

MINUTES OF THE ANNUAL GENERAL MEETING OF THE DUNE RIDGE ESTATE HOME OWNERS ASSOCIATION HELD AT THE BIG BAY LIFESAVING CLUB, BLOUBERGSTRAND AT 18H00 ON THURSDAY 6 SEPTEMBER 2018.

PRESENT:

Theus Retief (TR)
Vincent Sing (VS)
Dale Lewis (DL)
Gabi Weck (GW)
Greig Rietoff (GR)
Jay Pillay (JP)
Lizelle Gore (LG)

REPRESENTING:

Chairman
Vice Chairman/Finance
Trustee: Security
Trustee: Communication/Marketing
Trustee: MPOA
Trustee: Building Operations
Trustee: Landscaping

Estate Manager
Cape Classic Property Solutions
Cape Classic Property Solutions
Cape Classic Property Solutions

Barry Oberholster (BO)
Yvonne Green (YG)
Theresa Pennington (TP)
Sue O'Shea (SO)

And members present in person or by proxy as per the attendance register.

1. ESTABLISHMENT OF A QUORUM

Theus Retief, in the Chair, opened the meeting as a quorum was present at 6pm.

2. WELCOME BY CHAIRMAN

2.1 The Chairman welcomed all present to the meeting and thanked those present for coming to the AGM.

2.2 The Agenda will be followed and if any other items they can be raised under point 11.

3. APOLOGIES

Apologies were received from the following members:

C + D Daner	657
A Midgely	662
N Maharaj	682
M Bean	695
D + Y Peacock	718
M Bauwens	719

D + N Duvenage	734
M Govender	756
K Heyns	687

4. CONFIRMATION OF THE NOTICE CONVENING THE MEETING

The Chairman confirmed that the Notice had been sent via email on the 8 August 2018, with the required 21 days' notice, with several reminders via email and SMS thereafter.

5. CONSIDERATION OF THE CHAIRMAN'S /TRUSTEES REPORT

5.1 The Chairman's and Trustees Report was attached to the Agenda/ Notice that was sent out to all residents for their records.

5.2 Mr Alterskye (Erf 683)– The Report was very good and a lot of work has been done in the last year. He asked if an audit of the Estate had been done as per the last AGM. J Pillay (Trustee: Building) responded that the Estate had done an audit/walk through recently, following one done in January 2018. The painting of houses generally happens from October to March, not during the rainy season; there are 3 houses that are not up to standard and will be contacted, with a timeline of March 2019 for completion

TR stated that one of the problems for painting is one needs high pressure hose and with water restrictions this has been a problem.

There are also some verges that need worked on and the Estate will be communicating with these owners.

Proposer: C Milleskie (Erf 739)

Secunder : H Van Wijk (Erf 740)

6. CONSIDERATION OF THE ANNUAL FINANCIAL STATEMENTS AND AUDITORS REPORT OF THE ASSOCIATION OF THE BALANCE SHEET/ANNUAL FINANCIAL STATEMENTS 2017/2018

6.1 There were no queries from the members present for discussion.

6.2 The members present approved the Audited Financials 2016/2017.

Proposer: C Alterskye (Erf 683)

Secunder : H van Wyk (Erf 740)

6.3 The members present approved the Auditors Report for 2016/2017.

Proposer: C Alterskye (Erf 683)

Seconder : C Milleskie (Erf 741)

**7. CONSIDERATION OF THE TOTAL LEVY/BUDGET FOR THE ENSUING YEAR 2018/2019
(AS REFERRED TO IN CLAUSE 7 FOR THE CALENDAR YEAR DURING WHICH SUCH
ANNUAL GENERAL MEETING TAKES PLACE)**

7.1 *C Alterskye (Erf 683)* – noted that insurance is up 32%?

There were a no of items - Upgrade of guardhouse for building/electronics increase of premium, as well as a Directors/Trustees Liability cover and the CSOS Fidelity cover which is 25% of the annual operational budget.

7.2 *C Alterskye (Erf 683)* – The Budget of R100 000 for fence boundary?

