

Whangarei District Council Meeting Minutes

Date: Thursday, 29 March, 2018
Time: 10:30 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Scribe

Nicolene Pestana (Team Leader
Democracy)

1. Karakia/Prayer

Cr Cocurullo opened the meeting with a karakia/prayer.

2. Declarations of Interest

Item 1.2 - Sale of 211 Port Road

Item 1.3 - Trustee appointments - Whangarei Art Museum Trust

3. Apologies

There were no apologies.

4. Public Forum

Charlie Emerson Carpenter and Quincy Craig Carpenter – Plastic parking tickets found in and around the Whangarei harbour. Requesting Whangarei District Council consider using paper tickets as a more environmentally friendly option.

Brian May - Various subjects.

Wayne Deeming - Council's relationship with section 14(1)(a)(i) of the Local Government Act and its responsibility to act in an open, transparent and democratically accountable manner.

5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council

5.1 Minutes Whangarei District Council 22 February 2018

Moved By Cr Greg Martin

Seconded By Cr Sharon Morgan

That the minutes of the Whangarei District Council meeting held on Thursday 22 February 2018 having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

5.2 Minutes Whangarei District Council 28 February 2018

Moved By Cr Shelley Deeming

Seconded By Cr Sue Glen

That the minutes of the Whangarei District Council meeting held on Wednesday 28 February 2018 having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

6. Decision Reports

6.1 2018 Code of Conduct Review

Moved By Cr Crichton Christie

Seconded By Cr Vince Cocurullo

That Council;

1. Agrees that the updated 2018 Elected Member Code of Conduct removes the ability for members of the public to make a complaint
2. Agrees that the updated 2018 Elected Member Code of Conduct retains the provision for the full Council to be the decision-maker for all complaints where the breach of the Code of Conduct is found to be material
3. Agrees that the updated 2018 Elected Member Code of Conduct includes the provision to allow the Chief Executive only to select the external pool of independent investigators at the start of the triennium
4. Agrees that the updated 2018 Elected Member Code of Conduct allows the Chief Executive to select an independent external investigator from outside of the pool for any complaint where circumstances require it
5. Adopts the updated 2018 Elected Member Code of Conduct located at Attachment One, incorporating the decisions above
6. Delegates the authority to make the editorial and typographical changes to the 2018 Elected Member Code of Conduct to the Mayor and Chief Executive, if required.

Her Worship the Mayor indicated that the motion would be taken in parts and items 1-5 must be carried by a 75% majority vote. On each item Her Worship the Mayor called for a division.

1. Agrees that the updated 2018 Elected Member Code of Conduct removes the ability for members of the public to make a complaint

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai (Chairperson)		X	
Cr Stu Bell		X	
Cr Gavin Benney		X	
Cr Crichton Christie	X		
Cr Vince Cocurullo			X
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Sue Glen		X	
Cr Phil Halse	X		
Cr Cherry Hermon		X	
Cr Greg Innes		X	
Cr Greg Martin		X	
Cr Sharon Morgan		X	
Cr Anna Murphy		X	
Results	3	10	1

Lost (3 to 10)

2. Agrees that the updated 2018 Elected Member Code of Conduct retains the provision for the full Council to be the decision-maker for all complaints where the breach of the Code of Conduct is found to be material

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai (Chairperson)	X		

Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	14	0	0

Carried (14 to 0)

3. Agrees that the updated 2018 Elected Member Code of Conduct includes the provision to allow the Chief Executive only to select the external pool of independent investigators at the start of the triennium

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai (Chairperson)	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		

Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	14	0	0

Carried (14 to 0)

4. Agrees that the updated 2018 Elected Member Code of Conduct allows the Chief Executive to select an independent external investigator from outside of the pool for any complaint where circumstances require it

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai (Chairperson)	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		

Cr Anna Murphy	X		
Results	14	0	0

Carried (14 to 0)

5. Adopts the updated 2018 Elected Member Code of Conduct located at Attachment One, incorporating the decisions above

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai (Chairperson)	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	14	0	0

Carried (14 to 0)

6. Delegates the authority to make the editorial and typographical changes to the 2018 Elected Member Code of Conduct to the Mayor and Chief Executive, if required.

Recorded	For	Against	Abstain
Her Worship the Mayor Sheryl Mai (Chairperson)	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	14	0	0

Carried (14 to 0)

6.2 Recommendation to Increase Contract Award Value CON12006

Moved By Cr Greg Martin

Seconded By Cr Vince Cocurullo

That the Council

1. Approve the contract value for CON12006 – Chip seal and Asphaltic Resurfacing be increased by \$720,000.00 excluding GST from \$23,081,318.31 to \$23,801,318.31 (excluding GST).

Carried

Cr Cutforth requested her vote against be recorded.

6.3 Amendment to Resource Management Act Delegations

Moved By Cr Greg Innes

Seconded By Cr Sharon Morgan

That the Council

1. Approve the following amendment to delegation G18 of the Delegation Manual 2014:

G18	Authority to defend against those appeals that cannot be settled, in mediation or before the Environment Court, including the authority to reach agreement while in mediation or at Court, <u>and to make, or attend to, any applications that may be appropriate, or be lodged with the Court in the course of those appeals,</u> in consultation with Council's solicitors.	Chief Executive General Manager Planning and Development District Plan Manager
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Carried

6.4 Council Benchmarks 2016-2017

Moved By Cr Crichton Christie

Seconded By Cr Shelley Deeming

That Council notes the financial benchmarking data in the report.

Carried

7. Information Reports

There were no information reports presented.

8. Public Excluded Business

Moved By Cr Cherry Hermon

Seconded By Cr Greg Martin

That the public be excluded from the following parts of 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:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Minutes Whangarei District Council 22 February 2018	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Property Sale		
1.3	Appointment Whangarei Art Museum Trust		
1.4	Road Legalisation		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	To protect information where the making available of the information would disclose a trade secret.	Section 7(2)(b)(i)
1.2	To enable the Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
1.3	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a)
1.4	To maintain legal professional privilege. To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(g) Section 7(2)(i)

Carried

The meeting was adjourned at 11.43am and reconvened at 11.45am for public excluded.

9. Closure of Meeting

The meeting closed at 12.57pm.

Confirmed this 26th day of April 2018

Her Worship the Mayor Sheryl Mai (Chairperson)