

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

Minutes of an Ordinary Meeting of Council held in the Council Chambers, Coronation Square, Wairoa on Tuesday, 24 February 2015 at 9.00am.

PRESENT: His Worship the Mayor Mr C Little (Chairperson)

COUNCILLORS

M Bird, B Cairns, D. Eaglesome-Karekare, M Johansen, J Harker

IN ATTENDANCE: F Power (Chief Executive)
J Cox (Engineering Manager)
J Baty (Corporate Services Manager)
H Montgomery (Regulatory Manager)
G Symes (Chairperson – Māori Standing Committee)
R Matthews (Transformation Manager)
D Tipoki (Maori Relationships Manager)
K Tipuna (Communications Strategist)

CIVIC PRAYER

The civic prayer was given by Chairperson of the Māori Standing Committee.

APOLOGIES

Apologies were received from Councillor Flood and Maori Committee Representative, Mr P Kelly.

<u>Resolved:</u>	<i>That the apologies from Councillor Flood and Maori Committee Representative, Mr P Kelly be received.</i>	<i>His Worship the Mayor/Eaglesome-Karekare</i>
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SWEARING IN OF J HARKER

ADJOURNED: 9.10AM

RE-ADMITTED: 9.30AM

CALLS FOR CONFLICT OF INTEREST

Nil

CALLS FOR ITEMS OF URGENT GENERAL BUSINESS NOT INCLUDED IN THE AGENDA AND NOTICES

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|---------------------------------|---------------------|
| 1. Safety of the Walkway | (Councillor Bird) |
| 2. Amalgamation | (Councillor Bird) |
| 3. Blocking of the Wairoa River | (Councillor Harker) |

Public Forum

Nil

General Items

CEO'S MONTHLY REPORT

The Chief Executive Officer advised Councillors of key activities over the past month and noted his report as read. He invited comments and questions to his report.

Interns

Councillor Eaglesome-Karekare noted the presentation by the interns at Council Forum on the 10th of February and in particular, the work carried out by intern Johannes Kloehn in supporting the governance function of Council through the development of an information management tool to record and better retrieve policies, bylaws and other relevant information for Councillors.

His Worship the Mayor said he was pleased with the work of the interns over the summer.

The Engineering Manager was also encouraging of the work of the interns.

Restructuring, Disestablishment of Roles, and Staff Appointments

Councillor Cairns noted that it would be useful for Councillors to be provided with an updated organisational chart, given restructuring and changes to staff recently.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>His Worship the Mayor/Eaglesome-Karekare</i>
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DELAYED ANNUAL PLAN PROJECTS

The Chief Executive Officer presented a report which requested Council to revoke its resolution of 23 September 2014, to halt planned and unplanned capital and operational expenditure relating to:

- Whakamahia Beach Enhancement - \$250k.
- Marine Parade toilets - \$250k.
- i-SITE (refit) - \$40k.
- Human Resource manager - \$100k.

The 23 September 2014 resolution would be revoked until such time that Council has:

- Fully considered and determined actions upon all findings and implications of the functional review.
- Received the Annual Report for the year ending 30 June 2014 as audited to the satisfaction of Council.
- Received a full financial report including statement of position for the first quarter of the 2015 financial year (i.e. July – September 2014).

The Chief Executive Officer noted that given that the three conditions outlined in the resolution had now been met, it was now appropriate for planned and unplanned activities to proceed.

The Acting Chief Financial Officer tabled a report outlining the financial position of Council through to September 2014. The Acting Chief Financial Officer summarised the report and outlined that the finance department had been working on developing financial reporting templates that satisfies Councillor requests for improved financial reporting. Finance has been organised to deliver financial services rather than reporting in this manner and developing enhanced reporting templates for Councillors would be an ongoing process.

Councillor Harker questioned if it was possible to access staff when seeking to clarify and answer questions relating to financial reporting so that Councillors understand all the information much better.

The Chief Executive Officer noted that as a matter of courtesy all requests from Councillors to directly access staff should be passed through him. He also noted that the Wairoa District Council's Financial Advisor, Philip Jones is assisting with the design of the reports.

