



MINUTES

Ordinary Council Meeting Tuesday, 28 November 2023

Ref: 1632929

**Minutes of Timaru District Council
Ordinary Council Meeting
Held in the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 28 November 2023 at 11am**

Present: Mayor Nigel Bowen (Chairperson), Cllrs Allan Booth, Peter Burt, Gavin Oliver, Stu Piddington, Stacey Scott, Scott Shannon, Michelle Pye, Owen Jackson

In Attendance: Bede Carran (Chief Executive), Paul Cooper (Acting Group Manager Commercial and Strategy), Beth Stewart (Group Manager Community Services), Debbie Fortuin (Acting Group Manager Environmental Services), Andrew Dixon (Group Manager Infrastructure), Hannah Goddard Coles (Group Manager Engagement and Culture), Nigel Trainor (Incoming Chief Executive), Andrea Rankin (Chief Financial Officer), Stephen Doran (Communications Manager), Nicole Timney (Manager of Property Services and Client Representative), Alesia Cahill (Governance Coordinator), Andrew Feary (Property Facilities Officer), Alana Hobbs (Governance & Executive Support Administrator), Rachel Scarlett (Governance Coordinator), Jessica Kavanaugh (Corporate Planner)

Presenters: Sarah Simmers (Anderson Lloyd) for item 9.2, Jessica Kibblewhite (RDT Pacific Limited), Leonard Pagan (Rawlinsons Quantity Surveyors), Heath Turnbull (Southbase Construction Limited), Darren Askew (Southbase Construction Limited), Geraint Williams (Southbase Construction Limited), Alex Haley (Southbase Construction Limited) for item 13.4

1 Opening Prayer

Mayor Nigel Bowen conducted an opening karakia

2 Apologies

2.1 Apologies Received

Resolution 2023/93

Moved: Mayor Nigel Bowen

Seconded: Cllr Owen Jackson

That the apology of Cllr Sally Parker be received and accepted.

Carried

3 Public Forum

There were no public forum items.

4 Identification of Urgent Business

No items of urgent business were received.

5 Identification of Matters of a Minor Nature**5.1 Local Government Consensus Position**

Mayor Nigel Bowen requested a discussion a steer for consensus and view for Local Government ahead of the Special General Meeting.

6 Declaration of Conflicts of Interest

No conflicts of interest were declared.

7 Confirmation of Minutes**7.1 Minutes of the Council Meeting held on 17 October 2023****Resolution 2023/94**

Moved: Clr Scott Shannon

Seconded: Clr Michelle Pye

That the Minutes of the Council Meeting held on 17 October 2023 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Carried

7.2 Minutes of the Council Meeting held on 31 October 2023**Resolution 2023/95**

Moved: Mayor Nigel Bowen

Seconded: Clr Gavin Oliver

That the Minutes of the Council Meeting held on 31 October 2023 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Carried

7.3 Minutes of the Extraordinary Council Meeting held on 14 November 2023**Resolution 2023/96**

Moved: Clr Allan Booth

Seconded: Clr Peter Burt

That the Minutes of the Extraordinary Council Meeting held on 14 November 2023 be confirmed as a true and correct record of that meeting and that the Chairperson's electronic signature be attached.

Carried

8 Schedules of Functions Attended

8.1 Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors

Resolution 2023/97

Moved: Mayor Nigel Bowen

Seconded: Cllr Allan Booth

That the Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors be received and noted.

Carried

8.2 Schedule of Functions Attended by the Chief Executive

Resolution 2023/98

Moved: Mayor Nigel Bowen

Seconded: Cllr Scott Shannon

That the Schedule of Functions Attended by the Chief Executive be received and noted.

Carried

9 Reports

9.1 Affixing of the Common Seal

Council considered the report noting the affixing of the Common Seal to an Approval of Warrants of which names have been redacted to protect the privacy of employees.

Resolution 2023/99

Moved: Mayor Nigel Bowen

Seconded: Cllr Peter Burt

That the following warrants have been approved by the Chief Executive and are being reported to the Council for noting:

1. 16 October 2023 – Approval of Warrants
2. 24 October 2023 – Approval of Warrants
3. 1 November 2023 – Approval of Warrants
4. 20 November 2023 – Approval of Warrants

Carried

9.2 Council Controlled Organisations - Review of Company Constitutions

The Chief Executive spoke to the report to present to the Council for the adoption of new Constitutions for Timaru District Holdings Limited (TDHL) and Venture Timaru Limited (VT) and an updated External Governance Appointments Policy (Policy). The Policy has been updated to reflect amendments to the Constitutions of TDHL and VT.

A discussion was had on possible conflicts of interest as Directors on the Council Controlled Organisation Boards, however, the Chief Executive advised that Elected Members are acting in a Councillor capacity and have the ability to bring an open mind thinking all elected members can participate.

Clarification was sought on the advantage of amending the Policy rather than the Constitution. The quorum is a majority of the group at the time.

