

SOUTHLAND DISTRICT COUNCIL

INAUGURAL COUNCIL MEETING

31 OCTOBER 2007

MINUTES of an INAUGURAL COUNCIL MEETING of the SOUTHLAND DISTRICT COUNCIL held at the Council Chambers, 15 Forth Street, Invercargill on WEDNESDAY, 31 OCTOBER 2007 at 1.00 PM.

PRESENT: Mayor F Cardno, Crs L A Bailey, J D Copland, B J Dillon, R A Dobson, J R Douglas, B W Drummond, B Ford, G Harpur, and A D Ridley.

IN ATTENDANCE: Messrs D P Adamson, L McKenzie, P Culling, C McIntosh and Mrs J O'Shannessy.

1. **OPENING**

Representatives of Iwi attended Council and Mr Michael Skerrett delivered a Mihi.

The eyes took a journey that encompassed the whole area, starting with Milford Sound and beyond, Lake McKerrow, into the Dart River area, Mount Anglem, across Foveaux Strait, Ruapuke and through to the plains of the Clutha. The district he described was a little different to the Regional Boundaries be explained.

He concluded by welcoming all members of the Southland District Council, both returning and newly elected.

Cr Copland thanked Mr Skerrett for the welcome and acknowledged the continuation of a long working relationship. He then referred to the bestowing of the Maori name on Council 12 months previously. The relationship between Iwi and Council had started with Resource Management issues and continued with trust and goodwill between the two. The social, economic and cultural wellbeing of all people had been a driving force.

Council appreciated the input of the Tangata Whenua and it had proved to be a robust structure.

Cr Copland concluded by quoting the following -

People come,
People go,
But the land endures.

2.0 STATUTORY DECLARATIONS

Mayor Elect Frana Grace Cardno made and signed the statutory declaration, which was confirmed by the Chief Executive Officer, Mr D P Adamson.

The Chief Executive formally invested Mayor Cardno with the Chain of Office.

Mayor Cardno then assumed the Chair of the meeting.

Crs Bailey, Copland, Dobson, Douglas, Dillon, Drummond, Ford, Harpur and Ridley read their declarations which were confirmed by the Chief Executive.

Mayor Cardno congratulated Councillors on being elected to the Southland District Council.

3.0 INAUGURAL MEETING

3.1 VOTING PROCEDURES

240/10/8/4

Report by Mrs H M Sutherland dated 7 September 2007, advising Council should be aware of the voting procedures, in the event of a vote being required.

Moved Cr Dillon, seconded Cr Drummond
and RESOLVED THAT THE REPORT ON VOTING PROCEDURES BE RECEIVED.

Mr Adamson explained how Standing Orders set out the way voting should be carried out, but in the case of voting for the position of Deputy Mayor, no casting vote was allowed.

Moved Cr Harpur, seconded Cr Ridley
and RESOLVED THAT IF TWO OR MORE CANDIDATES TIE FOR THE MOST VOTES, THE TIE IS RESOLVED BY LOT.

3.2 APPOINTMENT OF DEPUTY MAYOR

240/10/8/4

Report by Her Worship Mayor Cardno dated 23 October 2007 proposing the appointment of Councillor Copland as Deputy Mayor for the three year term ending October 2010.

Moved Cr Ridley, seconded Cr Dobson
and RESOLVED THAT THE REPORT ON APPOINTMENT OF DEPUTY MAYOR BE RECEIVED.

Mayor Cardno had appreciated working in partnership with Councillor Copland during his time as Deputy Mayor and he had provided excellent support. Mayor Cardno concluded by saying she looked forward to his continuing in the role.

Moved Mayor Cardno seconded Cr Bailey
and RESOLVED THAT COUNCILLOR COPLAND BE APPOINTED DEPUTY
MAYOR FOR THE TERM OF COUNCIL ENDING OCTOBER 2010.

Cr Copland replied stating it had been a privilege to be Deputy Mayor during Mayor Cardno's term of office. He noted how Mayor Cardno had been a great advocate for Southland and he was proud to support her and alongside her in partnership.

Deputy Mayor Copland then read his Declaration which was witnessed by the Chief Executive.

3.3 ROLE OF MĀORI

Mr Michael Skerrett, Kaupapa Tai Ao explained the following:

- Tangata Whenua
- Te Ao Mārama and Te Roopu Taiao structure and how it operates (Māori/Council)
- Explanation of Māori name bestowed on Southland District Council.

Mr Skerrett said Tangata Whenua was Ngai Tahu from Kaikoura south. The correct term was Ngai Tahu Whenua - a blending of three cultures. He then explained the blending of the cultures (after 1870) with the arrival of the Europeans.

