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## Minutes of a meeting of the Nelson City Council - Governance

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Tuesday 15 May 2012, commencing at 9.03am

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Present: His Worship the Mayor Aldo Miccio (Chairperson), Councillors I Barker, A Boswijk (Deputy Mayor), G Collingwood, R Copeland, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, R Reese, D Shaw and M Ward

In Attendance: Acting Chief Executive (R Johnson), Acting Executive Manager Regulatory (M Bishop), Chief Financial Officer (N Harrison), Executive Manager Support Services (H Kettlewell), Executive Manager Network Services (A Louverdis), Kaihautū/Executive Manager Community Relations (G Mullen), Executive Manager Strategy and Planning (M Schruer), Manager Community Relations (A Ricker), Manager Roding and Solid Waste (S Davies) and Administration Adviser (A Rose)

Apologies: Apologies were received and accepted for lateness from Councillor J Rackley

### Opening Prayer

Councillor Davy gave the opening prayer.

#### 1. Conflicts of Interest

There were no updates to the Conflicts of Interest Register noted for any conflicts of interest identified with items in the agenda.

#### 2. Confirmation of Minutes

Nelson City Council – Governance - 3 April 2012

Document No. 1267280, agenda pages 1-10 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council - Governance, held on Tuesday 3 April 2012, be confirmed as a true and correct record.***

His Worship the Mayor/Collingwood

Carried

### 3. Mayor's Report

Late Item Mayor's Report – Portfolio Holders and Committee Membership

Document No. 1290202.

The report was tabled.

His Worship the Mayor explained that in accordance with section 46(a)7 of the Local Government Official Information Meetings Act 1987, the reason why the item was not on the agenda, and the reason why the discussion of the item could not be delayed until a subsequent meeting was because it came to hand after the agenda had closed and needs to be considered at this meeting because of the need for urgency.

There was some discussion why there was a need for urgency and the Mayor explained that he wanted the proposed changes to be implemented as soon as possible so as to meet the deadline set by the Remuneration Authority for Councillors remuneration for 2012/13.

The Acting Chief Executive confirmed that the Remuneration Authority was currently in the process of issuing a remuneration determination for Council for 2012/13 and it was important to resolve the issues in the Mayor's report as soon as possible.

Resolved

***THAT the item regarding the Mayor's Report – Portfolio Holders and Committee Membership be considered at this meeting, pursuant to section 46(a)7 of the Local Government Official Information Meetings Act 1987, because of the need for urgency.***

Rainey/Copeland

Carried

His Worship presented the report explaining that now Council was mid-term in its tenure, it was an appropriate time to review and to create an opportunity to up skill some elected members and bring a new or fresh perspective to some portfolios in line with achieving and implementing Council's vision for the City.

With regard to the Framing our Future Committee, Councillor Matheson referred to a conversation he had had with the Mayor the previous day and emphasised that he believed that the chairmanship of this Committee should be undertaken by the Mayor.

In reply His Worship confirmed that the Committee will be a committee of all Councillors. By not being the Chairperson of the Committee he said he would have the opportunity to take a much more active role in debate and discussion.

His Worship the Mayor said that this proposal was not a response to performance or competence issues. The structures being proposed to be put in place were to better align and support Council's development of its vision.

There was a question whether the changes proposed by the Mayor were intentionally driving the Council towards becoming a 'green' Council, His Worship the Mayor said that that was not his view and he had no knowledge of any Councillors having displayed party political views. He said that the proposed changes were all about doing things smarter and being more cost effective and more prudent, and doing the best for the Nelson community.

The discussion moved on to remuneration, and in answer to questions, His Worship the Mayor said there were two options. The first option was that the current Portfolio Holders' share of the remuneration would be split eight ways instead of five as at present. Alternatively Council could opt for a simple 12 way split of all the money available.

He gave notice that this matter would be discussed at the Council Meeting on Thursday 17 May 2012.

In answer to a question as to why attachment four to the Mayor's Report, which was a memo dated 18 January from the Chief Executive of Marlborough District Council had taken so long to get to the Council table.

In reply His Worship the Mayor said that discussions on possible shared services between the three Top of the South Councils had not progressed at staff level because of a lack of governance direction.

The Acting Chief Executive added that there had also been a discussion around the South Island about forming a South Island strategic alliance which had overlapped the proposals in the memo.

