

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE FIRST MEETING OF THE WEST COAST REGIONAL COUNCIL FOLLOWING THE 2016 TRIENNIAL ELECTION HELD AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.00 A.M. ON 17 OCTOBER 2016

PRESENT:

T. Archer, A. Robb, A. Birchfield, P. Ewen, S. Challenger, P. McDonnell, N. Clementson

IN ATTENDANCE:

M. Meehan (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:

M. Meehan welcomed Councillors to the meeting. He called for apologies. There were no apologies.

2. INTRODUCTIONS AND DECLARATIONS:

M. Meehan commenced the meeting. Each Councillor then read aloud and signed their declaration.

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

M. Meehan called for nominations for Chairperson.

Cr Archer nominated Cr Robb as Chairperson. Cr McDonnell seconded the nomination.

Cr Challenger nominated Cr Birchfield as Chairperson. Cr Ewen seconded the nomination.

M. Meehan invited Councillors to ask questions of the candidates. Cr Archer asked both candidates what particular attributes they bring to Council. Cr Birchfield spoke of his previous experience with the Catchment Board back in the eighties, and his time as a member of the Water Board Tribunal. Cr Birchfield stated that nobody has this position as a right, it is open to everybody to apply for it. He stated that one of the reasons he has put his name forward is because of the Wetlands plan change. Cr Birchfield does not believe that the current executive is doing its best to sort this out. Cr Birchfield stated that farmers have always dominated the Council, and the Chairman has always been a farmer, and he would like to see the Chair spread around. Cr Birchfield stated that he would like to see a list of all inwards and outwards correspondence each month.

Cr Robb stated that he has shown regional leadership in working together with the Mayors and Chairs of the district. Cr Robb stated that huge progress has been made in getting better outcomes for our communities under his leadership. He also oversaw the transition to a new CEO. Cr Robb stated that last term he was elected as the regional sector representative on the Osprey Stakeholders Council. Cr Robb is the current Chair of the Governance Group for the Growth Study. Cr Robb stated that there needs to be some continuity in the Chair. Cr Robb stated that there is serious issues for the region's economy and that this organisation has a role to play in being the glue to keep this together, and he has the skills to do this. Cr Robb stated that he has been fair around the Council table, he allows everyone to have their say and input, with decisions based on consensus, or a vote. Cr Robb stated that he wishes to see this continue. He thanked those who have supported him.

Cr Challenger asked Cr Birchfield if he was Chair, would he see that Cr Robb could continue with the work he has done on various committees to carry on representing Council and to give continuity to the work he has done over the last term. Cr Challenger then asked Cr Robb if he thought some of the work that the Chairman does could be delegated to other Councillors. Cr Birchfield responded that roles that the Chairman carries out should be delegated to give every Councillor some experience in chairing meetings and to spread the work around a bit. Cr Robb responded that he was unsure whether he would have the mandate to carrying out some of these roles, especially the Regional Sector Group as it is the Chair that attends this meeting and the

same for the Governance Group. Cr Robb agreed with Cr Birchfield in that the workload could be shared around. Cr Ewen stated that he feels the communication has improved recently. Cr Ewen asked Cr Birchfield if he was the Chairman would he keep Councillors in the loop on matters. Cr Birchfield agreed that he would and he stated that Council should be completely open. Cr Robb stated that he feels he has communicated well with Councillors through his Chairman's report and should he become Chair again, he is happy to communicate with Councillors on a more regular basis.

M. Meehan asked for a show of hands for Cr Birchfield's nomination. There were three votes.

M. Meehan asked for a show of hands for Cr Robb's nomination. There were four votes.

M. Meehan declared Cr Robb elected as Chairperson.

Cr Robb took the Chair. He read and signed his declaration as Chairman. Cr Robb thanked Councillors for their support. He thanked Cr Birchfield for putting his name forward. Cr Robb stated that going forward he hopes that Council will continue to make good decisions for the betterment of our region.

The Chairman called for nominations for Deputy Chairperson.

Cr Archer nominated Cr Clementson as deputy chair. Cr McDonnell seconded the nomination.

The Chairman called for further nominations.

