



MNQUMA MBHASHE FPA



Page | 1

CONSTITUTION OF MNQUMA / MBASHE FIRE PROTECTION ASSOCIATION (MMFPA)



MNQUMA MBHASHE FPA



CONTENT OF THE CONSTITUTION

Contents

Page No.

1. Name of the Association.	3
2. Area of the Association.	3
3. Address of the Association.	3
4. Application of the act to this constitution.	3
5. Aim of the association.	4
6. Duties and functions of the association.	4
7. Membership.	4
8. Register of a FPA member.	5
9. Rights and duties of members.	5
10. Termination of membership.	5
11. Fees, charges, and interest.	6
12. Committees.	6 - 7
13. Finances.	8 - 9
14. Annual General Meeting.	9 - 10
15. Special General Meeting.	10
16. Dispute Resolution.	10
17. Dissolution.	10 - 11

Page | 2



MNQUMA MBHASHE FPA

1. NAME OF THE FIRE PROTECTION ASSOCIATION.

The name of the Association is **MNQUMA / MBASHE FIRE PROTECTION ASSOCIATION**. Abbreviation: MMFPA.

Page | 3

2. AREA OF THE ASSOCIATION.

This includes the entire Land area of the two Local Municipalities.

3. THE ASSOCIATION PHYSICAL ADDRESS:

Mgcwe Administration Area

NQAMAKWE

4990

Amathole District Municipality

4. APPLICATION OF THE ACT TO THIS CONSTITUTION.

- a. This constitution follows chapter 2 of the National Veld and Forest Fire Act, (No.101 of 1998) and its regulations.
- b. The FPA may only join an Umbrella FPA at its Annual General Meeting (AGM). The decision to join the Umbrella FPA – *residing in similar geographic area and/or jurisdiction* – must be approved by a two-thirds majority of members present at the AGM.
- c. The FPA will notify the Umbrella FPA of its intent to join within 30 days of the AGM decision. The FPA will provide the Umbrella FPA with a copy of the AGM resolution and minutes approving membership.
- d. The FPA may withdraw from the Umbrella FPA at any time by providing 90 days written notice to the Umbrella FPA. Withdrawal must be approved by a two-thirds majority of members present at a duly constituted FPA meeting.



MNQUMA MBHASHE FPA

5. AIM OF THE ASSOCIATION.

The aim of the association is to predict, prevent, manage, and extinguish veld fires in its area.

6. DUTIES AND FUNCTIONS OF THE ASSOCIATION

Page | 4

- a. To develop and apply a veldfire management strategy for its area.
- b. Provide a strategy to agreed mechanisms for the coordination of actions with adjoining FPAs.
- c. Make rules which bind FPA members.
- d. Identify the ecological conditions that affect the fire danger.
- e. Regularly communicate the fire danger rating.
- f. Organize and train its members in firefighting, management, and prevention.
- g. Inform FPA members of equipment and technology available for preventing and fighting veld fires.
- h. Provide management services, training, and support for communities in efforts to manage and control veld fires.
- i. Supply the Minister with statistics about veld fires in the area at least once annually.

7. MEMBERSHIP

- a) Any landowner of the area of the association may at any time become a member, provided he or she undertakes to abide by this constitution and the rules of the Fire Protection Association.
- b) Membership to FPA becomes and remains effective as long as the landowner pays and renews his annual membership fee as stipulated in clause 12(13) of the constitution.
- c) A grace period of 90 days for late payment of membership fees shall be allowed



MNQUMA MBHASHE FPA

to all members.

7.1 TARIFF FOR MEMBERSHIP FEE.

The amount agreed upon at an annual general meeting shall be payable as a membership fee once a year.

Page | 5

8. REGISTRATION OF MEMBERS

The FPA shall have a membership register that shall be updated regularly when there is a need.

8.1 VOTING RIGHTS

At any meeting where voting is required, each member will have one vote.

9. RIGHTS AND DUTIES OF MEMBERS

Membership of the Association includes:

- a. Paying any fees and charges set by the association from time to time.
- b. Allow members to have specified benefits of membership determined by the association.
- c. Does not give a member a right to any of the property or monies of the association.

10. TERMINATION OF MEMBERSHIP

- a. A member may terminate membership by written notice to the Secretary of the Association, except in the case of municipalities and organs of state who are permanent members.
- b. Termination of membership will mean that the member forfeits all monies already paid to the association.
- c. Membership is automatically terminated if a member does not pay membership fees, charges, or interest within 90 days, after the due dates of these fees or charges.



MNQUMA MBHASHE FPA

11. FEES, CHARGES, AND INTEREST

11.1 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 that the law allows.

11.2 The fees of the association shall be determined by the association.

11.3 Any increase in registration and membership fees or charges for services must:

- a. Be decided at an annual general meeting.
- b. If not, then it must be decided by the majority at a general meeting.

11.4 LIABILITY OF MEMBERS

Members shall and will not be personally liable for any claims against, debts owed by or omissions to carry out duties of the association, but they do have to pay unpaid fees, charges or interest owed by them in their individual capacities as members.

