

STAFF REPORT

TO: Community Services Committee

FROM: Community Services Manager

REFERENCE: C752

DATE: 15 November 2007

SUBJECT: Motueka Short Term Accommodation Charitable Trust

A Trust Deed was signed in the matter of the Charitable Trusts Act 1957 and the Motueka Short Term Accommodation Charitable Trust (the Trust) on 6 December 1993.

Signatories were Kerry Leigh Francis Marshall, James Benjamin Scott, Peter Edward Smale and Johannes Gerardus Sturkenboom

The Deed stated membership of the Trust initially be Motueka Anglican Parish, Society of St Vincent de Paul, Mayor of Tasman District Council and the Motueka Pastorates of the Motueka Moutere Hill Cooperating Parish.

An amendment, 26 April 1994 inserted the words that the Trust comprise no fewer than five members appointed yearly.

The Trust recently filed an application to the Charities Commission who have turned down the application because they currently only have four trustees. The Chairperson, Secretary, Treasurer and one other. These cover the membership outlined except the Mayor of TDC is omitted.

At the time the Trust was formed the presence of the Mayor was a valuable appointment. However, today this position appears unnecessary as they are near debt free and survive without TDC involvement, through grants from COGS and Ministry of Social Development.

It would thus seem sensible for the TDC (mayoral appointment) to formally relinquish the Mayor's position, in writing, to the Trust.

In future the Trust will talk with their lawyer re amending the Trust Deed to satisfy such a move, but in the short term they need to appoint a fifth trustee and register his/her name with the Charities Commission before the 28 November 2008. They have approached a member of the committee to consider becoming the fifth trustee and will file his name as soon as we hear from you re the above.

The Trust has acknowledged with appreciation the past interest in their activities of Pat O'Shea and thank the TDC for their past assistance and rates rebate.

RECOMMENDATION

That Tasman District Council approve the removal of the Mayor's appointment from the Motueka Short Term Accommodation Charitable Trust and approve the appointment of an alternative Trustee to take the place of the Mayor.

That TDC request the Motueka Short Term Accommodation Charitable Trust amend its Trust deed to remove the Mayor's appointment the to the Trust.

Richard Kempthorne

Mayor

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