

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE MARINA DA GAMA ASSOCIATION
HELD AT THE MASQUE THEATRE, MUIZENBERG AND VIA ZOOM CONFERENCING
PLATFORM ON MONDAY JUNE 22nd**

MEETING DULY OPENED – 19:00

1. WELCOME

Richard Midgley, the Chairperson welcomed all members present at the Masque Theatre as well as those attending via zoom. A special welcome was also made to Kyran Wright, guest speaker via Zoom and Ian MacKay, the current auditor.

Notice convening the meeting was sent out on the 17th May 2021. All documentation was circulated via the electronic notice board, Facebook, hand delivered to those without e-mail addresses and via the MDGA Webpage.

Members were requested to raise their hands, state their names and keep questions relevant to the particular item on the agenda. The meeting will accept three (3) questions at a time which will be duly addressed. Procedures with regard to questions and voting for Zoom participants (two (2) Zoom participant grouping, those who have completed proxies and those who have not) were duly explained.

2. ATTENDANCE

Committee members:

Richard Midgley, Lise Carswell, Peter Allen (via Zoom), Valerie Benson, Nick Bode, Tharwah Davids (via Zoom), Paul Higgins and Patrick McKenna.

Minute taker: Tharwah Davids

Members and guests: Verified members Present, – at 19h00 – Forty-six (46) Proxy's, ten (10) present at Masque and a minimum of six (6) verified on Zoom.
Meeting was quorate and may proceed.

Apologies received: Diana Kemmish, Janine Avery

The proxy forms received would be validated the following day when the votes were counted.

The agenda was noted:

- Chairperson's report;
- Presentation by Guest Speaker Kyran Wright – Manager of the Zandvlei Estuary;
- Adoption of resolutions; and
- Q&A.

3. PRESENTATION OF THE CHAIRPERSON'S REPORT

An abridged version of the Chairperson's report was presented to the AGM. The full report is annexed to the minutes.

4. PRESENTATION BY GUEST SPEAKER KYRAN WRIGHT – MANAGER OF THE ZANDVLEI ESTUARY

Kyran's presentation provided an update on the water quality of Zandvlei and explained the relevant factors impacting the water quality as well as the City of Cape Town's (CoCT) responses to date.

5. MINUTES OF THE PREVIOUS AGM HELD ON THE 10th SEPTEMBER 2020

The minutes were proposed by Paul Higgins and seconded by Lise Carswell. Minutes were approved and accepted as correct.

6. ADOPTION OF ORDINARY RESOLUTIONS:

Members were requested to cast their votes on ordinary resolutions No. 2 – 5. Members who are present requested to vote via Ballot and members participating via Zoom who have not completed proxies to vote via the on-line chat function.

ORDINARY RESOLUTION NO. 1 – APPOINTMENT TO EXCOM

As fewer than twelve (12) nominations were received, a vote was not required. The following members have been elected to ExCom until the next AGM:

Peter Allen	Lise Carswell
Valerie Benson	Nick Bode
Tharwah Davids	Paul Higgins
Patrick McKenna	Richard Midgley

ORDINARY RESOLUTION NO. 2 - CONSIDERATION AND ADOPTION OF THE ANNUAL FINANCIAL STATEMENTS DATED 28TH FEBRUARY 2021

Cheryl Philip ("Cheryl") raised the following queries:

- No aging analysis included in the AFS
Ian Mackay confirmed that although the ageing analysis is not specified in the AFS, it is available to view at the MDGA office.
- No depreciation noted on the camera's but depreciation noted on other assets – suggest consistency

Chairperson responded that as an NPO – depreciation is not required to be accounted for in the AFS – this was confirmed in the prior year's AGM. It was also confirmed that as the Camera Spend was allocated to the ringfenced AGM approved – it could not be allocated to ringfenced budget and also be depreciated- this is in line with the methodology applied in all previous AFS'.

Robin Carlisle ("Robin") raised the following follow-up queries: -

- enquired whether ExCom was ensuring annually, and in the medium term, that it will retain a basis of expenditure so that it will not require (either now or in the future) a significant increase in the annual levy – (in excess of Constitutional 10 % threshold).
The Chairperson explained that ExCom is determined to get the maximum value for Residents' levy. This is done through the budgeting process which manages expenses throughout the year. In addition, reserves are increased annually to cater for any unexpected expenditure. In the absence of any extraordinary items ExCom is confident with its resource allocation and no significant increase would be required.

- It was noted that although there may be no requirement to depreciate assets, it would be important to amortise the cameras to ensure that there are reserves to replace these assets over time.

The Chairperson confirmed that the MDGA now has an asset registers for every asset which includes the purchase price and the year in which the asset was acquired to ensure that sufficient reserves were retained to replace the assets accordingly.

Gordan Laing ("Gordan") raised a follow-up question on increasing levies

- It was noted that everyone talking about things that need to be done in the Marina and but there is always hesitation on increasing the levies.

The Chairperson confirmed that the Constitution permits an annual increase of 10% without AGM approval. The Chairperson thanked Graham for acknowledging the efforts of ExCom with limited funding and having to deal with some residents that do

not pay their subscriptions. The Chairperson also noted that this year the subscription increased by R50.

