

# 2022 AGM

## HOA MANAGEMENT AND OPERATIONAL HANDBOOK

Philip Visser



PARYS  
GOLF & COUNTRY  
ESTATE



# GENERAL OVERVIEW



- **New HOA Management and Operational Handbook**
  - **Replaces:**
    - Operational Rules – last approved Aug 2021
    - Homeowners Rules and Regulations – last approved April 2018
    - Governance and Procedures – last approved February 2013
  - **Incorporates:**
    - Unchanged Memorandum of Incorporation – last approved Nov 2020
  - **Comprises of 6 Chapters with Annexures/Templates:**
    - Ch 1: Vision, Mission, Values
    - Ch 2: Corporate and Management Structures
    - Ch 3: Governance
    - Ch 4: Construction and Aesthetics Rules
    - Ch 5: Environmental Policy and Rules
    - Ch 6: Estate Living Rules and Guidelines

# KEY ISSUES – FOR CONSIDERATION AND APPROVAL



- **CHAPTER 1: VISION, MISSION, VALUES**
  - Already approved at 2021 AGM
- **CHAPTER 2: CORPORATE AND MANAGEMENT STRUCTURES**
  - New description of structures already approved and implemented
  - Annexure 1: MOI – already approved - 2020
  - Annexure 2: Director Nomination Form – already implemented - 2019
  - Annexure 3: Board Appointed Director Acceptance Form – already implemented – 2020
- **CHAPTER 3: GOVERNANCE**
  - New description of processes mostly already approved and implemented
  - Annexure 1: HOA Membership Application Form – already implemented – 2019
  - Annexure 2: Approval and Signing Authorities Matrix – **NEW** -always subject to MOI – already approved by Board and implemented – 2022
  - Annexure 3: Complaint / Dispute Form – process already approved at 2020 AGM

# KEY ISSUES – FOR CONSIDERATION AND APPROVAL



## • **CHAPTER 4: CONSTRUCTION AND AESTHETICS RULES**

- Mostly already approved; removed some duplication; moved some aspects related to environment, owner code of conduct and security to Chapters 5 and 6
- Rule 3.1.2 amended due to Competition Commission ruling:
  - Plans may now be prepared by any professionally qualified person who has been duly registered as such by the South African Council of Architects
  - Previously only a registered Professional Architect could sign-off on our plans
- Rules 3.1.6 and 3.1.7 amended as already communicated
  - Total Building Deposit increased from R10 000 to R25 000
  - R15 000 non-refundable to cover additional security costs, road damage / wear-and-tear
  - R10 000 refundable, with any fines deducted

## • **CHAPTER 5: ENVIRONMENTAL MANAGEMENT POLICY, RULES AND GUIDELINES**

- Newly compiled, but content mostly from existing documentation
- Environmental Management Policy approved by Board during 2020 – based on development foundation submissions and tailored to take into account Government Policy shifts and Legislation changes
- Landscaping guidelines – simplified
- Procedures for removal/pruning/cutting of trees, plants or vegetation on HOA property – new, clarified
- Proposed Tree and Plant list - updated

# KEY ISSUES – FOR CONSIDERATION AND APPROVAL



- **CHAPTER 6: ESTATE LIVING RULES AND GUIDELINES**
  - Mostly already approved; some sections newly compiled – mostly from existing documentation
  - Rule 2.3 – mandatory to affix unique number sticker on golf carts
  - Rule 3.2 amended to cater for new work-from-home reality:
    - Business activities from home by residents now allowed
    - **BUT**, if business is a client-facing one or require non-resident co-workers to enter Estate, then formal application for approval must be lodged for consideration by HOA Board
  - Rule 3.3 – no audible music etc allowed after 22h00 from Sundays to Thursdays; and not after 00h00 on Fridays and Saturdays
  - Rule 3.5 – new rule to govern generator noise; need HOA Board permission to run post 23h00
  - Rule 3.6 – new rule to prohibit all firecrackers
  - **Rules Sections 6 and 7: Letting and Rental of Property; Property Practitioner Control and Sale of Property**
    - A number of new rules and amendments due mostly to new Property Practitioners Act that came into force on 1 February 2022
    - Properties available for letting or rental must be registered in writing at HOA Offices
    - Third party “rental agents” must be registered at HOA Offices by lodging a copy of their Property Practitioner’s Fidelity Fund Certificate
    - “Estate Agents”, now called Property Practitioners must also be registered at the HOA Offices, subject to the HOA requirements as set out in Rules 7.1.1 to 7.1.4
    - No cold calling by Property Practitioners or prospective buyers will be allowed without HOA permission

# KEY ISSUES – FOR CONSIDERATION AND APPROVAL



- **CHAPTER 6: ESTATE LIVING RULES AND GUIDELINES ....CONTINUE**
  - Rule Section 8: Security – extracted from different parts of previous documentation – clarified into 5 groupings
    - Residents / Owners
    - Visitors to residents (including deliveries, collections etc.)
    - Access to Clubhouse, Restaurant, Golf, Squash, Tennis (only allowed at Main Gate)
    - Domestic workers/gardeners/caddies, golf club, restaurant and HOA workers (allowed at Main Gate and R59 gate)
    - Contractors
  - Rule 8.6: Roadside Security Cameras – new section to set out process and specifications
  - Annexure 1: Undertaking by Tenant as required by HOA – already implemented during 2019
  - Annexure 2: Application for issuing of Clearance Figures – already implemented during 2019

# APPROVAL



- **ORDINARY RESOLUTION**
  - **Requires 50% +1 of duly registered votes for Resolution to be carried**
  - **Options:**
    - Approve without amendments
    - Approve with agreed amendments
    - Reject
      - Agree next steps to cover resultant gaps in governance framework



