



Minutes of a meeting of the Governance, Communications and
Engagement Committee held in the Council Chamber on
Thursday 10 March 2022 at 9:00 AM

Membership

Cr Michael Deaker

(Co-Chair)

Cr Michael Laws

(Co-Chair)

Cr Hilary Calvert

Cr Alexa Forbes

Cr Carmen Hope

Cr Gary Kelliher

Cr Kevin Malcolm

Cr Andrew Noone

Cr Gretchen Robertson

Cr Bryan Scott

Cr Kate Wilson

Welcome

Committee Co-Chair Michael Deaker welcomed Councillors and staff to the meeting at 9:00 am. Staff present included Richard Saunders (GM Regulatory and Communications), Gwyneth Elsum (GM Strategy, Policy and Science), Amanda Vercoe (GM Governance, Culture and Customer) and Liz Spector (Governance Support), and present electronically were Sarah Gardner (Chief Executive), Nick Donnelly (GM Corporate Services), Gavin Palmer (GM Operations) and Anita Dawe (Manager Policy and Planning).

1. APOLOGIES

Resolution: Cr Forbes Moved, Cr Robertson Seconded:

That the apologies for Cr Scott be accepted.

MOTION CARRIED

Councillors Hope, Kelliher and Laws were present electronically.

2. PUBLIC FORUM

No public forum was held.

3. CONFIRMATION OF AGENDA

ORC Chairperson Andrew Noone requested to add an item of business under urgency and noted the issue would be discussed with the public excluded under LGOIMA 48(1)(a) Section 7(2)(a) to protect the privacy of natural persons, included that of deceased persons.

Resolution: Cr Noone Moved, Cr Robertson Seconded,

That the Committee accept an urgent matter of business to discuss a Governance Proposal and move into public excluded under LGOIMA 48(1)(a), 7(2)(a) following the conclusion of the public meeting.

MOTION CARRIED

4. CONFLICT OF INTEREST

No conflicts of interest were advised.

5. CONFIRMATION OF MINUTES

Resolution: Cr Calvert Moved, Cr Malcolm Seconded

That minutes of the 10 November 2021 Governance, Communications and Engagement Committee meeting are adopted as a true and accurate record.

MOTION CARRIED

6. ACTIONS

Actions from resolutions of the Committee were reviewed. No changes were noted.

7. MATTERS FOR CONSIDERATION

7.1. Otago Regional Council Community Survey 2021 - Draft Action Plan

As part of the 2020/2021 Annual Plan, Councillors requested that staff initiate delivery of a community survey for ORC. The first survey was carried out in the second half of 2021 and results presented to Council at a meeting on 9 December 2021. This report presents the Community Survey 2021/2022 Draft Action Plan to the Committee for consideration. Richard Saunders, General Manager Regulatory and Communications was present to respond to questions about the report. Following discussion, Cr Malcolm moved:

Resolution GCE22-101: Cr Malcolm Moved, Cr Calvert Seconded

That the Committee:

- 1) **Notes** this report.
- 2) **Adopts** the draft *ORC Community Survey Action Plan 2021 / 2022*.
- 3) **Requests** that staff report back on progress against the action plan as part of the reporting of *ORC Community Survey Results for 2022/2023*.

MOTION CARRIED

7.2. Port Directors Appointment Guidelines

Council adopted a Recruitment and Appointment Policy (Governance) which included Appendix B Guidelines for the Appointment of Directors to Port Otago Limited (the guidelines). The guidelines included a specific recommendation that a maximum of three terms (nine years) be recommended for Director appointments. At a meeting of the Port Liaison Working Group on 2 December 2021 it was discussed and agreed that these maximum terms should not apply to the Board Chair. The guidelines were amended to reflect this change and were presented to the Committee for consideration. Nick Donnelly, General Manager Corporate Services, was present electronically to respond to questions about the report. Following a discussion of the report, Cr Calvert moved:

Resolution GCE22-102: Cr Calvert Moved, Cr Malcolm Seconded

That the Committee:

- 1) **Notes** this report.
- 2) **Approves** the amended *Appendix B Guidelines for the Appointment of Directors to Port Otago Limited*.

MOTION CARRIED

7.3. Chief Executive's Staff/Councillor Protocol

The report was provided to the Committee to further discussion of the Chief Executive's draft Protocol for Contact between Elected Members and Employees per a resolution of the Implementation Committee on 8 December 2021. Chief Executive Sarah Gardner was present electronically to respond to questions.

