



Agenda

SOUTH WAIRARAPA DISTRICT COUNCIL

**19 KITCHENER STREET
MARTINBOROUGH**

ORDER PAPER FOR AN EXTRAORDINARY MEETING

TO BE HELD IN

**Supper Room, Waihinga Centre,
MARTINBOROUGH**

ON

18 March 2019

MEMBERSHIP OF COUNCIL

HER WORSHIP THE MAYOR

Mrs Viv Napier

(Deputy Mayor Brian Jephson)

Cr L Carter
Cr P Colenso
Cr M Craig

Cr P Maynard
Cr C Olds
Cr C Wright
Cr R Vickery

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE CONSTRUED AS
COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**



SOUTH WAIRARAPA DISTRICT COUNCIL EXTRAORDINARY MEETING

AGENDA – 18 March 2019

Open Section

The meeting will be held in the Supper Room, Waihinga Centre and will commence at 1.00pm. The meeting will be held in public (except for any items specifically noted in the agenda as being for public exclusion).

SWDC Affirmation

We pledge that we will faithfully and impartially use our skill, wisdom and judgement throughout discussions and deliberations ahead of us today in order to make responsible and appropriate decisions for the benefit of the South Wairarapa district at large.

We commit individually and as a Council to the principals of integrity and respect, and to upholding the vision and values we have adopted in our Long Term Plan strategic document in order to energise, unify and enrich our district.

A1. Karakia Timitanga

A2. Apologies

A3. Conflicts of interest

A4. Public participation

As per standing order 14.17 no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

A5. Actions from public participation

A6. Extraordinary business

B. Decision Reports from Chief Executive and Staff

B1. Extraordinary Vacancy

Pages 1-6

B2. Councillor Declaration

Page 7

C. Chairperson's Report

C1. Councillor Appointments

Page 8-10

C2. Appointment of Interim CEO (to be tabled)

Public Excluded

Proposed Resolution: *That the public be excluded from the following parts of the proceedings of this meeting, namely:*

- | | | |
|------------|---|--------------|
| D1. | 4 Kansas Street Report | PE Pages 1-3 |
| D2. | Partial Revocation of Resolution | PE Pages 4-5 |
| D3. | Public Excluded Minutes of 12 December 2018 | PE Pages 6-7 |

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:

Report/General Subject Matter	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
4 Kansas Street Report	Good reason to withhold exists under section 6(a)	Section 48(1)(a)
Partial Revocation of Resolution	Good reason to withhold exists under section 7(2)(a)	Section 48(1)(a)
Public excluded Council minutes from 12 December 2018	Good reason to withhold exists under section 7(2)(a)	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 the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
Making the information available would be likely - a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or	Section 6(a)
a) to protect the privacy of natural persons, including that of deceased natural persons	Section 7(2)(a)

SOUTH WAIRARAPA DISTRICT COUNCIL

18 MARCH 2019

AGENDA ITEM B1

EXTRAORDINARY VACANCY

Purpose of Report

To confirm the appointment of Councillor to fill extraordinary vacancy.

Recommendations

Officers recommend that the Council:

1. *Receive the Extraordinary Vacancy Report.*
2. *Confirm the appointment of Mike Gray as councillor to fill the extraordinary vacancy in the Greytown ward.*

1. Executive Summary

At the 20 February 2019 Council meeting the following resolution was passed:

COUNCIL RESOLVED (DC2019/01):

1. To receive the Extraordinary Vacancy Report.
(Moved Cr Jephson/Seconded Cr Maynard)
2. To note that an extraordinary vacancy has been created, through the resignation of Councillor Paora Ammunson, which was notified on 17 December 2018.
3. That the vacancy will be filled by the appointment of Mike Gray who is qualified to be elected as a member, and in making that appointment takes into account the following criteria:
 - a. This person has a working knowledge of local government processes, having previously been a South Wairarapa District Council councillor, and is currently a member of the Greytown Community Board as well as the Greytown Trust Lands Trust.
 - b. This person at the last triennial election was the highest polling unsuccessful candidate.
 - c. This person has indicated his availability to take up that position immediately on confirmation of the appointment.

(Moved Cr Wright/Seconded Cr Craig)

Carried

Carried

4. To note that the decision of Council will be publicly notified in accordance with the requirements of the Local Electoral Act 2001.
(Moved Cr Craig/Seconded Cr Jephson)
5. To note this decision is not significant in terms of Council's Significance and Engagement Policy.
(Moved Cr Wright/Seconded Cr Craig)

Carried

Carried

Note: The minutes of the meeting of 20 February 2019 have not yet been confirmed so the above wording is subject to change.

2. Discussion

Extracts from relevant legislation is included as Appendix 1.

2.1 Notice of decision

S118(1) of the Local Electoral Act 2001 states that if a Local Authority resolves that a vacancy will be filled by appointment, the Local Authority must immediately give public notice of:

- The resolution
- The process or criteria by which the person named in the resolution was selected for appointment

The public notice was published in the Wairarapa Times Age on the 27 February, and while this might not be "immediate", it is my opinion that the notice was published in sufficient time so as not to hinder due process.

2.2 Confirmation of appointment

S118(2) and (3) of the Local Electoral Act state the local authority must, at a meeting no later than 30 days after the public notice was published, confirm the appointment by resolution to appoint.

2.3 Inability to Confirm

If, for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office

2.4 Commencement date

The person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which the resolution is made.

3. Appendices

Appendix 1 - Extracts from Local Government Act 2002, & Local Electoral Act 2001

Contact Officer: Paul Crimp, Chief Executive Officer

Appendix 1 – Extracts from Local Government Act 2002, & Local Electoral Act 2001

Extracts from relevant legislation

Local Government Act 2002, Schedule 7

4 Member's right to resign

- (1) A member of a local authority may resign office by notice in writing addressed and delivered to the chief executive of the local authority.
- (2) The notice takes effect on the day on which it is delivered to the chief executive of the local authority.

5 Extraordinary vacancies

- (1) The office of a member of a local authority becomes vacant, and the vacancy that is created is an extraordinary vacancy, if the member—
 - (a) dies; or
 - (b) becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or
 - (c) is disqualified from, or is ousted from, office; or
 - (d) is absent without leave of the local authority from 4 consecutive meetings (other than extraordinary meetings) of the local authority; or
 - (e) resigns under clause 4.
- (2) Sections 117 to 120 of the Local Electoral Act 2001 apply to extraordinary vacancies. [...]

29 Proceedings not invalidated by vacancies, irregularities, etc

An act or proceeding of a local authority or committee, or of a person acting as a member of a local authority or committee, is not invalidated by—

- (a) a vacancy in the membership of the local authority or committee at the time of that act or proceeding; or
- (b) the subsequent discovery—
 - (i) of some defect in the election or appointment of the person acting as a member of the local authority or committee; or
 - (ii) that that person was or is incapable of being a member.

Local Electoral Act 2001

58 Candidacy for both regional council and constituent authority prohibited

- (1) In this section,—

constituent authority, in relation to any region, means—

 - (a) a territorial authority having jurisdiction over a constituent district; or
 - (aa) a local board for a local board area that is wholly or partly within the region; or
 - (b) a community board for a community that is wholly or partly within the region

member, in relation to a constituent authority, includes a mayor.

- (2) No person may, at the same time, be both a candidate for election to a regional council for a region and a candidate for election to a constituent authority of that region.
- (3) No member of a constituent authority of a region may be a candidate for election to the regional council for the region.
- (4) No member of a regional council for a region may be a candidate for election to a constituent authority of that region.
- (5) Subsections (3) and (4) do not apply if a general election of members of the regional council of a region is to be held concurrently with a general election of members of a constituent authority of that region.

117 Extraordinary vacancy in local authority or [local board or] community board

- (1) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board more than 12 months before the next triennial general election, the vacancy must be filled by an election under this Act.
- (2) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board 12 months or less than 12 months before the next triennial general election, the [chief executive] of the local authority concerned must notify the local authority or local board or community board of the vacancy immediately.
- (3) On receiving notice under subsection (2), the local authority or local board or] community board must, at its next meeting (other than an extraordinary meeting)] or, if that is not practicable, at its next subsequent [meeting (other than an extraordinary meeting)], determine by resolution—
 - (a) that the vacancy will be filled by the appointment by the local authority or local board or community board of a person named in the resolution who is qualified to be elected as a member; or
 - (b) that the vacancy is not to be filled.
- (4) If for any reason the person specified in the resolution is unavailable, or otherwise unable to be notified of the appointment, a further vacancy occurs in that office.
- (5) Despite subsection (3), if the vacancy is for the office of Mayor, the vacancy must not be left unfilled but must be filled by appointment of 1 of the other members of the local authority as Mayor.
- (6) If any member is appointed or elected to fill a vacancy in the office of Mayor,—
 - (a) the person is to be treated as having vacated the office of a member; and
 - (b) the vacancy in the office of a member is an extraordinary vacancy and this section and sections 118 to 120 apply.

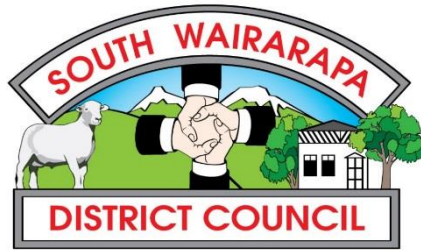
[...]

118 Notice of intention to fill vacancy by appointment

- (1) If, under section 117(3)(a) or section 117A, a local authority or local board or community board resolves that a vacancy will be filled by the appointment of a person by the local authority or [local board or] community board, it must immediately, unless the vacancy is for the office of Mayor, give public notice of—
 - (a) the resolution; and
 - (b) the process or criteria by which the person named in the resolution was selected for appointment.
- (2) The local authority or [local board or] community board must, at a meeting held not later than the expiry of the prescribed period, by resolution confirm the appointment described in the resolution under subsection (1); and the person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which that resolution is made.
- (3) For the purposes of subsection (2), the **expiry of the prescribed period** is 30 days after the date of notification of the resolution under subsection (1).
- (4) If for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office.

119 Notice of intention to leave vacancy unfilled

If, under section 117(3)(b), a local authority or [local board or] community board resolves not to fill a vacancy, it must immediately give public notice of its decision.



DECLARATION

I, **MIKE GRAY**, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the South Wairarapa District the powers, authorities, and duties vested in or imposed upon me as a member of the **SOUTH WAIRARAPA DISTRICT COUNCIL** by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Martinborough this 18th day of March 2019

Signature.....

Signed in the Presence of:

.....
Paul Crimp, Chief Executive Officer

SOUTH WAIRARAPA DISTRICT COUNCIL

18 MARCH 2019

AGENDA ITEM C1

COUNCILLOR APPOINTMENTS

Purpose of Report

To seek Council approval of recommended councillor appointments following the appointment of Mike Gray as councillor for the Greytown ward.

Recommendations

I, Mayor Napier, recommend that Council:

1. *Receive the Councillor Appointments Report.*
2. *Resolve to make Council appointments to community boards, committees, working groups/parties and outside organisations as per this report.*

1. Background

Now that a new Greytown ward councillor has been appointed, following are the recommended councillor appointments to our community boards, committees, working groups/parties and outside organisations.

