



ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date:	Thursday 30 January 2020
Time:	10.00am – 12.43pm
Venue	Council Chambers Hawke's Bay Regional Council 159 Dalton Street Napier
Present	Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright
In Attendance	Chief Executive, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing, Chief Financial Officer, Manager Business Excellence & Transformation, Team Leader Governance, Senior Maori Advisor, Investment and Funding Manager
Administration	Governance Team

Apologies

Council resolution

Councillors Boag / Wright

That the apologies from Councillor Crown be accepted.

Carried

Conflicts of interest

Councillor Hayley Browne declared an interest in Item 7. In order to manage this interest she left the room for the item.

Public forum

Taradale Bridge Club – Ash Fitchett, Jo Hayes, and Jan Davis

Ash, Jo, and Jan spoke in relation to the desire to lease some reserve land in Taradale, ideally at Park Island, to build a new facility for the Taradale Bridge Club.

It was noted:

- The club's membership is well over 200 people, mostly in the 60+ age range, who live in the Taradale/Greenmeadows area.
- The club has been without a permanent facility after outgrowing their original facility in Devonshire Place in Taradale.
- They have been leasing room at the Napier Bridge Club most recently, but due to vandalism, graffiti, and costly damage to cars at that facility the club have had to pay for a security guard.
- The club would like to relocate to the Taradale area, and are in negotiations about sharing a facility with the Hawkes Bay Rugby Union.
- Ideally there would be enough space for 24 card tables, with a kitchen, bathroom and storage, and parking outside for 40+ cars. They estimate the building will need to be 260 square meters.
- The club has enough money reserves to build the facility (\$500,000) but not to buy land as well. They are in talks with Community Grants organisations, ECCT and the Lotteries Commission, and are also having a feasibility study done.
- They have drafted plans for the facility already, and a model of the proposed building.
- This club is aligned with the local and national ageing strategy by keeping older people's brains active, preventing memory loss, and by providing a social environment, which staves off loneliness.. Bridge is also a game which can be played despite physical limitations.
- Once built, the facility can be hired out to other Community groups.

In response to questions from Councillors, it was noted:

- Membership fees will cover the cost of ongoing maintenance and running costs of the facility.
- The club would be open to the structure being removable should the land become required for an alternative use in the future.
- There was discussion with the Pirates Rugby Club about sharing a facility, but they are not going to be ready to move for some time yet.

- There will be adequate space to allow the club to grow in numbers over time.
- Park Island is the preferred site for the club over any other site that was considered previously.
- It is possible the Napier Bridge Club may also share the rooms in the future due to the security issues at their site in Whitmore park.

The Mayor concluded the discussions by stating Council Officers will be brought into the conversation so a formal paper can be put together to be brought before Council in the future.

Announcements by the Mayor

Nil

Announcements by the management

Nil

Confirmation of minutes

**Council
resolution**

Councillors Taylor / Price

That the Draft Minutes of the Ordinary meeting held on 19 December 2019 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. 2019-2022 TRIENNIAL AGREEMENT - DRAFT FOR FEEDBACK

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 885187

Reporting Officer/s & Unit: Devorah Nicuarta-Smith, Team Leader Governance

1.1 Purpose of Report

To receive the draft 2019-2022 Triennial Agreement for adoption and provide feedback to the coordinating Council (Regional Council), so that a final version can be provided to Council for adoption

At the meeting

The Chief Executive spoke to the triennial agreement draft stating

- it sets out how the Hawke's Bay Region's Councils interact with each other and also strategic priorities for the region.
- It aligns with the Matariki Regional Development Strategy.

In response to questions from Councillors, the following points were clarified:

- This draft has been adopted as is by the Hastings District Council and Central Hawke's Bay Council.
- The Mayoral forum is Chaired by Mayor Alex Walker of Central Hawke's Bay.
- No achievement reports have been provided to the new Mayoral forum as yet.
- The lead for the three waters review is through Napier City Council.

Council resolution Councillors Mawson / Simpson

That Council:

- a. Adopt the draft 2019-2022 Triennial Agreement and provide feedback where necessary.

Carried

2. 2019-2022 STANDING ORDERS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002; Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	885125
<i>Reporting Officer/s & Unit:</i>	Devorah Nicuarta-Smith, Team Leader Governance

2.1 Purpose of Report

To present the 2019-2022 Standing Orders for adoption.

