



**Cape Peninsula
FIRE PROTECTION
Association**

Constitution

Previously Edited: 29/07/2004 (DWAF Registration)

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1. Name of the Association

The name of the association is the **Cape Peninsula Fire Protection Association** ("the association").

2. Area of the Association

The area of operation of the Association is the area contained within the urban edge line along the Peninsula Mountain Chain stretching from Signal Hill to Cape Point. This line can be defined as the cadastral line which separates the natural environment and the built up areas and is supported by management zones i.e. the urban transition zone and the non urban transition zone including approximately 10% of the municipality of the City of Cape Town within the Western Cape Province.

(See attached map on a scale of 1:50 000)

3. Address of the Association

The address of the Association is –

Physical address:

C/o Table Mountain National Park

Newlands Forest

Union Avenue, Newlands 7700

Postal address:

C/o Table Mountain National Park

P O Box 181

Rondebosch 7701

Telephone:

021 689 7439

Fax:

021 685 5944

Email: _____

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) and the regulations under it. Registration number with the Department Water Affairs and Forestry No: 883/01.

5. Aim of the Association

The aim of the Association is to predict, prevent, manage and extinguish veldfires in its area.

6. Duties and functions of the Association

The duties and functions of the Association are to -

- (1) implement a veldfire management strategy for the area,
- (2) provide in the strategy agreed mechanisms of co-ordinating actions with adjoining fire protection associations in the event of a fire crossing boundaries,
- (3) make rules (including a code of conduct) which bind its members,
- (4) identify the ecological conditions that affect the fire danger and attempt to remedy same,
- (5) regularly communicate 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 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) assist in reducing the risk of fire to and from properties on the urban

interface,

- (13) initiate an education and publicity campaign on fire awareness,
- (14) advise members on the eradication of invader vegetation and encourage the implementation of the CARA regulations,
- (15) elect an Executive Committee to manage the affairs of the Association,
- (16) appoint a Fire Protection Officer, and
- (17) do all else necessary to carry out its aims, duties and functions.

7. Membership

- (1) Any owner in the area of the Association may at any time become a member. Every municipality or organ of State must be a member.
- (2) A member is any owner -
 - (a) whose name is in the register of members referred to in section 8 (3) of this constitution, and
 - (b) who has declared that he or she is willing to follow this constitution and the rules of the Association.

8. Register of members

- (1) All members must give the Secretary if so required—
 - (a) The name of his, her or its properties and where necessary a copy of the map showing the boundaries of the properties.
 - (b) their names, addresses, telephone numbers, email addresses and fax numbers and
 - (c) the names, addresses, telephone numbers, email addresses and fax numbers of their agents or representatives.
- (2) Any -
 - (a) change of address or telephone number
 - (b) transfer of property or change in ownershipmust be communicated to the Secretary within 3 months.
- (2) The Secretary must keep all the details referred to in sub-paragraphs (1) and (2), and other relevant information, in a register of members.

9. Rights and duties of members

Membership of the Association -

- (1) includes paying fees required by the association
- (2) includes the payment of any charges set by the Association from time to time
- (3) allows members to have all the benefits of membership
- (4) does not give a member a right to any of the money, property or assets of the Association
- (5) includes a declaration to abide by this constitution and the rules of the Association

10. Termination of membership

- (1) A member may terminate his or her membership by written notice to the Chairperson except in the case of municipalities and owners in respect of State land.
- (2) If a member terminates membership, he or she forfeits 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 within **60** days -
 - (a) after the annual general meeting, or
 - (c) 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 on paid, and
 - (b) his or her successor-in-title applies for registration as a member.
- (5) 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 Officer, with the exception of municipal owners and owners in respect of state land.
- (6) Should a dispute arise with regard to a membership being terminated the Executive Committee decision is final.

11. Objection to or Suspension of membership

- (1) The reasons for considering an application to suspend any membership, are as follows:
 - (a) Failure to satisfy any of the requirements for membership set out in this constitution.
 - (b) Any behaviour or action which, in the opinion of the Association, is detrimental to the interest and responsibilities of the Association.
 - (c) The Executive Committee has delegated authority to act on behalf and in the interest of the Association and report back to the Association.
 - (d) If the Executive Committee object to any applicant's admission as a member or any member's continued membership, they must within 30 days:
 - (i) Give the applicant or member written reasons for the objection or possible suspension
 - (ii) Call a meeting of the Executive committee to consider the case
 - (iii) Notify the applicant or member of the date, time and place of the meeting
 - (e) The member may speak at the meeting and argue for admission or continued membership, and
 - (f) Lodge a complaint to the Minister if not satisfied with the Executive Committee' decision.

12. Fees, charges and interest

- (1) The executive committee may from time to time –
 - (a) fix fees for membership registration and charges for services that are necessary for the proper management of the Association
 - (b) charge interest on unpaid fees that the law allows.
- (2) The fee structure of the Association are as contained as annexure "B" in the rules of the Association.
- (3) Annual membership fees must be paid on or before the 1st day of April every year.

- (4) A pro rata membership fee is payable for initial membership and thereafter full membership fees will be charged when joining the Association.
- (5) Any increase in registration and membership fees or charges for services must -
 - (a) be ratified 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.

13. Liability of members

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

Separate legal entity

The association is a separate legal entity and is capable of instituting litigation in it's own name and will be sued in its own name .

