
Minutes of a meeting of the Nelson City Council - Governance

Held in the Council Chamber, Civic House, Trafalgar Street, Nelson

On Tuesday 11 December 2012, commencing at 9.00am

Present: His Worship the Mayor, A Miccio, Councillors I Barker, A Boswijk, R Copeland, G Collingwood, E Davy, K Fulton, P Matheson, J Rackley, P Rainey, R Reese, D Shaw, and M Ward

In Attendance: Acting Chief Executive (R Johnson), Executive Manager Support Services (H Kettlewell), Chief Financial Officer (N Harrison), Executive Manager Network Services (A Louverdis), Acting Executive Manager Community Services (R Ball), Manager Community Relations (A Ricker), Manager Parking (K Robinson), Acting Executive Manager Regulatory (M Bishop), Executive Manager Strategy and Planning (M Schruer), and Administration Adviser (L Canton)

Apology: Councillor A Boswijk (for lateness)

Opening Prayer

Councillor Davy gave the opening prayer.

1. Conflicts of Interest

There were no updates to the Interests Register and no conflicts of interest with items on the agenda were identified.

2. Public Forum

2.1 Nelson School of Music Board

Tony Stallard and Mick Dowrick, of the Nelson School of Music Board, addressed Council regarding the proposal for Council support for, and acquisition of, the Nelson School of Music facilities. Mr Stallard expressed support for the proposal as he said it would help secure the future of the arts and music in the community for Nelson.

Attendance: Councillor Boswijk joined the meeting at 9.08am.

2.2 Nelson Historic Theatre Trust

Attendance: Councillor Reese joined the meeting at 9.12am.

Mr Kerry Marshall, Chairman of the Nelson Historic Theatre Trust, addressed Council regarding the proposal for Council support for, and acquisition, of the Theatre Royal facilities. He expressed support for the proposal and noted that the Theatre Royal's iconic status helped Nelson to set itself apart from other cities.

2.3 Mr Phil Medcalf and Mr Dennis Heiford

Mr Medcalf and Mr Heiford, of the Nelson Model Aero Club, addressed Council regarding a request for an improved access road to the Aero Club flying site at Wakapuaka. Mr Medcalf tabled a copy of their presentation, which included maps and an outline of their request (1427297).

In response to questions, Mr Medcalf said that the Aero Club's offer to contribute \$5,000 to the cost of improving access was based on their own estimate of a gravel road solution. He said that other users were mostly walkers, walkers with dogs, cyclists, and spectators.

3. Confirmation of Minutes

3.1 Governance – 30 October 2012

Document number 1399415, agenda pages 1-9 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council - Governance, held on 30 October 2012, be confirmed as a true and correct record.

Shaw/Collingwood

Carried

3.2 Recruitment of a Chief Executive – 25 October 2012

Document number 1399797, agenda pages 10-12 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Recruitment of a Chief Executive, held on 25 October 2012, be confirmed as a true and correct record.

Copeland/Boswijk

Carried

4. Mayor's Report

Document number 1410774, agenda pages 13-23 refer.

It was agreed that the recommendation in the Mayor's Report would be considered in parts.

The first two clauses of the recommendation were put and were carried.

Resolved

THAT the Mayor's report (1410774) be received.

AND THAT Council retrospectively approves travel costs of \$438.00 plus disbursements for the Deputy Mayor Ali Boswijk to attend a meeting between representatives of the Suter and the Minister of Arts, Culture and Heritage on 7 November 2012;

His Worship the Mayor/Collingwood

Carried

The third clause of the recommendation was put and was carried.

Resolved

THAT Council retrospectively approves registration and travel costs of \$800.50 plus disbursements for Councillor Fulton's attendance at Sustainable Sydney 2030 Masterclass in Wellington on 19 November 2012;

His Worship the Mayor/Ward

Carried

It was noted that the fourth clause of the recommendation in the report (1410774) was withdrawn as the costs had been met from the Mayor's discretionary fund.

The fifth clause of the recommendation was moved by Councillor Davy and seconded by Councillor Boswijk. With the agreement of the mover and seconder, the clause was amended to include an approximate cost.

Resolved

THAT Council approves travel costs, registration and disbursements of approximately \$800.00 for Councillor Barker's attendance at the Society of Local Government Managers Benchmarking Consultation Forum in Christchurch on 12 December 2012;

Davy/Boswijk

Carried

The meeting then considered the sixth clause of the recommendation.

His Worship the Mayor advised that he had signed the Memorandum of Understanding with Yangjiang to assist the Nelson Regional Economic Development Agency in fulfilling a key objective to explore economic opportunities with China. He added that no resource or financial contribution would be committed by Nelson City until the Memorandum of Understanding was ratified by Council.