Councillor Eaglesome-Karekare noted that it was Councillors who requested improved financial reporting and commended Council staff for putting the financial reporting templates together as this now allows Councillors to be part of the process.

Councillor Cairns disagreed that the conditions relating to the 23 September 2014 resolution had been met and requested a breakdown of the Functional Review costs. Councillor Cairns also noted that she was not satisfied that a full financial report including statement of position for the first quarter of the 2015 financial year (i.e. July – September 2014) had been met she asked other Councillors if they were satisfied that this condition had been met.

The Acting Chief Financial Officer was asked by the Chief Executive Officer for a breakdown of the Functional Review costs and this report would be re-visited when that item was tabled for Councillors to discuss.

The Acting Chief Financial Officer tabled a report outlining costs of the Functional Review to date and summarised the information.

Councillor Johansen questioned if the community had been rated for any of the activities in the Functional Review. The Chief Executive Officer confirmed that nothing has gone against rates. The Chief Executive Officer was then questioned about how the Functional Review had been paid for and he confirmed that funds had come from the Retirement and Restructure Reserves and General Reserves.

Councillor Cairns again noted that she was not satisfied that one of the conditions had been met and commented that she was not delaying activities to proceed, but needing to understand the financial implications of decisions and be satisfied with financial prudence as a governor.

<u>Resolved:</u>	<i>That:</i>
	1. <i>The report be received.</i>
	<i>His Worship the Mayor/Eaglesome-Karekare</i>
	2. <i>Council agrees that the following conditions as per the 23 September 2014 resolution have been met;</i>
	a) <i>Fully considered and determined actions upon all findings and implications of the functional review;</i>
	b) <i>Received the Annual Report for the year ending 30 June 2014 as audited to the satisfaction of Council;</i>
	c) <i>Received a full financial report including statement of position for the first quarter of the 2015 financial year (i.e. July – September 2014);</i>
	AND
	3. <i>That planned and unplanned capital and operational expenditure relating to the following proceed:</i>
	a) <i>Whakamahia Beach Enhancement - \$250k;</i>
	b) <i>Marine Parade toilets - \$250k;</i>
	c) <i>i-SITE (refit) - \$40k;</i>
	d) <i>Human Resource manager - \$100k;</i>
	<i>Eaglesome-Karekare/Johansen</i>
	<i>AGAINST: Cairns</i>
	<i>MOTION CARRIED</i>

ARCHIVES FILE RE-BOXING & LISTING PROJECT

The Corporate Services Manager advised that the purpose of his report was to secure funds for the archives file re-boxing and listing project, he also noted the work carried out by staff in archives and commended the report to Council.

His Worship the Mayor agreed that this project should be supported by Councillors.

Councillor Eaglesome-Karekare noted that this was a hugely important project and is consistent with legislation.

Councillor Bird commented that he was totally in favour of the project proceeding and that this was a case where common sense prevails.

Resolved:

That:

1. *The report be received.*
2. *That Council confirm \$30,000 from the General Reserve to conduct an archives file re-boxing and listing project.*

His Worship the Mayor/Eaglesome-Karekare

COMMITTEE STRUCTURE, TERMS OF REFERENCE, AND MEMBERSHIP

The Chief Executive Officer presented his report.

Councillors discussed the committee structures at length. Additions and amendments were made to the terms of reference.

Councillor Cairns requested that resolutions be itemised as she supported some but not all.

Resolved:

That:

