

Aktion Kinderparadies e.V.

Statutes [*Satzung*]

I. Legal form and purpose

§ 1 Name, registered office, registration and financial year

1. The name of the association is "Aktion Kinderparadies e.V.", hereinafter referred to as the "Association" [*Verein*]. It was established on 6 July 1999 as "Arbeitsgemeinschaft für betreuten Kinderspielplatz in Oberursel" and is registered in the Register of Associations [*Vereinsregister*] of the Local Court [*Amtsgericht*] of Bad Homburg v.d.H. under number 10 VR 1197-1.
2. The Association's registered office is in Oberursel.
3. The financial year is the calendar year.

§ 2 Purpose of the Association, charitable status

1. The Association exclusively and directly pursues charitable purposes within the meaning of the "Tax-privileged purposes" section of the German Tax Code [*Abgabenordnung – AO*] (sec. 51 ff. AO) as amended.
2. The Association has an independent pedagogic mission. Its task is in particular to promote the development of young children by providing opportunities to play outside and through this to stimulate the mental, emotional and physical development of the child and foster their social skills. (For further details on the Association's pedagogic mission, please also refer to the "Concept of the pedagogical approach" section".)
3. The purpose according to the statutes is realised in particular by the provision of supervised outdoor playgroups at playgrounds in Oberursel for children aged between 18 months and the age they start kindergarten. In addition, joint trips and events are occasionally undertaken.

§ 3 Selflessness [*Selbstlosigkeit*]

1. The Association operates selflessly; the pursuit of economic purposes of its own is not its primary objective.
2. Its members do not have any share in its assets.
3. The Association's funds must be used solely for the purposes set out in the statutes. The members do not receive any benefits from the Association's funds.
4. All holders of offices within the Association are volunteers serving in an honorary capacity.
5. No person may be favoured by expenses that are alien to the purpose of the Association or by unreasonably high remuneration.

II. Membership

§ 4 Members

1. Natural or legal persons with an interest in supporting children and in childcare, and who are prepared to support the goals of the Association, can become members.
Anyone can become a member of the Association regardless of their profession, nationality and religion. Members can be individual persons or parents together as a couple.
2. The Association has the following members:
 - active members (persons with legal custody [*Sorgeberechtigte*] whose child/children has/have been allocated a childcare place);
 - passive members (all ordinary members who are not active members);
 - honorary members.

§ 5 Membership, application for childcare places

1. The membership application must be submitted in writing, except in the case of honorary members.
2. The board decides on admission. Membership begins on the date stated in the decision. No reasons must be given for a rejection.
3. The board decides on honorary memberships. Only such persons should be put forward who have made an extraordinary contribution to the Association. Honorary members have the same rights as ordinary members.
4. With submission of the membership application, the statutes of the Association, the fee schedule, and the concept of the pedagogical approach are deemed accepted.
5. The nature, amount, due date and method of payment of joining fees, membership fees, childcare fees and other fees as well as the provisions on hours to be worked (donating time) are stipulated by the board separately in the fee schedule. The fee schedule does not form part of this statutes. It must be approved by the members at the following general meeting of members [*Mitgliederversammlung*].
6. Childcare places:
Every member is entitled to apply for a childcare place for their child/children who are aged between 18 months and the age they start Kindergarten.
Persons submitting an application are obliged to provide information about the child the place is being applied for and the legal guardians [*Erziehungsberechtigte*].

§ 6 Termination of membership and cancellation of the childcare place

1. Membership ends if a member leaves the Association, is excluded, dies, or if the Association is dissolved.
2. Notice of termination of membership (a member leaving the Association) can only be declared effective as at the end of a calendar year.
The notice of termination must have been received in writing by the Association's office or the board by 15 December at the latest.
3. Membership of the Association is not affected by the cancellation of a childcare place. The childcare place can be cancelled at any time in writing giving four weeks' notice to the end of the month.
With the termination of membership of the Association, the childcare place is likewise automatically cancelled effective the end of the calendar year. If a different date is desired, the childcare place must be cancelled separately.
4. The board may decide to exclude a member.
The member should be informed of the decision to exclude them, including the reasons, in writing. If that member opposes the exclusion in writing within a period of one month from receipt of the notification, the

general meeting of members decides. Until a decision has been taken by the general meeting of members, the member remains a member.

Exclusion may be considered in particular:

- a. if a member owes membership fees, childcare fees, or has other financial obligations to the Association that are overdue by more than three months and has not paid these outstanding amounts despite a written reminder,
 - b. if a member has moved without informing the Association of their new address,
 - c. if a member no longer enjoys full rights as a citizen [*bürgerliche Ehrenrechte*] due to dishonourable acts and in the case of conduct damaging to the Association.
Conduct damaging to the Association includes in particular acts or failures to act which impact the Association, its purpose and tasks, or its reputation; repeated breaches of the Association's statutes; non-observance of resolutions passed by the general meeting of members or the board.
5. With the termination of membership, the member leaving the Association must pay all their debts to the Association, in particular any fees owed, without undue delay. In all other respects, all rights and obligations vis-à-vis the Association cease to exist.

