

# **Statute of the association Internationales Kinderhaus Augsburg e.V.**

## **§ 1 Name, location, fiscal year and registration of the association**

1. The name of the association is the Internationales Kinderhaus Augsburg.
2. The association is located in Augsburg.
3. The fiscal year is the calendar year.
4. The association is entered in the Register of Associations and is permitted to use the additional title of “e.V.” (“eigetrager Verein”), indicating that it is a registered association in Germany.

## **§ 2 Purpose of the association**

1. The purpose of the association is to provide day care for children through the establishment and maintenance of a childcare facility.
2. One key feature of our facility is bilingual education.
3. Any profit that the association makes may only be used for the purposes stipulated in the statute.
4. The association supports the childcare facility financially and ideologically.

## **§ 3 Non-profit status**

1. The association is completely non-profit, as described in the section “Tax-deductible purposes” of the German Tax Code.
2. The association is run on a non-profit basis; in other words, commercial viability is not its main purpose.
3. The association’s capital must only be used for purposes stipulated in the statute. The association members may not receive any capital belonging to the association in their capacity as members. No person may benefit from expenditure that is not related to the purpose of the association, or receive disproportionately high remuneration.

## **§ 4 Membership**

1. Anyone who supports the purpose of the association as set down in § 2 above can become a member.
2. The association is made up of
  - active members and
  - sustaining members.
3. Persons wishing to join the association must apply in writing to the board. The board decides whether membership will be granted.
4. All members of the association recognise the statute.

5. Membership ends when the member leaves or is excluded from the association, or upon his/her death. In the case of a legal entity, membership ends when it is deleted from the Register of Associations.
6. Members wishing to resign from the association must send a written resignation to the board. The notification period is 4 weeks to the end of the calendar month.
7. If a member has seriously contravened the aims and interests of the association, or is in arrears with payment of the membership fee despite receiving reminders, the board can decide to cancel their membership. The member must be given the opportunity to respond to this decision before it is made final. The member can appeal against this decision within 8 weeks of being informed of the decision to cancel his/her membership; the final outcome will then be decided at the next General Meeting (GM).

## **§ 5 Active membership**

1. Active association members are parents and legal guardians of children who attend the childcare facility.
2. The role of the active members is to play an active part in the work of the association. In addition to this, they have a duty to do voluntary work for the benefit of the facility, as their capabilities allow.
3. The active membership of the parents or guardians ends automatically (no written notice required) on the last working day before the child starts school, or when the child leaves the facility for other reasons (termination of the childcare contract). The parents/guardians can, however, apply in writing to extend their membership. If they still have a child attending the facility, the membership is automatically extended. In the case of board members whose children have left the facility, active membership ends at the next GM with the election of a new board.

## **§ 6 Sustaining membership**

1. Any person or legal entity who recognises the statute and supports the purpose of the association can become a sustaining member.
2. Sustaining members are not entitled to vote at the GM.

## **§ 7 Fees**

1. The childcare fees and association membership fee are set down in the by-laws, which have to be passed at the GM.
2. The fees due depend on the sums received (childcare fees, sponsorship, donations and state subsidies) in relation to the costs to be covered.

## **§ 8 Association capital**

1. The association's capital may only be used to serve the purpose of the association.

2. The board and the members will be reimbursed for any small expenses they incur.
3. Association employees are paid a salary.
4. The members do not receive a share of the profits and are also not entitled to any other payments from association funds.
5. On leaving the association, or if the association is dissolved or disbanded, members will not be reimbursed with any part of the association funds.
6. No person is permitted to benefit from payment for administrative tasks that do not serve the purpose of the association, or to receive disproportionately high payments for any tasks performed.

