



BUSHMAN'S RIVER MOUTH / BOESMANSRIVIERMOND

Ratepayers' Organisation / Belastingbetalersorganisasie
(BRRAG)

P.O.Box / Posbus 90, Boesmansriviermond, 6190

Website: www.brm.org.za/

MINUTES OF THE ANNUAL GENERAL MEETING OF THE BUSHMAN'S RIVER MOUTH RATEPAYERS' ORGANISATION / BOESMANSRIVIERMONDBELASTINGBETALERS-ORGANISASIE, HELD ON DECEMBER 28, 2010 AT 9.00 AT THE TOWN HALL

1. WELCOME & ATTENDANCE:

As per the attendance register. The Chairman welcomed all and the meeting was opened with a prayer led by Peter Bowen.

APOLOGIES:

Ray Holcroft, Jane Wright, Jean Chalmers, Val Bowen, Hilary Ford

2. CONDOLENCES: Jeff Brown, Norman Pullen, Margie Gwillam

3. OPENING:

The Chairman made a special welcome for the following people. Fanie Fouche (Nature Conservation), Ted Gilfillan (Estuary Care), Captain Cannon (SAPS). Captain Cannon then briefly addressed the meeting, requesting that all crime be reported, no matter how minor, as the police station is manned according to crime statistics. While crime has increased over the holiday period, due partly to prisoners being released prior to the Christmas season, in general the crime statistics are good, and the copper pipe theft has been contained.

“We make the difference / Ons maak die verskil”

Executive Committee: Lötter Wepener (Chairperson)(0825524714 / wepener@law.co.za), Sheila Swanepoel (Vice); Wendy Grove (Secretary); Fanie Venter (Treasurer); Stompie Bellingan; Corris Krogscheepers; Ernst Linström, Pieter Mouton, Andrew Murray, Ian Smith, Bill Northrop, Anton Vosloo.

Subcommittee members: Peter Bowen, Val Bowen, Dave Chalmers, John Charter, Dirk Meiring, Annabelle Northrop, Roy Somers

MINUTES OF THE PREVIOUS MEETING:

Minutes of the previous meeting were taken as read and passed.

4. CHAIRMAN'S REPORT:

- 4.1. The Chairman handed out copies of his report, which is attached.
- 4.2. He discussed the fact that we are maintaining the village ourselves when nothing is done by the Municipality, as otherwise the Village would deteriorate. He also said that we are co-operating with the NRF with regard to discussions with the Municipality.
- 4.3. The water situation is slowly improving, there is still a need for using water moderately. The plant is now being operated by the Amatola Water Board.
- 4.4. Security has been upgraded with cameras paid for and installed in four places.
- 4.5. Due to our desire to maintain and improve the area, a request was made for donations to be given for specific projects such as the car parks, keeping the grass off the banks of the river, or as a general donation for future use. Thanks were extended to Estuary Care for the donations they have given to the two river projects.
- 4.6. The committee was thanked for all the hard work they put in, often with minimal success achieved, and a thanks was also given to the members who continue to give their help and loyalty to BRRAG.
- 4.7. Matters arising with regard to the report will be found under General, Section 7.
- 4.8. Mr C Swanepoel offered a vote of thanks to Mr Wepener and the committee.

5. FINANCIAL REPORT

- 5.1. The Financial Report was presented. A copy is attached. Although a surplus shows, it is already earmarked for use to pay for the car park and the cleaners.

6. ELECTION OF OFFICE BEARERS

- 6.1. While some members had stepped down from their positions due to having served for two years, it was unanimously decided that all committee and co-opted members be re-elected, with the exception of Lotter Wepener, who had to stand down due to work pressure. The committee members who continue for another year are: Fanie Venter, Ian Smith, Bill Northrop, Ernst Linström, Roy Somers and Dirk Meiring. Elected for a period of two years, are Sheila Swanepoel, Pieter Mouton, Vossie Vosloo, Corris Krogscheepers, Andrew Murray and Annabelle Northrop.
- 6.2. Further nominations were requested for sub-committees and Rassie Erasmus was elected as a maintenance sub-committee member to assist the maintenance sub-committee. The following members remain on the sub-committees: Environmental: Peter and Val Bowen, John Charter. Maintenance: Dave Chalmers.
- 6.3. The chairman thanked Stompie Bellinghan and Wendy Grove for their services during the past years.

