

**MINUTES OF CENTRAL HAWKES BAY DISTRICT COUNCIL
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 28-32 RUATANIWHA STREET, WAIPAWA
ON THURSDAY, 23 SEPTEMBER 2021 AT 9.00AM**

PRESENT: Mayor Alex Walker
Deputy Mayor Kelly Annand
Cr Jerry Greer
Cr Exham Wichman
Cr Brent Muggeridge
Cr Tim Aitken
Cr Gerard Minehan
Cr Kate Taylor
Cr Pip Burne
Kaiarahi Matua Roger Maaka (Apology)

IN ATTENDANCE: Monique Davidson (Chief Executive)
Brent Chamberlain (Chief Financial Officer)
Doug Tate (Group Manager, Customer and Community Partnerships)
Joshua Lloyd (Group Manager, Community Infrastructure and Development)
Darren de Klerk (Director Projects and Programmes)
Caitlyn Dine (Governance and Support Officer)

1 KARAKIA

Cr Taylor presented the Karkia

2 APOLOGIES

That the apology of Dr Maaka be noted

Introductions of new staff.

3 DECLARATIONS OF CONFLICTS OF INTEREST

Cr Annand declared a conflict of interest in the organisation report, she is the general manager of Connect Driver Licensing and noted contract negotiations are not done by her they are completed by her chair person.

4 STANDING ORDERS

RESOLVED: 21.87

Moved: Cr Kate Taylor
Seconded: Cr Gerard Minehan

THAT the following standing orders are suspended for the duration of the meeting:

20.2 Time limits on speakers

20.5 Members may speak only once

20.6 Limits on number of speakers

And that Option C under section 21 General procedures for speaking and moving motions be used for the meeting.

Standing orders are recommended to be suspended to enable members to engage in discussion in

a free and frank manner.

CARRIED

5 CONFIRMATION OF MINUTES

RESOLVED: 21.88

Moved: Cr Kate Taylor

Seconded: Cr Pip Burne

That the minutes of the Ordinary Council Meeting held on 29 July 2021 as circulated, be confirmed as true and correct.

CARRIED

6 REPORTS FROM COMMITTEES

6.1 MINUTES OF THE STRATEGY AND WELLBEING COMMITTEE MEETING HELD ON 26 AUGUST 2021

RESOLVED: 21.89

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Exham Wichman

RECOMMENDATION

1. That the minutes of the meeting of the Strategy and Wellbeing Committee held on 26 August 2021 be received.

CARRIED

6.2 MINUTES OF THE FINANCE AND INFRASTRUCTURE COMMITTEE MEETING HELD ON 12 AUGUST 2021

RESOLVED: 21.90

Moved: Cr Brent Muggeridge

Seconded: Cr Jerry Greer

RECOMMENDATION

1. That the minutes of the meeting of the Finance and Infrastructure Committee held on 12 August 2021 be received.

CARRIED

6.3 MINUTES OF THE RISK AND ASSURANCE COMMITTEE MEETING HELD ON 16 SEPTEMBER 2021**RESOLVED: 21.91**

Moved: Cr Tim Aitken

Seconded: Cr Kate Taylor

RECOMMENDATION

1. That the minutes of the meeting of the Risk and Assurance Committee held on 16 September 2021 be received.

CARRIED**7 REPORT SECTION****7.1 ADOPTION OF ANNUAL REPORT 2020/2021****PURPOSE**

The matter for consideration by the Council is to adopt the Annual Report for the Year Ended 30 June 2021.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report and following the recommendation of the Risk and Assurance Committee:

- a) That Council adopt the Annual Report and Annual Report Summary for the year ended 30 June 2021.

AMENDMENT

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Brent Muggeridge

- b) That council delegates to the Chief Executive any final minor changes for completion of the Annual Report .

CARRIED

Mr Chamberlain presented this report.

7.2 THREE WATERS REFORM - UPDATE TO COUNCIL AND ENDORSEMENT OF FEEDBACK TO GOVERNMENT**PURPOSE**

The purpose of this report is to update Council on the Government's 30 June 2021 and 15 July 2021 Three Waters Reform announcements, which change the reform process previously outlined in 2020, the specific data and modelling Council has received to date, the implications of the revised Three Waters Reform proposal for Council and alternative service delivery scenarios and next steps (including uncertainties).

RESOLVED: 21.92

Moved: Cr Gerard Minehan

Seconded: Cr Jerry Greer

That having considered all matters raised in the report:

