

## **Hohenfels Community and Spouses' Club (HCSC) Constitution 2020-2022**

### **ARTICLE I - Organization Name and Purpose**

*Section A.* The name of this Private Organization (PO) will be Hohenfels Community and Spouses' Club, hereafter referred to as HCSC, and is located at Joint Multinational Readiness Center, Hohenfels, Germany.

*Section B.* The purpose of this organization will be to provide the opportunity for its members to participate in social, cultural and creative events, in support of service and community activities. This organization will not engage in activities that compete with those of any Appropriated Fund (AF) or Non-appropriated Fund (NAF) activity.

### **ARTICLE II - General Provisions**

*Section A.* This organization operates and exists on a military installation only with the consent of the United States Army Garrison (USAG) **Bavaria** Commander, hereafter referred to as the Approving Authority. All pertinent paperwork is sent to the Approving Authority through the **USAG Bavaria Private Organization Office**. This consent is contingent in compliance with the requirements and conditions of all Army regulations, specifically DoD 1000.15 (Private Organization operating on DoD Installations), AR 600-20 (Army Command Policy), AR 600-29 (Fund-Raising within the Department of the Army), AR 210-22 (Private Organizations on Department of the Army Installations) and the United States Army Europe (USAREUR) Private Organization and the **USAG Bavaria** Fundraising Policy and Memorandum of Instruction (MOI) for Fundraising by Private Organizations and Informal Funds.

*Section B.* The membership or the installation Garrison Commander, who may withdraw permission to operate on the Army installation at any time, may discontinue an organization. Notification by either party will be in writing. On termination, the command may require written agreements that any abandoned PO assets will be considered as donation to the installation. The USAG Bavaria Commander has final approval over their disposition. It should be clearly understood that the USAG Bavaria Commander has the absolute discretion to determine whether the PO's continued operation is compatible with the Army's interest.

*Section C.* This organization is not an instrumentality of the United States, will be self-sustaining, and may not receive financial assistance from the Department of the Army (DA) or any NAF activity. This organization will not duplicate or compete with a NAF or AF activity. Neither the DA nor USAREUR will assume any liability for this organization's debts.

*Section D.* Neither the installation nor the Government will have any liability for the PO actions or debts.

*Section E.* All HCSC members, in accordance with host nation laws, will be personally liable to creditors, if the assets of the organization are insufficient to discharge all liabilities.

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*Section F.* This organization does not discriminate in membership based on race, color, religion, national origin, sex, or mental or physical disability. Furthermore, it will not accept invitations to participate in any activity or organization that does not conform to the USAREUR policy pertaining to such.

*Section G.* All HCSC members, upon joining the organization or renewing membership with the organization, are required to read the Constitution and By-Laws. Upon joining/renewing, the member will sign a statement found on the membership application, acknowledging their receipt of and their responsibility to read the above-mentioned documents.

*Section H.* The HCSC fiscal year will be from 1 June to 31 May.

### **ARTICLE III - Functions/Activities and Operating Procedures**

*Section A.* HCSC will sponsor and/or support the following activities for members and bona-fide guests to include, members' luncheons/dinners and Board meetings. Other activities on irregular basis which may occur, Bazaars, Fundraisers, and special events. These activities shall be designed to further the purpose of the HCSC as set forth in ARTICLE I.

*Section B.* All fundraising activities must have prior approval from the USAG Bavaria Command. Any activities not listed above which the organization wishes to support/sponsor must have the written approval of the USAG Bavaria Commander.

*Section C.* Funds (net profits) generated through HCSC fundraising activities will be disbursed in accordance with Article VII and Hohenfels Community Spouses' Club By-Laws.

*Section D.* HCSC has oversight and direct responsibility in the daily operations of the Hohenfels Thrift Shop in accordance with AR 210-22 and current USAREUR Policy.

