



Port Owen Marina Authority (npc)

Reg # 99/10199/08

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POMA Newsletter: July 2017

Personnel:

We have appointed Bianca Koen as Financial and Office Administrator effective 1 August 2017. She will be working with Louise Jacobs for the month of August to ensure a smooth and accurate hand over of duties. Bianca will report to Mike Little, the Marina Manager. She is well qualified for the position, being an Unisa graduate with extensive experience.

Bianca grew up in Velddrif and is known to her friends and acquaintances as “Blommie” – a name she prefers, so please address her as “Blommie”.

We wish to welcome her to POMA and trust that she will enjoy her new challenge. Please do not hesitate to engage with her at the POMA office on weekdays from 08h00 to 17h00.

The POMA office:

Due to building delays on the Timeshare project, we shall only take occupation of the new office on 1 September 2017.

Only one month of climbing stairs left!

Memorandum of incorporation:

- 1) The full POMA Board (inclusive of alternate directors) has unanimously accepted the draft MOI as published and will recommend to their constituents that this Memorandum of Incorporation be adopted at the POMA Annual General Meeting scheduled for 20 September 2017.

DIRECTORS

A J Uys (Chairman); D Robinson; S Joubert; P Odell; S Crafford; W Laing; B Van Rensburg(Alt); W O'Reilly (Alt); D Roberts (Alt); J Scudder (Alt)

2) We have received the following questions from the Admiral Island and Pelican Bay Home Owners Association. We wish to thank them for their interest and participation and provide answers here for the benefit of all stakeholders:

2.1) Article 1.3(2)

Q. What are the Company rules and where is it published?

A. There are no Company Rules at present. This is a provision in terms of the Companies Act and can be used by the membership to limit the authority of the Board if it is deemed necessary.

2.2) Article 1.4(1)

Q. When and by whom will the Solvency and Liquidity test be done?

A. The Board needs to use these tests on a continuous basis as tools to gauge the financial position of the Company, especially when contemplating loans and when major works to be done by contractors are planned. The auditors will comment on it in the annual audited financial statements. There is, however, no prescribed frequency in the Act or the MOI.

2.3) Article 2.1(9.1)

Q. Can an indication of the Membership Fee be given at this stage?

A. This is a provision for the future. The matter still has to be considered by the Board. Stakeholders will, obviously be invited to contribute.

2.4) Article 3.1(6)

Q. If no person is elected (voted in by members) at the AGM of a member organisation, the member organization loses its right to *nominate a director to POMA*. Surely this is not right?

A. The clause states " *Failure to elect such a person(s) means that such a Member may not nominate a Director to the Board*". This is not a case of losing a right, but the right is conditional on a person being elected. If a member organization cannot elect a person, it is an indication that that member has no interest in the affairs of the Port Owen waterways.

2.5) Article 3.6 (3)

Q. What is POMA's score in terms of the public interest score and how and by whom is it determined?

A. The public interest score is in the regulations of the Companies Act. Currently POMA has a score of less than 10.

2.6) Article 4.9 (1)

Q. Is this meant to replace the AGM. State more clearly.

A. No this does not replace the AGM. It is an additional, compulsory, meeting that the MOI prescribes and has to deal with the setting of the fees effective 1 July every year.

3) The following are general comments received from various individuals. We thank the interested parties and answer as follows:

3.1) Q. The document is very difficult to understand for the layman. Can a summary or compacted version be compiled without the legalese?

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A. The companies act is a complicated document. The board has decided to draw a comprehensive MOI in compliance with the companies act.

3.2) Q. Can a synopsis of rules, do's and don'ts also be compiled?

A. The Rules and Regulations of the waterways are published in a separate document.

3.3) Q. What if an interested and affected party does not belong to a Member organisation? How is his/her rights dealt with (e.g. an owner living in Gauteng)?

A. There is no direct POMA membership for individuals. We urge all affected and interested individuals to join one of the Member Organisations.

3.4) Q. The structure of POMA remains problematic. The Member Organisations are not contributing financially and problem solving can sometimes take time because it has to pass through many layers.

A. The annual grant from the Berg River Municipality to POMA is in fact a contribution by all the taxpayers in the Town, making them all stakeholders. KING IV does not allow POMA to exclude the broader stakeholder community and organising the individuals in representative organisations of their choice is a logical and fair dispensation. Paragraph 2.3 above is an indication of a possible solution for the future. Paragraph 2.4 above deals with the election of representatives in the Member Organisations and was added in to ensure that Member Organisations send their best talent to sit on the POMA Board. The quality of management and problem solving is directly determined by the quality of the Board Members.

3.5) Q. The Ethics Committee – will it be done – how and when?

A. As soon as the Draft MOI is formally adopted, the Board will have to appoint an Ethics Committee, an Audit Committee and a Risk Committee. These committees will consist of a single, suitably qualified, person each, and will be appointed in consultation with the Member Organisations.

I want to thank Peter Odell for the countless hours spent on the work done on this document so far and every individual that has contributed through questions.

Embankment and Walkway Repairs:

- 1) We are on schedule and completed the work at B Powell, R Davies and J Drinkrow. I wish to thank all of them for their contributions and their co-operation.
- 2) We have found that the ground at Greg Lehey's place is infested with moles and we have to change the design of the civils to ensure a long term solution. As soon as this is finalised, we shall get quotes and will then determine when it will be completed.

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I wish to thank Briers van Rensburg for his efforts to keep this project on track.

- 3) The repair to the walkway at Rob Newman's house will be completed by 10 August 2017.
- 4) No new work on the walkways is envisaged at this stage. As before, work will be done as dictated by safety issues and affordability.

Dredging:

- 1) Negotiations with the DEA still continue. We have been able to separate our problem into two issues:
 - 1.1) The reclassification of the dredging spoils. A new sampling regime has been agreed on and will be completed by mid-August. This is being done to ensure that sampling results are comparable to that of the DEA results and includes using the same laboratory. This is necessary to be able to dispose of spoils economically until 1.2 below is achieved.
 - 1.2) Applying for a new dredging permit which will allow the use of dredging spoils for reclamation purposes. To this end we are engaging an expert from the law firm Webber Wentzel to speed up the process.
- 2) We are engaging with Berg River Municipality regarding both the above issues. A meeting with the Mayoral Committee is scheduled for 25 August 2017. This meeting will also serve to address the financing options for our major dredge in 2018.
- 3) The current dredging programme managed by Derek Robinson and done by Mike Little and his team is doing exceptionally well within the parameters of the dredging permit. A stakeholder feedback meeting is scheduled for Saturday, 12 August at 10h00 at the Port Owen Yacht Club. This is a public meeting and any interested party can attend. Full performance and cost reports will be tabled. To whet your appetite:
 - 3.1) Total dredging cost (including rental of cutterhead) R 330 000.00
 - 3.2) Estimated 10 500 cu Meter dredged to date.
 - 3.3) We have enough capacity in the holding dams to complete the work planned at the Easren Entrance to the Loop.
 - 3.4) The project cost is beter than budget.

Derek and his team has prepared a comprehensive feedback presentation and will answer your questions on Saturday. Please attend.

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Candock Private Jetties – Juliet side of the yacht basin.

We are completing four new jetties for their owners and are negotiating contract for a further four. This will certainly enhance the appearance of the Marina and is a welcome addition to our revenue base.

I wish to thank all the Directors for their diligence and assure our members and clients that no stone will be left unturned until we have restored our Marina to a state that all the stakeholders can be proud of.

Enjoy the lovely weather and be safe on the water.

Abe Uys

Chairman

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