

Estatutos

14 Febrero 2009

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Constitution

of the university of the third age

Teulada moraira

**STATUTES**

## CHAPTER 1.

### NAME, ADDRESS, SCOPE, PURPOSES AND ACTIVITIES.

#### ARTICLE 1. NAME

With the name ASOCIACION SOCIAL DE LA TERCERA AGE DE TEULADA MORAIRA, an ASSOCIATION is established in accordance with the provisions of Organic Law 1 2002, of March 23, regulating the Law of Associations, and under the provisions of article 22 of the Constitution, lacking profit motive

#### ART. 2. LEGAL PERSONALITY

The Association has its own legal personality and full capacity to offer, administer and dispose of its assets and fulfil the purposes it proposes

#### ART. 3. ADDRESS AND SCOPE OF OPERATION

The Association establishes its registered office at Aula de Asociaciones, Calle Dr. Calatayud nº 45, 03724 Moraira, Teulada, Alicante.

The Association will mainly carry out its activities in the local area of Moraira, Teulada, without prejudice to acting outside this area on occasions that may arise.

#### ART. 4. PURPOSES

The existence of this Association has the following purposes:

1. To facilitate, through joint learning, the cultural and intellectual interests of the members.
2. To enrich the lives of the members by promoting and sharing knowledge and experiences among them.
- 3.- To encourage the members to develop their intellectual, cultural and social potential through formal and recreational activities.

All of this through the teaching of classes or groups of various subjects by members of the Association to other members: these subjects could be, as an enunciative but not restrictive example: Spanish language, history, formative photography, gardening, travel, bridge, yoga, meditation and art.

#### ART. 5. ACTIVITIES

To comply with the terms listed in the previous article, the following activities will be carried out:

- a) Meetings of associated members in relevant groups, study groups, conferences, colloquia, trips, excursions or cultural visits.
- b) Obtain books and materials necessary to fulfil the above purposes.
- c) Inform the associates of the activities and announce them to give them a better understanding of what is available and knowledge of the association.
- d) Teach lessons on various subjects, including Spanish, history, photography, computing, gardening, travel, bridge, yoga, meditation and art.

#### CHAPTER 2.

#### THE ASSOCIATES /MEMEBERS

#### ART. 6 CAPACITY.

All natural persons who, freely and voluntarily, have an interest in the development of the association's objectives in accordance with the following principles may become members of the Association:

- a) Physically capable persons who are capable of acting and who are not subject to any legal condition for the exercise of the right.
- b) Unemancipated minors over fourteen years of age must have the documented consent of the persons who must supplement their capacity.
- c) Natural persons who are not employed full-time.

They must submit a written application to the representative body, which will decide at its first meeting; if the applicant meets the conditions required by these statutes, the representative body cannot refuse admission, unless the applicant has previously been a member of the association and has stopped paying the membership fee.

Membership status is non-transferable.

#### ART. 7. RIGHTS OF MEMBERS.

The rights that correspond to the associates are the following:

a) To participate in the Association's activities and in the governing and representative bodies, to exercise the right to vote, as well as to attend the General Assembly, in accordance with the Statutes. In order to be a member of the representative bodies, it is essential to be of legal age.

be in full use of civil rights and not be subject to the motions of incompatibility established in the current legislation

b) To be informed about the composition of the governing and representative bodies of the Association, its financial state and the development of its activity. They may access all the information through the representative bodies

c) To be heard prior to the adoption of disciplinary measures against them and to be informed of the facts that give rise to such measures, and of the decision that where appropriate, an imposed sanction is justified.

d) To challenge the decision of the Association's bodies that are contrary to the Law or the Statutes

#### ART. 8. DUTIES OF THE ASSOCIATES./MEMBERS

The duties of the associates/members are:

a) To share the purposes of the Association and to collaborate in achieving them.

b) Pay the dues, assessments and other contributions that, according to the Statutes, may correspond to each member.

c) Comply with the rest of the obligations that result from the statutory provisions.

d) Comply with the agreements validly adopted by the governing and representative bodies of the association.

e) Have access to email and/or the Internet.

#### ART. 9. CAUSES FOR RESIGNATION.

The following are causes for leaving the Association:

a) The interested party's own will, communicated in writing to the representative bodies, without the latter being able to recover the membership fees to the Association that he has paid.

b) Not paying the established fees, if he fails to do so for 3 consecutive months

#### ART.10. SANCTIONING PROCEDURE.

The expulsion of members from the Association due to sanction will take place when they commit acts that make them unworthy of continuing to belong to the Association. It will be presumed that this type of act exists:

a) When the member deliberately prevents or places obstacles to the fulfillment of the social purposes.

b) When he intentionally hinders in any way the functioning of the governing and representative bodies of the Association.

In any case, in order for the governing body to agree to the expulsion, it will be necessary to commence a disciplinary process that includes the hearing of the affected member.

### CHAPTER III.

#### THE GOVERNING BODY.

##### ART. 11". THE GENERAL ASSEMBLY.

The General Assembly is the highest governing body of the Association.

It is made up of members with their own irrevocable right and in absolute equality. It adopts its agreements by the principle of majority or internal democracy. All members shall be subject to the agreements of the General Assembly, including those who are absent, those who dissent and those who, even if present, have abstained from voting.

##### ART. 12. GENERAL ASSEMBLY MEETINGS.

The General Assembly shall meet at least once a year, and during the fourth quarter, the said meeting shall be called the Annual General Assembly.

The General Assembly shall meet on an extraordinary basis whenever the representative body deems it necessary, or at the request of a number of members representing at least ten percent of the total.

##### ART. 13. CALL FOR ASSEMBLIES.

The Notices of a General Assemblies, both ordinary and extraordinary, shall be sent electronically and with advance notice. Notices of the meeting shall be posted in the usual places at least twenty-one days in advance. Whenever possible, all members shall be summoned individually. The notice shall state the day, time and place of the meeting, as well as the agenda The meetings of the General Assembly shall be chaired by the President and the Secretary.

The Secretary shall draw up the Minutes of each meeting, which shall reflect an extract of the deliberations, the text of the agreements that have been adopted and the numerical result of the votes. At the beginning of each meeting of the General Assembly, the Minutes of the previous meeting shall be read out for approval or rejection.

Open meetings shall be notified electronically and notices shall be posted in the usual places. Notice of General Meetings shall also be given by publication on the association's website,

#### ART. 14". POWERS AND VALIDITY OF AGREEMENTS.

The Assembly shall be validly constituted at the first call with the attendance of a minimum of one third of the members present or represented; and at the second call, whatever the number of them, it shall be held half an hour after the first and in the same place.

In the meetings of the General Assembly, each member of the Association has one vote.

The General Assembly is responsible for:

- a) Approving, where appropriate, the management of the representative body.
- b) Examining and approving or rejecting the annual income and expenditure budgets, as well as the Annual Report of activities.
- c) Establishing the general lines of action that allow the Association to fulfill its purposes.
- d) Arranging all measures aimed at guaranteeing the democratic functioning of the association.
- e) Setting the ordinary or extraordinary fees.
- f) Electing and dismissing the members of the representative body.
- g) Expelling members at the proposal of the representative body.
- h) Constitution of federations and integration in them.
- i) Request for declaration of public utility.

j) Dissolution of the Association.

k) Modification of statutes.

l) Disposition and alienation of assets.

m) Representation is voluntary, and there will be no remuneration of the members of the representative body.

The Decisions will be taken by simple majority of the members present or represented, by proxy when the affirmative votes exceed the negative ones. However, they will require a qualified majority of the people present or represented, which will result when the affirmative votes exceed half. Decisions related to the dissolution of the association, modification of the Statutes, disposition and/or alienation of assets, provided that the corresponding assembly has been specifically called for such purpose.

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## CHAPTER IV

### THE REPRESENTATIVE BODY,

#### ART. 15. COMPOSITION OF THE REPRESENTATIVE BODY.

The Association will be governed, administered and represented by the representative body called the Management Committee, to include the president, vice president, secretary and treasurer.

The election of the members of the representative body will be done by free suffrage of the members of the General Assembly, unless the majority of the members wish the vote to be secret. The candidacies will be open, that is, any member may stand, with the essential requirements being: to be of legal age, to be in full use of civil rights and not to be subject to the reasons for incompatibility established in the current legislation, with the candidates who have obtained the highest number of votes being elected for the positions of President, Vice President, Secretary and Treasurer and in that order.



The positions of president, vice president, secretary and treasurer must be held by different persons.

There is no position in the representative body that is remunerated. The appointed members shall be entitled to reimbursement of expenses reasonably incurred in the exercise of their office, and such reimbursement must be authorized by the President, or, in the case of expenses incurred by the latter, they must be authorized by the Treasurer.

#### ART. 16°. DURATION OF THE MANDATE IN THE REPRESENTATIVE BODY.

The members of the representative body shall hold office for a period of ONE year, preferably in the month of November, and may be re-elected indefinitely.

Termination of office before the statutory term expires may be due to:

- a) Voluntary resignation submitted in writing stating the reasons.
- b) Illness that incapacitates the member for the exercise of office.
- c) Withdrawal as a member of the Association.
- d) Sanction imposed for an offence committed in the exercise of office.

Vacancies that occur in the representative body shall be filled at the first General Assembly held. However, the representative body may provisionally appoint, until the next General Assembly, a member of the Association for the vacant position.

#### ART. 17. POWERS OF THE REPRESENTATIVE BODY.

The representative body has the following powers:

- a) To represent and manage the Association and to carry out the management and administration in the broadest manner recognized by law and to comply with the decisions

taken by the General Assembly, and in accordance with the rules, instructions and general guidelines established by this General Assembly.

b) To make the necessary agreements for appearing before public bodies, for the exercise of all kinds of legal actions and for filing the relevant appeals.

c) To decide on the admission of new members, keeping an updated list of all members.

d) To propose to the General Assembly the establishment of the fees that the members of the Association must pay.

e) To call the General Assemblies and to ensure that the agreements adopted there are complied with. In particular, and with regard to agreements on the modification of Statutes, the content of the modification will be notified to the Registry of Associations within one month from the date of the meeting called for this purpose.

f) Submit the balance sheet and the statement of accounts for each financial year to the General Assembly for approval, and prepare the budgets for the following financial year.

g) Keep accounts in accordance with the specific rules that allow obtaining the correct representation of the assets, results and financial situation of the entity.

h) Make an inventory of the Association's assets.

i) Prepare the annual report of activities and submit it to the General Assembly for approval.

j) Provisionally resolve any unforeseen case in the present Statutes and report on it at the first subsequent General Assembly.

K) Any other power that is not specifically attributed in these statutes to the General Assembly.

l) Appoint and dismiss honorary members and collaborating members of the Association.

#### ART. 18°. MEETINGS OF THE REPRESENTATIVE BODY.

The representative body, previously convened by the president or by the person who replaces him, will meet in ordinary session with the frequency that its members decide, which in any

case may not exceed two months. It will meet in extraordinary session if requested by one third of its members.

The representative body will be validly constituted with prior notice and a quorum of half plus one of its members.

Members of the representative body are obliged to attend all meetings that are called, and may excuse their attendance for justified reasons. In any case, the attendance of the President, the Treasurer and the Secretary or the persons who substituted for them will be necessary.

In the representative body, agreements will be taken by a simple majority of votes of those attending. In the event of a tie, the vote of the president will be decisive. The agreements of the representative body will be recorded in the minutes book. At the beginning of each meeting of the same, the minutes of the previous session will be read for approval or rectification.

#### ART. 19. THE PRESIDENT.

The President of the Association will also be the president of the representative body.

