

**MINUTES OF MONTHLY COMMITTEE MEETING OF  
HUKA FALLS RESORT RESIDENTS' ASSOCIATION HELD AT**

*14 Chateau Crescent, Rangatira Park*

At 7.00pm on Thursday, 21 October 2021

1. **ATTENDING:** Jackie Robinson (JR), Dean Calvert (DC), Beth Hussain (EH), Iain Mutch (IM), Wade Helleur (WH)

2. **APOLOGIES: Robyn King (Secretary)(RK)**

For the record the Secretary elected not to attend the committee meeting. No explanation had been provided for the absence of this meeting and it now fell upon committee members to undertake the secretary's duties including minuting the meeting.

Committee acknowledged the Secretary had resigned but that did not, in the view of the committee, absolve the Secretary from the performance of her duties as set out in the Rules. Committee also acknowledged they could not make the Secretary attend committee meetings.

For the record, the Rules provide the secretary must be present at committee meetings.

For the record, committee required the Secretary to be present and had invited her.

3. **MINUTES:**

Elizabeth Hussain (EH) offering to record the minutes of the meeting in the absence of the Secretary.

4. **MINUTES OF PREVIOUS MEETING:**

It was resolved that the minutes of the meeting held on:-

- i. 11 August 2021 be approved as a true and correct record moved by Dean Calvert (DC) seconded by Wayde Helleur (WH)  
Carried
- ii. 16 September 2021 be approved as a true and correct record moved by Jackie Robinson (JR) seconded by Iain Mutch (IM)  
Carried

## **5. MATTERS ARISING FROM MEETING:**

Committee members noted that whilst the Secretary had prepared a draft agenda for the committee meeting of 21 October 2021, there were no associated accompanying notes, inwards and outwards correspondence, or invoices for payment, to update members in regard to duties carried out by the Secretary, as listed in the agenda. The committee were struggling to carry out some decision making because of lack of information and communication.

Committee resolved to move forward with those items that were within the committee member's knowledge:-

- a. JR was progressing enquiries of TDC in respect of the process for tree planting on Maison Way berm following on from correspondence from Christine Elliott.
- b. Ted Swanney tendered his resignation which has been accepted by the committee
- c. IM had met with Robyn King and Ted Swanney following service of notice by Robyn King. A copy of the resignation letter (RK) had been provided to committee members.

Secretary had asked that her resignation letter be made available to members. However, this was unnecessary as it had been superseded by Secretary's actions when she emailed RA members to notify members of her resignation.

- d. JR was pursuing lines of enquiry with Andrew Moore of TDC regards to bund maintenance program, to be discussed during general business.
- e. JR confirming she had been reimbursed by the RA in respect of the tree purchase. The trees which had now been planted on the Boulevard and Chateau Crescent at a fraction of the original cost as quoted by the Secretary.
- f. IM had forwarded to committee the letter by email from Clayton Stent received 7 October 2021 time 3:44pm.
- g. IM saying he had responded as Chair to Ted Swanney regarding his comments over the report provided to the RA members.

For the record, in respect with all other inwards and outwards correspondence committee members had no knowledge and were unable to make any decisions or approve actions of Secretary in respect thereof.

**6. FINANCIALS:**

IM advised that he had met with the Secretary on 19/10/2021 who advised payments to contractors needed to be made prior to committee meeting on 21 October 2021. Due to urgency and necessity as Chair he had approved some of the payments set out in the financial report of 19 October 2021 and committee agenda.

- a. Members noting that a payment of \$27.43 has been made to FAA support services. Enquiring about the same. Advised the payment had been made to the company owned and operated by Robyn King in respect of provision of secretarial services. Committee commenting that the Secretary's hourly rate was said to be inclusive of all disbursements Nevertheless committee approved the same.
- b. Committee also noting that the cost of the tree replacement was substantively lower (\$650.95 plus the cost of trees of \$1,200.00) than the figure referred to in the Secretary's letter to Committee dated 14 September 2021, page 2 where she advised the cost of replacing the trees on the Boulevard and Chateau Crescent was "almost \$4,000.00".

For the record committee members expressing concern that the Secretary had obtained an estimate of \$4,000.00 from Sawyers for replacement of trees vs the actual costs of [\$2,010.00].