*Section E. Reservations for Functions*

- (1) Members must contact the Reservation Chair no later than 7 days in advance unless otherwise directed per invitation prior to attending a function. Those who cancel reservations within 48 hours after the above-mentioned timeline or who fail to attend the function will be charged for that function at the discretion of the Membership Chair. Outstanding bills will be submitted by the Membership Chair to the Treasurer for billing to the member. Any member failing to settle an outstanding debt prior to the next activity will not be allowed admittance to that activity. Members who reserve a place for a bona-fide guest incur the debt for that guest, should they not attend. Participation in future activities will be granted only if the debt has been resolved. Membership may be revoked if the debt is not settled within 60 days.
- (2) Members/bona-fide guests without reservations can be admitted to the activity without guarantee of a meal and/or supplies at the discretion of the Executive Board member that the event falls under
- (3) Any member/bona-fide guest attending any part of an activity will be charged the entire price of that function.

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- (4) Outstanding debts will preclude membership renewal.

*Section F. Attendance of Children*

- (1) Attendance of Children at all functions shall be limited to non-mobile infants.

**ARTICLE IV - Membership**

*Section A. Types of Memberships:*

- (1) **Active** membership shall be open to all adult U.S. Department of Defense ID cardholders (18 years of age or older) living within the USAG Hohenfels, upon payment of dues. Dues are \$20.00 per year, or \$10 for the half year. At least 51 percent (%) of the organization membership must fall into this category, as prescribed by USAREUR Private Organization and Fundraising Policy. Active members are eligible to vote, hold office and participate in all HCSC activities. Active duty and civilian employee member's club activities must be in conformance with the Joint Ethics Regulation. After a Permanent Change of Station (PCS) membership changes to a non-active membership status and voting rights are terminated.
- (2) **Associate** membership may be extended by the President and Honorary President and will be reviewed annually. These members shall have all privileges of active membership with the exception of voting and holding office. The number of non-voting members may not exceed 49 percent (%) of the membership, as prescribed by USAREUR Private Organization and Fundraising Policy. Associate members will be required to pay membership fees.
- (3) **Honorary** memberships will be extended at the discretion of the President. Honorary members will not be required to pay dues and have no voting privileges.

*Section B. Rules for Membership:*

- (1) Membership dues are neither refundable nor transferable.
- (2) Membership is reciprocal among the spouses' clubs within the Joint Multinational Training Command. Voting privileges remain at the spouses' club of dues payment. Membership will be issued upon payment of dues by the respective organization.
- (3) Membership is voluntary and may be terminated by the member at any time upon written notification to the Membership Chairperson.
- (4) Voting rights of membership are terminated upon PCS.

*Section C. Guests*

- (1) Anyone eligible for active, associate or honorary membership in HCSC may attend only one activity as a guest of an active, associate or honorary member.
- (2) Bona-fide guests are not entitled to membership discounts or voting.

**ARTICLE V - Officers and Governing Body**

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## *Section A. Honorary President and Advisors*

- (1) In order to avoid any appearance of a Joint Ethics Regulation (JER) conflict, the spouses of the following community members are invited to participate as Associate Members, Advisors, or Honorary President but may not hold office or have voting privileges.
  - a. Spouse of the Commander of JMRC or her/his designee.
  - b. Spouse of the Commander of JMRC, with oversight over all activities
  - c. Spouse of the Command Sergeant Major of JMRC with oversight of Ways and Means, Property and Senior Advisor to the Thrift Shop.
  - d. Spouse of the Garrison Manager of USAG Hohenfels, serve as Senior Advisor to the Welfare Committee.
- (2) The Honorary Presidency will be extended, in writing, by the President, to the spouse of the Commander of the JMRC or her/his designee.
- (3) The Honorary President shall appoint a replacement advisor(s) when a designated Advisor chooses not to serve. The Honorary President may choose not to appoint a replacement advisor(s) when a designated Advisor chooses not to serve.

