

I hereby give notice of the following Extraordinary meeting:

Meeting:	Kaipara District Council
Date	Tuesday 15 May 2018
Time	9.00am
Venue	Maungaturoto Country Club, Maungaturoto

Open Agenda

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
Councillor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Julie Geange
Councillor Libby Jones
Councillor Karen Joyce-Paki
Councillor Jonathan Larsen
Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

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**Extraordinary meeting of Kaipara District Council
Tuesday 15 May 2018 in Maungaturoto**

1 Opening

Pursuant to Clause 22(2), Schedule 7 of the Local Government Act 2002, the Mayor has called an Extraordinary meeting of Council.

1.1 Karakia

1.2 Present

1.3 Apologies

1.4 Confirmation of Agenda

The Committee to confirm the Agenda.

1.5 Conflict of Interest Declaration

Elected Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as Mayor and Councillors and any private or other external interest they might have. It is also considered best practice for those members to the Executive Team attending the meeting to also signal any conflicts that they may have with an item before Council.

2 Deputations, Presentations and Petitions

3 Minutes

3.1 Confirmation of Council minutes 26 April 2018

General Manager Governance, Strategy and Democracy 1601.22

Recommended

That the unconfirmed minutes of the Kaipara District Council meeting held 26 April 2018 be confirmed as a true and correct record.

Meeting	Kaipara District Council
Date	Thursday 26 April 2018
Time	Meeting commenced at 09.00am Meeting concluded at 5.05pm
Venue	Matakohe Hall, Matakohe
Status	Unconfirmed

Minutes

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
Councillor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Julie Geange
Councillor Libby Jones
Councillor Karen Joyce-Paki
Councillor Jonathan Larsen
Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

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**Minutes of the Ordinary meeting of Kaipara District Council
26 April 2018 in Matakoho**

1 Opening
1.1 Karakia

Councillor Jones opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith (Chair), Deputy Mayor Peter Wethey and Councillors Anna Curnow, Victoria del la Varis-Woodcock, Julie Geange, Libby Jones, Karen Joyce-Paki, Jonathan Larsen and Andrew Wade

Name	Designation	Item(s)
Peter Tynan	Acting Chief Executive	1—6, 8
Curt Martin	Chief Operating Officer and General Manager Infrastructure	2—6, 8
Robert Nelson	Acting General Manager IT, Risk and Finance	2—6, 8
Darlene Lang	Community Relationships Manager	2—6, 8
Mark Schreurs	Policy Analyst	2—6, 8
James Bews-Hair	Governance and Procedural Advisor (in lieu of General Manager Governance, Strategy and Democracy)	All (Minute-taker)
Lisa Hong	Committee Secretary	2—6, 8

Adjournments

Reason	Start Time	Finish Time
Tea break	11.15am	11.30am
Lunch break	1.45pm	2.02pm
Tea break	3.44pm	3.52pm

1.3 Apologies

Councillor Wade left the meeting at 4.00pm with apologies.

1.4 Confirmation of Agenda

The Committee confirmed the Agenda. The Public Excluded items (item 7.1 'Confirmation of Public Excluded Council minutes 28 March 2018' and item 7.2 'Chief Executive recruitment: Selection update') were taken out of order, between sections 1 and 2.

1.5 Conflict of Interest Declaration

Nil.

Meeting adjourned at 1.45pm.

Meeting reconvened at 2.02pm.

2 Deputations, Presentations and Petitions

Nil.

3 Minutes

3.1 Confirmation of Council minutes 28 March 2018

Administration Manager 1601.22

Item 1.5 'Conflict of Interest Declaration'	Councillor Larsen declared conflict of interest for item 6.3 'Proposed Plan Change 4 (Fire Safety) Appeal to the Environment Court' as a Section 274 party to Plan Change 4 appeal, not as a submitter to Plan Change 4.
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Moved Curnow/del la Varis-Woodcock

That the unconfirmed minutes of the meeting of Kaipara District Council held 28 March 2018 be confirmed as a true and correct record, with the following amendment:

- *Item 1.5 'Conflict of Interest Declaration' incorrectly stated that Councillor Larsen declared conflict of interest to item 6.3 'Proposed Plan Change 4 (Fire Safety) Appeal to the Environment Court' as a submitter to Plan Change 4. This should instead read that Councillor Larsen declared conflict of interest as a Section 274 party to Plan Change 4 appeal.*

Carried

3.2 Committee Minutes (Confirmed) March 2018

Moved del la Varis-Woodcock/Joyce-Paki

That Kaipara District Council receives the confirmed minutes of the following Kaipara District Council committee meetings, for information:

