

---

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

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

On Tuesday 30 October 2012, commencing at 9.03am

---

**Present:** His Worship the Mayor (A Miccio), Councillors I Barker, A Boswijk, G Collingwood, R Copeland (Co-portfolio Holder), K Fulton, P Matheson, J Rackley, P Rainey, R Reese, D Shaw (Co-portfolio Holder), and M Ward

**In Attendance:** Acting Chief Executive (R Johnson), Executive Manager Support Services (H Kettlewell), Acting Executive Manager Community Services (R Ball), Executive Manager Strategy and Planning (M Schruer), Executive Manager Kaihautū/Community Relations (G Mullen), Chief Financial Officer (N Harrison), Executive Manager Network Services (A Louverdis), Acting Executive Manager Regulatory (M Bishop), Manager Quality Management (A Akhlaq), Manager Libraries (I Littleworth), Manager Administration (P Langley), Manager Community Relations (A Ricker), Manager Monitoring and Research (M Workman), Administration Adviser (E-J Ryan), and Youth Councillors (W Phillips and A Amberger-Chergui)

**Apologies:** Councillors A Boswijk, P Rainey and R Reese (for lateness), Councillor E Davy

### Opening Prayer

Councillor Barker gave the opening prayer.

#### 1. Conflicts of Interest

There were no updates to the Interests Register. His Worship the Mayor reminded Councillors to declare any conflicts of interest with agenda items as they arose during the meeting.

#### 2. Public Forum

##### 2.1 Mr Ken Beckett

Mr Beckett addressed the meeting on the subject of public excluded business, and said that he had formed the view that Council conducted too much of its business in public excluded meeting sessions.

He spoke about the presumption under the Local Government Official Information and Meetings Act 1987 that all meetings should be open to the public unless there were relevant grounds under the Act to exclude the public. He encouraged Councillors to critically question whether there were sufficient grounds to exclude the public at each meeting.

Mr Beckett also spoke briefly about Memoranda of Understanding, and encouraged Councillors to consider whether they required a clause stating whether or not any Memorandum of Understanding was intended to create binding legal obligations.

### 3. Confirmation of Minutes

18 September 2012

Document number 1374371, agenda pages 1-7 refer.

Resolved

***THAT the minutes of a meeting of the Nelson City Council - Governance, held on 18 September 2012, be confirmed as a true and correct record.***

Shaw/Barker

Carried

### 4. Mayor's Report

Document number 1386910, agenda pages 8-9 refer.

In response to a question, His Worship the Mayor explained that he monitored Councillor requests for travel and training to ensure that each Councillor had the opportunity to access an equitable share of the available funding.

Resolved

***THAT Council retrospectively approves travel costs of \$233 plus disbursements for the Mayor to attend a high-level briefing of the overall investment programme from NZ Transport Agency on 3 September 2012;***

***AND THAT Council retrospectively approves travel and registration costs of \$275.50 plus disbursements for Councillor Copeland to attend Seven Steps to Effective Governance on 20 September 2012;***

***AND THAT Council retrospectively approves travel costs of \$378 plus disbursements for the Mayor to attend a meeting with the Italian Ambassador on 7 September 2012;***

**AND THAT Council retrospectively approves travel costs of \$1,090 plus disbursements for the Mayor to attend the 2012 Tourism Industry Summit on 2-3 October 2012;**

**AND THAT Council retrospectively approves travel costs of \$764 plus disbursements for the Councillor Copeland to attend the Fit for the Future Conference on 27 September 2012;**

**AND THAT Council retrospectively approves registration costs of \$500 for Councillor Copeland to attend Paerangi te tau ihu economic summit in Nelson on 18-19 October 2012.**

Rackley/Fulton

Carried

**5. Status Report - Governance**

Document number 1034743 v4, agenda page 10 refers.

In response to a question it was confirmed that a report relating to the revised Expenses Policy would be provided at a future meeting.

Resolved

**THAT the Status Report – Governance (1034743 v4) be received.**

His Worship the Mayor/Barker

Carried

**6. Portfolio Holder's Report**

Councillor Copeland delivered the Portfolio Holder's Report, and spoke about three conferences that she had recently attended. She highlighted the themes of each conference, and noted how these dovetailed, particularly the themes of working collaboratively and having the agility to quickly respond to different issues.

**7. Adoption of the Annual Report for the year ending 30 June 2012**

Document number 1368657, agenda pages 11-13 refer.

Chief Financial Officer, Ms Harrison, and Manager Monitoring and Research, Mr Workman, presented the report. Ms Harrison explained that the \$6.1million surplus was slightly below budget, but that this result also took into account \$3.2million of unbudgeted expenses as a result of the December 2011 rainfall event. She reminded Councillors that the term 'surplus' in this context was an accountancy term.

Councillors acknowledged the work that had gone into the report, and particularly thanked staff for the clear and readable summary document, and the inclusion of artwork and pictures within this document.

In response to a question, Mr Workman explained that the Biodiversity Monitoring Project was delayed last year but was being carried out this year. In response to a further question, it was noted that, while the targets relating to customer perception of counter staff in the Customer Service Centre had not been met, feedback from customers regarding Customer Service Centre staff assistance was very positive, with four out of five customers reporting a positive experience.

Councillors briefly discussed the levels of rates rises over the past decade, and it was noted that the rates rises of the past decade had been largely as a result of investing in infrastructure projects, such as the water treatment plant. It was noted that such investment in local infrastructure was in line with the proposed Local Government reforms.