- a. That Council **notes** the Government's 30 June and 15 July 2021 Three Waters Reform announcements.
- b. That Council **notes** officers' advice on the accuracy of the information provided to Council in June and July 2021 as a result of the RFI and WICS modelling processes.
- c. That Council **notes** officers' analysis of the impacts of the Government's proposed three water service delivery model on the Central Hawke's Bay community and its wellbeing, including the impacts on the delivery of water services and water related outcomes, capability and capacity, on Central Hawke's Bay District Council's sustainability (including rating impact, debt impact, and efficiency) and **notes** that based on this analysis, an alternate model to the Government proposal is preferred with the preference being for the development of a Hawke's Bay Regional entity to deliver 3 waters services.
- d. That Council **notes** the analysis of three waters service delivery options available to Council at this time provided in this report.
- e. That Council **notes** that a decision to support the Government's preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002 (LGA), which prohibits Council from divesting its ownership or interest in a water service except to another local government organisation, and what we currently know (and don't know) about the Government's preferred option.
- f. That Council **notes** that it cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan (LTP) amendment and ensuring it meets section 130 of the LGA.
- g. That Council **notes** that the Government intends to make further decisions about the three waters service reform model after 30 September 2021.
- h. That Council **notes** that it would be to expect to gain an understanding of the community's views once Council has further information from the Government on the next steps in the reform process.
- i. That Council **requests** the CEO to seek guidance on and/or give feedback to the Government (via a formal letter) on:
 - the following areas of the Government's proposal that Council needs more information on:
 1. Commercial arrangements between Entity C and existing suppliers, stakeholders or partners

2. The decision-making process for this reform programme and the current proposal/s
3. Service delivery and response challenges for the new entity and how it will meet customer needs
4. Financial implications of the proposals and modelling
5. Governance and ownership considerations
6. Pricing and charging mechanisms
7. Prioritisation of work (maintenance and capital works) under the new entity
8. Challenges and opportunities during any transition/change process
9. Support from Government for the proposed and preferred Hawke's Bay model

- the following changes to the Government's proposal/process:

1. The establishment of a Hawke's Bay Regional model for the delivery of 3 waters services
2. That Central Hawke's Bay is guaranteed representation in any proposed governance structure of a newly established entity
3. That the reform process be clarified, and that community are formally and meaningfully engaged to provide feedback

j. That Council **notes** that the CEO will report back further once they have received further information and guidance from Government, LGNZ and Taituarā on what the next steps look like and how these should be managed.

k. That Council **in noting the above, agrees** it has given consideration to sections 76, 77, 78, and 79 of the Local Government Act 2002 and in its judgment considers it has complied with the decision-making process that those sections require (including, but not limited to, having sufficient information and analysis that is proportionate to the decisions being made).

CARRIED

AMENDMENT

Moved: Cr Gerard Minehan

Seconded: Cr Jerry Greer

- i. the following changes to the Government's proposal/process:
4. That we demand Central Government to take a stronger lead and work with the sector in better informing and communicating with community about the multiple reform programmes with a particular emphasis on the difference between 3 Waters Reform, and Water Services Bill. We request that the Government provide clear and concise reassurance about the combined vision of the multiple reform programmes that effect Local Government, and how that relates to the constitutional makeup of democracy in New Zealand.

Mrs Davidson, Mr Lloyd and presented this report.

Meeting adjourned at 10:44am for a morning tea break.

Meeting resumed at 11:00am.

7.3 RESOLUTION MONITORING REPORT
PURPOSE The purpose of this report is to present to Council the Resolution Monitoring Report. This report seeks to ensure Council has visibility over work that is progressing, following resolutions from Council.
RESOLVED: 21.93 Moved: Cr Jerry Greer Seconded: Cr Exham Wichman That, having considered all matters raised in the report, the report be noted. CARRIED

Mrs Davidson presented this report.

7.4 DISTRICT LICENSING ANNUAL REPORT 2020/2021
PURPOSE The purpose of this report is that Council is required to report annually on the proceedings and operations of the District Licensing Committee under section 199 of the Sale and Supply of Alcohol Act 2012.
RESOLVED: 21.94 Moved: Cr Pip Burne Seconded: Cr Kate Taylor That, having considered all matters raised in the report, the report be noted. CARRIED

Mrs Harrison presented this report.

7.5 ANNUAL DOG CONTROL POLICY AND PRACTICES REPORT 2020/2021
PURPOSE The purpose of bringing this report to Council is to formally report on the effectiveness of the Central Hawke's Bay District Council's dog policy and control practices. This report is required under the Dog Control Act 1996. The report includes statistics for registrations and complaint investigation, as well as key achievements for the reporting period.
RESOLVED: 21.95 Moved: Cr Kate Taylor Seconded: Cr Exham Wichman That, having considered all matters raised in the report, the report be noted. CARRIED

Mrs Harrison presented this report.

7.6 RESIDENT'S OPINION SURVEY RESULTS 2021
<p>PURPOSE</p> <p>The purpose of this report is to provide elected members with the overall highlights received from the 2021 Resident's Opinion Survey.</p>
<p>RESOLVED: 21.96</p> <p>Moved: Cr Gerard Minehan Seconded: Cr Kate Taylor</p> <p>That, having considered all matters raised in the report, the report be noted.</p> <p style="text-align: right;">CARRIED</p>

Mr Tate presented this report.

Page 285 Cr Taylor would like to see the locations.