ORDINARY RESOLUTION NO. 3 – APPOINTMENT OF INDEPENDENT AUDITOR

ExCom recommended that Ian MacKay be appointed as the independent auditors for the financial year ending 29 February 2022.

ORDINARY RESOLUTION NO. 4 – ONGOING SEWERAGE PROBLEMS

The MDGA formally request the City of Cape Town to: -

- i. Prepare and present an action plan that addresses the ongoing sewerage flows into the Zandvlei Estuary catchment area; and
- ii. Recognise that, even with an effective management plan, incidents will occur, prepare and present a plan for the mitigation of any sewerage incident effecting the Zandvlei Estuary system.

Gordan proposed the resolutions based on recognising the work currently being performed by Kyran Wright and his team at the CoCT. Want to encourage formalisation of the plans already in place.

Robin – asked if the resolutions were discussed with the appropriate CoCT officials before being drafted?

- Graham commented that they were not discussed with the relevant people at the CoCT.
- Robin mentioned that he is loath to support the resolutions on the basis that we have had a detailed presentation by Kyran and not sure if the resolution approach will achieve the desired results. Robin suggested that we rather work with Kyran to find out what further assistance is required.
- Gordan reiterated that the objective of the resolutions is merely to formalise the plans already in place and not create divisions.
- Chairperson stated that that we had an excellent relationship with the CoCT and that these matters had been ventilated with them.

ORDINARY RESOLUTION NO. 5 – THE IMPACT OF THE WEIR DOWNSTREAM OF THE ROYAL ROAD BRIDGE

The MDGA formally request the City of Cape Town to: -

- i. To conduct a detailed assessment of the mouth dynamics of the and associated sand and sediment depositing in Zandvlei Estuary resulting from, especially, the existence of the rubble weir downstream of the Royal Road bridge and the impacts of the weir on the functioning of the Estuary as a natural system. The assessment should consider the impacts and benefits of removal of the existing rubble weir on the lagoon as a functioning natural system. It should also include consideration of the impacts of water level fluctuations on dwellings and structures within the Marina Da Gama and elsewhere and possible mitigation measures should the weir and/or other structures be removed; and
- ii. The CoCT to present an action plan for the preparation of the assessment to the MDGA within six (6) weeks of submission.

SPECIAL RESOLUTION NO. 6 REQUIRES RATIFICATION BY 75% OF MEMBERS PRESENT

Approval of the updated Standards Manual and Building Regulations (“Design Manual”).

Chairperson explained that a lot of hard work has gone into consolidating the various resolutions over the past years in connection with the Design Manual and over and above, we have proposed four (4) additional amendments: -

- Removal of asbestos from the Standards Manual;
- Suggestion that the stainless-steel chimneys above roof level be painted black - reason is the glare from the chimney;
- Introduced a formula driven change to the ground floor and second floor meterage allowed; and
- Introduced a list of supporting documentation required to be submitted with the plans to the ArchCom – this request is largely been driven by the CoCT.

Robin commented that the changes recognized that the days of rapid housebuilding are over – which indicates a different kind of slant in terms of ArchCom disciples. He commented further that Residents had raised a couple of problems with the proposed new Design Manual, one of which are whether deviations can be approved by ExCom. Robin asks if this understanding is correct.

- The Chairperson confirms that he met with elder statemen and that ArchCom has no authority to approve anything that is not reflected in the Design Manual. This has not changed. The Chairperson confirmed that there are small number of minor errors that will be addressed with a working group and resubmitted to the next AGM.

Cheryl asked if the reworked Design Manual would be submitted to the members to approve.

- The Chairperson confirms that it will go through the agreed process and be voted on in the next AGM.

Cheryl therefore suggested that the approval of the Design Manual stand-down until the next meeting.

- The Chairperson mentioned that unfortunately due to time pressures by the CoCT Planning Department we must vote on the Design Manual.

MEETING CLOSED AT 20:40

Signed by the Chairperson – XX July 2021

RESULTS OF VOTING AT ANNUAL GENERAL MEETING 2021

ORDINARY RESOLUTIONS – SIMPLE MAJORITY TO PASS

ORDINARY RESOLUTIONS – SIMPLE MAJORITY TO PASS		FOR	AGAINST	ABSTAIN	RESULT	% PASS
No. 1	Appointment to ExCom	NO VOTE REQUIRED AS LESS THAN 12 NOMINATIONS RECEIVED				
No. 2	Receive and adopt AFS for year ending 28 February 2021	44	5	7	Passed	58%
No. 3	Appointment of I C Mackay as auditor for FY2022	52	5	3	Passed	68%
No. 4	Acceptance of minutes of AGM of 10th September 2020	42	5	9	Passed	55%
No. 5	Ongoing sewerage problems	47	7	2	Passed	62%
No. 6	Impact of the weir downstream of the Royal Road Bridge	43	10	3	Passed	57%
SPECIAL RESOLUTION – CHANGES TO CONTITUTION – 75% MAJORITY TO PASS						
No. 1	Updated Design Manual	39	16	2	Unsuccessful	51%

