

CONSTITUTION

HEIDELBERG FIRE PROTECTION ASSOCIATION

(Issued in terms of section 22(1)(b) of the National Veld and Forest Fire Act No 101 of 1998)

1 Name of Association

The name of the Association is the **Heidelberg Fire Protection Association** (hereinafter referred to as the Association)

2 Area of the Association

The area of the Association is the magisterial districts of Heidelberg (the municipal area of the Municipality Lesedi) as laid out in die Business Plan.

3 Address of the Association

The physical address of the Association shall be the Heidelberg Fire Station and the Association will accept delivery of all correspondence by email to admin@fpaheidelberg.co.za

4 Application of the Act to the constitution

This constitution is in accordance with Chapter 2 of the National Veld and Forest Fire Act, No 101 of 1998 (hereinafter referred to as the Act) and the regulations under it.

5 Aims of the Association

The aims of the Association are to:

- 1) Predict, prevent, manage and extinguish veld fires in its area of responsibility.
- 2) Follow the Act, the regulations under it, this Constitution and its rules, on behalf and in the interest of its members.

6 Duties and functions of the Association

The duties and function of the Association are:

- 1) Develop and apply a veld fire management strategy for the whole of its area.
- 2) Provide in the strategy for agreed mechanisms for the coordination of actions with neighbouring Fire Protection Associations.
- 3) Make rules which the members must follow.
- 4) Identify the ecological conditions that affect the fire danger.
- 5) Communicate regularly the fire danger rating referred to in sections 9 and 10 to its members.
- 6) Organize and train its members in fire fighting, management and prevention
- 7) Inform its members of equipment and technology available in the market place for preventing and fighting veld fires.
- 8) Approach municipalities to provide services, training for communities in their effort to manage and control veld fires.
- 9) Give the Minister statistics about veld fires at least every 12 months
- 10) Give any information requested by the Minister to prepare or maintain the fire danger rating system.
- 11) Carry out the powers and perform the duties passed on to it by the Minister.
- 12) Appoint a Fire Protection Officer.

- 13) Do all else necessary to carry out its aims, duties and functions.
- 14) Consult with the Heidelberg Municipality in the development and application of a veld fire management strategy.

7 Membership

- 1) All owners of land in the association's area of operation may become members.
- 2) Members are all persons, municipalities or communities -
 - (a) Whose names are in the register of members referred to in section 8(3) of this constitution and
 - (b) Who have followed or who have said they are willing to follow this constitution and the rules of the Association
- 3) An owner of land who at any time applies to the Association for membership is, depending on the rules of the Association, able to be admitted as a member
- 4) If any member of the Executive Committee objects to an applicant's admission as a member (see regulation 21(a)) 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 objection, and
 - (c) Notify the applicant or member the date, time and place of the meeting.
- 5) The applicant or member has the right -
 - (a) To speak at the meeting and argue for admission of continued membership, and
 - (b) To make a complaint to the Minister if not satisfied with the Executive Committee's decision.
- 6) 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) or 45(2) of the Act. Everyone will have to co-operate with the mediator or follow the decision of the arbitrator.

8 Register of members

- 1) All members must give the Treasurer -
 - (a) Their names, farm numbers, e-mail, mobile phone numbers, and
 - (b) The names, e-mail, mobile phone numbers of their agents/representatives.
- 2) Any -
 - (a) Change of email or mobile phone numbers
 - (b) Transfer of property or change of ownership must be communicated to the Treasurer within 14 days of change
- 3) The treasurer must keep all details referred to in sub-paragraphs (1) and (2) and other relevant information in a register of members.
- 4) All personal information will be kept confidential on a "need to know" basis only.

9 Rights of Members

Membership of the Association

- 1) Includes paying any fees and charges set by the Association from time to time
- 2) Allows members to have all benefits of membership
- 3) Does not give a member a right to any of the money, property or assets of the Association
- 4) All members will be issued with a membership number which can be used in the event of applying for insurance rebates, etc.

10 Termination of Membership

- 1) A member may terminate his or her membership by written notice to the Chairperson.
- 2) If a member terminates membership, he or 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 with 28 days -
 - (a) After 1 April of each year
 - (b) After these fees, charges or interest are due.
- 4) The land of a member who dies will still be protected under this constitution if
 - (a) On his or her death the fees charges or interest are fully paid, and
 - (b) His or her successor-in-title applies for registration as a member and pay the required fees.

