

GREATER STUTTERHEIM FPA



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CONSTITUTION

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GSFPA

1. NAME OF THE ASSOCIATION

The name of the association is the **Greater Stutterheim Fire Protection Association** (hereinafter referred to as “the Association”), which falls within the Amathole District Municipality, the Buffalo City Metropolitan as well as the Amahlathi-, Great Kei- and Nkonkobe Local Municipalities.

2. AREA OF THE ASSOCIATION

The Association covers most of the Amahlathi, Great Kei and Nkonkobe Local Municipalities - which all fall into the Amathole District Municipality - as well as the portion of the Buffalo City Metropolitan Municipality east and north-east of the N2. The total area of the Association amounts to over 980,000 hectares.

3. ADDRESS OF THE ASSOCIATION

PHYSICAL ADDRESS:

Greater Stutterheim FPA
441 Sprigg Street
Stutterheim
4930

POSTAL ADDRESS:

Greater Stutterheim FPA
PO Box 973
Stutterheim
4930

4. APPLICATION OF THE ACT TO THIS CONSTITUTION

This constitution follows Chapter 2 of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998) - hereinafter referred to as “the NVFFA” - and the regulations under it.

5. BODY CORPOTATE

The Association shall:

- Exist in its own right, separately from its members;
- Continue to exist notwithstanding changes in the composition of membership or office-bearers;
- Be able to own property and other assets.

6. AIM OF THE ASSOCIATION

The Association aims to contribute to the development of communities by eliminating loss of life and human injury in veldfires and by progressively reducing impacts on property and environmental values while promoting the useful role of veldfires. The Association, therefore, aims to always manage all high risks as soon as possible and intends on continuing to educate its members about better fire management.

7. DUTIES AND FUNCTIONS OF THE ASSOCIATION

The duties and functions of the Association as set out in section 5 of the NVFFA are to:

1. Develop and implement a veldfire management strategy for the area;
2. Provide in the strategy agreed mechanisms of coordinating actions with adjoining fire protection associations in the event of a fire crossing boundaries;
3. Make rules which bind its members;
4. Identify the ecological conditions that affect the fire danger;
5. Regularly communicate the fire danger rating referred to in sections 9 and 10 of the NVFFA to its members;
6. Organise and train its members in fire-fighting, management and prevention;
7. Inform its members of equipment and technology available for preventing and fighting veldfires;
8. Provide management services, training and support for communities in their efforts to manage and control veldfires;
9. Supply the Minister, at least once every 12 months, with statistics about veldfires in its area;
10. Give any information requested by the Minister to prepare or maintain the fire danger rating system;
11. Exercise the powers and perform the duties delegated to it by the Minister;
12. Appoint a Fire Protection Officer;
13. Do all else necessary to carry out its aims, duties and functions.

8. MEMBERSHIP

1. Any land- owner/user in the area of the Association may become a member. Every Municipality or organ of State in the area must be members in accordance with section 4(7)(a) and 4(7)(b) of the NVFFA.
2. Members are all persons, municipalities or communities:
 - a. Whose names are in the register of members referred to in section 8 of this constitution, and
 - b. Who are willing to comply with the rules and regulations of the Association.
3. Any land- owner/user, who at any time applies to the Association for membership must be familiar with the rules and regulations of the Association;
4. If any member of the executive committee objects to any applicant's admission as a member or any member's continued membership, they must within 14 days:
 - a. Give the applicant or member written reasons for the objection;

- b. Call a meeting of the executive committee to consider the objections, and
- c. Notify the applicant or member of the date, time and place of the meeting;
- d. The applicant or member then has the right to;
 - i. Speak at the meeting and argue for admission or continued membership, and
 - ii. Make a complaint to the Minister if not satisfied with the executive committee's decision.
- e. If the Minister appoints a mediator or arbitrator acceptable to the executive committee and the applicant or member, from a panel referred to in section 45(1 & 2) of the NVFFA, everyone will have to cooperate with the mediator and follow the decisions of the arbitrator.

9. REGISTER OF MEMBERS

All members must provide the Secretary or delegated administrator with:

- 1. Their names, addresses and contact details;
- 2. Details of the registered property(s) in the form of Farm/Erf numbers, Title Deeds and/or maps;
- 3. Notice of any changes made to addresses and/or contact details;
- 4. Any transfer of property or change in ownership.

