



Otorohanga Community Board

MINUTES

12 November 2019

4PM

OTOROHANGA COMMUNITY BOARD

12 November 2019

Minutes of an Ordinary meeting of the Otorohanga Community Board held in the Council Chambers, Maniapoto Street, Otorohanga on 12 November 2019 commencing at 4.00pm.

Tanya Winter
CHIEF EXECUTIVE

MINUTES

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PRESENT

Mr. N Gadd (Chair), Cr. P McConnell, Mrs. K Brown-Merrin, Mr. P Coventry, Mr. A Buckman

IN ATTENDANCE

His Worship M Baxter, Ms. Tanya Winter (Chief Executive), Messrs. R Brady (Engineering Manager), G Bunn (Group Manager Corporate), B O'Callaghan (Finance Manager), M Lewis (Services Manager), J le Fleming (Community Facilities Manager), 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 said she will chair the meeting until such time as the Board appoints a Chairperson.

APOLOGY

Resolved that the apology received from Councillor K Christison be sustained.

Councillor McConnell / Mr. Coventry

ITEM 1 APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON TO THE OTOROHANGA COMMUNITY BOARD

The Chief Executive referred to her report the purpose of which is to facilitate the appointment of the Chairperson and Deputy Chairperson of the Otorohanga Community Board. She said the Board is required to appoint a Chairperson in accordance with clause 37 of schedule 7, part 2 of the Local Government Act 2002.

The Chief Executive reported should there be more than one nomination for the position of Chairperson (or Deputy Chairperson) the procedure to be followed is outlined in section 25 (schedule 7, part 1).

The Chair then called for nominations for the position of Chairperson.

Mr. Buckman moved that Mr. Neville Gadd be appointed as Chairperson of the Board.
This was seconded by Mr. Coventry.

As no further nominations were received it was declared Mr. Gadd be appointed as chairperson of the Otorohanga Community Board to take immediate effect from 12 November 2019 until the end of the 2019 – 22 triennium term.

The Chief Executive then vacated the Chair, Mr. Gadd took the Chair.

The Chairperson then called for nominations for the position of the Deputy Chair.

Mrs. Brown-Merrin nominated Cr. Katrina Christison as Deputy Chairperson.
This was seconded by Councillor McConnell.

As no further nominations were received it was declared Cr. Christison be appointed as Deputy Chairperson of the Otorohanga Community Board to take immediate effect from 12 November 2019 until the end of the 2019 – 22 triennium term.

ITEM 2 GENERAL EXPLANATION OF STATUTORY REQUIREMENTS

The Chief Executive referred members to her report, the purpose of which is to provide the Board with an overview of key legislation that members need to be aware of and have an understanding of in their role as a Community Board Member.

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.

The Chief Executive said there are two aspects to this Act:

- Access to local authority information; and
- Meetings process

She advised that 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 1968

The Chief Executive highlighted that Local Authority (Members' Interests) Act 1968 helps to protect the integrity of local authority decision-making by ensuring that Councillors and Community Boards 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, 105, 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 this 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 the Otorohanga Community Board 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).

Councillor McConnell / Mr. Coventry

ITEM 3 ADOPTION OF STANDING ORDERS

The Chief Executive referred to her report the purpose of which is for the Otorohanga Community Board to adopt Standing Orders for the 2019-22 triennium.

The Chief Executive explained the three options relating to audio visual link, casting vote and speaking and moving options.

The Chief Executive informed members that the agenda is required two clear working days before the meeting.

Resolved that

1. The Otorohanga Community Board adopts the Otorohanga Community Board Standing Orders attached as **Appendix 1** for the 2019-22 triennium.
2. Standing Orders includes clauses 13.11 – 13.16 providing members with the right to attend meetings by audio or audio visual link.
3. The Chairperson is able to use a casting vote as provided for in clause 19.3.
4. Council adopts Option C (informal) as its default option for speaking and moving motions as outlined in Clause 22.4.

Mr. Coventry / Mr. Buckman

ITEM 4 ADOPTION OF CODE OF CONDUCT

The Chief Executive referred members to her report the purpose of which is for the Otorohanga Community Board to adopt a Code of Conduct for 2019-22 triennium.

Resolved that the Otorohanga Community Board adopts the Otorohanga Community Board Code of Conduct attached as **Appendix 1** for the 2019-22 triennium.

Councillor McConnell / Mrs. Brown-Merrin

ITEM 5 SCHEDULE OF ORDINARY MEETING DATES FOR OTOROHANGA COMMUNITY BOARD – DECEMBER 2019 TO DECEMBER 2020

The Chief Executive referred members to a proposed schedule of meeting dates for the period December 2019 to December 2020 and advised this has been based on the first Thursday of the Month as resolved by the previous Board. There was a discussion on which day is suitable for Board members with Wednesday being the preferred day.

Resolved that the schedule of meeting dates be based on the first Wednesday of each month except the December 2019 meeting due to its proximity to the Inaugural meeting. The commencement time of the meeting to be 4pm.

The amended dates as detailed below

- Wednesday 11 December 2019
- Tuesday 4 February 2020 (6 Feb is Waitangi Day)
- Wednesday 4 March 2020
- Wednesday 1 April 2020
- Wednesday 6 May 2020
- Wednesday 3 June 2020
- Wednesday 1 July 2020
- Wednesday 5 August 2020
- Wednesday 2 September 2020
- Wednesday 7 October 2020
- Wednesday 4 November 2020
- Wednesday 2 December 2020

Councillor McConnell / Mrs. Brown-Merrin

MEETING CLOSURE

The meeting closed at 4.38pm