

AQUAVISTA HOME OWNERS ASSOCIATION (RF) NPC

REG NO. 2001/019065/08

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BOARD OF DIRECTORS:

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GA Gerber
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HB du Toit

Estate Manager:
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Secretary
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1. **DIRECTORS NOTE.**

The waterfront public area excluding the Clubhouse and Children's playground is open and may be utilized by owners/tenants and their live in family subject to all the rules applicable under the Regulations including those relating to social distancing, health protocols, movement and gatherings.

Henri du Toit
Director

Marlene Holder
Editor

2. **AGM'S.**

Unfortunately our MOI forbids the holding of General Meetings by electronic means – an amendment of the MOI is a possibility but this requires a special resolution to be taken at a General Meeting which is also not possible.

Annual General Meetings (AGM's) must be held within not more than 15 months after the date of the last preceding meeting. We are thus caught up in a catch 22 situation and have to rely on the old common law doctrine of "supervening impossibility of performance"

The result is that we cannot hold a legal AGM until the lockdown regulations have been appropriately amended.

3. **PRE-PAID ELECTRICITY OUTSOURCING.**

The process is well on its way and the HOA is aiming for Impact Meters to start with the installations of the pre-paid meters end of July 2020.

There are still some payments outstanding from members in respect of keypads and these installations will commence when payments are received.

Find attached to the Newsletter information on how to purchase electricity.

4. **BUDGET 2020/2021 INCREASES.**

In terms of Clauses 7.1 to 7.5 of the Memorandum of Incorporation (MOI) the Directors are responsible and authorised to determine the levies payable.

Please take note of the 8% increase in respect of levies approved by the Board of Directors. The following increases will be effective from your next account:

<u>Levies</u>		<u>8% increase</u>	
Normal Levies:	R1, 730.00	-	R1, 870.00
Levies (The Court & Terrace):	R855.00	-	R925.00
Consolidated Levies:	R2, 595.00	-	R2, 805.00
Boatlocker Levies:	R165.00	-	R180.00
Clubhouse Bookings:	R750.00	-	R850.00

The penalty levies and monthly sewage fees will remain the same.

5. **WHATSAPP GROUPS.**

There are 2 Whatsapp groups privately initiated (AVME Security Notes and Aqua Vista Owners Forum)

It must however be made clear that these groups do not represent the Home Owners Association. The HOA has official channels of communication which should be utilised for bringing matters to the attention of the Board and its officials. The use of emails is strongly recommended for this purpose.

Non-members (such as lessees) have no official standing in the HOA but are welcome to bring any complaints or comments to the attention of HOA officials through their lessors.

We would appreciate compliance with these requests by the initiators of these applications and by the members thereof.

6. **ELECTRICITY POWER SUPPLY + OUTAGES.**

The blight of power outages has returned to Aqua Vista with a vengeance. Please let me update members regarding our actions during the past 12 months in respect of electricity power supply:

1. Upgraded our Eskom electricity supply from 500KVA to 850KVA. Paid Eskom the amount of R549, 667.50 for this upgrade and furnished them with a guarantee of R771, 000.00.
2. Repaired our Transformer:
Insurance Settlement Amount = R260, 456.00
HOA Payment = R236, 555.00
3. Serviced all mini substations at a cost of R97, 169.25.
4. Repaired, rewired and replaced damage parts of BTU Transformer & switching gear + adjusted protection gear = R43, 000.00

5. *Of late the Eskom side of the power is tripping when power returns after load shedding. This necessitates a resetting of the Eskom power grid which can only be done by an Eskom technician which is a timeous exercise and results in further delays because of the resultant phasing in of power to the various mini subs. This situation is unacceptable and we have requested our Electrical Engineer to investigate an apparent failure by Eskom to reset their side of the grid after our upgrade from 500KVA to 850KVA.*
6. *It has come to our attention that unauthorised tampering with a power kiosk in Yellow Fish Lane has resulted in interruption of electricity supply to a number of residents. This is an extremely serious offence and will not be tolerated. An investigation is underway and the offender/s will be brought to justice.*

7. **ARC: COVID-19 LOCKDOWN LEVEL 3 UPDATE**

1. *The views expressed herein are not legal opinions, but simply our opinions and interpretations of how best to implement the Legislation, Regulations, Directives, Directions and Statements that have been issued.*

2. **Enforcement of Regulations:**

- *The view is that although these Regulations seem to imply that the enforcing thereof could fall on the HOA, it does not seem like the correct course of action and may create a negative and prescriptive environment within our community.*
- *It was noted that unless it involves our employees or people visiting our premises (Clubhouse, HOA Offices etc.), we should not be taking on the role of the police.*
- *It was further noted that unless there is a clear set of guidelines in place of how to deal with those who are in contravention of the Regulations, we cannot take on the responsibility for this.*

3. **Find some middle ground:**

- *It was noted that there are still many unknowns and differences in interpretations, such as the distinction between public and private open space and whether or not these spaces are “used by public to obtain goods or services” making it difficult to make such a distinction.*
- *It was noted that there is a difference between enforcement and encouragement, and that an HOA is not the enforcement authority for the Regulations.*
- *We need to be clear on who is going to “police” the Regulations in our Estate, and that unless applicable Estate Rules are in place the HOA cannot enforce them.*
- *We do not need to go to the extreme, but we need to take all the reasonable steps we possibly can to ensure compliance.*

- *We can take reasonable steps to ensure compliance without policing the Regulations or ignoring the Regulations and leaving it up to the individual. We need to encourage higher levels of compliance amongst community members through thorough and regular communications. We are supporting the Regulations and taking reasonable steps to implement them, without policing them and risk creating a negative environment.*

4. Residents' responsibility to report if they have tested positive for Covid-19 to the HOA:

- *It was noted that even though this information would be beneficial, there is no obligation on the resident to make this information known to the HOA. We can request this information, but legally they do not have to disclose it.*

5. Visitors access control measures:

- *It should be noted that residents are required to reveal the presence of a visitor or worker in their vehicles so that the person may be screened by security before entering the estate.*

*Aqua Vista Greetings.
Marlene Holder – Editor.*