

KLuST

Kölner Lesben- und Schwulentag e.V.

Cologne Lesbian and Gay Day Registered Association

Charter

Charter of the Kölner Lesben- und Schwulentag e.V. (KLuST) (revised version of 04 November 2004, most recently amended by the membership assembly on 13-05-2019)

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Preamble

In the communal-political declaration adopted by its membership assembly in December 2003, the Kölner Lesben- und Schwulentag e.V. formulated its non-negotiable demands for participation and emancipation of Lesbians, gays, bisexuals, transsexuals and intersexuals in both state and society. Authentic participation in our society however also means fighting in, and together with, this society for actual equal rights. We wish to take up our own responsibilities and actively support the process of transformation into a discrimination-free civil society.

As a powerful demonstration of sexual self-determination and identity diversity, the Cologne CSD, as part of ColognePride, serves as a recurring symbol of our interests and needs, calling attention to them and demanding recognition of our rights.

We stand for coexistence on an equal footing for the most diverse of lifestyles, based on mutual respect and acceptance for one another.

At the frontier of individual responsibility, we devote our efforts to the establishment of a caring society that finds collective solutions for the problems it faces and ensures that individuals enjoy the support that is their due.

We declare our unqualified and unlimited solidarity with those who are persecuted because of their sexual preference or gender identity.

The Kölner Lesben- und Schwulentag e.V. (Cologne Lesbian and Gay Day Registered Association) is dedicated to the goal of a discrimination-free, inclusive society.

In consideration of the fundamental principles expressed in this preamble, the association, through its membership, herewith adopts its own charter as set out below.

Section 1 Name, seat and business year

(1) The association shall bear the name, "Kölner Lesben- und Schwulentag e.V.," abbreviated as "KLuST" for purposes of internal and external communication.

(2) The association shall have its seat in Cologne. The association shall be registered with the Register of Associations of Cologne. Its business year shall be the calendar year.

Section 2 Object

(1) The Kölner Lesben und Schwulentag e.V. shall be a regional interest group whose aim is to demand and support the realisation of full equal rights for lesbians, gays, bisexuals, transsexuals and intersexuals in all areas of societal and political life. The association shall be independent of any political party or world view.

(2) In particular, the association's object shall be pursued through:

1. support for and promotion of the cultural, political and economic life of lesbians, gays, bisexuals, transsexuals and intersexuals. This includes support for specific programmes for young people, the elderly and families;
2. the provision of caring support for individuals with HIV and AIDS;
3. the organisation of a Cologne Lesbian and Gay Day under the name, "Christopher Street Day Köln," and its supporting cultural and political programme, ColognePride;
4. the realisation and promotion of cultural and political activities, in particular as part of ColognePride;
5. the procurement and provision of information for the promotion of equal rights for and integration of lesbians, gays, bisexuals, transsexuals and intersexuals in society;
6. the promotion of interregional cooperation with other organisations dedicated to the same core objectives as the association;
7. the organisation of WomenPride (the rights to which are owned by the association) as a way of consolidating and highlighting lesbian events as part of ColognePride, in which connection WomenPride, in the interests of increased acceptance in the lesbian target group, can employ stand-alone advertisement material.

(3) The association shall primarily be active in the Cologne region.

Section 3 Finances

(1) The association shall solely and directly pursue objectives of public benefit. The object of the association shall be entirely non-profit in nature. Within the context of its object, the association shall however have the option to establish and maintain its own facilities.

(2) Resolutions concerning amendment of the association's object pursuant to its charter or concerning the use of association funds subsequent to its dissolution shall be subject to prior issue of a clearance certificate by the Tax Office.

(3) The association shall be non-profit-making; it shall not primarily pursue its own economic objectives. Members shall not receive any distributions of profits and in their capacity as members shall also not receive any other allocations from the funds of the association.

(4) All holders of association offices shall be active on an essentially voluntary basis. It will however be possible for executive committee members and other mandatees of the association who are active for it on an extensive voluntary basis to be paid lump-sum reimbursements for expenditures in time and work, up to the relevant tax allowance pursuant to Section 3 No. 26a Income Tax Act in respect of the honorary-office lump-sum.

(5) In the event that, for the fulfilment of the association's object, members are entrusted with tasks which they do not perform as members (e.g., consultative, expertise-related, organisational or administrative tasks), they can receive a remuneration in conformity with business practice. No person may benefit through expenditures that are not in conformity with the association's object or through a disproportionately high amount in remuneration.

Section 4 Membership

(1) Natural and legal persons can become members of the association.

