
Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 2 November 2016 at 4.00 pm.

PRESENT

Mayor	Mr M Feyen
Deputy Mayor	Mr R H Campbell
Councillors	Mr W E R Bishop
	Mr R J Brannigan
	Mr N G Gimblett
	Mr B F Judd
	Mrs V M Kaye-Simmons
	Mrs J Mason
	Mrs C B Mitchell
	Ms P Tukapua
	Mr B P Wanden

IN ATTENDANCE

Mr D M Clapperton	(Chief Executive)
Mr D Law	(Chief Financial Officer)
Mr G Saidu	(Group Manager – Infrastructure Services)
Mrs N Brady	(Group Manager – Business Services)
Mr D McCorkindale	(Senior Manager – Strategic Planning)
Mr M Lester	(Project Coordination Manager)
Mr S Grainger	(Economic Development Manager)
Ms L Wilson	(Communications Lead)
Mrs K J Corkill	(Meeting Secretary)
Ms S Bowling	(Meeting Secretary)

MEDIA IN ATTENDANCE

Ms T Wood	(“Chronicle”)
Mr N McBride	(“Manawatu Standard”)
Ms N Schroeter	(“Manawatu Standard”)

ALSO IN ATTENDANCE

Mr D J Roache	(Chair, Foxton Community Board)
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PUBLIC IN ATTENDANCE

There were approximately 97 people in attendance at the commencement of the meeting.

The meeting commenced with a karakia (Mr Peter Hirawani), and a welcome from His Worship the Mayor who expressed his appreciation for the large number present for his first meeting at the helm of the Horowhenua district. In his introductory comments, Mayor Feyen congratulated the new Councillors who had been elected, those Councillors who had been re-elected, and also Mr Roache for his re-election to the Foxton Community Board.

In saying he trusted this would be a new era for Horowhenua District Council going forward, Mayor Feyen acknowledged the mandate from voters to govern and lead the direction of the Horowhenua. He said he would be actively encouraging the community back into Council and it was a good start to see so many members of the public in attendance. He thanked all those who had also sought speaking rights as involving people from the community was what he wanted to do. He hoped there would be a similar number of people at subsequent Council meetings.

Mayor Feyen advised that the meeting was being filmed and livestreamed for those people who were not able to be in attendance this evening. This had been discussed and cleared with the Chief Executive and was an innovation that would be explored for the future to encourage people to be involved.

1 Apologies

There were no apologies.

2 Public Speaking Rights

9.1 September Quarter Financial Report

Dave Thomson
Christina Paton

10.1 Notices of Motion

Christina Paton
Gaylyn Bennett
Andy Wynne
Michelle Raill
Bryan Ten Have
Bob Wright
Stewart Thompson

Mayor Feyen advised there would be a change with regard to people exercising speaking rights, with that to occur prior to the receipt of reports.

3 Late Items

A late item – Committee Structure and Elected Members Appointments (Report 16/576) – was advised by the Chief Executive. The intention of this report was to signal the proposed Committee structure prior to further discussion with Councillors and with community groups and organisation still operating, it was important to have Council representation to allow for continued Council engagement until such time as the Committee structure was finalised.

4 Declaration of Interest

There were no declarations of interest recorded.

5 Confirmation of Minutes – 25 October 2016

MOVED by Cr Kaye-Simmons, seconded Cr Campbell:

THAT the minutes of the meeting of the Inaugural Council held on Wednesday, 25 October 2016, be confirmed as a true and correct record.

CARRIED

6 Matters Arising

Mr Clapperton noted that one of the resolutions adopted at the Inaugural Council meeting with regard to Foxton Community Board representation required a slight amendment to reflect the correct 18 month tenure.

MOVED by Cr Brannigan, seconded Cr Kaye-Simmons:

THAT Councillor Neville Gimblett is Council's representative on the Foxton Community Board from 25 October 2016 until 24 April 2018 and Councillor Ross Brannigan is Council's representative on the Foxton Community Board from 25 April 2018 until the October 2019 Local Government Elections.

CARRIED

7 Leave of absence

There were no leaves of absence requested.

