

Discussion Document on The Crossing Trust / TBC Community Services Trust



Version 2 – 25 Sept 2010 Draft for use in Church Meeting

This is a discussion document that will flow into the formal trust deed. It is intended for us lay people, so that we as a Church are all clear on what we agree on. Once we are in agreement, this will be legally drawn up.

At this stage we want to be clear the key topics that are material to the Trust formation. For each of these topics we give a spectrum of options, the current position, and the rationale for it.

We want to present this discussion document for review by the Church at the 27 Sept Church meeting, get a mandate there to draw up the legal document for approval by the Church leadership.

Changes to the version 1.4 of this document: questions 5 and 9.

Please provide all feedback to Tom Dunser. 09 8172364 or tom@dunser.com

Question 1: Should we have one or multiple trusts?

Options: Options range from 1 trust for everything, spanning all the way to separate trusts for each community facing activity

Position: At this stage have 1 generic trust that provides an envelope for our community facing activities. This does not preclude us from forming future trusts if the need arises.

Rationale: Too many trusts would cause unnecessary management effort, costs, control issues. Learning from GEBC.

Question 2: What kind of legal structure should we form?

Options: The options range from incorporated societies, incorporated charitable trusts (elected governors) and many trust forms. All recommendations however point to a simple charitable trust.

Position: Charitable trust, registered with the Charities Commission

Rationale: Avoids unnecessary complexity of incorporation, and aligns very well with our Church, which is registered as well.

Question 3: What is the legal name of the trust?

Options: No limit

Position: TBC Community Services Trust

Rationale: Neutral. Indicative of who we are focused on.



Discussion Document on The Crossing Trust / TBC Community Services Trust

Question 4: What is the role of the trust in the context of the Crossing?

- Options:** The trust could own land and buildings, or be entirely focused on operational matters.
- Position:** The trust should be an operating trust. All major assets (buildings, land, etc.) are held with by the Church and rented or leased back to the trust. This does not prevent the trust from holding minor assets (devices, training and teaching equipment, ...).
- Rationale:** Practical middle ground. Assuring existing and future major assets remain with the Church.

Question 5: How will the Trust be governed?

- Options:** Trustees could be required to be members of the Church, or Trustee membership could be completely open to anyone in the community.
- Position:** The trustees/officers will be typically be made up of
- A pastor of TBC.
 - The Crossing Director
 - A member of the eldership / leadership team of TBC
 - 2 well qualified and respected members of TBC
 - Optionally a person respected in our community
- Rationale:** Does not rely excessively on TBC Eldership / Leadership. Allowing a role for the community from the top down.

Question 6: Will the trust employ people?

- Options:** Prevent the trust from employing people to make sure that we have a tight alignment with the Church, spanning all the way to no overlap with Church resources.
- Position:** There will be a limited set of employees (Crossing Director, Admin, ...) but a strong link and use of skills and capabilities of the Church employees and volunteers.
- Rationale:** Pragmatic alignment to minimize overheads, some loose plea to allow for creative actions on the side of the crossing, and linking in the wider church as the volunteers that we need to have as the heart of the crossing.

Question 7: Who are the beneficiaries of the Trust?

- Options:** Define a narrow set (Kaurilands valley, TBC Church members,...) or a wider set (Families and people Auckland wide indiscriminate of race/religion/sexual orientation/, ..) as who benefits from our services.
- Position:** Use a wide, neutral set: The people of Auckland, for operational purposes but make sure it is clearly articulated that if the trust is ever dissolved all assets and liabilities flow into the TBC Church Trust.



Discussion Document on The Crossing Trust / TBC Community Services Trust

Rationale: Being able to operate widely in our community, but assure we are linked back to our Church if the trust is ever dissolved or settled.

Question 8: How will other organizations (e.g. café, professional parties...) engage with the Crossing / TBC?

Options: Make either TBC or the Crossing Trust the exclusive party for leases and rents.

Position: Be flexible. Typically it will be TBC (the Church Trust) as lessor / landlord in the same way we are at the moments for our rental properties. If we want certain income streams to go to the Crossing, use them. Make sure clear guidelines are clearly associated with any of these leases or subleases.

Rationale: Makes it clear and easy for TBC/community initiatives to develop their charitable practice.

Question 9: How will Trustees be appointed or removed?

Options: There is a whole spectrum of options from putting the appointment process under strict TBC control all the way to the trustees appointing future trustees themselves.

Position: The TBC leadership appoints trustees for a limited term (1-3 years). They can remain trustees for up to 8 years.
Trustees can be removed by a 2/3-majority vote of either the TBC leadership or a Church Meeting held in line with the TBC constitution.

Rationale: This is TBC's Community services vehicle and we want to make sure of ongoing strategic alignment.