
MINUTES
of the
FULL COUNCIL MEETING
held
9.30am, Thursday, 24 October 2019
at
Motueka Memorial Hall, 8 Pah Street, Motueka

Present: Mayor T King, Councillors S Bryant, C Butler, M Greening, C Hill, C Hutt, K Maling, C MacKenzie, D McNamara, D Ogilvie, T Tuffnell, A Turley, T Walker and D Wensley

In Attendance: Chief Executive (J Dowding), Executive Assistant (H Simpson), Community Development Manager (S Edwards), Engineering Services Manager (R Kirby), Chief Information Officer (S Manners), Corporate and Governance Services Manager (M Drummond), Environment and Planning Manager (D Bush-King), Principal Legal Advisor (L Clark), Kaihautu (TW Carkeek)

Part Attendance: Executive Assistant (R Scherer), Council Services Administration Officer (R Williams), Team Leader, Customer Services – Motueka Service Centre (V Simpson), Team Leader, Customer Services – Takaka Service Centre (Emma Gee)

1 OPENING, WELCOME

Matua Harvey Ruru opened the meeting, welcoming elected members and their guests.

Chief Executive Officer, Janine Dowding followed by explaining that she would Chair the meeting until such time as the Mayor elect had been sworn in. She extended a welcome to elected members and their whanau and asked all those in attendance to be mindful that as a fully constituted meeting of Council, the formal protocols of a Council meeting be followed.

She explained that the meeting would commence with the swearing in of Councillors and Community Board members, to be followed by deliberation of the Council business outlined in the agenda.

The Chief Executive introduced the members of the Tasman District Council leadership team, Susan Edwards, Richard Kirby, Steve Manners, Mike Drummond and Dennis Bush-King for the benefit of new elected members. She also welcomed the new Kaihautū, Te Wāri Carkeek acknowledging the service of Harvey Ruru as interim Kaihautū.

The Chief Executive then invited the Mayor elect to make his declaration, following which she presented him with the Mayoral Chains. Mayor Tim King then assumed chairmanship of the meeting and invited the elected members of Tasman District Council and the Golden Bay and Motueka Community Boards to make their declarations.

The following elected members made their declarations in alphabetic order of surname:

Motueka Community Board Member **David Armstrong**

Councillor **Celia Butler**

Councillor **Stuart Bryant**

Golden Bay Community Board Member **Averill Grant**

Councillor **Mark Greening**

Councillor **Chris Hill**

Motueka Community Board Member **Richard Horrell**

Councillor **Claire Hutt**

Golden Bay Community Board Member **Grant Knowles**

Golden Bay Community Board Member **Abbie Langford**

Councillor **Kit (Christopher) Maling**

Councillor **Christeen Mackenzie**

Motueka Community Board Member **Brent Maru**

Councillor **Dean McNamara**

Councillor **David Ogilvie**

Motueka Community Board Member **Joni Tomsett**

Councillor **Trevor Tuffnell**

Councillor **Anne Turley**

Councillor **Trindi Walker**

Councillor **Dana Wensley**

Apologies were noted for absence from Golden Bay Community Board Member **Dave Gowland**, who will make his declaration at the inaugural meeting of the Golden Bay Community Board.

The Chief Executive explained that the booklet presented to each elected member, He Puna Reo, had been prepared by staff and contained a collection of waiata, karakia, whakatauki and mihimihi for Tasman District Council. She explained that the resource was a taonga and said that she hoped it would be treasured by elected members as much as it was by staff.

The Mayor thanked elected members for their declarations. He reflected on the day being one of firsts not only as the inaugural meeting of this Council, but as the first time the swearing in ceremony had been conducted outside of Richmond and the first time it had been followed by a pōwhiri.

The meeting broke for morning tea at 10.15am and was reconvened at 10.49am.

2 APOLOGIES AND LEAVE OF ABSENCE

As recorded above, apologies for absence were noted for Golden Bay Community Board Member Dave Gowland who was not present for the swearing in. Not being a member of the Full Council, no motion was required by Council to formally receive Board member Gowland's apologies.

3 PUBLIC FORUM

Nil.

4 DECLARATIONS OF INTEREST

Nil.

5 LATE ITEMS

Nil.

6 CONFIRMATION OF MINUTES

Nil.

7 PRESENTATIONS

Nil.

8 REPORTS

8.1 Election of Deputy Mayor

The Mayor advised that the report addressed two matters for Council to consider. The first was the adoption of a voting system for the election of the Deputy Mayor and the second was the election itself. He reminded Council that whichever voting system it adopted, would be the method by which the Chairperson and Deputy Chairperson of Council committees were appointed. He then advised Council of his nomination of Cr Stuart Bryant to the role of Deputy Mayor.

Council at large noted its support of the nomination of Cr Bryant, acknowledging his extensive tenure as an elected member and his considerable experience as a former Chair of each of the Council's standing committees.

Council discussed the merits of the two voting systems and which would be most representative of the majority view. In response to a suggestion that any appointments be reviewed in 18 months (mid-term), the Mayor said that he would be open to Council considering this at a future time.

There was some debate by Council of the fairness of the two voting systems, but the majority noted their support for Voting System B.

Council also acknowledged that the Mayor had the power to appoint a Deputy Mayor and thanked him for his decision to make a recommendation and seek the support of Council.

Moved Mayor King/Cr Hutt

CN19-10-33

That the Full Council:

1. receives the Election of Deputy Mayor report; and
2. adopts Voting System B, outlined in Clause 25(4) of the Local Government Act 2002 for the election or appointment of the Deputy Mayor, Chairperson and Deputy Chairperson of a committee and a representative of a local authority; and
3. by majority vote of Council under Voting System B, appoints Cr Stuart Bryant as Deputy Mayor of Tasman District Council.

Cr Greening asked that his vote AGAINST be recorded.

CARRIED

Cr Bryant thanked members for their confidence and support of him and reflected that he looked forward to engaging and serving the communities of Tasman District with them.

8.2 Tasman District Council Standing Orders for Council Meetings

Chief Executive, Janine Dowding spoke to the report. She said that the model put forward to Council was based on the Local Government New Zealand model, which was the standard commonly adopted by councils.

She offered comment on some of the matters covered by Standing Orders that she said she was aware Council might wish to particularly turn its mind to.

With regard to the use of a casting vote by the Mayor and Chairs, she said that the options were outlined in the report.

She then reiterated to Council the advice it was given toward the end of the last term from the Office of the Ombudsman with regard to council workshops.

The balance of the report was taken as read.

In response to a question, the Chief Executive said that Standing Orders do not apply to workshops but contain advice on how workshops might be run.

She added that the decision as to whether workshops be open to the public was one that was considered on a case by case basis by the Chair or the organiser/facilitator of the workshop.

Various matters were raised:

Council discussed whether to retain the use of casting vote for Mayor and Chairs.

It was suggested that item 13.4 in relation to the Chair's ruling on points of order should include a requirement for a 'reasonable' ruling.

A request was made that the distribution of the agenda be required at least 5 clear working days before the meeting.

It was agreed that draft unconfirmed minutes should be published on Council's website on completion.

A request for attendance by audio or audio visual link to be accepted (and not solely at the Chair's discretion) was put forward. It was also suggested that attendance by audio or audio visual link be counted for the purposes of a quorum.

Webcasting of Council meetings was also suggested.

The Mayor invited comments from staff in response to the matters put forward by Council.

Corporate and Governance Service Manager, Mike Drummond advised that with regard to webcasting, Council does not currently have the capability to support this. Particularly if Council wished to hold its committee meetings in other locations around the District as it had indicated was its intention.

The Chief Executive said that staff aspired to make agenda papers available to Councillors five days prior to the meeting at which they were to be considered. She said that during her time as Chief Executive she had observed a very strong intention by staff to deliver on the five day undertaking and where they had not been able to, those circumstances had been outside their control. The requirement of the Local Government Act (LGA) was for agenda papers to be made available to Council and the public two clear working days prior to the meeting.

With regard to attendance by audio or audio visual link, Community Development Manager, Susan Edwards advised that the Local Government Official Information and Meetings Act (LGOIMA) dictates that attendance in this manner does not count for the purposes of a quorum and that to amend Standing Orders otherwise would be in contravention of the law.

Council reflected that with regard to the casting vote, if on matters that it had a statutory legislative responsibility it could not reach a majority decision this would not represent a robust process or reflect the confidence the community had put in its elected members. An opinion was offered that the importance of these matters should mean that decisions relating to them be made by majority.

Council was generally supportive of the principal of webcasting, provided that there was the technology to support this that was affordable and would not come at significant cost to ratepayers.

Council discussed adopting the presumption that workshops be open to the public unless there was a good reason not to.

The Chief Executive agreed to Council's request that workshops be publically notified and that wherever possible an agenda of items to be discussed and any presentation material as appropriate be made publically available via Council's website.

As there was general consensus around the table to remove the use of the casting vote for the Mayor and chairperson, the Mayor asked for and received confirmation from the mover and seconder that they were comfortable for the motion to be amended to reflect this.

An opinion was offered that two working days was sufficient to consider agenda items, noting the intention of staff to ensure five days wherever possible.