12. THE COMMITTEE

12.1 OPERATIONS COMMITTEE OF THE ASSOCIATION:

- FPO
- Chairperson
- Deputy Chairperson
- Secretary
- Deputy Secretary
- Treasurer
- DFFE
- Disaster Management
- District Municipality Official



MNQUMA MBHASHE FPA

12.2 EXECUTIVE COMMITTEE (Exco):

- Chairman
 - Deputy Chairman
 - Secretary
 - Deputy Secretary
 - Treasurer
 - Additional members x number still to be agreed.
 - All traditional leaders shall be ex officio members.
- a) Any member of the association may be elected to the executive committee.
 - b) The chairperson is elected for a period of five years and may stand for re-election at the end of this period.
 - c) The rest of the executive and additional members are elected for two (2) years but may stand for re-election at the end of this period.
 - d) In cases where a member resigns, dies, becomes incapacitated or is disqualified, or is removed from office by the majority vote of the association, the position becomes vacant.
- A member of the executive committee becomes disqualified if he or she-
 - a) Is declared to be of unsound mind by a court.
 - b) Is declared insolvent by a court.
 - c) Is convicted of a crime involving dishonesty.
 - d) Has been absent without leave or a good reason from two consecutive meetings of the committee.
 - If there is a vacancy in the committee, it must be filled by the election of another member for the remaining period of the service.



MNQUMA MBHASHE FPA

13. FINANCES

The financial year of the association runs from the date of its cognition on the 31st of March of that financial year, and then from 1 April every year to 31 March of each year.

13.1 The Treasurer is responsible for all the financial business of the association and must keep a record of all this business.

13.2 The Treasurer must every year at an annual general meeting- Present a financial statement of the association's accounts for the previous financial year.

13.3 The chairman must every year at an annual general meeting- Give a report of the association's activities.

13.4 The financial statement must be available for inspection at reasonable times by any member for 4 weeks from the date of the annual general meeting.

13.5 OPENING OF AN ACCOUNT

The executive committee shall open an operating account with a Financial Institution with little charges and interest for the keeping of FPA funds, immediately the FPA is registered. The choice of the town where the account is to be opened will be decided by the majority in a general meeting.

13.6 WITHDRAWALS OF FUNDS

- (1) Withdrawal of funds from the FPA account shall be done only by any two of the chairperson, secretary or treasurer.
- (2) The said nominated committee members shall provide the bank with the specimens of their signatures which they will be using in all transactions during the operation of this account.

13.7 EXCO COMMITTEE MEETINGS

- There shall be 3 meetings each year.



MNQUMA MBHASHE FPA

- All committee members are expected to attend each of these meetings, however, a quorum of 3 members will be able to take binding decisions.
- Absenteeism at meetings is deeply frowned upon.
- Special executive committee meetings shall be called after consulting with the chairperson.
- Five days' notice shall be allowable to inform the committee members.

Page | 9

14 ANNUAL GENERAL MEETING.

14.1 An annual general meeting must be called by the executive committee. Which should be within 90 days of the end of the financial year.

14.1.1 There should be a 30-day notice to all members.

14.2 In addition to any other business, the annual general meeting must deal with-

- A. The chairman's general report on all affairs of the association.
- B. The treasurer's presentation of the financial statement of the association.
- C. The introduction and approval of an increase or decrease in fees and charges.
- D. Section 4(10) of the National Veld and Forest Fire Act, (No.101 of 1998).

14.3 A quorum will be 50% of all members.

- a. If there is no quorum, the members present must be given a notice that a further meeting will be held at least 7 days later.
- b. If there is no quorum at the next meeting, the members present will form a quorum.
- c. Each registered FPA member has a single vote.
- d. Co-opted members to MMFPA have no vote.

15. SPECIAL GENERAL MEETING

15.1 The executive committee may convene a special general meeting at any time on 14-day notice.



MNQUMA MBHASHE FPA

15.2 A special general meeting must be convened by the executive committee if-

- a. 50% of the 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 the annual general meeting.

Page | 10

15.3 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.

16. Dispute resolution.

16.1 The rules of the association must provide for dispute resolution between members.

16.2 When there is no resolution the minister appoints a mediator or arbitrator acceptable to the executive committee from a panel referred to in section 45(1) or 45 (2) of the national forest act, everyone, including the complainant, will have to co-operate with the mediator and follow the decision of the arbitrator.

17.Dissolution

17.1 The association may dissolve.

- a) Be passed by two-third 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.
- c) Where the Chairperson sees beyond reasonable doubt that there is absolute dysfunction relative to the purpose of the FPA, having exhausted all the efforts and channels to salvage the situation with no success, it is the department's prerogative to intervene to try and find a probable solution. It will remain at the department's discretion to reach a point of dissolving an FPA due to its lack of



MNQUMA MBHASHE FPA

functionality which is to be communicated formally.

17.2 After 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.

Page | 11

Signed at _____ on this _____ day of 20____

FPA Chairperson

Signature

FPA Secretary

Signature