2. Appointments

2.1 Committees and community boards

Committees	Appointments
Martinborough Community Board	Cr Colenso, Cr Maynard
Featherston Community Board	Cr Vickery, Cr Olds
Greytown Community Board	Cr Wright, Cr Gray
Maori Standing Committee	Cr Jephson, Cr Maynard, Cr Vickery
Assets and Services Committee	Cr Jephson (Chair), Cr Carter, Cr Colenso, Cr Olds, Cr Wright, Cr Gray
District Licensing Committee	Mrs Julie Riddell (Chair), Cr Craig (Deputy Chair)
Chief Executive Officer's Review Committee	Until new CEO appointed: Mayor (Chair), Cr Craig, Cr Jephson, Cr Olds
Finance, Audit and Risk Committee	Cr Jephson (Chair), Cr Colenso, Cr Vickery, Cr Wright
Planning and Regulatory Committee	Cr Olds (Chair), Cr Carter, Cr Jephson, Cr Maynard, Cr Vickery, Cr Wright
Spatial Plan Sub-committee	

Committees	Appointments
South Wairarapa AP/LTP Working Party	Mayor (Chair), all councillors
Community Safety and Resilience Working Party	Cr Colenso (Chair), Cr Carter, Cr Maynard
Civic Awards Working Party	Cr Craig(Chair), Mayor, Cr Carter, Cr Colenso
Sport NZ Rural Travel Fund Assessment Group	Cr Jephson (Chair), Cr Carter, Cr Maynard
Hearings Committee	Mayor (Chair), Cr Jephson, Cr Olds
Creative Communities Assessment Group	Cr Carter
Water Race Sub-committee	Cr Olds (Chair), Cr Gray
Community Board Working Party	Mayor, Cr Colenso, Cr Wright, Cr Vickery
Tenders Working Party	Mayor, one councillor
Community Housing Working Party	Cr Wright (Chair), Cr Colenso, Cr Craig and Cr Olds, Cr Vickery
Council Logo and Branding Working Party	Mayor, Leigh Hay (Chair), Cr Carter, and Cr Maynard
Accommodation Working Group	Mayor, Cr Olds, Cr Wright, Cr Maynard

2.2 Joint Working Groups/Committees

Joint Committees	Appointment
Wairarapa Library Service Joint Committee	Cr Colenso, Member Robyn Ramsden
Wairarapa Combined District Plan Working Group (joint)	Mayor, Cr Jephson, Cr Olds
Wairarapa Policies Working Group (joint)	Cr Vickery, Cr Gray
Wairarapa Economic Development Strategy Governance Group (joint)	Mayor
Wellington Region Waste Management and Minimisation Plan Committee (joint)	Cr Colenso
Wellington Region Waste Forum	Cr Colenso

2.3 Appointment of Council Representatives to Outside Bodies

External Appointments or Joint Committees	Appointment
(GWRC) Wairarapa Committee	Cr Wright (voting), Cr Jephson
(GWRC) Waiohine Floodplain Management Steering Group	Cr Wright, Cr Gray
(GWRC) Awhea Opouawe Scheme Committee	Cr Jephson
(GWRC) Lower Valley Development Scheme Advisory Committee	Cr Olds
(GWRC) Whaitua Committee	Cr Olds
(GWRC) Wellington Region Climate Change Working Group	Cr Jephson, Cr Carter (proxy)
GWRC Cycle Trails	Cr Olds
Destination Wairarapa Inc	Paul Broughton
Wairarapa Road Safety Council	Cr Olds
Cobblestones Museum Trust	Cr Wright
Wairarapa Safer Community Trust Board	Cr Colenso

External Appointments or Joint Committees	Appointment
Healthy Homes	On hold
Palliser to Pukaha P2P	Clive Paton
Wairarapa Moana Statutory Board (not yet formed)	
Wairarapa Moana Governance Group	Cr Olds
Regional Transport Committee (NZTA)	Mayor (statutory appointment), Cr Jephson (proxy)
Remutaka Hill Road Committee	Mayor
Arbor House Trust Board	Dr Rob Tuckett
Wairarapa Safer Community Trust	Cr Colenso

Prepared by: Her Worship the Mayor, Viv Napier