

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL HELD ON 8 NOVEMBER 2010, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.14 A.M.

PRESENT:

R. Scarlett (Chairman), A. Robb, T. Archer, D. Davidson, B. Chinn, A. Birchfield, I. Cummings

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), S. Moran (Planning and Environmental Manager), C. Dall (Consents & Compliance Manager), T. Jellyman (Minutes Clerk),
The Media

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. CONFIRMATION OF MINUTES

Moved (Davidson / Archer) *that the minutes of the Council Meeting dated 14 September 2010, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

Moved (Davidson / Robb) *that the minutes of the Triennial Council Meeting 26 October 2010 be confirmed as correct.*

Carried

Matters arising

Cr Archer drew attention to Cr Birchfield's comments in the minutes where he stated that council needs to go in a different direction and the West Coast cannot carry on with the number of councils and councillors it currently has and that there needs to be some reform. Cr Archer stated that a number of people may share this view but there has never been a paper presented to this council to share this view or elaborate on the advantages or disadvantages. Cr Archer feels it would be helpful to receive a paper so that there can be an open debate so that there is an overview instead of comments being raised without any supporting information or the opportunity for debate.

Cr Archer drew attention to page 7 of the minutes where the Deputy Chairman has always been the Chair of the Resource Management Committee. Cr Archer stated that historically this has been the case and he agrees with the continuance of this arrangement, but despite Cr Chinn advising council that he was certified as a Hearing Commissioner, he is not, as his certificate expired in June 2008. Cr Archer stated that he finds it difficult to understand how Cr Chinn can consider himself to be certified when he participated in a re-training course and failed. Cr Archer stated that the only conclusion he can come to is that Cr Chinn has intentionally misled the council and on this basis Cr Archer asked what confidence can council have in Cr Chinn as a deputy chair who is now statute barred from chairing RMA hearings as he has been found by Auckland University, acting for the Ministry for the Environment not competent to

chair such hearings and therefore someone else will have to undertake this function on Cr Chinn's behalf. Cr Archer stated that Cr Chinn does not appear to know if he is an accredited RMA Hearing Commissioner or not. Cr Chinn responded that he did fail and was phoned by the Auckland University and told that he got the questions right but when the exam asked for seven paragraphs to be answered he only answered one. Cr Chinn was asked by Auckland University to re-sit the exam, they phoned him this year and asked if he would like to re-sit the exam again and he declined. Cr Archer stated that this does not answer his question. He question is what confidence can council have in the Deputy Chairman on the basis that he appeared to intentionally mislead the council. Cr Chinn stated that he did not intentionally mislead council and he has nothing to hide and had Cr Archer let him know of his questions prior then he would have had the exact dates for him. Cr Scarlett stated that the question might be that Cr Chinn had a certificate at the present time but does not intend to renew it. Cr Scarlett said that the question is did Cr Chinn know that he did not have a certificate when he gave that answer. Cr Chinn stated that the letter from Auckland University advised him that his certification would expire in December and asked would he like to sit it again, he declined. Cr Scarlett stated that the question is whether Cr Chinn knew at the time of the last meeting that he was not certified, and that he had been phoned by Auckland University and informed that he had failed the re-certification. Cr Scarlett asked Cr Chinn that at the time of the last meeting on the 26th of October, did Cr Chinn know that he did not have a certificate. Cr Chinn stated that he was not quite sure of the date that his certification expired and he knew that the exams were coming up. Cr Chinn stated that he had no intention of misleading anyone. Cr Chinn confirmed that at the time of the last meeting he was of the belief that he was still certified. Cr Chinn confirmed that he did not take up the offer from the Auckland University to complete his exam in more detail. Cr Archer clarified the certification process and advised that on completion the certificate illustrates the date of issue and the date of expiry. Cr Scarlett asked Cr Chinn if he has a certificate. Cr Chinn confirmed he has a certificate but he has not looked at it lately. Cr Davidson stated that it was quite clear at the meeting that having a certificate was not a requirement for the position of Deputy Chairman. Cr Scarlett agreed but the question from Cr Archer is whether or not Cr Chinn has misled council by saying he was accredited when he was not. Cr Chinn stated that this was a mistake on his part. Cr Archer still feels his question has not been adequately answered. Cr Birchfield stated he has every confidence in Cr Chinn, he would be an excellent deputy chair and there is no requirement to be a qualified commissioner and he does not know what all the fuss is about. Cr Scarlett responded that on page 7 Cr Chinn stated that he is certified at the present time but does not intend to renew his certification. Cr Scarlett stated that was not the case, he was not certified. Cr Scarlett advised that Cr Chinn has stated he had been contacted by the examiner and informed that he had failed and this was a long time prior to the meeting on 26th of October and might have been in 2008. He was given the option to re-sit and declined and therefore Cr Chinn would surely have known that he did not have a certificate when he gave this answer last month. Cr Chinn stated that this was a mistake on his part. Cr Cummings stated that Cr Chinn had said he was not going to renew his certification and therefore he would not be chairing any hearings. Cr Cummings stated that someone who is qualified would have to be appointed to chair any hearings. Cr Scarlett agreed with Cr Cummings but stated that it is a different question when asked if you are certified and the answer is yes when in fact Cr Chinn was not certified. Cr Scarlett stated that the point of this discussion is that given what is written in the minutes, was Cr Chinn aware that he was not certified. Cr Chinn stated that he believes he stated that he thinks he is certified at the meeting on 26 October.

