

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE FIRST MEETING OF THE WEST COAST REGIONAL COUNCIL FOLLOWING THE 2010 TRIENNIAL ELECTION HELD AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 1.02 P.M. ON 26 OCTOBER 2010

PRESENT:

R. Scarlett, T. Archer, D. Davidson, B. Chinn, A. Robb, A. Birchfield, I. Cummings

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager),
T. Jellyman (Minutes Clerk), The Media.

The Chief Executive Officer chaired the meeting until a Chairperson was elected.

1. WELCOME AND APOLOGIES:

The Chief Executive Officer welcome all present to the meeting. He congratulated Councillors on their successful elections and welcomed Cr Cummings to the Council. There were no apologies.

2. INTRODUCTIONS AND DECLARATIONS:

C. Ingle introduced himself and staff in attendance to the meeting. Each Councillor then read aloud and signed their declaration.

3. ELECTION OF CHAIRPERSON, DEPUTY CHAIRPERSON AND CHAIRPERSON OF RESOURCE MANAGEMENT COMMITTEE:

C. Ingle called for nominations for Chairperson.

Cr Archer nominated Cr Scarlett as Chairperson. Cr Davidson seconded the nomination.

Cr Chinn nominated Cr Birchfield as Chairperson. Cr Cummings seconded the nomination.

Cr Davidson asked if the length of term for the Chair has to be for the three year period. C. Ingle responded that the Chair could be changed at any time. Cr Davidson feels the Chair term should be for three years but he is open to the term for the Deputy Chair being only for a year. Cr Cummings informed the meeting of how the New Zealand Rugby Union appoint to these positions. Cr Archer stated that whilst Standing Orders have not yet been adopted, Standing Orders do not allow for secret ballots. C. Ingle advised Cr Cummings that Council is guided by the Local Government Act and this is more formal than sports clubs.

C. Ingle asked if anyone had a third nomination for Chairperson. He advised that a vote for the first nomination would be held then a vote for the second nomination.

Cr Robb asked for the two candidates to speak to their nominations. Both nominated Councillors confirmed they do not object to speaking. Cr Scarlett advised that he has a lot of experience as a Chairman, he advised he was Chairman of Westland Co-operative Dairy Company Ltd and was Chair of this Council for the last term. Cr Scarlett outlined the strengths he would bring to the role of Chairperson, including his ability to bring out peoples ideas, he is very keen to see that people express themselves, especially with controversial issues. Cr Scarlett feels he is a fair Chairman and is able to make tough decisions when necessary and feels that being fair and listening to people is very important, Cr Scarlett stated that it is very important that when dealing with regional and national levels, to be able to foot it with senior people and be able to engage with Ministers and be able to put a good face on to the West Coast and in particular to the Regional Council. Cr Scarlett stated that he has these attributes and would be a good Chairman.

Cr Birchfield stated that he would like to have a go at Chairman because it's a new term and council needs to go in a different direction. He feels that the West Coast cannot carry on with the number of councils and councillors it currently has. He stated that there needs to be a move to reform and he would be one

of the people who would push the reform. Cr Birchfield stated he has a lot of business experience and has been in business most of his life. He knows how to deal with people and get on with them. Cr Birchfield stated that council needs to go in another direction and if we don't make the move it will be imposed on us with the Government coming down here and doing it for us if we don't start the process ourselves. He feels by talking with the other three councils to cooperate better we could save some money and cut down on the amount of bureaucracy.

C. Ingle asked for any further comments before he puts the vote. He put the first motion that Cr Scarlett be elected as Chair, moved by Cr Archer and seconded by Cr Davidson. C. Ingle asked for a show of hands, the votes went 4 / 3 in Cr Scarlett's favour. Cr Scarlett was elected as Chairperson.

Moved (Archer / Davidson) *That Cr Scarlett be elected as Chairperson.*

Carried

Cr Scarlett took the Chair. He read and signed his declaration as Chairman. Cr Scarlett thanked Councillors for their support. He stated he will endeavour to be a fair Chairman and to lead a council that is focussed and unified and will develop things for the benefit of the West Coast.

The Chairman then called for nominations for Deputy Chairperson.

Cr Archer nominated Cr Robb as Deputy Chairperson. Cr Scarlett seconded the nomination.

The Chairman called for further nominations.

Cr Birchfield nominated Cr Chinn as Deputy Chairperson. Cr Davidson seconded the nomination.

Cr Scarlett stated that as with the Chairman's nomination he asked the nominated councillors to speak on what Crs Robb and Chinn would bring to the role as Deputy Chairman.

