

Council Briefing Meeting Minutes

Date: Monday, 4 November 2019
Time: 11:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Gavin Benney
Cr Vince Cocurullo
Cr Nicholas Connop
Cr Ken Couper
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Jayne Golightly
Cr Phil Halse
Cr Greg Innes
Cr Greg Martin
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid

Scribe N Pestana (Team Leader, Democracy)

The briefing commenced at 11.00am.

1. Apologies

There were no apologies.

2. Reports

Elected Member Remuneration for 2019-2022 Term

Tracey Schiebli, Manager Democracy and Assurance ran through the presentation on Elected Member remuneration and the Policy on Elected Member Allowances and Recovery of Expenses.

Elected members were provided with information about:

- Elected member remuneration applicable post-election.

- The process for the implementation of the governance remuneration pool.
- Other payments outside of the governance remuneration pool.
- Council's policy on Elected Member Allowances and Recovery of Expenses.

Elected member feedback and questions

What was amount of the pool previously? Tracey Schiebli advised that it was approximately the current pool amount less 11%.

There was uncertainty of the criteria for the ranking of Territorial Authorities. Tracey Schiebli advised that the factors considered were population, total operating expenditure and socioeconomic deprivation.

Is there a measure for elected members to adopt a payroll giving scheme? Her Worship the Mayor advised that this is not available for self-employed individuals. Elected members would have to implement this themselves.

Are meeting allowances included in the pool? Tracey Schiebli advised that the pool is not for the payment of allowances, allowances are provided for in the Policy on Elected Member Allowances and Recovery of Expenses. Her Worship the Mayor stated that remuneration is an honorarium and the process to set remuneration is kept separate from the processes for allowances.

Dominic Kula, General Manager Strategy and Democracy clarified that mileage incurred to travel to official council meetings is paid to elected members with their remuneration but elected members need to claim for other meetings they attend for council business. Claims must be submitted using the claim form. The limits for allowances are set by the Remuneration Authority but allowances are paid from council funds and therefore funded by ratepayers.

Are payments to independent commissioners kept separate from the pool? Dominic Kula advised that remuneration of independent members or chairs is separate from the pool. Under the Local Government Members Determination, fees to elected members for hearings are additional to the pool.

Tracey Schiebli advised that the Policy on Elected Member Allowances and Recovery of Expenses will be reviewed and brought to council at the December council meeting. and feedback

The briefing was adjourned at 11.34am and recommenced at 12.00pm.

Councils role in decision making

Graeme Mathias from Thomson Wilson and Kathryn Candy, Senior Legal Counsel ran through the presentation on Decision Making.

Elected members were provided with information on different kinds of decisions made by Council under legislation and the role of elected members in those decision-making processes.

Elected member feedback and questions

Is there a requirement in the Procurement Policy to hire local suppliers? Kathryn Candy advised that there is some provision in the policy for local supply. Staff will be looking at the policy due to the national trend towards local suppliers.

How can it be assured that members of a panel assessing procurement do not hold biased views or leak confidential information? Kathryn Candy advised that staff on an assessment panel fill in conflict of interest forms and there is a robust process to select the assessment panel. Rob Forlong, Chief Executive advised that the key timing for elected members to make calls on procurement is at the procurement plan stage of the process or in the case of district plan, prior to notification of the plan change. If elected members have any suspicions of bias, this must be reported.

How many times have we used a probity officer? Kathryn Candy advised about five times, mostly on bigger projects. There are different people appointed as probity officers for example lawyers, specialist consultants.

Private companies who prefer certain suppliers are not bound by Whangarei District Council rules. What are the safeguards against this? Simon Weston, General Manager Infrastructure explained that within the tender document, the tenderer will nominate subcontractors and staff who will be involved in the project, if changes are made, Council must be advised of this. Council has the option not to accept these if they do not meet the requirements of Council.

Simon Weston explained that biannual meetings are held with contractors to review processes for example tender documents, health and safety and get ideas from contractors on how to improve things. The amount of tenders received depends on various factors for example time of year, nature of the project, how complicated the project is. The delay in completing work can be due to many reasons, not just contractors for example obtaining consents, design problems.

Has Council ever been considered doing their own work? Simon Weston advised that this has been considered on numerous occasions, it is a tricky issue as there a lot of factors involved.

How do small contractors get work? Simon Weston explained that smaller contractors are engaged for smaller contractors for smaller jobs, allowing them to build a reputation over time.

Does NZTA's model for procurement follow national policy? Graeme Mathias stated that NZTA's policy is still best value for money and has not followed national trend. – Rob Forlong advised that NZTA is a crown entity and they have some discretion.

Can elected members who hold a strong view on a plan change, submit on plan changes? Graeme Mathias advised that once elected to Council, if an elected member has submitted on a plan change, they should step back from decision making on the plan change. Kathryn Candy advised that it is important for elected members to come to the table with an open mind to hear the debate and make an informed decision on the information available to them.

What safeguards are there when appointing people outside of those elected? Graeme Mathias advised that if the process is robust, it is a defensible process. The RMA deals with appointments of independent commissioners. The chair is interviewed before being appointed to check that there is no conflict and most independent commissioners have been through a training programme and have a refresher every three years. Council staff do try and select who they think would be the best commissioner for an application based on skill and experience.

If decision making is delegated to independent commissioners who exceed the statutory timeframe for delivering decisions, is there any recourse for elected members? Graeme Mathias advised that independent commissioners do have powers in terms of the RMA to extend the statutory timeframes as part of the process.

Is there a requirement to provide a New Zealand Sign Language interpreter at council meetings? Graeme Mathias advised that he does not believe that this is a legal requirement.

Closure of Meeting

The briefing concluded at 13.13pm.