Cr Archer stated that his other concern is that the deputy chair's almost exclusive role in the council is an RMA role. Cr Archer stated that his personal view is that if the council determined that the deputy chair should also be the chairman of the RMC committee, then Cr Archer feels that the chairman of the RMC committee would have some competence in chairing RMA hearings and conducting RMA meetings. Cr Archer stated that we now have a situation where Cr Chinn was elected as deputy chair on the basis that he was certified but this is not the case. Cr Birchfield stated this is wrong as all councillors said Cr Chinn was not qualified and they put him in as deputy chair and this did not make any difference to the voting. Cr Archer stated he accepts Cr Birchfield's view but he feels that the deputy chair should be certified so that the deputy chair has some level of competence. Cr Scarlett stated his main concern was that Cr Chinn had misled council, but there has been an explanation now and he feels that the matter should now rest.

Cr Archer drew attention to item 9, rating district liaison committee arrangements, he would like an amendment to the resolution as he feels the Greymouth Joint Floodwall committee is being linked to rating district liaison committees. C. Ingle advised that the Greymouth Floodwall is a rating district and this is an exception. It was agreed that the status quo would remain.

REPORTS:

4.1 ADOPTION OF MINUTES FROM THE RATING DISTRICT ANNUAL MEETINGS

S. Moran spoke to his report. Cr Archer asked various questions around the action points and processes following on from rating district meetings. C. Ingle explained the internal system in place regarding action points and how they are prioritised and kept track of. Cr Scarlett agreed with Cr Archer regarding the process for action points so that whichever councilor chairs the meeting is aware of what is likely to come up at the meeting. S. Moran stated that it would be good practice for whoever chairs the meeting to also keep an ear out for what they consider to be an action point and ensure that requests are minuted at the time. Cr Archer stated that this would be a very worthwhile process.

Cr Archer asked if standing orders still apply to rating district liaison committees, for the purpose of future chairing of meetings, could a unified approach be adopted and be based on standing orders applying. Cr Scarlett stated that a way forward could be that normal standard meeting procedures apply and the chairman could advise the meeting of this. Cr Davidson stated that he feels these are good meetings and he would like to see them stay the way they are. C. Ingle advised that these meetings are public meetings and the communities appreciate the local members of council chairing the meetings. He advised that the most common issue is people attending the meeting who are not ratepayers in the rating district, he noted they are entitled to attend the meeting but it needs to be made clear at the outset of the meeting that it is only the ratepayers that get to vote on motions as it is their money that is being spent. C. Ingle advised that staff bring a list of the ratepayers to each meeting and the chairman should ask those present if there is anyone in attendance who is not a ratepayer, then remind that person that they do not have voting rights but they can speak in general business.

Moved (Archer / Robb) *that the report be received.*

Carried

4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to his report advising that this is the quarterly financial report to the end of September. He stated that five ratepayers have advised the council in writing of their intention to withhold payment of their Tb rate. R. Mallinson has responded to these people in writing advising them that normal procedures will be followed with regard to overdue rates.

R. Mallinson reported that the surplus for the three months is approximately \$1.3M which includes the realised profit from the 2010 / 2011 aerial contracts. R. Mallinson reported that the investment portfolio rallied strongly during September and there are also net positive budget variances in the general rate funded activities. R. Mallinson stated that this is an extremely satisfactory result for the first quarter. Cr Scarlett agreed. Cr Chinn asked how the procedure works for landowners who are withholding their Tb pest management rate which is being collected on behalf of the Animal Health Board. R. Mallinson clarified that the Tb pest management rate is being collected on Council's own account and this is used by Council to fund the Animal Health Board regional share expenditure. R. Mallinson has pointed out to those withholding their Tb pest management rate that this is not a lawful course of action and normal debt collection procedures apply.