## *Section B. Executive Board*

The Executive Board is composed of all elected officers of HCSC, the Parliamentarian (non-voting), the Honorary President (non-voting) and at least one Advisor (non-voting). The Executive Board shall have all power of the BOG between meetings. The elected officers of HCSC shall be:

- President (voting in case of tie)
- First Vice-President (voting)
- Second Vice-President (voting)
- Secretary (voting)
- Treasurer (voting)

## *Section C. Board of Governors*

The BOG shall be the governing body of HCSC and shall consist of the following:

- The Executive Board
- All Advisors (non-voting)
- Standing Committee Chairs (voting)
- Special Committee Chairs (voting)

## *Section D. Standing Committee Chairs*

The Standing Committee Chairs and Special Committee Chairs shall be appointed by the President on the advice of the Honorary President or the Advisors. Standing Committee Chairs shall be and shall each have one vote:

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Welfare (non-voting on welfare disbursement issues)  
Membership  
Historian  
Thrift Shop Liaison (non-voting on thrift shop issues)  
Hospitality  
Publicity  
Newsletter/Webmaster  
Ways and Means  
Volunteer Coordinator  
Scholarship  
Property  
AWAG  
Bazaar  
Optional fundraiser

Shared Committee Chair positions shall have one vote per position, not per person.

## *Section E: Parliamentarian*

The Parliamentarian shall be appointed by the President on the advice of the Honorary President or Advisors and serves in a non-voting capacity at all times.

## **ARTICLE VI - Duties of Officers**

*Section A.* The job descriptions of elected/appointed officers, standing committee chairs and special committee chairs are contained in the HCSC By-Laws.

*Section B.* The Executive Board and BOG shall have supervision and direction over all activities and operation of HCSC. The Executive/BOG shall exercise control over obligations and expenditures of HCSC funds and shall authorize all disbursements in addition to approved budget expenditures, regardless of amount. No member shall enter into any contract on behalf of HCSC without prior approval of the Executive/BOG.

*Section C.* The President on the advice of the Executive Board shall designate times and places of meetings which shall be held monthly. The President may declare no meeting if there is no business to discuss.

*Section D.* HCSC shall, by action of the Executive/BOG, identify any member who incurs a personal liability to a third party as a result of entering into a contract or agreement on behalf of HCSC as an officer, chair, or otherwise, provided said actions were previously approved by the Executive/BOG and the member acted within the scope of that approval.

## **ARTICLE VII - Elections and Voting**

*Section A. Nominating Procedures*

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- (1) Any Active Member residing in the Hohenfels Community, as well as those pending arrival, in good standing may be nominated to serve in an elected position. Any Active Member in good standing may self-nominate. All nominations must be submitted to the Parliamentarian in writing.
- (2) The Parliamentarian will chair the Nominating Committee in January. The names of members serving on this committee will be publicized for February's monthly event.
  - a. The Nominating Committee will include:
    - i. President
    - ii. Advisor
    - iii. Members at large selected by Parliamentarian on the advice of the advisor.
- (3) In the event a member of the Nominating Committee is considered for an elected position, the member will recuse them self from all committee meetings. If the Parliamentarian must recuse them self, the advisor will appoint a Nominating Committee Chairman.
  - a. The Parliamentarian and or the President, on the advice of the advisor, will be given the privilege of asking a nominee to serve in an elected position.
  - b. Only the nominee considered for an office will be contacted by the Parliamentarian. If this person declines the nomination, then an alternate will be contacted.
  - c. The members of the nominated slate should have the privilege of knowing the identity of the other nominees. The general board will also be informed of the nominees prior to publication to the general membership. The Parliamentarian will bring the slate of proposed officers to the Executive Board/BOG for approval.
  - d. All members of the Nominating Committee with reference to discussions and actions shall adhere to strict confidentiality
  - e. Elections will be held in April at the scheduled monthly activity. Only members allowed to vote and considered in good standing may vote at this event. Good standing is defined as being a dues paying member and residing in the JMRC community at the time of elections. The member must be present on the day of voting.

### *Section B. Election Procedures*

- (1) Elections shall be held annually in April at the scheduled monthly activity.
- (2) Elections will be announced beginning in the January newsletter and/or on social media two months in advance of the scheduled activity.
- (3) In the event of a single slate, election may be by a voice vote in accordance with Robert's Rules of Order. In the event of a multiple slate, election must be by written ballot. Nominations will be accepted from the floor at the March scheduled monthly activity. The nominee must be an active member in good standing at the time of nomination and must be willing to accept the nomination at that time. The Joint Ethics Regulation also applies.