Cr Chinn stated that he has now been elected for his third term on the Regional Council and he feels now is the time to put his hand up and contribute a bit more to council. He stated he enjoys council work and he would enjoy being Deputy Chairman and he would do his best.

Cr Robb advised that he has had close to five years experience as the Chairperson of The Board of Trustees at a local school. He has served one term on this council. Cr Robb advised that he attended a Hearing Commissioners course and became accredited in his first term. He believes this has given him a good understanding of the Resource Management Act, which is important in the role as Deputy Chairman. Cr Robb stated that he would strive to up hold the values of council and he understands the governance role of the Regional Council.

Cr Archer expressed his desire to ask questions of the candidates. Cr Archer drew attention to Cr Robb being a certified commissioner. Cr Archer stated that the Deputy Chairman is Chair of the Resource Management Committee, he asked Cr Chinn if he is certified. Cr Chinn responded that he is certified at the present time but he does not intend to renew his certification. Cr Archer advised that if a Councillor is not certified then they couldn't chair any hearings. Cr Archer stated that Cr Chinn's certification has already expired and he has attempted to become recertified but he did not achieve the standard. Cr Chinn stated that he thinks his certification runs out in December 2010 and he does not intend to become recertified.

Cr Scarlett put Cr Chinn's nomination to the vote. He then put Cr Robb's nomination to the vote.

Cr Chinn was elected as Deputy Chairman.

Moved (Birchfield / Davidson) *That Cr Chinn be elected as Deputy Chairperson and the Chairman of the Resource Management Committee.*

Carried

Cr Chinn thanked the Chairman and Councillors.

4. GENERAL EXPLANATIONS PURSUANT TO CLAUSE 21 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT ACT 2002

R. Mallinson drew attention to this report. The report was taken as read.

Moved (Archer / Birchfield) *that this report be received.*

Carried

5. DECLARATION OF MEMBERS INTERESTS

The Chairman spoke briefly to this report. Each member was asked to complete the form and return it to the Corporate Services Manager prior to the next meeting.

6. SALARIES PAYABLE TO CHAIRMAN AND COUNCILLORS FOR THE INTERIM PERIOD FOLLOWING THE ELECTION

R. Mallinson presented this report to the meeting. He advised that this is the interim determination from the Remuneration Authority and this will stay in place until the new determination is released by the authority for the balance of the year. R. Mallinson advised that he would bring a recommendation to the November meeting regarding the division of the pool.

Moved (Robb / Archer) *that this report be received.*

Carried

7. COUNCIL COMMITTEE ARRANGEMENTS

C. Ingle advised that the Council traditionally has had a single Standing Committee, the Resource Management Committee. The Council constitutes other committees as required such as the Greymouth Floodwall Committee. C. Ingle advised that other committees such as the Transport Committee are required by statute. He advised that the Council's committee structure is set out in the LTCCP and committee delegations are covered in the Delegations Manual. C. Ingle advised that the Resource Management Committee contains all members of this council plus the two appointees from the two Ngai Tahu Runanga in the region. C. Ingle outlined the functions of the Resource Management Committee to the meeting. C. Ingle advised that West Coast Emergency Management Group is also a requirement by statute but does not need to be reconstituted following an election because the emergency management legislation does this for Council. Cr Scarlett stated that this is straightforward. C. Ingle confirmed that this is the status quo.

Moved (Archer / Robb) *That Council re-constitute the Resource Management Committee, the Regional Transport Committee, and the Joint Floodwall Committee, for the term of the new Council.*

8. APPOINTMENT OF COUNCIL REPRESENTATIVES TO OTHER COMMITTEES

C. Ingle advised the tradition with the Resource Management Committee is that the Deputy Chairman chairs this committee. Cr Scarlett feels that this has always been understood and that unless the Council wants a change then this would remain. Cr Chinn stated that he has no problem with the Council Chair chairing the meeting right the way through. Cr Cummings stated that how can someone that works in a shop, be elected as Deputy Chair and run the Resource Management Committee. He feels it should be someone who is right up with the Resource Management Act to do the job rather than whoever is deputy chair. Cr Robb stated that he was seeking the role of Deputy Chair because he could do the job and feels that it would have to be the Chairman or Deputy Chair to chair the Resource Management Committee. Cr Scarlett stated that the question Cr Chinn is raising is does it always have to be the Deputy Chair who is the chair of the Resource Management Committee has to chair that committee. Cr Scarlett advised that Cr Cummings' point is that if a person wasn't suitably qualified, just because he is Deputy Chair it is not automatic.

Cr Cummings stated that you want the best man for the job. Cr Archer stated he prefers the status quo, as it seems a lot tidier. Cr Birchfield stated that sees Cr Cummings point but he feels that Cr Chinn would be excellent with the experience he has to be the Deputy Chair and the Chairman of the Resource Management Committee. Cr Davidson agrees with Cr Birchfield. Cr Scarlett asked for a show of hands to

see who is in favour of the status quo remaining. This revealed that the status quo would remain and Cr Chinn would chair the Resource Management Committee.

WEST COAST EMERGENCY MANAGEMENT GROUP

C. Ingle advised that the Chairman has to be appointed to the Emergency Management Group but if others were interested in being deputy chair for the Emergency Management Group or as the second person who can declare a regional emergency then that would be possible. Cr Scarlett feels that it is appropriate that the deputy chair is the alternate. Cr Scarlett advised that the Deputy Chair would declare a regional emergency if the Chair was absent from the district.

Moved (Robb / Archer)

- i. That the Council Chair be appointed to the West Coast Emergency Management Group.*
- ii. That the Deputy Chair be appointed as his alternate.*
- iii. That the Council Chair be appointed as the Council representative under the Civil Defence Emergency Management Act with the capacity to declare a State of Emergency within the West Coast Region.*
- iv. That the Deputy Chair be appointed as his alternate.*

Carried

REGIONAL TRANSPORT COMMITTEE

C. Ingle advised that by convention the Council Chair and Deputy Chair have been appointed to this committee. The members must be Chair and Deputy of the committee but it does not need to be the Council Chair and Deputy that are appointed.

Moved (Archer / Davidson)

That the Council Chair and Deputy Chair be appointed as Council representatives on the Regional Land Transport Committee.

That the Council Chair and Deputy Chair be appointed as Chair and Deputy Chair, respectively, of the Regional Transport Committee.

Carried

GREYMOUTH FLOODWALL JOINT COMMITTEE

Cr Scarlett stated that it seems sensible that those councillors that live in the Grey constituency are elected to this committee. Cr Archer agreed with this.

Moved (Archer / Chinn) *that the three Grey constituency Councillors be appointed as West Coast Regional Council representatives to the Greymouth Floodwall Joint Committee.*

Carried

REGIONAL ANIMAL HEALTH COMMITTEE

C. Ingle advised that this is an external agency committee and traditionally a representative from this council would attend these meetings. This is partly because the Regional Council is a co-funder of the Tb Programme. C. Ingle noted that Cr Robb performed this role during the previous triennium.

Moved (Archer / Cummings) *that Councillor Robb be appointed to the Regional Animal Health Committee.*

Carried

DEVELOPMENT WEST COAST

Cr Scarlett advised that there are interviews today to appoint a trustee to Development West Coast. Cr Robb advised that he is happy to move this recommendation as the Council Chairman and the three

Mayors make up the members of the DWC Appointments Panel and as Council Chairman, Cr Scarlett is in the best position to represent this council.

Moved (Robb / Davidson) *That Council appoint the Council Chairman to the DWC Appointments Panel, pursuant to Schedule 3 of the Trust Deed.*

Carried

9. RATING DISTRICT LIAISON COMMITTEE ARRANGEMENTS

Cr Scarlett asked if councillors wished to discuss this matter further. Cr Archer advised that he had discussions with C. Ingle during the last round of the Rating District meetings. Cr Archer stated that he noticed that a lot of communities are wanting to put a lot of emphasis on the original constitutions and this does not fit well with the current legislation. Cr Archer would like to see that Information Document prepared by C. Ingle be distributed to all rating district committees informing them of their responsibilities are as this information links to the Asset Management Plan and the current legislation. He feels that sending out a letter and information sheet to the rating districts would take away some of the unnecessary complications around this matter.

Moved (Archer / Davidson) *that all Rating District Committees be referred to as "Liaison Committees", other than the Greymouth Floodwall Joint Committee.*