7. GENERAL

- 7.1. Mr G Rietz advised that the potholes and rubbish left around in 2nd Avenue Riversbend was severe, and asked for help. The chairman said the municipality had been requested to improve the area, but so far nothing had been done. The matter will be followed up.
- 7.2. Mr D Laubscher advised that the speed hump on River Road was still not installed, and the corner was exceedingly dangerous. This hump has been requested, and the committee will follow up on it.
- 7.3. Mr F Bakkes complained about the gravel track running between his residence and the cemetery. The surface is being washed away with the heavy rains. The committee will take the matter up.
- 7.4. Mr E Francis wanted to know what legal options there were available to force Ndlambe to work better. While the municipality can be taken to court for failing to clear rubbish,

provide water etc. this is a costly exercise, and it is better to keep good relationships with the Municipality and work slowly to a better system.

- 7.5. K Kooi felt the municipality should have specifications on how to repair pot holes and build speed humps. Corrie Swanepoel has given the Municipality specs on how to repair potholes and undertook to supply a spec for speed humps when both specs can be resubmitted to the Municipality.
- 7.6. Mr Erasmus stated that as a new resident and qualified engineer he was concerned and upset at the rubbish strewn around the Village, normally from when the weekend visitors left their black bags out when leaving. He was also shocked at the non-existent fire fighting equipment, and the fact that if the water in a suburb was turned off at night, as often happens, there would be no water to combat a fire should one occur. He offered his expertise free of charge if needed. The committee has been dealing with the disaster management and refuse removal of the Village and will continue to pursue the matters.
- 7.7. Mr P Malan was very pleased at the idea of maintaining the village oneself, and suggested people initiate a monthly debit order to help support BRRAG.
- 7.8. Rates withholding was suggested and the chairman undertook to discuss the issue at the end of the meeting.
- 7.9. Mr J Lake complained that Ndlambe still charged the highest rates on the boat licences. This historically started due to dredging costs, but although the dredgers no longer exist, the charges do. The committee has communicated with Ndlambe and will continue to do so.
- 7.10. Mr J v d Walt inquired as to what was happening with the passage money. This is still being followed up with the Municipality on a regular basis.
- 7.11. Mr P Bowen enquired on behalf of a parent as to why skate boarders were allowed to use the tennis courts, but children practising their cricket bowling had been chased off. BRRAG had requested that the Municipality give a long (preferably 20 year) lease to BRRAG, who would then maintain the courts, and set the rules. Currently, we have no jurisdiction over the courts. BRRAG was offered a 4 year lease but that is too short

taking into account the capital expenses that will be incurred. The matter is being pursued with the municipal manager.

- 7.12. Mr Morgan enquired as to why the Municipality did not function properly, and why there was had been a bad relationship with the Ratepayer Associations. As many senior positions in the Municipality are political, there are people employed who do not have the skills required, but with co-operation with NRF the problems are being attended to and relationships improved.
- 7.13. Mr Enright asked why there were concrete blocks by the sea car park. These blocks are a donation to BRRAG for future use, to be used for a new car park.
- 7.14. Mr F Pullen asked why the rubble from the demolished ablution blocks had not been removed. BRRAG has asked for all rubble to be removed and will follow it up.
- 7.15. Mrs Star McLachlan asked what state the rubbish dump was in, compared to last year. The ratepayers were not happy at being advised the situation was much worse, especially as they now had been paying an environmental levy, and members from Rivers Bend said the stench from the dump reached their houses, making life unpleasant. The matter is constantly addressed by the NRF at the monthly mayoral meetings.
- 7.16. Mrs S Swanepoel suggested that a sub-committee be formed for Rivers Bend, but there were no nominations. Roy Somers will attend to this.
- 7.17. It was requested that there be some place where electronic and dangerous rubbish, (eg power saving light bulbs), be made available for safe disposal. The committee to follow up.
- 7.18. A request was made for new committee members, to continue the Boesmansriviermond Oujaarsdag Boeresport tradition.
- 7.19. Mr Johan van der Walt thanked Lötter Wepener for his positive attitude and example.
- 7.20. Thanks were given to Mr Cas Voster for giving the use of the hall free of charge.

8. CLOSURE

There being no further business the meeting ended at 10.15, save for the issue referred to below.

WITHHOLDING OF RATES

Responding to a question from the floor, the chairman stated that the BRRAG committee members do not support the withholding of rates. Ratepayers have become aware that there is a pressure group in Ndlambe, which is calling for ratepayers to withhold rates. Obviously, one of the main aims is to cripple the municipality. Unfortunately, withholding will not improve service delivery. It will cause it to collapse totally.

It has the necessary consequence that those ratepayers, who diligently pay their rates, are subsidising the withholders, for without any income, no municipality can function. For some or other reason the instigators of the withholding of rates are also calling on ratepayers to pay the rates portion of their accounts into some or other trust account which is to be administered by the organisers of the withholding campaign. The question that remains unanswered, is why, if one is to withhold rates, should it go into some private trust account? If a ratepayer wishes to withhold rates lawfully, why should that ratepayer not just do so without paying it over to other persons?

The withholding of rates is in any event unlawful. One of the instigators of the campaign admitted during a meeting that he was aware that it is unlawful to do so. Why is this aspect not disclosed in the advertisement calling for the withholding of rates?

Ratepayers are warned not to get onto the bandwagon and to rather obtain proper legal advice before embarking on the paying of rates into a trust account over which they have no control. The highest court of our land, the Constitutional Court, said as far back as 1998 in the matter of *City Council of Pretoria v Walker* as follows:

“Much has been said about a culture of non-payment by residents of townships. It is a feature of the past, linked as it was to political protest against discriminatory policies under apartheid and an expression of dissatisfaction regarding the low standard of services which were provided. It has no place in a constitutional state in which the rights of all persons are guaranteed and all have access to the courts to protect their rights.

Local government is as important a tier of public administration as any. It has to continue functioning for the common good; it however cannot do so efficiently and effectively if every person who has a grievance about the conduct of a public official or a governmental structure were to take the law into his or her own hands or resort to self-help by withholding payment for services rendered. That conduct carries with it the potential for chaos and anarchy and can therefore not be appropriate. The kind of society envisaged in the Constitution implies also the exercise of responsibility towards the systems and structures of society. A culture of self-help in which people refuse to pay for services they have received is not acceptable. It is pre-eminently for the courts to grant appropriate relief against any public official, institution or government when there are grievances. It is not for the disgruntled individual to decide what the appropriate relief should be and to combine with others or take it upon himself or herself to punish the

government structure by withholding payment which is due”.

No legal opinion can change this and no clever argument will allow for a lawful rates withholding. Once a court decides differently, ratepayers may consider a whole new approach, including the withholding of rates, but until there is a sanction by the courts that rates may lawfully be withheld, it would not be advisable to part with rates money other than to its lawful receiver, the municipality.

Ndlambe is nationally being rated as one of the better municipalities in the country – why would one want to bring it to its knees? It will be a question of cutting one’s nose to spite one’s face. Rather ask how those ratepayers with knowledge and skills can assist to improve that which is unacceptable and do something positive with the municipal officials for our own good until such time as the withholding of rates may be lawfully, if ever, used as a tool.

Ratepayers, who heed the emotional call to withhold rates, are doing so at their own peril. When the municipality decides to take action against the withholders (and it is currently in the process of suing the withholders who are now asking others to fund their court cases!!!), they must not expect any sympathy from those who respect the law and pay their dues. The fact that we are justifiably aggrieved about service delivery makes no difference and those of us who are aggrieved should work with and through our ratepayers’ associations to obtain the best possible results, however difficult this may prove to be and if necessary, to obtain results through the courts. As much as we encourage support for our local businesses, we, as law abiding ratepayers, should consider whether those businesses in our community who fail to pay rates, are deserving of our continued support.

SIGNED.....

DATE.....