§ 7 Rights and obligations of members

1. The members have the following rights:

Every member has the right to propose motions and to vote at general meetings of members (parents as a couple/legal guardians have one joint vote). Absent members, too, may be elected at the general meeting of members if a written power of attorney is submitted.

Every member who feels their rights have been violated due to an order issued by a member of the board, a body appointed by the board, or a childcare worker has the right to lodge a complaint with the board of the Association.

2. Membership rights become dormant if a member has financial obligations to the Association that are overdue by more than three months, despite a written reminder, until these debts have been paid.

3. The members have the following obligations:

- the resolutions and orders of the bodies of the Association must be observed;
- all fees pursuant to the fee schedule must be paid on time;
- active members undertake to do childcare duty at the playground to support the childcare workers in line with the agreement within the groups, and to work the required hours (donate time), or donate the stipulated equivalent compensation in kind, to the Association as set out in the fee schedule;

- the instructions given by the Association's childcare workers during the playgroups must be adhered to;
- members must promote the interests of the Association and refrain from anything which could harm the reputation or run counter to the purpose of the Association;
- members must treat property of the Association and places/facilities used by the Association with due care.

§ 8 Liability

1. The childcare workers' duty of care [*Aufsichtspflicht*] on behalf of the Association commences when they take charge of the children at the respective playground. It ends when the children leave the playground premises with a legal guardian [*Erziehungsberechtigte*] or another person charged with the task.

2. The Association is liable for damage, regardless of what type, incurred by a member or their children resulting from the participation in the childcare provided, the use of Association facilities, or the participation in any other events of the Association, only within the scope of the Association liability insurance [*Vereinshaftpflicht*].
3. The Association is liable for damage caused by a member or their children to third parties or tangible property only within the scope of the Association liability insurance.
4. A member can be held liable for damage to Association property caused by the member or their children.

III Representation and management of the Association

§ 9 Association offices

1. All Association offices are honorary, voluntary positions (*Ehrenämter*). There are no salaried offices.
2. Actual, necessary expenses incurred by the holder of an honorary, voluntary position when exercising their position can be reimbursed.
3. If the workload exceeds what can be reasonably expected of a voluntary position, the board may make use of employees.

§ 10 Association bodies

1. The association has the following bodies:
 - the general meeting of members [*Mitgliederversammlung*]
 - the board [*Vorstand*]
 - the parent representative committee [*Elternbeirat*].

§ 11 General meeting of members

1. The general meeting of members is the meeting of all members with voting rights, properly convened by the board. It is the Association's highest body.
The ordinary general meeting of members [*Jahreshauptversammlung*] is held annually and should be convened within the first three months of the calendar year.
2. The general meeting of members is convened by the board in writing, specifying the agenda, at least two weeks prior to the date of the meeting.
3. Each member of the Association can, until one week prior to the general meeting of members at the latest, file a motion with the board for a motion to be added. The board decides on the inclusion of the motion in the agenda.
4. The chairperson [*1. Vorsitzende*] or a representative chair the meeting.
5. All properly convened general meetings of members have a quorum regardless of the number of members present.
Every member present at the general meeting of members is entitled to vote. Every member may cast exactly one vote on the resolutions at the meeting (parents as a couple/legal guardians have one joint vote). Absent members, too, may be elected at the general meeting of members if a written power of attorney is submitted.
6. Votes and elections are open unless a member requests that votes be cast in secret. Resolutions are passed by a simple majority of the votes cast. Abstentions are not included when the votes are counted. A tie is deemed to be a rejection.

Pursuant to sec. 33 of the German Civil Code [*Bürgerliches Gesetzbuch – BGB*], amendments to the statutes can be resolved only by a majority of three quarters of the votes cast.

7. A record must be prepared of the resolutions of the general meeting of members, which must be signed by the person chairing the meeting and the minutes taker.
8. Extraordinary meetings take place if the interests of the Association so require and/or if at least 20% of the members submit a written request for one, stating their reasons. At such meetings, resolutions may be passed only on the points listed in the invitation. In all other respects, the same provisions apply to extraordinary meetings as to ordinary meetings.
9. The task of the general meeting of members is to decide on:
 - the acceptance of the annual reports presented by the board
 - the approval of the minutes of the previous year's general meeting of members
 - the acceptance of the accounts
 - the formal approval of the board's actions
 - the election of the board members
 - the election of the auditors
 - statutes-related matters
 - other motions