Resolved

***THAT the Annual Report for the year ended 30 June 2012 be adopted in accordance with s.98 of the Local Government Act 2002, subject to minor changes, including any suggested by Audit New Zealand.***

Barker/Shaw

Carried

**8. Adoption of South Island Strategic Alliance Terms of Reference**

Document number 1362642, agenda pages 14-19 refer.

The Acting Chief Executive explained that a number of local authorities around New Zealand were organising themselves in such a way as to counter issues relating to Auckland dominating Central Government's focus on Local Government. He said that alliances such as the proposed South Island Strategic Alliance could bring collective weight and experience to dealings with Central Government.

His Worship the Mayor added that Nelson City Council was already part of a 'Top of the South' alliance, and a 'Central New Zealand' alliance, and that the South Island Strategic Alliance could also provide opportunities for Nelson City Council to work collectively with other South Island councils. In response to a question, His Worship the Mayor noted that there was no prioritising of one alliance over another, but that with regards to shared services, it was more likely that Nelson City Council would work with other Councils within the Top of the South area.

Attendance: Councillor Reese joined the meeting at 10.09am and Councillor Boswijk joined the meeting at 10.11am

In response to a question, the Acting Chief Executive clarified that the Alliance would provide opportunities for Councils to work together on common concerns, but was not intended to provide a forum for local authorities to call into question the governance decisions of other local

authorities. He said that the Alliance was a grouping of Councils willing to work together on agreed issues.

Councillors discussed the proposal and were in favour of adopting the South Island Strategic Alliance Terms of Reference.

Resolved

***THAT the South Island Strategic Alliance Terms of Reference (document number 1362931) be received and adopted.***

Shaw/Fulton

Carried

**9. Memorandum of Understanding for Uniquely Nelson 2012-2015**

Document number 1378032, agenda pages 20-35 refer.

Cathy Madigan, of Uniquely Nelson, attended the meeting, and congratulations were offered to her for the work undertaken by Uniquely Nelson to retain the vibrancy of the inner city.

Resolved

***THAT subject to minor amendments the Memorandum of Understanding between Uniquely Nelson and Nelson City Council (document number 1377737) is approved for signing.***

Matheson/His Worship the Mayor

Carried

**10. Youth Councillors**

His Worship the Mayor invited Youth Councillors to give feedback regarding the meeting. Mr Phillips and Mr Amberger-Chergui thanked Councillors for the experience of attending a Council meeting, and said they had found it interesting to see the process by which governance decisions were made.

**11. Public Forum Discussion**

The Council noted the points raised by Mr Beckett.

**12. Exclusion of the Public**

His Worship the Mayor explained that Bill Findlater and Melissa Hutcheson, of the Nelson Regional Economic Development Agency, would be in attendance for Item 4 of the Public Excluded agenda (Bid to Host Cricket World Cup 2015), to answer questions and, accordingly, a procedural resolution was required to be passed.

Resolved

***THAT, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, Bill Findlater and Melissa Hutcheson remain after the public has been excluded, for Item 4 of the Public Excluded agenda (Bid to Host Cricket World Cup 2015), as they have knowledge that will assist the Council;***

***AND THAT, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Bill Findlater and Melissa Hutcheson possess relates to the Economic Impact Assessment prepared in relation to the proposal to bid to host the Cricket World Cup 2015.***

His Worship the Mayor/Collingwood

Carried

Attendance: The meeting adjourned for morning tea, from 10.22am until 10.46am.

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:***

<b>Item</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Particular interests protected (where applicable)</b>
<b>1</b>	Public Excluded Minutes – 18 September 2012  These minutes confirmed the public excluded minutes of 7 August 2012 and also contain information regarding:	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	The withholding of the information is necessary:

	Information regarding the opportunity to be a Host City for Cricket world Cup 2015		<ul style="list-style-type: none"> <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>
	Director Rotations and Fees for Council Controlled Organisations 2012/2013		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	Details of the delegation of navigation safety responsibilities to Port Nelson Limited		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
2	Public Excluded Status Report – Governance  This report contains information regarding:	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	The withholding of the information is necessary:
	The Nelson City Council Tasman District Council Engineering Services Agreement		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Governance options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit		<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>

<b>2</b> <b>cont</b>	Negotiations relating to the Tasman Bays Heritage Trust Draft Statement of Intent and Strategic Plan		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
	Information regarding the opportunity to be a Host City for Cricket World Cup 2015		<ul style="list-style-type: none"> <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>
	Director appointments and Director fees for Council controlled organisations and includes a recommendation to release the resolutions to the public when the organisations and individuals involved have been notified.		<ul style="list-style-type: none"> <li>Section 7(2)(h) To carry out commercial activities</li> <li>Section 7(2)(a) To protect the privacy of natural persons</li> </ul>
	Details of the delegation of navigation safety responsibilities to Port Nelson Limited		<ul style="list-style-type: none"> <li>Section 7(2)(i) To carry out negotiations</li> </ul>
<b>3</b>	<p>Bid to Host Cricket World Cup 2015</p> <p>This report contains further information regarding the opportunity to be a Host City for Cricket World Cup 2012</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)(c) To protect information that is subject to an obligation of confidence</li> <li>Section 7(2)(i) To carry out negotiations</li> </ul>

Reese/Barker

Carried

The meeting went into public excluded session at 10.46am, during which time Councillor Rainey joined the meeting, and resumed in public session at 12.57pm.

**13. Re-admittance of the Public**

Resolved

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

His Worship the Mayor/Copeland

Carried

There being no further business the meeting ended at 12.57pm.

Confirmed as a correct record of proceedings:

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