

THE RULES OF

RAKINO
RATEPAYERS
ASSOCIATION
INCORPORATED

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1 **NAME** The name of the Society is
 "RAKINO RATEPAYERS ASSOCIATION INCORPORATED"

2 **THE OBJECTS** for which the Society is established are -

- a) To conserve, promote and advance generally the interests and welfare of the Island Community on the Island known as Rakino Island in the Hauraki Gulf of New Zealand, which Island shall be hereinafter referred to as "Rakino Island",
- b) To take all such steps, and to do all such things as may seem to the Society necessary, desirable or expedient to carry out the objects referred to in sub-clause (a) hereof,
- c) To promote local and national amenities on Rakino Island and adjacent thereto,
- d) To promote or oppose bills, legislative or other measures, or by-laws, affecting the interests of the Island community,
- e) To seek redress of wrongs from which the community may from time to time suffer, or make representations by way of deputations or otherwise bring under the notice of the Government of New Zealand or any other constituted municipal, local, regional or other authority such matters as in the opinion of the Society require attention or alteration,
- f) To promote if desirable town and/or country planning of Rakino Island and/or if not desirable to oppose any such town and/or country schemes which shall at any time be planned or promoted by any authority, corporations or persons,
- g) To encourage social amenities upon the Island,
- h) To encourage, promote and support efficient transport and communications facilities upon, to and from, Rakino Island,
- i) To encourage and promote any movement, idea, suggestion or enterprise, which shall be in the opinion of the Society or its Committee for the benefit of Rakino Island and of the Island community,
- j) To encourage the development of the cultural, recreational and educational requirements, interests and facilities of Rakino Island,
- k) To promote the improvement and extension of parks and reserves on Rakino Island,
- l) To collect and publish reliable and up-to-date information about Rakino Island,
- m) To act in liaison and to co-operate with any person, corporation or body in order to achieve any of the objects hereinbefore mentioned,
- n) To subscribe to or become a member of or co-operate with any other Society, body, whether incorporated or not, and persons whose objects are similar to or likely to advance all or any of the objects of the Society,
- o) To carry out and engage in such further objects incidental or conducive to the attainment of the objects as the Society or its Committee may from time to time deem necessary or desirable

3. **MEMBERSHIP**

Voting Members

A representative of each property owner on the island (Refer Appendix I). A member shall remain a financial member for the period from the date of payment of the member's annual subscription until the conclusion of the next annual general meeting

4 **APPLICATIONS FOR MEMBERSHIP** All applicants for membership may become members of the Society by notifying in writing their property qualification and by paying the current subscription

5 **CESSATION OF MEMBERSHIP** Any member of the Society may signify his cessation of membership thereof by resignation under his or her hand or, if a body incorporate, under the hand of its Chief Executive Officer **PROVIDED** that all resignations shall be sent to the Secretary of the Society not later than the 30th day of June in any year, and any member whose resignation is not so sent, shall continue to be liable for the annual subscription until the end of the then current year

6 **ANY member** whose subscription is in arrears for more than six months may upon the resolution of the Committee of the Society to that effect cease to be a member of the Society

7 **THE** Society may in General Meeting and/or the Committee may terminate by resolution the membership of any member Such member shall thereupon cease to be a member of the Society provided however that such member may by notice in writing to the Secretary, appeal against the decision of the Society The appeal shall be heard at the next following Ordinary Meeting of the Society when the member concerned shall be entitled either in person or by his representative duly authorized in writing to state his case The Society may by resolution either affirm or rescind its previous resolution, and in the latter case, the member concerned shall be thereupon re-instated as a member

8 **SUBSCRIPTIONS** An annual subscription to the Society shall be due and payable immediately upon the subscriber joining the Society and thereafter upon the date of the Annual General Meeting at which the subscription for the current year is fixed The Society shall have the power to apportion a subscription for part of any financial year The Committee shall recommend to the Annual General Meeting the Subscriptions for the current year
NB. The 'current year' applies to the Financial year, i.e. 1 July to the next 30 June

