



Otorohanga District Council

# MINUTES

22 OCTOBER 2019

9:40am

**Members of the Otorohanga District Council**

His Worship the Mayor MM Baxter  
Councillor K Christison  
Councillor B Ferguson  
Councillor K Jeffries  
Councillor R Johnson (Deputy Mayor)  
Councillor RA Klos  
Councillor P McConnell  
Councillor A Williams

Meeting Secretary Mr. CA Tutty

# OTOROHANGA DISTRICT COUNCIL

22 OCTOBER 2019

Minutes of an Inaugural Meeting of the Otorohanga District Council held in the Council Chambers, 17 Maniapoto Street, Otorohanga on Tuesday 22 October 2019 commencing at 9.40am.

## MINUTES

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## **PRESENT**

His Worship the Mayor MM Baxter, Councillors K Christison, B Ferguson, R Johnson, K Jeffries, RA Klos, P McConnell and A Williams

Mrs K Brown-Merrin, Messrs A Buckman, P Coventry, and N Gadd

## **IN ATTENDANCE**

Ms. T Winter (Chief Executive) Messrs, R Brady (Group Manager Engineering), A Loe (Group Manager Environment), B Callaghan (Acting Group Manager – Corporate), CA Tutty (Governance Supervisor) and Ms. T Ambury (Community and Economic Development Manager)

The Chief Executive declared the meeting open and welcomed those present. She extended a special welcome to family and friends of the newly elected Councillors and Otorohanga Community Board members.

## **ITEM 1 ELECTED MEMBERS DECLARATIONS**

His Worship the Mayor read and completed the declaration pursuant to Schedule 7, Part 1, Clause 14 of the Local Government Act 2002. His Worship the Mayor then assumed the Chair.

His Worship welcomed those present and extended a special welcome to newly elected members Mr. Bryan Ferguson, Mr. Kit Jeffries and Mrs. Kat Brown-Merrin

Each Councillor in turn read and completed a written declaration pursuant to Schedule 7, Part 1, Clause 14 of the Local Government Act 2002.

Each Otorohanga Community Board member in turn read and completed a written declaration pursuant to Schedule 7, Clause 14 of the Local Government Act 2002

The meeting adjourned for morning tea and the Otorohanga Community Board members and other guests departed.

## **ITEM 2 APPOINTMENT OF DEPUTY MAYOR**

His Worship informed members he would like to appoint Councillor Johnson to the position of Deputy Mayor for the triennial three-year term.

When asked no objections were received to the appointment.

Councillor Johnson replied that he is honoured by the nomination and the acceptance by other Councillors. He said he would like to place his own “stamp” on the position but understands he has a job to do and will be only too pleased to assist the Mayor and Chief Executive in administering Council.

## **ITEM 3 GENERAL EXPLANATION OF STATUTORY REQUIREMENTS**

The Chief Executive highlighted key points of the main legislation being –

### **LOCAL GOVERNMENT ACT 2002**

- I. The purpose of local government is defined in section 10 of the LGA2002 and states “The purpose of local government is:
  - a. To enable democratic local decision-making and action by, and on behalf of, communities; and
  - b. To promote the social, economic, environmental and cultural well-being of communities in the present and for the future

### **LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 (LGOIMA)**

The Chief Executive informed members that LGOIMA provides for all Local Government activities to take place in an open and transparent environment. It also specifies that, generally, all information held by a local authority in any form should be available to the public.

The purpose of LGOIMA is to enable more effective participation by the public in the actions and decisions of local authorities and to promote the accountability of local authority members and officials with a view to enhancing respect for the law and promote good local government in New Zealand.

She said there are two aspects to this Act:

- Access to local authority information; and
- Meetings process

LGOIMA provides for anyone to have the right to request information held by the Council, as all information held by a local authority in any form should be available to the public, subject to certain reasons where a Council might withhold particular information.

Members were informed that LGOIMA provides that all meetings of Council which includes meetings of its Committees and Community Boards, shall be open to the public unless certain specified reasons can be satisfied for excluding them. These reasons are basically the same as for withholding information and are set out in Section 48 of LGOIMA.

The Chief Executive informed members that the agendas for Council and Committee Meetings have to be made available to the public two clear working days before the day of the meeting. The Agendas are published on the Council Website. She said that minutes are not taken for workshop meetings.

#### LOCAL AUTHORITY (MEMBERS' INTERESTS) ACT 1986

The Chief Executive highlighted that Local Authority (Members' Interests) Act 1968 helps to protect the integrity of local authorities decision-making by ensuring that Councillors are not affected by personal motives when they participate in Council decision-making and cannot use their position to obtain preferential access to contracts. The Act deals with two forms of "interest", pecuniary interest and non-pecuniary interest.

#### CRIMES ACT 1961: SECTION 99,205, 105A

Members were informed that under this Act it is unlawful for an Elected Member or Officer to –

- a) Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council.
- b) Use information gained in the course of their duties for their, or another person's monetary gain or advantage.

#### SECRET COMMISSIONS ACT 1910

This Act basically establishes offences relating to the giving, receiving or soliciting of gifts or other consideration as an inducement or reward for doing or forbearing to do something in relation to the affairs of the Council, or showing or having shown favour or disfavour to any person in relation to the Council's affairs or business (section 4(1)). It applies to elected members and covers any such gifts given, received or solicited by "any parent, husband, wife, or child of any agent, or to his partner, clerk, or servant, or (at the agent's request or suggestion) to any other person".

#### PROTECTED DISCLOSURES ACT 2000 (WHISTLE-BLOWER PROTECTION)

The Protected Disclosures Act 2000 was amended in May 2009 to provide protection to elected members. Under this Act the definition of an employee of a public sector organisation (PSO) includes elected members of a local authority. Under the Act an employee who discloses information about a serious wrongdoing by the PSO is protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the employee. Serious wrongdoing under the Act includes:

- unlawful or irregular use of funds or resources,
- conduct that risks public health and safety;
- conduct that risks the maintenance of law;
- conduct that constitutes an offence; and
- oppressive, improper discriminatory conduct, gross negligence or gross mismanagement by a public official.

#### PERSONAL LIABILITY OF ELECTED MEMBERS

Elected Members are indemnified in respect of their actions as a member of the Council, under section 43 of the LGA2002 which provides for this indemnity (by the Council) in relation to:

- a. civil liability (both for costs and damages) if the Member is acting in good faith and in pursuance of the responsibilities or powers of the Council;
- b. costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as an elected member.

#### PUBLIC RECORDS ACT 2005

The purpose of the Act is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible.

#### HEALTH AND SAFETY AT WORK 2015 (HSWA)

In this Act Elected Members are exempt from the liabilities of failure to meet the due diligence duty. The focus of any liability is on the Council as the PCBU (means a person conducting a business or undertaking). The Chief Executive is understood to have significant personal liability in this capacity.

#### FINANCIAL MARKETS CONDUCT ACT 2013

The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

**Resolved** that Council receives the report on general information on statutory requirements for elected members in accordance with the Local Government Act 2002 Schedule 7, Part 1, Clause 21(5)(c).

**His Worship / Councillor Johnson**

#### **ITEM 4 PROPOSED SCHEDULE OF ORDINARY MEETINGS DATES FOR COUNCIL DECEMBER 2019 TO DECEMBER 2020**

**Resolved** that the presented schedule of dates for ordinary meetings of Otorohanga District Council for the period December 2019 to December 2020 be approved in accordance with Schedule 7, Part 1, Clause 21(5)(d) of the Local Government Act 2002 as detailed below:

- Tuesday 5 November 2019
- Tuesday 17 December 2019
- Tuesday 28 January 2020 (4<sup>th</sup> Tuesday to allow for a full Christmas/New Year break)
- Tuesday 18 February 2020
- Tuesday 17 March 2020
- Tuesday 21 April 2020 (Good Friday 10 April, Easter Monday 13 April 2020)
- Tuesday 19 May 2020
- Tuesday 16 June 2020
- Tuesday 21 July 2020
- Tuesday 18 August 2020
- Tuesday 15 September 2020
- Tuesday 20 October 2020 (Labour Day Monday 26 October 2020)
- Tuesday 17 November 2020
- Tuesday 15 December 2020

**Councillor Jeffries / Councillor Ferguson**

#### **MEETING CLOSURE**

The meeting closed at 11.32am