8 Announcements

The Chief Executive advised that that items 10.4 Code of Conduct and 10.5 Adoption of Standing Orders had been withdrawn from the Agenda. Council would continue to operate under Model Standing Orders and the Code of Conduct that were currently in place until Councillors had had the opportunity to discuss changes that were proposed.

Public Speaking Rights – Those who had requested speaking rights were invited to address the meeting, with Councillors having the opportunity to ask questions for further clarification.

9.1 September Quarter Financial Report

David Thomson raised questions with regard to the Report's content and some of the information provided. A copy of Mr Thomson's comments are **attached** to the official minutes.

Mayor Feyen requested Mr Thomson to moderate his language when he made a derogatory reference to staff competence. He further requested that all speakers to ensure their comments were appropriate when referring to staff.

Christina Paton raised similar queries to Mr Thomson with regard to the performance noted in some areas of the report. A copy of Mrs Paton's speaking rights are **attached** to the official minutes.

10.1 Notices of Motion – Pensioner Housing, Council Building and Council Finances

Mrs Paton suggested that a decision on Pensioner Housing lay on the table until Council has engaged in comprehensive research as to how other TLA's had dealt with the issue, recommending investigating the Christchurch City Council resolution on the issue.

Gaylyn Bennett spoke in relation to the Council Building and concerns re its structural safety. She had read both reports on the building's integrity and went into some detail of why she felt more information was required, including confirmation of soil types and the possibility of liquefaction in the right circumstances. She said she would also like to know more detail of repairs to the building and on-going costs. With regard to opening the books, if there was nothing to hide why not open them?

Andy Wynne withdrew his request to speak.

Michelle Raill spoke against the sale of Council's Pensioner Housing saying that housing was a need and whilst most of the Councillors were already home owners there were many in the community who were not and needed access to appropriate accommodation. She asked Councillors to vote against the sale on behalf of the low income and oppressed people in the community. She also said she would like to see open and transparent financial transactions and queried expenditure on items that she did not see as benefitting the community.

Cr Bishop queried a comment made by Ms Raill about the cost of pensioner housing.

Mr Clapperton advised that Pensioner Housing ran at a loss with the total revenue received from rental income being \$800,000 with the costs being slightly higher than that.

In congratulation those who had won position, Mr Ten Have, said they had won those positions because ratepayers wanted to see change. Speaking to the three Notices of

Motion, he said they were all looking to uphold the status quo, but he would like to think that discussions that had obviously been held had had the best interests of ratepayers to the fore. Council had been very vocal about the big boom that was coming to the district and he suggested the property boom had already started so it was the worst time to be selling houses because prices would be going up. He suggested a thorough report to get the best outcome for ratepayers.

With regard to the second Notice of Motion, rather than relying on the two previous reports, with the OPUS report having been a desk top report concentrating on the plans rather than an on-site inspection, Mr Ten Have suggested having an independent report done on the building.

Cr Bishop raised a Point of Order saying that the inference from Mr Ten Have's comments was that OPUS and ISPS Consulting Engineers were not competent and the reports done were not independent, when they were.

With regard to the argument that Council's books were already open, Mr Ten Have said he had six accountants make the comment to him that the Annual Report was unreadable and deliberately written to be unreadable. He declined to name the accountants.

Cr Judd asked Mr Ten Have to retract an incorrect statement he had made as the OPUS report clearly stated that there had been a non-intrusive site inspection of the building.

Mayor Feyen said what he was interested in was trying to get people active in the community to speak. It was not something that had been done a lot during his time at Council and he was still learning. He requested patience and civility. He would not put up with attacks from anybody.

Raising a Point of Order and quoting Standing Orders, Cr Judd said to stand and make incorrect statements and not retract them was not proper process. There had also been a number of comments about staff, questioning their integrity and qualifications, which he would also not accept.

Mayor Feyen said he agreed with Cr Judd's comments with regard to the staff and had put a stop to that.

With regard to the Council building, whilst saying he did not claim to be an engineer, Bob Wright said he had been associated with engineering companies and did have knowledge of engineering processes. Before reading the OPUS and ISPS reports he had established the credentials of those organisations. After commenting in detail on both companies and saying they had considerable standing, Mr Wright said nowhere in the assessments was there any suggestion that the structural integrity of the building had been compromised. Both said the building was safe for occupancy and not earthquake prone. There was not a shred of evidence to suggest otherwise. His opinion was the matters should not be revisited.

