

I hereby give notice of the following Extraordinary business:

**Acting Chief Executive appointment dated 04 September 2017**

for the following meeting:

<b>Meeting</b>	Kaipara District Council
<b>Date</b>	25 January 2018
<b>Time</b>	09.00 am
<b>Venue</b>	Northern Wairoa War Memorial Hall (Dargaville Town Hall), 37 Hokianga Road, Dargaville

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## Open Addendum

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### Membership

Chair: Councillor Peter Wethey (Deputy Mayor)  
Members: 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

Seán Mahoney  
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**Ordinary Meeting of Kaipara District Council**

**Thursday 25 January 2018 in Dargaville**

Pursuant to section 46A (7) of Local Government Official Information and Meetings Act 1987, the Acting Chief Executive has requested that the report 'Acting Chief Executive appointment dated 04 September 2017' dated 23 January 2018 be brought before the Kaipara District Council at its meeting on 25 January 2018.

**10 Extraordinary business**

**10.1 Acting Chief Executive appointment 04 September 2017**

Acting Chief Executive 1203.01

**Recommended**

*That Kaipara District Council:*

- 1 *Receives the Acting Chief Executive's report 'Acting Chief Executive appointment 04 September 2017' dated 23 January 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 *Formally approves the appointment of Peter Tynan as Acting Chief Executive of Kaipara District Council from 04 September 2017 and confirms the appropriate delegations associated with being the Chief Executive.*
- 4 *Authorise the Deputy Mayor to take the steps necessary to confirm the effect of these recommendations*



**File number:** 1203.01 **Approved for agenda**

**Report to:** Council

**Meeting date:** **Thursday 25 January 2018**

**Subject:** **Acting Chief Executive appointment 04 September 2017**

**Date of report:** 23 January 2018

**From:** Peter Tynan, Chief Executive

**Report purpose**  **Decision**  **Recommendation**  **Information**

**Assessment of significance**  **Significant**  **Non-significant**

### Summary

As part of re-financing of a short term loan with the Local Government Funding Agency (LGFA), a query was raised by the LGFA lawyers, Russell McVeagh, about the ability of the current Acting Chief Executive to execute these loan documents. Although the Acting Chief Executive role was an appointment made by Council's Remuneration Committee, this has not been formalised by way of a Council resolution. This report is a corrective measure to formally approve the appointment of Peter Tynan from when he commenced with Kaipara District Council on 04 September 2017.

### Recommendation

*That Kaipara District Council:*

- 1 *Receives the Acting Chief Executive's report 'Acting Chief Executive appointment 04 September 2017' dated 23 January 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 *Formally approves the appointment of Peter Tynan as Acting Chief Executive of Kaipara District Council from 04 September 2017 and confirms the appropriate delegations associated with being the Chief Executive including authority to execute loan documents and any Section 118 certificates.*
- 4 *Authorise the Deputy Mayor to take the steps necessary to confirm the effect of these recommendations*

### Reason for the recommendation

To formalise and document the appointment of Peter Tynan as the Acting Chief Executive for Council by the Remuneration Committee at its meeting held 31 August 2017.

### Background

As part of routine financing, LGFA sought the Council resolution that appointed the Acting Chief Executive, Peter Tynan, after the departure of Graham Sibery as Chief Executive in order to finalise



documentation relating to transactions with the agency (118 Certificate). There was a meeting by the Remuneration Committee to appoint an Acting Chief Executive. However, this appointment was not subsequently formally adopted by Council.

This item is being treated as an item of extraordinary business at Council's 25 January 2018 meeting, as the need for it arose too late for it to be included in the published agenda and the LGFA requires this documentation for the short term financing to be signed prior to the next meeting of Council on 28 February 2018.

### **Issues**

Without a formal resolution of Council for the appointment of the Acting Chief Executive, there is a risk for Council in the current Acting Chief Executive in undertaking statutory and delegated obligations as part of the role of Chief Executive.

### **Factors to consider**

#### *Community views*

The community expects that Council will operate within its statutory obligations in a clear and transparent manner.

#### *Policy implications*

The recommendation will ensure that Council and its management can continue to efficiently implement all Council policies without questions of authority having to be confirmed on a decision-by-decision basis.

#### *Financial implications*

Not endorsing this recommendation means that all financial decisions since the appointment of the Acting Chief Executive which have been made by the Acting Chief Executive will then need to come back to Council for approval.

#### *Legal/delegation implications*

The Acting Chief Executive has a contract that states that the purpose of the role is '[t]o act in the capacity of interim Chief Executive until such a time as a permanent appointment is made'. The responsibilities of the role mean that he must:

- perform all tasks per the current Chief Executive position description for the required term of the agreement;
- specifically oversee the development of Council's Long Term Plan 2018/2028;
- review staff engagement levels, and work with the management groups on ways to improve the same;
- attend regional council forums as required;
- provide feedback directly to the Mayor on operational risk areas; and
- attend Council and public meetings as required.

### **Options**

There are two options:

**Option A:** Council resolves that the appointment of Peter Tynan as the Acting Chief Executive be confirmed. Elected Members are accepting of this appointment made by the Remuneration Committee.

**Option B:** Council does not resolve the recommendation. Elected Members do not accept the recommendation from the Remuneration Committee in the appointment.

#### **Assessment of options**

Options A would provide for certainty and direction, ensuring that Council is operating within its statutory obligations.

#### **Assessment of significance**

Under Council's Significance and Engagement Policy, a decision in accordance with the recommendation does not trigger Council's Significance and Engagement Policy.

#### **Recommended option**

The recommended option is **Option A**.