- 1 *Harding Park and Pou Tu Te Rangī Joint Management Committee meeting held 21 November 2017; and*
- 2 *Mangawhai Endowment Lands Account Committee meeting held 27 October 2017.*

Carried

4 Notices of Motion

4.1 Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18

Councillor Julie Geange 16 April 2018

Moved (1) Geange/Larsen

That the Kaipara District Council adopts the 'Elected Members Allowance and Recovery of Expenses Policy 2017/18', as attached with immediate effect. This replaces the current 'Elected Members Allowance and Recovery of Expenses Policy'.*

*This is in reference to attachment a) to 'Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18' as included in the Kaipara District Council agenda for 26 April 2018 (pages 28-32 of the agenda).

Moved (2) Wethey/Curnow

That Notice of Motion 1 : Elected Members Allowance and Recovery of Expenses Policy 2017/18 from Councillor Geange lie on the table pending the receipt from Council staff of a report assessing all impacts on Council of implementing the Motion as put, including any retrospective liabilities that might be incurred.

Carried

Councillor del la Varis-Woodcock wished her vote against to be recorded.

Moved Curnow/Wethey

That this meeting continue, exceeding six hours (at 3.05pm), pursuant to clause 4.2 of the Kaipara District Council Standing Orders.

Carried

4.2 Notice of Motion 2 : Molesworth Drive footpath/cycleway funding and construction options

Councillor Jonathan Larsen 17 April 2018

Moved Larsen/Wade

- a) *That Council directs the Chief Executive to prepare a report on funding and construction options to urgently prioritise the construction of a footpath/cycleway on the eastern side of Molesworth Drive, Mangawhai Heads from the causeway footbridge to the intersection of Heather Street; and*
- b) *That the report be brought to the May 2018 Council meeting for a decision.*

A division was called for, voting was as follows:

<u>For</u>	<u>Against</u>
Councillor Geange	Councillor Curnow
Councillor Larsen	Councillor del la Varis-Woodcock
Councillor Wade	Councillor Jones
	Councillor Wethey
	Mayor Smith

The motion was declared **LOST**.

4.3 Notice of Motion 3 : Remuneration and Development Committee

Councillor Jonathan Larsen **17 April 2018**

Moved **Larsen/Wade**

- a) *That Council changes the composition of the Remuneration and Development Committee so that it is comprised of the Mayor and three Councillors.*
- b) *That Council amends the terms of reference for the Remuneration and Development Committee to remove the responsibility for overseeing any recruitment and selection process for a Chief Executive.*
- c) *That the above changes are effective immediately.*

LOST

5 Decision

5.1 Kaipara District Council's General Bylaws - Revoking the fire provisions

Policy Analyst **3204.01.02/Part 7 Fires**

Moved **Curnow/Jones**

That Kaipara District Council:

- 1 *Receives the Policy Analyst's report 'Kaipara District Council's General Bylaws - Revoking the fire provisions' dated 10 April 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Revokes Part 7 of Kaipara District Council's General Bylaws "Fires In The Open Air".*

Carried

Meeting adjourned 3.44pm.

Meeting reconvened at 3.52pm.

Councillor Larsen re-joined the meeting at 3.54pm.

Councillor Wade left the meeting at 4.00pm with apologies.

5.2 Forecast Two 2017/2018

Financial Services Manager 2303.24

Moved Wethey/Geange

That Kaipara District Council:

- 1 *Receives the report from the Financial Services Manager 'Forecast Two: 2017/2018' dated 13 April 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the forecast as set out in the forecast sections in the above-mentioned report and its attachments, and determines that no further action is required at this point in time; and*
- 4 *Notes that the revised forecast shows increased operating revenues of \$1.6 million, reduced operating costs of \$0.4 million, increased capital funding of \$0.3 million and reduced capital expenditure of \$1.7 million from the estimates in Forecast One; and*
- 5 *Approves the revised capital expenditure schedules, listed in Attachment 4 of the above-mentioned report, and the carry forwards to the Long Term Plan 2018/2028; and*
- 6 *Notes that forecast debt is currently projected in the order \$48.2 million which is a reduction of \$13.9 million compared with the planned \$3.8 million reduction in the Annual Plan. The increased reduction is due to release of available general reserves, property sales and development contribution payments for the Mangawhai Community Wastewater Scheme (MCWWS); and*
- 7 *Approves the out of limit position in terms of clause 6.3 of the Treasury Management Policy (this to be reviewed in six months); and*
- 8 *Notes that the Chief Executive is to provide Council with a full briefing on all options on the proceeds from the forestry asset sale.*

Carried

5.3 Kaipara District Council schedule of meetings for July-December 2018

Committee Secretary **1203.01**

[Secretarial note: For clarity, the complete resolution for Item 5.3, incorporating ‘CARRIED’ Motion 2, has been placed after Motion 2.]

Motion (1) Larsen/Geange

That Kaipara District Council:

- 1 *Receives the Committee Secretary’s report ‘Kaipara District Council schedule of meetings for July-December 2018’ dated 16 April 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the proposed Kaipara District Council meeting schedule for the second half of 2018 as set out below, and publishes it on the Kaipara District Council website:*

Meeting dates	
<i>Holds its Ordinary meetings of Council at 09.00am (venue to be advised) according to the schedule as follows:</i>	
<i>Thursday 09 August 2018</i>	<i>Thursday 01 November 2018</i>
<i>Thursday 20 September 2018</i>	<i>Thursday 13 December 2018</i>
<i>Holds its meeting of the Citizens Awards Committee (time and venue to be advised) on the following date:</i>	
<i>Monday 08 October 2018</i>	
<i>Holds its meeting of the Community Grants Committee (time and venue to be advised) on the following date:</i>	
<i>Wednesday 22 August 2018</i>	
<i>Holds its meeting of the Funding Committee (time and venue to be advised) on the following dates:</i>	
<i>Wednesday 26 September 2018 (for Creative Communities Scheme)</i>	<i>Wednesday 24 October 2018 (for Rural Travel Fund)</i>

; and

- 4 *Delegates the General Manager Governance, Strategy and Democracy to determine times and venues for meetings of Council and Committees of Council, in consultation with the Chair of those Committees, and that these times and venues be publicly notified in accordance with clause 19(5), Schedule 7 of the Local Government Act 2002, section 46 of the Local Government Official Information Management Act 1987 and Council’s operative Standing Orders.*

Moved (2) Smith/del la Varis-Woodcock

That the Kaipara District Council amends the third resolution of Motion (1) to:

- 3 *Adopts the proposed Kaipara District Council meeting schedule for the second half of 2018 as set out below, and publishes it on the Kaipara District Council website:*

Meeting dates	
<i>Holds its Ordinary meetings of Council at 09.30am (venue to be advised) according to the schedule as follows (with Elected Members-only time starting at 8.45am):</i>	
<i>Thursday 26 July 2018</i>	<i>Thursday 25 October 2018</i>
<i>Thursday 23 August 2018</i>	<i>Thursday 29 November 2018</i>
<i>Thursday 27 September 2018</i>	<i>Thursday 20 December 2018</i>
<i>Holds its meeting of the Citizens Awards Committee (time and venue to be advised) on the following date:</i>	
<i>Monday 08 October 2018</i>	
<i>Holds its meeting of the Community Grants Committee (time and venue to be advised) on the following date:</i>	
<i>Thursday 23 August 2018</i>	
<i>Holds its meeting of the Funding Committee (time and venue to be advised) on the following dates:</i>	
<i>Thursday 27 September 2018 (for Creative Communities Scheme)</i>	<i>Thursday 25 October 2018 (for Rural Travel Fund)</i>

Carried

Item 5.3 'Kaipara District Council schedule of meetings for July-December 2018'

therefore reads:

Moved/Seconded Smith/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Committee Secretary's report 'Kaipara District Council schedule of meetings for July-December 2018' dated 16 April 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the proposed Kaipara District Council meeting schedule for the second half of 2018 as set out below, and publishes it on the Kaipara District Council website:*

Meeting dates	
<i>Holds its Ordinary meetings of Council at 09.30am (venue to be advised) according to the schedule as follows (with Elected Members-only time starting at 8.45am):</i>	
<i>Thursday 26 July 2018</i>	<i>Thursday 25 October 2018</i>
<i>Thursday 23 August 2018</i>	<i>Thursday 29 November 2018</i>
<i>Thursday 27 September 2018</i>	<i>Thursday 20 December 2018</i>
<i>Holds its meeting of the Citizens Awards Committee (time and venue to be advised) on the following date:</i>	
<i>Monday 08 October 2018</i>	
<i>Holds its meeting of the Community Grants Committee (time and venue to be advised) on the following date:</i>	
<i>Thursday 23 August 2018</i>	
<i>Holds its meeting of the Funding Committee (time and venue to be advised) on the following dates:</i>	
<i>Thursday 27 September 2018 (for Creative Communities Scheme)</i>	<i>Thursday 25 October 2018 (for Rural Travel Fund)</i>

- 4 *Delegates the General Manager Governance, Strategy and Democracy to determine times and venues for meetings of Council and committees of Council, in consultation with the Chair of those Committees, and that these times and venues be publicly notified in accordance with clause 19(5), Schedule 7 of the Local Government Act 2002, section 46 of the Local Government Official Information Management Act 1987 and Council's operative Standing Orders.*

Carried

6 Information

6.1 Resolutions Register and Action Tracker

Committee Secretary **1202.05**

Moved **Curnow/del la Varis-Woodcock**

That Kaipara District Council receives the Committee Secretary's Resolutions Register and Action Tracker dated 18 April 2018.

Carried

6.2 Chief Executive's Report March 2018

Acting Chief Executive 2002.02.18/March

Moved Wethey/Curnow

That Kaipara District Council receives the Chief Executive's Report for the month of March 2018.

Carried

6.3 Kaihu Valley Rail Trail Feasibility and Stakeholder Engagement

Community Relationships Manager 4702.04.01

Councillor Joyce-Paki declared possible conflict of interest for this item and did not participate in the discussion nor vote for this item.

Moved del la Varis-Woodcock/Geange

That Kaipara District Council receives the Community Relationship Manager's report 'Kaihu Valley Rail Trail Feasibility and Engagement Plan' dated 06 April 2018, plus Attachment 1 to the report 'Stakeholder Engagement Plan' and the information contained therein.

Carried

7 Public Excluded Council minute items 26 April 2018

The meeting went into Public Excluded session at 9.05am.

This section was taken out of order, between sections 1 and 2.

Motion (1) Curnow/Wethey

That the public be excluded from the following part of the proceedings of this meeting namely:

- *Confirmation of Public Excluded Council minutes 28 March 2018; and*
- *Chief Executive recruitment: Selection update.*

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Confirmation of Public Excluded Council minutes 28 March 2018</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Chief Executive recruitment: Selection update</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(b)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</i>	<i>S48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

Carried

Motion (2) Curnow/Wethey

That Kaipara District Council invites Dale Gray from INSIDE Recruitment to remain for the Public Excluded session to provide expert advice to Council on the Chief Executive recruitment process.

Carried

8 Open meeting Council minutes 26 April 2018

The meeting went back into Open session at 1.45pm, adjourned for lunch until 2.02pm when it continued with section 2.

Closure

The meeting closed at 5.05pm.

Confirmed

Chair

Kaipara District Council
Dargaville

Unconfirmed

4 Public Excluded Council agenda items 15 May 2018

Recommended

- 1 *That the public be excluded from the following part of the proceedings of this meeting namely:*
 - *Confirmation of Public Excluded Council minutes 26 April 2018;*
 - *Consultation on legal action in relation to outstanding rates;*
 - *Chief Executive appointment;*
 - *Interim Chief Executive appointment from 02 June 2018; and*
 - *Code of Conduct: Independent Investigators; and*

- 2 *That, pursuant to section 48 (6) of the Local Government Official Information Act 1987, David Neutze from Council's contractor Brookfields to remain for the Public Excluded session.*

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered:</i>	<i>Reason for passing this Resolution:</i>	<i>Ground(s) under Section 48(1) for the passing this resolution:</i>
<i>Confirmation of Public Excluded Council minutes 26 April 2018</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(b)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</i>	<i>S48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Consultation on legal action in relation to outstanding rates</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(g) maintain legal professional privilege Section 7(2)(i) enable the local authority to carry out, without prejudice or disadvantage, negotiations</i>	<i>Section 48(1)(a) that the public conduct of the whole or relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist</i>

General subject of each matter to be considered:	Reason for passing this Resolution:	Ground(s) under Section 48(1) for the passing this resolution:
<i>Chief Executive appointment</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons</i>	<i>Section 48(1)(a) that the public conduct of the whole or relevant part of the proceedings of the meeting would likely to result in the disclosure of information for which good reason for withholding would exist</i>
<i>Interim Chief Executive appointment from 02 June 2018</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons</i>	<i>Section 48(1)(a) that the public conduct of the whole or relevant part of the proceedings of the meeting would likely to result in the disclosure of information for which good reason for withholding would exist</i>
<i>Code of Conduct: Independent Investigators</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons</i>	<i>Section 48(1)(a) that the public conduct of the whole or relevant part of the proceedings of the meeting would likely to result in the disclosure of information for which good reason for withholding would exist</i>

5 Open Council agenda 15 May 2018

Closure

**Kaipara District Council
Dargaville**