Moved (Robb / Archer) *that this report be received.*

Carried

4.2.1 ANNUAL REPORT BY TBFREE (ANIMAL HEALTH BOARD) REGARDING WEST COAST OPERATIONS

Cr Scarlett asked Cr Robb for comment on this report. Cr Robb confirmed that good progress is being made and the key is to keep the pressure on so that progress continues. It was noted that there are 38 Tb infected herds as at 30 June with the target being 48. Cr Archer drew attention to the comment in the report that notes the importance of maintaining an adequate and stable contractor workforce in light of the proposed strategy. Cr Archer noted that this matter had arisen lately.

Moved (Archer / Robb) *that the report be received.*

Carried

4.2.2 COUNCILLOR EXPENSES & ALLOWANCES POLICY

R. Mallinson spoke to this report advising that there are some areas of concern with one being the Remuneration Authority's approach to vehicle mileage reimbursements to councilors. R. Mallinson drew attention to the 5000 km limit per councilor per year which ignores the distance councilors on the West Coast travel. R. Mallinson stated that this is not sensible for any councilor living in Haast or Karamea and in view of this he will seek a dispensation, as this is not at all logical for the West Coast. Cr Archer asked the meeting if the policy on international air travel should be amended in case a particular circumstance arose and international travel was required. R. Mallinson stated that in the past council has not supported international travel or conference attendance councilors but if councilors wish to change this then the expense policy could be amended and approved by the Remuneration Authority. Cr Scarlett stated that as it stands there is no international travel. Cr Archer feels it might be more realistic to change the policy to "overseas travel, including the class of travel, may only be approved by specific resolution by council prior to the travel being undertaken". He feels this would be more reasonable. Cr Scarlett stated that it would be sensible to have some flexibility around this. Cr Robb stated that if a similar situation arose when this council supported Mayor Pugh's overseas visit, and contributed financially, then the policy should be changed so that if someone from this council is invited to an international event then they can attend. R. Mallinson advised that it is up to council to recommend to the Remuneration Authority what they want the Reimbursement Policy to be, as they do not set it for us. Cr Archer moved an amendment to the international air travel section of the reimbursement policy.

Moved (Archer / Robb) *that overseas travel including the class of travel may only be approved by specific resolution to council before the travel is undertaken.*

Carried

Cr Archer drew attention to section 9, Professional Development, "are any expenses reimbursed or allowances paid in respect of members attendance at professional development courses, conferences and seminars"; Cr Archer advised that the answer is no to this and he thinks this should be changed to "registration attendance fees may only may only be met by council with the prior Chair approval. Cr Scarlett agreed with Cr Archer. Cr Archer used the example of hearing commissioners travelling and should this have to be put before council.

Moved (Archer / Davidson) *that registration attendance fees may only maybe met by council with the prior approval of the Council Chair.*

Carried

Moved (Archer / Robb)

1. *That Council adopt the attached policy with regard to Councillor Expenses and Allowances.*
2. *That the Remuneration Authority be advised of our concerns with regard to restricting km reimbursements to those in excess of 30 km per event.*
3. *That the Remuneration Authority be advised of our concerns with regard to the 5000 km limit per Councillor per year, given the large distance of 600 km from the northern to southern boundaries of the region.*

Carried

4.2.3 REMUNERATION AUTHORITY DETERMINATION

R. Mallinson spoke to this report advising that the Remuneration Authority advises council what the remuneration pool will be for the six councilors not including the Chair, this will be \$162,100. The reconfirmation of payments for the deputy chair and councilors is a requirement by the Remuneration Authority. Cr Robb confirmed that this is exactly the same arrangement as prior to the election.

Moved (Robb / Birchfield) *that that above division of the remuneration pool be confirmed to the Remuneration Authority.*

Carried

4.2.4 INVESTMENT PORTFOLIO ASSET CLASS BENCHMARKS

R. Mallinson spoke to this report and advised that council at a workshop considered this matter on the 26th of October.

Moved (Robb / Birchfield) *that Council agree to the change in benchmarks for its Investment Portfolio as recommended by its Investment advisors, Forsyth Barr Ltd.*

Carried

5.0 CHIEF EXECUTIVES REPORT

C. Ingle spoke to his report. He advised that he was unable to attend the LGNZ Zone 5 meeting on 5 November as his flight was cancelled on the morning of the meeting. Cr Scarlett attended this meeting and lodged an apology for C. Ingle. C. Ingle advised that he has been busy recruiting for a new Planning and Environmental Manager in view of S. Moran's resignation. C. Ingle advised that Michael Meehan, the Compliance Team Leader has been appointed to this position and will commence duty on the 15th of November. The recruitment process for a new Compliance Team Leader is now underway.