At the meeting

The Team Leader Governance spoke to the report noting Council must adopt Standing Orders each triennium. LGNZ can make changes to their template, and most Councils adopt the template as is, or with a few minor amendments.

In response to questions from Councillors, the following points were clarified:

- The Chair of a meeting can suspend relevant Standing Orders to allow for extra public speakers, or to extend speaking time.
- It is reasonable for there to be one clear working days' notice of public speakers at a Council meeting to allow for the logistics of including them in the agenda, however this is at the discretion of the presiding Member.
- Recording Councillors voting for and against a motion, and abstentions, removes the appearance in the written records that a vote was unanimous. It also aligns with the audio and visual recordings.
- A casting vote is a tie-breaker vote to be used by the Presiding Member when the for and against votes on a motion are equal. If it is decided a casting vote should not be used for a particular decision, the applicable standing order can be suspended for that decision by the Presiding Member.
- An Elected Member must vote if the option to abstain is removed. If an equality of votes occurs, the status quo will remain.
- Communities want decisions to be made; abstaining from a vote should only be used very carefully.

Officer's Recommendation

That Council:

- a. Confirm its position with regard to Standing Order 19.3 Casting Vote
- b. Adopt the 2019-2022 Standing Orders, noting the following departures from the 2019 Local Government New Zealand model template:
 - i. Standing Order 9.10:

The chief executive must send the agenda to every member of a meeting at least seven clear working days before the day of the meeting, except in the case of a Hearing of a Tender (for which an agenda must be circulated to the panel at least two clear working days in

advance), an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

ii. Standing Order 15.1:

A period of up to 45 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting....

Speakers can speak for up to 10 minutes, with a further 5 minutes allowed for questions from elected members. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 3 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

iii. Standing Order 16.1:

Speakers can speak for up to 10 minutes...

iv. Standing Order 19.6:

When a division is called, the chief executive (or their delegate) must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result...

v. Standing Order 19.6:

Where a member or members have abstained or voted against a carried motion, the vote(s) or abstention will be immediately recorded for the accuracy of the record...

vi. Standing Order 22.1

... Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option B for the meeting generally, or for any specified items on the agenda.

Council resolution

Substitute Motion

Mayor Wise / Councillor Tapine

That Council:

a. Confirm its position with regard to Standing Order 19.3 Casting Vote, that being:

The Mayor, Chairperson or any other person presiding at a Council meeting has a deliberative vote, and in the case of an equality of votes, has a casting vote.

A casting vote is not applicable at standing committees.

b. Adopt the 2019-2022 Standing Orders, noting the following departures from the 2019 Local Government New Zealand model template:

i. Standing Order 9.10:

The chief executive must send the agenda to every member of a meeting at least seven clear days before the day of the meeting, except in the case of a Hearing of a Tender (for which an agenda must be circulated to the panel at least two clear working days in advance), an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

ii. Standing Order 15.1:

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iii. Standing Order 16.1:

Speakers can speak for up to 10 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation, unless otherwise decided by the meeting.

iv. Standing Order 19.6:

When a division is called, the chief executive (or their delegate) must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result...

v. Standing Order 19.6:

Where a member or members have abstained or voted against a carried motion, the vote(s) or abstention will be immediately recorded for the accuracy of the record...

vi. Standing Order 22.1

... Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option B for the meeting generally, or for any specified items on the agenda.

vii. Standing Order 17.2

A petitioner who presents a petition to the local authority...may speak for 10 minutes (excluding questions) about the petition, unless the meeting resolves otherwise.

- viii. Standing Order 21.2(a)
Movers of motions when speaking to the motion – not more than 10 minutes

- ix. Standing Orders 15.2 and 16.2
Typographical corrections – replacing the ‘and’ in the bullet lists with ‘or’

Carried

3. 2019-2022 ELECTED MEMBERS' CODE OF CONDUCT

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 885122

Reporting Officer/s & Unit: Devorah Nícuarta-Smith, Team Leader Governance

3.1 Purpose of Report

To present the 2019-2022 Elected Member's Code of Conduct for adoption.