TR responded that when the fence fell over the Trustees were very alarmed and got in an Engineer's Report which came back to say that the substructure is stable but only the top 3 -4 m was not compacted enough originally. The R100 000 budget was for a repair, as the total recommendation for repairs was about R2 million. The plan is to see if the fence can be upgraded in house with concrete and should be OK for now. It may need attention again in 2-3 years' time, so the allocated R100 000 for the project will be under budget.

7.3 *F Liebenberg (Erf 667)* – any allowances for projects on the Capex side?

VS responded that the emphasis is on landscaping and regeneration of the parks. The park at the circle was started and put in a budget of R150 000 to tackle the other parks which may not be enough. The landscaping of the verges is more for the Western Boundary verge where the fence fell over where it is looking terrible. Furthermore, Dune Ridge 2 needs a water supply as one of the problems is that the borehole water does not reach the parks in DR2. We need to get a supply of water up there. Where the borehole is at the moment, there are water tanks and we need to make this more secure for kids etc

7.4 FL – you mentioned where the fence is going to be pulled up right, LG to try to stop the sand from blowing and will plant there.

7.4 *C Alterskye (Erf 683)* – security contract increase of 12%?

AS per DL, Executive Decisions have been the service provider for many years and last year they did not put through an increase. This year they decided to put through a non-negotiable increase of 12% and the MD confirmed that they were finding the site problematic. The Trustees decided to put in a budget for this increase but are in the process of tendering for a new Security Service Provider. The key current staff of Executive Decisions have already shown interest in coming over to a new company, so there won't all be new guards. As per TR, we will come in under budget.

- 7.5 The Budget 2018/2019 was approved by the members present by a majority hand vote.

Proposer: C Alterskye (Erf 683)

Secunder : C Milleskie (Erf 741)

8. CONSIDERATION AND FIXING OF THE RENUMERATION OF THE AUDITORS FOR THE FINANCIAL YEAR OF THE ASSOCIATION PRECEDING THE AGM

- 8.1 TR proposed to continue with the current Auditors, BDV Platinum, for the forthcoming year, as they do a good job and the cost of the last audit was reasonable at R15 000(+ VAT).

The members present approved the auditors for the forthcoming year.

9. ELECTION OF TRUSTEES

- 9.1 TR thanked the current Trustees as we had an interesting year with the drought, landscaping, fencing falling over, Fibre installation, guardhouse upgrade and security changes, since the last AGM which was only 9 months ago. A lot of time for Trustees away from their families and he would like to thank the Trustees for all their hard work.

- 9.2 The Trustees available for re- election for 2018/2019 are the current Trustees:

1. Theus Retief (Erf 664)
2. Vincent Sing (Erf 779)
3. Dale Lewis (Erf 666)
4. Jay Pillay (Erf 696)
5. Gabi Weck (Erf 668)
6. Lizelle Gore (Erf 741)

7. Grieg Riethoff (Erf 713)

9.3 There were no new nominations and thus the status quote can continue.

9.4 The Trustee Nominations were approved by the members present by a majority hand vote.

Proposer : R Roos (Erf 668)

Secunder : H van Wyk (Erf 740)

10. TO TRANSACT SUCH OTHER BUSINESS AS MAY BE TRANSACTED AT AN ANNUAL GENERAL MEETING OF MEMBERS

10.1.1 Estate Manager

TR thanked Barry Oberholster, as the Estate Manager, being onsite and managing the guardhouse project smoothly and it wouldn't have been such a success without him. The Estate really appreciates what he has done.

A member commented that it looks fantastic and has really lifted the whole Estate.

TR thanked the Cape Classic team. It was also a tough year for them as with the drought there was a lot of correspondence back and forth, and a lot more expected from the administrators, and they really delivered, and it is really appreciated.

10.1.2 Revision of Estate Rules.

As per the last AGM the Trustees did agree to relook at the rules as they are about 14 years old. The Trustees started a process which was halted every now and again as there were a lot of disruptions in the year. The process started with getting rules from 6 other Estates so made a combination of the different rules and then made a list of criteria by which to measure every rule, to see if it was reasonable, measurable, enforceable and relevant to Dune Ridge Estate. The By Laws of the City of Cape Town were also taken into account and this all took a bit of time with a lot of meetings, but the process is almost complete. In this committee there is a wide variety of residents of the Estate, and when done by the end of the year the Trustees will communicate the revised rules to all the members. We don't want a sterile environment where the

kids can't play in the streets but also don't want houses to fall to pieces etc.

