

MINUTES

TITLE: Special Council
DATE: Thursday 10 August 2006
TIME: 9.30 am
VENUE: Tasman Council Chambers, 189 Queen Street, Richmond
PRESENT: Mayor J C Hurley, Crs J L Inglis, T E Norriss, R G Currie, N Riley, E J Wilkins, R G Kempthorne, S J Borlase, E E Henry, E M O'Regan, P K O'Shea, S G Bryant
IN ATTENDANCE: Chief Executive Officer (R G Dickinson), Community Services Manager (L L Kennedy), Administration Advisor (S E Hartley), Minute Secretary (V M Gribble)

APOLOGIES

**Moved Crs O'Regan/Riley
CN06/08/01**

**THAT apologies for absence from Cr M J Higgins be sustained.
CARRIED**

Mayor Hurley reminded Councillors of their public duty and read relevant sections from the Council's Code of Conduct.

1 REPRESENTATION REVIEW – FINAL PROPOSAL

Cr Kempthorne said none of the options meet the $\pm 10\%$ perfectly, so we need to try to get the best fit.

Cr King said through the submissions there was the desire to keep to the ward system.

Mr Dickinson said when election at large was put up it met with lack of public support, but it is the only system that will fully comply with the $\pm 10\%$ rule.

Mayor Hurley said it would be nice to finalise the matter today, but we still have time to seek further information for a final decision.

Cr Henry suggested prefixing any resolutions with "in principle" if we find that things don't match as they should.

Cr Riley believes in supporting this motion it gives due consideration to requests from ratepayers and opens the door for further discussion in organising our review to be successful when it goes to the Commission.

**Moved Crs Henry/Riley
CN06/08/02**

**THAT in principle, the number of Wards for Tasman District Council be five.
CARRIED**

Mayor Hurley suggested looking at the number of Councillors.

Cr O'Shea said she can't think of a number without having a structure they fit into.

Cr Kempthorne would like to settle on the number of Councillors per ward on an equitable basis.

Cr King said one of the decisions Council needs to make is are we going to try and comply with the Local Government Act. If that is reached, then we're looking at having to keep in option 5. If on the other hand the general consensus is we'll come up with a system we're happy with, then perhaps we can dispense with the "at large" option.

Cr Norriss won't support anything that gives a reduction in representation numbers. He was mindful of Mr Marshall's submission that noted Tasman is a unitary authority. There is a very clear steer for what ratepayers want.

Cr Borlase supported Cr Norriss and said Tasman District Council doesn't fit the system because it is a unitary authority. We've had amazing response from ratepayers who say they want the status quo.

Cr O'Regan drew attention to the FVM opinion. If we tried to stick to $\pm 10\%$ the effectiveness over half the area would suffer badly. There are a significant number of ratepayers in Lakes/Murchison and they deserve representation. To give Lakes/Murchison Ward effective representation Local Government Commission could say three community boards in that Ward alone. Those three communities are happy with their Community Associations and the cost would probably double.

Cr Norriss said in outlying areas it is hugely beneficial to have councillors on the ground. The real sticking point was debate about four councillors in Richmond. He asked why an extra one is needed, apart from fitting population.

Cr King said we don't want to reduce representation so that either involves keeping the current number or having another method of increasing representation. Community board members are representation.

Cr Kempthorne said effective representation was raised in every submission. He favours changing numbers to nine, but is also thinking about increasing community boards. If we went to nine, we'd probably have to have community boards in every ward. To do representation properly we'd need one in Richmond and quite possibly not just one per ward. He could see the possibility of delegating more responsibility to community boards. If there was one councillor in Golden Bay, the community board would have to do more and be given more to do.

Cr Currie said three councillors in Richmond and three in Motueka plus a community board is not fair and equitable representation.

Cr Borlase said if we are too far down the track to consider nine councillors, we should signal that we are considering nine for the next review.

Mr Dickinson said we have to accept the underlying principle in the Electoral Act is to try and achieve one person, one vote. The Act allows exemptions in a few cases, for isolated communities. It may be possible to argue isolated communities for isolated wards in our district, but the reality is you are going to have to solve the major anomaly in Richmond. You do have to address Richmond in your solution, if you want a solution that is likely to be accepted by the Commission.