(2) Applications for membership can be submitted either in writing or electronically via the admittance application provided by the association. Acceptance of applications for membership shall be subject a decision by the executive committee.

(3) Objection to a rejection of an application for admittance by the executive committee, to be communicated in text form, is possible on the occasion of a membership assembly. The objection must be submitted to the executive committee within one month of receipt of the decision in text form. The membership assembly shall in turn decide definitively by simple majority on the application for membership.

(4) Membership shall end by means of a declaration of withdrawal addressed to the executive committee or through death or through expiry of the legal person in question. The declaration must be in text form. Membership shall also end through exclusion, upon a motion of the executive committee, upon which the membership assembly in turn shall decide. Such a motion to exclude a member and the grounds given for it are to be disclosed in the invitation to the membership assembly. Repayment of contributions already paid shall not take place.

(5) A member can only be excluded in the event that they have violated the fundamental principles of this charter and of the association or have done serious or long-term damage to the reputation of the association or have, despite reminding, minimally failed to pay the contributions due for one year. Exclusion shall, upon a motion of the executive committee or a motion from the membership assembly, be decided upon by the membership assembly, and in the event of defaulting payers, by the executive committee alone. The member can call upon the membership assembly to decide against their exclusion by the executive committee at the membership assembly following the exclusion.

Section 5 Membership contribution

Members shall pay a membership contribution. This is set out in detail in the membership contribution rules adopted by the membership assembly.

Section 6 Organs of the association

(1) The organs of the association shall be:

1. the membership assembly
2. the executive committee

Section 7 Membership assembly

- (1) The membership assembly shall be the association's highest decision-making organ. The executive committee shall be bound by its decisions.
- (2) The membership assembly shall be competent to take a decision if it has been duly convened.
- (3) All members who at the time of the membership assembly are not in arrears with payment of the membership contribution shall be entitled to vote. New members who have been admitted by resolution of the executive committee shall be entitled to vote at the membership assembly if they have paid the membership contribution.
- (4) A minimum of one regular membership assembly shall take place per year. Membership assemblies shall be public.
- (5) Aside from the instances regulated pursuant to Section 36 Civil Code (BGB), the executive committee shall convene an extraordinary membership assembly if the executive committee is requested in text form to do so by a minimum of twenty-five per cent of the members entitled to vote.
- (6) The executive committee shall convene the membership assembly via a text sent to the members' most recent known (email) address, stating the agenda, at the latest four weeks prior to the date of the membership assembly. In the instance of an extraordinary convening of the membership assembly by the executive committee, a five-calendar-day peremptory term for convening shall apply. Members who do not have an email address shall receive the invitation by post. The protocol of the last membership assembly is to be enclosed with the invitation to the membership assembly. This can be effected by means of a download link.
- (7) Voting rights at the membership assembly shall not be transferable.
- (8) The tasks of the membership assembly shall be:
 - a) electing a/the chair of the membership assembly
 - b) electing a/the secretary of the membership assembly
 - c) amending or supplementing the agenda of membership assembly
 - d) accepting the annual report and the financial report of the executive committee
 - e) accepting the cash auditor's report
 - f) granting discharge to the executive committee
 - g) electing the executive committee
 - h) electing the cash auditor
 - i) deliberating and deciding on motions
 - j) adopting a resolution concerning the membership contribution rules
 - k) amending the charter; dissolving the association
 - l) adopting resolutions concerning objection to non-admission or concerning the exclusion of (a) member(s)
 - m) adopting a resolution concerning the structural organisation of the activities of the executive committee

(9) The membership assembly shall decide by simple majority of the votes cast, unless otherwise stipulated by the charter. Abstentions shall remain disregarded. As a rule, voting shall be open, unless a secret ballot is desired by a minimum of one member. The election of the executive committee or of an individual committee member shall be by secret ballot.

(10) Resolutions of the membership assembly must be recorded and must be signed by the secretary and chair. The minutes must be made available to the members at the latest when invitations to the following membership assembly are sent. This can also be effected in writing by means of a download link. Every member shall have the right, upon request, to inspect the minutes or request a copy.

(11) Motions requesting amendment of the charter or dissolution of the association must be enclosed with the invitation to the membership assembly. This can also be effected in writing by means of a download link.

Section 8 Executive committee

(1) The executive committee shall be elected by the membership assembly for a term of three years. It shall remain in office until a new executive committee has been elected.

