

Statutes of the Landesmusikakademie Rheinland-Pfalz e.V.

(Association register number: VR 11813)

The statutes came into force on 12.06.2003. Version of November 16, 2016

Preamble

The Landesmusikakademie of Rhineland-Palatinate is the musical further education and training institution of the Landesmusikrat of Rhineland-Palatinate, in which all music associations and music institutions of the state of Rhineland-Palatinate are united.

The Landesmusikakademie was founded in 1982 by the Landesmusikrat and initially operated as a decentralized institution. The courses of the Landesmusikakademie of Rhineland-Palatinate are supported by the state of Rhineland-Palatinate as project funding.

With the move to the Meisterhaus in Engers as the seat of the Landesmusikakademie, it makes sense to give the Landesmusikakademie the legal form of a registered association.

Together with Villa Musica, the Landesmusikakademie forms a center of musical and music pedagogical further education in Rhineland-Palatinate.

§ 1 Name and registered office

- (1) The association bears the name Landesmusikakademie Rheinland-Pfalz.
- (2) The association (in the following called Landesmusikakademie) has its seat in Neuwied.
- (3) The association is to be entered into the register of associations.

§ 2 Purpose of the association

- (1) The purpose of the association is the promotion of music as well as education and training.
- (2) This is realized through the operation of the Landesmusikakademie, in particular
 - a) the cultivation of instrumental and vocal amateur music-making for children, adolescents, adults and seniors, through education, further education and training measures
 - b) measures for musical and cultural leisure activities for children, young people, adults and senior citizens;
 - c) events and courses for the education, further education and training of ensemble leaders in the field of amateur music;
 - d) events and courses for the further education and training of teachers of general and vocational schools and of music schools
 - e) events and courses for the training and further training of youth leaders and functionaries in music associations and clubs;
 - f) events and courses for further education and training in the pre-school sector and in the socio-pedagogical field;
 - g) support of work phases of the National Youth Ensemble of Rhineland-Palatinate as well as the lay ensembles;
 - h) promotion of musically gifted persons;
 - i) workshops and meetings in the field of music, also on national and international level.
- (3) The Landesmusikakademie may cooperate with other institutions. In order to fulfill its tasks, the Landesmusikakademie cooperates as far as possible with the Villa Musica. The modalities of this cooperation are regulated in a cooperation agreement.

§ 3 Non-profit status

- (1) The Landesmusikakademie pursues exclusively and directly charitable purposes in the sense of the section "tax-privileged purposes" of the German Fiscal Code.
- (2) The Landesmusikakademie is selflessly active; it does not primarily pursue its own economic purposes. Funds of the Landesmusikakademie may only be used for purposes in accordance with its statutes. The

members do not receive any allowances from the funds of the Landesmusikakademie. No person may be favoured by expenses that are alien to the purpose of the corporation or by disproportionately high remuneration.

§ 4 Membership

(1) Members of the association are:

the Landesmusikrat of Rhineland-Palatinate in the Deutschen Musikrat e.V. with up to twelve member organizations represented in the Landesmusikrat,

the Villa Musica,

the city of Neuwied,

the district of Neuwied and

up to six individual members.

(2) Well-known personalities of public or cultural life may be elected by the general assembly of members on the recommendation of the executive board for the duration of an election period (see § 6 (1)) with the possibility of re-election as individual members of the Landesmusikakademie. They have seat and vote in the general assembly of members.

(3) Membership ends by resignation, by dissolution of a member organization according to paragraph I, by death of an individual member or by exclusion due to association-damaging behavior. Resignation must be notified to the board of directors in writing with a notice period of three months to the end of the business year.

§ 5 Governing bodies

(1) are organs of the Landesmusikakademie:

1. general assembly of members

2. the board of directors

§ 6 General Meeting

(1) In the general assembly of members, the Landesmusikrat shall be represented by its president and up to eleven other delegates who shall be appointed for a term of three years. The Landesmusikrat shall appoint at least one representative from the fields of vocal music, instrumental music, school music and music schools. Each delegate is a member in the sense of these statutes and has one vote.

(2) All other members have one vote each.