7.7 HAWKE'S BAY LOCAL AUTHORITY SHARED SERVICES - COUNCIL CONTROLLED ORGANISATION EXEMPTION
<p>PURPOSE</p> <p>To obtain a decision from the Council to continue to exempt the Hawke's Bay Local Authority Shared Services Limited (HBLASS) from the requirements imposed on Council Controlled Organisations (CCOs) under the Local Government Act 2002 (LGA).</p>
<p>RESOLVED: 21.97</p> <p>Moved: Cr Pip Burne Seconded: Cr Kate Taylor</p> <p>That having considered all matters raised in the report:</p> <p>a) the report titled 'Hawke's Bay Local Authority Shared Services – Council Controlled Organisation Exemption' be received.</p> <p>b) the exemption of Hawke's Bay Local Authority Shared Services (HBLASS) from the Council Controlled Organisation requirements (Local Government Act Section 7(3)) is approved.</p> <p>c) noting that all five Hawke's Bay Councils are required to resolve that the HBLASS Limited be exempted from being a CCO be noted.</p> <p>d) Council will actively support shared and common goal setting, decision-making, resourcing including financial contribution, staff and communication.</p> <p style="text-align: right;">CARRIED</p>

Mr Chamberlain presented this report.

8 MAYOR AND COUNCILLOR REPORTS**8.1 MAYOR'S REPORT FOR SEPTEMBER 2021****EXECUTIVE SUMMARY**

The purpose of this report is to present Her Worship the Mayor's report.
This report will be presented to Council on the day.

RECOMMENDATION

That the Mayor's report for September 2021 be received.

This report was not tabled on the day.

8.2 STRATEGY AND WELLBEING COMMITTEE CHAIR REPORT**PURPOSE**

The purpose of this report is to present the Strategy and Wellbeing Committee Chair Report.

RESOLVED: 21.98

Moved: Cr Gerard Minehan

Seconded: Cr Pip Burne

That the Strategy and Wellbeing Committee Chair Report for September 2021 be received.

CARRIED

Cr Annand presented this report.

8.3 FINANCE AND INFRASTRUCTURE COMMITTEE CHAIR'S REPORT**PURPOSE**

The purpose of this report is to present the Finance and Infrastructure Committee Chair Report.
This report will be presented to Council on the day.

RECOMMENDATION

That the Finance and Infrastructure Committee Chair Report be noted.

This report was not tabled on the day.

8.4 RUATANIWHA WARD REPORT
PURPOSE The purpose of this report is to present the Ruataniwha Ward Report. This report will be presented to Council on the day.
RESOLVED: 21.99 Moved: Deputy Mayor Kelly Annand Seconded: Cr Jerry Greer That the Ruataniwha Ward Report for September 2021 be received. CARRIED

Cr Annand presented this report.

8.5 ARAMOANA/RUAHINE WARD REPORT
PURPOSE The purpose of this report is to present the Aramoana/Ruahine Ward Report.
RESOLVED: 21.100 Moved: Cr Tim Aitken Seconded: Cr Kate Taylor That the Aramoana/Ruahine Ward Report for September 2021 be received. CARRIED

Cr Aitken presented this report.

9 CHIEF EXECUTIVE REPORT

9.1 BI MONTHLY ORGANISATION PERFORMANCE REPORT AUGUST - SEPTEMBER 2021
PURPOSE The purpose of this report is to present to Council the organisation report for August - September 2021.
RESOLVED: 21.101 Moved: Mayor Alex Walker Seconded: Cr Tim Aitken That, having considered all matters raised in the report, the report be noted. CARRIED

Mrs Davidson presented this report.

Council moved to public excluded at 12:00pm

10 PUBLIC EXCLUDED BUSINESS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLVED: 21.102

Moved: Cr Brent Muggeridge

Seconded: Deputy Mayor Kelly Annand

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are 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 for the passing of this resolution
10.1 - Resolution Monitoring Report - Public Excluded	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of 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 under section 6 or section 7
10.2 - Central Hawke's Bay Consumers Power Trust 2021 Trustee Election	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p>	s48(1)(a)(i) - the public conduct of 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 under section 6 or section 7
10.3 - August District Plan Key Projects Status Report	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good

	<p>authority</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>reason for withholding would exist under section 6 or section 7</p>
<p>10.4 - C1126 - Extension of Desludging Contract</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>s48(1)(a)(i) - the public conduct of 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 under section 6 or section 7</p>
<p>10.5 - C1148 - Tikokino Road Water Main (Stage 2 and 3) - Tender Outcome Report</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of 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 under section 6 or section 7</p>
<p>10.6 - C1173 - Tender Outcome Report (3 Waters Consultancy Support Panel)</p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and</p>	<p>s48(1)(a)(i) - the public conduct of 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 under section 6 or section 7</p>

	industrial negotiations)	
CARRIED		

11 DATE OF NEXT MEETING

RESOLVED: 21.103
Moved: Deputy Mayor Kelly Annand
Seconded: Cr Exham Wichman
THAT the next meeting of the Central Hawke's Bay District Council be held on 17 November 2021.
CARRIED

Cr Taylor closed the meeting with a karakia.

12 TIME OF CLOSURE

The Meeting closed at 1:07pm.

The minutes of this meeting were confirmed at the Council Meeting held on 17 November 2021.

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CHAIRPERSON