(2) In the event of the resignation of a committee member prior to expiry of the term for which they were elected, the executive committee shall, by an absolute majority of its members, be entitled a maximum of two times to supplement itself. Members must be notified within two weeks of the resignation of a committee member and of any co-option. A membership assembly, convened within three months, must in turn confirm the co-option by the same majority as applies to a vote by the executive committee. In the event that the membership assembly rejects the co-option by executive committee, the membership assembly must vote for a new committee member at the same session. The term of office of a committee member elected in this manner shall end upon expiry of the term of office of the executive committee.

(3) The executive committee minimally shall be comprised of five members all with the same rights. The concrete number of members shall be determined by the membership assembly at the commencement of a ballot. It is not possible to determine an even number of executive committee members. To the extent possible, the principle of diversity is to be observed in filling of the offices of the executive committee.

(4) At a given time, two executive committee members shall represent the association within the meaning of Section 26 BGB.

(5) Any natural person who is a member of the association with the right to vote can be elected to the executive committee. A person who receives the votes of the majority of members of the membership assembly shall be considered elected. In the event that such a majority has not been achieved after two ballots, the person who, on an additional ballot, has received the majority of votes shall be considered elected. A new election is to take place, at the earliest, 34, and, at the latest, 36 months following commencement of the legislative period.

(6) The executive committee shall conduct the business of the association.

(7) The executive committee shall adopt its resolutions by simple majority. The executive committee shall be competent to take decisions, provided that more than half of its members are present.

(8) The resolutions of the executive committee are to be recorded. Decisions of the executive committee can also be taken by means of electronic messaging, provided that all executive committee members approve this procedure.

(9) The executive committee as a whole or, resp., one committee member can, during their term of office, be replaced at membership assembly through the election of a new executive committee or committee member, resp., by a two-thirds majority of the valid votes represented.

(10) The executive committee can appoint a managing director or staff member for the purpose of carrying out the day-to-day business of the association.

(11) The executive committee shall adopt its rules of procedure. The rules of procedure must stipulate that executive committee members who wish to be active within the meaning of Section 3 (5) shall be excluded from the decision-making process regarding the allocation of such an activity. The rules of procedure must contain a regulation concerning the competence of the individual members of the executive committee, in particular with regard to finances, which regulation is to be disclosed to the members at the latest when the invitation to the following membership assembly is sent. This can be effected in text form by means of a download link.

(12) The executive committee shall be bound to the rules of procedure and to the regulations adopted by the membership assembly pertaining to structural organisation.

Section 9 Special committees; supervisory council

(1) In performing its duties, the executive committee can, as an aid, for the duration of its term of office, appoint special committees for specific tasks. Any natural person can become a member of such a committee. They may not be a member of the association. The special committees shall answer to the executive committee and shall be bound by its instructions. Representative of these committees are to be called in to a session of the executive committee in the event that their area of responsibility forms the object of the executive committee session in question. The appointment of a special committee is to be disclosed to members within one month of its taking place.

(2) The special committees shall forward their proposals to the executive committee. The executive committee shall be obliged to consider the proposals of the special committees and to effectuate an executive committee decision in their regard.

(3) The supervisory council shall have, as its task, the promotion of the objectives of the association. It shall advise the executive committee concerning association matters entrusted to it or taken up by it. Any natural person can become a member of such a committee. They must be a member of the association. The members of the supervisory council shall be appointed and dismissed by the executive committee, which shall also determine the number of its members. The members of the supervisory council shall be appointed for the duration of the term of office of the executive committee.

Section 10 Cash auditor

(1) The membership assembly shall elect one or more cash auditors. The cash auditor shall be elected for a term of two calendar years, commencing on the 1st of January of the calendar year following their election.

(2) The cash auditor shall have the authority at all times to audit the cash and administration of the association. They shall provide a written audit report to the membership assembly. They shall be independent and, in particular, be subject to no instructions of the executive committee.

(3) The cash auditor may not simultaneously hold another office of the association.

Section 11 Structural organisation

The membership assembly shall decide on a binding structural organisation for the executive committee

Section 12 Amendment of the charter or of the object of the association; dissolution

(1) A two-thirds majority of the votes represented at the membership assembly is required for amendment of the charter.

(2) A three-quarters majority of the votes represented at the membership assembly is required for amendment of the object of the association.

(3) A majority of the votes represented at the membership assembly is required for the dissolution of the association.

(4) Upon dissolution of the association, the membership assembly shall decide by simple majority concerning the use of the association's funds, which solely and directly are to be used for charitable or benevolent objectives.

Section 12 Entry into force

This charter shall come into effect immediately upon its adoption by the membership assembly of the Kölner Lesben- und Schwulentag e.V. It shall apply as the new version of the previous charter of the Kölner Lesben- und Schwulentag e.V.