



Kawhia Community Board

MINUTES

20 NOVEMBER 2019

1.07pm

Members of the Kawhia Community Board

Board Member DM Walsh (Chair)
Board Member K Briggs
Board Member G Fletcher
Board Member H Whiu
Councillor A Williams

KAWHIA COMMUNITY BOARD
20 NOVEMBER 2019

Minutes of an Ordinary meeting of the Kawhia Community Board held at Kawhia Community Hall, Jervois Street, Kawhia on 20 November 2019 commencing at 1.07pm.

MINUTES

Minutes are unconfirmed and subject to amendment at the next meeting of the Board.

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PRESENT

Messrs DM Walsh (Chair), K Briggs, G Fletcher, Mrs H Whiu and Councillor A Williams.

IN ATTENDANCE

His Worship the Mayor M Baxter, Ms T Winter (Chief Executive), Mr A Loe (Group Manager Environment)

The Chief Executive as Acting Chair opened the meeting at 1.07pm.

The Chief Executive advised the Board on the detail that would be recorded in the minutes of the meetings and the voting process that would be required if there was more than one nomination for Board Chair.

Discussion followed on the circulation of Agendas as not all present had received a copy.

ITEM 1 APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON TO THE KAWHIA 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 Kawhia 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 Chief Executive then called for nominations for the position of Chairperson.

Mr. Fletcher was nominated for the position but declined the nomination.

Mr. Briggs moved that Mr. D Walsh be appointed as Chairperson of the Board. This was seconded by Mr. Fletcher.

As no further nominations were received it was declared Mr. Walsh be appointed as chairperson of the Kawhia Community Board to take immediate effect from 20 November 2019 until the end of the 2019 – 22 triennium.

The Chief Executive then vacated the Chair and Mr. Walsh took the Chair.

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

Mr. Walsh nominated Mr. Briggs for the position of Deputy Chairperson. This was seconded by Mr. Fletcher. As no further nominations were received it was declared that Mr. Briggs be appointed as Deputy Chairperson of the Kawhia Community Board to take immediate effect from 20 November 2019 until the end of the 2019 – 22 triennium

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 1986

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 Kawhia 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).

MR. BRIGGS / CHAIR

ITEM 3 ADOPTION OF STANDING ORDERS

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

ITEM 4 ADOPTION OF CODE OF CONDUCT

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

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

CHAIR / MR. BRIGGS

ITEM 5 SCHEDULE OF ORDINARY MEETING DATES FOR KAWHIA 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.

Resolved that

1. Adopts the schedule of ordinary meeting dates for the Kawhia Community Board commencing January 2020 – December 2020, as detailed below:
2. The meetings will be held on the 4th Friday of each month commencing at 1pm.
 - Friday 24 January 2020
 - Friday 21 February 2020
 - Friday 27 March 2020
 - Friday 24 April 2020
 - Friday 22 May 2020
 - Friday 26 June 2020
 - Friday 24 July 2020
 - Friday 28 August 2020
 - Friday 25 September 2020
 - Friday 23 October 2020
 - Friday 27 November 2020
 - Friday 18 December 2020
3. The meeting schedule may be adjusted if there is not sufficient business to warrant convening a monthly meeting.

CHAIR / MR. BRIGGS

Mrs. Whiu opposed the resolution.

MEETING CLOSURE

The meeting closed at 2.22pm