Mrs Gardner responded to questions about how the Protocols sat alongside the Code of Conduct for Councillors. She noted the Code provides for her to set such a protocol and per the resolution made at the previous committee meeting, she had written one and presented to Councillors. Cr Calvert suggested the Protocols would then form part of the Code of Conduct. Cr Wilson asked if this Protocol should then be reviewed alongside the Code of Conduct as part of the review currently underway by Bruce Robertson. Mrs Gardner said the Code states if there is a staff issue that concerns Councillors, the issue must be raised with the Chief Executive. Cr Laws said the review of the Code of Conduct was to determine if it was fit for purpose and suggested the Protocols should be considered alongside the review.

Cr Malcolm queried how Councillors would be able to ask questions of staff at a community event such as a field day if he followed the Protocol as written. Mrs Gardner suggested she could make a small amendment to the Protocol to address this type of engagement.

Cr Calvert suggested that a motion could be made to include review of the Protocol with the Code of Conduct review currently underway. Cr Wilson agreed and said it would not add a great amount of work to the review, but better to include as it may point out any inconsistencies before becoming a functional part of the Code of Conduct.

Questions were asked about the scope of the review, with several Councillors understanding they had resolved to have a full review of the Code of Conduct performed while others and staff understood the resolution was to review only the issues particularly noted by Len Andersen QC at a previous meeting. Cr Noone motioned that the meeting move into an adjournment to review the video of the 23 February Council meeting where this business was considered to gain clarity about the original motion to review the Code. Cr Robertson seconded the motion.

Further discussion was held as to whether an adjournment would be an appropriate measure to take. Cr Malcolm suggested the report be lain on the table and considered in the future after video of the meeting had been reviewed.

Cr Noone withdrew his motion for an adjournment with agreement of Cr Robertson.

Cr Malcolm then moved:

Resolution GCE22-103: Cr Malcolm Moved, Cr Forbes Seconded

That the Committee:

- 1) *Lays this report on the table to allow the Chief Executive and Councillors to review video of discussions held on the Code of Conduct Review: Update report to the 23 Feb 2023 Council Meeting.*

MOTION CARRIED

8. NOTICES OF MOTION

8.1. Notice of Motion - Community engagement work programme for the Land and Water Regional Plan FMUs

Cr Michael Deaker spoke to his Notice of Motion. He asked for an update on the community engagement work programme planned for the Land and Water Regional Plan FMUs to include events planned for community consultation and information about the online component of the consultation survey, including information about anonymous submissions.

Chief Executive Sarah Gardner and General Manager Strategy, Policy and Science Gwyneth Elsum said they would be happy to provide the update to this meeting. Manager Policy and Planning Anita Dawe was also available electronically to respond to questions.

Cr Deaker then moved:

Resolution GCE22-104: Cr Deaker Moved, Cr Calvert Seconded

That the Committee:

- 1) *Receive an update from staff on the community engagement work programme for the LWRP FMUs, including:*
 - a) *The community consultation events, their conduct, and their publicity, and*
 - b) *The online survey component of the consultation, including the ability to make anonymous submissions*

MOTION CARRIED

Mrs Gardner and Ms Elsum then updated the meeting about the planned community engagement. Several Councillors expressed concern about the component of the online survey which was set up to accept anonymous submissions. Mrs Gardner said the survey was set up with controls to keep individuals from submitting multiple times. She also noted that public consultation was not only open to those living in the community but also to anyone who had an interest. She said it was important to consider all opinions in this pre-consultation period. Ms Elsum said the programme was designed around a critical timeline and noted the online survey was a small piece of a very comprehensive piece of work to foster engagement. Cr Wilson indicated a disconnect with the process because the Governance Group had not met in the last three months. She also noted COVID-19 restrictions had impacted engagement opportunities.

Ms Elsum said it was difficult to do engagement in customary ways due to COVID-19 and a good option was to take the engagement online. She said while multiple small engagements across each rohe/FMU to minimise COVID-19 impacts could be useful, there was not enough staff nor enough time to meet the 2023 timeframe if this process was to be undertaken. Mrs Gardner said she was confident staff was doing everything possible to provide good opportunities for pre-consultation engagement. Ms Dawe agreed and said staff was meeting to debrief following each engagement to learn how to improve each time.

Following the end of questions, Cr Wilson moved:

Resolution GCE22-105: Cr Wilson Moved, Cr Calvert Seconded

That the Committee:

- 1) *Receives the verbal update from General Manager Strategy, Planning and Science Gwyneth Elsum.*
- 2) *Directs the ORC Chair to seek clarification from Local Government New Zealand (LGNZ) as to consultation advice, particularly the use of anonymity in online surveys and feed that clarification back into this process through the Land and Water Regional Plan Governance Group.*

MOTION CARRIED

9. CLOSURE

There was no further business and Committee Co-Chair Michael Deaker declared the public meeting closed at 10:51 am.

Chairperson

Date