Te Ao Marama was managed by Mr Skerrett, set up and contributed to by Local Government, to administer issues under the Resource Management Act. Mr Skerrett complimented the Council on its involvement as Te Ao Marama worked extremely well in Southland.

Te Roopu Taiao was also explained.

Council had received a Maori name for its District in 2005 - Te Rohe Potae O Murihiku - and its interpretation included a "hat" or "umbrella" of Southland, and the bringing together of those who were under them.

Before closing Mr Skerrett also gave a insight into the settlement claims. He spoke with passion about the inter-generational management of assets, and looked at the long term relationship between government, councils, and Ngai Tahu.

Mayor Cardno acknowledged the Role of Maori and thanked Mr Skerrett for his explanation.

3.4 APOLOGIES

Apologies were received from Councillors Elect W Jack, P Duffy and G Macpherson.

Moved Cr Drummond, seconded Cr Dobson
and RESOLVED THAT THE APOLOGIES BE ACCEPTED.

3.5 2007 LOCAL TRIENNIAL ELECTIONS - 13 OCTOBER 2007

240/10/4/4

Report by Mr Phil Culling dated 23 October 2007 in which he summarised the process and results of the recent Local Government Elections.

Extraordinary vacancies had occurred on three of the Council's Community Boards when insufficient nominations were received to fill the number of vacancies. By-elections would be held as follows:

Edendale	Four vacancies.
Stewart Island	Two vacancies.
Wallacetown	One vacancy.

19,800 voting papers had been sent to eligible voters with 9500 being returned - an overall return of 48%.

Copies of the declaration of results were appended to the report for information.

Mr Culling referred to the low percentage of votes cast but advised it was even lower in some overseas countries. It appeared New Zealand was following the same trend.

The Fluoride Referendum had been conducted at the request of the Otago District Health Board and he would present a report to Council in due course.

The members then discussed the confusion surrounding the District Health Board system of Single Transferable Vote (STV). The general public were not clear about the process as there was a large number of invalid votes.

Moved Cr Copland, seconded Cr Bailey
and RESOLVED THAT THE REPORT ON THE 2007 LOCAL TRIENNIAL ELECTIONS BE RECEIVED AS INFORMATION.

3.6 STATUTORY EXPLANATIONS

140/10/1/3

Report by Mrs H M Sutherland dated 7 September 2007, advising legislation required that the Mayor and Councillors be given a general explanation of the following:

Moved Cr Ridley, seconded Cr Dobson
and RESOLVED THAT THE REPORT ON STATUTORY EXPLANATIONS BE RECEIVED.

Mrs Sutherland gave a short description of the following, and asked Councillors to be vigilant when they were involved personally with business with Council. She asked for new Pecuniary Interest forms to be filled out later in the meeting.

- (a) Local Government Official Information and Meetings Act 1987
- (b) Local Authorities (Members Interests) Act 1968
- (c) Sections 99, 105, 105A of the Crimes Act 1961
- (d) Secrets Commissions Act 1910

(e) Securities Act 1978

Moved Cr Dobson, seconded Cr Bailey

and RESOLVED THAT THE REPORT CONTAINING STATUTORY EXPLANATIONS AFFECTING PERSONS ELECTED TO LOCAL AUTHORITIES BE RECEIVED.

3.7 CODE OF CONDUCT

240/10/8/4

Report by Mrs H M Sutherland dated 7 September 2007, advising Council was required to adopt a 'Code of Conduct', as legislated by the Local Government Act 2002.

Moved Cr Drummond, seconded Cr Harpur

and RESOLVED THAT THE REPORT ON THE CODE OF CONDUCT BE RECEIVED.

The Code of Conduct advised a process for compliance monitoring and investigation of alleged breaches involving the constitution and also the appointment of a Conduct Review Committee.

It was proposed the Conduct Review Committee be given those delegated powers necessary to fulfil the purposes of the Committee as set out under Clause 4 of the Code. The Code of Conduct covered the Community Boards as well, and a lot of the content of the Code had a commonality between Councils.

Mr Adamson advised new Councillors that the Code had not been used since its adoption.

Moved Cr Douglas, seconded Cr Ridley

and RESOLVED:

(a) THAT THE SOUTHLAND DISTRICT COUNCIL "CODE OF CONDUCT" BE ADOPTED.

(b) THAT THE SOUTHLAND DISTRICT COUNCIL EXECUTIVE COMMITTEE ACT AS THE CONDUCT REVIEW COMMITTEE.

(c) THAT THE "CODE OF CONDUCT" BE FORMALLY REVIEWED BY COUNCIL AS SOON AS PRACTICABLE AFTER THE 2007 ELECTIONS.

3.8 EXPLANATION OF STANDING ORDERS

240/10/8/4

Report by Mrs H M Sutherland dated 7 September 2007, advising Council adopted the New Zealand Standard Model Standing Orders (with necessary amendments) on 25 August 2004.

Moved Cr Ford, seconded Cr Harpur

and RESOLVED THAT THE REPORT ON THE EXPLANATION OF STANDING ORDERS BE RECEIVED.

Mrs Sutherland explained that the Model Standing Orders were amended, and a draft was submitted for consideration by Council. The following amendments were suggested:

Page 8 - 1.3 Definitions

Meetings:

Interpretation of the word “meeting” requires amendment to include “ordinary, or”, i.e. the paragraph would read “Meeting means any first, ordinary, or extraordinary meeting of a local authority....”

Page 13 2.5.2 (b) Voting at Meetings

Delete (b) and replace with the following:

- (b) In the case of equality of votes, the chairperson has a casting vote.

Page 35 3.14.2 (b) Chairperson’s Voting

Delete (b) and replace with the following:

- (b) In the case of equality of votes, the chairperson has a casting vote

Page 39 3.21.1 Questions

“At the discretion of the Chairperson any person authorised by the Chairperson including any officer of the Council, may address a meeting to provide assistance and advice to the Chairperson and members”.

Moved Cr Dillon, seconded Cr Copland
and RESOLVED:

- (a) THAT COUNCIL RECEIVE AND CONSIDER THE REPORT ON THE NEW ZEALAND STANDARD MODEL STANDING ORDERS AND IDENTIFY ANY CHANGES TO THE DOCUMENT (NZS 9202:2003).
- (b) THAT THE COUNCIL ADOPT THE AMENDED NEW ZEALAND STANDARD MODEL STANDING ORDERS (NZS 9202:2003) EFFECTIVE FROM 31 OCTOBER 2007.

3.9 MEMBERSHIP OF COMMUNITY BOARDS

240/10/7/1

Report by Mrs H M Sutherland dated 7 September 2007 advising Council may appoint members to various Community Boards, and it has been past policy to do so.

Moved Cr Copland, seconded Cr Ford

and RESOLVED THAT THE FOLLOWING COUNCILLORS BE APPOINTED TO THE LISTED COMMUNITY BOARDS:

COUNCILLOR	COMMUNITY BOARD
DOUGLAS	LUMSDEN
RIDLEY	TE ANAU
COPLAND	EDENDALE
MACPHERSON	WALLACETOWN
BAILEY	WINTON
GOOMES	STEWART ISLAND
DILLON	RIVERSDALE AND BALFOUR
HARPUR	TUATAPERE
DUFFY	WYNDHAM
DOBSON	RIVERTON/APARIMA
DRUMMOND	WALLACE

As there was no Community Board in the Waihopai Ward, Cr Jack's name was not shown in the list of appointments.

3.10 PROPOSED COUNCIL MEETINGS FOR NOVEMBER 2007 - FEBRUARY 2008

240/10/8/4; 240/10/8/2

Report by Mrs H M Sutherland dated 7 September 2007 advising proposed Council and Committee meeting dates from November 2007 to February 2008.

Mr Adamson explained that the Council meeting on 14 November would require to be held prior to the Committee meetings as three Councillors still had to be sworn in.

Moved Cr Drummond, seconded Cr Harpur

and RESOLVED THAT COUNCIL APPROVE THE MEETING SCHEDULE FOR NOVEMBER 2007 TO FEBRUARY 2008 AS FOLLOWS:

COUNCIL	COMMITTEE DAY
31 October 2007	Forestry - 14 November 2007
14 November 2007	APAC - 14 November 2007
28 November 2007	Policy Review - 14 November 2007
12 December 2007	Council Executive - 28 November 2007
30 January 2008	APAC - 28 November 2007
27 February 2008	Civil Defence - 12 December 2007
	APAC - 12 December 2007
ALLOCATIONS COMMITTEE	Policy Review - 13 February 2008
20 November 2007	APAC - 13 February 2008
SCHOLARSHIPS INTERVIEWS	OHAI RAILWAY BOARD
17 January 2008	15 November 2007

3.11 DEALING WITH ITEMS NOT SHOWN ON THE AGENDA

240/10/8/4

Report by Mrs H M Sutherland dated 7 September 2007.

Mr Adamson explained how Council, Community Boards and Committees may deal with items not shown on an agenda, under the Local Government Official Information and Meetings Act 1987. Mr Adamson said that Councillors should let the Secretary know of items to be discussed, and he would explain the issue further at the workshop to be held on 17 November 2007.

