

CHATHAM ISLANDS COUNCIL

Minutes of the Ordinary Monthly Meeting of the Chatham Islands Council, held in the Council Chambers, Tuku Road, Waitangi, on Thursday, 4 March 2010, commencing at 1.37 p.m.

- PRESENT:** His Worship the Mayor, Mr A W M Preece, and Councillors P R Christiansen, J I Clarke, M Croon, A M Gregory-Hunt, E C Tuck and N J Whaitiri.
- IN ATTENDANCE:** General Manager, Owen Pickles
Corporate Services Manager, Deborah Goomes
Council Secretary, Lynette Pickles
ECan Biosecurity Officer, Chatham Islands, Alison Turner
- APOLOGIES:** An apology was received from Councillor N C Ryan.

RESOLVED THAT the apology from Councillor Ryan be received.

N J Whaitiri / J I Clarke CARRIED

- TSUNAMI ALERT:** Before commencing the business session, His Worship thanked all those involved in the Civil Defence Emergency which occurred on the Islands on Sunday, 28 February 2010. He acknowledged those around the table who had assisted, as well as those who assisted but were not at the Council Meeting. He was generally happy with the exercise, but acknowledged his concerns at the struggle to gain information at times. He believed that the previous training undertaken showed its worth on the day.

His Worship advised that a debrief would be undertaken later in the month to look at what had worked and what could be done better. At the same time, he would be encouraging more personnel to come on board. He stated that the need for extra people was noticeable late afternoon on the Sunday, with all personnel having been at work since the very early morning, and no-one available to take over from them.

- MINUTES:** **2.1 Ordinary Meeting, 28 January 2010**

RESOLVED THAT the Minutes of the Ordinary Meeting of the Chatham Islands Council, held on Thursday, 28 January 2010, as amended, be confirmed and adopted as a true and correct record.

E C Tuck / J I Clarke CARRIED

MATTERS ARISING:

3.6 Revaluation Summary

Cr Christiansen asked if the revaluations undertaken by Quotable Value were only applicable to Council properties. He was concerned that the valuations were increasing, leading to rates increases. The General Manager advised that the valuations were done on all properties on the Islands. The new valuations were based on the previous three year's sales history on the Islands, and were not just a figure made up.

4.6 Dust on North Road

His Worship asked that the third paragraph on Page 7 be changed to read "Cr Preece was concerned that he had not sighted any complaint forms from Mr Tapara about the dust problem".

There was some discussion on the complaint form process and the fact that the forms are no longer printed in the Council Agenda.

2.2 Election of Deputy Mayor

With the former Deputy Mayor, Alfred Preece, being elected to the position of Mayor at the previous Council Meeting, a vacancy for the Deputy Mayoral position had been created.

The General Manager explained the voting process, advising that nominations would be called for and if there was more than one nomination an election would be held and would continue until one nominee had majority support.

Cr Croon asked if there was a need to elect a Deputy Mayor with the triennial elections coming up in October. She suggested that each Councillor could take a turn undertaking Deputy Mayoral duties if the Mayor was unavailable.

The General Manager advised that he did not think this was appropriate as the Mayor was required to undertake statutory duties, and if he was unavailable, legally Council would not have an elected Deputy to cover those duties.

Cr Whitiri nominated Cr Gregory-Hunt who declined the nomination.

Cr Tuck nominated Cr Clarke, seconded Cr Gregory-Hunt. There were no further nominations.

RESOLVED THAT Cr Jeffrey Ian Clarke undertake the position of Deputy Mayor to the Chatham Islands Council until the next elections to be held in October 2010.

E C Tuck / A M Gregory-Hunt CARRIED

His Worship congratulated Cr Clarke on his fast rise through the ranks of Council. His Worship also acknowledged the work undertaken by Cr Clarke during the tsunami alert.

FINANCE:

3.1 Management Report on Audit to 30 June 2009

The Management Report on the Audit for the year ended 30 June 2009, received from Audit New Zealand Director, Julian Tan, was presented to Council.

The General Manager stated that the audit reports had continued to improve over the last few years as Council gained compliance with the various legislations. He believed the Auditors were gaining more confidence in what the Council was doing.

