

3. COUNCIL REPRESENTATION ON ORANA WILDLIFE PARK TRUST BOARD

RR 10336

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Corporate Plan Output: Schedule of Grants	

The purpose of this report is to provide the Council with information in respect of the proposed new Trust Deed for the Orana Wildlife Park Trust Board and also the proposed Council representation on this Board.

A letter has been received from Mr Nolan of Duncan Cotterill, Barristers and Solicitors enclosing the draft of a new trust deed for Orana Park and requesting any comments or suggestions on this document. The Council's current Deed for Orana Park allows for "a member appointed by the Paparua County Council for a period of three years, renewable" being one of the eight members of the existing Board. Since amalgamation the Council has, through the Fendalton/Waimairi Community Board, appointed a person to this position. The membership provisions of the new Trust Deed are as follows:

- 6.1 Number of Board members. The Board shall consist of seven members with the Board having the right in terms of clause 6.6 to appoint an eighth member.
- 6.2 Membership of Board. The signatories to this deed shall be the first Board. Subsequently Boards shall comprise:
 - 6.2.1 The director for the time being of Orana Wildlife Park.
 - 6.2.2 One member appointed by the Mayor of the Christchurch City Council being either a Councillor or a member of the Community Board covering Orana Park.
 - 6.2.3 One member appointed by the Mayor of the Christchurch City Council not being a Councillor or a member of the Community Board covering Orana Park.
 - 6.2.4 One person appointed by the Vice Chancellor of Lincoln University.
 - 6.2.5 One person appointed by the Board holding current veterinarian qualifications or proven zoological/animal experience.
 - 6.2.6 Two persons appointed by the Board.
- 6.3 Legal entities. In the event that the Christchurch City Council, the (Fendalton/Waimairi Community Board) or Lincoln University should cease to exist without a legal successor, the decision of the Board as to the entity which most closely is identified with that body shall be final and binding on all parties.
- 6.4 Appointment process. In the case of appointments in terms of clauses 6.2.2, 6.2.3, and 6.2.4, each nomination shall be made in writing only after discussion between the entity entitled to make the appointment and the Chairman for the time being of the Board.
- 6.5 Rotation. Each appointment shall be for a term of three years, expiring at the end of the Trust's financial year, renewable.
- 6.6 Co-option. The Board shall have the power at any time to co-opt an eighth member who for all purposes shall be a full voting member of the Board, but whose term shall not exceed 12 months, renewable.

- 6.7 Employees. Excepting the Director or with the unanimous consent of the Board, no member of the Board may be an employee of the Board.
- 6.8 Vacancies. The Board shall have the power to co-opt members to fill any casual vacancy on the Board until the next following financial year end.

As can be seen from this the proposed deed allows for two representatives appointed by the Mayor; one elected member and one other member.

In light of the significant financial contribution that the Council is currently making to Orana Park, it would seem appropriate to have additional representation on the Board. However it must be recognised that this will carry with it the corresponding additional costs, assuming Board members are paid.

If the Council is comfortable with the proposed appointment of two people to the Trust Board these comments should be relayed back to Mr Nolan of Duncan Cotterill.

- Recommendation:**
1. That the Council concur with the provision for the appointment of two representatives on the Trust Board, subject to the Council making the appointments referred to in clauses 6.2.2 and 6.3.3 of the draft trust deed, and the Board's solicitors be advised accordingly.
 2. That the above recommendation be adopted, subject to the Council making the appointments referred to in 6.2.2 and 6.2.3.

Following the Committee meeting advice was received from Duncan Cotterill that clause 6.2.3 had been replaced by a new clause providing for the President of the South Island Zoological Society or his nominee to be a member of the Board. As a consequence of this change the Council will now be entitled to appoint only one person to the Trust Board.

Chairman's

- Recommendation:** That the Council concur with the provision for the appointment of one representative on the Orana Wildlife Park Trust Board subject to the Council making the appointment referred to in clause 6.2.2 and that the Board's solicitors be advised accordingly.