§ 12 Board

1. The managing board [*geschäftsführender Vorstand*] pursuant to sec. 26 *BGB* comprises:
 - the chairperson [*1. Vorsitzende*],
 - the deputy chairperson [*2. Vorsitzende*],
 - two representatives of the town of Oberursel, one of whom should be the head of childrens' affairs [*Kinderbeauftragte*] of the town of Oberursel.
2. In addition, the extended board [*erweiterter Vorstand*] comprises four to eight non-managing board members.
3. Where simply the term "board" [*Vorstand*] is used in these statutes, it refers to the extended board.
4. The managing board is responsible for representing the Association pursuant to sec. 26 *BGB* and for managing the Association's business. Two members of the managing board are entitled to jointly represent the Association.
Exemption from sec. 181 *BGB* is ruled out: members of the managing board are not permitted to represent the Association on their own account.
5. The tasks of the entire board [*Gesamtvorstand*] are, in particular:
 - implementing resolutions of the general meeting of members;
 - conducting the Association's business (in particular member administration and the organisation of the childcare places), to the extent the general meeting of members is not responsible for this pursuant to the statutes;
 - discussing and passing resolutions on all matters;
 - preparing and holding events, unless they are the responsibility of other committees;
 - managing the finances and the Association's assets;
 - preparing the annual reports;
 - convening and preparing the general meetings of members.Furthermore, the board is responsible for all other tasks assigned to it in these statutes.
6. All members of the board are each elected for one year by the general meeting of members. Re-election is permitted.
7. Only members of the Association can be members of the board. Membership of the board ends with the termination of membership of the Association.

8. Following the expiry of the regular term of office, a board member remains in office until a successor is elected. If a board member leaves their position prematurely, the board may appoint a member of the Association to the board until the next election.
9. The board meets at least six times per year.
10. The board has a quorum if at least half of the board members are present. Resolutions are passed by simple majority. In the event of a tie, the chairperson has the casting vote. If they are absent, the deputy chairperson has the casting vote.
11. Resolutions passed by the board must be recorded.
12. The board decides by resolution on the distribution of individual tasks. It can use working groups to perform work in particular areas.
13. The board members must maintain confidentiality with respect to the matters they become aware of in this role.
This also applies for the period after their term of office.

§ 13 Parent representative committee [*Elternbeirat*]/parent representatives [*Gruppensprecher*]

1. A parent representative committee is formed to involve the parents in the Association and to support the board.
The committee comprises the elected parent representatives of the six playground groups.
 - the parent representative of the Bommersheim playground
 - the parent representative of group I of the Camp King playground
 - the parent representative of group II of the Camp King playground
 - the parent representative of group I of the Kleine Schmieh playground
 - the parent representative of group II of the Kleine Schmieh playground
 - the parent representative of the Stierstadt playground.
2. The parent representative and a deputy are elected by the active members of each respective playground group.
The election should take place during a parents evening, if possible directly following the summer holidays. The term of office is one year. Re-election is permitted.
All active members of the respective group must be informed of the election date one week prior to the election.
3. The election is decided by simple majority of the members present. The legal guardians of a child have one joint vote. The election is open unless a member requests that votes be cast in secret.
4. Parent representatives and their deputies must be active members of the respective playground group. If a parent representative ceases to be an active member prior to the end of their period of office, the deputy takes over the duties until the end of the term of office. If the deputy also leaves, an election must be held as soon as possible at a parents evening.
5. The tasks of the parent representative committee are, in particular:
 - presenting issues and opinions from the respective parent group to the childcare workers and the board;
 - informing the parents about resolutions passed by the board;
 - advising and supporting the board in its work.
6. The parent representative committee should be informed and heard by the board regularly and in detail, in particular as regards
 - organisational issues concerning childcare at the playgrounds;
 - fundamental issues concerning the pedagogical concept and its implementation;
 - setting the childcare fees.
 For this reason, the parent representative committee is invited as an advisory body regularly, however at least three times per year, to the board meetings.

7. The parent representative committee members must maintain confidentiality with respect to the matters they become aware of in this role and at board meetings unless the information is expressly intended to be passed on to the members. This also applies for the period after their term of office.

§ 14 Auditors

1. The general meeting of members elects two auditors. The auditors must not be members of the board. The term of office is one year, re-election is possible. However, the uninterrupted term of office must not exceed two financial years.
2. The auditors audit the Association's management and report at the general meeting of members on the results of their audit.
3. The board must grant the auditors access to the account books and vouchers at any time.

§ 15 Data protection clause

1. The Association is entitled to store on electronic media the members' personal data that are required for the management of the Association in accordance with the statutes.
These data include, for example, first names, surnames, dates of birth, addresses, telephone numbers and email addresses of the children and the persons with legal custody and/or parents, bank account details for the payment of fees.
2. The Association is obliged to treat confidentially all members' personal data known to it and to use the data exclusively for internal, in particular administration-related, purposes.
3. Deviations from the above provisions are permissible only in exceptional cases and with the express prior written consent of the member. Any amendment to the above data protection provisions requires a 9/10 majority at the general meeting of members.

§ 16 Dissolution provision

1. A resolution on the dissolution of the Association or the amendment of the purpose of the Association may be passed only at a general meeting of members convened exclusively for that purpose. The general meeting of members resolves the dissolution of the Association by a majority of three quarters of the votes cast.
2. If the Association is dissolved or the tax-privileged purposes cease to exist, the Association's assets pass to the town of Oberursel, which must use them directly and exclusively for charitable purposes within the meaning of § 2 of these statutes.

§ 17 Severability

1. If one of the provisions in these statutes is or becomes legally invalid in whole or in part, the legal validity of the remaining provisions is not affected thereby.

Oberursel, 16 April 2013

Andrea IrlenKaeuser-Helinski

Chairperson

Änne Haas

Deputy Chairperson