**7. MATTERS ARISING:**

Committee considering draft resolution that Committee agree that Ted Swanney and Robyn King remain as signatories for the purposes of approving all accounts due payable and as such time as additional signatories have been approved by the committee and actioned by Kiwibank

Committee resolved such resolution was not in the best interest of the RA for the following reasons:

- Ted Swanney was no longer a committee member. To allow Ted Swanney to remain as signatory to RA bank account would be in breach of the Rules.
- previous committee meetings had approved and ratified that Jackie Robinson be added as authorised signatory to the RA Kiwibank account

Instead the resolution the Committee agree to is to remove the existing signatories of Ted Swanney and Christine Knowles (who are no longer on the committee) and replace them with Jackie Robinson and Dean Calvert effective immediately.

Kiwibank require a minimum of two current signatories to sign these minutes to validate the transfers. RK to action immediately and provide copy to Chair.

Signatory 1	Name	Ted Swanney	Sign		Date	28/10/21
Signatory 2	Name	Robyn King	Sign		Date	28/10/21

## **8. GENERAL BUSINESS:**

### **8.1 Berm & Bund Management/ Tree Removal and Reinstatement**

JR had spoken with TDC, as far as TDC was concerned there was no written agreement in respect of tree removal and reinstatement. JR had nevertheless secured a copy of a Deed of Arrangement made between Taupo Heights Developments Limited (1) and Taupo District Council (2) (held on council records) which records:

- the vesting of roads and recreation areas in the Council;
- the developer's covenant to maintain via the RA entity (Huka Falls Resort Residents Association) the berms and recreation areas.

Currently the RA membership was paying for maintenance of the reserves, berms and common areas and this was the biggest cost to the RA membership.

Further investigations required.

### **8.2 HFRRRA - Email Address, PO Box and Communications tool.**

For the record, thanks and credit to Chair (Iain) for the establishment of the RA Google Drive which meant that all committee members could now contribute towards agenda and other matters to be discussed at committee meetings and also outside of committee meetings without the need for numerous emails and personal conversations.

Committee agreeing that it was important all RA information be held in a centralised system which is owned by the RA. Consequently it was felt best that the HFRRRA should have its own email address, PO Box and a communications tool that the residents can access. JR is to establish email, PO Box and comms tool

## **9. APPOINTMENT OF FINANCIAL OFFICER TREASURER – SECRETARY FOR RA:**

The job description and role of the RA secretary was discussed at length. The core duties of the RA's treasurer/secretary are set out in the Rules of the association and it was agreed that any job description must incorporate those core duties. Softer duties could be included by agreement by committee. Committee agreeing that an advertisement should be placed in the local papers, job seek website, together with letter to RA members inviting members to apply for the position of treasurer/secretary.

Committee was aware that there was a number of individuals who had expressed interest in the role of treasurer/secretary. Time is now of the essence given the current secretary was due to leave her role on 13 November 2021. It was acknowledged that there needed to be a handover period of all HFRRRA documents, property, correspondence etc

Committee also discussing whether the RA needed a "Manager". DC saying the need for a manager was historic. The development today was very different from the development contemplated under the original resource consent. Originally the plans for the development had included facilities such as a gym, swimming pool etc but these had never been built. Additionally the Northlit development has been approved the amended resource consent. In terms of the need of a manager on going, the duties were limited in scope to:

- Dealing with any issues raised by the RA
- Tenders required (eg ground maintenance)
- Other softer duties.

Currently the RA was paying \$12,000.00 annually for a manger to undertake these duties, which committee members did not think was a good use of the RA members levies. It was discussed that the scope of the management duties could be undertaken by committee members directly.

Committee agreeing to undertake the managers duties but if these became onerous further consideration would be given as to whether to contract a manager.

## **10. ANY OTHER GENERAL BUSINESS:**

### **UPDATES:**

JR saying that a number of enquiries were ongoing with TDC. The outcomes where as follows:-

#### **a. Speed Limit**

TDC were supportive of the request to reduce the development speed limit from 40 kmph to 30 kmph. This would require HFRRA to make a formal application to TDC. Committee members agreeing that the matter be put to members prior to any application being made.

#### **b. Road Sweeping**

RC saying that she had also spoken to TDC regards to road sweeping. Since handover and adoption of the roads by TDC, no road sweeping had been undertaken at HFRRA Development. TDC had agreed to put in place a programme of road sweeping.

#### **c. Boulevard Intersection**

JR had also spoken with TDC regards the proposed road works to the intersection at Noumea/Boulevard. Again members to be made aware of ongoing discussions with TDC and membership to be consulted as to representations to be made in respect of intersection.

### **LETTER FROM CARGILL STENT DATED 7 OCTOBER 2021:**

Committee had been provided with a copy of the letter dated 7 October 2021 from Cargill Stent Clarke Lawyers.

Members expressing their concern with the responses. In particular the letter refer to:

*"on instruction from the RA, we prepared an agenda item for the upcoming AGM with the recommendations of the RA committee, in relation by the request of the Northlit previously outlined"*

*"On the eve of the AGM, new information was received from the lawyer for Northlit advising that his client's title was a guarantee under the encumbrance, his client was not*

*a member of the Huka Falls Resort Residence Association ("HFRRRA") and that the covenant so far is related to Lot 500 did not require membership of HFRRRA..."*

By this time the Association had paid over \$3,000.00 in costs to the RA Lawyers for previous advice which confirmed Northlit Limited was in fact obliged to become a member of the RA, to comply with the Covenants as set out in the Easement Instrument and abide by the RA Bylaws.

Committee members noting that following receipt of a letter from Northlit's Solicitors, the RA lawyers appeared to have done a complete u turn and then advised members that the developer Northlit was in fact **not** obliged to become a member of the RA or comply with its rules. That on the eve of the AGM, someone within the RA had:

*"this information was verified with the RA and based on that information, our earlier advice and draft resolution was amended in preparation of the AGM".*

The overall impression was that proper due diligence by previous committee and the RA lawyers, Cargill Stent Clarke, had not been undertaken on the eve of the AGM.

Committee members of the view that further inquiries needed to be made of the RA Solicitors and answer secured for and behalf of the RA members.

Elizabeth Hussain presenting a further draft letter to committee members (which had been tabled in an earlier agenda but which had been left out of the agenda presented by the Secretary). Committee members agreeing that approving the letter. Draft letter would be uploaded to the Google Drive and committee members would be given the opportunity to add further comments following which Elizabeth Hussain was authorised to release the letter to the Secretary to be put on letter head and sent to the RA Lawyers.

#### **11. Rotation of the Chair Role.**

It was discussed and agreed that the Chair Role would need to be rotated due to the time constraints each committee member in their own professions. As a result Iain Mutch resigned from this role and Dean Calvert has been appointed the Chair for the next term

#### **12. Resolutions**

**Resolution 1:** Resolved the financial report to 19 October 2021 as circulated be approved.

**Moved by Elizabeth Hussain and Seconded by Dean Calvert - Passed**

**Resolution 2:** Committee resolved to retrospective ratify the payments made on 19 October 2021 on the advice of the RA secretary.

**Moved by Elizabeth Hussain and Seconded by Dean Calvert - Carried**

**Resolution 3:** Jacqui Robinson and Dean Calvert be added as signatories to RA Kiwibank account and Christine Knowles and Ted Swanney be removed as authorised signatories.

**Moved by Wade Helleur and Seconded by Dean Calvert - Passed**

**Resolution 4:** Resolved that the RA should open its own PO Box and that the RA should have its own email address. IM and JR would lead as they have the most experience.

**Moved by Wade Helleur and Seconded by Dean Calvert - Passed**

**Resolution 5:** Resolved that the position of treasurer/secretary be advertised in the local papers and that the newsletter also invite members to apply for the position of RA treasurer/secretary.

**Moved by Wade Helleur and Seconded by Dean Calvert - Passed**

**Resolution 6:** Resolved to retrospectively ratify and the decision by committee members to implement the decision of members at AGM to reinstate trees within Boulevard and also to replace the tree at Chateau Crescent that was emitted from the original planting program undertaken in 2020 that the trees be purchased and planted as soon as possible.

**Moved by Ian Mutch and Seconded by Dean Calvert - Passed**

**Resolution 7:** Resolved that further enquiries be made of Cargill Stent Clarke Lawyers in respect of agenda item 4 and in particular the original advice vs the advice then presented on the eve of AGM. That Elizabeth Hussain draft and upload to the Google Drive the further draft letter to the RA Lawyers which committee members would view and then approve outside of a formal committee meeting by exchange of correspondence.

**Moved by Ian Mutch and Seconded by Dean Calvert - Passed**

**Resolution 8:** Resolved that Iain Mutch resigned as Chair and that Dean Calvert was nominated as new Chair.

**Moved by Elizabeth Hussain and Seconded by Jackie Robinson- Passed**

## 12. CLOSURE:

**There being no further business the meeting was declared closed at 9.10pm**

### **Next meeting**

The next meeting will be held at 7.00pm at 18 November 2021 at 18 Chateau Crescent.

Confirmed as true and correct record.



Chair



Date