His Worship the Mayor said he looked forward to working closely with Tasman District and Marlborough District Councils to explore the possibilities of shared services.

The meeting then went on to debate the recommendation in the Mayor's Report.

There was disappointment expressed by some Councillors about the way the changes had been proposed, with some Councillors saying they had had no prior discussion with the Mayor about changes to their individual portfolios. There was some agreement that the communication of these proposed changes could have been handled better but the majority of Councillors indicated that they supported the changes proposed.

Councillor Matheson asked for the five parts of the recommendation in the Mayor's Report to be considered separately.

Resolved

***THAT Council approve the changes to the Portfolio Holder responsibilities and Council appointments as listed in 2.3 of the report 1276174 tabled at this meeting.***

His Worship the Mayor/Reese pro forma

A division was called for

Councillor Barker	No
Councillor Boswijk	Aye
Councillor Collingwood	Aye
Councillor Copeland	Aye
Councillor Davy	No
Councillor Fulton	Aye
Councillor Matheson	No
Councillor Rackley	Aye
Councillor Rainey	Aye
Councillor Reese	No
Councillor Shaw	Abstained
Councillor Ward	Aye
His Worship the Mayor	Aye

His Worship the Mayor declared that the resolution had been **carried** 8 votes to 4.

Resolved

***THAT the Council confirm the disbanding of the Economic Development Committee and the Economic Development Portfolio and the transfer of those responsibilities to the Council Governance Portfolio.***

His Worship the Mayor/Reese pro forma

A division was called for:

Councillor Barker	No
Councillor Boswijk	Aye
Councillor Collingwood	Aye
Councillor Copeland	Aye
Councillor Davy	No

Councillor Fulton	Aye
Councillor Matheson	No
Councillor Rackley	Aye
Councillor Rainey	Aye
Councillor Reese	No
Councillor Shaw	Abstained
Councillor Ward	Aye
His Worship the Mayor	Aye

His Worship the Mayor declared that the resolution had been **carried** 8 votes to 4.

Resolved

***THAT the Council confirm the establishment of the Framing our Future Committee.***

His Worship the Mayor/Reese pro forma

A division was called for

Councillor Barker	No
Councillor Boswijk	Aye
Councillor Collingwood	Aye
Councillor Copeland	Aye
Councillor Davy	Aye
Councillor Fulton	Aye
Councillor Matheson	Aye
Councillor Rackley	Aye
Councillor Rainey	Aye
Councillor Reese	Abstained
Councillor Shaw	Aye
Councillor Ward	Aye
His Worship the Mayor	Aye

His Worship the Mayor declared the resolution **passed** 11 votes to 1.

Resolved

***THAT the Delegations Register (July 2011) be amended to reflect the reallocation and responsibilities and include the new responsibilities for Framing our Future Committee and the changes be reported back to Council for adoption.***

His Worship the Mayor/Reese pro forma

A division was called for

Councillor Barker	No
Councillor Boswijk	Aye
Councillor Collingwood	Aye
Councillor Copeland	Aye
Councillor Davy	Abstained
Councillor Fulton	Aye
Councillor Matheson	No
Councillor Rackley	Aye
Councillor Rainey	Aye
Councillor Reese	No
Councillor Shaw	Aye
Councillor Ward	Aye
His Worship the Mayor	Aye

His Worship the Mayor declared the motion **carried** 9 votes to 3.

Resolved

***THAT the Mayor and Councillor Boswijk speak with the Mayor and Deputy Mayor of Tasman District Council at their next informal meeting to consider and develop a proposal for a Shared Services Joint Committee.***

His Worship the Mayor/Reese pro forma

Carried

Attendance: The meeting adjourned for morning tea at 10.30am during which time Councillors met with members of the Nelson Youth Council. During morning tea Councillor Collingwood left the meeting.

#### 4. **Uniquely Nelson Statement of Intent 2012-2013**

Document No. 1279721, agenda pages 60-73 refer.

Ms Cathy Madigan and Mr Duncan Gray from Uniquely Nelson joined the meeting and gave a PowerPoint presentation (129186) on the activities of Uniquely Nelson and answered questions.

During the questions the issue of Mr Lewis Stanton's presence in Trafalgar Street, outside Farmers, was briefly discussed.

The Executive Manager Infrastructure, Alec Louverdis, advised that a report on this matter would be coming to Council at its meeting of 7 June 2012.

Uniquely Nelson was congratulated on the work it does for the City.