Cr O'Shea recognised we have to meet certain timeframes and come up with a model we can agree on and the public agree with, but it is six years before the community gets the opportunity to review it. Should there be a closer relationship with Nelson City Council, those rural communities will need all the representation they can get. If we are bold and set them up now, who knows in six years time where we'll be in terms of regional or territorial boundaries.

Mayor Hurley asked staff if Council has the review each term of office.

Cr Bryant, suspected that we may not even make the final decision as it may be made by the Local Government Commission. We need to emphasise our community of interest. He believes we should have 14 councillors. He heard talk about fair and effective representation but noted it is unfair for electors to expect one representative to represent them and it is unfair to councillors. We have had the message the public want the status quo or one more in Richmond to meet the population criteria.

Cr Riley said there is a perception that some wards are over represented and some under represented. Now is our opportunity to get the system right, so that all residents have a fair perception and get a fair share of representation. We do need to discuss community boards further. It is important that if you have them that they are delegated authorities if there is a reduction in representation around the table. If there was one councillor in Golden Bay you wouldn't have a representative from Golden Bay because nobody would do it for long, as they would walk away.

Cr Wilkins would find it difficult to move from the status quo and advocates for community boards.

Cr Henry said we need to provide something to the Local Government Commission that is as safe as we can get it. She said there are only two options in those provided that are relatively safe, but none of them really fit exactly the $\pm 10\%$. The option of 12 councillors, with one in the altered Lakes/Murchison Ward and one in Golden Bay. The other one, is nine councillors with Waimea/Moutere and Lakes/Murchison boundaries altered. We should also be looking at community boards and there is merit in considering community boards in each ward, with maybe more than one in each ward. Communities in this district act differently and have different needs. We should find a way to convey to Local Government Commission that there are three types of

local authority (district and city) territorial, regional, and there should also be a unitary allocation.

Mayor Hurley suggested option two, saying that trying to justify two in Golden Bay would be better than one.

Cr Borlase was keen on option two, as it fits into the model we've been given. We should be then opting for special allocation for unitary authorities.

Cr Henry said with nine councillors, with at least one community board in each ward, you can have more delegated authority and the decision making is nearer to the grass roots, so communities can have input into what happens. That should reduce demand on councillors.

Cr Norriss said there is no difference in between Lakes/Murchison and Golden Bay. He thinks 14 councillors would be good. There are pitfalls in all options, but agrees that strong point is that we are a unitary authority.

Mayor Hurley said Higher Salaries Commission gave local government a clear message that we're over-governed.

Cr King said five wards and 13 councillors is a number we're comfortable with. Inevitably it will involve a shift of one councillor from Lakes to Richmond. Do we want to address issue that remains and give the option of a community board for Lakes/Murchison.

Cr Kempthorne said he would like to see further work done by staff on the ability of community boards to be involved. Where would we need them, how many, what would they do.

Cr Bryant said the people of Lakes/Murchison Ward have given a clear steer they want two councillors sitting around the council table. They have the perception that community boards in this area don't work that well. There is good support for community associations.

Mayor Hurley concurred with Cr Bryant. They do not want a community board and don't want to pay for anyone else's community board, they want two councillors.

Mr Dickinson said in determining what you're final proposal is for representation, you have to decide how many community boards you will have and where they will be.

Cr O'Shea believes it is important to look at how representation will be augmented if councillor numbers are reduced. We have not used community boards as they could be used and our model has been faulty that's why other communities don't want them. We could put up a model to the Commission that stays with our number but also advises that although we haven't gone out to the public with a community board model, we'd like them to address it.

Cr O'Regan said Council is empowered to take into account island or isolated communities. If we move to reduce representation, Lakes/Murchison might be given a

community board. From Murchison to Tapawera is further than it is from Richmond to Paton Rock. From Murchison to St Arnaud is further than Motueka to Takaka. We have constituents running close to 60 km south and southeast of Murchison. The reality has to be taken into consideration. To run effective community boards, you either run three or you run one and pay large sums of mileage and pay people a reasonable amount to be on such a board. There is merit in community boards but most people are relatively satisfied with community associations that they have in their distinctive areas.

Cr Inglis said submissions say what the public want and we should tell the Local Government Commission what we are going to do. We should stay with the status quo.