## **§ 9 Bodies of the association**

1. The bodies of the association are:
  - a) the General Meeting (GM) of members and
  - b) the board.

## **§ 10 The General Meeting of the members**

1. The board calls the GM, which must take place at least once a year. The board can call additional general meetings with the members if necessary for the interests of the association or if a request has been made to call such a meeting by one third of the members, who must state the purpose or reasons for calling the meeting.
2. Members must be invited to attend the GM in writing, 14 days in advance, and the proposed agenda must also be provided in writing. In urgent cases, the GM can be called with only 2 days' notice. The necessary formalities for calling a GM are considered to have been complied with when the invitation has been sent within the required period of time to the members' addresses/e-mail addresses.
3. Each GM that has been called in compliance with the statute constitutes a quorum.
4. Unless another agreement has been made, motions are passed at the GM with a simple majority. In the case of a tie vote, the motion in question is rejected.
5. All members have the right to submit proposals to the GM.
6. The minutes of the GM must be taken in writing and signed by the minute-taker and a board member. The minutes must be made available to each association member no more than two weeks after the GM. Each member has the right to appeal against decisions made at the GM within a further week. If such a formal objection is made, it must be the first point on the agenda at the next GM. The formal objection must be made to the board in writing.
7. The role of the GM includes the following:
  - a. The election of the new board,
  - b. The election of the cash auditor. The cash auditor has the right to examine the association funds and business methods at any time. He/She must provide a report of this examination at least once a year.

- c. The acceptance of the annual report and financial report provided by the board, the cash auditor's report and the discharge of the board,
- d. A statement of the association's tasks and fields of activity for the coming year,
- e. Changes to the statute,
- f. The summary of the planned budget for the coming year,
- g. Determination of the level of fees to be paid,
- h. The admission and exclusion of members in cases of dispute,
- i. The dissolution of the association.

## § 11 The board

1. The board consists of the chairperson and between two and six other board members.
2. Each board member has power of sole representation. Any transactions of more than 5000 euros must be approved by two board members together. The board members represent the association judicially and extra-judicially as set down in Article 26 of the German Civil Code. The board manages the association's capital. Board members work in a voluntary capacity and can appoint members to be responsible for specific fields of activity (such as treasurer) in accordance with Article 30 of the German Civil Code.
3. It is the board's job to run the current operations of the association. In particular, it has the following duties:
  - a. carrying out the decisions made at the GM,
  - b. drafting the agenda of the GM and
  - c. the conclusion and termination of work contracts.
4. The board is elected with a two-thirds majority of the members eligible to vote who are present at the GM. The board is elected for one year. Only association members are eligible for election to the board. All board members may stand for re-election.
5. Each member of the board can be removed and replaced at any time by the GM.
6. Board meetings take place as and when necessary. The chairperson, or, in urgent cases, another member of the board, calls the board meeting with one week's notice. Board meetings constitute a quorum when all board members have been invited as stipulated in the statute and at least two are present. The board makes decisions based on a simple majority. If there is a tie vote, the proposal must be brought before the GM.
7. If there is an urgent reason to do so, decisions can be made by the board without calling a meeting, as long as all board members give their agreement in writing, by telephone or through another means. Decisions made by the board in this way must be recorded in writing and signed by the chairperson.

## § 12 Changes to the statute

1. Changes can only be made to the statute with the agreement of the GM. Motions that contain a change to the statute must receive a two-thirds majority vote from the association members present at the GM.
2. The GM may only agree to a change to the statute when the proposed changes to the relevant clauses in the statute are stated in the invitation to the GM.
3. Changes to the statute required by the regulatory authorities, the judiciary or by the tax authorities can be made following a unanimous vote by the board. In this case, the association members must be informed of the changes to the statute in writing.

## § 13 Dissolution of the association

1. The association is dissolved through the GM. A two-thirds majority of votes is necessary.
2. The GM may only vote for a dissolution of the association if this has been announced in advance as a point on the agenda in the invitation to the GM, and a special notice period of four weeks before the meeting has been given.
3. The GM will name three liquidators to dissolve the association.
4. In the case of the dissolution or disbanding of the association, its capital will be made over to a public corporation or another non-profit organisation to be used for the support of children and young people.

The most recent version of this statute was agreed in the General Meeting of 08.03.2012.

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Martina Devine  
Minute-taker

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Susan Twine  
Chairperson