The General Manager was very satisfied with the upgrading of Council's financial management controls. From 'no control', to 'at risk', to 'effective' was a big step forward for Council.

The Corporate Services Manager advised that a Sensitive Expenditure Policy was being drafted. This Policy would include spending by staff as well as by Council Members. The General Manager stated that he was concerned about the practicalities involved in the authorising of expenses. They were still working through these. He believed that being such a small organisation where everybody knew what was happening within the office meant that any discrepancies could be picked up very quickly.

RESOLVED THAT the Management Report to Council on the Audit for the year ended 30 June 2009 be received.

A M Gregory-Hunt / J I Clarke CARRIED

3.2 Draft 2010-11 Annual Plan and Budgets

The Draft 2010-11 Annual Plan and Budgets were presented to Council for adoption. Councillors held a

Workshop in the morning, prior to the Council Meeting, to consider the budgets.

His Worship stated that a 7.52% rates rise would be required to meet Council's budget. Council fees and charges would also increase by the rate of inflation.

Cr Christiansen was concerned at the amount of the rates rise, stating that it was a bit harsh for some people. He questioned if the revaluation of properties was a cause for the rise. He thought that another 7.52% on top of \$1,500 for a Waitangi property was too steep.

The General Manager explained that the rise in rates was required to meet Council's budget.

Cr Tuck stated that Council's budget had been set for the year. The rise only covered the basic living costs for the Council. She explained that because the Islands did not have a very large population, rates had to be paid by a proportionately small number of property owners.

The General Manager advised that the Rates Rebate Scheme was available to assist those on low incomes to meet their obligations.

Cr Christiansen stated that he still believed that the rates rise was linked to the increase in property valuations. He was also concerned that the Department of Conservation did not have to pay rates.

His Worship assured Cr Christiansen that the rise in rates was caused by inflation adjusted factors.

RESOLVED THAT

1. Council adopt the 2010-11 Draft Annual Plan for Audit.
2. The Schedule of Fees and Charges be approved.

M Croon / J I Clarke CARRIED

WORKS & SERVICES: 4.1 Downer EDi Works Report, January 2010

RESOLVED THAT the Downer EDi Works Report for January 2010 be received.

A M Gregory-Hunt / J I Clarke CARRIED

Cr Tuck asked if the complaint forms could again be included in the Agenda.

4.2 Engineer's January 2010 Report

RESOLVED THAT the Engineer's Report for January 2010 be received.

E C Tuck / M Croon CARRIED

The General Manager noted that the funding allocation for the Footpath Strategy was less than applied for. He referred Council to his earlier email regarding their preference for where the funding should be spent, either continuing the footpath in Waitangi over the bridge as far as the St John Ambulance shed, or constructing a footpath outside Te One School. He suggested that the school project should be given preference if the New Zealand Transport Agency funding was available. The Waitangi extension involved having to build two commercial crossings outside the Downer EDi Works Yard and the Fire Station, at considerable expense. He believed that it was not worth spending that amount of money when there were some suggestions that the organisations may move from their sites.

Cr Clarke thought that the school was the better project, with everyone else agreeing.

4.3 Procurement Strategy

A copy of Council's Procurement Strategy, as endorsed by the New Zealand Transport Agency, was presented to Council for adoption. The Strategy was required to enable the Council to renew its Road Maintenance Contract by negotiation and to secure New Zealand Transport Agency funding for future years.

His Worship stated that the Strategy would give Council the opportunity to have all its Works Contracts brought into line together which could make future tendering more competitive being offered as one large package.

The General Manager advised that the Strategy was one of the first to be approved, and he was now being asked for copies of the Strategy by other local authorities as an example of best practice.

RESOLVED THAT the Chatham Islands Council Procurement Strategy, as endorsed by the New Zealand Transport Agency, be adopted.

N J Whaitiri / A M Gregory-Hunt CARRIED

4.4 Chatham Islands Harbour Risk Assessment

The Chatham Islands Harbour Risk Assessment Report, with an attached Work Programme, was presented to Council. The document was produced by Evan Walker and Tony Whitely from Environment Canterbury, with assistance from the Chatham Islands Harbourmaster, Josh Thomas, after a visit to the Islands late last year by Messrs Walker and Whitely.

