



08 March 2023

## ANNUAL GENERAL MEETING NOTICE

### **BODY CORPORATE 90202**

Village Gardens, 16 Rototuna Road, Flagstaff HAMILTON 3210

### **MEETING PLACE, DATE & TIME**

The Clubrooms, Village Gardens, 16 Rototuna Road

**Thursday, 23 March 2023 at 10:00 AM**

### **If you are unable to attend the Annual General meeting;**

Body corporate managers cannot conduct the business of the body corporate without instruction. It is therefore imperative that owners attend meetings and vote. If you cannot attend please complete the proxy form attached and return to our office via email to [jane.kelly@colliershn.co.nz](mailto:jane.kelly@colliershn.co.nz) or put in Ian Turnbolls letterbox at Unit 54. It is crucial that we have a quorum to be able to pass the resolutions required. Please be advised Colliers International Hamilton is able to act as your proxy on these matters. Please note that if 2 or more persons own one unit jointly, then they must jointly appoint the proxy (who may be one of those persons).

### **If there is no quorum at the meeting:**

(a) Proxies may be taken into account, together with those present.

(b) If a threshold of those entitled to exercise 25% of votes is not present, the meeting will be reconvened on the same day, one week later at the same time and place.

(c) Where a quorum is not reached at the reconvened meeting, business can be transacted and resolutions passed only if there is a minimum of one person present or one proxy is held.

### **Financial Status**

A unit owner may not vote unless all Body Corporate levies and other amounts, that are from time to time, payable to the Body Corporate in respect of the unit have been paid. An owner with a mortgage may require the consent of the mortgagee in order to exercise voting rights.

### **The following documents are attached:**

(a) Proxy appointment form;

(b) A copy of the financial statements for the most recent financial year;

Please contact us if you have any queries.

Kind Regards,

Jane Kelly  
Body Corporate Manager  
[jane.kelly@colliershn.co.nz](mailto:jane.kelly@colliershn.co.nz)

## ANNUAL GENERAL MEETING AGENDA

### BODY CORPORATE 90202

Village Gardens, 16 Rototuna Road, Flagstaff HAMILTON 3210

### MEETING PLACE, DATE & TIME

The Clubrooms, Village Gardens, 16 Rototuna Road

**Thursday, 23 March 2023 at 10:00 AM**

### BODY CORPORATE CHAIRPERSON

Ian Turnbull

### MEETING CHAIRPERSON

Jane Kelly

### AGENDA ITEMS

#### 1 REMEMBRANCE & INTRODUCTION NEW RESIDENTS

We take this time to remember those who have passed on in the last year and welcome any new residents.

#### 2 PREVIOUS MINUTES

That the minutes of the last annual general meeting held 18/03/2022 and the extraordinary general meeting held on the 15/09/2022 of the Body Corporate are confirmed as a true record of the proceedings of those meetings.

#### 3 MATTERS ARISING

Christmas Dinner - Liz Muir is to speak to this.

#### 4 ELECTION OF CHAIRPERSON

A Body Corporate must elect a Chairperson by ordinary resolution at every annual general meeting. The Chairperson has the duties in Regulation 11, subject to and delegation to the Body Corporate Committee, and is responsible for signing the management agreement appointing Colliers to manage the Body Corporate. Failure to appoint a Chairperson will result in various administrative difficulties, such as if the Body Corporate wishes to amend the Body Corporate Operational Rules and will fail to meet its obligations under the Unit Titles Act and Regulations.

The following nominations were received;

- Ian Turnbull

That Ian Turnbull be re-appointed as chairperson.

#### 5 ELECTION OF COMMITTEE

A Body Corporate with 9 or fewer principal units may form, but are not required to form a Body Corporate Committee.

A Body Corporate with 10 or more principal units must form a Body Corporate Committee, unless, by special resolution, decides not to form a Body Corporate Committee.

That the Body Corporate establishes a Committee with **7** members and that a quorum for Committee meetings and decisions made via email or letter shall be **4** members.

**The following nominations for the Body Corporate Committee were received:**

- Ian Turnbull - is automatically elected to Committee if elected as chairperson
- Liz Muir
- Brian Dixon
- Jill Flemming
- Shirley Jurgens
- Marie Hughes
- Noeline Head
- Wayne Fellingham
- Lesley Brickland
- Caruzie Walker

Committee voting paper is attached. Please fill this out by ticking no more than **SIX** of the committee nominees. Before taking your seat for the meeting please hand your voting papers in at the Hall entrance. Please remember to note your unit number on the voting form or your vote will be invalid and not included in the final count.

**Delegation of Powers**

That the Body Corporate resolves by special resolution to delegate all of its powers and duties under the Act, Rules and Regulations generally to the committee pursuant to Section 108 of the Unit Titles Act 2010, except those unable to be delegated under Section 108(2). This delegation shall last until the close of the next AGM.

The committee shall report once annually at that annual general meeting. The minutes of this meeting will suffice as notice of the delegation to the committee members and is evidence of the committees' authority to perform each duty or exercise each power that is being delegated.

**SOCIAL CLUB COMMITTEE**

**The following nominations for the Social Club Committee were received:**

- Jill Flemming
- Liz Muir
- Ian Turnbull

That all nominees above are elected to the Social Club Committee.

**6 FINANCIAL STATEMENTS**

That the financial accounts for the previous financial year be adopted.

That the Body Corporate Manager be authorised to pay line items in the budget as and when they fall due but refer to the Body Corporate Owners for approval for unexpected expenses outside of the budget.

That the Body Corporate Manager be authorised to recover debts from expenditure for the benefit of a unit or units in accordance with Section 126 of the Act where it determines on behalf of the Body Corporate that one or more of the units has benefited from such expenditure substantially more than other units.

**7 AUDITOR**

That by special resolution the Body Corporate agree not to appoint an auditor and that section 132(2) of the Unit Titles Act 2010 will not apply for the financial statement for the previous financial year.

## 8 BODY CORPORATE RULES

No changes to the operational rules have been proposed.

## 9 VALUATION

A valuation is not required unless requested by the insurance underwriter. The valuation must include common property (including any common driveway) and car parks. A copy of the valuation for insurance purposes is available on written request.

That for the purposes of insurance, if the insurer does not require an updated valuation on renewal, then a percentage adjustment is to be decided by owners.

## 10 INSURANCE

A copy of the insurance policy schedule will be supplied once received and on request. Please read the policy schedule carefully, this is important to you and you need to ensure that the policy adequately covers you and your usage of the property. If you have any concerns or questions please raise these with the broker direct.

That the Body Corporate remains with the existing broker and that insurance is renewed according to the most cost effective cover.

That the Body Corporate is authorised to secure Office Bearers Liability Insurance with a cover of \$1,000,000.

That the unit owner is to pay any excess in the event of a claim except where the claim relates to common property, in which case the Body Corporate is to pay the excess.

## 11 HEALTH AND SAFETY

Under the Health and Safety at Work Act 2015, the Body Corporate has a duty to:

1. Identify hazards
2. Eliminate or minimise any hazards and where appropriate put controls in place; and
3. Regularly check the control measures are in place
4. Where an incident occurs or the workplace changes, there will be a review to your Health and Safety Solution.

No new Health and Safety items have been brought to the attention of the Body Corporate.

The Health and Safety Risk Register was last reviewed in 2022.

That the Health and Safety Risk Register be reviewed annually.

**If the above is not passed the below will be included in the minutes.**

Although Colliers strongly advise against it, the body corporate has decided to not review the risk register as an obligation under the Health and Safety at Work Act 2015. These minutes act as a record of that decision.

## 12 LONG-TERM MAINTENANCE PLAN

The Long-Term Maintenance Plan is being completed by a specialised consultant as approved by the Committee.

## 13 LONG-TERM MAINTENANCE FUND

That the Body Corporate **opts out** of the Long-Term Maintenance Fund for the current financial year by way of special resolution.

**14 ANNUAL BUDGET**

The annual budget was set and approved by the Body Corporate Committee and levies have been raised based on this already. Approved budget is attached.

**15 GENERAL BUSINESS**

Unless all eligible voters are present or represented by their proxies, any items raised at the meeting which are not included on the agenda cannot be voted on at the meeting.

The following general business is to be discussed:

Thank you to all those in the Village not on the Owners Committee who do so much work around the complex.

Negativity in the Village particularly towards the Committee - Jill Flemming to speak to this.

**PROXY APPOINTMENT FORM  
BODY CORPORATE 90202**

I/We the undersigned being registered unit owners within Body Corporate 90202 appoint;

- Body Corporate Chairperson
- **OR** Body Corporate Manager
- **OR** (insert name)

***Please circle one option above***

as my/our proxy at the general meeting to be held on 23/03/2023.

If the general meeting is adjourned and reconvened, this proxy appointment is valid for the purposes of the reconvened meeting.

Owner name:

Unit Number:

Signature:

Date:

**Notes**

1. This proxy appointment expires at the end of the general meeting referred to in the form or, if that meeting is adjourned, the end of the reconvened meeting.
2. The full text of motions is contained in the notice of general meeting, a copy of which should be provided to the proxy.
3. Your proxy may not vote unless all body corporate levies, and other amounts that are owing in respect of your unit, have been paid.
4. If the unit owner is a body corporate or an unincorporated body, the representative (recorded in the register of unit owners) of the unit owner must sign the form.
5. If the unit is owned by more than 1 person, every owner must sign the form.
6. If the unit is owned by more than 1 person, one of the unit owners may be appointed as proxy.

**BC 90202 VOTING FORM**  
**FOR COMMITTEE**

**SIX POSITION'S AVAILABLE**

**(Select six names only from the nominees below)**

**Your unit number** \_\_\_\_\_

- |  |   |
|--|---|
| <input type="checkbox"/> Marie Hughes    | <input type="checkbox"/> Caruzie Walker   |
| <input type="checkbox"/> Liz Muir        | <input type="checkbox"/> Noeline Head     |
| <input type="checkbox"/> Brian Dixon     | <input type="checkbox"/> Wayne Fellingham |
| <input type="checkbox"/> Jill Flemming   | <input type="checkbox"/> Lesley Brickland |
| <input type="checkbox"/> Shirley Jurgens |   |



## Statement of Financial Position

### As at 31/01/2023

Body Corporate 90202

Village Gardens, 16 Rototuna Road, Flagstaff  
HAMILTON 3210

	Current period
<b>Owners' funds</b>	
<b>Administrative Fund</b>	
Operating Surplus/Deficit--Admin	19,930.08
Owners Equity--Admin	67,284.24
	87,214.32
<b>Sinking Fund</b>	
Operating Surplus/Deficit--Sinking	37,820.77
Owners Equity--Sinking	128,664.60
	166,485.37
<b>Net owners' funds</b>	<b>\$253,699.69</b>
<b>Represented by:</b>	
<b>Assets</b>	
<b>Administrative Fund</b>	
Bank Investment--Imprest Account	500.00
Cash at Bank--Admin	67,924.29
Receivable--Levies--Admin	776.55
Receivable--Owners--Admin	575.00
Vehicle--At Cost	23,000.00
	92,775.84
<b>Sinking Fund</b>	
Cash at Bank--Sinking	(2,276.19)
Investments--Optional Cont Fund Additional	69,767.46
Investments-Bank Term Deposit	100,000.00
Receivable--Levies--Sinking	268.45
	167,759.72
<b>Unallocated Money</b>	0.00
<i>Total assets</i>	260,535.56
<b>Less liabilities</b>	
<b>Administrative Fund</b>	
Creditors--Other--Admin	2,053.43
Prepaid Levies--Admin	3,508.09
	5,561.52
<b>Sinking Fund</b>	
Prepaid Levies--Sinking	1,274.35
	1,274.35
<b>Unallocated Money</b>	0.00
<i>Total liabilities</i>	6,835.87
<b>Net assets</b>	<b>\$253,699.69</b>



## Statement of Financial Performance for the financial year to 31/01/2023

Body Corporate 90202

Village Gardens, 16 Rototuna Road, Flagstaff  
HAMILTON 3210

### Administrative Fund

#### Current period

01/02/2022-31/01/2023

#### Revenue

Donation	23,000.00
Levies Due--Admin	171,387.84
Miscellaneous Income--Admin	630.00
<i>Total revenue</i>	195,017.84

#### Less expenses

Admin--Agent Disbursements	519.96
Admin--Agent Return Charges	172.50
Admin--Health & Safety	1,373.10
Admin--Management Fees--Standard	17,221.20
Admin--Motor Vehicle	1,467.66
Admin--Other Expenses--Admin	3,211.69
Contractors--Contract Caretaker	42,750.00
Contractors--Contract Cleaner	240.00
Contractors--Contract Grounds	747.50
Insurance--Claims	135.00
Insurance--Premiums	63,253.83
Insurance--Valuation	1,840.00
Maint Bldg--Airconditioning	4,130.00
Maint Bldg--Compliance	729.22
Maint Bldg--General Repairs & Maintenance	23,670.18
Maint Bldg--Pest/Vermin Control	5,004.68
Maint Grounds--Garden Bins	5,167.00
Maint Grounds--Lawns Gardening Rubbish	1,413.65
Utility--Electricity	2,040.59
<i>Total expenses</i>	175,087.76

#### Surplus/Deficit

19,930.08

Opening balance 67,284.24

#### Closing balance

**\$87,214.32**

**Sinking Fund**

**Current period**

01/02/2022-31/01/2023

**Revenue**

Income Tax Refund - Sinking	116.72
Interest on Investments--Sinking	818.56
Levies Due OCF--Sinking	59,252.16
<i>Total revenue</i>	<u>60,187.44</u>

**Less expenses**

Admin--Income Tax--RWT Sinking	229.17
Maint Grounds--Landscaping	22,137.50
<i>Total expenses</i>	<u>22,366.67</u>

**Surplus/Deficit**

37,820.77

Opening balance 128,664.60

**Closing balance**

\$166,485.37



## Approved Budget to apply from 01/02/2023

Body Corporate 90202

Village Gardens, 16 Rototuna Road, Flagstaff  
HAMILTON 3210

### Administrative Fund

**Approved  
budget**

**Revenue**

Levies Due--Admin	174,641.20
<i>Total revenue</i>	174,641.20

**Less expenses**

Admin--Agent Disbursements	520.00
Admin--Health & Safety	1,500.00
Admin--Management Fees--Standard	17,221.20
Admin--Motor Vehicle	1,500.00
Admin--Other Expenses--Admin	1,000.00
Contractors--Contract Caretaker	42,750.00
Contractors--Contract Cleaner	500.00
Contractors--Contract Grounds	2,200.00
Insurance--Premiums	65,000.00
Insurance--Valuation	2,000.00
Maint Bldg--Compliance	1,500.00
Maint Bldg--General Repairs & Maintenance	30,000.00
Maint Grounds--Garden Bins	5,250.00
Maint Grounds--Lawns Gardening Rubbish	1,500.00
Utility--Electricity	2,200.00
<i>Total expenses</i>	174,641.20

**Surplus/Deficit**

	0.00
Opening balance	74,998.71

**Closing balance**

\$74,998.71

Total units of entitlement	62
Levy contribution per unit entitlement	\$2,816.79

**Sinking Fund**

**Approved  
budget**

**Revenue**

Levies Due OCF--Sinking	63,438.80
<i>Total revenue</i>	<u>63,438.80</u>

**Surplus/Deficit**

Opening balance	166,174.96
-----------------	------------

**Closing balance**

\$229,613.76

Total units of entitlement	62
Levy contribution per unit entitlement	\$1,023.21