Some Councillors expressed concern that the Memorandum of Understanding had been signed on behalf of Nelson City without prior consultation and without the agreement of the full Council.

His Worship the Mayor, seconded by Councillor Rainey, moved the sixth clause of the recommendation in the Mayor's Report (1410774).

Upon discussion, it was suggested that it may be better that the Memorandum of Understanding be received rather than ratified by Council.

The mover and seconder agreed to the amendment.

There was a brief discussion about whether the Memorandum of Understanding could be received by Council before it fully understood what the next steps would be.

Councillor Reese, seconded by Councillor Barker, moved an amendment to incorporate this point

THAT the Memorandum of Understanding with Yangjiang be received to allow Council officers to consider how to move forward with the document that has been signed.

The amended motion was put and lost.

Following a discussion, Councillor Shaw, seconded by Councillor Rainey, moved a further amendment to the original recommendation in the Mayor's Report, changing the word 'received' to 'confirmed'.

The amended motion was put and carried and became the substantive motion.

Resolved

THAT the Memorandum of Understanding with Yangjiang be confirmed.

Shaw/Rainey

Carried

Attendance: The meeting adjourned for morning tea from 11.00am to 11.08am.

The meeting considered the seventh clause of the recommendation in the Mayor's Report (1410774).

Resolved

THAT Council note the invitation to visit Nelson was extended to the Mayor and a group of officials from Yangjiang.

His Worship the Mayor Mayor/Fulton

Carried

The meeting considered the eighth clause of the recommendation. In response to a question, the Executive Manager Support Services confirmed that expenses for a formal dinner with the delegation from Longyou were met by the Mayor's discretionary fund.

Resolved

THAT Council note the invitation from the Nelson Regional Economic Development Agency for a delegation from Longyou to visit Nelson.

Davy/Rackley

Carried

The meeting considered the final clause of the recommendation regarding the Memorandum of Understanding with Longyou.

It was agreed that this item of business be left to lie on the table until the Economic Development Agency had developed recommendations to the Council with respect to the proposed Memorandum of Understanding with Longyou.

5. Status Report - Governance

Document number 1034743 v6, agenda page 24 refer.

Resolved

THAT the Status Report - Governance (1034743 v6) be received.

Mayor/Fulton

Carried

6. Portfolio Holder's Report

Governance Co-Portfolio Holder, Councillor Shaw gave a brief update on his report about what Council could do on solar leadership. He said that he would provide an outline of options to Council in the New Year.

7. Notice of Motion

Document number 1419109, agenda pages 25 refer.

Councillor Matheson spoke to the Notice of Motion (1419109). He noted that a committee structure would provide greater transparency for Council's activities, enable elected members a greater knowledge of the issues that Council dealt with, and enable Committee Chairs a greater understanding of their roles than was possible as portfolio holders. He added that the public would also have a greater say in the decision making process.

In response to questions, Councillor Matheson said it was intended that the committees listed in the notice of motion would be committees of full Council and would report to a Council meeting.

Councillor Matheson, seconded by Councillor Davy, moved:

THAT the Nelson City Council confirm the establishment of four (4) Council standing committees of Governance, Infrastructure, Community Services and Environmental and Planning to take effect from February 2013.

Councillors debated the motion. Those in support of the motion said that a committee system allowed Councillors to examine issues in a more strategic way, and enabled the Committee Chairperson to have a focused, detailed understanding of agenda items; that the Mayor would have the ability to sit as a member rather than the Chair of a committee; and that it allowed for greater accountability if committee decisions must also be confirmed by a Council meeting.

Those speaking against the motion said that the current structure allowed greater opportunity for full Council to consider all items, to more fully understand the synergies between issues, to hear a diversity of perspectives, and to ease new members into positions of responsibility.

It was suggested that a review of the governance structure would be useful, but that it should also include workshops and sub-committees and therefore a wider discussion of possible options was required, and a more appropriate time for such a review was following the next election.

Attendance: Councillor Barker left the meeting at 11.47am.

There was a brief discussion about the commencement date of the proposed new structure, during which the Acting Chief Executive advised that a report on how the structure could work would come to the first Council meeting of the New Year, in February 2013. It was suggested that the commencement date be amended to March 2013, and the mover and seconder agreed.

The motion was put and lost.

A division was called.

Councillor	
Councillor Barker	Apology
Councillor Boswijk	No
Councillor Collingwood	No
Councillor Copeland	No
Councillor Davy	Yes
Councillor Fulton	No
Councillor Matheson	Yes
Councillor Rackley	Yes
Councillor Rainey	No
Councillor Reese	Yes
Councillor Shaw	No
Councillor Ward	No
His Worship the Mayor	No

Attendance: Councillor Rackley left the meeting at 12.04pm.

8. Schedule of Council Meetings 2013

Document number 1412246, agenda pages 26-38 refer.

Resolved

THAT the draft schedule of meetings for 2013 (1416463) be adopted.

Boswijk/His Worship the Mayor

Carried

9. Suter Collection Policy

Document number 1410261, agenda pages 39-49 refer.

Attendance: Councillor Shaw declared a conflict of interest and left the room.

Resolved

THAT the Collection Policy of the Suter Art Gallery (RAD 1413423) be approved;

AND THAT the Board of the Bishop Suter Trust be requested to present the Collection Policy for review and approval by Council on a three yearly basis, with the next review taking place in the 2014/15 financial year.

Davy/Matheson

Carried

10. Schedule of Documents Sealed

Document number 1403442, agenda pages 50-52 refer.

Resolved

THAT the Schedule of Documents Sealed (1403442) be received.

His Worship the Mayor/Boswijk

Carried

11. Update on the Implementation and Management of the Nelson Events Strategy 2012

Document number 1405123, agenda pages 53-58 refer.

Attendance: Councillors Shaw and Copeland declared an interest and sat back from the table. Councillor Boswijk declared a conflict and left the meeting at 12.08pm.

Resolved

THAT this report (1405123) be received.

Collingwood/His Worship the Mayor

Carried

REPORTS FROM COMMITTEES

12. Joint Shareholders Committee – 23 November 2012

Document number 1415934, agenda pages 59-63 refer.

Resolved

THAT the minutes of the meeting of the Nelson City Council Tasman District Council Joint Shareholders Meeting, held on 23 November 2012, be received.

His Worship the Mayor/Shaw

Carried

- 12.1 Tasman Bays Heritage Trust Draft Statement of Intent 2012/13 Resubmit
Resolved

THAT the Tasman Bays Heritage Trust Statement of Intent and Strategic Plan 2012/13 be approved for signing.

Reese/Shaw

Carried

13. Audit, Risk and Finance Committee – 2 October and 13 November 2012

Document number 1381616 v2, agenda pages 64-74 refer.

In response to a question, the Acting Chief Executive advised that a full report on the Council's consent for noise in public places would come to Council in 2013.

Resolved

THAT the minutes of the meeting of the Nelson City Council Audit, Risk and Finance Committee, held on 2 October and 13 November 2012, be received.

Matheson/His Worship the Mayor

Carried

- 13.1 Report Back on Audit, Risk and Finance Committee Enquiries

Resolved

THAT the Council note the information provided in report 1396561 with respect to the Council outdoor noise consent, the profiling of Councillors in Council publicity, the use of staff articles in external publications and public liability with respect to Council structures in public places.

Collingwood/Ward

Carried

Resolved

THAT the development of a formal Council communications policy be considered at an upcoming Council – Governance meeting.

Collingwood/Reese

Carried

Attendance: Councillor Boswijk returned to the meeting at 12.22pm.

13.2 Leaky Homes Financial Assistance Package

Resolved

THAT the Council does not become a participating Territorial Authority to the Leaky Homes Financial Assistance Package under the Weather-tight Homes Resolution Services (Financial Assistance Package) Amendment Act 2011;

AND THAT the Council reassess the option of joining the Leaky Homes Financial Assistance Package following the Government led review of the Scheme in 2014;

AND THAT the Chairperson of the Audit, Risk and Finance Committee be authorised to release a media statement to the effect that Nelson City Council will not become a participating Council in the Leaky Homes Financial Assistance Package proposal.

Davy/Shaw

Carried

14. Public Forum Discussion

It was agreed that there would be no discussion of the public forums by the Nelson School of Music representative or the Nelson Historic Theatre Trust representative, as this item was the subject of a staff report on the public excluded agenda.

14.1 Mr Phil Medcalf and Mr Dennis Heiford

Executive Manager Network Services, Alec Louverdis joined the meeting. He advised that the Nelson Model Aero Club's request was outside the scope of Council's standard maintenance provision for the access road. Accordingly, he said, if Council wished to consider the Aero Club's request, it should form part of the Annual Plan so that Council could consider it in the context of Council's wider activities, and all other parties affected could be appropriately consulted.

It was suggested that the Aero Club be advised to make a submission to the Annual Plan 2013/2014, and include in its submission an outline of its own proposed contribution to the project.

Attendance: The meeting adjourned for lunch from 12.40pm to 1.18pm.

15. Exclusion of the Public

Recommendation

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Public Excluded Minutes – Governance – 30 October 2012 These minutes confirmed the public excluded minutes of the Governance meeting of 18 September 2012 and also contain information regarding:	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:
	Information regarding the opportunity to be a Host City for Cricket world Cup 2015		<ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(i) To carry out negotiations
2	Public Excluded Minutes – Chief Executive Recruitment – 25 October 2012 These minutes contain information regarding the selection of a preferred candidate for the role of Chief Executive and	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(a) To protect the privacy of natural persons • Section 7(2)(c) To protect information that is

	include a recommendation to make the appropriate announcements to the public when matters are finalised.		subject to an obligation of confidence
3	Public Excluded Status Report – Governance This report contains information regarding:	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary:
	Nelson City Council Tasman District Council Engineering Services Agreement		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
	Governance Options for, and commercially sensitive information regarding, the Nelson Regional Sewerage Business Unit		<ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations
	Negotiations relating to the Tasman Bays Heritage Trust Draft Statement of Intent and Strategic Plan		<ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
	Director appointments and Director fees for Council controlled organisations and includes a recommendation to release the resolutions to the public when the organisations and individuals involved have been notified.		<ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities Section 7(2)(a) To protect the privacy of natural persons
	Information regarding the opportunity to be a Host City for Cricket World Cup 2012		<ul style="list-style-type: none"> Section 7(2)(c) To protect information that is subject to an obligation of confidence Section 7(2)(i) To carry out negotiations
4	Proposed Leases of Maitahi (Maitai) whenua (land) between Nelson City Council and Wakatu	Section 48(1)(a) The public conduct of this matter would	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(b)

	<p>Incorporation for the Maitai Shared Path</p> <p>This report contains information on the negotiation of a lease.</p>	<p>be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>To protect information that may disclose a trade secret or the commercial position of a person</p> <ul style="list-style-type: none"> • Section 7(2)(c) To protect information that is subject to an obligation of confidence • Section 7(2)(h) To carry out commercial activities
5	<p>Nelson School of Music and Theatre Royal: Arrangements to Promote Future Viability</p> <p>This report contains information on the proposed transfer of assets, and negotiation of a lease and contract with the Theatre Royal and Nelson School of Music.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations
6	<p>Potential Review of Nelson Tasman Tourism 2012</p> <p>This report contains information on a proposed review of Nelson Tasman Tourism.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(h) To carry out commercial activities • Section 7(2)(i) To carry out negotiations
7	<p>Request to Amend the Bishop Suter Trust Deed 2012</p> <p>This report contains information on a request to amend the Suter Deed of Trust or the Procedure for Appointment of Directors/Trustees of Council Controlled Organisations and Council Controlled Trading Organisations.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> • Section 7(2)(i) To carry out negotiations

8	<p>Statements of Expectation for The Bishop Suter Trust and Tasman Bays Heritage Trust 2013/14</p> <p>This report contains information on the statements of expectation for The Bishop Suter Trust and Tasman Bays Heritage Trust 2013/14</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To carry out negotiations
9	<p>Statements of Expectation for Nelmac and Nelson Regional Economic Development Agency 2013/14</p> <p>This report contains information on the statements of expectation for Nelmac and the Nelson Regional Economic Development Agency.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities Section 7(2)(i) To carry out negotiations
10	<p>Appointment of Director Nelmac 2012</p> <p>This report allows Councillors to suggest individuals for consideration for the role of Director for Nelmac.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons
11	<p>Reappointment of Trustees to the City of Nelson Civic Trust</p> <p>This report contains a recommendation for the reappointment of Trustees to the City of Nelson Civic Trust.</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(a) To protect the privacy of natural persons
12	<p>Public Excluded Minutes – Nelson City Council Tasman District Council Joint Shareholders Committee – 23 November 2012</p> <p>These minutes confirmed</p>	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason</p>	<p>The withholding of the information is necessary:</p>

	the public excluded minutes of the Joint Shareholders Committee on 14 September 2012 and contain information regarding:	exists under section 7	
	The operation of I-Sites in the Nelson Tasman Region and the marketing strategy and Tourism Nelson Tasman Limited.		<ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities
	A potential review of Tourism Nelson Tasman Limited		<ul style="list-style-type: none"> Section 7(2)(h) To carry out commercial activities

Davy/His Worship the Mayor

Carried

The meeting went into public excluded session at 1.18pm and resumed in public session at 2.32pm.

16. Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

His Worship the Mayor/Fulton

Carried

There being no further business the meeting ended at 2.33pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date