Moved Cr Copland, seconded Cr Ridley

and RESOLVED THAT THE REPORT ON DEALING WITH ITEMS NOT SHOWN ON AGENDA BE RECEIVED AND ITS CONTENTS NOTED.

3.12 REMUNERATION LEVELS FOR ELECTED MEMBERS

240/10/7/8

Report by Mrs H M Sutherland dated 7 September 2007, on Remuneration for Council's elected members: the Mayor, Councillors, Committee Chairpersons, Community Board Chairs and Community Board members, as determined by the Remuneration Authority

The Authority had set out the interim remuneration payable to Council's elected members from the date the election was declared (19 October 2007) until 30 November 2007.

At the end of the interim period and once a new determination had been made for a local authority, it was proposed the salaries would be backdated for -

- * a deputy mayor from the date of appointment.
- * chairpersons of committees and other specified positions from the date of appointment.
- * any chairpersons or deputy chairpersons of community board, from the date of appointment.
- * councillors and community board members from the date they come into office.

**REMUNERATION AUTHORITY
Southland District Council
Interim Determination to 30 November 2007**

Office	Interim salary
Mayor	\$77,818
Councillor	\$14,700

Mayoral car	Usage
Provided	Mayoral use only

Balfour Community Board

Lumsden Community Board
 Riversdale Community Board
 Wyndham Community Board

Office	Interim salary
Chair	\$200
Member	\$200

Edendale Community Board

Office	Interim salary
Chair	\$400
Member	\$400

Riverton Community Board

Office	Interim salary
Chair	\$2,800
Deputy Chair	-
Member	\$2,800

Stewart Island Community Board

Office	Interim salary
Chair	\$800
Member	\$800

Te Anau Community Board

Office	Interim salary
Chair	\$4,100
Member	\$4,100

Tuatapere Community Board

Office	Interim salary
Chair	\$1,100
Deputy Chair	-
Member	\$1,100

Wallace Community Board

Office	Interim salary
Chair	\$2,800
Member	\$2,800

Wallacetown Community Board

Office	Interim salary
Chair	\$400

Inaugural Council Mtg

31/10/07

Member

\$400

Winton Community Board

Office	Annual salary
Chair	\$2,800
Member	\$2,800

Moved Cr Dobson, seconded Cr Ridley
and RESOLVED:

- (a) THAT THE REPORT ON REMUNERATION LEVELS FOR ELECTED MEMBERS BE RECEIVED.
- (b) THAT COUNCIL PAY ELECTED MEMBERS FROM THE DAY THE ELECTION RESULT IS DECLARED (17 OCTOBER/24 OCTOBER 2007 UNTIL 30 NOVEMBER 2007 ON THE BASIS OF THE REMUNERATION AUTHORITY DETERMINATION FOR THAT PERIOD.
- (c) THAT ONCE THE COUNCIL STRUCTURE AND COMMITTEE AND COMMUNITY BOARD CHAIRS ARE DECIDED THAT ANOTHER REPORT BE PREPARED FOR COUNCIL WITH RECOMMENDATIONS ON ALL ELECTED MEMBERS REMUNERATION LEVELS
- (d) THAT APPROPRIATE BACK-PAY ADJUSTMENTS BE MADE TO ELECTED MEMBERS SALARIES ONCE THE REMUNERATION AUTHORITY HAS APPROVED COUNCIL'S RECOMMENDATIONS.

3.13. ISSUES TO BE RAISED BY CHIEF EXECUTIVE

Relevant Legislation

Mr Adamson gave explanations of the following legislation and the principles and purpose relating to local authorities:

- * Local Government Act
- * Resource Management Act

Institutions

The functions of the Ombudsman and role and functions of the Auditor General were explained.

Governance

Mr Adamson referred to the following aspects of Governance:

- * Confidentiality
- * Public Law responsibilities
 - Fairness
 - Natural Justice
 - Lack of bias and predetermination

He explained *Ultra vires* as a Latin phrase that literally meant "beyond the power".

Training/Induction

Councillors were asked to note the following training/induction sessions -

LGNZ new Councillor training - 5 and 6 November 2007.

Training Workshop at Invercargill Working Mens Club 17 November.

District Tour - 25, 26 and 27 November.

Strategic Workshop to be held in Te Anau - dates to be advised.

Council Meeting on Stewart Island to be held March/April.

Resource Management training "Making Good Decisions" - dates to be advised.

There being no further business, the meeting was declared closed at 2.35 pm.

C O N F I R M E D:

MAYOR:

DATED: