

Meeting:	Kaipara District Council (Extraordinary)
Date	Tuesday 15 May 2018
Time	Meeting commenced at 9.04am Meeting concluded at 11.48am
Venue	Maungaturoto Country Club, Maungaturoto
Status	Confirmed

Minutes Extraordinary Meeting

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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Confirmed

**Minutes Kaipara District Council Extraordinary meeting
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

Councillor del la Varis-Woodcock opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith (Chair, except item 4.5), Deputy Mayor Peter Wethey and Councillors Anna Curnow, Victoria del la Varis-Woodcock, Libby Jones, Karen Joyce-Paki (via audio link for items 4.3 and 4.4 only), Jonathan Larsen and Andrew Wade

Name	Designation	Item(s)
Peter Tynan	Acting Chief Executive	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All (except item 4.4)
Robert Nelson	Acting General Manager IT, Risk and Finance	1—4.2
Christine Toms	Revenue Manager	1—4.2
Peter Winder	Crown Manager	1—4.2
David Neutze	Brookfields	1—4.2
Jason Marris	General Manager Governance, Strategy and Democracy	All
James Bews-Hair	Governance and Procedural Advisor	All
Lisa Hong	Governance Advisor	All (Minute-taker)

Adjournments

Reason	Start Time	Finish Time
Morning tea	10.43am	11.02am

1.3 Apologies

Moved Jones/Curnow

That the apology of Councillor Geange be received.

Carried

1.4 Confirmation of Agenda

Moved Curnow/del la Varis-Woodcock

That Kaipara District Council confirms the Agenda for its 15 May 2018 Extraordinary meeting.

Carried

1.5 Conflict of Interest Declaration

Name	Conflict
Mayor Smith	Item 4.5 'Code of Conduct: Independent Investigators' – Mayor Smith declared a conflict of interest and left the room for the duration of the discussion and voting on this item.

2 Deputations, Presentations and Petitions

Nil.

3 Minutes

3.1 Confirmation of Council minutes 26 April 2018

General Manager Governance, Strategy and Democracy 1601.22

Moved Smith/Wethey

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

Carried

4 Public Excluded EO Council minute items 15 May 2018

The meeting went into Public Excluded session at 9.09am.

[Secretarial Note: At its meeting on 23 May 2018, Council confirmed these minutes and resolved that 'the resolutions made in the Public Excluded session of the Extraordinary Council meeting held 15 May 2018 be made publicly available'.]

Moved Curnow/del la Varis-Woodcock

The Kaipara District Council resolves:

- 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 remains 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>

** This table continues on the next page.*

<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>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>
<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>

Carried

5 Open EO Council minutes 15 May 2018

The meeting went back into Open session at 11.48am.

[Secretarial Note: At its meeting on 23 May 2018, Council confirmed these minutes and resolved that 'the resolutions made in the Public Excluded session of the Extraordinary Council meeting held 15 May 2018 be made publicly available'.]

5.1 Confirmation of Public Excluded Council minutes 26 April 2018

General Manager Governance, Strategy and Democracy 1601.22

Moved Curnow/Wethey

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

Carried

5.2 Consultation on legal action in relation to outstanding rates

Crown Manager 1203.01

Moved del la Varis-Woodcock/Curnow

That Kaipara District Council:

- 1 *Receives the Crown Manager's report Consultation on legal action in relation to outstanding rates' dated 07 May 2018 and the tabled replacement page for Attachment 6 'Outstanding rates and penalties by category by ratepayer'; 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 *Provides the views of the Council to the Crown Manager in relation to the matters raised in the above-mentioned report.*

Carried

5.3 Chief Executive Appointment

Mayor 2203.07

Moved Smith/Wethey

That Kaipara District Council:

- 1 *Receives the Mayor's report 'Chief Executive Appointment' dated 08 May 2018 and the tabled additional information 'Interim CEO lease or search costs'; 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 *Notes that the Mayor and Deputy Mayor have successfully completed negotiations, and reached agreement, with Council's preferred candidate for Chief Executive, Louise Miller; and*
- 4 *Approves the appointment of Louise Miller as Chief Executive, commencing on 24 September 2018 and confirms all delegations to her as Chief Executive effective from that date; and*
- 5 *Agrees that the decisions of this meeting remain confidential and that any announcements or media will come from the Mayor in consultation with the successful candidate.*

Carried

5.4 Interim Chief Executive appointment from 02 June 2018

Acting Chief Executive 1601.23

Moved Wade/Larsen

That Kaipara District Council:

- 1 *Receives the Acting Chief Executive's report 'Interim Chief Executive appointment from 02 June 2018' dated 07 May 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 *Approves the appointment of Curt Martin as Interim Chief Executive of Kaipara District Council from 02 June 2018 up until the newly appointed permanent Chief Executive commences, and confirms the appropriate delegations associated with being the Chief Executive including authority to execute loan documents and any Section 118 certificates; and*
- 4 *Authorises the Mayor to take the steps necessary to confirm the effect of these recommendations including any additional allowances that may be deemed appropriate.*

Carried

5.5 Code of Conduct: Independent Investigators

Acting Chief Executive 1203.01

Moved Larsen/Curnow

That Kaipara District Council:

- 1 *Receives the Acting Chief Executive's report 'Code of Conduct: Independent Investigators' dated 08 May 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 *Appoints a list of independent investigators in relation to the Elected Members Code of Conduct comprising:*
 - *John Law*
 - *To be identified*
 - *To be identified*
 - *To be identified; and*
- 4 *Agrees to appoint John Law to undertake the initial investigation of the complaint laid under the Code received on 26 April 2018 subject to confirming that he has no conflict in relation to either of the parties to the complaint; and*
- 5 *Directs the Chief Executive to identify three further suitable members for inclusion in the list of independent investigators to be brought to Council.*

Carried

Closure

Meeting closed at 11.48am.

Confirmed 23 May 2018

Chair Mayor Jason Smith

**Kaipara District Council
Dargaville**