Carried

10. STANDING ORDERS

Cr Scarlett spoke to this report. C. Ingle advised that appendix H was a point of discussion at the last triennial meeting in that councillors decided in the end to retain the casting vote to the chair and this is something that it is optional. The rest of Standing Orders are standard but Council does need to decide if it wishes to include appendix H i.e. that the council chair has a casting vote or to not include appendix H. Cr Archer advised that Standing Orders currently clearly reflect the intent of legislation which is the democratic process should be followed in that every person has one vote and in the event of a tie only the deliberative votes count and that the Chair does not have a casting vote. Cr Archer advised that in situations where there are an even number of people around the table that could result in a tying of votes then the council may determine to adopt a casting vote. Cr Archer feels that if a motion is put to the table and the mover is not sufficiently persuasive to convince the majority who are voting then it seems anomalous that one person gets two votes to decide the issue. He feels democracy should remain and everyone has one vote. He noted that this council has seven members around the table and it is most unlikely that there would be a tie and therefore he sees not justification in adopting a casting vote. Cr Scarlett agreed with Cr Archer's comment and he feels that casting votes put a lot of onus on the Chairman and he would not support this. Cr Robb agreed with these comments and feels that a casting vote would not be required unless there was a councillor absent. He agrees with Cr Archer in if there is not enough support for a motion and people can't be persuaded then the motion should be lost. Cr Davidson stated that a decision must be made at some stage and sometimes a casting vote may be necessary. He stated that he supports the integrity of the chairman. Cr Cummings stated that in his experience he is not impressed with casting votes. Cr Chinn stated that he feels casting votes are like a Ranfurly Shield game and the holder of the shield has to win, he feels that the motion has to be won. Cr Birchfield agrees with Cr Archer and is not in favour of casting votes.

Moved (Robb / Davidson) *that Council adopt the Model Set of Standing Orders NZ S9202: 2003.*

Carried

11. COUNCILLORS CODE OF CONDUCT

Cr Scarlett spoke to this item and advised that if it were agreed that the Chair and Deputy Chair and one other councillor constitute the committee he would prefer to have the member elected rather than appointed by the chair and deputy chair. Cr Archer agreed with Cr Scarlett and stated that if the chair and deputy chair and another councillor were appointed and one of the appointed people happened to be the person who was accused of being the alleged breacher of the Code of Conduct then another process would have to be gone through to get a 75% majority vote to change the Standing Orders and the Code of Conduct. Cr Archer would prefer to let the status quo remain and in the event of any alleged breach of the code then the Council appoints a committee of three people. Cr Archer stated that another option would

be to add the statement such as "in the event that of an alleged breach of code against one of the above members then the council should appoint another committee consisting of three members by majority vote. Cr Archer advised that he is happy to appoint a committee of three should the need arise. C. Ingle advised that this is the intention. Cr Scarlett agrees that he is in favour of appointing as required as it may be the Chair or Deputy Chair involved in the breach and feels that if the needs arises then appoint a committee.

It was agreed that the Conduct Review Committee comprises of three members appointed by the Council.

Moved (Archer / Davidson) *that page 7 of the Code of Conduct be amended as indicated above, and shown in the attached document.*

Carried

12. GOVERNANCE STATEMENT

C. Ingle advised that there is one clarification from Cr Archer, he suggests that the wording around the public being allowed to do presentations to council. C. Ingle advised that the wording would be changed to say that at the start of every meeting there is an opportunity for public presentations but not during the meeting. The public would be given 10 minutes at the start of every meeting should they wish to present to council. Cr Archer referred to Appendix F of Standing Orders which says any person may speak for three minutes. He noted that with the approval of the Chief Executive and the Chair then presentations could be made outside of the public forum process. Cr Archer feels that second paragraph on page 5, under Conduct of Meetings, needs to be amended. He feels that by adoption of Appendix F in Standing Orders, council is saying there isn't opportunity for public speaking. He feels that this needs to be amended to "although meetings are open to the public and the public will have the opportunity for speaking rights as provided in Standing Orders". Cr Archer advised that Appendix F only covers public forum. Cr Scarlett clarified that all presentations are cleared with the Chairman and Chief Executive, Cr Archer feels the second sentence should read "meetings are open to the public and members have speaking rights as provided for in Standing Orders". He feels this is more positive way of getting this message out to the public. Cr Scarlett stated that this council has been very reasonable with presentations from the public. Cr Archer drew attention to page 38 of Standing Orders where there are provisions for deputations and presentations. This talks about the process a person needs to go through. Cr Archer read from page 38. It was agreed that 10 minutes is the usual timeframe that a presentation would take. Cr Archer would like the second sentence of the second paragraph of the Governance Statement deleted and for it to now say "meetings are open to the public, members of the public have speaking rights as provided for within Standing Orders".

Moved (Archer / Robb) *That Council adopt the updated Governance Statement with the above revision made".*

Carried

Cr Archer requested that all paragraphs are numbered in the Code of Conduct and the Governance Statement for reference purposes.

13. SCHEDULE OF ORDINARY AND COMMITTEE MEETINGS:

Cr Scarlett noted that Council has in the past held its monthly meeting on the 2nd Tuesday of each month. Cr Scarlett asked if there is to be any departure from this. Councillors confirmed that they are happy with this arrangement. Cr Archer requested if the March meeting in 2011 could be brought forward to the 1st of March. Cr Birchfield and Cr Cummings requested that the November for 2011 be changed to a Monday 7th of November as the Tuesday is New Zealand Cup Day.

It was noted that a revised schedule of meetings for 2011 would be sent out. C. Ingle advised that the next council meeting is scheduled for Monday 8th of November 2010. C. Ingle invited Cr Cummings to phone him should he have any questions or concerns regarding the format of the agenda.

2010	
November	8 th (Monday)
December	14 th
2011	
January	No Meeting
February	8 th
March	1 st
April	12 th
May	10 th
June	14 th
July	12 th
August	9 th
September	13 th
October	11 th
November	7 th (Monday)
December	13 th

Moved (Archer / Robb) *that the proposed schedule of ordinary and committee meetings be agreed to.*
Carried

14. **ADOPTION OF AUDITED ANNUAL REPORT FOR THE YEAR TO 30 JUNE 2010**

R. Mallinson advised that the Audited Annual Report was sent out earlier this week. Cr Archer stated that the results show management and staff's efforts to comply with council plans and LTTCP. Cr Archer stated this is a very good result.

Moved (Archer / Robb) *that Council adopt the Audited Annual Report for the Year to 30 June 2010.*
Carried

15. **GENERAL BUSINESS**

Cr Chinn to responded to Cr Archer's comments regarding the chairing of the Resource Management Committee meetings. Cr Chinn stated that he did not see anywhere where it states that the Deputy Chair has to chair this meeting. Cr Archer advised that the recommendations in the report indicate that the status quo would remain and he is quite happy with this.

Cr Archer had a further comment regarding the Governance Statement. He asked if the Loans and Rates Validation Act 1997 is still in place and has the loan been paid. R. Mallinson advised that the Act is still in place and the loan has long since been paid. R. Mallinson confirmed he has no concerns regarding this matter. Cr Scarlett stated that if this is superfluous then it could be removed from the Governance Statement.

Moved (Archer / Robb) *that the Loan Legislation section be deleted from the Governance Statement.*
Carried

Cr Birchfield requested that information regarding the appeal on the Wetlands decision be made public. He would like this discussed in the open meeting. C. Ingle advised that this is legal advice and is legally privileged so it needs to be discussed in committee but any resulting decision can be reported to the media. Cr Archer supported Cr Birchfield's comments regarding this stance.

Cr Archer would like to see that at the end of any public excluded meeting that it is discussed what should be released to the public. Cr Archer would also like presentations discussed at the end of the presentation. He would like presentations discussed once the presenter has left and then decide if any action is to be taken. Cr Archer would like the presenter to be acknowledged via a letter following their presentation or to and advise them if there is to be any action to be taken regarding their presentation. Cr Robb agreed that he to would like the outcomes of the in committee section to be released to the public and also to acknowledge presenters and advise them out any outcomes. Cr Scarlett suggested that sometimes time is needed to digest presentations.

Cr Birchfield stated that he is concerned about the number of prosecutions being taken out on ratepayers. He would like to see the voting and decision released publicly. Cr Scarlett agreed that a discussion would take place at the end of each "in committee" council meeting on what is appropriate to be publicly released. Cr Chinn agrees with this, he feels there is unrest in his constituency regarding prosecutions. Cr Scarlett stated that there may be legal constraints around what can be released. C. Ingle advised that there is privacy around individuals regarding prosecutions because people have the right to defend themselves. C. Ingle advised that the normal procedure is for the media to request the minutes, he then checks that there is nothing in the minutes relating to privacy or other LGOIMA constraints, he then informs councillors that he is about to release this information. He advised this happens quite often.

Further discussion took place on presentations. C. Ingle advised that ten minutes is always allowed for this purpose at the start of each council meeting. Cr Davidson drew attention to submissions and the annual plan process where people are listened to. Cr Scarlett feels it is a good way forward to acknowledge presenters. C. Ingle advised that acknowledgement letters are sent to submitters and they are advised of any results of their submissions.

Cr Birchfield stated he is not in favour of prosecutions and he noted that most of the recent prosecutions have been in the southern region.

Moved (Archer /Birchfield)

1. *That as a standard procedure, council considers the presentation after the presenter has left and responds by letter to each person making a presentation in the public forum.*
2. *At the conclusion of any public excluded agenda the council considers what if anything it would be prepared to release to media from the discussion.*

Carried

The meeting closed at 2.20 p.m.

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Chairman

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Date