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- (4) All election results shall be decided by a simple majority of those active members present and voting. No write in ballots will be accepted.
- (5) Advisor and Parliamentarian will distribute, collect, and count the ballots and announce the newly elected officers at the event.
- (6) In the event that an Executive Board position(s) is not filled by the April General Membership Election, said positions shall be filled by majority vote of the new incoming Executive Board.
- (7) Each officer shall hold office for a term of one year unless a written letter of resignation is submitted to the Parliamentarian. Resignations from the Executive Board must be submitted in writing no less than one month prior to desired release from office. In the event the office of President becomes vacant, the First Vice-President will become President and the Second Vice-President will assume the duties of the First Vice-President. A vacancy in any other elected office will be filled by majority vote of the Executive Board from the recommendations of the Active Membership submitted to the Parliamentarian. Vacancies in any other office will be filled by appointment by the President on advice of the Honorary President and advisers.
  - a. To be eligible, a voting member must have been an active member of the club and residing in the Hohenfels Community. Votes must be cast in person and no absentee votes are permitted.
  - b. In the case of a tie vote, the Parliamentarian will do a coin toss.

### *Section C. Installation of Officers*

- (1) Newly elected officers will be recognized (installed) in May.
- (2) The Honorary President will conduct the installation and will provide welcome comments to the new board. The First Vice-President and Membership Chair will organize the installation of the newly elected officers.

## **ARTICLE VIII - Funding Sources**

*Section A.* Income shall be derived from dues, fundraising activities, Ways and Means sales, and the net income of the Thrift Shop.

*Section B.* The Thrift Shop net income will be submitted in the form of a check by the 10<sup>th</sup> of the month following the month of earnings (e.g., April net profits, check submitted to Treasurer on 10<sup>th</sup> of May). All net income from the Thrift Shop shall go directly to the HCSC Welfare account.

*Section C.* Funds will be maintained in an approved community checking account with the title of General Account as required by USAREUR Private Organization and Fundraising Policy.

*Section D.* HCSC must have a treasurer who is an elected officer to the executive board. The treasurer must be an active member and have SOFA status.

### *Section E. Operational Funds*

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- (1) At least \$1,000.00 must be available at month-end May for use by the incoming Executive Board.
- (2) Funds, expenditures, and management of funds will be for HCSC funds only. HCSC will manage no other private organizational funds.
- (3) Expenditures up to \$250.00, not previously approved in the annual budget, must be approved by a majority vote of the Executive Board.
- (4) Checks exceeding \$500.00 will require two signatures.
- (5) Expenditures between \$250.01 and \$1,000.00, not previously approved in the annual budget, must be approved by a majority vote of the BOG.
- (6) Expenditures of \$1,000.01 or more, not previously approved in the annual budget, must be approved by a majority vote of the BOG, and approved by a majority vote by the active membership present at the scheduled monthly event.

### *Section F. Welfare Funds*

- (1) After paying out of all Welfare commitments of previous Board year, at least \$1,000.00 must be available at month-end May for use by the incoming Welfare Committee.
- (2) Most funds for welfare disbursements will be derived from net profits of the Thrift Shop.
- (3) Additional funds must be requested from the BOG on a month-by-month basis.
- (4) Grants up to \$1000.00 may be approved by the Welfare Committee and passed by the BOG.
- (5) Grants over \$1000.01 must be approved and passed by majority vote of the BOG and approved by a majority vote by the active membership present at the scheduled monthly event.

### **ARTICLE IX - Taxes**

- (1) HCSC is subject to the SOFA Agreement and U.S. tax laws.
- (2) HCSC is not a United States employer in the meaning of the United States Employment Tax Regulations and is not responsible for withholding U.S. income taxes and Federal Insurance Contribution Act deductions.
- (3) HCSC may not purchase any items using the VAT (value added tax) form.

