



DOLPHIN COAST RESIDENTS & RATEPAYERS ASSOCIATION

(Non-Profit Organisation)

MINUTES OF THE ANNUAL GENERAL MEETING

HELD AT SIMBITHI COUNTRY CLUB ON TUESDAY

THE 18 AUGUST 2021

PRESENT:

DOCRRRA

Deon Viljoen (DV) (Chairman & MC)
Flip Helberg (FH) (Vice-Chairman and Secretary)
Deon Botha-Richards (DBR) (Financial Manager)
Ken Lever (KL)
Penny Fourie (PF)
Hans Broerse (HB)
Brian Botes (BB)
Gaby Lyle (GL)
Stephanie Walker (SW) (Executive Officer)

Apologies:

Vanessa Honiball (VH)
Mary Kassam (MK)
Don Forbes (DF)

Ratepayers and Residents Attendance Register & Apologies – Attached (Appendix A)

Number present	:	40
Number on Zoom	;	6
Number of apologies	:	6
Number of proxies	:	None

1. Opening & Welcome

Deon Viljoen welcomed all members and potential members present. We had a great attendance for our AGM.

In addition, we had about 6 people attending via Zoom – our first attempt. Questions were invited via Zoom as well.

A special thanks was made to Malcolm Samuel – GM Simbithi – for their continued support and the availability of their facilities for both Committee Member meetings, and this AGM.

It was mentioned that apologies were received for the meeting and would be included in the minutes.

DV explained the quorum requirements, as per the current Constitution. and that it was met for this meeting.

A brief overview of the agenda was presented. A special thanks was given to our guest speakers:

- Warwick Chapman Chief Executive, Greater Ballito Operations Centre (GBOC)
- Shyam Misra Managing Director, Siza Water

2. Approval of previous minutes

The previous minutes were made available on the website and at the meeting. They were proposed by DV and was unanimously approved by the members.

3. Chairman's Report

The Chairman noted that his report was published on the website and that he would not be reading through it in detail but would refer to specific items:

- The Covid year brought about some challenges.
- DOCRRA, however, became more digitally wise and utilized technology more effectively and productively. This was achieved by the use of virtual meetings, upgraded and enhanced communication via the website, and utilization of other social media accounts.
- It was a good year financially for DOCRRA and memberships.

- Various sub-committees were formed, and became very effective, such as:
 - Financial
 - Roads
 - Communication and media
 - Water
 - Dolphin Coast Outreach (DCO). DOCRRA's charity arm, consists of about 60 volunteers making meals, mainly soups. This is a virtual soup kitchen, currently feeding about 10,000 meals per month. These are being distributed through various charities and church groups.
 - Special purpose committees were formed for areas that needed to be addressed such as Townsend Park, Sheffield Beach Road issues, and a restaurant breaking rules as regards to hours of operation and noise.
 - Advisory committee. Resources with specialized expertise are available on an ad-hoc basis as and when required. For example, Alan Wills (Engineer), Hugh Hodge (Engineer), Rob McKintosh (CA), Malcolm Kensett and Ken Lever. (NOTE: DOCRRA would welcome more expertise especially in the legal, accounting and engineering areas – please contact DV, FH or SW – admin@docrra.co.za.)

4. Annual financial statements

The Chairman highlighted that the financial statements were not 'audited statements' but 'Compiled and Reviewed Statements'.

He also noted that the Financials were published on the website and that he would not be reading through it in detail but would refer to specific items, which are highlighted below:

- DOCRRA revenue increased by 40%
 - Income last year R331,505
 - Expenditure R236,138
 - Surplus R 95,367
- DOCRRA did not achieve a massive membership growth but a profitable year compared to the previous year where we had several write-offs.
- We have about R350,000 in our reserve account, equivalent to about one year of income.
- However, we need a stronger 'kitty' should we need to go 'legal' with the municipality.

The financials were approved.

5. Budget overview

DV highlighted the following:

- The budget for 2021/2022 is made up as follows:
 - Income last year R400,000
 - Expenditure R338,780
 - Surplus R 61,220
- Financials are 'ahead of the game,' at this point in time, and is being well managed.

- DV thanked both estate and individual members for their support.
- KL expressed his concern about the low individual memberships and commented that we need to get more individual members joining DOCRRA. Currently there is just over 100 individual members, the rest from estates.

6. Election of DOCRRA Committee Members

All current committee members were happy to continue to stand on the DOCRRA Committee except for Ken Lever, who was not available for election.

DV thanked Ken for his many years on the committee and his efforts and valuable contribution as both Chairman and Vice Chairman over the years. He has been a pillar of strength and Ken's knowledge and counsel has been very welcome. He also partakes in a number of other key committees such as Townsend Park, charity, architecture and building. Gratefully, Ken has agreed to continue as an ad-hoc advisory resource for DOCRRA. As a token of thanks, DV presented a gift for both Ken and his wife, Frances, who has provided support to Ken, over the years.

Members available to continue for another term were:

- Deon Viljoen
- Deon Botha-Richards
- Flip Helberg
- Penny Fourie
- Hans Broerse
- Vanessa Honiball
- Don Forbes
- Mary Kassam
- Gaby Lyle

The following co-opted members also made themselves available for nomination as DOCRRA Committee members:

- Brian Botes

Brian was co-opted over the past year and has contributed a huge amount especially within the financial area and has done a sterling job. He has made himself available to stand on the committee.

There were no additional nominations from the floor.

These were unanimously accepted by the members.

We have 2 vacancies available on the committee.

We have broad representation on other local organisations. For example:

- Flip and Hans are on neighbourhood watches, ward and security committees
- Flip is on GBOC committee
- Penny – journalism and helps with investigations and contacts within KDM
- Gaby – well connect in community and charity

7. Special Guest Speaker – Siza Water

On behalf of DOCRRA, Penny Fourie extended an invite to Siza Water to attend our AGM and provide them the opportunity to update the community on the status of the Siza Water contract with KDM, and the recent Concord case. The Concord ruled with Umgeni Water to allow them to raise a tariff on Siza of 41.4% which will in turn have an effect on our water bill. They provide a very efficient water and sanitation service to our area from Tongaat river in the south to Tinley Manor.

In attendance from Siza was:

- Shyam Misra Managing Director
- Kobus Fourie Operations Manager
- Herman Botha Financial Manager

Penny Fourie introduced the MD of Siza Water, Shyam Misra, to address the attendees. She proposed a number of questions on how this is going to affect us and are we, as receivers of privatized services, going to be penalized as a result. She also asked if Siza is going to fight the recent decision. In addition, questions were put forward during the presentation.

Shyam presented a comprehensive overview of the situation, history, current and future.

Some of the highlights include:

- The contract was signed in 1999 and is a 30-year contract with 8 years remaining.
- In 2014/2015, when a drought occurred, Umgeni Water decided to increase the tariff by 41.4% but Siza Water felt it was 'unjust and incorrect' and therefore never implemented it and took the issue to the courts to overturn the decision. They were not able to follow the arbitration process for many reasons and therefore had to go to the high court in Pietermaritzburg, who ruled in favour of Siza Water to overturn the tariff increase.
- Umgeni Water, and the Minister, then applied to the Supreme Court of Appeal but were unsuccessful. They then applied to the Constitutional Court and the case was dismissed.
- The Minister, however, filed their application late for leave to appeal, and 6-8 months later they were granted leave to appeal.
- However, in between this, Umgeni Water drafted and signed a settlement agreement with Siza for the backdated charges and affected interest etc. and this was duly implemented. However, they then heard about the Minister's application and then decided to 'piggy back' on their application.

- During the procedures, the Minister actually conceded that they made a mistake in granting Umgeni Water the tariff increase. When Umgeni Water got the judgement, this took away the power from the Minister to approve any water board tariffs. Unfortunately, at this point in time, there is no regulating body for water tariffs in South Africa.
- Siza Water has had to take on another senior advocate due to the passing away of their previous one, to rescind the above decision. Certain arguments presented were not valid.
- Since judgement, no communication has been received from Umgeni Water. It appears that the judgement is not very clear as to what the tariff is going to be. Therefore, the existing agreement is in place until they hear further.
- Should the increase go ahead there will be no backdating of charges.
 - It is a 'passthrough' cost.
 - Siza would look at a 'phased' approach as they consider this to be untenable to apply 41.4% for any business at this stage due to the strained economy.
- Every 5 years, the concession contract is reviewed with regards to capital commitments and who does what. To this date, Siza Water has never had a sanction of non-compliance.
- 50% of their profits go back into infrastructure.
- Shyam stated that Siza Water is an open company and are always available to answer any queries or issues anyone may raise. Also, that they have received and responded to queries from various organisations such as the media, DOCRRA and Illembe Chamber of Commerce. These organisations have also indicated that they would be happy to join in the application to have the judgement rescinded.
- Shyam confirmed that the rates are the same for all the municipalities except for eThekweni who gets a slightly better rate due to their size.
- Siza Water was going to meet with the legal counsel the next day to explore what options they have going forward.
- State of Hazelmere Dam:
 - In a healthy position currently although the ultimate dam wall increase has not yet been completed.
 - The water quality is very good and being run well by good people.
- The Desalination Plant has been put on halt due to the uMkhomazi Scheme.
- Should the contract not be extended, SIZA Water will hand over to the municipality at no cost and the current staff will also be taken over. Assurances are in place that an efficient infrastructure is handed over.
- It was expressed that hopefully the contract will be extended, and assistance was offered to achieve that.

DV thanked Shyam for a very frank, open, and interesting update from Siza Water and that we, the community, are very happy with the service and offered wherever we can co-operate and assist, to please let us know. DOCRRA will continue to work closely on this issue.

8. Special Guest Speaker – Warwick Chapman (GBOC)

On behalf of DOCRRA, Flip Helberg extended an invite to Warwick Chapman, Chief Executive, Greater Ballito Operations Centre (GBOC), to provide some insight to GBOC and the activities that have and will continue to be taking place.

Warwick was schooled in KZN, ran an IT company for a decade, served 2 terms on the Durban City Council before moving to CT to head up the technology at the DA. He then returned in 2017 to the north coast and now runs a renewable energy company, as well as consults with political organisations internationally.

Warwick provided background on how the GBOC came into existence. He believed that one of the main reasons why Ballito managed to defend itself during the unrest was because some key individuals reacted about 4-8 hours earlier than other towns. Also, there was enough opposing forces at the key entry points early enough to prevent rioters, looters etc. to gain entry. People such as Riaan Verster, Gustav Fick and Mark Whitehead, who used their own networks to mobilize people randomly.

A Teams meeting was held on the Monday afternoon which went on into the night where an organized co-ordination was put together. The concept of air traffic control came about to manage the key spots being Zimbali, M4, Ballito bridge, Shaka's bridge, Tiffany's, Flag Animal Farm and Grand Exotic, as well as Caledon where there was an incident. Warwick's first role was to watch all the alert communications and link them up. Certain individuals were detained and arrested by SAPS for looting or being in possession of looted goods. Those few days were the only times they saw SAPS, when they were called to arrest. The air traffic control was manned by a number of individuals, 24/7, working in shifts.

Mark Whitehead played an important role by going from bridge to bridge helping the guys to motivate them and keep them informed of what they were learning, what needed to be done, and what to be careful of.

After chaos ensued on Wednesday morning when some shops decided to open and caused confusion at manned points, it became apparent that a more coordinated, integrated and communication operation was required – a joint operation center. Hence the establishment of the GBOC. This happened at a meeting that was held in the afternoon of Wednesday held in the car park at The Quarters. 7 workstreams were established with a 'captain' appointed for each. These included security, retail, infrastructure, utilities, fuel, and logistics. It was here Warwick was nominated to be the CE of GBOC.

So much was made available by both businesses and residents, such as meeting facilities, skips, signs, toilets, barbed wire, food, coffee, megaphones – whatever that was needed.

It was decided, by the Retail cluster, to close the shops on Thursday giving time to properly plan for Friday opening of shops. This was an unpopular decision at the time but turned out to be the right one.

KDM arrived on the bridge, unannounced, and told the volunteers to remove the barricades – first time they were seen since the unrest. This did not go down well, especially with the Shakashead residents. Eventually a meeting was had with KDM, at the Salt Rock Hotel, and the situation was turned around by 20h00 that night. KDM was co-opted to assist with the opening of the shops on Friday. SAPS were on board as well. The plan was put in place and communicated to all. Friday went off well, as well as the next few days.

However, on Saturday there was a problem with SAPS. They received instruction from the Provincial commissioner's office to remove the barricades. This was handled aggressively. However, again they were convinced to go meet at the Salt Rock Hotel, involving the cluster commander. The meeting took about 6 hours. Warwick and Mark were told that they would personally be held accountable should the barricades not be removed.

However, at that point, the situation had de-escalated, and become more normalized, and it was believed it was the right time to start removing them. Security was then handed over to SAPS who allocated several officers for this task, 24/7.

Going forward, 2 major items were identified:

- If a situation like the unrest happens again, they need to plan how to handle it more organized and mitigate risk
- There was interest in having an overarching umbrella entity (not replacing) of the various organisations to assist to stimulate collaboration, integrate, coordinate, and communicate.

A meeting has been planned to debrief, and to address the above. To be able to mobilize and respond quickly.

There were about 1200 volunteers involved during this unrest and was a challenge to arrange and manage the rosters. There was a massive operation to cater for the distribution of food and drinks, technology in the background, software being developed, donations of time and money etc. Everyone was incredibly generous.

Recognition and thanks were given to all, including the moms, who were back at home handling the home and kids, stress and providing support.

KL asked if there was any feedback provided from Shakashead and Shakaskraal. Warwick felt that this crisis actually created a closer relationship with them. The Shakashead community and the Taxi Association has permanent seats on the GBOC. Relationships with both have been very valuable.

Based on information collected, it was believed that there would not be any trouble on the 23 August 2021.

In closing, Warwick thanked all who contributed to the defense of our town. He also thanked DOCRRA for the invite and for everything DOCRRA does for the community.

FH thanked Warwick. He also highlighted that there were many people and organisations involved, too many to mention, however gave examples of the neighbourhood watches, CPFs etc. Everyone came together.

DV called for a round of applause on behalf of all the communities for the GBOC initiative that kept us safe. DV also asked Mark to convey our thanks.

9. Current & Future Activities of DOCRRA

A summary of activities subsequent to the end of February this year, was presented by DV:

- The Roads and Traffic Study done by a company called SMEC

They invited public participation for comments. DOCRRA was approached to comment. Thanks to KL who put together a sub-committee who spent many hours going through these reports and submitted their comprehensive comments to the municipality.

This led to the council realising that they need an overall strategy road and traffic plan that included pedestrians, problem roads, and intersections which were highlighted by DOCRRA, that were not included in the initial plan. Therefore, further research is required and a new plan, or enhanced plan, will be worked on. DOCRRA will follow up on this.

- Property Revaluations

DOCRRA established a sub-committee to address this

We obtained a legal opinion which we made available to our members on the process to follow should they not be happy with the new evaluation.

It became apparent that previous evaluations were inadequate, incorrect, or undervalued. A lot had not been revalued. Therefore, people were perhaps paying rates and taxes on incorrect or undervalued properties, going back 6 to 7 years. Now they employed a professional company to do the evaluations. Some were drastically increased. People were asked to submit objections should they not agree with the new valuations.

These were supposed to have been responded to by end June and reconsidered by 1 July for the new year. Both did not happen.

DOCRRA then consulted with their legal representatives and now make available to our members the opportunity and assistance on how to declare a dispute.

An issue also occurred where the municipality did not update their records. For example, you may have owned a piece of land, and then built on it, but the municipality did not update their records and therefore you continued to pay rates based only on the land only. Now they discover the error and now hit you with rates and taxes going back 4 or 5 years.

According to our legal counsel, every year a property valuation roll is published and signed off, and based on that, the rates and taxes are raised. He is of the opinion that claims cannot be backdated 6 to 7 years as they did not publish in their rates valuation policy at the beginning of the financial year. However, if residents are experiencing this issue, DOCRRA recommends that they consider legal advice depending on the amount. Members can contact DOCRRA for access to the legal counsel we use.

DOCRRA did negotiate with the municipality, during the budget process, what rebate would be provided to ease in the revaluation. The rebate offered was 25%, which will be extended to 3 years.

The municipality, however, believed that about 2000 properties were still under valued and a revaluation of those will be done.

This situation will still take a while to get sorted.

- Analysis of KDM Annual Report 2020/2021

The 2019/2020 annual report was delayed due to Covid and was eventually finalized in March/April this year. During this time, BB was in touch with the AG.

On analyzing the report, BB picked up a trend:

- The budget was increased every year despite mostly about 75% of departmental operating and capital budgets was spent.
- Vast additional surpluses are being obtained over the last few years. By the end of June, this was sitting around R650M, which are cash surpluses.
- Surpluses occur due to over budgeting and underspending.
- DOCRRA's concern is that surpluses are increasing, we are paying more, and we are not getting the services.

BB established from the AG that 2 years ago there were 47 findings which needed to be resolved. At the end of the financial year, only 6 were resolved, 16 being actioned on and the balance not even started. Fortunately, the AG is getting more executive powers and, if findings are not addressed, there will be a disciplinary process implemented.

There is a good valuation of the performance of the municipality. The productivity (% success of what they planned to achieve) is measured. In the Covid year ending in June 2020, they spent 87% of the money and achieved 47% of what they were planned to achieve. This equates to about 52% productivity. So, for every R1K we spend, we get R500 worth of value. This decreased from 64% the previous year. However, Service Delivery increased by 11% from 37% to 48% - although still shocking. The increase is probably due to frequent interaction of Ward Councilors and DOCRRA.

The AG has 2 major concerns namely:

- Lack of performance management
- Lack of consequences

DOCRRA have the same concerns plus:

- Lack of leadership

AG and DOCRRA will be addressing the above.

DOCRRA believe finances are fairly well managed and 'planning' is also good due to use of consultants etc. However, Service Delivery is the main issue.

- MPAC (Municipal Public Accounting Committee)

Reports were issued and Brian Botes and Rob McKintosh submitted about 40 questions. It then took about 4 meetings to finalise the report. It has now gone to council. This was largely around Performance Management and Consequence Management.

- KDM Budget Process 2020/2021

DOCRRRA got involved with the budget process, attended all the presentations, and made our submissions. KDM called DOCRRRA, the day before the budget was approved, to ask their opinions. DV made a point at the meeting (and recorded it) that it was purely a 'show and tell' meeting and not a 'participative' meeting because it was already on the agenda the budget was already finalized, and there was no opportunity to change it.

DOCRRRA is awaiting the final report which we will analyze.

- Siza Water

Sub-committee will be formed to establish how we can assist.

- DOCRRRA will continue interaction with the Auditor General (Martin Coats)
- We will look at working with organisations outside of the municipality who can assist us
- We consistently have written to the Province and COGTA but no responses
- OUTA

DOCRRRA is working closely with OUTA on local government organisations and exciting developments are coming out where they are going to assist organisations such as DOCRRRA. DOCRRRA will play a key role in helping with this development so that we can share best practices with other areas.

They are also looking at a central communication system on an App which could have helped tremendously during the recent unrest.

- IDP (Integrated Development Plan)

When we have a new election, the council has to develop an Integrated Development Plan for the area for the next 5 years. Out of this plan they develop the budget for the year. They manage and calculate the performance against this budget.

The draft IDP plan has been circulated. DV and BB have analyzed it and a number of questions have been raised and submitted to the municipality. Importantly, they have admitted that they have to participate with stakeholders and DOCRRRA has applied to be on the IDP Forum as the ratepayer's association. Awaiting confirmation.

10. Chairman's View

- Recent insurrection

This incident highlighted how blessed we are for the number of volunteer organisations that we have. Such as the neighbourhood watches, UIP, CPF, UIP, business associations, ratepayers' associations etc. All managed to get together and work together so successfully.

In addition, DOCRRRA has got involved with outreach initiatives where we trebled production and distribution of soup to outlying areas. We discovered just how many NGOs there are, each with their own niche. We should respect each other for our own strengths and work together in order that we do not duplicate effort.

There are also many initiatives going on with specific expertise such as business communities, and formal and informal communities.