The secretary and/or administrator must keep all details of members and any other relevant information in a functional register of members.

10. RIGHTS AND DUTIES OF MEMBERS

- 1. Members shall be responsible for the paying of any fees and charges set by the Association from time to time – if membership fees are not paid in full, membership and all privileges of membership are considered terminated and void as per section (11) of this document;
- 2. Members shall have access to all the benefits of membership;
- 3. The land of a member who dies will be protected under this constitution if:
 - a. On his death, the fees, charges and interest fees are paid in full;
 - b. His/her successor-in-title applies for registration as a member as soon as possible.
- 4. Members are required to comply with the rules of the Association;
- 5. Membership to the Association does not give a member a right to any of the funds, or assets, liquid or fixed, of the Association;

11. TERMINATION OF MEMBERSHIP

1. A member may terminate his/her membership with written notice to the Chairperson except in the case of Municipalities and organs of state.
2. If a member terminates his/her membership, he/she gives up all fees and charges already paid to the Association.
3. Membership is automatically terminated if a member does not pay the membership fees, charges or interest as set out in clause 12.
4. The Association may terminate membership of any member who fails to comply with the rules within a reasonable period of time after receiving a notice of failure to comply with an agreed rectification plan from the Fire Protection Office or FPA Manager, with the exception of Municipal owners and owners of State land.

12. REINSTATEMENT OF MEMBERSHIP

1. Membership that has been terminated due to reasons referred to in clause 11.3 will automatically be reinstated once outstanding fees, charges and interest has been paid in full.
2. Membership that has been terminated due to reasons referred to in clause 11.4 may be reinstated once;
 - a. The landowner has achieved compliance with the noticed referred to in section 11.4;
 - b. The landowner has notified the FPA thereof;
 - c. The FPA has conducted a formal inspection and determined the efforts satisfactory.

13. FEES, CHARGES AND INTEREST

1. The executive committee may, from time to time:
 - a. Fix fees and charges for membership and services that are necessary for proper management of the Association;
 - b. Charge interest on unpaid fees that the law allows;
2. The fees and charges of the Association will be determined by the Association at an Annual General meeting or a Special General meeting called for that purpose.
3. The membership fees of the Association;
 - a. Shall be invoiced in April of each and every year;
 - b. For municipalities shall be invoiced in July of each and every year.
 - c. Shall be payable in full within 28 days after the statement is issued.
Alternatively, members may opt to pay their membership fees on a monthly basis provided that:
 - i. such payments are done through debit order / electronic collection each and every month.

- ii. The sum of such payments shall be equal to the total annual membership fees due plus ten percent (10%).
4. Any increase in or charges for services shall be determined by the Executive Committee.
5. The Executive Committee may, at its sole discretion, grant honorary status to an organisation. Such honorary-members may be exempt from the payment of certain fees, charges or interest.

14. LIABILITY OF MEMBERS

Members are only liable for unpaid fees, charges or interest owed by them in their individual capacities as members and are not individually liable for any claims against- debts owed by- or omissions to carry out duties of the Association.

15. ASSETS

The Association may acquire and dispose of any asset.

16. MANAGEMENT COMMITTEE

1. The Executive committee may from time to time appoint the management committee to perform functions and make decisions as deemed necessary by the Executive Committee for the benefit of the Association.
2. The Management committee must be comprised of, at least;
 - a. The Fire Protection Officer;
 - b. The Chairperson of the Association;
 - c. The FPA Manager(s)
3. The Management committee will report back to the Executive committee on progress and outcomes of such functions that it was required to fulfil.

17. THE EXECUTIVE COMMITTEE

17.1 PURPOSE OF THE EXECUTIVE COMMITTEE

1. The Executive Committee is formed in order to provide the Association with sound financial and strategic governance.
2. The Executive Committee will oversee the Association, carry out the powers on behalf of the Association and manage the affairs of the Association in accordance with the resolutions of the members as taken from time to time at the Annual General or Special General Meetings.
3. The Executive Committee is responsible for making decisions, and acting on such decisions, in order to achieve the objectives of the organisation as stated in points 6 and 7 of this constitution. Such decisions and the activities of the Executive Committee, however, may not, in any way what so ever, contradict or violate the resolutions of the members or the law of the Republic of South Africa.

4. The Executive Committee may delegate its powers or functions to a sub-committee provided that:
 - a. Such delegations and conditions are reflected in the minutes of a meeting;
 - b. At least one member of the Executive Committee serves on the sub-committee;
 - c. There are three or more people on a sub-committee;
 - d. The sub-committee regularly reports back to the Executive Committee.
5. Members of the Executive Committee will not be personally liable for any loss suffered by any person as a result of an act or omission which occurs in good-faith while he/she is performing functions for or on behalf of the organisation.

17.2 COMPOSITION OF THE EXECUTIVE COMMITTEE

1. Any member of the Association may be elected to the executive committee; except to fill the positions of Fire Protection Officer, FPA General Manager, FPA Area Manager – who are employed / appointed by the executive committee;
2. The Executive Committee is comprised of:
 - The Chairperson;
 - The Vice Chairperson;
 - The Secretary;
 - The Treasurer;
 - The Fire Protection Officer (FPO);
 - The FPA General Manager (GM) (where applicable);
 - The FPA Area Manager (AM) (where applicable);
 - Any Additional / Co-opted Member deemed necessary for effectively reaching the goals of the Executive Committee.
3. Executive Committee members are elected for a period of three years. They may stand for re-election at the end of this period;
4. If any member of the Executive Committee resigns, dies, becomes incapacitated or disqualified or is removed from office by a majority vote of the Association, this position becomes vacant.
5. A member of the executive committee becomes disqualified if he/she:
 - a. Is declared to be of unsound mind by court;
 - b. Is declared insolvent by court;
 - c. Is convicted of a crime involving dishonesty, or;
 - d. Has been absent without an apology and a good reason at two consecutive meetings of the executive committee;
6. If there is a vacancy in the executive committee, it must be filled by co-opting a new member for the remaining period of service.
7. The position of FPO can only be filled by a person who is appointed by the executive committee.
8. Individuals who are permanently employed by the Association fill the positions of GM and AM for which standard labour laws apply.

18. OPERATIONS COMMITTEE

18.1 PURPOSE OF THE OPERATIONS COMMITTEE

1. The Operations Committee is the body responsible for the operational management of the Association and the implementation of Integrated Fire Management.
2. Furthermore, the Operations Committee fulfils the following functions;
 - a. Providing operational guidance to the members of the Association;
 - b. Promoting and operationalising Integrated Fire Management;
 - c. Promoting membership of the Association;
 - d. Communication and carrying out decisions and resolutions with the members of the Association.
 - e. Acting as the intermediary between the management of the Association and the members.

18.2 COMPOSITION OF THE OPERATIONS COMMITTEE

1. The Association may appoint an Operations Committee made up of the following role players;
 - a. Member Representatives or Cell Leaders from each cell within the geographical area of the Association;
 - b. Representatives from affected and relevant government departments;
 - c. Any other individual or stakeholder deemed necessary for the operational benefit of the Association.

19. EMPLOYEES

1. The executive committee may employ any person(s) it considers necessary to help the Association to carry out its function;
2. The employment of any person, or change to the contract of employment of any employee, must be approved by a resolution of the executive committee;
3. All employees remain in employment when there is any change in the executive committee;
4. Standard labour laws govern the employment of any person(s) by the Association.

20. LOANS

1. The Association may raise loans for the funds it needs to carry out any of its functions;
2. Whenever the executive committee wants to raise a loan of more than 1000.00 ZAR (One Thousand South African Rands), it must first call a meeting of all its members, subject to at least a period of notice of 21 days in order to obtain a mandate to raise the loan;

3. The executive committee cannot raise a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at a meeting called for this purpose.