A member asked if items like water tanks and generators had been included. TR responded that this was discussed at length and will be part of the new rules.

10.1.3 BIG BAY MASTER PROPERTY OWNERS ASSOCIATION (MPOA)

A member (F Liebenberg – Erf 667) doesn't want to make an issue of it but the Trustees know that he has concerns about the MPOA, and one item is the CCMA award as the last Estate Manager was dismissed unfairly. FL and BO were Trustees at the time, and they both warned the Chairman about the procedure. This was done without the permission of all the Trustees and this cost the MPOA about R100 000 so there are some concerns and he would like to know how the Dune Ridge HOA Trustees are going to address this, as it is all our money that was wasted. That is one item but there are other concerns as well so how are we going to manage our position?

TR noted that MPOA AGM coming up on 20 September 2018.

As per FL we need to mandate our representative as well because we have no say in the MPOA Constitution so only our representative Trustee, and he needs the mandate beforehand.

TR- are there specific issues and if you want a decision on a specific issue then we need to discuss this but difficult. FL stated that R100 000 was wasted and nobody is asking questions, there is no enquiry.

Greig Rietoff responded that he came in after this matter, obviously a procedural error that was done but in terms of the settlement, it was signed at the time by the Estate Manager and everybody was happy and everyone went their own way. In terms of Dune Ridge Estate, we are block D, and the other Estates in Big Bay area also each have a Trustees that sits on the MPOA Board, like Waters Edge. Thus each Estate has a

representative/a Trustee on the Board and as Trustees we do this in our own time.

The portfolio he took over is Security. There are contracts in place, like Star Alarms, Green Platoon etc. to keep us all safe and for our kids. We are adding value to our area, making sure that the whole Big Bay area is safe and secure. There are a lot of other portfolios like landscaping responsible for the grass areas.

As per GR, we all make mistakes, we don't live in a perfect world, but we must look at the added value that the MPOA is giving. He has been a Trustee for 9 months now, the Trustees give a lot of their own time and work incredibly hard. The Trustees sit for hours in meetings, they work with City of Cape Town, they work with Law Enforcement and with lots of other government organisations. As far as he is concerned the Trustees have added value and done a good job. We must also look at the positive and where the value has been added – but happy to chat with FL before the MPOA AGM before the 20th to raise the concerns.

FL – we must ask the members what they would like and do they want an enquiry into the matter, and it sounds like GR is asking us to look the other way and made up his mind. GR stated not at- all he is just saying let's look at the positive and added value from the MPOA. As per GR if FL still has concerns he is more than happy to jot them down and raise them for the MPOA AGM, same venue at 6pm on 20th September 2018.

FL still has one concern – you need our mandate for major issues and we need to discuss them to take them further. You can't expect us to go to that meeting as we don't have a say in that meeting only the Trustees have a say. If anything you need our mandate and then we need a method that we can get peoples input.

GR said not a problem. The members, as per FL, are sitting on the side. DL asked if there are other people here that have opinions so that we can get a mandate.

Owner – there is an element of accountability and that is what FL is asking. FL continued that there was no enquiry and the CCMA judgement was substantially unfair dismissal and the Trustees went down the wrong path; they just proceeded even though FL and BO were also Trustees involved.

In FL's personal opinion it was gross negligence so we need to make a decision as to why there was not at least an enquiry.

DL how do we take a mandate? FL proposed that our Trustee requests and official enquiry but somebody needs to decide if the case was negligence or an error. DL said we are then mandated to take that concern from DR up to MPOA Trustees that there was a procedural unfairness. FL agreed and there must be an accountability.

Owner – look at MPOA Constitution and see where the power sits and maybe an enquiry or a vote of no confidence.

TR - Dune Ridge is lucky as we have one Block for the HOA and that is how it is structured that the appointed Trustee sits on both HOA and MPOA Board – so communication between HOA and MPOA and onto our members. For the other blocks it is not the same. TR the problem is that you must disprove bona fides for the Trustees to be held personally liable, you must prove this and where in a court of law? The constitution might have an arbitration clause, but one must prove not gross negligence but malicious intent in order for a Trustees to be held personally liable.

FL what he is asking is that there has not even been an enquiry and everyone just moves on and it is a major issue and we must ask for an explanations.

DL agreed and we can mandate GR to raise this at the MPOA AGM

Owner – the person that made the decision needs to take accountability and we need to stop that kind of decision of being made again. Per owner the amount Rand Value of the payout is not high. TR not sure of the background but was it only a procedural issue? – the R50 000 that was

paid out was that only for the procedural error? FL it is our duty to ask questions and not fair that the MOA Trustees do their own thing.
TR concluded that GR will take it to the AGM as around the corner and all members are allowed to attend it.

A per FL that is the problem at the AGM as only the Trustees can vote and the members can only observe. DL confirmed that we must raise the issue at the AGM.

Owner – not sure if the AGM is the right platform as FL is talking about officially raising an enquiry asking that committee to report to this committee and how the CCMA Matter happened. It should be raised at the next MPOA Trustees meeting after the AGM.

DL if then minuted at AGM then they may have to deal with it.

TR - the way the MPOA has been put together your vote is basically a percentage of the value of your property compared to the rest of the Blocks. It is difficult to get a mandate as how do you actually get a majority mandate?

Will it be legal to decide at the DR AGM to go forward to the MPOA AGM which is a different body?

Owner – we have an ombudsman but not sure if the MPOA has an ombudsman.

TR concluded we can enquire re the above point and consensus that we should raise the issues at the AGM.

10.1.4 Water on the Estate

Communication sent out a week ago to residents to show the paper trail with Council. Feedback no pressure at the top of houses in DR 2, every Saturday morning, recurring for 3 – 4 weeks. GR had a plumber today and he told GR that the City does turn the pressure down on a Saturday, can't

give an answer down. Proposal for a pump for those houses on the hill but as per BO Council won't allow this. There could be an impact on fire hydrants and Estate is responsible to maintain them

TR – City came in 2 weeks ago and said that the pressure will be increased again going forward so hope for a change

Owner – do we accept that the Estate can't use the fire hydrants. TR responded that the Trustees had discussed this at length. The City has a disclaimer and doesn't accept liability. A water bowser with pump and trailer was considered, but who will operate it? Started with firebreaks, but then issues with privacy. A difficult challenge.

VS added that furthermore insurance does not cover this.

Owner proposed a team of volunteer residents to form a fire team. LG tanks in parks with sprinklers as a solution.

If Fire department takes half an hour how quick can you get the bowser to the scene. If a fire in park Estate can probably handle it but if in a house a 1000L of water won't be enough.

As per DL. the fire hydrants are on the ring main which is our main water supply which is ludicrous.

Owner proposed to get an attorney to deal with this issue with the City and another proposal was to get the MPOA to get involved on behalf of all the Estates in the Big Bay Area.

DL - problem is that Dune Ridge is higher than the other Estates and The City doesn't really care.

The liability from the city can be far reaching and Estate must make a point as to what we can do and create awareness with summer coming. A fire hydrant that was broken was recently fixed.

The Fire Department can come in and do an audit and TR noted as a point to investigate.

An owner consulted an attorney and she said as a single owner wasting his time and it needs to be done in a group. TR agreed a bigger group may achieve more by have a bigger footprint.

10.4.1 Open Land next to the Estate

An owner made enquiries with council re the land next to the Estate and this is an easy target for invasion so what is the plan? N Grose proposed to not raise it but when something does happen, then a serious plan needs to be in place.

TR stated that it seems that there are no plans for the land; MPOA has a drone and when picked up the shacks are cleared out. The only way is to micro manage it and do it quickly. It seems clear that the MP's are not allowing land invasions but we need to be vigilant. Green Platoon fly a drone every week and set no of squatters allowed and on security group. DL – MPOA recently dealt with a matter that they had highlighted prior to it getting on Facebook.

DL cameras replaced around the Estate and plan is to put some cameras on the roads, but there is the issue of privacy.

11. CONCLUSION

With nothing further to discuss the Chairman thanked all present for attending and closed the meeting at 7pm.