1. *Council receive the report noting for clarity that His Worship the Mayor shall be ex-officio on all committees.*
Johansen/Harker
2. *Council add the following words to the purpose of the Maori Standing Committee, "Consider the role of Maori in protecting and enhancing the future wellbeing of Wairoa District", and in responsibilities replace "Resource Management Committee" with "Community Partnerships Committee".*
Johansen/His Worship the Mayor
3. *Council approves the additions to the terms of reference and membership for the Risk, Finance & Audit Committee, as amended in the attachment, and noting Philip Jones is appointed solely in an advisory role.*
Eaglesome-Karekare/Johansen
4. *Council approves the additions to the terms of reference and membership for the Chief Executive Review Committee, and remove reference to "all councillors" and replace "Deputy Mayor" with "Councillor Flood" and adds Councillor Johansen.*
His Worship the Mayor/Harker
5. *Council approves the additions to the terms of reference and membership for the Conduct Review Committee, as amended in the attachment and notes in the membership section "and the Council's Legal Advisor (who shall not be the independent adjudicator)".*
His Worship the Mayor/Johansen
6. *Council approves the amended purpose of the draft terms of reference for the Economic Development Committee by replacing "reversing population decline" with "aimed at increasing population"; and appoints the following members Councillor Eaglesome-Karekare, Councillor Harker and His Worship the Mayor (ex-officio).*
His Worship the Mayor/Bird
AGAINST: Cairns
MOTION CARRIED
7. *Council approves the purpose as set out in the draft terms of reference for the Asset and Activity Committee and appoints the following members Councillor Johansen, Councillor Bird and His Worship the Mayor (ex-officio).*

Harker/Eaglesome-Karekare
AGAINST: Cairns
MOTION CARRIED

8. Council approves the purpose as set out in the draft terms of reference for the Community Partnership Committee and appoints the following members Councillor Flood (Chairperson), Councillor Eaglesome-Karekare, a member from the Maori Standing Committee (TBC) and His Worship the Mayor (ex-officio).

Eaglesome-Karekare/His Worship the Mayor
AGAINST: Cairns
MOTION CARRIED

EARLY PAYMENT OF RATES POLICY

F01.33

The Finance Manager presented his report to Council and outlined the need for this policy.

Councillor Johansen questioned if the Wairoa District Council had an early rates payment policy and why this particular policy was required. If it was required then it would need to be a separate policy

The Finance Manager noted that this policy would supercede all other rates policies currently in place.

Councillor Johansen queried if this policy is specific to the Mahia/Opoutama Wastewater schemes and if it is, he recommended that the policy title be amended to reflect that the policy is specific to the Mahia/Opoutama Wastewater schemes

Councillors Harker and Bird raised questions about the impact on the community with the introduction of this policy.

The Finance Manager responded by saying that the impact would be minimal.

Resolved:

That:

1. *The report be received with amendments.*

His Worship the Mayor/Harker

2. *In accordance with Section 56 of the Local Government (Rating) Act 2002, the EARLY PAYMENT OF WASTEWATER SCHEMES (MAHIA/OPOUTAMA)RATES POLICY be adopted.*

His Worship the Mayor/Johansen

DRAFT WAIROA DISTRICT COUNCIL OFFICER DELEGATIONS MANUAL

The Corporate Services Manager presented his report and noted that the attachment was under separate cover. The purpose of the report was to inform Council of the formation of a new Wairoa District Council Officer Delegations Manual and to seek approval for its referral to the Community Partnership Committee for peer review.

Councillor Eaglesome-Karekare spoke in support of the recommendations in the report and noted that this was a great piece of work and that she expected that this manual would evolve over time.

Resolved:

That:

1. *The report be received.*
2. *Council refer the Draft Wairoa District Council Officer Delegations Manual to the Community Partnership Committee (once formed) for review and reporting to Council, noting that Council Officers will continue to work on the manual in the meantime.*

Harker/Bird

COMMUNITY HOUSE PROPOSAL – APATU STREET

The Chief Executive Officer spoke to his report and recommended to Council that they agree to the transfer of the Apatu Street property, previously known as the Wairoa Family Home from Child, Youth & Family to the Council subject to gaining satisfactory answers on the following questions:

- A. What is the structural condition of the building, and what work is required to renovate it?
- B. What funding is available for such a renovation?

- C. Is there an existing charitable trust or community group, or could a charitable trust/community group be formed that could coordinate the management of the Community House?
- D. Is there sufficient interest from community groups to become tenants or users of this facility?
- E. Is there medium and long-term funding from community trusts or government agencies to cover the costs of operation and maintenance?