C. Ingle advised that it has been a busy part of the year with the completion of the rating district meetings. He suggests that a workshop be held early next year to discuss all the investigations that are going on for all of the rating districts so that all councillors can be aware of what is happening up and down the region. C. Ingle suggested that the action points from these meetings are discussed at this workshop, as it is important that the requests from the communities are actioned. C. Ingle advised that staff resourcing in the engineering area would also be discussed at the workshop.

C. Ingle advised that he sent a letter to the Local Government Commission relating to the proposed union of Tasman District and Nelson City Councils.

Cr Cummings asked C. Ingle what was the purpose of Sir Kerry Bourke's visit on the 13th of October. C. Ingle responded that Sir Kerry is keen to do some hearing commissioner work for this council. C. Ingle advised that he advised Sir Kerry that some of this council's councillors are qualified hearing commissioners. He noted that Sir Kerry is familiar with the West Coast as he was a former Member of Parliament for the West Coast and has property here.

Cr Chinn asked C. Ingle how the meeting went with Jan Wright, the Parliamentary Commissioner for the Environment. C. Ingle responded that S. Moran took Ms Wright and her entourage for a tour of Lake Brunner. C. Ingle stated that the three points of interest for the visit were Lake Brunner, mining on conservation land and the use of 1080. C. Ingle advised that the Ms Wright has been asked to prepare a report for Parliament on the use and the risks around 1080. Ms Wright was interested in the work being done in the Lake Brunner catchment and the new plan change.

Moved (Robb / Cummings) *that this report be received.*

Carried

7.0 CHAIRMANS REPORT (VERBAL)

The Chairman reported that he attended the Zone 5 meeting in Christchurch last week. He stated that Mayor Bob Parker, the Waimakariri Mayor and the Selwyn Mayor gave an interesting talk on the Christchurch earthquake, they spoke of the huge amount of damage to infrastructure which will take up to two years to repair. Cr Scarlett advised that Dame Margaret Bazley gave an update on Ecan at the Zone 5 meeting. She advised that good progress in being made, the Commissioners are very focused and she has enjoyed working with them. Cr Scarlett spoke of the survey of staff that Dame Margaret carried out which asked staff how they found commissioners versus elected councilors to deal with. It was revealed that staff loved dealing with commissioners as they don't come with any political agendas and they get things done quickly. Cr Scarlett reported that the proposed Cycleway was discussed at the Zone 5 meeting with the person in charge of the Cycleway advising that there will be a very big return on investment and things are progressing well with the St James Cycleway due to open towards the end of this month.

Cr Cummings voiced his concern that the local part of the Cycleway is going to be run by Hokitika and financed by the Westland district. Cr Scarlett stated that he understands that there has not yet been approval from Development West Coast for funding for the local share of the Cycleway. Cr Scarlett believes that the return on investment will come from accommodation and tourist spending and the

speaker at the Zone 5 meeting advised that on average tourist's daily spend while cycling is around \$140. C. Ingle advised that he was coordinating the Cycleway project last year and he understands that the Westland Wilderness Trust is coordinating the Greymouth and Westland part of the Cycleway. They have representatives from the Greymouth trust for this section of the Cycleway that comes down from the Greymouth Floodwall to the Taramakau area. Cr Cummings stated that the Greymouth Mayor is not in favour of assisting with funding of the Cycleway as he feels that Greymouth is missing out. Cr Robb asked Cr Cummings to expand on his comments. Cr Cummings responded that the Cycleway is to be administered in Hokitika and he believes that further clarification is required prior to people putting their money into this. Cr Robb stated that most of those who will use the Cycleway will not cycle more than 30 or 40 kilometres a day, and that as long as the Cycleway passes through the town then this will be where the big benefit comes from. Cr Robb feels that the administration required for the Cycleway would not be significant. C. Ingle stated that the district councils are to fund the segments of the Cycleway that lay within their districts. He stated that the dispute with the Mayor might be related to Grey District Council being asked to fund some of the Cycleway on the south side of the district.

Moved (Scarlett / Archer) *that this report be received.*

Carried

GENERAL BUSINESS

There was no general business.

Cr Scarlett thanked S. Moran for his contribution to Council. Cr Scarlett spoke of the pleasant experiences he has had dealing with S. Moran and noted that S. Moran has been a great advocate for the West Coast and his relationship with the general public has lifted council and he has been very impressed with this. Cr Scarlett stated that S. Moran has been very competent and a breath of fresh air to this council. Cr Scarlett wished S. Moran and his family well with the move to Southland.

The meeting closed at 12.17 p.m.

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Chairman

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Date