Resolved

***THAT the Uniquely Nelson Statement of Intent 2012-2013 be received.***

Davy/Boswijk

Carried

#### 5. **Nelson Tasman Business Trust Statement of Intent 2012-2013**

Ms Sarah Holmes and Ms Cathy Knight from the Nelson Tasman Business Trust joined the meeting and gave a PowerPoint presentation (1291181).

Ms Holmes thanked the Council for its ongoing support of the Trust.

Council paid tribute to the work done by the Trust and the professional way that it is run.

Resolved

***THAT the Nelson Tasman Business Trust Statement of Intent 2012-2013 be received.***

Fulton/Shaw

Carried

#### 6. **Status Report - Governance**

Document No. 1034743, agenda page 11 refers.

Resolved

***THAT the Status Report – Governance (1034743) be received.***

His Worship the Mayor/Shaw

Carried

## 7. Portfolio Holder's Report

In view of the changes made earlier in the meeting to the Portfolio Holders there was no Portfolio Holder's Report.

Attendance Councillor Collingwood returned to the meeting at 11.55am

## 8. Chief Executive's Report - Governance

Document No. 1268041, agenda pages 12-13 refer.

Nelson Municipal Band Trust Change of Trustee

Resolved

***THAT pursuant to the terms of the Nelson Municipal Band Trust Deed dated 14 July 2008, the Council hereby appoints Jane McSpirit, Manager of Westpac Bank Nelson, to act as Trustee for the administration of the fund in accordance with the terms of the Deed.***

Shaw/Collingwood

Carried

Resolved

***THAT the Chief Executive's Report - Governance (1268041) be received.***

Shaw/Collingwood

Carried

## 9. Rates Remission for Landowners Affected by the December 2011 Rainfall Event

Document No. 1273193, agenda pages 14-21 refer.

The Chief Financial Officer, Nikki Harrison, presented the report which she said was to confirm that the December 2011 Rainfall Event qualified as a natural calamity event for the purposes of applying the Rates Remission Policy for Land Affected by Natural Calamity, and to confirm the criteria for assisting rates remission for affected properties and the process for application by affected ratepayers.

Although the recommendations were generally accepted there was some discussion about the need to include in the criteria some mechanism for an occupier who does not feel safe returning to their property after the Section 124 Notice had been lifted.

Councillor Davy moved and Councillor Reese seconded the recommendation in the report.

Councillor Fulton moved and Councillor Copeland seconded the recommendation with the following amendment to the second part:



*AND THAT the criteria for assessing rates remission for affected properties and the application process be approved subject to an additional bullet point being added under 4.6:*

- *where a Section 124 Notice has been lifted but the occupier does not feel safe returning to the property and that is confirmed by the production of an appropriate medical certificate outlining the circumstances that would prevent the owners from returning, and*
- *Section 4.15.3 be deleted*

The amendment was put and **lost**.

The meeting then considered the original recommendation

Resolved

***THAT the December 2011 rainfall event qualifies as a natural calamity event for the purposes of applying the Rates Remission Policy for Land Affected by Natural Calamity;***

***AND THAT the criteria for assessing rates remission for affected properties and the application process be approved;***

***AND THAT the Delegations Register July 2011 be amended to reflect that with regard to the Rates Remission Policy for Land Affected by Natural Calamity, determining the extent of rates remission for qualifying events is delegated to the Chief Financial Officer and the Executive Manager Strategy and Planning;***

***AND THAT after each application round for such rates remission a summary of approved applications and the total value of rates remitted be provided to the Council.***

Davy/Reese

Carried

Attendance: The meeting adjourned for lunch at 12.30pm and resumed at 1.05pm. During the luncheon period Councillor Copeland left the meeting.

## REPORTS FROM COMMITTEES

### 10. Nelson City Council Tasman District Council Joint Shareholders Committee 30 March 2012

Document No. 1266611, agenda pages 74-79 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council Tasman District Council Joint Shareholders Committee held on 30 March 2012 be received.***

Matheson/Rackley

Carried

### 11. Tourism Nelson Tasman Limited Draft Statement of Intent 2012-2013

Resolved

***THAT the Tourism Nelson Tasman Limited Statement of Intent for 2012-2013 be approved for signing.***

His Worship the Mayor/Rainey

Carried

### 12. Nelson Airport Limited Draft Statement of Intent 2012-2013

Resolved

***THAT the Nelson Airport Limited Statement of Intent for 2012-2013 be approved for signing, subject to the wording in 5.1 of the Statement of Intent mirroring that of the Port Nelson Limited Statement of Intent, to make sure the shareholders are advised of any significant decisions before they are made public.***

Matheson/Rainey

Carried

A request was made for Councillors to receive information at a Council meeting of the proposed changes to parking that were proposed for the Airport.

### 13. Kotahitanga Hui – 21 March 2012

Document No. 1261346, agenda pages 80-85 refer.

Resolved

***THAT that minutes of a meeting of the Kotahitanga Hui held on 21 March 2012 be received.***

Shaw/Fulton

Carried

In answer to a question Councillor Reese acknowledged that she had expressed the view that, if a proposed union with Tasman District Council did not take place and if the subsequent poll rejected a Māori Ward for Nelson City, Council had the option of reverting to the Committee system of Governance and under that system it could appoint an iwi representative to committees.

#### **14. Audit, Risk and Finance Committee**

8 March 2012

Document No. 1252743, agenda pages 86-89 refer.

Resolved

***THAT that minutes of a meeting of the Audit, Risk and Finance Committee held on 8 March 2012 be received.***

Reese/His Worship the Mayor

Carried

17 April 2012

Document No. 1277137, agenda pages 90-94 refer.

Resolved

***THAT that minutes of a meeting of the Audit, Risk and Finance Committee held on 17 April 2012 be received.***

Reese/His Worship the Mayor

Carried

#### **15. Council Debt**

There was discussion regarding the comments of the Audit, Risk and Finance Committee regarding the level of Council debt and how the current figure tracks out in mid-term of the Draft Long Term Plan 2012-2022, in particular how these figures would impact on the Emergency Fund of Council.

His Worship the Mayor said that this was a matter that would be considered further when Council was considering submissions to the Draft Long Term Plan.

Attendance: His Worship the Mayor left the meeting at 1.20pm and Councillor Boswijk (Deputy Mayor) assumed the Chair.

## 16. Exclusion of the Public

Resolved

***THAT the public be excluded from the following parts of the proceedings of this meeting.***

***The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	<p>Public Excluded Governance Minutes 3 April 2012</p> <p>These minutes contain information regarding:</p> <ul style="list-style-type: none"> <li>• Appointment of Director to the City of Nelson Civic Trust;</li> <li>• Appointment to the Regional Transport Committee;</li> <li>• Nelson Airport Limited Statement of Intent 2011-2012;</li> <li>• Legal Opinion regarding Rates Remission for Land Affected by Natural Calamity</li> </ul>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>• Section 7(2)(i) To carry out negotiations</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>
2	<p>Public Excluded Governance Status Report</p> <p>This report contains information regarding the Nelson City Council Tasman District Council Engineering Services Agreement; and</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(h) To carry out commercial activities</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Information about a report containing commercially sensitive information regarding the Nelson Regional Sewerage Business Unit, and governance options regarding the Nelson Regional Sewerage Business Unit		
3	<p>Nelson Regional Economic Development Agency - Appointment of Director 2012</p> <p>This report contains information regarding the appointment of a director to the Nelson Regional Economic Development Agency, and contains a recommendation that the appointment be released to the public in due course.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(c) To protect information that is subject to an obligation of confidence</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>
4	<p>Appointment of Director – Bishop Suter Trust 2012</p> <p>This report contains information regarding the appointment of a director to the Bishop Suter Trust, and contains a recommendation that the appointment be released to the public in due course.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>
	Nelson Tasman Joint Shareholders Committee Public Excluded Minutes 30 March 2012	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<ul style="list-style-type: none"> <li>• Section 7(2)(a) To protect the privacy of natural persons</li> <li>• Section 7(2)(i) To carry out negotiations</li> </ul>

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	Audit Risk and Finance Committee Public Excluded Minutes 8 March and 17 April 2012	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	<ul style="list-style-type: none"> <li>• Section 7(2)(i) To carry out negotiations</li> <li>• Section 7(2)(g) To maintain legal professional privilege</li> </ul>

Collingwood/Davy

Carried

The meeting went into public excluded session at 1.20pm and resumed in public session at 1.40pm.

## 17. Re-admittance of the Public

Resolved

**THAT the public be re-admitted to the meeting.**

Boswijk/Ward

Carried

There being no further business the meeting ended at 1.40pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date