



# MINUTES

## Ordinary Council Meeting Tuesday, 9 June 2020

Ref: 1344227

**Minutes of Timaru District Council  
Ordinary Council Meeting  
Held in the Council Chamber, District Council Building, King George Place, Timaru  
on Tuesday, 9 June 2020 at the conclusion of Standing Committees at 1.11pm**

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

**In Attendance:** Chief Executive (Bede Carran), Group Manager Environmental Services (Tracy Tierney), Group Manager Commercial and Strategy (Donna Cross), Group Manager People and Digital/Acting Group Manager Community Services (Symon Leggett), Group Manager Infrastructure (Erik Barnes) (via remote link), Chief Financial Officer (David Codyre), Governance Advisor (Jo Doyle)

### **1 Opening Prayer and Waiata**

Cr Paddy O'Reilly offered a prayer for the work of the Council.

The prayer was followed with the Timaru District Council Waiata.

### **2 Apologies**

#### **Resolution 2020/61**

Moved: Mayor Nigel Bowen

Seconded: Cr Sally Parker

That the apology from Cr Gavin Oliver be accepted.

**Carried**

### **3 Public Forum**

Inspector Dave Gaskin from the Timaru Police was asked to attend and provide an update.

Family Harm over the Covid-19 Lockdown did not eventuate into the expectations of a large increase with people being stuck at home. The forecast for increasing crime also appears to be incorrect and overall the community became a kinder and nicer place.

Drug Use is monitored through testing via the waste water every two months. Testing is undertaken of the following drugs:

- Fentanyl – there has been no fentanyl use locally since the testing started.
- Cocaine – very low use, possible 1mg per thousand people.
- MDMA – known as the party drug as it is out of users system by their working week. The results are negligible for this as well.
- Methamphetamine however is a concern for the community. Over the last 12 months it has stayed at a static level, but that level is still a concern. Comparatively with other

communities we are extremely low. The last date received was February 2020, so April use is due soon and will be interesting to see the flow on effect of Covid, combined with a large drug seizure in early March from a Christchurch gang.

Gangs in Timaru were established in early 1970's and are now aging. Most gangs such as Mongrel Mob and Black Power don't have the traditional headquarters and instead operate from houses.

Gangs are only in communities for one purpose, to make money through dealing drugs. When they are first formed, they are very territorial, however they tend to co-operate and share the market, so are not in large numbers.

Crime levels are high when there is a need for drugs, mainly shop lifting and there is an increase in burglaries, but that is also attributed to a definition change around burglaries.

It was noted that gang members do enter the district looking for work, and many are working on dairy farms in rural areas. An acceptance that gangs will always be here and that we need to make sure their influence on younger people is managed.

Domestic incidents seem to be more alcohol fuelled, and the lower amount and type of alcohol that was able to be purchased over lockdown seemed to help keep the incidents down.

#### **4 Identification of Urgent Business**

There were no urgent business items.

#### **5 Identification of Matters of a Minor Nature**

There were no minor nature items.

#### **6 Declaration of Conflicts of Interest**

Mayor Nigel Bowen and Cr Richard Lyon declared their roles on the TDHL Board.

#### **7 Confirmation of Minutes**

##### **7.1 Minutes of the Council Meeting held on 19 May 2020**

##### **Resolution 2020/62**

Moved: Cr Steve Wills

Seconded: Cr Sally Parker

That the Minutes of the Council Meeting held on 19 May 2020 be confirmed as a true and correct record of that meeting.

**Carried**

##### **7.2 Minutes of the Extraordinary Tenders and Procurement Committee Meeting held on 12 May 2020**

##### **Resolution 2020/63**

Moved: Cr Barbara Gilchrist

Seconded: Cr Peter Burt

That the Minutes of the Extraordinary Tenders and Procurement Committee Meeting held on 12 May 2020 be confirmed as a true and correct record of that meeting.

**Carried**

## **8 Reports**

### **8.1 Contracts Let From Tenders and Procurement Committee**

The Council considered advice of contracts let by the Tenders and Procurement Committee.

#### **Resolution 2020/64**

Moved: Cr Sally Parker

Seconded: Cr Barbara Gilchrist

**That the following information on a contract let by the Tenders and Procurement Committee, be received.**

<b>Contract Description</b>	<b>Number of Tenders</b>	<b>Price Range</b>	<b>Successful Tenderer and Price</b>
<b>Contract 2431 – Te Ana Wai Raw Water Reservoir</b>	<b>3</b>	<b>\$1,200,092.72 to \$1,701,716.42</b>	<b>Rooney Group Limited \$1,270,872.89</b>
<b>Contract 2415 – Temuka Treated Water Reservoir</b>	<b>2</b>	<b>\$1,043,199.10 to \$1,588,936.23</b>	<b>Reliant Solutions \$1,043,199.10</b>
Tenders were evaluated using weighted attributes method.			

All prices exclude GST

**Carried**

### **8.2 Timaru District Holdings Limited Frameworks and Processes**

The Chief Executive presented the report on the performance frameworks and processes from the MartinJenkins report.

Core competencies of potential directors were discussed, these competencies are expected of all directors, but also required is ensuring as a collective there is diversity of thought and range of skills across the board and this is why there are collective competencies which are held across the board as a whole and not necessarily by an individual director.

The MartinJenkins report and Auditor General's recommendations explain that to achieve the right balance on the board will take time.

It was accepted that an independent director should be Chairperson and that there should be similar numbers around the table of independent and elected member directors.

Discussions were held about the number of elected members directors versus independent directors, and that if the decision was to have equal numbers, then does the chair have the casting vote.

The framework provided stated that more independents should be on the board than elected members, and consideration would be needed if the constitution needs to be altered to be future proofed. The constitution should also consider wording, as if it states "must have elected members" then at the end of term, elected members automatically cease to be directors. This can be difficult for a new Council to appoint replacement directors.

The Chief Executive will amend the constitution accordingly and bring back to Council for input.

The Mayor explained the process that he would be comfortable with, to open the board up to 5 directors, that the likelihood would be 2 internal directors. They would compete with external applicants and the process is delivered via an independent process. Timaru District Council gets overall signoff on the directors.

Councillors expressed concern that using this selection process, there could be a risk of no elected members on the board if they don't meet the criteria and are unable to compete with independent directors. It was noted that entrenching elected member directors in this way was inconsistent with the recommendations from the MartinJenkins review.

A vote was called for to show support for 3 Independent Directors and 2 Elected Member Directors with one of the Independent Directors to be Chairperson.

In Favour: Ctrs Allan Booth, Peter Burt, Richard Lyon, Paddy O'Reilly and Steve Wills

Against: Ctrs Nigel Bowen, Barbara Gilchrist, Sally Parker and Stu Piddington

**Carried 5/4**

#### **Resolution 2020/65**

Moved: Cr Allan Booth

Seconded: Cr Peter Burt

That Council recommends that the Board of Timaru District Holdings Limited has 3 Independent Directors and 2 Elected Member Directors. One of the Independent Directors is to be the Chairperson.

**Carried**

#### **Resolution 2020/66**

Moved: Cr Peter Burt

Seconded: Cr Barbara Gilchrist

That Council receives the report and the set of draft policies and frameworks relating to the governance and oversight of Timaru District Holdings Limited

**Carried**

**Resolution 2020/67**

Moved: Cr Steve Wills  
 Seconded: Cr Sally Parker

The Council amends the policies and frameworks as required including the Director Appointment and Remuneration Policy and ensures the 3 Independent Directors and 2 Elected Member Directors.

**Carried**

**Resolution 2020/68**

Moved: Cr Barbara Gilchrist  
 Seconded: Cr Richard Lyon

That Council approves the Chief Executive taking the necessary steps to operationalise the policies and frameworks, including changes to the constitution of Timaru District Holdings Limited and initiating a process to appoint or reappoint Directors to Timaru District Holdings Limited.

**Carried**

**2 Consideration of Urgent Business Items**

There were no urgent business items.

**3 Consideration of Minor Nature Matters**

There were no minor nature items.

**4 Public Forum Items Requiring Consideration**

There were no public forum items to be considered.

**5 Resolution to Exclude the Public**

**Resolution 2020/69**

Moved: Mayor Nigel Bowen  
 Seconded: Cr Paddy O'Reilly

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
<b>12.1 - Public Excluded Minutes of the Council Meeting held on 19 May 2020</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the	Commercial sensitivity To enable commercial or industrial negotiations

	<p>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)(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><b>12.2 - Public Excluded Minutes of the Extraordinary Tenders and Procurement Committee Meeting held on 12 May 2020</b></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>Commercial sensitivity</p>

**Carried**

**Resolution 2020/70**

Moved: Cr Barbara Gilchrist

Seconded: Cr Paddy O'Reilly

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

**Carried**

**6 Public Excluded Reports**

**12.1 Public Excluded Minutes of the Council Meeting held on 19 May 2020**

**12.2 Public Excluded Minutes of the Extraordinary Tenders and Procurement Committee Meeting held on 12 May 2020**

**7 Readmittance of the Public**

The meeting closed at 2.05pm.

Minutes Confirmed 9 June 2020

**Mayor Nigel Bowen  
Chairperson**