Cr Gregory-Hunt asked if a map of mooring sites could be made available to the public. The General Manager agreed that it could. He advised that the Harbourmaster was going to GPS all the mooring sites.

RESOLVED THAT the Harbour Risk Assessment Report and associated Work Programme be received.
A M Gregory-Hunt / P R Christiansen CARRIED

4.5 Disposal of Scrap Metal

A letter was received from B J Moleta of Collectore Services seeking funding support for the continuation of a project to remove scrap metal from the Islands. The company undertook a one-off project in late 2009, but in order to continue, required funding support based on costs incurred on that first visit.

Cr Christiansen stated that Mr Moleta was looking for assistance in getting the scrap metal off the Islands. The project was very hard work which produced very little money at the other end.

Cr Croon advised that the initial letter to Mr Moleta was only an invitation for him to come to the Islands, at Council's expense, and speak with the Council about his project, not to undertake any work.

The General Manager stated that Mr Moleta was invited to come to the Islands, at Council's expense and present a proposal to Council. A waste management process, including recycling, had been embarked upon by Council, but unfortunately Mr Moleta had 'jumped' that process.

Cr Tuck stated that Mr Moleta did a good job while he was visiting the Islands, but agreed that Council's process had to be followed.

RESOLVED THAT the letter from Mr Moleta be received and that he be advised of the competitive process

Council had embarked upon in which he was welcome to participate.

M Croon / N J Whaitiri CARRIED

4.6 Te One Bus Signage and Turning Area

A letter was received from Eileen Whaitiri, People's Warden for the Anglican Vestry, objecting to signage being placed on the roadside in front of the church and the area being used for turning of the school buses. The letter requested that the turning area be moved north of the church road entrance.

Cr Tuck declared an interest.

Cr Croon stated that the signage should not be in front of the church, but the church frontage was the best area for manoeuvring the large bus. She advised that there was a parking problem with other vehicles and suggested that an area could be set aside further up the road for car parks. She suggested that the whole issue could be dealt with once funding had been approved for the footpath project outside the school.

The General Manager advised that the funding for the footpaths included a bus turning area and parking signs.

RESOLVED THAT the General Manager reply to Eileen Whaitiri advising that Council's Engineers would be investigating alternative solutions to the bus turning area outside Te One School.

A M Gregory-Hunt / N J Whaitiri CARRIED

4.7 Safety Improvement Prioritisation

A report from Council's Engineer on proposed safety improvement works to the Chatham Islands road network was presented to Council. The report identified twelve sites as having safety deficiencies which could be addressed using the Minor Improvements Budget. These sites had been prioritised with a recommendation that Council approve the construction of improvements to Sites 1, 2 and 3 on the location map.

His Worship suggested that the next time the Engineer was on the Island, a bus trip should be organised for everyone to look at the suggested twelve sites and any other areas of concern, as it had been a number of years since an inspection had been undertaken by elected members.

The General Manager advised that Council would still need to approve some sites for improvement works immediately as the financial year was about to finish and the available funding needed to be spent.

RESOLVED THAT

1. Sites 1, 2 and 3, as shown on the location map, be constructed this financial year, being an area on North Road, an area on the road to Waitangi Wharf and an area just past Pages Road Corner, on the Owenga Road.
2. Any input from Council on the other nine sites be left until after a site visit.

J I Clarke / M Croon CARRIED

4.8 Annual Report for Water and Wastewater Contract

A copy of the Annual Report for the Water and Wastewater Operations and Maintenance Contract was appended to the Agenda for the information of Council.

The General Manager advised that there was still some concern about the Waitangi water usage, but the wastewater system had met its resource consent conditions.

Cr Clarke asked if any drilling for new wells had been undertaken. The General Manager advised that until decisions had been received approving of the new water supply schemes, no action could be taken. If the current applications were not approved, it would be necessary for Council to wait until the next Government support package to apply for funding.

Cr Croon stated that because Council needed to comply with the New Zealand Drinking Water Standards, this would hopefully force the issue regarding funding.

The General Manager noted that the Waitangi water supply had again been given a 'failed' result. He was concerned that the media could portray that as the supply being sub-standard. It would be necessary to prove that the source came from a depth of more than 31 metres before the supply could receive a 'pass'.

RESOLVED THAT the annual Water and Wastewater Operations and Maintenance Contract Report to November 2009 be received.

A M Gregory-Hunt / J I Clarke

**COMMUNITY
SERVICES:**

5.1 Housing Trust Member Appointment

The General Manager reported that there was a need for Council to appoint a member to the Chatham Islands Housing Trust. The Deed requires that the term of appointed members be reviewed every three years. The term of the current Council appointee, Councillor Croon, expired on 29 November 2009.

Cr Croon advised that she was happy to continue in the role, but if another member was interested she would be happy to step aside.

RESOLVED THAT Councillor Croon be reappointed to the Chatham Islands Housing Trust for a further three years.

J I Clarke / E C Tuck CARRIED

REGULATORY:

6.1 Update from Environment Canterbury

The report for February 2010 from Environment Canterbury was presented, covering the progress of the various activities being undertaken on behalf of the Chatham Islands Council.

His Worship welcomed Alison Turner, Environment Canterbury's newly appointed Chatham Islands' Biosecurity Officer, to the meeting. He stated that Alison's appointment was a very wise one, firstly to have her resident on the Islands, and secondly because of her wide background on both Chatham and Pitt Islands.

Alison stated that it was good to be back on the Islands. She was committed to staying, and was looking forward to her new role. Alison outlined some of the work that she would be undertaking and advised Council that she would be very happy to attend Council Meetings and answer any questions when required.

His Worship mentioned the "nasties" that had been found on the Islands and the fact that there was technical support available to draw on. There were some good measures being put in place, but it was only going to work if people were observant and willing to make a phone call.

RESOLVED THAT the February 2010 report on the various activities undertaken by Environment Canterbury be received.

M Croon / J I Clarke CARRIED

**EMERGENCY
MANAGEMENT:**

7.1 Update from Emergency Response Co-ordinator

An update report was presented from Rana Solomon, Emergency Response Co-ordinator, covering the various activities within her role.

RESOLVED THAT the report from the Emergency Response Co-ordinator be received.

E C Tuck / A M Gregory-Hunt CARRIED

GOVERNMENT:

8.1 2010 Council Elections

The General Manager presented a report on the Council Elections to be held on 9 October 2010, and the need for Council to make some decisions on procedural issues relating to the Elections. The following matters were put to Council:

1. The appointment of Deborah Goomes as the Returning Officer. She had undertaken that position for the previous two elections and was available for re-appointment.
2. The early processing of voting papers. Postal voting was to be used by all local authorities in New Zealand, with voting papers to be delivered to enrolled voters between 17 and 22 September 2010. Section 79 of the Local Electoral Act 2001 permitted a local authority to process, but not count, returned voting documents over the voting period. This would be from 17 September until 12 noon on 9 October 2010. A Justice of the Peace was required to be appointed to observe any early processing of voting papers and to certify satisfaction that all matters were conducted in compliance with legislative requirements.
3. The order of candidates on voting documents. Clause 31 (1) of the Local Electoral Regulations 2001 allowed Council to decide whether the names were to be arranged on the voting documents in alphabetical order of surname, pseudo-random order or random order. The names of candidates in the Candidate Profile Statement booklets would be shown in alphabetical order of surname.

Cr Croon was concerned that there would not be enough Justices of the Peace available to observe any early processing of voting papers. The General Manager assured her that there were enough Justices available.

RESOLVED THAT

1. Deborah Goomes be appointed as Returning Officer for the 2010 Elections, and for any extraordinary issues that might arise until February 2013.
2. Council permit early processing of voting documents during the voting period of the 2010 Elections (between 17 September and 9 October).
3. Voting papers and profile statements be arranged in alphabetical order of surname.

N J Whaitiri / A M Gregory-Hunt CARRIED

8.2 Rural Sector Meeting, 18-19 February 2010

The General Manager reported on the Rural Sector Meeting which he attended with His Worship the Mayor in Wellington on 18-19 February 2010. He noted the professional development training courses undertaken on the Mainland for Councillors, stating that it was an issue for Chatham Islands' Councillors as they did not get the same opportunity to attend those courses.

His Worship particularly enjoyed the presentation by Tim Groser MP and stated that the country was very lucky to have someone with the skill of Mr Groser serving in the present Government.

His Worship advised that the day before the meeting they had met with Ministry of Transport officials and he was heartened to learn that should the Council take over the management of the Waitangi Wharf, funding should be available for its upgrade. They had also attended the swearing in of Brooke Gibson as a Court Judge, and noted the mention made by the Attorney General of the work done by Brooke on the Chatham Islands.

His Worship stated that on the morning of the 18th, he and the General Manager had a meet and greet meeting with Chris Finlayson MP. It was an opportunity for Mr Finlayson to be introduced to the new Mayor of the Chatham Islands. Mr Finlayson had invited Hugh Rennie QC to also attend the meeting to enable some discussion on the governance review and the infrastructural needs of the Islands. His Worship noted Mr Finlayson's words that infrastructural funding would be dependant on the outcome of the governance review.

RESOLVED THAT the report on the Rural Sector Meeting be received.

M Croon / E C Tuck CARRIED

8.3 Chatham Islands Conservation Board

The Minutes of the Chatham Islands Conservation Board Meeting held on 4 November 2009 were presented to Council. Included in the Minutes was mention of the attendance at part of the meeting of the General Manager and the then Councillor Preece who discussed biosecurity matters with Board Members.

His Worship suggested that from time to time it would be useful for himself or Councillors to attend a Conservation Board Meeting to discuss issues of mutual interest.

RESOLVED THAT the Conservation Board Minutes be received.

E C Tuck / J I Clarke CARRIED

8.4 Gambling Venues Policy

The General Manager reported that the Gambling Venues Policy had been through the public notice period, with one submission being received from Harkness Henry, Solicitors acting for the New Zealand Racing Board, along with a request for the submission to be heard via telephone conference.

The General Manager advised that His Worship the Mayor, the Deputy Mayor and himself had attended the telephone conference. The New Zealand Racing Board accepted the Council's Policy in relation to gambling venues but wanted to see a separate Policy for the TAB. They were concerned that most of the anger generated in the public about gambling related to the gambling machines (pokies) and not so much towards the TAB outlets.

The General Manager suggested that as a way forward the Gambling Venues Policy 2010 could be amended to cover only Class 4 gambling venues, with a new Policy written to cover TAB venues.

RESOLVED THAT

1. the Chatham Islands Council Gambling Venues Policy 2010, as amended to cover Class 4 gambling venues only, be adopted; and

2. a new Policy be drafted to cover TAB outlets.

N J Whaitiri / J I Clarke CARRIED

CHATHAM ISLANDS: 9.1 CIET/CIC Proposed Restructure

The General Manager presented a report on progress made on the opportunities available for the Chatham Islands Enterprise Trust and the Chatham Islands Council to work closer together or possibly merge into one new authority.

After agreement at the first joint meeting, Hugh Rennie was engaged to facilitate the next meeting. He had since facilitated two joint meetings, with a structure coming out of the second of those meetings which both organisations were to review to enable correction of errors or any misunderstandings.

The Enterprise Trust reviewed the structure and dismissed it, replacing it with a new proposal. At an informal workshop held on 24 February 2010, and attended by those Councillors who were available, the new Enterprise Trust proposal was dismissed as it was not thought to create any focus or direction and would not gain the support of the Government, who was expected to be the funding partner.

The structure developed through the facilitated workshops as presented by Hugh Rennie, with the inclusion of the Chatham Islands' Community at the head of the diagram, was generally supported. In supporting this structure, the Councillors who were in attendance were looking on it as a sensible transition towards the structure previously proposed by the General Manager in October 2009. In making those conclusions, Councillors were mindful of the Government's funding position with regards to the significant contribution required for infrastructure improvement, with the funding now being proposed on the basis that there would be one single focused entity to work with.

His Worship stated that the process had now started, and noted that the Government was watching very closely with indications that any future funding would be based on what the outcome of the structural review was. He saw the current situation being at a cross road. He stated that Chris Finlayson MP had been very supportive of the need to reduce governance and have only one body responsible for the Islands, when he and the General Manager met with the Minister last month.

Cr Tuck stated that it was important to make it clear to the public that a new entity was being proposed as there was a lot of misconception in the community. She advised people need to be told that there would be a new entity which had local authority obligations.

Cr Clarke stated that there still needed to be a Mayor and Council with the Enterprise Trust assets kept aside to be managed by an Investment Manager under appointed Directors.

His Worship advised that at the Council workshop held in late February, all those present agreed that the General Manager's model of October 2009 was where they all wanted to be, but had agreed that to move the process along, the structure from the Hugh Rennie facilitated meetings was a good interim measure. He stated that to be able to move forward, there was a need to continue discussions with the Enterprise Trust.

Cr Clarke agreed, stating that all attitudes had to change to achieve a result. He was concerned that if there was not a 'coming together' the Government would not fund the infrastructural projects.

Cr Christiansen was concerned that the public had not been consulted. He stated that a public meeting should be held for the community to express their views. His Worship advised that the Enterprise Trust and the Council had to work together to develop a structure they agreed on, then that proposal would be put out to the community. The Government had given them a clear message that if the Islands wanted funding, changes had to be made.

Crs Tuck and Gregory-Hunt were concerned that under the General Manager's model, Trustees for the Charitable Trust would be appointed by the Council and not elected by the community. The General Manager explained that to get expertise on the Trust, it would be necessary to appoint people with the correct credentials to manage the assets. The appointees would not come from the Council.

Cr Clarke suggested that it might be necessary to explain the General Manager's model to members of the Enterprise Trust. Cr Gregory-Hunt agreed, stating that a meeting should be arranged with the Trust.

His Worship again reminded Councillors that they had agreed to work, for the present, with the structure from January's workshop.

RESOLVED THAT

1. the Council adopt the structure developed during the Hugh Rennie facilitated workshops, subject to the inclusion of the Chatham Islands' Community at the top of the structure;
2. the Council consider this to be a workable transition towards a full merger over time, as proposed by the General Manager;
3. the proposal submitted by the Chatham Islands Enterprise Trust be rejected;
4. a meeting be organised between the Enterprise Trust and the Council before the end of March.

E C Tuck / M Croon CARRIED

His Worship suggested that it might be useful for Chris Finlayson MP to be invited to attend the meeting. He was concerned that the meeting with the Enterprise Trust could result in both parties ending up further apart. Cr Croon thought it important to meet with the Enterprise Trust first and try to get an agreed structure before any joint meeting was held with the Minister. Cr Gregory-Hunt agreed.

IN CAMERA:

In Camera Agenda, 3.30 p.m.

MOVED BY HIS WORSHIP THE MAYOR, MR A W M PREECE, SECONDED BY COUNCILLOR E C TUCK, that the public be excluded from the following part of the proceedings of the 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:

Item no.	Minutes/ report of:	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
1	Minutes	Minutes of In Camera Meeting held 28 January 2010	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 interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by holding the whole or relevant part of the proceedings of the meeting in public are as follows:

Item Nos.	
1	To enable Council to carry on without prejudice or disadvantage, negotiations, and to protect the privacy of natural persons. 7(2)(j) 7(2)(a)

Alison Turner, ECan Biosecurity Officer, departed from the meeting.

1. Minutes from In Camera Meeting, 28 January 2010

RESOLVED THAT the Minutes of the In Camera Meeting of the Chatham Islands Council, held on Thursday, 28 January 2010, be confirmed and adopted as a true and correct record.

M Croon / J I Clarke CARRIED

MOVED BY HIS WORSHIP THE MAYOR, MR A W M PREECE, SECONDED BY DEPUTY MAYOR, J I CLARKE, that the meeting move out of In Camera at 3.32 p.m.

CLOSURE:

Meeting Closure

There being no further business, the meeting was declared closed at 3.32 p.m.

CONFIRMED THIS 15th DAY OF APRIL 2010

MAYOR