Cr Challenger nominated Cr Ewen as deputy chairperson. Cr Ewen declined the nomination.

Cr Ewen nominated Cr Birchfield as deputy chair. Cr Challenger seconded the nomination.

The Chairman asked each nominee to speak to their nomination. Cr Clementson stated that he does not have as much experience around the Council table as Cr Birchfield has, but he feels he has taken big steps over the past three years. Cr Clementson said that he gained accreditation for the Making Good Decisions, hearing panels early on in his term. Cr Clementson stated that he has a liking for his Councillor role and feels that his next step is the Deputy Chairman's role. Cr Clementson stated that he is keen to assist the Chairman and the Chief Executive and the Deputy Chairman's role is well within his capabilities.

Cr Birchfield stated that he could handle the role, this is his third term and he knows how the place works. Cr Challenger noted that Cr Birchfield has not yet done the Making Good Decisions training. He asked Cr Birchfield if he was prepared to complete training. Cr Birchfield confirmed that he would undertake the training. Cr Ewen stated that traditionally the Deputy Chairman's role has not carried on consecutively to the same person; he asked the nominees if they would carry out the role for just one term or do they feel other Councillors should get a turn? Cr Birchfield stated that he has not previously had an opportunity to be Deputy Chair. Cr Clementson stated that this is dependent on how other Councillors feel but he does not have an issue with this. Cr Clementson stated that the next logical position is the Chairman's role and if Councillors have faith in him to continue then he would.

Cr Robb asked for a show of hands for Cr Birchfield's nomination. There were three votes.

Cr Robb asked for a show of hands for Cr Clementson's nomination. There were four votes.

Cr Robb declared Cr Clementson elected as Deputy Chairman. Cr Clementson 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 and advised that this is requirement by statute. The report was taken as read.

Moved (Archer / Clementson) *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. He advised this report also explains mileage reimbursements. R. Mallinson advised that included in this report is the most up to date policy regarding reimbursements.

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

Carried

7. COUNCIL COMMITTEE ARRANGEMENTS

M. Meehan advised that this report shows how Council is structured. He advised that he has outlined how Council traditionally has structured its committees. M. Meehan stated that traditionally Council has had a single Standing Committee, the Resource Management Committee as set out on pages 19 and 20 of the LTP. He stated that each council meeting starts off with the Resource Management Committee meeting which includes elected members plus appointees from Ngati Waewae and Makaawhio and is traditionally chaired by the deputy chairman. The Council meets after this meeting. M. Meehan explained the function of the Regional Transport Committee and the West Coast Emergency Management Group which is a joint committee of the four councils and is a requirement under the Civil Defence Emergency Management Act.

Moved (Birchfield / Ewen) *That Council re-constitute the above Committees, for the three year term of the new Council.*

Carried

8. APPOINTMENT OF COUNCIL REPRESENTATIVES TO OTHER COMMITTEES

M. Meehan advised the tradition with the Resource Management Committee is that the Deputy Chairman chairs this committee.

Moved (Archer / Birchfield) *That all elected members are appointed to the Resource Management Committee.*

Carried

WEST COAST CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

M. Meehan advised that he has attached the constitution of the West Coast Civil Defence Group to this report. He stated that this group meets quarterly, prior to the commencement of the Mayors and Chairs forum.

Moved (Birchfield / Clementson) *That the Council Chair is appointed to the West Coast Emergency Management Group and the Deputy Chair be appointed as the alternate.*

Carried

REGIONAL TRANSPORT COMMITTEE

M. Meehan advised that this is a statutory requirement under the Land Transport Act. The Council Chair and Deputy Chair have to be appointed to this committee. Cr Ewen stated that he is happy to assist in this area if the Deputy Chairman is unavailable. Cr Clementson asked if the Deputy Chairman has to be a part of this committee. Cr Robb stated that there are two meetings per year. It was agreed that changes could be made at the workshop later on today.

Moved (Archer / No seconder)

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

Cr Archer called a Point of Order. He stated that a recommendation has been moved; as yet there is no seconder, if there is no seconder then Cr Archer's motion lapses because there is no seconder. The Chairman agreed that the motion has lapsed; he asked if someone would like to put an alternative motion to the meeting.

Moved (Clementson / Challenger)

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

M. Meehan advised that two appointees must be appointed to this committee. Cr Clementson withdrew his motion and went with the original one.

Moved (Clementson / Archer)

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

Carried

GREYMOUTH FLOODWALL JOINT COMMITTEE

M. Meehan advised that traditionally the three Councillors that live in the Grey constituency are elected to this committee.

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

Carried

HOKITIKA SEAWALL JOINT COMMITTEE

M. Meehan recommended the two Councillors that live in the Westland constituency and the Council Chairman be appointed to this committee.

Moved (Challenger / McDonnell) *that the two Westland constituency Councillors and the Council Chairman be appointed as West Coast Regional Council representatives to the Hokitika Seawall Joint Committee.*

Carried

REGIONAL ANIMAL HEALTH COMMITTEE

M. Meehan advised this committee is organised by TB Free. He stated that their role is to manage Bovine Tb disease management and to give policy advice and feedback to the Board. Cr McDonnell stated that he is happy to continue in this role unless another Councillor is keen on the role.

Moved (Archer / Challenger) *that Councillor McDonnell be re-appointed to the Regional Animal Health Committee.*

Carried

DEVELOPMENT WEST COAST

M. Meehan advised that the four West Coast councils are responsible for jointly appointing one trustee to Development West Coast with the appointment process set out in the Trust Deed. M. Meehan advised that the Mayors and the Council Chair traditionally make up this Appointments Panel for Development West Coast. Cr Archer asked if the Councillors from the four West Coast Councils get an opportunity to discuss the Council's wishes with their representatives, before decisions are made. Cr Ewen stated that he was delegated this role

when the Development Trust was first set up. Cr Robb explained how this has worked in the past. Further discussion took place.

Moved (Archer / Clementson) *That the Council Chairman be appointed to the DWC Appointments Panel, pursuant to Schedule 3 of the Trust Deed.*

Carried

9. STANDING ORDERS

R. Mallinson advised that Council is required to adopt a set of Standing Orders. He advised that at the previous triennial election Council voted not to provide a casting vote to the Chairman. R. Mallinson stated that it is now up to this council to decide what they would like to do this time. It was confirmed that each councillor has a copy of Standing Orders.

Moved (Ewen / Archer) *that Council adopt the Model Set of Standing Orders NZ S9202: 2003; excluding Appendix H.*

Carried

11. COUNCILLORS CODE OF CONDUCT

R. Mallinson advised that this is a requirement of the Local Government Act.

Moved (McDonnell / Challenger) *that Council adopt the attached Code of Conduct.*

Carried

Discussion took place on the use of a casting vote in relation to the constitution for the West Coast Civil Defence Emergency Management Group. Cr Archer stated that he would like the use of the casting vote discussed at the next meeting of this group. Cr Archer feels that if the debate is not strong enough to convince the majority of members, then the status quo should remain. It was agreed that no casting vote is the best option for this.

12. GOVERNANCE STATEMENT

R. Mallinson advised that under the Local Government Act Council is required to adopt a Governance Statement. He stated this was last adopted in 2013. Minor changes were made to the contact details for two Councillors.

Moved (Birchfield / Archer) *That Council adopt the attached Governance Statement.*

Carried

13. DELEGATIONS MANUAL

R. Mallinson advised that it is appropriate to ask Councillors to re-confirm the Delegations at this triennial meeting.

Moved (Archer / Clementson) *That the Delegations be re-confirmed.*

Cr Birchfield stated that he is voting against the Delegations Manual because of against Section 338, page 11, which states that the CEO and the relevant manager, together, have the power to initiate or withdraw a prosecution for an offence, provided that decision must be unanimous, recorded in writing and reported promptly to Council. Cr Challenger stated that there were a couple of instances where prosecutions were initiated and Councillors did not hear about them until they came out in the minutes. Crs Archer and Ewen agreed. Cr Birchfield stated that he would like prosecutions to come directly to Council. The Chairman stated that Cr Birchfield could move a motion now, to amend Section 338.

Cr Challenger suggested that decisions to prosecute should be communicated quickly via an email to all councillors. M. Meehan advised that generally a quick decision is not required, and the decision to prosecute can wait until the next council meeting. Cr Ewen stated he has the same concerns as Cr Birchfield. He spoke of historic cases and the restorative justice process. Cr Robb asked each councillor for their opinions on Cr

Birchfield's amended motion. Cr Archer stated that he does not support the amendment because Council's role is to set policy. He stated his biggest concern is that there is scope for emotional decisions to be made rather than factual decisions being made. Cr Archer stated that recommendations by Council management are professional opinions, and are made with recommendations and professional decisions are based on facts. Cr Archer is against the amended motion. Cr Ewen stated that he supports Cr Birchfield as one of the roles of a Councillor is to monitor, compliance monitoring, and mining responsibilities and to ensure that environmental monitoring is carried out correctly. Cr Ewen stated that this judgement cannot be made if Councillors are not privy to the information that is going to court. Cr Ewen feels that better communication is required in this area. Cr Clementson stated that he is comfortable with what is currently he place, but he agrees with Cr Challenger in that reporting needs to be in writing and prompt. Cr Clementson stated that in three years' time there could be new councillors, and they may not have the experience to make decisions on a complicated prosecution. Cr Clementson stated that Council is still overlooking the process, and as long as Councillors get the information and are kept in the loop, then Council can still monitor what is happening. Cr Birchfield spoke of \$25,000 fine that was imposed on a sharemilker along with other pending prosecutions and the impact they have on people. Cr Birchfield stated that he does not agree with a lot of the prosecutions that he has seen. Cr Challenger stated that communication is very important and the information must come to the Councillors. Cr Challenger agrees with Cr Archer, he stated that Councillors are here to govern, and not to prosecute but to direct staff and work with the CEO. Cr Challenger is against Cr Birchfield's motion. Cr McDonnell stated that by taking over the prosecutions Councillors are then doing a management role rather than a governance role. Cr McDonnell stated that if a matter gets to the prosecution stage then someone has infringed and they have probably been issued with an abatement notice. He stated that they have been through the steps and Cr McDonnell trusts staff's ability to make the right decisions on this basis. Cr McDonnell confirmed that he is happy for the status quo to remain. Cr Robb agreed with Cr McDonnell and stated that the governance and management role is important and decisions need to be based on facts. Cr Robb stated that the prosecution decision for the Barrytown incident was made by Councillors and not staff. He stated that he is not in favour of the amendment to the Delegations Manual. M. Meehan agreed that staff can be more open with decisions that need to be made. He suggested that the alternative justice process could be reviewed again to ensure that it is still fit for purpose. M. Meehan stated that he understands what Cr Birchfield is saying, but the decision on fines and the amount someone is fined is out of Council's hands. M. Meehan advised that Council has made submissions in the past on the vast differences in the costs of fines for infringement notices and prosecutions and this is why the decision to go with the alternative justice protocol is good, as this keeps people out of court. M. Meehan stated that there has not been a prosecution decision since his appointment, and currently there are not any imminent. He stated that information regarding prosecutions can be sent to councillors, but this information must remain confidential. Discussion took place on historic cases and the fines system.

Moved (Birchfield / Ewen)

That CEO and relevant Manager, together, have the power to recommend initiation or withdrawal of a prosecution for an offence, provided it is recorded in writing and reported promptly to Council, for approval.

The Chairman put the amended motion to the vote, this was defeated 5 – 2. With the defeat of the amended motion, the original motion was then put.

Moved (Archer / Clementson) *That the Delegations be re-confirmed.*

*Cr Birchfield and Ewen - Against
Carried*

14. SCHEDULE OF ORDINARY AND COMMITTEE MEETINGS:

R. Mallinson advised that there will be some discussion on the cycle of meetings in the workshop following today's meeting. R. Mallinson stated that the recommendation is to confirm the November and December Council meeting dates.

Moved (McDonnell / Challenger) *that Council confirms the November and December Council meeting dates. (Monday 14 November and Tuesday 13 December)*

Carried

15. GENERAL BUSINESS

There was no general business.

The meeting closed at 12.22 p.m.

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Chairman

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Date