21. FINANCES

1. All financial transactions will be conducted by means of one or more banking accounts, registered in the name of the Association;
2. The financial year of the Association runs from the 1st Day of April until the 31st Day of March the following year.
3. The Treasurer and Finance Team, as appointed by the Executive Committee, are responsible for all the financial business of the Association and must keep a record of all its business transactions.
4. The Treasurer, or an authorised delegate, must every year, at an AGM:
 - a. Present an audited financial statement of the Association's accounts for the previous financial year, including full details of any salary paid to members of the executive committee and/or employees of the Association;
5. The financial statement must be available for inspection at reasonable times by any member for a period of 4 weeks after the day of the AGM.
6. No funds or assets, liquid or fixed, of the Association will be distributed to its members or office-bearers, except as reasonable compensations for services rendered provided that:
 - a. Such services are authorised by the Executive Committee;
 - b. The compensation of such services is agreed upon by the Executive Committee.

22. MEETINGS

22.1 ANNUAL GENERAL MEETING (AGM)

1. An AGM must be called by the executive committee:
 - a. Within 60 days of the end of the financial year, and;
 - b. On 21 days' notice to all members.
2. In addition to any other business the AGM must deal with:
 - a. The Chairperson/FPO/GM's annual report on the general affairs of the Association;
 - b. The audited financial statement of the Association and the introduction and approval of any increase in fees, charges or interest;
3. A quorum for the AGM will be 50% of the total of the executive committee members of the Association;

4. If there is no quorum, the members present must be given notice that a further meeting will be held at least 7 days later;
5. If there is no quorum at a further meeting, members present will form a quorum;
6. Only members will have a right to vote at the AGM..

22.2 SPECIAL GENERAL MEETING (SGM)

1. The executive committee may convene a special general meeting at any time on 14 days' notice;
2. An SGM must be convened by the executive committee if:
 - a. 50% of paid-up members request this meeting in writing and name the issues to be dealt with;
 - b. The requested meeting is to be held at least 60 days before an AGM;
 - c. A quorum will be 50% plus one or all members of the association;
3. If there is no quorum at an SPG, the meeting must be closed and the agenda for discussion will be deferred to the next AGM;
4. The constitution can only be changed at an AGM.

22.3 EXECUTIVE COMMITTEE MEETINGS

1. Executive Committee meetings are convened with the purpose of completing a standard order of business of the organisation.
2. These meetings are held at least three times per annum or when the need arises from time to time to conduct the business of the Executive Committee.

22.4 OPERATIONS COMMITTEE MEETINGS

1. Operations Committee Meetings are conducted to discuss, resolve and implement operational issues, challenges, opportunities and responsibilities.
2. These meetings are held at least three times per annum or when the need arises from time to time to discuss the operational matters of the Association.

22.5 PROCEDURES AT MEETINGS

1. Chairperson:
 - a. The Chairperson shall chair all meetings of the Association, including the Executive Committee Meetings;
 - b. If the Chairperson is not present, the Vice-Chairperson shall chair the meeting. In the event of both being absent, the Executive Committee members present will elect a chairperson for that meeting.

2. Minutes:
 - a. Proper minutes and attendance records must be kept for all meetings of the Association;
 - b. The minutes must be confirmed as a true record of proceedings during the next relevant meeting and be signed by the Chairperson;
 - c. Minutes shall thereafter be kept safely and always be available for relevant members to consult.

3. Decision making:
 - a. Where possible, the decisions of the organisations shall be taken by consensus. If there is no consensus, the chairman will call a for a vote;
 - b. All votes will be counted and the majority votes on an issue will be regarded as the decision of the meeting;
 - c. If the votes are split, the Chairperson will have a second or deciding vote;
 - d. All members must abide by the majority decision;

23. DISPUTE RESOLUTION

1. In the case of a dispute between members, members must negotiate to resolve the dispute;
2. If such negotiations fail, any member may approach the executive committee, which must appoint an arbitrator whose decision will be final.

24. DISSOLUTION

1. The Association may be dissolved:
 - a. By a resolution passed at an AGM or a SGM called for that purpose, or;
 - b. By its deregistration by the Minister under section 8 of Act 101 of 1998.
2. The resolution to dissolve the Association must be passed by two-thirds majority of members present and forming a quorum;
3. On dissolution of the Association the remaining assets will be transferred to the State or to a body with objectives similar to those of the institution and which is itself exempt from income tax in terms of section 10(1)(cA)(i) of the Income Tax Act.
4. After the confirmation of the dissolution at that meeting, the members must pass a resolution for the appointment of a liquidator to dispose of the Association's assets in accordance with 21.3 of this document, pay its debts and settle all of its liabilities.