Cr Borlase said status quo is what he'd like, but it doesn't fit the model. Option two goes a long way to doing that and was prepared to move along those lines. He would like to see Lakes/Murchison and Moutere/Waimea sharing four councillors. If there is new legislation we will need our five wards.

Cr Kempthorne will vote against the recommendation as it fails to explore the possibility of option four with the use of community boards. He gave notice he would move "that use of community boards for effective and fair representation be explored by staff and reported to Council prior to a final decision on Council's representation review."

Cr Norriss said regardless of which way we go we won't fit. We have heard from Lakes/Murchison representatives they don't want a community board. Why go down the track of exploring the cost of having one? There are three communities of interest, Tapawera, Murchison and Lakes. We have Tasman, Dovedale, Motueka Valley, Mapua, Brightwater and Wakefield in Moutere/Waimea Ward. Why force community boards onto wards that have effective community associations?

Cr Riley supports option two as it is the closest option to fit the criteria and complies with requests of the majority of submitters.

Cr O'Regan said the recommendation involves adding in other communities of interest, other than ones distinctly there now, and those people won't want to be in that position.

Cr Bryant said he had sympathy for option two and said both Lakes/Murchison councillors travel through Wai-iti, but they're struggling now to service a ward that doesn't meet the criteria, so why would they want to enlarge it?

Cr O'Shea doesn't support option two as this model doesn't address the unfairness, it just shifts it.

Cr King said we have an obligation to come to a conclusion. We have the information in front of us. The fact is we're going to the Local Government Commission.

Moved Crs Borlase/Henry
CN06/8/

THAT Council adopts Five Wards and 13 Councillors (Lakes/Murchison 1, Richmond 4, Motueka 3, Moutere/Waimea 3, Golden Bay 2) and makes strong submission to central government for unitary authorities to be allowed a representation model to fit their own peculiar needs when new legislation is being considered.

Amendment

Moved Crs King/O'Shea
CN06/08/03

THAT Council adopts Five Wards and 13 Councillors (Lakes/Murchison 1, Richmond 4, Motueka 3, Moutere/Waimea 3, Golden Bay 2), the boundaries of the wards remain the same and Council puts a case for isolated communities for Lakes/Murchison and Golden Bay.

Division for Amendment

Borlase – for
Bryant – against
Currie – for
Henry – for
Hurley – for

Inglis – for
Kempthorne – for
King – for
Norriss – against
O'Regan – against

O'Shea – for
Riley – for
Wilkins – for

Amendment **CARRIED**

Speaking to the motion, Mayor Hurley said this will be advertised for public submission, then the submissions go to the Local Government Commission.

Cr O'Regan said this is a position Council will have to argue in front of the Commission which looks favourably on a community board system. Appeals lodged can raise any other matters because this is a change in position. How can we argue for one councillor to represent more than half the area of the Tasman District. Council is putting too much emphasis on one point in the Act. To have two councillors and a community board representing Golden Bay does not stack up alongside one councillor representing over 5,000 sq kilometres.

Cr O'Shea said it is possible the Commission could say that if you're only getting one councillor, you'll need three community boards and the same could be applied to Richmond.

The amendment now becomes the substantive motion and was voted on by division:

Borlase – for
Bryant – against
Currie - for
Henry – for
Hurley – for

Inglis – for
Kempthorne – against
King – for
Norriss – against
O'Regan – against

O'Shea - for
Riley – for
Wilkins – for

CARRIED

Community Boards

Mr Dickinson said Tasman District is a unique Council in New Zealand in that it operates as a regional and territorial council and has community boards. We are the only unitary Council with community boards. Tasman District Council has adopted a lot of district-wide approaches to territorial issues, eg uniform rating system, water and wastewater clubs, etc. We use a “think district” approach. If we deepen the community board tier and increase delegations you increase the governance complexity of council.

Cr O'Regan said unless a region can recognise differences in catchments and topography, there will be a shambles, where you get centralised staff making rules for people hundreds of kilometres away.

Cr Kempthorne said looking at the number of community boards and considering option two, we can only justify one community board and that is for Golden Bay. He can't see support for Motueka. Lakes/Murchison Ward gave a clear indication they don't want it, but it may be reviewed with one councillor. Richmond has no need for one with four councillors. Indications from Moutere/Waimea Ward are that there is no desire for a community board there.

