

OPEN MINUTES OF THE MAY 2010  
ECT BOARD MEETING

# MINUTES

MINUTES FROM A MEETING OF THE EASTLAND COMMUNITY TRUST held on  
31 May 2010 at 10.00am at Graham & Dobson Limited, 393 Gladstone Road, Gisborne (open meeting)

## **PRESENT:**

Mr Gary Alexander (Chairman), Graham Johnson, Richard Brooking, Geoff Milner, Peter Farley and Philip Searle

## **IN ATTENDANCE:**

Leighton Evans (General Manager), June Hall (Secretary) and Neil Ward

## **APOLOGIES:**

Brian Wilson

## **1. DECLARATION OF TRUSTEES' INTERESTS**

Peter Farley no longer a Board member of Bowls Gisborne – East Coast from the end of June 2010

## **2. CONFIRMATION OF MINUTES (OPEN MEETING)**

**MOVED** Richard Brooking seconded by Graham Johnson

**THAT** the minutes of the meeting of 3 May 2010 as circulated be confirmed as a true and accurate record of that meeting

**Carried**

## **3. MATTERS ARISING**

None.

## **4. ACCOUNTS PAYABLE**

The schedule of accounts approved and paid between meetings was considered.

**MOVED** Peter Farley by seconded by Philip Searle

**THAT** the accounts paid between meetings as tabled be approved.

**Carried**

## **5. DISTRIBUTIONS UNPAID**

It was noted that the Schedule of Sponsorships and Community Initiatives was omitted and that these were to be included in future, noting the inclusion of \$25,000 approved towards the Navigation Project.

There needed to be greater publicity around the Trust's distributions on the website – the website needed to be constantly reviewed and updated.

## **6. FINANCIAL STATEMENTS**

As the reporting did not include any details on distributions, this needed to be highlighted by way of a note to give details of distributions made in the year to date.

The Financial Statements for the periods ended 31 March and 30 April 2010 were considered

**MOVED** by Geoff Milner seconded by Richard Brooking

**THAT** the Financial Statements for the periods ended 31 March and 30 April 2010 be adopted

### **Q300 Report**

The graphical reports were discussed with regard to optimal percentage returns.

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## 7. GENERAL MANAGER'S REPORT

The General Manager's Report was taken as read.

The invitation to Trustees to visit the Tui Te Ora facility was extended with Leighton to circulate a specific invitation to Trustees.

## 8. INVESTMENTS

The amount included as the Asset Protection Reserve was discussed. The 5% annual increase was questioned for its appropriateness: is \$18.9 million sufficient to be retained to cover uninsurable events?

The General Manager is to raise the question with Matt Todd and ascertain a methodology of assessing the amount required.

*The meeting was opened to the floor*

Mr Neil Ward spoke about the Healthy Homes project and asked about extending it to include heating systems. It was explained that that is a matter for central government as ECT is contributing to the government programme.

Mr Ward also spoke about the issue of logging trucks going to the Port via Crawford Road. The General Manager is to talk to Port officials regarding procedures and logging trucks' use of Crawford Road and will advise Mr Ward.

The Open Meeting concluded at 10.46am

## 9. SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

**MOVED** by Peter Farley seconded by Philip Searle

**THAT** (1) The public be excluded from the following

part of the proceedings of this meeting, namely – Items 10 – 21 of the agenda

(2) The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:-

(3)

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Items 10 – 21 of the agenda	To enable the trust to carry on commercial activities.	48(1)(A)

(4) This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:-

### Items 10 – 21:

Section 7(2)(h) To enable the Trust to carry on commercial activities without prejudice or disadvantage.

**Carried**

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## 10. RE-ADMITTANCE OF THE PUBLIC

**MOVED** by Geoff Milner seconded by Philip Searle

**THAT** the public be readmitted at 12.55pm  
**Carried**

**The public being readmitted to the meeting, it continued as follows:**

### IN ATTENDANCE:

Leighton Evans (General Manager), June Hall (Secretary), Clare Radomske, Simon Cave, Marianne Gillingham, Jeremy Muir and Georgina Dunlop (ExpressPR)

As members of the public had missed the 10.00am commencement of the meeting, it was agreed to open the meeting to the public again and revisit the items previously covered.

*Questions from the floor included:*

#### Q300 sponsorship

What happens when the agreement ends?

Whilst the outcome was unknown, it was hoped that Air New Zealand would recognise the need for the greater capacity flights.

#### Chamber of Commerce Relationship

Clare Radomske spoke of a Chamber of Commerce suggestion of a partnering relationship to promote the district and create jobs. They were keen to present to the Trust before the next meeting on 5th July. It was agreed that the General Manager of the Trust work

with the members of the Chamber of Commerce and co-ordinate a meeting between them and the Trustees.

#### Trust Deed Changes

Questions were raised regarding the Trust Deed changes and why the rush now?

The response outlined the actual time frame of the consultation process starting early February 2010 and lack of response from the Council until now.

The Chairman outlined the level of responsibility of the Trustees – to consult with Council ‘in committee’ and that this process was being followed before openly informing the public. The Trust is always open to and welcomes questions from the public at any time.

The basis on which discussions were held excluding the public was discussed, noting that there were commercial implications to the outcomes.

Jeremy Muir was asked by Geoff Milner if he did not consider it a conflict of interest in publishing his editorial on the front page of the paper in the light that his father had just been appointed a potential Trustee. Jeremy did not see it as an issue requiring him to disclose the conflict of interest as the appointment had been made by Council at the time of the publication.

Jeremy did not see it as a conflict of interest as he was not arguing against the Electoral College model – if anything, he could have been assisting the introduction of a new appointment process that could see his father out of a job.

The issue of the clarification of Capital within the

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Deed was discussed, highlighting the potentially conflicting and unclear clauses in the Deed. It was stressed that the object of the change was to clarify the position.

The process with regards to Charitable Status was discussed highlighting that the Charities Commission approval was only one step: The fact that the Commission had registered an organisation as charitable was not binding on the Inland Revenue Department for tax purposes. IRD could at any time challenge the tax status of the Trust and if the Trust was found to be ineligible for exemption then back-taxes, interest and penalties would be payable.

The process was to ensure that there was a good appointment model in place first and then the next step was to consider meeting all the requirements to ensure tax-exempt, Charitable Status – but all in the best interests of the Trust.

*2.10pm Members of the public left the meeting*

## 11. SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

**MOVED** by Peter Farley seconded by Philip Searle  
**THAT** (1) The public be excluded from the following part of the proceedings of this meeting, namely – Items 10 – 21 of the agenda

(2) The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:-

(3)

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Items 10 – 21 of the agenda	To enable the trust to carry on commercial activities.	48(1)(A)

(4) This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:-

**Items 10 – 21:**

Section 7(2)(h) To enable the Trust to carry on commercial activities without prejudice or disadvantage.

**Carried**

These Minutes were confirmed at the Trustees meeting held 24 June 2010.

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 Chairman