### **ARTICLE X - Insurance Coverage**

- (1) Any member of HCSC with access to cash on hand, cash in the bank, or merchandise with a value of over \$ 500.00 will be bonded at HCSC expense in an amount sufficient to provide full protection of assets.
- (2) HCSC is not eligible for the Risk Management Program (NAF Insurance Program) (AR 215-1).



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- (3) Insurance and bonding coverage must be obtained from a commercial firm. The coverage must be adequate for protection against public liability claims, property damage claims, or other legal actions arising from HCSC activities. The coverage must also be adequate for protection for claims against one or more HCSC members acting on behalf of HCSC, or the operation of any equipment, apparatus, or device under the control and responsibility of HCSC.
- (4) The Thrift Shop shall adhere to the same requirements as HCSC; however, payment for insurance and bonding will be made directly from the Thrift Shop account (operating expense).

### **ARTICLE XI - Meetings and Quorums**

- (1) A General Membership function (ie.lunch or dinner) shall be held at least once a month during the Board year (June 1 to 31 May). A majority vote by the Executive Board may cancel a scheduled event.
- (2) The President, on the advice of the Honorary President and/or Advisors, may call a special Executive and/or BOG meeting at any time.
- (3) The BOG will meet once a month on a scheduled date. Only the President, on the advice of the Honorary President and/or Advisors may cancel a scheduled monthly BOG meeting.
- (4) Executive Board and BOG members are expected attend all scheduled monthly meetings and scheduled monthly functions. Those Executive Board and BOG members failing to attend scheduled monthly meetings and/or two or more monthly scheduled functions may be asked by the President, on advice of the Honorary President and/or Advisors, to resign.
- (5) The Honorary President and other, Advisors and the Executive Committee may meet prior to the BOG meeting, if the President deems such a meeting necessary.
- (6) Any of the above-mentioned meetings may be changed, canceled, or combined when deemed advisable by the Executive Board.
- (7) Any member in good standing may also attend the BOG meeting but may not make motions or vote.
- (8) Notice of Active Membership functions, BOG meetings, and special meetings will be made public via social media and email.
- (9) Copies of minutes and approved financial statements will be provided to the Approving Authority and all members of the BOG on a monthly basis (paper copy or e-Mail) as stipulated in USAREUR Private Organization and Fundraising Policy or upon special request.
- (10) All meetings of the BOG and the business portion of the Active Membership meetings shall be governed by procedures as set forth in Robert's Rules of Order, unless otherwise provided for in HCSC's Constitution or Bylaws.
- (11) A quorum is defined as a simple majority of the voting BOG members, simple majority of active member's present or simple majority of the voting Executive Board. The President must vote in the case of a tie
- (12) Phone or e-Mail votes of the General Membership are authorized only upon approval of the President on the advice of the Honorary President and/or advisors.

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Elections and business regarding the disbursement of funds (ex. Welfare, Scholarship and Budget Reallocation) cannot be made via phone/email vote.

- (13) When a phone/e-Mail vote of the BOG becomes necessary to conduct business, the following steps are to be taken:
- a. The President shall first inform the Parliamentarian, then the Secretary.
  - b. The Parliamentarian calls/emails each of the voting members of the BOG to inform and collect their vote within 48 hours. All voting members have to respond, or the vote fails.
  - c. The Parliamentarian calls/emails the Secretary with the results within 24 hours with the results, then the President.
  - d. The President calls/emails the advisors with the results.
- (14) Minutes are taken of the phone/e-Mail vote and submitted in addition to regular meeting minutes at the BOG meeting to be approved.

**ARTICLE XII - Dissolution**

*Section A.* Dissolution of HCSC may be approved at any time by a simple majority vote of the General Membership, on advice of the Honorary President and President, or by order of the Approving Authority. Inactivation of HCSC may be accomplished at any time by simple majority vote of the Active Membership on advice of the President and Honorary President.

*Section B.* Upon dissolution or inactivation of HCSC, all 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 active membership. In the event obligations exceed the balance on hand, active members will be assessed a prorated share of the amount needed to pay all obligations.

APPROVED BY MAJORITY VOTE ON:

PRESIDENT: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

Approving Authority: \_\_\_\_\_ Date: \_\_\_\_\_