11 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 the proper management of the Association
 - (b) Charge interest on unpaid fees and charges that the law allows
- 2) The fees of the Association can be amended by the Executive Committee on yearly bases.
- 3) The annual fees must be paid on or before the first day of April every year.
- 4) Any increase in registration and membership fees or charges for services must -
 - (a) Be decided at an Annual General Meeting
 - (b) If not done at an Annual General Meeting be decided on by the majority of members present at a General Meeting called for that purpose.
- 5) In the event of the FPA Fire fighting team attending a fire on a property which belongs to a non member, an appropriate service fee will be charged to the owner in order to recover related costs thereof.

12 Liabilities of members

Members are not individually liable for any debts or obligations of the Association, but they do have to pay unpaid fees and charges and/or interest

thereon.

13 The Executive Committee

- 1) The Executive Committee of the Association is -
 - a) The Chairperson
 - b) The Deputy Chairperson
 - c) The Treasurer
 - d) The Fire Protection Officer
 - e) Only members of the Association can be elected by the members at the Annual General Meeting as Chairman, Deputy Chairman and Treasurer.
 - f) The Executive Committee can co-opt members to enable it to function effectively.
- 2) The representative of the Lesedi Municipality is eligible for election to the Executive Committee.
- 3) The chairperson is elected for a period of one year, but may stand for re-election at the end of this period
- 4) The Treasurer and the other members are elected for a period of one year, but may stand for re-election at the end of this period.
- 5) If the Chairperson, Deputy Chairperson, Treasurer or elected members resign, die or become incapacitated or disqualified, or is removed from the office, this position becomes vacant.
- 6) A member of the Executive Committee becomes disqualified if he or she
 - (a) Is declared to be of unsound mind by a court, or
 - (b) Is declared insolvent by a court, or
 - (c) Is convicted of a crime involving dishonesty, or
 - (d) Has been absent without leave or good reason from two consecutive meetings of the Committee.
- 7) If there is a vacancy in the committee, it must be filled by election of the Executive Committee or another member for the remaining period of service.

14 Employees

- 1) The Executive Committee may employ any person it considers necessary to help the association carry out its functions.
- 2) The employment of any person or any change to the contract of employment of any employee must be approved by resolution of the Executive Committee.
- 3) All employees remain in office when there is any change in the Executive Committee.
- 4) An employee may be terminated by the Executive Committee giving 1 calendar months notice at any time.

15 Finances

- 1) The financial year of the Association runs from the first day of April every year to the last day of March the next year.
- 2) The Treasurer is responsible for the financial business of the Association and must keep a record of all this business.
- 3) The Treasurer must every year at the Annual General Meeting:
 - a) Present Financial statements approved by a majority of the Executive Committee for the previous financial year, including details

- of any salary paid to members of the Executive Committee and employees of the Association, and
- b) Give a report of the Association's activities
- 4) The financial statement must be available for inspection at reasonable times by any member for a period of 12 weeks from the date of the Annual General Meeting.

16 Annual General Meeting

- 1) An Annual General Meeting must be called by the Executive Committee
 - a) Within 90 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 Annual General Meeting must deal with:
 - a) The Chairperson report on the general affairs of the Association
 - b) The Treasurer presentation of the financial affairs of the Association
 - c) The Fire Protection Officer's report on his/her activities, and
 - d) The introduction and approval of any change (up or down) of fees, charges or interest
- 3) A quorum will be 10% of the paid up membership
- 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 the further meeting, the members present form a quorum
- 6) Only those members whose registration and membership fees are fully paid up, have a right to vote.

17 Special General Meeting

- 1) The Executive Committee may convene a Special General Meeting at any time on 14 days notice
- 2) A Special General Meeting must be convened by the Executive Committee if -
 - a) 25 paid up members request this meeting in writing and name the issues to be dealt with
 - b) The members requesting the meeting undertake in writing to pay for the administrative cost of the meeting, and
 - c) The requested meeting is to be held at least 90 days before an Annual General Meeting
- 3) If there is no quorum at a special general meeting, the meeting must be closed and the business for discussion will go to the next Annual General Meeting

18 Dissolution

- 1) The Association may be dissolved:
 - a) By a resolution passed at an Annual General Meeting or a Special General Meeting called for that purpose, or
 - b) By deregistration by the Minister in terms of section 8 of the Act

- 2) The solution to dissolve the Association must:
 - a) Be passed by a two-thirds majority of the members present and forming a quorum and
 - b) Be confirmed at another Special General Meeting held after at least 30 days, by a majority vote of the members present and forming a quorum
- 3) After the confirmation of the dissolution and at that meeting, the members must pass a resolution for the appointment of a liquidator to dispose of the Association's assets, pay its debts and settle its liabilities.

19 Amendment to this Constitution

- 1) This Constitution may be amended by any General Meeting of the Association, provided that proper notice of such a meeting has been given, by a simple majority vote of those members present.