(3) The general assembly of members has the following tasks:

a) election of two board members for a period of three years (see § 7),

b) the commissioning of the audit offices of the city or district of Neuwied, which will take over the auditing of accounts in annual rotation,

c) election of four persons from among the delegates as well as up to two additional persons for the advisory board for a period of three years (see § 8 (1)),

d) determination of the membership fees,

e) adoption of the budget and establishment plan; acceptance of the activity and annual report of the board of directors and the report of the auditors,

f) the discharge of the the board of directors,

g) admission and exclusion of individual members (see § 4 (2)),

h) amendment of the statutes,

i) the passing of a resolution on the dissolution of the Landesmusikakademie

(4) The general assembly of members is convened by the chairman / chairwoman at least once a year by written invitation with a period of notice of six weeks under notification of the agenda for an ordinary meeting. Every duly convened general assembly of members has a quorum.

(5) If at least one third of the members entitled to vote apply for a meeting to be convened, it must be convened by the chairperson in writing as soon as possible, giving one month's notice and including the agenda.

(6) The general assembly of members is chaired by the chairperson or, in his/her absence, by one of the deputy chairpersons.

(7) Resolutions of the general assembly of members shall be passed by a simple majority of votes. Two thirds of the votes of the members present at the meeting are required for the exclusion of a member or the amendment of the statutes. Transfer of votes is not possible.

(8) Minutes shall be taken of the resolutions of the the general assembly of members, which shall be signed by the chairperson of the meeting and by the keeper of the minutes and shall be sent to the members.

(9) The the general assembly of members may adopt rules of procedure for itself.

§ 7 Board of directors

(1) The the board of directors consists of 5 persons,

- a) the president of the Landesmusikrat,
- b) two further representatives of the Landesmusikrat,
- c) a representative of Villa Musica,
- d) a representative of the state government.

(2) The persons mentioned under b) are elected by the general assembly of members for a period of three years. The persons named under c) and d) are delegated by Villa Musica and the state government.

(3) The members of the the board of directors shall elect the chairperson and two deputy chairpersons from among their number. The term of office is three years. The the board of directors remains in office until the new election. Re-election is permissible.

(4) The chairperson and his/her deputies are the the board of directors in the sense of § 26 BGB. Each of them is individually authorized to represent the company.

(5) The board of directors is responsible for all matters of the association, unless they are assigned to the general assembly of members by these Statutes. It has in particular the following tasks:

- a) Preparation of the general assembly of members and setting the agenda
- b) Convening of the general assembly of members
- c) Implementation of the decisions of the general assembly of members
- d) drawing up the budget and establishment plan and preparing the annual report
- e) Appointment and dismissal of the director (see § 9)
- f) approval of the annual programme

(6) The the board of directors may adopt rules of procedure for itself.

§ 8 Advisory board

(1) The advisory board consists of the director of the Landesmusikakademie and four persons elected by the general assembly of members from among the delegates of the Landesmusikrat (cf. §6 (1)). Furthermore, the general assembly of members may elect up to two further suitable persons to the advisory board. The eligibility of these persons for election is not bound to their membership in the association.

(2) The advisory board advises the the board of directors on the program of the Landesmusikakademie.

(3) The advisory board meets at least once a year and is convened by the director of the Landesmusikakademie.

(4) The advisory board may adopt its own rules of procedure.

§ 9 Director

(1) She / he directs the Landesmusikakademie and manages its business. The director is responsible to the board of directors and works according to its decisions.

(2) She / he is a special representative in the sense of § 30 BGB.

§ 10 Finance and Financial Year

(1) The activities of the Landesmusikakademie are financed by

- a) fees of the users
 - b) grants from the state
 - c) own contributions,
 - d) membership fees, if the general assembly of members decides so
 - e) earmarked grants and donations and endowments
- (2) The fiscal year is the calendar year.

§ 11 Dissolution

(1) The dissolution of the Landesmusikakademie can only be decided upon in a general assembly of members convened exclusively for this purpose. To pass a resolution on the dissolution of the Landesmusikakademie, the presence of 3/4 of the voting members in the general assembly of members is required. If the general assembly of members does not have a quorum, another one must be convened within four weeks, which will have a quorum in any case.

(2) To pass a resolution on dissolution, 3/4 of the valid votes cast shall be required.

(3) The liquidation shall be carried out by the board of directors.

(4) In the event of dissolution or discontinuation of the tax-privileged purposes, the assets shall fall to the Landesmusikrat of Rhineland-Palatinate, which shall use them exclusively and directly for charitable purposes.

§ 12 Entry into force of the articles of association

(1) The statutes come into force on 12.06.03.

The statutes are followed by the signatures of the founders