The following functions are the president's own.

a) Those of direction and legal representation of the Association, by delegation of the General Assembly and the representative body.

b) The presidency and direction of the debates of the governing and representative bodies.

c) Sign the notices of the meetings of the General Assembly and the representative body.

d) Endorse the acts and certificates drawn up by the secretary of the Association.

e) The remaining powers of the position and those delegated to him by the General Assembly or the representative body.

The president will be substituted, in case of absence or illness, by the vice president or the oldest member of the Board.

#### ART. 20. THE TREASURER.

The Treasurer will have the function of the custody and control of the Association's resources, as well as the preparation of the budget, the balance sheet and the liquidation of accounts, in order to submit them to the representative body as determined in article 17 of these Statutes. He will keep a cash book. He will sign the receipts, fees and other treasury documents. He will pay the invoices approved by the representative body, which will have to be previously endorsed by the president. The disposition of funds will be determined in Art. 25.

#### ART. 21. THE SECRETARY.

The Secretary must safeguard the Association's documentation, draft and sign the minutes of the meetings of the governing and representative bodies, draft and authorize the certifications that m CHAPTER V

#### THE ECONOMIC REGIME,

#### ART. 22. INITIAL ASSETS AND ECONOMIC RESOURCES.

There is no initial asset in this Association.

The annual budget will be approved each year at the Annual General Meeting. The economic resources of the Association will be provided by:

- a) From the fees set by the General Assembly for its members.
- b) From official or private subsidies.
- c) From donations, inheritances and/or legacies.
- d) From the income from assets or from other income that may be obtained.

#### ART. 23". BENEFIT FROM ACTIVITIES.

The profits obtained from the exercise of economic activities, including the provision of services, will be exclusively used to fulfil the purposes of the Association, and in no case may they be distributed among the members or their spouses or persons who live with them in a similar relationship of affection, or among their relatives, or be transferred free of charge to physical or legal persons with a profit-making interest.

#### ART. 24. QUOTAS.

All members of the Association have the obligation to support it financially, through quotas or assessments, in the manner and in the proportion determined by the General Assembly at the proposal of the representative body.

The General Assembly may establish entrance quotas, periodic quotas and extraordinary quotas.

The financial year will close on December 31st.

#### ART. 25. DISPOSITION OF FUNDS.

The current accounts or savings books opened in credit institutions must bear the signature of the president, the treasurer and the secretary. In order to have access to funds, two signatures will be sufficient, from the President, Vice President or the Treasurer.

#### DISSOLUTION OF THE ASSOCIATION.

##### ART. 26 CAUSES FOR DISSOLUTION AND DELIVERY OF THE REMAINDER

The Association may be dissolved:

- a) If so agreed by the General Assembly expressly convened for this purpose and with the favourable vote of more than half of the persons present or represented by proxy
- b) For the reasons determined in article 39 of the Civil Code.
- c) By final court ruling.

#### ART. 27. LIQUIDATION.

The dissolution of the association opens the liquidation period, until the end of which the entity will retain its legal entity.

The members of the representative body at the time of dissolution become liquidators, unless the General Assembly designates others, or those that the judge, where appropriate, decides.

It is the responsibility of the liquidators:

- a) To ensure the integrity of the assets of the association.
- b) Conclude pending operations and carry out new ones that are necessary for the liquidation.
- c) Collect the association's credits.
- d) Liquidate the assets and pay creditors.
- e) Apply the association's surplus assets to the purposes provided for by the Statutes.
- f) Request the cancellation of entries in the corresponding Registry.

In the event of the association's insolvency, the representative body or, if applicable, the liquidators must immediately promote the appropriate bankruptcy procedure before the competent judge.

If there is a liquid surplus, it will be used for purposes that do not distort the non-profit nature of the entity, specifically to HELP OF DENIA ASSOCIATION, with CIF G03814753.

The associates are not personally liable for the association's debts. The members or holders of the governing and representative bodies, and other persons acting in the name and representation of the association, shall be liable to the association, its members and third parties for damages caused and debts incurred by fraudulent, culpable or negligent acts.