Like Mr Wright, Stewart Thompson said he had gone on the Internet and read the reports on the Council building which were very detailed. Both said the building was safe for normal occupancy. People had commented on the cracks in the floor, but everything did crack. The building was designed for the old standard, but also met the new standard. He thought enough had been done on this and the money (\$135,000) would be better spent somewhere else.

Cr Campbell queried where Mr Thompson had got the \$135,000 figure from as the cost for a building of this size would be between \$20-30,000.

Cr Judd raised a point of order with regard to comments made by Cr Campbell as it was not a Councillor's role to go out and commission reports; that was for Council officers.

9 Finance

9.1 September Quarter Financial Report

Purpose

The purpose of this report is to introduce the Horowhenua District Council September 2016 Quarter Financial Report

MOVED by Cr Bishop, seconded Cr Judd:

THAT Report 16/580 on September Quarter Financial Report be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

In speaking to this report, Mr Clapperton noted that it would normally have gone to the Finance, Audit & Risk Subcommittee. As this committee would not meet in the near future, he had made the decision to bring it directly to Council. He undertook to respond in writing to the various issues raised by Mr Thomson and Mrs Paton in their speaking rights.

Cr Bishop, who had been the Chair of the Finance, Audit & Risk Subcommittee during the previous triennium commented on the highlights in September Financial Report.

12 Executive

10.1 Notices of Motion: Pensioner Housing; Council Building and Council Finances

Purpose

In accordance with Standing Order 3.10.1, the Chief Executive has received three Notices of Motion from Cr Bishop, seconded by Cr Judd, with the request that they be placed on the agenda for the 2 November 2016 Council meeting.

Mayor Feyen advised he would move a procedural motion that the Notices of Motion submitted by Crs Bishop and Judd lay on the table until the February 2017 Council meeting. Mayor Feyen went into some detail as to the rationale for his procedural motion to put it in context. He queried why the hurry with regard to the Notices of Motion as new Councillors had had no briefings or workshops on the matters under discussion which could put them in a difficult position and could be seen as predetermination.

He suggested having a retreat for all Councillors, with a highly recommended facilitator, to get to know one another and to strategise in a new direction in terms of a vision for the future.

With regard to the Council building and going into detail with regard to his concerns, Mayor Feyen said he would be instructing Koru VSL (a company on which due diligence had been done) to carry out a full seismic design and structural assessment of the HDC building and would resource it if need be. He would be doing that forthwith.

Responding to a query as to the timeframe with regard to the sale of Pensioner Housing and whether the process would be disrupted if Council did not go ahead now, Mr Clapperton outlined the proposed timeline which involved in two weeks' time seeking expressions of interest, in tandem with Treasury with regard to the Housing NZ stock, with evaluation of the responses to occur in late January/early February next year. For clarity Mr Clapperton noted that the decision was to sell the housing stock to registered community housing providers; they would not be placed

on the open market. There could be some difficulty if the matter lay on the table and the current programme was not proceeded with.

The Mayor responding to queries in relation to Koru VSL and that company's credentials, said they had a comprehensive history and had been involved with many buildings. He had every confidence in them and they were independent. The cost would be in the vicinity of \$30,000.00 plus GST.

Cr Bishop raised a point of order to comments made as Mayor Feyen explained what he meant by his verbal proposal to open the books. Mayor Feyen had noted that he had not been allowed to attend Finance meetings, with Cr Bishop saying that was not correct. He and Cr Campbell had been asked to leave one Finance meeting when they had entered during an In Committee portion of the meeting. That was not a blanket ban from all meetings.

Cr Mason raised a further point of order saying she had attended the September 2016 Finance, Audit & Risk Subcommittee meeting as an observer when he and Cr Campbell had been invited to stay; however they had declined and walked out.

Cr Brannigan challenged Mayor Feyen, if he wanted Councillors to support his resolution, to put credible evidence on the table with regard to the safety of the Council Building.

In saying it was a Health & Safety issue, Mayor Feyen reiterated that he was satisfied with the evidence that he had, he was not convinced that the reports done so far were credible, and did not see what the issue was in pursuing a further report.

MOVED by Mayor Feyen, seconded Cr Campbell

THAT the Notices of Motion submitted by Councillors Bishop and Judd relating to Pensioner Housing, Council Building and Council Finances should lay on the table until the February 2017 Council Meeting.

A division was called for, voting on which was as follows:

For:

Councillors: Ross Campbell
Michael Feyen

Against:

Councillors: Wayne Bishop
Ross Brannigan
Neville Gimblett
Barry Judd
Victoria Kaye-Simmons
Joanna Mason
Christine Mitchell
Piri-Hira Tukapua
Bernard Wanden

The division was declared LOST by 2 votes to 9.

MOVED by Cr Bishop, seconded Cr Judd

THAT Report 16/585 Notices of Motion: Pensioner Housing; Council Building and Council Finances be received.

THAT the Horowhenua District Council endorses the decision of the previous Council:

THAT the Horowhenua District Council no longer provides Pensioner Housing as a core Council Service.

THAT Horowhenua District Council seeks expressions of interest from Community Housing Providers for the stock transfer of Council's Pensioner Housing Portfolio including those land parcels tagged for future Pensioner Housing.

THAT Horowhenua continues to take a leadership role in advocating and facilitating for wider community issues with regard to accessibility and affordability of quality housing.

THAT the Horowhenua District Council supports the two independent reports that have stated the Council building is safe for occupancy and that no further ratepayers' resources are to be invested in this matter.

THAT Council endorses the role of Audit NZ which is commissioned to complete an audit of Horowhenua District Council's finances annually

AND FURTHER

THAT Council does not support the intention of Mayor Feyen for the books to be opened as they already are open, and encourage people to read the 2015/2016 Annual Report for facts regarding Horowhenua District Council's financial position.

Cr Bishop spoke to this item giving the reasons for the three Notices of Motion being put forward, which included not wasting time by going backwards. He said the people in this community in good faith had put Councillors around the table to make sound decisions, based on sound reports, to get sound outcomes.

The Chair requested Cr Bishop to direct his comments to the Chair not to the public.

So directed, Cr Bishop suggested this would be a test as to whether Councillors around this table wanted to backtrack and waste further time or go forward with the business of Council.

Mayor Feyen and Councillors were given the opportunity to speak to these Notices of Motion and record their views, following which the Notices of Motion were put.

A division was called for, voting on which was as follows:

For:

Councillors: Wayne Bishop
Ross Brannigan
Neville Gimblett
Barry Judd
Victoria Kaye-Simmons
Joanna Mason
Christine Mitchell
Piri-Hira Tukapua
Bernard Wanden

Against:

Councillors: Ross Campbell
Michael Feyen

The division was declared **CARRIED** by 9 votes to 2.

10.2 Monitoring Report to 2 November 2016

Purpose

To present to Council the updated monitoring report covering requested actions from previous meetings of Council.

MOVED by Cr Mitchell, seconded Cr Judd:

THAT Report 16/573 Monitoring Report to 2 November 2016 be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

There were no questions with regard to items in the Monitoring Report.

10.3 Chief Executive's Report to 2 November 2016

Purpose

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

MOVED by Cr Campbell, seconded Cr Mason:

THAT Report 16/543 Chief Executive's Report to 2 November 2016 be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

3.1 Foxton Community Board – Council Representative

This item had been addressed earlier in the Agenda under Matters Arising.

3.3 Long Term Plan Monitoring Report

Mr Clapperton noted that most of the items were on track or were completed.

Item 30. Officers were still working with the Waitarere Surf Life Saving Club. The consents had been approved but the accretion process was still being worked through. The constraints were beyond Council's control. The date would be reset to reflect the current status..

Item 56 The date would be reset to reflect the current status.

Item 72 The date would be reset to reflect the current status.

10.6 Documents Executed and Electronic Transactions Authorities Signed

Purpose

To present to Council the documents that have been executed, Electronic Transactions Authorities and Contracts that have been signed by two elected Councillors, which now need ratification.

MOVED by Cr Judd, seconded Cr Mason:

THAT Report 16/544 Documents Executed and Electronic Transactions Authorities Signed be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

THAT the Horowhenua District Council hereby ratifies the signing of documents and Electronic Transaction Authorities as scheduled:

- (a) *Electronic Transaction Authority relating to sale of 31 Hartley Street, Foxton Beach to Ian John Petersen and Graham John Petersen, contained in Certificate of Title WN7A/629.*
- (b) *Electronic Transaction Authority relating to removal of easement on Title WN15D/9, 31 Rimu Street, Levin.*
- (c) *Electronic Transaction Authority relating to sale of 7 Forbes Road, Foxton Beach to Norman Derek Cooper and Gwenda Judith Cooper, contained in Certificate of Title 399453.*
- (d) *Electronic Transaction Authority relating to sale of 21 Story Street, Foxton Beach to Haydn Michael McKinley and Gerdina Louise McKinley, contained in Certificate of Title 399472.*

CARRIED

11 Customer and Community Services

11.1 Planning Services Matters Considered Under Delegated Authority

Purpose

To present details of decisions made under delegated authority in respect of Planning Services Matters.

MOVED by Cr Bishop, seconded Cr Mitchell:

THAT Report 16/545 Planning Services Matters Considered Under Delegated Authority be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

THAT the matters decided under delegated authority (s104 of the Resource Management Act) as listed, be received:

All Subdivision Resource Consents Granted Under Delegated Authority 21/09/16 to 18/10/16

Approved Date	File Ref	Applicant	Address
23.09.2016	SUB/3814	Richard Trevethick	437 Tararua Road Levin Rural
26.09.2016	SUB/3812	Brett Flanagan	679C State Highway 1 Levin Rural
30.09.2016	SUB/3784	Logan Tidey	37A Fairfield Road Levin Rural
10.10.2016	SUB/3818	Kevin Lobb	149 McDonald Road Levin Rural

**All Land Use Resource Consents Granted Under Delegated Authority
21/09/16 to 18/10/16**

Approved Date	File Ref	Applicant	Address
26.09.2016	LUC/3815	Christopher Hathaway	119 Engles Road Tokomaru Rural
30.09.2016	LUC/3816	Murray Georgel	7 Somerset Grove Waitarere Beach
10.10.2016	LUC/3831	Graham Pilling	3 Takapu Road Levin Rural

CARRIED

Committee Structure and Elected Member Appointments

Purpose

To receive the committees His Worship the Mayor has decided to establish for the 2016-2019 triennium and make appointments to Statutory Bodies, Community Groups/Associations and other organisations.

MOVED by Cr Wanden, seconded Cr Judd:

THAT Report 16/576 Committee Structure and Elected Member Appointments be received.

THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

Mr Clapperton spoke to this late report which noted His Worship the Mayor's intention to establish the committees as set out.

With regard to the proposed retreat, Cr Tukapua queried if it would be possible to hold it at Council, which would save money.

Mayor Feyen said that was a possibility, but he thought the retreat would be a money saver in its own right in terms of efficiencies and in terms of group dynamics. It was something that was done by other Council's and he would keep Councillors advised following a conversation with the proposed facilitator next Monday as to what was proposed.

Because of the proposed changes in committees, some of which appeared fairly significant, Cr Brannigan suggested that this matter lay on the table until the December Council meeting, with a meeting to be held in the meantime to discuss the rationale and mechanisms behind what was proposed. He did not want to wait until February 2017 to have that clarified.

As it was his understanding that many of the committees would not meeting between now and February, Mayor Feyen said he would like to have the time and opportunity to get it right once and for all and have the involvement of Councillors in appropriate places.

Mr Clapperton added that it was his suggestion that key reports that needed consideration, such as the monthly financial report, could be brought the full Council meeting in December, and an update could also be provided from the Projects Committee. Any key decisions could also be brought to the December Council meeting if required.

Cr Mitchell pointed out that it was coming up to December, which was a very busy time, and whatever was proposed needed to be done sooner rather than later.

To move this forward, Mr Clapperton suggested that the information tabled in the report be noted and that the appendix to the report with regard to appointments to Community Groups be adopted as it was important for continuity to make those community groups aware of who Council's representatives might be.

MOVED by Cr Wanden, seconded Cr Judd:

THAT Council notes the information tabled in this report.

THAT Council adopts the list of proposed appointments to community groups and organisations as appended to this report.

CARRIED

6.30 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....