

Statement delivered to OCA SGM 28 November 2017

I am Olivia Andrews, I've lived in Observatory for 10 years and owned a business in Observatory for 1.5 years. I am the business forum coordinator and I sit on the OCA management committee and the Neighbourhood watch committee.

On the 31st October, the OCA held its AGM to elect a new committee to serve the OCA members and the Obs community. This is my account of what happened.

When I arrived, I was met at the bottom of the stairs by a group of men, many of whom I had never seen before. They introduced themselves and stated which position on the committee they would be standing for.

I was a bit perplexed as this was the first time I'd experienced so many new faces running for seats – usually one has met or know the candidates from around Obs. But I initially thought this was a good thing, having new faces and new interest in our civic.

When I arrived I sat at the back of the room and I noticed some strange happenings.. some people were being ushered in by Himmy Abader and told where to sit. And I noticed a large group of people were ushered into the back of the room also by Himmy.

Once the meeting had started people continued to come in. By this time Trish (the treasurer who was checking the memberships) had to go inside to present the financials, so there was no-one at the door to verify that these members had signed up correctly or paid their fees as per 10.2 of the constitution.

This group sitting next to me voted on mass for certain members on the committee. If they voted for the wrong person, their hand was slapped down. Half way through the voting, thinking it was over, this group of people left, only to be called back by Himmy and ushered into the room to continue voting.

As soon as the voting ended this group of people left and didn't stay on for the rest of the meeting.

I realised that something was afoot and strongly suspected that there had been some foul play.

When Theo Kruger was nominated as Chair, some existing OCA members raised the issue of conflict of interest as he has been involved in several developments in Observatory, most of which have been objected to for being non-compliant and not appropriate to context by the OCA Architecture and Heritage committee.

After the meeting some OCA members expressed concern via email around the people that had been voted onto the committee. There was a concern around potential conflict of interest for three of the committee members: the chair, Theo Kruger, the secretary Himmy Abader and architecture and heritage portfolio head, Tertius van Zyl who have links to ongoing developments in obs.

According to one of the members of the OCA large development group:

Theo Kruger had been in conflict with the OCA large development group for some of his proposed buildings. He has been accused for having buildings that were either manipulated to reflect an incorrect use (trying to pass off apartments as a backpackers - probably with intent to provide less parking bays), while others were felt to have an inappropriately designed facade for Observatory (the building seemed to be out of context).

The concern of the community is that if developers are sitting on the OCA committee we can expect them to see the end of Observatory as we know it.

We can expect no resistance to developers' departures for additional floors, reduced parking, building lines, etc. There are fears that they will very easily destroy the Victorian character and scale of the suburb with their profit generating and non-contextualised design.

We can expect 5 story apartment blocks popping up randomly. The only resistance will come from a very few people at Heritage Western Cape, who we can be sure will be placed under pressure by the developers' professional and legal teams."

After reading these concerns and also talking to a few other OCA members who were also in agreement that the voting was suspect at the AGM we agreed that an audit of the voting would be necessary to ensure that the voting was valid and constitutional.

In order to vote at an OCA AGM you need to be

1. a resident living within the boundaries as laid out in the OCA constitution
2. a business owner within the boundaries as laid out in the OCA constitution.
You need to be the owner of the business or a named representative of that business.

3. you need to be a fully paid up member. The fees are R50 for individuals and R250 for businesses.

After the meeting the list of voters was scrutinised by myself and my husband and a number of irregularities were found. We went through the list and checked all the addresses, ones we weren't sure of we physically drove there to check it out. I also made a number of phone calls.

There were 59 registered voters

1x address does not exist (200 Lower Main Road)

1x address = vacant building with development notice (345-347 Lower main road: DEPARTURE 4 PARKINGS INSTEAD OF 30)

5x no contact details given

8x out of area

2x cell phone numbers were false/incorrect. (not of the name of the name given when called)

12 x were businesses addresses BUT all signed up as individuals (only TWO were verified as the owner) Some people used the same business address.

So there were 18 voters with a discrepancy – this is 30% of the votes.

after inspecting the voting it surfaced that Theo Kruger does not live in Observatory but signed up as an individual, but was meant to sign up as a business.

however his business is actually outside the boundaries laid out in the constitution. So Theo is not eligible to be an OCA member or to be nominated as per 2.1 of the constitution.

Himmy the incoming secretary was also meant to sign up as a business as he does not live in Obs but he signed up as an individual. This means he is in arrears and is therefore not eligible to vote as per 7.2 of the constitution.

It also surfaced that:

James Norwood Young was nominated by Theo Kruger to head up the large development portfolio. He received 21 votes (against 26 for Leslie London)

He signed up as an individual using an address which is a vacant building owned by Theo Kruger scheduled for demolition!

- the landline provided is Theo's office number at 236 Lower Main Road.

As he was nominated by Theo this can't be a coincidence. This could point to intent to conduct electoral fraud.

It also surfaced that Himmy Abader was paying the joining fees for a number of people who came in.

In a recent article in the Obs Life November edition Himmy Abadar was quoted as saying:

“the OCA should rethink its policies on developments. Blocking each and every proposed development is not good for us or for the community”

he is incorrect when he states that the OCA blocks “each and every development” the OCA ensures that development is done with accordance with the law.

Himmy Abader has a development on Lower Main Road which could also point to a conflict of interest. Himmy also received a R1/2million fine for running his taxi business illegally.

After the elections, the outgoing chair wrote to the incoming chair and secretary to request help in clarifying the details of contested membership but received no response.

When it emerged that up to 18 of the 59 members who attended had some question about their membership and may not have been eligible to vote, the outgoing Chairperson Carolyn Neville consulted the old OCA committee and declared the previous AGM vote null and void, calling for a new AGM vote on the 28th November.

Her notice went out on the 6th November, notifying OCA members of the repeat AGM for the 28th.

In conclusion the verification of new members joining the OCA was not robust enough at the AGM and 30% of the voters were found to have a discrepancy after the fact. We need to ensure a rerun of the elections with robust checks to ensure that everyone who votes or elected is eligible. This will help to ensure that our civic association is run by people who have the best interests of the community at heart.