

**Headquarters, U.S. Army Fires Center of
Excellence and Fort Sill Regulation 210-56**

Training

Installation Private Organizations

**HEADQUARTERS, USAFCOEFS
455 MCNAIR AVENUE, SUITE 100
FORT SILL, OK 73503**

1 February 2021

UNCLASSIFIED

DEPARTMENT OF THE ARMY
HEADQUARTERS, USAFCOEFS
455 MCNAIR AVENUE, SUITE 100
FORT SILL, OK 73503
1 February 2021

Fort Sill Regulation 210-56

Effective xx XXXXXXXXX 2021

Training
Installation Private Organizations

History. This is an administrative revision

Summary. This regulation sets forth policies, guidelines, and responsibilities governing Private Organizations (POs) operating on the installation, with the oversight of the Army's Family and Morale, Welfare and Recreation programs. This regulation is distributed and published solely through the Fires Knowledge Network and the Department of Human Resources, Administrative Services Division Homepage at:

<http://sill-www.army.mil/USAG/publications.html>

Supplementation.

Supplementation of this regulation is prohibited without prior approval from the proponent of this publication which is the Directorate of Family and Morale, Welfare and Recreation (DFMWR). The proponent retains the authority to approve exceptions or waivers to this publication.

Suggested Improvements. The proponent of this regulation is the DFMWR. Users are invited to send comments and suggest improvements to the DFMWR Private Organization Coordinator. POC ATTN: Fort Sill at Building 4700, Room 150 580-442-3112/3001

Applicability. This regulation applies to all POs operating on the installation.


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Table of Contents

	Page
Chapter 1 Overview	5
1-1. Purpose.....	5
1-2. Reference	5
1-3. Explanation of Abbreviations and Terms.....	5
1-4. Applicability	5
1-5. PO Description	5
1-6. Restrictions	6
1-7. Supplies & Equipment.....	6
1-8. Electronic Communication	6
1-9. PO Membership & Employment.....	7
1-10. Approval of POs.....	7
Chapter 2 Explanation of Terms	7
2-1. Private Organizations.....	7
2-2. Military Installation.....	8
2-3. Department of Defense (DOD) personnel.....	8
Chapter 3 Responsibilities	8
3-1. Directorate of Family and Morale, Welfare, and Recreation (DFMWR).....	8
3-2. Requirements.....	9
3-3. Use of Facilities.....	10
Chapter 4 Procedures for Approval of a Private Organization	10
4-1. Procedures.....	10
Chapter 5 Approving Authority	11
5-1. Private Organizations.....	11
5-2. Approval.....	11
Chapter 6 Accounting Records	12
6-1. Adequate Accounting Records.....	12
6-2. Audit of Private Organizations.....	12

Chapter 7 Contractual Services	13
7-1 Contracts and Agreements.....	13
Chapter 8 Support of Private Organizations	14
8-1 Support.....	14
8-2 Contributions and Donations.....	14
8-3 Resale and Fundraising Events.....	14
Chapter 9 Bonding	15
9-1 Bond Requirement.....	15
Chapter 10 Insurance	15
10-1 Insurance Protection.....	15
Chapter 11 Records	15
11-1 Recordkeeping.....	15
Appendices	
A. References.....	16
B. Minimum Requirements for Constitution and Bylaws.....	18
C. Application for Approval of a Private Organization to Operate on Fort Sill.....	22
Glossary	23

Chapter 1 Overview

1-1. Purpose

This regulation prescribes basic policy and principles governing the establishment and operation of Private Organizations, (POs) on Fort Sill.

1-2. References

Required and related publications are listed in Appendix A.

1-3. Explanation of Abbreviations & Terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Applicability

a. This regulation applies to POs:

(1) As defined in AR 210-22.

(2) That conduct activities on Fort Sill on a continuing basis.

(3) That are not excluded from military control by specific regulatory guidance determinations.

b. This regulation does not apply to POs not operating on the military installation.

1-5. PO Description

a. POs permitted to operate on Fort Sill:

(1) Are not instrumentalities of the United States government.

(2) Are not official activities of the United States government.

(3) Are not exempt from state or local laws, because they operate on federal property.

(4) Are designed for off-duty recreational, welfare, and social needs of the military.

b. POs must significantly advance and improve the quality of life on Fort Sill.

c. POs are required to be self-sustaining.

1-6. Restrictions

a. POs:

(1) Are prohibited from receiving command support, other than authorized by the Joint Ethics Regulation (JER), AR 210-22, AR 405-80, AR 215-1, Army Directive 2019-29, and this regulation.

(2) Are prohibited from conducting activities to provide morale, welfare, and recreation (MWR) services already provided by the Army.

(3) Will not be created, operated, or administered for commercial and fundraising purposes.

(4) Are prohibited to operate as a business venture solely to make group purchase savings, obtain group insurance rates, or increase the wealth of the organization or its members.

1-7. Supplies & Equipment

a. POs must furnish or procure equipment, supplies, and materials at their own expense.

b. Government owned supplies and equipment (to include copiers and computers) may be loaned or rented to a PO; however, the equipment must be directly related to the purpose and function of the PO.

1-8. Electronic Communication

a. Information about PO events of general interest to Department of Defense (DOD) personnel may be disseminated as part of the command information program using electronic mail (E-mail) and similar bulletin board services using the following procedures:

(1) All proposed messages and announcements must:

(a) Be screened by the Fort Sill Public Affairs Office prior to sending.

(b) Avoid the appearance of Department of the Army (DA) endorsement of any PO.

(2) Not be used for:

(a) PO membership campaigns.

(b) Recruitment.

(c) Fundraising

(3) Use of rank is authorized to identify member point of contacts (POCs);

(4) However, official phone numbers should not be used. PO activities must be conducted during off duty hours.

1-9. PO Membership & Employment

a. POs must:

(1) Follow all applicable labor and employment laws.

(2) Act in compliance with JER 5500.7R. Specifically, DOD employees may not use or allow the use of their official titles, positions or organization names in connection with activities performed in their personal capacities as this tends to suggest official endorsement of preferential treatment by DOD of any nonfederal entity involved.

(3) Endorsement of a non-Federal entity, event product, service, or enterprise may be neither stated nor implied by DOD or DOD employees in their official capacities and titles, positions, or organization names may not be used to suggest official endorsement or preferential treatment of any non-Federal entity.

(4) Not discriminate in membership or employment based on sex, age, religion, race, color, national origin, or marital status.

1-10. Approval of POs

a. All POs are required to operate in accordance with (IAW) their approved bylaws and constitutions, or may have their approval withdrawn by the Garrison Commander.

b. Approval to operate on Fort Sill will be granted only to POs which conduct their activities on a continuing basis.

c. POs that conduct their activities off-post and request recognition solely in order to qualify for use of military facilities or fundraising events will not be approved.

d. POs not approved IAW this regulation are not permitted the use of any military facilities or services.

Chapter 2 Explanation of Terms

2-1. PO

a. A PO is:

(1) A financially self-sustained nongovernmental organization or association.

(2) Constituted, established, and operated by individuals acting exclusively outside the scope of their official capacity as:

- (a) Officers
- (b) Employees
- (c) Agents of the government

2-2. Military Installation

A military installation includes any facility or area under the control of the United States military.

2-3. Department of Defense (DOD) Personnel

DOD personnel includes: Active Duty Military members, members of Reserve Military Components, immediate Family member of above, surviving spouses and dependents of active and retired military personnel, and local DOD civilian employees.

Chapter 3 Responsibilities

3-1. Directorate of Family and Morale, Welfare and Recreation (DFMWR)

a. Director of Family and MWR is responsible for the appointment of a PO Coordinating Officer (POCO) who will:

- (1) Monitor activities of Fort Sill POs and ensure compliance with applicable regulations.
- (2) Coordinate approval and /or disapproval of POs and their activities on Fort Sill.
- (3) Conduct semi-annual Private Organization program updates to the Garrison Commander. Program updates will include a brief on the biennial review process, regulatory compliance, fund raising event calendar, and general health of the program.
- (4) Coordinate requests for and track all private organization fundraising events, to ensure fundraising events are properly forecasted, and non-competitive.
- (5) Receive, track, and report PO Interactive Customer Evaluation (ICE) comments to the Garrison Commander.
- (6) Create, update, and distribute private organization orientation briefs to all new private organization members. The briefs will include information on regulations application to Private Organizations, general ethical guidelines, prohibitions on endorsements, the audit and approval process.

3-2. Requirements

a. Approval to operate on Fort Sill will automatically be withdrawn if requests for revalidation are not received at least 90 days prior to expiration date.

b. Provide the POCO with:

(1) Any major changes in private organization activities, objectives, membership, management functions, and constitution/bylaws.

(2) Including changes in the officer positions.

(3) Minutes and financial statements of club meetings not less than monthly or as specified in PO's constitution and bylaws.

(4) Submit audit documents annually or upon change of treasurer.

(5) Insurance documentation.

(6) Tax status/EIN documentation.

(7) Bonding documentation.

(8) Lease/Real Estate documentation.

(9) A current list of club officers with phone and email information.

c. Strictly adhere to the requirements listed in:

(1) This regulation, AR 210-22, AR 215-1 (Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities) and AR 608-1. Specifically, Private Organizations must provide a statement that includes:

(a) Documentation indicating an understanding by all members as to whether they are personally liable if the assets are insufficient to discharge all liabilities.

(b) A statement that the Private Organization will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government. Army Regulation 210-22, para 2-1(a)(2)(f).

(c) A statement that Private Organization activities will not seek to deprive individuals of their civil rights. Army Regulation 210-22, para 2-1(a)(2)(g).

(d) A statement indicating the organization understands the installation commander (Garrison Commander) may revoke permission to operate on the installation at any time, as outlined in Army Regulation 210-22, para 2-1(a)(1)(b).

(e) A statement that neither the installation nor the Government will have any liability for the Private Organization's actions or debts, per Army Regulation 210-22, para 2-1 (a)(1)(a).

(f) A statement of liability which includes a provision that all Federal, State and jurisdictional laws are met. Also, it should address the extent of the Private Organization members' personal liability for debts of or claims against the Private Organization, per Army Regulation 210-22, para (2)(2)(d).

(2) JER, Department of Defense Directive (DODD) 5500.7-R.

(3) Private Organizations must be in compliance with state and local law to include fire and safety regulations, environmental law, and tax code.

(4) Private Organizations will comply with all laws that apply to private sector employment for the organization's paid employees.

3-3. Use of Facilities

a. POs may request space for short periods of time to:

(1) Conduct regular organizational meeting.

(2) Conduct other occasional and nonrecurring PO sponsored events, IAW AR 210-22.

b. POs are responsible for:

(1) Coordinating with facility managers.

(2) Making final arrangements for the use of facilities for:

(a) Meetings.

(b) Special events.

(c) Fundraisers, (a fundraiser request form must be submitted no later than 30 days out from a proposed fundraiser).

Chapter 4

Procedures for Approval of a Private Organization (PO)

4-1. Procedures

a. Applications for approval of a PO to operate on Fort Sill will be submitted to DFMWR.

b. A sample request format is at Appendix C.

c. The DFMWR POCO will:

(1) Forward applications of POs to the appropriate staff agencies for:

(2) Review.

(3) Recommendations.

(4) Approval.

a. Applications for approval to operate on Fort Sill will include two copies of the proposed constitution and bylaws along with the request to operate and/or continue to operate memorandum signed by the president and secretary.

b. POs will submit a copy of their:

(1) National constitution and/or bylaws.

(2) Local constitution and/or bylaws.

c. Appendix B lists the minimum requirements for a constitution and bylaws.

Chapter 5 Approving Authority

5-1. Private Organizations

POs may operate or function on Fort Sill only with the written consent of the Garrison Command, Fires Center of Excellence and Fort Sill, or his designated representative.

5-2. Approval

a. Approval for a PO to operate on Fort Sill:

(1) Is not granted for more than 2 years at a time and may be withdrawn at any time.

(2) All POs are required to operate IAW their approved bylaws and constitutions, or may have their approval withdrawn by the Garrison Commander.

(3) The Garrison Commander may withdraw his approval for failure to adhere to the requirements of AR 210-22 or this regulation.

(4) Must be renewed biennially subject to compliance with this regulation during the current period.

(5) All POs must act IAW with good order and discipline or may have their approval withdrawn by the Garrison Commander.

(6) Comments on Private Organization operations or violations of this regulation may be submitted to the POCO via the Interactive Customer Evaluation (ICE) system at the following link: https://ice.disa.mil/index.cfm?fa=site&site_id=451

b. The PO retains a copy of the approval in a permanent file for inspection purposes.

Chapter 6

Accounting Records

6-1. Adequate Accounting Records

a. Adequate accounting records for the organization will be maintained to reflect the:

(1) Assets.

(2) Liabilities.

(3) Net Worth.

(4) Financial Transactions.

b. A SOP describing the accounting system used by the organization will be prepared and maintained in a permanent file for reference and inspection purposes.

c. Inspections will be conducted:

(1) At the discretion of the Garrison Commander.

(2) Using staff agencies.

d. To ensure that private organizations are complying with:

(1) AR 210-22.

(2) This regulation.

(3) The approved constitution and/or bylaws.

(4) The SOP of the organization.

e. Financial transactions will be supported by:

- (1) Invoices.
- (2) Collection sheets.
- (3) Canceled checks.
- (4) Other supporting documents, as applicable.

f. Adequate accounting records will be maintained for cash and other assets.

g. Quarterly financial statements (e.g., balance sheet, profit and loss statement) will be prepared and provided to the membership upon request and the POCO for staffing and approval.

6-2. Audit of Private Organizations

a. POs with gross annual revenue of 1,000 dollars or more will be audited:

- (1) At least every 2 years.
- (2) When changing treasurers.
- (3) At the POs expense.

b. The following provisions apply:

(1) POs using a double entry accounting system, regardless of source of income over 1,000 dollars, will be audited by a qualified auditor.

(2) Single entry accounting systems will be audited as follows:

(a) Income from contributions, dues, and assessments will be audited by a PO member who holds no office, is at least 18 years of age, or a qualified auditor.

(b) When engaged in resale or fund raising activities, POs must be audited by either an appointed committee of three PO members who hold no office or a qualified auditor.

c. The audit will include, as a minimum:

- (1) A balance sheet.
- (2) A thorough check that transactions are properly recorded and accounts are properly posted.

- (3) An inventory of organization-owned property.
 - (4) Written narrative from the auditor verifying financial statements are accurate.
 - (5) Review by the executive board and membership.
- d. Upon change of treasurer, the audit will include, as a minimum:
- (1) A cash count of all cash on hand.
 - (2) Reconciliation of cash in the bank.
 - (3) A test check of accounts receivable.
 - (4) A reconciliation of accounts payable and other liabilities.
- e. Audits and supporting financial records will be retained by the organization for a minimum of 2 years following the completion of the audit.
- f. A copy of the completed audit will be furnished to the POCO for staffing and approval.

Chapter 7

Contractual Services

Contracts & Agreements: Contracts and agreements negotiated and entered into by POs will state neither the Army, United States government, nor the Nonappropriated Fund are parties to or responsible for any:

- a. Liability.
- b. Default.
- c. Dispute arising out of the contract (agreement).

Chapter 8

Support of Private Organizations

8-1. Support: Commanders will not impose restrictions that require Soldiers to join or support any PO or PO sponsored activity.

8-2. Contributions & Donations

- a. Contributions and donations by POs to nonappropriated fund instrumentalities (NAFIs) may be offered IAW AR 215-1.

b. NAFIs are prohibited by AR 215-1 from making contributions and donations to PO's.

c. Organizations accepting such unauthorized contributions and donations will be required to make restitution.

8-3. Resale & Fundraising Events

a. The Garrison Commander must approve special events and fundraising activities.

b. Requests for fundraising events will be approved by the Garrison Commander on a first-come, first-serve basis after the event has been de-conflicted with authorized Army or NAFI functions.

c. Submit fundraising event requests to the Private Organization Coordinating Officer (POCO) not later than (NLT) 120 days, from the requested month of execution.

d. The POCO maintains the fund raising event tracker and provides event de-confliction mitigating competition for resources/venues/and peak holiday season fundraising events.

e. Only two organizations will be authorized to conduct a fundraiser on any given day at the same location.

f. Organizations wishing to conduct a fundraising event are responsible to coordinate specific arrangements and final approval for the use of facilities with facility managers for permission to conduct the fundraiser. Facility managers will ensure a legal review of the event has been completed prior to granting permission to conduct a fundraiser.

g. Garrison Commanders only may authorize the use of military personnel, appropriated fund (APF) or non-appropriated fund (NAF) Civilians subject to limitations in 31 USC 1345, DOD 5500.7-R, AR 360-1, AR 210-22, and other applicable regulations.

h. Resale operations that conflict or interfere with facility operation will not be permitted. PO's desiring to have such events will apply to DFMWR for staffing and approval at least 30 days in advance.

i. Requests for approval should be sent to DFMWR POCO, ATTN: Fort Sill at Building 4700, Room 150, 580-442-3113/3001.

Chapter 9 Bonding

9-1. Bond Requirements

a. Bonding of officials or employees of PO's who have access to cash that exceeds \$1,000, that position will be covered by a position schedule (fidelity insurance) bond:

- (1) Procured at organization expense.
- (2) Amount sufficient to provide adequate protection of assets.

b. Assets include:

- (1) Cash on hand.
- (2) Cash in Bank.
- (3) Resale Merchandise.

Chapter 10 Insurance

Insurance Protection: POs are responsible for obtaining adequate insurance as protection against public liability claims, property damage claims, or other legal actions arising from activities of the PO or PO members acting on its behalf.

Chapter 11 Records

11-1. Recordkeeping

a. The POCO will maintain:

- (1) A record of POs authorized to operate on the installation.
- (2) A copy of the constitution and bylaws.
- (3) Correspondence pertaining to the approval of the organization's requests to operate on the installation.
- (4) A copy of the minutes and financial statements.
- (5) A copy of audit reports.

b. Each PO will maintain a similar permanent file which will contain, as a minimum, the following documents:

- (1) Original approval to operate on the installation.
- (2) Approved minutes and financial statements.

(3) Most recent audit report.

(4) Accounting SOP.

(5) Copy of this regulation and AR 210-22.

(6) Documents necessary for proper operation of the organization by successor officials and employees.

Appendix A References

Publications

DODD 5600.7-R
Joint Ethics Regulation (Cited in para 3.b)

AR 210-22
Private Organizations on Department of the Army Installation (Cited in para 1.d, 1.f, 3.b, 3.c, 5.c, 6.a, and 11.a)

AR 215-1
Military Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities (Cited in paras 3.b and 8.b)

AR 608-1
Army Community Service Center (Cited in para 1.d)

Appendix B Minimum Requirements for Constitution and Bylaws

Overview. The constitution and bylaws should contain the items set forth in the following articles to the extent that they apply to the specific organizations. Any of these provisions clearly do not apply to a particular type of private organization should not be included.

This format is a sample only, and PO constitutions and bylaws need not follow this format in the order listed in Figure C-1 below.

Figure B-1

CONSTITUTION
(Organization Title)
Article I
Name and Address of Organization

Include in this article the designation of the approving authority (the installation IAW AR 210-22 and FS Reg 210-56).

Article II
Purpose of Organization

This section must explain the purpose and goals of the organization.

Article III
General Provisions

1. Include in this section statements required by AR 210-22 and this regulation such as the statement of personal liability (e.g., the organization is not an instrumentality of the United States, must be self-sustaining, and may not receive financial assistance from the Army or nonappropriated funds) in case of PO fund deficiency and licensing or registration of activities as required by law (for bingo, raffle, insurance, resale, etc.). Any documentation such as a license or certificate of registration should be attached to the constitution and bylaws, and noted in this section.

2. An affirmative anti-discrimination statement. This is a mandatory item required in constitutions as follows:

3. This organization fully supports the Fort Sill policy on equal opportunity and will not discriminate in membership eligibility on the basis of race, color, religion, national origin, or sex. This organization will neither accept invitations from nor participate in any activity or organization that does not conform to Fort Sill policy, or that discriminates on the basis of race, color, religion, national origin, sex, sexual orientation, age, or disability. Endorsement of a non-federal entity, event, product, service, or enterprise may be neither stated nor implied by DOD or DOD employees in their official capacities and titles,

positions, or organization names may not be used to suggest official endorsement or preferential treatment of any non-federal entity except those listed in JER 5500.7r, 3-300 subsection 3-210.

DOD employees may not use or allow the use of their official titles, positions or organization names in connection with activities performed in their personal capacities, as this tends to suggest official endorsement or preferential treatment by DOD of any non-federal entity involved.

Article IV Governing Body

Article V Membership of Patronage

1. Define eligibility requirements for membership.
2. Procedure for withdrawal of membership.
3. Rules pertaining to guests.
4. Members receiving a salary or payment for organization duties will be nonvoting members. In the event the organization does not have members receiving a salary, a statement to that effect should be included.

Article VI Method of Financing (Be specific)

Define how the organization will be self-sustaining. Fundraising events should be addressed.

Article VII Activities

Article VIII Meetings & Quorums

Define the percentage of members constituting a quorum. Address the frequency and place of meeting, to include the manner in which the membership or members of the governing body, or both, are notified.

Article IX Dissolution

If the organization is dissolved, funds in the treasury at the time will be used to meet any outstanding debts, liabilities, or obligations. The balance of these assets will be disposed

of as determined by the membership. Include a statement specifying who will be responsible in the event liabilities exceed assets.

Article X
Adoption & Amendments

1. Describe the powers of the governing body or general membership to make amendments.
2. Define procedures for amendments. The statement “Amendment to the constitution and bylaws are subject to the final approval by the installation commander” must be included.
3. Define provisions for annual review of the constitution and bylaws.

Figure B-2

BYLAWS

Article I
Duties of Officers

Article II
Elections & Voting

1. Describe when, where and how elections are accomplished.
2. Address terms office and procedures for replacing the incumbent if the office becomes vacant.
3. Describe the procedures for announcing elections.

Article III
Dues or Fees

1. Address dues or fees, how are they established and payable.

Article IV
Standing Committees

Describe the manner in which special committees or boards will be appointed, their tenure, dissolution, and scope of responsibility.

Article V

Finances & Taxes

1. Describe methods and procedures for financial accounting, to include, if appropriate, preparation of an operating budget.
2. Procedures for an annual or change of treasurer audit of financial records and accounts.
3. Define compliance with State or local laws.

Article VI
Insurance Coverage

Article VII
Awards/Gifts

Article VIII
Employees

Procedures applicable to employees (e.g., positions authorized, manner of hiring and terminating employment, supervision, rates of pay, benefits).

APPROVED BY MAJORITY VOTE ON (Date)

(Signed)

President

(Signed)

Secretary

Appendix C
Application of Approval of a Private Organization to Operate on Fort Sill

Club or Organization Name and Address

SUBJECT: Request for Approval for a Private Organization to Operate (or Continue to Operate) on Fort Sill

Directorate of Family and Morale, Welfare, and Recreation
P.O. Box X
Fort Sill, Oklahoma 73503
ATTN:

1. Request approval for the (name of organization) to operate (or continue to operate) as a private organization on Fort Sill as authorized by AR 210-22.
2. Enclosure 1 is a duly signed copy of the organization's constitution and bylaws submitted for review and approval IAW the applicable provisions of FS Reg 210-56. This constitution and bylaws set for the purpose(s) of the organization, the activities it will conduct, and the location where its activities will be conducted.
3. The organization is aware of, and will adhere to, the Fort Sill policies on equal opportunity.

Sincerely,

Encl.
President

JOHN J. DOE

Glossary

Abbreviations

AER
Army Emergency Relief

APF
Appropriated Funds

ATTN
Attention

DA
Department of the Army

DFMWR
Directorate of Family and Morale, Welfare, and Recreation

DOD
Department of Defense

DODD
Department of Defense Directive

E-mail
Electronic Mail

ETC
Et Cetera

FS
Fort Sill

IAW
In Accordance With

JER
Joint Ethics Regulation

MWR
Morale, Welfare, and Recreation

NAF
Nonappropriated Funds

NAFI
Nonappropriated Fund Instrumentality

PARA
Paragraph

PO
Private Organization

POC
Point of Contact

POCO
Private Organization Coordinating Officer

PTA
Parent-Teacher Association

REG
Regulation

SOP
Standard Operating Procedure

USO
United Services Organization

Terms

This section not used.