DOCRRRA's main role is oversight on the KwaDukuza Municipality. Some of our functions include:

- Analyzing, questioning, and commenting on reports – submitting these to the municipality.
- Serving on relevant committees.
- Ensuring future budgets are done properly.
- Service delivery in general.
- Work closely with our ward councilors. We thank them for their roles and efforts.

DV presented his plea and quest for us to harness the uniqueness of the different organisations, and work with one another and not undermine one another.

- KDM

DOCRRRA is currently not satisfied with the interaction with the KwaDukuza Municipality.

We believe this is due to the apathy experienced in the past, from the community, due to the way KDM operated – and KDM got away with it. Before KDM would put out an advert for the budget making it available to read in municipal offices – on site. One then had to physically go there, and if required, copy the relevant pages they wanted to question. As a result, comments or questions were not submitted. So KDM 'ticked the box' saying that they had communicated it to the stakeholders, no feedback, therefore assume everybody is happy.

However, now 2 to 3 years later, they are having DOCRRRA, and other community organisations, starting to provide input and starting to ask key questions at presentations. At one of the meetings, Adile, the number 2 finance person, was astounded that there were actually people reading the budget, and providing feedback and questions. He was delighted.

If we need to go to the courts to make them understand the difference between 'show and tell' and 'participate', we will do so. The law specifically says they need to. Going forward we are going to ensure this. DV stated, 'We are not going away, we are here to participate, and KDM are going to give us our due right, as it is in law.'

11. General

A question was received regarding the traffic issue at the T-Junction near Brettenwood, as well as what was planned for the corner property. DOCRRRA has tried, on a number of occasions, to try address this issue. The same goes for the issue at Dunkirk entrance and the shopping center.

A major challenge at the T-Junction is that there are 3 parties involved, Sanral is responsible for any roads that are 200M away from the N2 highway, Salt Rock Road is a provincial road, and the side road is a municipal road. Similar issues are experienced at Dunkirk. In Dunkirk's case, the previous developer of the shopping Centre has already provided R2M which is sitting in a reserve account. A decision cannot be made whether to have a circle or a traffic light.



Supporting the Community

As part of the Roads and Traffic Plan, the T-Junction will become the M4. It is going to go via Mt. Richmore, on the side of the N2, below Simbithi and finally links up behind the Junction in Ballito to the Ashton Road. So, it is unlikely anything is going to happen at the T-Junction as it will eventually become part of the M4. The good news is that the M4 is going to start at the Flag Animal Farm side and the bridge will become an on and off ramp to the N2. The road will become a dual double carriage way.

However, DOCRRA is trying to find some solutions in the meantime such as having speed humps done on either side of the junction to possibly slow cars down approaching the junction allowing more traffic through.

The corner stand – DOCRRA is not too sure. Apparently, the land belongs to Mica and there may possibly be a Builders Supply built there.

12. Close

The meeting closed.

APPENDIX A

REGISTER OF RESIDENTS AND RATEPAYERS' APOLOGIES

Dave Coates Allan Jevon Leon Erasmus	Tommy Dutoit Rob Oosthuizen Bryan and Margaret Jackson
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REGISTER OF RESIDENTS AND RATEPAYERS ATTENDED AGM

Adriaan Lourens Bev Jack Brian Botes Carol ALLAN Dave Jones Deon Botha-Richards Deon Viljoen Derrick Francis Nicoll Dieter Zettler Flip Helberg Gaby Lyle Gerhard Krugel Gordon Jack Graham ALLAN Hans Broerse Herman Botha Juan Venter Jennifer Inman-Bamber Ken Lever Kobus Fourie	Malcolm Samual Mark Whitehead Mike Matthews Penny Fourie Privi Naidoo Roger McKee Ruth-Ann Nicoll Shyam Misra Simon Clark Stephanie Walker Stephne Ashworth Steve Akakios Tim Inman-Bamber Trevor Milstead Stuart Wade Trevor Greyling Hugh Hodge Brenda Hodge Tammy Colley Patrick Viljoen
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REGISTER OF RESIDENTS AND RATEPAYERS VIA ZOOM

Linda Warren	Mario Gouveia
Debbie Berrie	Andresen Iyer
Alex Gray	Paul Streng