Cr O'Shea said we've talked about differences as a unitary authority. Centralised decision making doesn't suit rural communities which makes it more important to have democratic representation. If we don't address the matter of community boards in rural areas, then we're further letting down that voice. They would represent community and rural voice very strongly. It is more critical to have serious discussions about how many and where, especially in Lakes/Murchison.

Mayor Hurley said Motueka would be over-represented and Golden Bay also, but the case for an isolated community will be put for Golden Bay.

Cr King said the case that stands out clearly for a community board is Lakes/Murchison. If it goes to the Local Government Commission, all these things will be pointed out and they'll make a decision. Motueka is an urban community, with three representatives under the current system and is not an isolated community. There should be two community boards, one in Golden Bay and one in Lakes/Murchison.

Cr Borlase pointed out that Council has suggested Golden Bay have two councillors but that is conditional on it being granted isolated community status.

Cr Henry said the model at the moment is not a good one and we either have no community boards or we have community boards in each ward. If we had them in each ward we could delegate to them, which would mean grass roots representation, and free up councillors, and it would mean in Lakes/Murchison there would be assistance with only one councillor. There is no reason why community associations and councils can't feed into the community board system.

Cr Bryant said we're now placed in a difficult position as we haven't consulted about the option of only one councillor. He asked if there is opportunity to take the options

back and signal that it appears they will be faced with only one councillor. The community will be disappointed in today's decision and there needs to be discussion about the level of representation.

Mayor Hurley said they will have opportunity through the submission process to the Local Government Commission.

Cr O'Shea said discussions with Lakes/Murchison will be useful as we need more democracy rather than less.

Mr Dickinson said when this Council has reached its full decision on representation, including community boards, it will be publicly advertised and if there are any appeals or submissions, the matter will be referred to the Local Government Commission. If there are no appeals, the Commission receives Council's decision and approves it.

Cr O'Regan concurred with Cr Bryant, agreeing it was difficult to make a statement about Lakes/Murchison without talking to them. The part of the decision that has been made sets in place some of the things that should be looked at, such as the necessity for community boards and the ability to do things in their area.

Mayor Hurley said in light of the situation with Lakes/Murchison Ward, we should leave the community board decision for the time it takes to have consultation and get feedback.

Cr Kempthorne asked for feedback from staff on a community board for each ward. When we get feedback from Lakes/Murchison and make a decision, it leaves a hole with the rest of the district and he would like some more information.

Mayor Hurley said staff will receive information from Lakes/Murchison Ward and staff will report on the community board structure for 24 August 2006.

2 LATE AGENDA ITEM – MOTUEKA POOL

A report from the Deputy Electoral Officer was tabled seeking Council approval for early processing of voting documents for the Motueka Pool Poll.

**Moved Crs Bryant/Norriss
CN06/08/04**

THAT pursuant to Section 79 of the Local Election Act 2002, the returned voting documents for the Motueka Pool Poll 2006, be processed during the voting period.

CARRIED

3 RESOLUTION TO EXCLUDE THE PUBLIC

**Moved Crs Bryant/Borlase
CN06/08/05**

THAT the public be excluded from the following part(s) of the proceedings of this meeting.

The general subject of the matter 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 passing this resolution are as follows:

Item	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 the passing of this resolution
4.1	Staffing	Good reason to withhold exists under section 7	Section 48(1)(a)

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

Item	Reason to withhold information under Section 7	
4.1	Protect the privacy of natural persons	Section 7(2)(a)

CARRIED

(Refer to Confidential Minute Book, resolutions numbered CN06/08/06 to CN06/08/07)

**Moved Crs Kempthorne/Borlase
CN06/08/08**

THAT open meeting be resumed and the business transacted while the public was excluded be adopted in open meeting.

CARRIED

**Moved Crs O'Regan/Riley
CN06/08/06**

THAT the Review Subcommittee for appointment of a Chief Executive Officer be Mayor Hurley and Crs Kempthorne and King.

CARRIED

**Moved Crs Kempthorne/Borlase
CN06/08/07**

THAT Council approves the chief executive officer recruitment process, as outlined in the report attached to the agenda, with amendment to checkpoint c) as noted.

CARRIED

The meeting concluded at 2.30 pm.

Chair:

Date: