



**MINUTES OF A COMMITTEE MEETING OF THE BODY CORPORATE FOR
CATHEDRAL PLACE CBC COMMUNITY TITLES SCHEME 106902
HELD AT THE MEETING ROOM, CATHEDRAL PLACE, 41 GOTHA STREET, FORTITUDE VALLEY
ON 14 MAY 2009 AT 6:00PM**

Representation:

Tony Rich	Chairperson
Pat Brown	Secretary
Peter Zunker	Treasurer
John Gilliland	Ordinary Committee Member
Randal Edwards	Ordinary Committee Member
Larry Cowling	Ordinary Committee Member
David Gosling & Lloyd Anderson	Representing Star Building Management (Arrived 7.00pm & Departed 7.30pm)
Grant Mifsud & Peta Richters	Representing Archers Body Corporate Management

Apologies: Nil

In Attendance

Gil Bick	Owner Lot 15 - Kensington & Sandringham
Crestina Ceraolo	Owner Lot 3 – Oxford & Cambridge
Todd Raumer	Representative Lot 47 – Oxford & Cambridge

Preliminary: *Moved by Randall Edwards*
That the agenda for the CBC Committee Meeting on the 14th May 2009 be re-ordered in the following way: (New agenda circulated at the meeting).
Carried 6 For, Nil Against.
Resolved that motion 11 be moved to follow after motion 5.
Carried 6 For, Nil Against.

Quorum: It was noted that a quorum was constituted as at least 50% of all members of the committee were present

Chairperson: Pat Brown – Tony Rich

Minutes of Previous Meeting: Resolved that the minutes of the previous Committee Meeting held 31 March 2009 be adopted as a true record of that meeting subject to the following amendments:

Typographical

Proposed Unrestricted Administrative Fund Budget:

Insurance

Entitlements and that members have various avenues to *pursue* should they not agree with the current entitlement schedule.

Additional

General Business:

Process For On Charging Subsidiary Expenses and Authorisation

RESOLVED that invoices for on charging are to be submitted to the subsidiary representative for approval on a case by case basis *and respective subsidiary Committee approval sought by the Representative as required.*

Carried 6 For, Nil Against.

Referees Interim Order of 1 May 2009 and Clarification of Order dated 7 May 2009: **Resolution to reconvene AGM of 21 April 09 – upon passage of this, Tony Rich assumes the chair.**

Moved by John Gilliland:

- **Option 1 – Calling of an EGM to Consider all 21 April 2009 AGM**
1. Resolved that the committee takes notice of the interim ruling of the Referee in Dispute Resolution application No. 0381-2009; and
 2. Resolved that the committee acknowledges that:

Matters
• **Option 2 – No Action**
Pending Final Order

- a. it appears that the Annual General Meeting purportedly held on 21 April was inadvertently held without adequate notice and is therefore invalid; and
 - b. as a result, all resolutions purportedly passed and all elections purportedly held at that meeting are ineffective; and
3. Resolved that a replacement Annual General Meeting be held on 28 May 2009 at 6pm; and
 4. Resolved that, pending that meeting the members of the committee be recognised as those who were incumbent on 21 April 2009; and
 5. Resolved that all proposed resolutions, nominations for election and other agenda items that were considered at the purported meeting of 21 April be accepted without the need for re-lodgement or re-nomination; and
 6. Resolved that a period until 3pm 19 May 2009 be allowed for members to submit fresh or amended resolution for the agenda of the replacement AGM, or submit fresh nominations for election to any office; and
 7. Resolved that the Secretary accept the nomination for election of Randall Edwards; and
 8. Resolved that the Secretary issue the Notice of Meeting for the replacement AGM on the 20 May 2009.

Carried 4 For, 2 Against.

Tony Rich assumed the Chair

**Inward and Outward
Correspondence:**

• **Policy on Committee
Correspondence and
Instructions**

**Nominate Tony Rich to liaise with Archers and confirm delegation
procedure.**

Moved by Randall Edwards

1. That the CPCBC nominate Tony Rich as the person responsible for liaison with the Body Corporate Manager under item 6 of the current Administration contract for the period of currency of the contract or any extensions to the contract.
2. The CPCBC further resolves that Tony Rich will delegate the management of the secretarial and treasury functions performed by the Body Corporate Manager to the individuals occupying the positions of Secretary and Treasurer respectively for the currency of the contract and any extension thereof.
3. The Body Corporate Manager will take instructions on the secretarial and treasury functions performed by the Body Corporate Manager from these respective officers in their observance of their obligations under the MUD Act and at common law.
4. Where the Body Corporate Manager confirms a conflict in these instructions, Tony Rich will provide initial direction in satisfaction of the conflict.
5. Where the conflict is not resolved in the process in 4 above, CPCBC will resolve the conflict at a properly convened meeting of committee and provide direction to the Body Corporate Manager.
6. The Body Corporate may resolve by ordinary resolution to terminate this appointment at any time and replace Tony Rich with another nominee of the member of the CPCBC.

Carried 6 For, Nil Against.

Nominate Tony Rich to liaise with Star

Moved by John Gilliland.

CPCBC has accepted delegations from the residential BUP's for the management of their common property under a common agreement with Star BMS. The contract with Star BMS requires the appointment of a single point of contact with the CPCBC in the administration of the contract for the maintenance of the community and common property. CPCBC appoints

Tony Rich as its nominee for as long as he remains a nominee of a member of the CPCBC in this role for the currency of the agreement with Star BMS. CPCBC may resolve by ordinary resolution to change the nominee at any time at which time Tony rich's appointment will cease.

Carried 5 For, 1 Against.

General Business including but not limited to the following:-

- **Committee Member Motions**

Archer Contract to go to Tender Immediately

Moved by Randall Edwards

That the CPCBC commence a competitive tender process to appoint a suitably qualified Body Corporate Manager to manage the affairs of the CPCBC and the five residential BUP's to be concluded before the expiration of the current contract with Archers BCM on similar terms and conditions to the current contract. It was further resolved that each Representative is to submit strategies as to how the tender process is to proceed.

Carried 6 For, Nil Against.

Building Managers Report:

- **Fire Door Remedial Works**
- **Foyer Leak**
- **Lighting**
- **Water Tank**
- **Mail Room Garden**
- **Pool Lights**
- **Pool Area Landscaping**

Star Building Managers Report

Report provided and additional items for decisions distributed as attached.

Irrigation

It was reported that 2 valves are not functioning and the current contractor will not rectify until the outstanding account is paid. It was further reported that the work was carried out for this invoice although not approved by the committee and therefore the outstanding invoice is disputed.

Peter Zunker advised that he will investigate if the valves can be manually operated.

It was noted that David Gosling is to provide a copy of the outstanding invoice to Tony Rich & Peter Zunker for authorisation. The invoice is to be investigated further at the next meeting once a breakdown of the costs has been received.

Moved by Randall Edwards

That two (2) loads of water be purchased to test the irrigation system at a cost of approximately \$350 per load. It was further resolved to pay the outstanding invoices submitted H2Flow.

Carried 6 For, Nil Against.

Security Screens

David Gosling to obtain two quotes to install security screens.

Residential Roller Door

David Gosling requested approval to obtain quotes to fix the Residential Roller Door and advised that there will be a fee involved by the electrician. It was noted that the quote from ADS for the Service Bay roller door was outstanding.

Resolved to approve the quote from ADS for the Service Bay Roller Door as long as they agreed to give a quote for the Residential Roller Door free of charge when they attend the site to fix the Service Bay Roller Door.

Carried 6 For, Nil Against.

Lights

Moved by Tony Rich

That the CPCBC request that the Notre Dame representative consult his committee to provide a proposal to the CPCBC for consideration for the rectification of the light

Carried 4 For, 1 Against, 1 Abstain

Spa Chlorination System

Quote was submitted to replace the current chlorinator with a higher capacity salt water chlorinator. It was noted that the body corporate is currently spending approximately \$800 per week on chlorine.

Moved by Randall Edwards

That Tony Rich is to meet with the contractor from Reliable Pools the following day to discuss the replacement of the chlorinator and that Tony Rich be authorised to approve the replacement of the chlorinator up to \$1200.

Carried 6 For, Nil Against

Pool Leaking

It was noted that the pool is currently leaking approximately 4000L per week. It is believed that the leak is coming from the pipes and that sonar equipment may be necessary to locate the exact position of the leak.

Resolved that Tony Rich will liaise with Reliable Pools contractor to discuss repair options.

Carried 6 For, Nil Against

BBQ Replacement

It was noted that one of the BBQs does not work at all and the other two BBQs work intermittently. David Gosling requested to have the BBQ that does not work replaced with an electric one.

Resolved to replace the BBQ that does not work with an electric BBQ and investigate previous replacement options.

Carried 6 For, Nil Against

David Gosling and Lloyd Anderson departed at this juncture

Any Two Members CPCBC Committee Approve Invoices

Moved by Randall Edwards

That Tony Rich and Peter Zunker be the appointed nominees (authority) to approve invoices submitted to the CPCBC for payment and may delegate the authority to another member of the Committee at the discretion of the nominee. Furthermore, that if any invoices are disputed by the nominee, the invoice is to be submitted to the committee for consideration as soon as possible.

Carried 6 For, Nil Against.

Archers to Accept Delegations from Tony Rich, Treasurer and Secretary

Motion moved by John Gilliland.

The CPCBC confirms that Archers BCM reports to the CPCBC as its single point of contact under the terms of its agreement with the CPCBC. The CPCBC may appoint an individual who is a nominee of a member of the CPCBC to represent its as the point of contact with the Body Corporate Manager. The Body Corporate Manager is instructed to accept instructions and direction from Officers of the Executive Committee in the conduct of their responsibilities under the MUD act and in observance of proper process for the operational management of the roles of Secretary and Treasurer. Where there is conflict in the observance of these operational instructions and the majority direction of the body corporate, the body corporate meeting in committee will pass a comprehensive resolution to confirm or otherwise modify the direction of the executive officer.

Motion lapsed as not enough votes were received to resolve.

Inward and Outward Correspondence as circulated.

- **Policy on Committee Correspondence and Instructions**

Confirm the role of the Secretary

Moved by John Gilliland

The Body Corporate confirms that the Body Corporate Manager shall be directed in the performance of the Secretarial function by the Secretary of the CPCBC.

These functions include but are not limited to the following processes-

1. to keep or cause minutes to be kept; and to move adoption of those minutes at the next meeting;
2. to cause the issue of and to sign notices on behalf of the body corporate as required by law
3. to maintain the roll of members (or cause it to be maintained);
4. to deliver or cause information to be delivered to 3rd parties as required by law;
5. to control correspondence, to bring incoming correspondence to the attention of the committee and to sign outgoing correspondence on behalf of the committee or the body corporate;
6. to call for, accept and collate nominations for elections;
7. to receive and collate proposed resolutions for consideration and prepare (or cause to be prepared) agendas for future meetings;
8. to convene and give notices calling meetings for the executive committee and the body corporate when requisitioned by committee members or members of the body corporate under the Act, or of the secretary's own motion;
9. to keep custody of the seal and attest the execution of documents signed under seal.

The secretary may delegate such efforts as is deemed necessary by the secretary to the Body Corporate Manager.

Carried 4 For, 2 Against.

Business Arising:

- **Gym Upgrade**

Gym Upgrade (flying minute) – including amendment

The meeting noted that the original motion issued in the form of a flying minute has lapsed due to insufficient votes.

Tony Rich declared association with Life Fitness prior to consideration of the following motion and abstained from voting.

That the Body Corporate approve the upgrade of gymnasium facilities in accordance with the specifications contained within the quotation submitted by Life Fitness dated 09 May 2009 in an amount of \$765.00 per month for 48 months totalling \$36,720.00.

Carried 4 For, Nil Against, 2 Abstain

Building Managers Report:

Issue of Star's Position on Security Patrols

Noted correspondence received from Star BMS dated 24 April 2009, confirming contractual obligations.

Moved by Tony Rich

That the letter from Star be accepted as in accordance with terms of engagement.

Carried 3 For, 2 Against, 1 Abstain

Business Arising:

- **Tender Process**

Caretaking Tender Sub-Committee Formation and Delegations (flying minute)

The meeting noted that the original motion issued in the form of a flying minute has lapsed due to insufficient votes although the motion was reconsidered.

That a sub-committee be formed as soon as possible, for the purpose of providing a final recommendation for caretaking services for the Cathedral Place residential bodies corporate to be voted on at a general meeting of the community body corporate before the 3rd of November 2009.

That the sub-committee be formed from persons nominated by the body corporate committee's of Notre Dame, Oxford & Cambridge, Canterbury & Westminster, Duhig and Kensington & Sandringham. There being no restriction on the size of the sub-committee

That meetings of the sub-committee are open meetings.

That the sub-committee members elect a chairman to run the meetings.

That there are no restrictions on the ability of the sub-committee to determine what are the best solutions for caretaking services for Cathedral Place.

That the sub-committee can submit a flying motion to the Community Body Corporate to request funding or to implement an action necessary for the purposes of the sub-committee by getting a committee member of the Community Body Corporate to submit a motion on the sub-committee's behalf.

Not Carried 2 For, 4 Against.

Moved by John Gilliland

That the Body Corporate endorse a previous motion resolved 3 months prior in relation to the Caretaking agreement tender process.

Carried 4 For, 2 Against.

The Meeting was adjourned at this juncture.

Date of Next Committee Meeting:

It was resolved that the reconvened meeting of the Committee be held on **28 May 2009** after the completion of the reconvened AGM.

Carried 6 For, Nil Against

There being no further business, the meeting closed at 8:35pm.

Confirmed.

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Chairperson