



MINUTES

Ordinary Council Meeting Tuesday, 21 July 2020

Ref: 1355730

**Minutes of Timaru District Council
Ordinary Council Meeting
Held in the Council Chamber, District Council Building, King George Place, Timaru
on Tuesday, 21 July 2020 at 11.31am**

Present: Mayor Nigel Bowen (Chairperson), Cr Allan Booth, Cr Peter Burt, Cr Barbara Gilchrist, Cr Richard Lyon, Cr Gavin Oliver, Cr Paddy O'Reilly, Cr Sally Parker, Cr Stu Piddington, Cr Steve Wills

In Attendance: **Community Board Representatives**
Temuka Community Board – Lloyd McMillan
Pleasant Point Community Board – Anne Lemmens
Geraldine Community Board – Jennine Maguire

Council Officers
Chief Executive (Bede Carran), Group Manager Commercial and Strategy (Donna Cross), Group Manager Environmental Services (Tracy Tierney), Group Manager People and Digital/Acting Group Manager Community Services (Symon Leggett), Governance Advisor (Jo Doyle), Governance Support Officer (Joanne Brownie)

1 Opening Prayer and Waiata

Cr Paddy O'Reilly offered a prayer for the work of Council, this was followed by the Timaru District Council Waiata.

2 Apologies

There were no apologies.

3 Public Forum

There was no public forum.

4 Identification of Urgent Business

There were no items of Urgent Business.

5 Identification of Matters of a Minor Nature

There were no items of minor nature.

6 Declaration of Conflicts of Interest

While there is no conflict of interest, it was noted that in respect of item 8.2 - TDHL Constitution, Mayor Nigel Bowen and Cr Richard Lyon are Directors of Timaru District Holdings Limited.

7 Confirmation of Minutes**7.1 Minutes of the Council Meeting held on 30 June 2020****Resolution 2020/29**

Moved: Cr Steve Wills

Seconded: Cr Sally Parker

That the Minutes of the Council Meeting held on 30 June 2020 be confirmed as a true and correct record of that meeting.

Carried

8 Reports**8.1 COVID-19 Stimulus Fund**

Council considered a report on the funding criteria and application approach for the COVID-19 Stimulus Fund.

Council supported Option 2 and the criteria detailed in the report. It was discussed that all applications for this fund should be on the official application form and the approach should be fair and equitable.

Resolution 2020/30

Moved: Mayor Nigel Bowen

Seconded: Cr Peter Burt

That Council approves the COVID-19 Stimulus fund objectives and criteria and agrees on option two for the application and distribution process.

Carried

8.2 Timaru District Holdings Limited: Amendment of Company Constitution

Council was presented with proposed amendments to the constitution of Timaru District Holdings Limited (TDHL).

The constitution is being amended to align it with the new arrangements for director appointments and other changes arising from the implementation of recommendations resolved on by Council and contained in the MartinJenkins' Report (the Report) on TDHL.

The Chief Executive advised that the constitution will be updated to future proof the Board so that it can have a properly constituted Board across a range of circumstances.

In regard to whether there must be 2 elected member directors, it is Council that decides and appoints directors, if an elected member did not meet the criteria, the constitution provides that Council is not obligated to make an appointment.

Resolution 2020/31

Moved: Cr Peter Burt

Seconded: Cr Barbara Gilchrist

1. That Council receives the Report
2. That Council adopts the changes to the constitution of Timaru District Holdings Limited as set out in the Report
3. That the Mayor and Deputy Mayor are authorised on behalf of Council to sign the following special resolution of Council as the sole shareholder of Timaru District Holdings Limited:

‘Special Resolution of Sole Shareholder

Under section 32(a) of the Companies Act 1993 – amending Constitution

Timaru District Holdings Limited (Company)

Company number: 881487

Date:

Resolved:

that the Company revoke its existing Constitution and adopt the Constitution attached to this resolution and marked "A" with effect from the date of this Resolution.

Signed as a written resolution in accordance with section 122 of the Companies Act 1993 by the sole shareholder of the Company’

4. That the Chief Executive is delegated authority to complete administrative matters for the amended constitution to be perfected including its filing at the registered office of Timaru District Holdings Limited and with the Registrar of Companies
5. That the Mayor and Chief Executive are authorised to correct any typographical errors identified in completing the finalisation of the amended constitution.

Carried

8.3 Director and Trustee Appointment Committee: Amendment to Composition where Conflict of Interest Arises

Council considered a report by the Chief Executive proposing the amendment to the composition of the Director and Trustee Appointment Committee where a conflict of interest arises.

A third option was discussed for inclusion where the Mayor and Deputy Mayor may both have a conflict of interest, in this situation the Chair of the Commercial and Strategy Meeting would Chair the meeting.

Resolution 2020/32

Moved: Cr Stu Piddington

Seconded: Cr Steve Wills

That Council amends the composition of the Director and Trustee Appointment Committee where a conflict, or perceived conflict, of interest arises as detailed in the Delegations Manual as follows:

- (i) where a member is prevented from participating in a matter before the Committee due to a conflict, or perceived conflict, of interest or a pecuniary interest, whether direct or indirect, the Mayor shall co-opt another Councillor on to the Committee to participate in that matter.
- (ii) where the Mayor is prevented from participating in a matter before the Committee due to a conflict, or perceived conflict, of interest or a pecuniary interest, whether direct or indirect, the Deputy Mayor shall co-opt another Councillor on to the Committee to participate in that matter and the Deputy Mayor shall chair the Committee.
- (iii) where the Mayor and Deputy Mayor are prevented from participating in a matter before the Committee due to a conflict, or perceived conflict, of interest or a pecuniary interest, whether direct or indirect, the Chair of the Commercial and Strategy Committee shall co-opt 2 other Councillors on to the Committee to participate in that matter and the Chair of the Commercial and Strategy Committee shall chair the Committee.
- (iv) Delegates to the Chief Executive the authority to amend the delegations manual as required.

Carried

9 Consideration of Urgent Business Items

There were no urgent business items.

10 Consideration of Minor Nature Matters

There were no minor nature items.

11 Public Forum Items Requiring Consideration

There were no public forum items.

12 Resolution to Exclude the Public

Resolution 2020/33

Moved: Mayor Nigel Bowen

Seconded: Cr Peter Burt

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

<p>12.1 - Public Excluded Minutes of the Council Meeting held on 30 June 2020</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 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>Commercial sensitivity</p> <p>To enable commercial activities</p> <p>To enable commercial or industrial negotiations</p>
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Carried

Resolution 2020/34

Moved: Cr Richard Lyon

Seconded: Cr Paddy O'Reilly

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

Carried

13 Public Excluded Reports

12.1 Public Excluded Minutes of the Council Meeting held on 30 June 2020

14 Readmittance of the Public

The meeting closed at 11.58am.

Minutes confirmed 11 August 2020

**Mayor Nigel Bowen
Chairperson**