DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NAVAL BASE SAN DIEGO
3455 SENN RD.
SAN DIEGO, CA 92136-5084

NAVBASESANDIEGOINST 5340.1B
N05M
24 Apr 2007

NAVBASE SAN DIEGO INSTRUCTION 5340.1B

Subj: FUNDRAISING AND PROMOTIONAL ACTIVITIES ON NAVAL BASE SAN DIEGO (NBSD)

Ref: (a) DoD Directive 5500.7-R
(b) COMNAVREGSWINST 1710.6
(c) COMNAVREGSWINST 1710.8
(d) BUPERSINST 1710.11C
(e) OPNAVINST 1700.7E

1. Purpose. To establish policy and guidelines for fundraising and promotional activities on NBSD.

2. Cancellation. NAVBASESANDIEGOINST 5340.1A. This is a complete revision and should be read in its entirety.

3. Background

a. Reference (a) specifically requires avoidance of any action that results in, or can reasonably be expected to create, the appearance of giving preferential treatment to any person, entity or firm when dealing with private sector representatives and prohibits any action "adversely affecting the confidence of the public in the integrity of the government." Therefore, subject matters shall be conducted within guidelines as established herein.

b. The NBSD Command Judge Advocate (CJA) is designated as the command Ethics Advisor. In all cases where there is uncertainty as to compliance with references (a) through (e), personnel must seek guidance from the CJA.

4. Policy. NBSD seeks to provide maximum support to fundraisers or activities enhancing the quality of life for service members and civilian employees. Additionally, support of federally chartered Youth Group Organizations (i.e., Boy and Girl Scouts of America) and other organizations such as Navy-Marine Corps Relief Society, Navy League, Naval Junior Reserve Officer's Training, etc. in their fundraisers or activities is authorized and encouraged.

Personal commercial solicitation requests are considered business ventures and shall be referred to the Navy Exchange (NEX) and Morale, Welfare, and Recreation (MWR) Department for their consideration towards establishing a business arrangement, if possible or desirable. Policy concerning fundraising activities at MWR facilities is contained in reference (b).

5. Procedures and Restrictions. All fundraising and promotional activities, which take place in public areas onboard NBSD require prior approval by the Commanding Officer NBSD. The CJA is delegated "By direction" authority to approve subject requests. The CJA shall be responsible for coordinating with the cognizant activity and the location of the function. Written requests outlining the type of activity, date(s), location, and point of contact phone number must be submitted to the CJA within two weeks of the event. Approval letters shall be generated with copies furnished to the appropriate activity. Due to heightened security posture, qualified outside organizations may be required to furnish an advance list of representatives authorized to obtain access to the Main and Fleet NEX areas. The following pertains:

a. Hours and Locations. Pursuant to section 3-211.b of reference (a), limited fundraisers and promotional activities may be permitted in any of the following public locations: in front of the Main NEX, Fleet NEX, Bayview Mini-Mart and Murphy Canyon Maxi-Mart areas. Such activities will normally be held between 0900 and 1600 hours. Solicitations are not allowed in the area adjacent to the Commissary; however, qualified organizations may submit requests for promotional activities for consideration on a case-by-case basis. Public safety precludes the use of areas on or near the piers and NEX gas stations. Car washes are prohibited at all public locations. Chairs and tables for booths, as well as area cleanliness, are the sponsor's responsibility.

b. In House Fundraisers. Organizations composed primarily of DoD employees or their dependents, may conduct fundraisers in other than the above designated public areas as long as the fundraising activity is conducted among their own members for the benefit of welfare funds for their own members or their dependents. Additionally, the fundraiser must be approved by the head of the DoD component command or organization after consultation with the Designated Agency Ethics Official or designee.

Activity fundraisers must be occasional, with funds generated deposited to the MWR Central Bank Account. Funds must go to Ann Orgeron, MWR representative (see reference (c)) for credit to the generating unit, as required by references (c) and (d). Maintenance of separate bank accounts or recreation funds is prohibited. Advertising shall be permitted internally only within the requesting activity. Flyers shall not be posted or distributed by any means, to other commands or in public places on base such as the bowling alley, NEX complexes or privately owned vehicle windshields. Fundraisers or solicitations shall not be conducted in workspaces without prior approval by the head of the DoD component command or organization. Activity car wash fundraisers are authorized contingent upon specific procedural requirements and NBSD Environmental and CJA site pre-approval.

c. No Competition. Fundraiser items or products shall not be in direct competition with the NEX, its vendors, or MWR (sale of food or retail items available at MWR clubs, snack bars, or other resale outlets). Reference (e) requires the command to control competition to ensure unwarranted proliferation of competitive resale activities are not counterproductive to the overall effectiveness of providing adequate MWR services within the Navy. To this end, activities shall not engage in practices designed to compete with or solicit patronage away from other authorized outlets.

d. All organizations conducting fundraising activities, which involve the handling and sale of food must ensure precautions are taken and safe food handling practices are followed to prevent food-borne illnesses.

e. Boy and Girl Scouts troops are encouraged to coordinate requests through the appropriate area council, who will provide assurance of supervision and proof of medical or liability insurance for its participating membership. Coordination further enables the avoidance of competition for limited space between area troops during seasonal fundraising drives.

6. The following are established users and have priority for the purpose indicated, upon submitting a written request as per paragraph 5 of this instruction:

a. Baked Goods and candy sales. Ombudsman, spouses clubs and federally chartered youth group organizations.

b. Health and Quality of life promotions. Navy Medical and Dental Clinics, American Red Cross, Lawyer's Bar Association, MWR and qualified educational institutions.

7. Requests for charitable fundraisers or activities for local schools, social or business groups with no direct military affiliation will normally not be honored due to the inability to support such a large number of requests. When feasible, community relations programs may be conducted by the MWR Department, per reference (d).

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