

Section 10: The Association will not engage in the distribution or sale of alcoholic beverages at any time.

Section 11: The property of this Association will consist of such articles as may properly come into its possession. The property shall be accounted for by the Treasurer in accordance with generally accepted accounting principles. Should this Association either dissolve or cease to be allowed to operate on Fort Moore, Georgia, this Association will remove all the Association's property from Fort Moore within 10 working days of dissolution or receipt of notice to cease activities on Fort Moore. After that time, the Association's property will be considered abandoned on the installation by the Association and may be acquired or disposed of by the installation under applicable DoD, Army, federal, State, and or local laws, regulations, etc.

Section 12: All records of this Association, excluding permanent files and the uncompleted checkbook, shall be kept on a calendar year basis, and held at least three (3) years after which time they may be destroyed. The checkbook will be placed with related records when it is completed, using the applicable provisions of AR 25-400-2 series as a guide.

Section 13. In no event shall the United States Government be held liable, in fact or in spirit, for any actions taken or indebtedness incurred by the Association or the members of the Association.

ARTICLE III - OFFICERS AND GOVERNING BODY

Section 1: Elected officers of the Association shall be the President, Vice President, Recording Secretary, and Treasurer.

Section 2: Appointed officers may be chairpersons of each standing committee. The President shall appoint them.

Section 3: Nominations, elections, terms of office, and duties are outlined in the Bylaws.

Section 4: The Association shall be administered under the supervision of the Executive Board in accordance with the approved Constitution and Bylaws and other applicable government directives.

Section 5: The Executive Board will consist of the elected officers, standing committee chairpersons and designated group representatives. All members of the Executive Board will be entitled to vote.

Section 6: The Executive Board shall carry out the purposes and objectives of the Association by approving the transaction of routine business in accordance with the approved Constitution and established policies and shall make and enforce such Bylaws as are necessary for the government of this Association.

Section 7: At the end of the Association year, all outgoing officers and chairpersons of standing and special committees shall submit to the Recording Secretary a written report. One copy will go to the incoming President, one copy to the appropriate officer and/or committee chairpersons, and one copy to the Association files.

ARTICLE IV - MEMBERSHIP OR PATRONAGE

Section 1: Membership in this Association will be voluntary. Active membership will be open to all soldiers of XXXX and their family members and Associate membership will be open to all retired or civilian members of XXXX and their family members, which associate members may not hold elective office in the Association, vote on Association matters, or otherwise participate in the management of the Association.

Section 2: The XXXX will advertise and solicit membership by: XXXX [discuss how you will advise prospective members of the Association while ensuring membership is voluntary

and without coercion]. Membership in the Association will not be discussed in official business meetings, and the Association secretary and/or treasurer will strictly maintain lists of members and non-members. Under no circumstances will such lists be posted in public view in the workplace.

Section 3: Membership discrimination based on race, color, sex, religion, age, disability, or national origin will not be permitted. The use of male pronouns in this document is a matter of convenience and in no way implies any intent to discriminate against women.

Section 4: All members shall be required to read the Constitution and Bylaws as a condition for membership.

ARTICLE V - METHOD OF FINANCING

Section 1: The revenue necessary to pursue the objectives of the Association shall be derived from dues and from revenue-producing activities conducted by the Association when required, approved, and conducted under the guidance and supervision of the Executive Board. All revenue-producing activities shall have prior approval of the Installation Commander or his designee. We understand that gambling in federal buildings is prohibited and that raffles on post have been restricted as a matter of policy. Raffles conducted off post will be in conformance with Georgia law and with the approval of the county sheriff.

Section 2: The dues of this Association are established by the Association's Bylaws, but may be amended annually by a simple majority vote of the Executive Board. No dues will be refunded upon departure or reassignment of any member.

ARTICLE VI - ACTIVITIES

Section 1: In support of its purpose, the Association plans to **[In this article, the association describes the activities it plans to carry out in support of its purpose. Examples include bake sales and parties.]**

ARTICLE VII - INCOME TO MEMBERS

Section 1: Income shall not accrue to individual members except through wages and salaries as employees of the Association or as award recognition for service rendered to the Association or the military community.

ARTICLE VIII - MEETINGS AND QUORUMS

Section 1: General Membership Meetings

a. The General Membership will meet in January or in the first month of the Association's fiscal year and at the request of any member. At each meeting, the Treasurer will render a financial status report.

b. One half of the active members of the Association will constitute a quorum. A simple majority vote shall govern.

Section 2: Executive Board Meetings.

a. The President shall determine how often the Executive Board will meet. Special meetings of the Executive Board may be called at the request of any board member.

b. One half of the members of the Executive Board will constitute a quorum. A simple majority vote shall govern.

Section 3: All meetings will be conducted according to the then current Robert's Rules of Order (Revised Edition). The President will have the final authority to decide points of order.

ARTICLE IX - ADOPTION AND AMENDMENTS

Section 1: This Constitution and any Bylaws hereto will become effective upon adoption by a simple majority vote of the General Membership present at a duly constituted regular or special meeting and upon approval of the Installation Commander or his designee. This Constitution will then supersede all previous constitutions and amendments except that it will not affect officers elected, specific agreements, or contracts entered into under the terms of previous constitutions until such terms of agreement or contracts have reached their expiration date.

Section 2: Notice of amendments to the Constitution must be made at a regular membership meeting prior to presentation for a vote at a regular or special meeting of the general membership.

Section 3: Amendments to the Constitution must be approved by a simple majority vote of the General Membership present at a duly constituted regular or special meeting. **[Another option is to use the following instead of the first sentence: Amendments to the Constitution must be approved by a simple majority vote of the members of the Executive Board present at a duly constituted regular or special meeting.]**

Section 4: Bylaws may be amended by a simple majority vote of the Executive Board present and voting in a duly constituted meeting. A member desiring to propose an amendment shall present the proposed amendment in writing with his/her signature to the Executive Board. The board shall consider the amendment at its next meeting.

ARTICLE X - INSURANCE

Section 1: **[WHICHEVER IS CORRECT, EITHER:**

The Garrison Commander (GC) or the GC's DFMWR designee has been furnished with a "Declaration Page", "Policy", and a "prepaid in-full" receipt for one (1) year's coverage as proof of "umbrella" liability insurance in the amount of \$XXXXXX; which amount the GC or the GC's DFMWR designee deemed as sufficient for protection against public liability, claims,

property damage claims, or other legal actions arising from Association activities, one or more of the Association's members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and or responsibility of the Association. Should that amount of insurance coverage be insufficient, the Association members may be held personally liable for debts, claims, and legal actions that arise as a result of the activities of the Association or one or more of its members acting on its behalf. Therefore, individual Association members could be sued, judgments could be rendered against them, and their assets (e.g., land, homes, cars, bank accounts, other personal and or real properties) could be seized and or their salaries and incomes (military and or civilian) garnished to pay the judgments.

OR

The GC or the GC's DFMWR designee granted the Association a waiver of the requirement for "umbrella" liability insurance for protection against public liability, claims, property damage claims, or other legal actions arising from Association activities, one or more of the Association's members acting on its behalf, or the operation of any equipment, apparatus, or device under the control and or responsibility of the Association. Therefore the Association members may be held personally liable for debts, claims, and legal actions that arise as a result of the activities of the Association or one or more of its members acting on its behalf. Therefore, individual Association members could be sued, judgments could be rendered against them, and their assets (e.g., land, homes, cars, bank accounts, other personal and or real properties) could be seized and or their salaries and incomes (military and or civilian) garnished to pay the judgments.]

Section 2: The Association members may be held personally liable for debts, claims, and legal actions that arise as a result of the activities of the Association or one or more of its members acting on its behalf. All members shall be required to sign a statement acknowledging their individual personal liability in the event Association assets are insufficient to discharge all Association liabilities. The Association shall ensure that all State and jurisdictional laws are met.

Section 3: Fidelity bonding will be purchased for members or employees handling monthly cash flow exceeding \$500. Such bonding will be in an amount equal to the normal maximum amount of cash handled.

ARTICLE XI - DISSOLUTION

Section 1: Upon dissolution of the Association by an affirmative majority vote of the General Membership, without any provision to meet again in the future, the funds in the treasury at the time shall be used to meet any outstanding debts, liabilities, or obligations. The balance will be disposed of as determined by the membership with the proviso that members can only dispose of the assets in a manner consistent with the purposes of the Association for which the funds were raised initially. No part of the remaining assets may inure as income to the members. This liquidation may result in a personal liability on the part of individual members. In the event that Association liabilities exceed Association assets, individual members will be personally liable for his pro rata share of the Association's outstanding liabilities.

This Constitution was approved by a simple majority vote of the General Membership present at a regular meeting held on _____ . In witness whereof the following officers affix their signatures.

President _____

Vice President _____

Recording Secretary _____

Treasurer _____

**BYLAWS
OF THE
XXXX**

ARTICLE I DUTIES OF THE OFFICERS

Section 1: The duties of the officers shall be those implied by respective titles, those prescribed by the Constitution of the Association, and those specified by these Bylaws. Officers may hold the same office for consecutive terms.

Section 2: The Association, its officers, and its members will comply with all provisions of the following regulations:

- a. DODI 1000.15, Non-Federal Entities on DOD Installations
- b. DOD 5500.7R, Joint Ethics Regulation
- c. AR 210-22, Non-Federal Entities on Department of the Army Installations
- d. Maneuver Center of Excellence Policy memoranda regarding Non-Federal Entities

Section 3: President -The President shall preside at the meetings of this Association and of the Executive Board and shall be a member (ex-officio) of all committees. He shall, with the Treasurer, review all contracts and obligations authorized by the Executive Board. The President shall cosign all disbursements (checks) in excess of three hundred dollars (\$300.00). The President shall appoint all standing and special committee chairmen, unless otherwise stated in the Bylaws.

Section 4: Vice President -The Vice President shall assist the President and perform the duties of the President in his absence. He shall perform any other duties that the President may assign. Should the office of the President be vacated, he shall assume the duties of that office. The Executive Board shall then appoint a Successor to this office as prescribed by Section 7 of this article.

Section 5: Recording Secretary -The Recording Secretary shall keep a record of all meetings of the Association and their proceedings. He shall keep a record of the minutes of the Executive Board. He will submit a rough draft of these minutes to the President for approval. Executive Board minutes will include the names of all board members in attendance at each session. He shall post minutes of the Executive Board meetings in a conspicuous place as determined by the Executive Board for the information of the General Membership. In the event the Association holds a meeting or conducts activities in any given month, the secretary will forward the minutes and monthly financial statement to the Directorate of Family and Morale, Welfare and Recreation (DFMWR), Maneuver Center of Excellence, ATTN: IMBE-MWN, Fort Moore, Georgia 31905, by the 15th of the following month. He shall be responsible for administering

any telephone votes as per Article II, Section 2, of the Bylaws and for properly entering such action and its results in an addendum to the minutes to be read the next scheduled Executive Board meeting. He shall be responsible for maintaining the permanent file as stated in Article II, Section 12, of the Constitution. He shall deliver to his successor all records and files of the Association. If the President and Vice President are absent from the Executive Board meeting, he shall call the meeting to order and preside until the Board Members make the election of a temporary chairman. The Recording Secretary shall maintain a historical file, consisting of the following permanent records:

- a. Original Constitution with all current revisions.
- b. Original Bylaws with all current revisions.
- c. Records of approval of Constitution, Bylaws, and all amendments.
- d. Current list of members.
- e. A copy of the last audit, if required.

Section 6: Treasurer -The Treasurer shall collect all accounts receivable, such as dues and any other funds accrued by the various committees. He shall disburse the Association's funds as directed by the Executive Board. He shall present a financial report to the Executive Board each month. The records of account will be open to inspection by the members of the Association. He shall use the general provisions of AR 37-1, Chapter 32. He shall sign all contract obligations and disbursements authorized by the Executive Board. He shall post a copy of the financial report in a conspicuous place monthly. He shall present a written financial report at the last general meeting of the year. He shall ensure that all necessary audits are performed IAW AR 210-22, paragraph 3-3. He shall use a single-**entry** accounting system to keep an itemized account of all receipts, disbursements, and all supporting vouchers and records.

Section 7: With the exception of the office of the President, whose succession is assured in this Article, vacancies occurring in any of the offices shall be filled by the Executive Board with a simple majority vote of the members present and voting in a duly constituted meeting.

Section 8: These Bylaws supersede all previous Bylaws.

ARTICLE II - ELECTIONS AND VOTING

Section 1: The officers designated by Article III of the Constitution shall be elected from and by the General Membership at the January meeting for a term of one year (calendar). All active members present are entitled to vote.

Section 2: The President will have the authority to conduct a vote by telephone of the voting members of the Executive Board in the event of the requirement of an immediate decision of such urgency to preclude a called meeting per Article VIII, Section 2a, of the Constitution. A quorum of the voting members must be polled. A simple majority of those members polled is

required to reach a decision. The telephonic vote is to be administered solely by the Recording Secretary. Each voting member must be informed that this is a voting procedure and must be read the motion under consideration in its complete form. The polling should be conducted with dispatch. All telephonic votes are to be reflected in the minutes as stipulated in Article I, Section 5, of the Bylaws. The minutes will include the exact wording of the motion, the names of those voting members who could not be contacted, and an exact accounting of the vote.

ARTICLE III - DUES AND FEES

Section 1: **[In this article the association establishes its dues structure. Some associations provide for a choice of periodic or lump sum payments. Some associations establish a fee structure to pay for certain on-going association activities. Large up-front dues create potential pitfalls of: 1) having too much \$ on hand requiring fidelity bonding, and 2) having individuals who will not be in the association very long pay more than their share. If you don't refund the unused portion, there may be issues of fairness]**

ARTICLE IV - COMMITTEES

Section 1: Standing and special committees may be created, changed, or abolished at the direction of the President with the approval of the Executive Board.

Section 2: Committee chairmen shall appoint their own committee members. Each standing committee shall be present or be represented at every board meeting and will make a report in writing, annually, or as otherwise directed, to the Executive Board.

ARTICLE V - FINANCES AND TAXES

Section 1: The Treasurer's books shall be audited IAW AR 210-22, paragraph 3-3.

Section 2: The Executive Board shall not incur any financial obligations that extend beyond its term in office.

Section 3: In no event shall the United States Government be held liable, in fact or in spirit, for any actions taken or indebtedness incurred by the Association or the members of the Association.

Section 4: The Executive Board may authorize any single expenditure of funds in an amount of \$300.00 or less. The General Membership must approve expenditures over \$300.00.

Section 5: The Executive Board shall expressly approve all expenditures essential for the operation of this Association and shall ensure that all disbursements are within the purpose for which this Association was established, in accordance with sound business practices, and within the budget.

Section 6: The Association year shall run from the date of the installation of officers in January to the installation of officers the following January. The fiscal year and the membership year shall run from January through December.

Section 7: The Association is **[OR is not]** not a tax-exempt organization. **[In this paragraph the association should discuss its tax status. Many Non-Federal Entities qualify as tax exempt under section 501(c) of the Internal Revenue Code. The association will contact the proper tax officials to ensure compliance with all tax laws and will obtain private counsel when such assistance is needed. Before claiming your tax exempt status, you should have applied to and received approval from the IRS of the status you intend to claim.]**

Section 8: The Association shall be responsible for ensuring applicable fire and safety regulations, environmental laws, local, State, and Federal tax codes, and any other applicable statutes and regulations complies within the operation of the Association.

ARTICLE VI – AWARDS AND GIFTS

Section 1: **[In this article you may establish what awards and or gifts the association may give. Common provisions include farewell gifts, baby gifts, hospitalization flowers, and condolence flowers. Many associations establish eligibility criteria and dollar limits in these articles.]**

ARTICLE VII - HIRING AND SUPERVISION OF EMPLOYEES

Section 1: The Association will comply with applicable laws that apply to private sector employment. The Association’s employment practices will not discriminate based on sex, age, religion, race, color, national origin, marital status, lawful political affiliation, labor organization membership, or physical handicap.

ARTICLE VIII - DUTIES OF EMPLOYEES AND EMPLOYEES' BENEFITS

Section 1: **[If the association has employees, then this article is used to establish duties and benefits for employees. If not needed, simply list the heading and in Section 1 put the words "Not Applicable."]**

These Bylaws were approved by a simple majority vote of the General Membership present at a regular meeting held on _____. In witness whereof the following officers affix their signature.

President _____

Vice President _____

Recording Secretary _____

Treasurer _____

Dated: _____

The below listed are the officers of the Association:

President:

Name printed: _____

Address printed: _____

Telephone # printed: _____

Email: _____

Vice President:

Name printed: _____

Address printed: _____

Telephone # printed: _____

Email: _____

Recording Secretary:

Name printed: _____

Address printed: _____

Telephone # printed: _____

Email: _____

Treasurer:

Name printed: _____

Address printed: _____

Telephone # printed: _____

Email: _____