Council also reflected on the value of opportunities to have an open and informal discussion with staff in a workshop format. It was also commented that these opportunities allowed Council to build good relationships with staff.

The Mayor said that he supported attendance by audio or audio visual link as the exception not the rule, to ensure good attendance and a full quorum at meetings.

A request was put forward for a formal process for raising matters at meetings for a decision, that were not on the agenda. Council agreed that there should be a mechanism through the Chairs report at all committees for Council to raise matters not on the agenda, provided they were within the remit of that committee. Council acknowledged that it could not make a decision on matters that were not included as an item on the agenda. They could request an action of staff to provide a report back to a future meeting on items raised during general business, provided there was majority consensus by Council.

With regard to discretion and rulings of the Chair, the Mayor reminded Council that it was within the remit of the Chair to run the meeting to order and ensure good conduct by all members.

He concluded by saying that adopting Standing Orders now would not preclude Council from taking the opportunity to review and amend by majority consensus in future.

Moved Cr Bryant/Cr Tuffnell

CN19-10-34

That the Full Council:

- 1) **receives the Tasman District Council Standing Orders for Council Meetings Report; and**
- 2) **declines to adopt the use of the casting vote for the Mayor and chairpersons in the case of statutory decisions only; and**
- 3) **selects Option B as the default for speaking and moving motions; and**
- 4) **adopts the Standing Orders contained in Attachment 1 of this report, as amended to remove the casting vote.**

CARRIED

8.3 Appointment of Councillors to Community Boards

The report was taken as read and there were no questions from Councillors.

Moved Cr Maling/Cr Tuffnell

CN19-10-35

That the Full Council

1. **receives the Appointment of Councillors to Community Boards report; and**
2. **appoints Councillors Hutt, Ogilvie and Walker as members of the Motueka Community Board; and**
3. **appoints Councillors Butler and Hill as members of the Golden Bay Community Board.**

CARRIED

8.4 Tasman District Council Code of Conduct

The Chief Executive advised that the Code of Conduct recommended to Council in Attachment 1 to the report was aligned with the Local Government New Zealand (LGNZ) model and had been refreshed from the previous version in light of recent legal changes.

Council discussed the advice in the Code around the use of social media by elected members, expressing some confusion around the guidelines contained in Appendix D. They discussed whether the Code could be adopted without Appendix D, if there was an undertaking given that this be revisited at a future meeting where it could be discussed further.

The Chief Executive asserted that the Code offered guidance on standards of behaviour, particularly in relation to their dealings with one another, staff and the public. In response to a

question, she said that the previous Code of Conduct made reference to criticism of staff and other elected members, so this was not a new addition. She said that the model was also based on the LGNZ standard.

Council recognised its obligations under the Health and Safety Act and acknowledged the importance of having an early understanding of its responsibilities.

There was further discussion of the use of social media by Councillors, including members making comments on their own behalf. There was general consensus that the principals contained within the Code of Conduct were supported.

The Chief Executive took an action to review the wording of Appendix D and report back to a future meeting of Council on how closely this relates to the guidance from LGNZ. Council agreed that there would be an opportunity at that time for it to reconsider the wording Appendix D and make any necessary amendments for the purposes of clarification.

Council discussed its aspiration for an open and honest culture recognising the importance of the group as a whole, not just the individual.

**Moved Cr Tuffnell/Cr Wensley
CN19-10-36**

That the Full Council

- 1) receives the Tasman District Code of Conduct Tasman District Council Code of Conduct report; and**
- 2) adopts the Code of Conduct 2019 contained in Attachment 1; and**
- 3) refers the Code of Conduct 2019 to the Motueka and Golden Bay Community Boards for adoption.**

Crs Greening and McNamara asked that their votes AGAINST be recorded.

CARRIED

8.5 Explanation of the Laws Affecting Elected Members and Their Conduct

The report was taken as read and there were no questions from Councillors.

Council noted that further information on these laws would be provided to them through the induction process.

**Moved Cr Hutt/Cr Hill
CN19-10-37**

That the Full Council receives the report outlining the Local Government Official Information and Meetings Act 1987, and other laws affecting members and their conduct.

CARRIED

8.6 Date of First Ordinary Full Council Meeting

The report was taken as read and there were no questions by Councillors.

**Moved Cr Bryant/Cr Ogilvie
CN19-10-38**

That the Full Council

- 1) receives the Date of First Ordinary Full Council Meeting report RCN19-10-12; and**
- 2) sets the date and time of the first ordinary Full Council meeting as Thursday 31 October 2019, at 9.30am.**

CARRIED

The Mayor thanked Councillors and staff for their attendance and input at the meeting.

The meeting concluded at 12.18pm.

Date Confirmed:

Chair:

Unconfirmed