9 **REPRESENTATION BY MEMBERS**

- a) Only voting members shall be entitled to speak and vote at General Meetings of the Society
- b) Non-members shall be entitled to attend meetings of the Society They do not have the right to speak to the meeting However if the Meeting approves, the Chair may allow the non-member to speak to the meeting

10 **OFFICERS AND COMMITTEE** The Officers of the Society shall consist of the Chair, Immediate Past Chair, Vice Chair, Secretary and a Treasurer. Up to four non-office holding Committee members and the Officers (excluding the Past Chair) shall be elected annually by ballot at the Annual General Meeting of the Society

An Honorary Reviewer of the Accounts and such other Officers as shall from time to time be considered necessary may be appointed by the Committee

There shall be nothing to prevent the Treasurer and the Secretary being the same person

Any person elected or appointed to the Committee or to any other office shall immediately cease to be a member of the Committee or to hold such office on becoming certified of unsound mind or on being declared a bankrupt

Nominations in writing for the election of officers, signed by the nominee and his/her proposer, shall be in the hands of the Secretary in sufficient time to allow voting papers with the names of all nominees thereon, to be in the hands of the voting members at least fourteen (14) clear days before the holding of the Annual General Meeting

The Secretary has the right to decide the time required (refer sufficient time above) for nominations after taking into account the mail delivery times to and from Rakino Island

As nominations are requested from the members, the Secretary shall advise the time to be allowed for return of the nomination forms This period of time allowed may alter from year to year

11 **QUORUM** No business shall be transacted at any meeting of the Committee unless at least four members of the Committee are present

12 **SUB-COMMITTEES** Sub-committees may be appointed by the Committee for the purpose of attending to and carrying out, subject to the control of the Committee, the various objects of the Society The duties and the scope of each sub-Committee shall be determined by the Committee

13 **NON COMMITTEE POSITIONS** The Auckland City Council has the power to appoint a Civil Defence Warden and a Fire Officer The Chairperson shall each year take into account the views of the Committee and/or members and shall recommend to the Council the names of the persons who should hold those positions

- 14 **VACANCY AMONG OFFICERS** In the case of any casual vacancy in the office of members of the Committee, Chairperson, Vice-Chairperson, Committee Members, Honorary Treasurer or Secretary of the Society, as the case may be, the Committee may appoint one of themselves of the Society to act until the next Annual General Meeting or until an earlier Extraordinary General Meeting shall be called to fill any such vacancies until the next Annual General Meeting and may also appoint one of themselves or some other member of the Society to perform the duties of the office so vacated until the holding of such Extraordinary General Meeting

Any member of the Committee or of a Sub-Committee who shall be absent from three consecutive meetings of the Committee or Sub-Committee (as the case may be) without leave, shall be deemed to have resigned from the Committee

- 15 **TERM OF OFFICE OF THE OFFICERS** All officers, and members of Committees shall hold office for a period expiring at the next Annual General Meeting following their election, or until such later time as their successors shall have been appointed

- 16 **CHAIRPERSON** The Chairperson of the Society shall be also ex officio a member of all Sub-Committees In the absence of the Chairperson, the Vice-Chairperson shall take the chair, and failing them, the meeting shall elect one of the members or representatives of members present to the chair Committees and Sub-Committees shall elect their Chairperson from the members thereof, such Chairperson to hold office until his successor is appointed

- 17 **MEETINGS** the Annual Meeting of the Society shall be held not later than the 31st day of October in each year In addition to the Annual General Meeting, the society shall hold at least one other Ordinary General Meeting in each year

Special General Meetings of the Society may be convened by the Committee and shall be so called upon the requisition of not fewer than ten (10) members of the Society or one fourth (1/4) of the total members and authorised representatives of the financial voting members, whichever number is the lesser

Any such requisition shall be in writing addressed to the Secretary, and shall state the reason for requesting the meeting

Notice of such meeting shall be circulated immediately to meet the criteria for calling of meetings in Clause 18

At all Annual, Special and Ordinary General Meetings each financial member present in person shall be entitled to vote as provided in Clause 3

The Chair of every meeting shall have a deliberative as well as a casting vote

In addition to the Annual General Meeting, the Society shall hold at least one other Ordinary General Meeting in each year At all Annual, Special, Ordinary and Extraordinary General Meetings, each financial voting member or authorised representative of the financial voting member present in person or by proxy, shall be entitled to one vote The Chairperson of every meeting shall have a deliberative as well as a casting vote At any meeting of the Society a quorum shall consist of twelve members and representatives of financial voting members (whichever shall be the lesser)

A member shall remain a financial voting member from the date of payment of the member's annual subscription until the conclusion of the next Annual General Meeting

- 18 **ALL** Meetings of the Society shall be summoned by notice in writing, delivered to each member or duly addressed and posted to each member, or by Public Notice at least ten (10) days prior to the date fixed for the holding of such meeting

- 19 **NOTICE** of all resolutions members wish to be considered at any Meeting must be in writing, addressed to the Secretary, and in time to meet the criteria for delivery to members as per clause 18

- 20 **POSTAL VOTES** If the Committee so determines then any business which can be conducted at a General Meeting can be conducted by votes of voting members cast by a postal vote This clause shall not operate to prevent an Annual General Meeting from being held each year

- 21 **VOTING AT MEETINGS** All questions arising at any Meeting of the Society or Committee, except when otherwise provided, shall be decided on the voices or, if the Chairperson or any voting member shall so require, by show of hands of voting members only A bare majority of votes, unless otherwise provided, shall carry a resolution Postal votes shall be allowed as provided in Clause 20

- 22 **FUNDS OF THE SOCIETY** All subscriptions, donations, subsidies or moneys of the Society from whatever source derived, shall be paid into the banking account of the Society, at such bank as the said banking account be opened with, or transferred to, and all payments of the Society shall be made by cheque, signed in such manner as the Committee shall from time to time direct, except that all cheques shall be signed by a minimum of two signatures. The funds of the Society shall be applied solely in the promotion of the objects of the Society as set out in the rules, or in any amendment to the same
- 23 **INVESTMENT OF FUNDS** The funds of the Society not immediately required for the purposes and objects of the same, may be invested in any Securities for the time being authorised by law in New Zealand for the investment of trust funds
- 24 **ALTERATION OF RULES** The Society may make, alter, amend or add to any of the rules at any Annual, Special or Ordinary Meeting of the Society after ten working days' notice of intention so to do shall have been given to members. "No addition to or alteration or rescission of the Rules shall be approved if it effects the Pecuniary Profit Clause or the Winding Up Clause" or "No addition to or alteration of the Pecuniary Profit Clause or the Winding Up Clause shall be approved without the Inland Revenue Department's approval"
- 25 **BY-LAWS** The Society by resolution in General Meeting, may make or alter from time to time such By-Laws as it may deem necessary for the management of its affairs, the promotion of the objects of the Society, and the Government of Committees, providing that such By-Laws are not inconsistent with these rules
- 26 **AUTHORITY TO BIND SOCIETY - COMMON SEAL:** A contract or other enforceable obligation may be entered into by the Society as follows -
- 26 1 in writing signed under the name of the Society - by the Chairman and the Vice Chairman or, by the Vice Chairman and one Committee member who shall obtain authority from the Committee before so signing
- 26 2 Under the common seal of the Society - the signatories and authority to Sign under common seal shall be as provided for under clause 26 1
- 27 **TREASURER** The Treasurer shall be responsible for the proper custody of the moneys and properties of the Society. The Treasurer shall keep a correct account of all moneys received and paid and shall submit to the Annual General Meeting a Statement of Accounts for the past year which shall have been previously reviewed by a Chartered Accountant appointed by the Society. All cheques and other negotiable Instruments shall be signed and endorsed as provided for in Clause 22
- 28 **POWERS OF THE SOCIETY** The Society shall have power -
- a) To contract, sue and be sued, open and operate on and close one or more banking accounts, and to acquire, dispose of, use, receive, hire, borrow, lend, mortgage, or in any way deal with, or in real and personal property
 - b) To hire, engage and employ any person or persons to carry out any of the duties relating to the purposes of the Society, whether permanently or temporarily, and on such terms as to appointment and dismissal, reward and conditions and otherwise, as the Committee shall think fit
 - c) No member of the organisation or any person associated with a member shall participate in or materially influence any decision made by the organisation in respect of the payment to or on behalf of that member or associated person of any income, benefit or advantage whatsoever
 - d) Any such income paid shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value)
 - e) The provisions and effect of this clause shall not be removed from this document and shall be included and Implied into any document replacing this document
- 29 **FINANCIAL YEAR** The financial year of the Society shall commence on the 1st day of July and shall end on the 30th day of June each year. The Annual Accounts will be presented at the Annual General Meeting
- 30 **ARREARS OF SUBSCRIPTION** No member whose Annual subscription is in arrears shall be entitled to vote on any resolution

- 31 **INTERPRETATION OF RULES** Should any case occur which has not been provided for in these rules or any question of their interpretation arise, the Committee shall consider and determine the same and their decision shall be final
- 32 **WINDING UP** The Society may be put into liquidation pursuant to the provisions of the Incorporated Societies Act and pursuant to any amendments or replacement of the Act
- 33 **DISPOSAL OF ASSETS** In the event of the Society being wound up under the provisions of the preceding rule or dissolved by the Registrar, its assets shall after all liabilities have been discharged be expended for the general benefit of the Island community in such manner as shall be determined by a majority of the members of the Society present at a Meeting called for the purpose, or in default of the members so deciding, as the Chairperson of the Society shall decide PROVIDED that any property remaining shall not be paid to or distributed among the members of the organisation but shall be given or transferred to some other organisation or body having as its aim the benefit of Rakino Island and which is not carried on for the pecuniary benefit of members, or if this is not possible, the Auckland Regional Council
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APPENDIX 1

MEMBERSHIP

Voting Members

Explanatory Notes

| | Voting Right |
|---|---|
| Ratepayer A, and his partner, Jointly own 1 property Pay one subscription | One vote |
| Ratepayer B Has a rent paying tenant who pays a subscription Ratepayer B (to remain on the mailing list) also pays a subscription | One Vote The Ratepayer is presumed by the Association to have the right to vote Should the Ratepayer wish to delegate the right to vote, to the tenant, then written notice must be given by the Ratepayer to the Secretary of the Association * |

* Tenancy does not give an automatic right to vote It is the responsibility of the Ratepayer to notify the Association of the delegation of the right to vote

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| Ratepayer C Owns 3 properties 2 jointly with his partner and 1 as sole owner He pays 2 subscriptions, and his partner pays 1 A total of 3 subscriptions | Three votes |
| Land owned under Special Zoning E.g. Golden Heights Ltd 15 shareholders Each shareholder pays a subscription Say 6 subscriptions paid this financial year | Six votes Each of the 15 shareholders to have voting rights as 15 individual ratepayers, providing each individual pays a subscription |

NB A Special Zoning applied to Golden Heights in the
Waiheke/Rakino District Plan
This was lifted at the time of the changes to the District Plan
However an application has been filed to reinstate the Special Zoning

Land owned by multiple owners

| | |
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| Ratepayer is a Limited liability company 10 shareholders | One Vote |
| Ratepayer is a family Trust 5 Trustees | One Vote |