There was clarification sought from Councillors on the following items;

- Minimum and maximum number of directors, it was discussed that both Council Controlled Organisations should have 3-6 and this minimum and maximum number and be stated in the policy rather than the constitution.
- Minimum and maximum number of Elected Member Directors should sit within the Policy, not the Constitution.
- Maximum tenure for Directors should sit within the Policy, not the Constitution.
- Appointment of the Chairperson should sit within the Policy, not the Constitution

Make an amendment in 7.2 of TDHL and VT Constitution it states "Elected Members of Council may be appointed as Directors" which should be amended to "Elected Members of Council can be a Director"

Feedback is discussed on the External Governance Policy including the Purpose and Objectives being more succinct along with minor graphical errors.

Resolution 2023/100

Moved: Mayor Nigel Bowen

Seconded: Cllr Allan Booth

That Council:

1. Decide on:
 - i. Timaru District Holdings Limited (**TDHL**) and Venture Timaru Limited's (**VT**) Constitutions should prescriptively set a minimum and/or maximum number of Directors within the Policy;
 - ii. TDHL and VT's Constitutions should set a minimum and/or maximum number of Elected Member Directors within the Policy; and
 - iii. whether to set a maximum tenure for TDHL and VT Directors within the Policy; and
 - iv. how TDHL and VT's Chairperson and Deputy Chairperson are to be appointed within the Constitution;
2. adopts the attached new Constitutions for TDHL and VT and the updated External Governance Appointments Policy, with any changes required to reflect the decisions made

by Council on the above matters and the amendment to 7.2 of TDHL and VT Constitution to state "Elected Members of Council can be a Director";

3. delegates power to the Mayor and Chief Executive to confirm that the finalised Constitutions and External Governance Appointments Policy reflect the decisions made by Council on the above matters; and
4. authorises the Mayor and Chief Executive (jointly and severally) to sign on behalf of Council Shareholder Resolutions and any other documents that need to be signed to adopt the updated Constitutions.
5. the TDHL and VT Constitutions be brought back to Council once amendments completed and updated External Governments Policy be brought back to Council for final adoption.

Carried

10 Consideration of Urgent Business Items

No items of urgent business were received

11 Consideration of Minor Nature Matters

11.1 Local Government Consensus Position

Mayor Nigel Bowen advised the Special General Meeting with LGNZ on 11 December 2023, to get a consensus of position on the five themes;

- (i) Build a new system of Government that is fit for purpose, the council agreed on this theme
- (ii) Rebalance the countries' tax take between Central and Local Government, the council agreed on this theme
- (iii) Stronger more authentic relationships between Local Government, Iwi, Hapu and Māori, the council disagreed on this theme
- (iv) Align Central, Regional and Local Government priorities, the council agreed on this theme
- (v) Strengthen local democracy and leadership, the council agreed on this theme.

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12 Public Forum Items Requiring Consideration

There were no public forum items.

13 Resolution to Exclude the Public at 11.37am

Resolution 2023/101

Moved: Deputy Mayor Scott Shannon

Seconded: Cllr Owen Jackson

That the public be excluded from the following parts of the proceedings of this meeting on the grounds under section 48 of the Local Government Official Information and Meetings Act 1987 as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Plain English Reason
13.1 - Public Excluded Minutes of the Council Meeting held on 17 October 2023	<p>s6(b) - Good reason for withholding official information exists if the making available of that information would be likely to endanger the safety of any person</p> <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)(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)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source and is in the public interest that such information should continue to be supplied</p>	<p>To protect a person's safety</p> <p>To protect a person's privacy, including the privacy of deceased persons</p> <p>To protect commercially sensitive information</p> <p>To protect information that is subject to an obligation of confidence and/or that was required by law to be provided; and to ensure that the supply of such information is not affected in the future, when it is in the public interest for it to be provided.</p>
13.2 - Public Excluded Minutes of the Council Meeting held on 31 October 2023	<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>To protect a person's privacy, including the privacy of deceased persons</p>

13.3 - Recommendation from Extraordinary Directors and Trustees Appointment Subcommittee meeting	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	To protect a person's privacy, including the privacy of deceased persons
13.4 - Theatre Royal and Heritage Facility Design and Construction Contract	<p>s7(2)(h) - The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>To enable Council to carry out commercial activities</p> <p>To enable Council to carry out commercial or industrial negotiations</p>

Carried

14 Public Excluded Reports

13.1 Public Excluded Minutes of the Council Meeting held on 17 October 2023

13.2 Public Excluded Minutes of the Council Meeting held on 31 October 2023

13.3 Recommendation from Extraordinary Directors and Trustees Appointment Subcommittee meeting

13.4 Theatre Royal and Heritage Facility Design and Construction Contract

15 Readmittance of the Public

Resolution 2023/102

Moved: Mayor Nigel Bowen

Seconded: Cllr Owen Jackson

That the meeting moves out of Closed Meeting into Open Meeting.

Carried

The meeting closed at 1.31pm.

Minutes Confirmed 13 February 2024.



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Mayor Nigel Bowen
Chairperson