The Chief Executive Officer invited the Transformation Manager to also speak to the report and to answer any relevant questions. The Transformation Manager added that the property would be offered to the Wairoa District Council at a nominal cost but that there may well be ongoing maintenance costs to the facility and other issues that were not yet apparent.

His Worship the Mayor commented that he was disappointed that Child, Youth & Family had come to the decision to dispose of the property as it has a significant history in the Wairoa Community and has serviced a need for Wairoa.

Councillor Eaglesome-Karekare noted her concern about accepting the recommendation before any of the questions could be answered thoroughly.

Councillor Bird pointed out that this is not our job. This is the responsibility of central government.

Councillor Harker agreed and noted that this request did not meet the core purpose of the Wairoa District Council and that this service and facility needed to be resourced and supported by Child, Youth & Family.

Councillor Cairns said she was happy to move that the Wairoa District Council decline the offer of a transfer of the property and Councillor Bird supported the motion by seconding it.

<u>Resolved:</u>	<i>That:</i> <ol style="list-style-type: none">1. <i>The report be received.</i>2. <i>Council decline the offer of a transfer of the Wairoa Family Home from Child, Youth & Family.</i> <p style="text-align: right;">Cairns/Bird</p>
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DRAFT CCTV POLICY

The Chief Executive Officer presented his report to Council. Council has been considering the installation of closed circuit television cameras (CCTV) in the District. To comply with provisions of the Privacy Act it is necessary for the Council to first adopt a CCTV policy that controls the placing of cameras and the access to data. This report tables the draft CCTV policy for comment and formal adoption by Council. The Chief Executive Officer also noted that the draft CCTV policy was tabled and discussed at the 20 February meeting of the Maori Standing Committee.

The Chief Executive Officer also invited the Transformation Manager to add further commentary and to respond to any questions.

The Transformation Manager commented that much of the draft CCTV policy was lifted from an operative policy currently in place at the North Shore City Council and is in line with current best practice as it relates to the Privacy Act.

Councillors discussed the report and the implications on the community. It is important that at a minimum the policy is in line with the Privacy Act and in line with good and best practice. It was also important that if non-sworn officers were part of the process i.e. surveying video screens, that the relevant training and protections would be in place operationally. CCTV can bring additional challenges and Council needed to go in with their eyes wide open.

The Engineering Manager commented that it would be important to bring relevant stakeholders together to discuss how this would look operationally.

Resolved:

That:

1. *The report be received.*
2. *Council adopts the CCTV Policy*

His Worship the Mayor/Harker

Eaglesome-Karekare/Harker

UNREASONABLE AND VEXATIOUS COMPLAINANT CONDUCT

The Chief Executive Officer spoke to his report. The report proposes a strategy for dealing with unreasonable and vexatious complainant conduct. In order to take an approach that is consistent with government agencies best practice and New Zealand law, the suggested approach is to simply adopt the practice manual for Managing Unreasonable Complainant Conduct prepared by the New Zealand Office of the Ombudsman in October 2012.

The Chief Executive Officer invited the Transformation Manager to add commentary and to respond to any relevant questions.

Councillors discussed the report and noted that the current policy needed to have an 'Appeals' section included so that members of the community know the process in the event they wish to appeal a decision of Council.

The Transformation Manager responded, saying the Managing Unreasonable Complainant Conduct guidelines prepared by the New Zealand Office of the Ombudsman in October 2012, has a good section on Appeals and this could be easily integrated into the draft policy.

Resolved:

That:

1. *The report be received.*

His Worship the Mayor/Harker

2. *Council adopts the Unreasonable Complainant Conduct Policy, including specific reference to 'Appeals' procedures contained in the Managing Unreasonable Complainant Conduct prepared by the New Zealand Office of the Ombudsman in October 2012.*

3. *Council adopts the practice manual for Managing Unreasonable Complainant Conduct prepared by the New Zealand Office of the Ombudsman in October 2012 as the basis for dealing with these issues in the Wairoa District.*

Harker/Bird

ADJOURNED: 12:41PM

READMITTED: 1.06PM

Receipt/Confirmation of Minutes of Previous Council Meetings

ORDINARY MEETING OF COUNCIL HELD 9 DECEMBER 2014

Minutes of an Ordinary Meeting of Council held 9 December 2014 were presented.

Resolved:

That the Minutes of an Ordinary Meeting of Council held 9 December 2014 be confirmed as correct.

His Worship the Mayor/Johansen

Discussion: Councillor Bird noted his concern about a reference in the minutes about Salute Wairoa, where they state that they did not make payments towards salaries or wages in the project, whereas the budget noted that payments had been made to individuals for services.

The Corporate Services Manager noted that in the same paragraph "Mr Munro advised that costs have been paid and expenses but no salaries had been paid". This could be a technicality in the interpretation but it seems that the minutes are correct insofar that the Salute Wairoa budget shows that payments had been made to individuals for services tendered and that salaries had not been paid.

EXTRAORDINARY MEETING OF COUNCIL HELD 14 JANUARY 2015 (Failure of a quorum)

Minutes of an Extraordinary Meeting of Council held 14 January 2015 were presented.

<u>Resolved:</u>	<i>That Minutes of an Extraordinary Meeting of Council held 14 January 2015 be confirmed as correct.</i>	<i>His Worship the Mayor/Eaglesome-Karekare</i>
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EXTRAORDINARY MEETING OF COUNCIL HELD 24 JANUARY 2015

Minutes of an Extraordinary Meeting of Council held 24 January 2015 were presented.

<u>Resolved:</u>	<i>That the Minutes of an Extraordinary Meeting of Council held 24 January 2015 be confirmed as correct.</i>	<i>His Worship the Mayor/ Eaglesome-Karekare</i>
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General Business

WALKWAY HAZARDS & WAIROA RIVER BAR CLOSURE

Councillor Bird sought an update as to progress on identifying hazards on the Walkway and what we are doing to minimise risk to children and other members of our community on sections of the walkway.

The Engineering Manager responded saying that he has commissioned an independent safety audit of the entire walkway. This could be potentially completed in two months.

His Worship the Mayor, Councillor Bird and Councillor Harker noted their continued concerns and requested that something be done at the identified problem areas. It is important that Council is proactive in this matter.

Councillor Harker noted that due to the bar being blocked, that there was also increased risk to the community with the river rising right up to the walkway in some places and some drains filling with water. He also wanted to know whose responsibility it is to identify these hazards and rectify them. Councillor Eaglesome-Karekare also noted her concerns about children on bikes and veering off the walkway into drains filled with water.

The Engineering Manager responded saying that this phenomena is a Regional Council matter and that he had been in contact with HBRC signalling the urgency to clear the bar given various river based events and children swimming.

AMALGAMATION

Councillor Bird queried if there was balance in the Wairoa District Council's communications strategy about amalgamation with the community. Although he was not in support of the current proposal for amalgamation, he wanted to make sure that the community had all the facts, for and against the proposal. Councillor Cairns agreed noting that the community needed to be informed and that the 'Amalgamation is not the answer' booklet put out by the Wairoa District Council, Napier City Council and Central Hawke's Bay District Council was particularly focused on the anti-amalgamation message.

The Communication Strategist responded saying the booklet was produced in response to information pieces put out by Hastings District Council and 'A Better Hawke's Bay' before Christmas and posits alternative information. He also said that through Facebook, members of the community were directed to information put out by HDC and ABHB if they wanted information which supports the proposal for Amalgamation.

Councillor Cairns departed the meeting at 1.44pm.

Exclusion of the Public

<u>Resolved:</u>	<i>That pursuant to Section 48(a) (1) of the Local Government Information and Meetings Act 1987, the public be excluded on the following grounds:</i>
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S48(1)(a)(1) where the local authority is named or specified in Schedule 1, under Section 6 or Section 7 (except Section 7(2)(f)(i)):

S7(2) (a) protect the privacy of natural persons, including that of deceased natural persons; or

(b) protect information where the making available of the information—

(i) would disclose a trade secret; or

(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Eaglesome-Karekare/Johansen

There being no further business, His Worship the Mayor declared the meeting closed.

CLOSED: The meeting closed at 3.07pm

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Chair