At the meeting

The Team Leader Governance spoke to the report noting Council must adopt a Code of Conduct each triennium for the Elected Members. LGNZ provide a template. A Code of Conduct is a document created by Elected Members to guide how Elected Members should interact with each other, Council staff, the public and the media. It also outlines the process required if an Elected Member acts outside of the Code of Conduct. Equip has a list of independent investigators for these situations to be used in the 2019 -2022 triennium.

In response to questions from Councillors, the following points were clarified:

- Councillors can express personal opinions where they are different from decisions of Council as long as they do it in appropriate manner and still uphold the final decision of Council.
- Public complaints about an Elected Member is a separate process.

Council resolution

Mayor Wise / Dep. Mayor Brosnan

That Council:

- a. Adopt the 2019-2022 Elected Members' Code of Conduct

Carried

4. NAPIER CITY FLAG

Type of Report: Legal and Operational

Legal Reference: Her Majesty's College of Arms; Heraldry

Document ID: 885209

Reporting Officer/s & Unit: Devorah Nícuarta-Smith, Team Leader Governance

4.1 Purpose of Report

To present the correct formal Napier City flag design for adoption.

At the meeting

The Team Leader Governance spoke to the report noting the redesign of the city flag is correcting a legacy issue rather than designing a new flag, and it will enable the public to be able to purchase a flag for display if they choose to.

In response to questions from Councillors, the following points were clarified:

- A bulk order of flags could be made to reduce the cost of a city flag for the public.
- The draft flag's components are a slightly different design to those on the coat of arms. But it is possible to get these redrawn.
- The components on the design comply with the rules of heraldic practice.
- The design is for a city flag, the Napier City Council has a flag of its own which complies with its branding.
- The city flag was flown at the Civic building every day and it is probable that this will occur once a new location for Council is established. It would also be flown at notable occasions, for example when someone of significance to Napier passes away or at a significant city event.
- A flagpole up to 12 metres can be erected in a residential area without a consent.

ACTION: Ensure golden fleece design is true to the original Coat of Arms drawings.

Council resolution

Councillors Tapine / Wright

That Council:

- a. Adopt the correct formal flag for Napier City
- b. Direct officers to lodge the Napier City heraldic flag design with an appropriate flag maker for future production as required.

Carried

5. EMBLEM AND ENSIGN POLICY

Type of Report: Operational

Legal Reference: N/A

Document ID: 885371

Reporting Officer/s & Unit: Devorah Nícuarta-Smith, Team Leader Governance

5.1 Purpose of Report

To present the Emblem and Ensign Policy for adoption

At the meeting

The Team Leader Governance spoke to the report noting this is to update and replace some old policies

In response to questions from Councillors, the following points were clarified:

- The public will need to seek the consent of Council to use the city flag.
- A preauthorisation at a flag makers could be investigated. If this was done Council could request the flag maker give directions for the City flag's use with a purchase; alternatively there could be a policy change so flags are purchased through Council rather than a flag maker.
- The use of the flag artwork on other mediums can be considered as the need arises.
- Founders Day could be an appropriate day to use the City flag.

ACTION: Investigate option for Council to purchase a number of Napier City (heraldic) flags to manage cost to members of the public and the authorisation process. Bring back to Council for possible amendment to policy clauses 31 and 32.

Council resolution Councillors Wright / Browne

That Council:

- a. Adopt the Emblem and Ensign Policy, noting that this updates and replaces
 - i. Napier City Council Logo and Coat of Arms Policy 2003
 - ii. Flying of NZ & City Flags Policy 1987

Carried

6. REVENUE AND FINANCING POLICY REVIEW

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 880867

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer

6.1 Purpose of Report

To seek Council approval to adopt step one of a two step process to review Council's Revenue and Financing policy as required under section 101(3)(a) of the Local Government Act 2002.

At the meeting

The Chief Financial Officer spoke to the report noting step one of the Council's Revenue and Financing policy is ready to be adopted which will allow step two to commence.

Council resolution

Councillors Taylor / Price

That Council:

- a. Adopt the step one analysis for the Council activities as set out in the 'Activity Summary for step one' schedule.

Carried

7. NAPIER CITY BUSINESS INC FUNDING CONSULTATION

Type of Report: Operational

Legal Reference: N/A

Document ID: 881621

Reporting Officer/s & Unit: Garry Hrustinsky, Investment and Funding Manager

7.1 Purpose of Report

To advise Council of the Napier City Business Incorporated (NCBI) funding consultation process and seek Council approval of the process.

At the meeting

Councillor Browne left the room at 12.28pm

The Investment and Funding Manager spoke to the report noting NCBI aims to make sure the Napier CBD is welcoming and inviting. In order to maintain this service NCBI need to increase their members CBD promotional levy. NCBI are seeking permission to consult directly with affected parties in regards to this rather than the Council performing that task.

In response to questions from Councillors, the following points were clarified:

- 75% of members present at a meeting are required to authorise the change.
- NCBI have gone through a robust process with an independent company to gather contact details for all members.
- NCBI can give feedback as to the outcome of the vote, but there will also be Council representation at the meeting. Council staff would also be welcome.
- The consultation will be with the members within the current membership base.
- Council staff have been consulted about the correct process for this as there is no written process for this. NCBI are trying to do things fairly, but are happy to have extra oversight by Council if required.

Council resolution

Councillor Wright / Dep. Mayor Brosnan

That Council:

- a. Approve the consultation process proposed by Napier City Business Incorporated as part of their funding review.

Carried

8. ACTIONS FROM PREVIOUS MEETINGS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	891346
<i>Reporting Officer/s & Unit:</i>	Cheree Ball, Governance Advisor

8.1 Purpose of Report

To present the actions from previous meetings for awareness.

At the meeting

Councillor Browne returned to the room 12.38pm

In response to questions from Councillors, the following points were clarified:

- Councillors can have input into what Sean Bevan focuses on in his presentation to Council. This input can be relayed through the Deputy Mayor as this sits within her portfolio.
- As actions in the table are reported as completed they will be removed from the actions table.

Council resolution

Dep. Mayor Brosnan / Councillor Tapine

That Council:

- a. Note the actions from previous meetings along with their current status.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	885620
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 5 December 2019 – 6 January 2020.

At the meeting

There were no Tenders Let for the period.

Council resolution	<u>Councillors Taylor / Tapine</u>
	That Council:
	a. Note that there were no Tenders Let under delegated authority for the period 5 December 2019 – 6 January 2020.
	<hr/> Carried

2. DOCUMENTS EXECUTED UNDER SEAL

Type of Report: Information

Legal Reference: N/A

Document ID: 885648

Reporting Officer/s & Unit: Debbie Beamish, Executive Assistant to the Chief Executive

2.1 Purpose of Report

To report on the Documents Executed under Seal for the period 5 December 2019 – 6 January 2020.

At the meeting

There were no Documents Executed under Seal for the period.

Council resolution

Councillors Taylor / Tapine

That Council:

Note that there were no Documents Executed under Seal for the period 5 December 2019 - 6 January 2020.

Carried

3. RESOURCE CONSENTS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	886250
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

3.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 1 December 2019 – 6 January 2020.

At the meeting

There were no questions from Council.

Council resolution	Councillors Taylor / Tapine
	That Council:
	a. Resolves to receive the report titled 'Resource Consents approved 1 December 2019 – 6 January 2020.'
	Carried

PUBLIC EXCLUDED ITEMS

Council resolution

Dep. Mayor Brosnan / Councillor Boag

That the public and all staff (excepting the Manager People and Capability for the initial item) be excluded from the following parts of the proceedings of this meeting.

Carried

Agenda Items

1. Chief Executive Remuneration 19/20
2. Chief Executive Performance Review Process
3. Chief Executive Contract
4. Actions From Previous Meetings - Public Excluded Items

The general subject of each matter to be considered while the public was excluded, the reasons 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 were 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) to the passing of this resolution.
	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:

Agenda Items

1. Chief Executive Remuneration 19/20	7(2)(a) Protect the privacy of natural persons, including that of a deceased person 7(2)(g) Maintain legal professional privilege	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under
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		Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Chief Executive Performance Review Process	7(2)(a) Protect the privacy of natural persons, including that of a deceased person 7(2)(g) Maintain legal professional privilege	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
3. Chief Executive Contract	7(2)(a) Protect the privacy of natural persons, including that of a deceased person 7(2)(g) Maintain legal professional privilege	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
4. Actions From Previous Meetings - Public Excluded Items	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except

	source and it is in the public interest that such information should continue to be supplied	7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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The meeting moved into committee at 12.43pm

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval