

CONSTITUTION OF **Private Organization Name – ALL CAPS**

(NOTE: All text highlighted or in italics serves as a replacement for a name or an explanation of a requirement, and the italicized text is not to be included in the original constitution or by-laws.) ...delete this paragraph before signing and completing.

ARTICLE I NAME AND AUTHORITY

The name of our private organization shall be **Name of PO** (and hereafter shall be referred to as **XXXXXXX** *[if applicable]*). This private organization will be operated on Joint Base Andrews, Maryland pursuant to the provisions of AFI 34-223, *Private Organizations Program*, DODI 1000.15, and AFI 36-3101, *Fundraising within the Air Force*. The organization shall be self-sustaining and is not an instrumentality of the United States Government, the Department of Defense, or any of its components. It operates on a military base only with the consent of the Installation Commander. Its operation is contingent upon compliance with the requirements and conditions of all applicable Air Force regulations.

ARTICLE II PURPOSE

The purpose of **Name of PO** is to function as a social and professional organization established to enhance morale, esprit de corps, and cooperation between its members. *(Please expand or edit this how you will, but we recommend this paragraph be concise, yet include all pertinent objectives, since information not included could later limit the scope and legal activities of the organization. It is not advisable to form organizations that duplicate the services, purposes or benefits of other POs already in existence).*

ARTICLE III LIABILITY

Under AFI 34-223, paragraph 10.15, and the laws of Maryland, each member is jointly and severally liable for the obligations of the **Name of PO** and specifically in the event the PO's assets are insufficient to discharge liabilities upon dissolution. All members will be made aware that financial liability incurred by the organization may ultimately result in individual members being held personally financially responsible if the PO fails to discharge its obligations, even though the PO's funds may have been re-designated or dissolved. The members will be briefed on this liability at the first official general membership meeting of the new year. Each member shall sign a statement of understanding of their financial liability. Certification will also be provided to 316 FSS/FSR indicating that **Name of PO** members have been notified and understand their personal financial liability for obligations of the PO.

ARTICLE IV MEMBERSHIP OR PATRONAGE

THIS IS A PRIVATE ORGANIZATION. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS.” 1

- a. Membership is strictly voluntary and is not automatic. No person will be assumed to be a member without their express approval and consent and notification of their potential liability resulting from PO activities.
- b. The **Name of PO** will not discriminate in hiring practices or membership policies on the basis of age (over 40 years), race, religion, color, national origin, disability, ethnic group, or gender (including pregnancy, gender identity and sexual orientation).
- c. Membership in **Name of PO** is open to: *(should primarily consist of members of the DOD and their family)*.
- d. Individuals may apply for membership by *(explain application process or other affirmative action required for becoming a member)*.
- e. Continuing membership is based upon *(annual, seasonal)* enrollment commencing **_____**.
- f. Membership in the organization can be terminated by resignation or by notification of disciplinary action by **_____** *(failure to pay dues, etc.)*.
- g. Membership can be reinstated by application in writing to **_____** for consideration.
- h. *(The PO may want to add a section on guests or other types of participants.)*

ARTICLE V OFFICERS AND GOVERNING BODY

- a. The officers of **Name of PO** shall include a President, Vice President, Secretary, and Treasurer *(other officers optional)*. The duties of the officers are outlined in *(list Article/paragraph)* of this private organization's By-Laws.
- b. The Executive Board shall consist of the officers *(plus others – this is optional)*; the President shall preside over all official meetings of the general membership or the board.

ARTICLE VI MEETINGS AND ELECTIONS

- a. General membership meetings will be held not less frequently than *(semi-annually, quarterly, annually, monthly)*.
- b. An annual meeting will be held for the election of officers. Procedures for nominations and the elections are outlined in *(list Article/paragraph)* of the By-Laws.

- c. A quorum for all official meetings is _____% at board meetings and _____% at general membership meetings. ***(Optional: The presiding officer will not have to vote except in case of a tie.)***

ARTICLE VII EXECUTIVE BOARD/COUNCIL/OFFICER ADDED REQUIREMENTS

- a. The President shall be responsible for ensuring the club's authorization to operate on JBA is reviewed annually as designated by 316 FSS/FSR. The Constitution and By-Laws must be reviewed every two years. Updates are required when there is a change in the purpose of this organization. All updates must be submitted to 316 FSS/FSR for review by 316 WG/JA.
- b. **The President or Treasurer (select one, or both the President and Treasurer [the Treasurer and President cannot be the same person then])** shall establish a system for the protection of club assets and ensure the liabilities do not exceed its income.
- c. Members do not have proprietary rights in the club's assets and income will not accrue to individuals except through wages or salaries for employees of the **Name of PO**.
- d. The Secretary will forward one copy of all official meeting minutes and financial reports to the 316 FSS/FSR.

ARTICLE VIII FINANCES

- a. The club's unobligated assets will not exceed \$**XXXX** except for special one-time projects approved by the general membership.
- b. A majority of club members will appoint an accountant to conduct an audit when annual gross revenues are \$100,000 but less than \$250,000; a Certified Public Accountant will be appointed if annual gross revenues are equal to or exceed \$250,000. **Name of PO** will pay for the CPA's services. If **Name of PO** has gross annual revenues of less than \$100,000, but more than \$5,000, it will provide an annual financial statement to 316 FSS/FSR NLT 20 days following the end of its fiscal year. ***(Mandatory)***
- c. All funds will be deposited in the **(name of bank)** and a financial statement will be reported and recorded in the official minutes of meetings on a timely basis. ***(Describe what tools the PO will use for asset accountability and financial management.)***
- d. All expenditures, except for petty cash requirements, will be made by check. Checks amounting up to and including \$**XXXX** may be signed by the Treasurer. Checks exceeding \$**XXXX** must be countersigned by the President or Vice President. ***(Optional)***
- e. **Name of PO** shall be financed primarily through...**membership dues and fees, fundraising events, service charges, donations, etc. Describe in detail how your PO will generate**

income and the mechanisms for doing so. All fundraiser requests will be routed through the 316 FSS/FSR.

- f. **Name of PO** will maintain a budget detailing financial plans for annual operations. This budget will include income and expense of projected activities, capital purchases data, and information comparing actual results with the projected budget.
- g. **Name of PO** will not engage in activities which compete with those of any Services, NAFI, or Army and Air Force Exchange Service operation on the installation, except as provided in AFI 34-223. **(Mandatory)**
- h. **Name of PO** will not engage in on-base resale activities (including bake sales, car washes, etc.) unless specific written authorization is obtained from 316 FSS/FSR.
- i. **Name of PO** will comply with all local, state, and federal laws. **(Mandatory)**

ARTICLE IX DISSOLUTION

When the **Name of PO** decides to dissolve or shut down, the PO will notify the FSS/CC/CL of the intent to dissolve the PO and prepare a time-phased action plan to do so. *(The board, officers, etc.)* shall, after paying or making provision for the payment of all the liabilities of the **Name of PO**, dispose of all the assets of the **Name of PO** in a manner compliant with the provisions of the Internal Revenue Code.

(The group may consider inserting one of the following additional sentences:) Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction upon suitable proceeding. Any such assets not so disposed shall be donated to a USAF NAF or to the USAF as determined by the *(board, officers, etc)* in accordance with AFI 34-201 or AFI 51-506.

ARTICLE X ADOPTION/AMENDMENTS

Amendments to this Constitution may be submitted by any member in good standing by *(describe how to submit amendments)*. At the earliest possible date, the proposed amendment will be presented to the general membership meeting. To be adopted, the amendment must be passed by a majority vote of the members present. The new Constitution shall be submitted for review and approval by the Installation Commander through the 316 FSS/FSR.

ARTICLE XI INSURANCE

Name of PO will maintain liability insurance unless the Installation Commander, or if delegated, 316 MSG/CC waives the requirement. Insurance waivers shall be submitted for re-evaluation annually. The absence of liability insurance places the members' personal assets immediately at risk in the event of PO liability. If the Installation Commander, or if delegated, the 316 MSG/CC

approves an insurance waiver, the **Name of PO** may nevertheless be required to obtain liability insurance for specific events that involve a greater than negligible risk of injury or damage.

ARTICLE XII GENERAL

The foregoing articles, upon approval of the Installation Commander or appropriate delegate, shall become the Constitution of **Name of PO**. The following disclaimer will be placed on all **Name of PO**'s print and electronic media bearing the **Name of PO**'s name: “THIS IS A PRIVATE ORGANIZATION. IT IS NOT A PART OF THE DEPARTMENT OF DEFENSE OR ANY OF ITS COMPONENTS AND IT HAS NO GOVERNMENTAL STATUS.”

CERTIFICATION OF CONSTITUTION

I certify this Constitution was approved by a majority vote of the membership at our General Membership Meeting held on **(Date)**.

[Redacted Signature]
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