Limited liability

The association is capable incurring obligations and acquire rights apart from its members.

14. Assets

The association may acquire and dispose of any asset.

15. The Executive Committee

- (1) The Executive Committee of the Association is –
 - (a) the Chairperson
 - (b) the Vice Chairperson
 - (c) the Secretary/Treasurer
 - (d) the Fire Protection Officer
 - (e) Additional members.
 - (f) Co-opted members
- (2) Except for the Fire Protection Officer, who is appointed, any member of the Association may be elected to the Executive Committee.

- (3) The Chairperson and Secretary/Treasurer is elected for a period of three years, but may stand for re-election at the end of this period.
- (4) The Vice Chairperson, and the additional members are elected for a period of two years, but may stand for re-election at the end of this period.
- (5) If the Chairperson, the Vice Chairperson, Secretary/Treasurer or additional member resigns, dies, becomes incapacitated or disqualified, or is removed from 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
 - (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.
- (7) If there is a vacancy in the committee, it must be filled by the election of another member for the remaining period of service.
- (8) Any member may be co-opted to serve on the Executive Committee for a period decided upon by the Executive Committee but has no voting rights.
- (9) A quorum for a meeting will be 50% of members plus one.
- (10) If there is not a quorum present after the expiry of ten (10) minutes after the appointed time for the meeting, no meeting shall take place. The members present shall then decide by a majority vote to adjourn the meeting to a date not more than fourteen (14) days later and the members present at such an adjourned meeting shall form a quorum and transact the business which was to be transacted at the first meeting.

16. Technical Committee

- (1) A Technical Committee may be appointed to assist the Executive Committee with technical advise and expertise with regard to fire management and related issues.
- (2) It will consist of statutory and private landowners.

- (3). Their function and powers are as indicated in the Technical Committee terms of reference as amended from time to time.

17. Employees

- (1) The Executive Committee may employ any person it considers necessary to help the Association to 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 a resolution of the Executive Committee.
- (3) All employees remain in employment when there is any change in the Executive Committee.

18. Loans

- (1) The Executive Committee may use loans, including overdrafts, to raise the funds it needs to carry out any of its functions.
- (2) Whenever the Executive Committee wants to raise a loan of more than R10 000, it must call a meeting of all members, with at least 21 days' notice, to get a mandate to raise the loan.
- (3) The Executive Committee cannot make a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at the meeting.

19. Finances

- (1) Only one general account may be opened at any financial institution in the name of the Association.
- (2) All Association accounts and cheques shall be signed by at least two of the following Executive members, namely the Chairperson, Secretary/Treasurer or the Fire Protection Officer.
- (3) The financial year of the Association runs from the date of its registration to 31 March of the following year, and then from 1 April every year to 31 March of the next year.
- (4) The Secretary/Treasurer is responsible for all the financial business of the Association and must keep a record of all this business.
- (5) The Secretary/Treasurer must every year at an annual general meeting -

- (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 employees of the Association , and
 - (b) give a report of the Association's activities.
- (6) The financial statement must be available for inspection at reasonable times by any member for a period of 30 days from the date of the annual general meeting.

20. Annual general meeting

- (1) An annual general meeting 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) The annual financial statements must be sent to members 21 days before the meeting will be held.
- (3) In addition to any other business, the annual general meeting must deal with -
- (a) the Chairperson's report on the general affairs of the Association,
 - (b) the Secretary/Treasurer's presentation of the financial statements of the Association ,
 - (c) the Fire Protection Officer's report on his or her activities, and
 - (d) the introduction and approval of any increase of fees, charges or interest.
- (4) A quorum will *be* 30% of all members provided that 60% of statutory members are present. A resolution will only be passed if 75% of members present is in favour.
- (5) If there is no quorum, the members present must be given notice that a further meeting will be held at least 7 days later.
- (6) If there is no quorum at the further meeting, the members present form a quorum.
- (7) Only those members whose registration and membership fees are fully paid up, have a right to vote.

21. Voting

- (1) The members of the FPA wish to make decisions in a spirit of cooperativeness, fairness and equality.

It is for these reasons that the members will seek to reach decisions by consensus.

Should no consensus be reached after a reasonable effort is made, the members are in agreement that the subject be voted on the basis of each landowner being apportioned one vote.

The Cape Peninsula (Table Mountain) National Park and the City of Cape Town, being majority landowners, will hold veto rights. However this veto will only be used as a last resort. The majority landowners undertake to use this veto responsibly.

22. Attendance of ordinary members at Executive Committee meetings

- (1) an ordinary member may attend an Executive Committee meeting for the following reasons:
 - (a) To present an issue that has been fully motivated and placed on the agenda.
 - (b) To be a silent observer of the proceedings.

23. 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) **50%** of paid-up members request this meeting in writing and name the issues to be dealt with,
 - (b) the members requesting the meeting promise in writing to pay for the administrative costs of the meeting, and
 - (c) the requested meeting is to be held at least 90 days before an annual general meeting.
- (2) 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.

24. Dispute resolution

- (a) In the case of a dispute between members, members must negotiate to resolve the dispute.
- (b) If such negotiations fail, any member may approach the executive committee, which must appoint an arbitrator whose decision is final.

25. 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 and by its deregistration by the Minister under section 8 or
 - (b) by its deregistration by the Minister under section 8.
- (2) The resolution to dissolve the Association must -
 - (a) be passed by a two-thirds majority of 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 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.