

**Title:** Appointment of New Administrative Trustee to Gisborne District Disaster Relief Trust

**Section:** Finance & Affordability

**Prepared by:** Kirsten Smith - Assistant Financial Services Accountant

**Meeting Date:** 30 June 2021

---

Legal: Yes

Financial: Yes

Significance: **Low**

---

## Report to COUNCIL for decision

### PURPOSE

The purpose of this report is to seek Council approval of a new Administrative Trustee of the Gisborne District Disaster Relief Trust ("Trust").

### SUMMARY

The Trust was established in 2008 to provide a means of receiving donations following a disaster and dispersing funds for welfare purposes where no other agency or fund is available. The Trust deed provides for Council to appoint at least two Administrative Trustees who are employees of Council. The Administrative Trustees do not have mandate to participate in decisions around the granting of funds.

Civil Defence Emergency Management Group (the Group) agreed to amend the Group Plan to change the Administrative Trustees due to changes in Council staff. As per the Trust deed, this decision needs to be made by Council.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

### RECOMMENDATIONS

#### That the Council:

- 1. Resolves to remove Wiremu Tamati-Smith as Administrative Trustee to the Gisborne District Disaster Relief Trust and provide notification in writing to Mr Tamati-Smith (including thanking him for his services) and to the Charities Services.**
- 2. Resolves to add Ben Green as Administrative Trustee to the Gisborne District Disaster Relief Trust on his signing of an appropriate Deed of Accession and to provide notification in writing to the Charities Services.**

*Authorised by:*

**Pauline Foreman - Chief Financial Officer**

---

**Keywords:** CDEM, disaster relief trust, charities service

---

## **BACKGROUND**

1. The Trust was established in 2008 to provide a means of receiving donations following a disaster and dispersing funds for welfare purposes where no other agency or fund is available.
2. The purpose of the Trust is to provide financial and any other relief or assistance to meet the welfare and other needs of people who have suffered damage or loss following a natural or manmade disaster in the Gisborne region or elsewhere in New Zealand. Although no payments have been made by the Trust, it remains set up as a vehicle for future funds distribution if and when needed.
3. The Trust deed includes the following relevant provisions:
  - a. The Trust shall consist of not less than two and not more than nine Trustees.
  - b. Council is responsible for appointing Trustees by notice in writing.
  - c. A Trustee may at any time be removed as a Trustee by the Council by notice in writing.
  - d. There shall be at least two Administrative Trustees who are not elected officials but may be Council employees.
  - e. The Trustees may include no more than two Citizen Trustees who are not elected officials but are resident in the Gisborne region.
  - f. There may be up to five Elected Trustees including the Gisborne District Council Mayor and four Gisborne District Councillors.
  - g. All Trustees must sign and deposit with the Council a deed of accession binding that person to the terms of the Trust deed.
  - h. Administrative Trustees cannot participate in the decisions of the Trust around the donating and gifting of funds.

## **DISCUSSION and OPTIONS**

4. Wiremu Tamati-Smith has resigned as the Civil Defence Manager from Council. The Trust deed needs to be amended to reflect this change.
5. Civil Defence Emergency Management Group (CDEM Group) agreed an amendment to the Tairāwhiti Civil Defence Emergency Management Group Plan to change the Administrative Trustees:
  - a. Add Ben Green as Administrative Trustee.
6. As per the Trust deed, the decision on removing Wiremu Tamati-Smith as Administrative Trustee and appointing Ben Green as Administrative Trustee needs to be made by Council.

7. The Administrative Trustees attend to preparation and audit of the annual report and any other administrative matters. In the event that the Trust is to be used to distribute funds, Elected or Citizen Trustees would need to be appointed to make those decisions as the Administrative Trustees are specifically barred from doing so. This would require a meeting of Council which might cause delays to the distribution of funds in an emergency. The alternative might be to regularly appoint Elected Trustees after each local body election.

## **ASSESSMENT of SIGNIFICANCE**

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

**Overall Process:** Low Significance

**This Report:** Low Significance

Inconsistency with Council's current strategy and policy

**Overall Process:** Low Significance

**This Report:** Low Significance

The effects on all or a large part of the Gisborne district

**Overall Process:** Low Significance

**This Report:** Low Significance

The effects on individuals or specific communities

**Overall Process:** Low Significance

**This Report:** Low Significance

The level or history of public interest in the matter or issue

**Overall Process:** Low Significance

**This Report:** Low Significance

8. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

## **COMMUNITY ENGAGEMENT**

9. There is no community engagement required.

### **Financial/Budget**

10. The Trust was set up in 2008 with \$60,000 capital and has earned interest over the years. As at 30 June 2020 the Trust had \$72,687 in total funds.

### **Legal**

11. Only Elected and Citizen Trustees can decide to make a donation or gift out of any property or money of the Trust (clause 5.2 of the Trust Deed).

## **POLICY and PLANNING IMPLICATIONS**

12. There are no policy and planning implications.

## **RISKS**

13. There are no risks associated with the Trust.

**NEXT STEPS**

<b>Date</b>	<b>Action/Milestone</b>	<b>Comments</b>
July 2021	Update Charities Services register with new Trustee information	
July 2021	File the Annual Report with the Charities Services	