



Minutes of an ordinary meeting of Council held in the
Council Chamber on
Wednesday 13 November 2019 at 9:00 a.m.

Membership

Hon Marian Hobbs	<i>(Chairperson)</i>
Cr Michael Laws	<i>(Deputy Chairperson)</i>
Cr Hilary Calvert	
Cr Alexa Forbes	
Cr Michael Deaker	
Cr Carmen Hope	
Cr Gary Kelliher	
Cr Kevin Malcolm	
Cr Andrew Noone	
Cr Gretchen Robertson	
Cr Bryan Scott	
Cr Kate Wilson	

Welcome

Chairperson Hobbs welcomed Councillors, members of the public and staff to the meeting at 9:00 a.m.

For our future

1. APOLOGIES

There were no apologies.

2. ATTENDANCE

Staff in attendance included:

Sarah Gardner (Chief Executive)
Nick Donnelly (General Manager Corporate Services and CFO)
Gavin Palmer (General Manager Operations)
Sally Giddens (General Manager People, Culture and Communications)
Richard Saunders (General Manager Regulatory)
Gwyneth Ellum (General Manager Strategy, Policy and Science)
Amanda Vercoe (Executive Advisor)
Liz Spector (Committee Secretary)
Eleanor Ross (Manager Communications Channels)
Ryan Tippet (Media Communications Lead)
Tom De Pelsemaeker (Team Leader Freshwater and Land)

3. CONFIRMATION OF AGENDA

The agenda was confirmed as circulated.

4. CONFLICT OF INTEREST

Cr Alexa Forbes noted she would stand back from discussions on Item 10.1, Plan Change 5A High Court Appeal, due to a potential conflict of interest.

5. PUBLIC FORUM

No public forum was held.

6. CONFIRMATION OF MINUTES

Resolution

That the minutes of the Council meeting held on 23 October 2019 be received and confirmed as a true and accurate record.

Moved: Cr Wilson

Seconded: Cr Hope

CARRIED

7. ACTIONS (STATUS OF COUNCIL RESOLUTIONS)

Status report on the resolutions of the Council Meeting

11.3 Delegations	3 April 2019	Direct CE to bring a review of delegations	IN PROGRESS – Regulatory/Governance
11.1 Policy Committee Appointment of Iwi Representation	15 May 2019	Review and define partnerships of the 2003 MoU and Protocol between ORC and Ngai Tahu/Kai Tahu for	IN PROGRESS - Governance

		Effective Consultation and Liaison	
11.3 Disposal of Poison Services Assets	15 May 2019	ORC to consult with community on proposed sale of poison services assets and include the Galloway land as part of a proposed sale	ASSIGNED - Operations
11.3 Finalise Biodiversity Action Plan	26 June 2019	Develop business case options for resourcing biodiversity and biosecurity activities to inform the next LTP (2021 - 2031) and enable implementation of the Biodiversity Action Plan.	IN PROGRESS - Operations
10.5 Lake Hayes Culvert	25 Sept 2019	Invite QLDC, DoC and NZTA to co-fund with ORC scoping investigation and establishment of a target water level range for Lake Hayes and scoping the investigation, consenting, design, construction, maintenance and funding of infrastructure to manage the lake level to that range.? This will require incorporation of activity and funding of ORC's share of the costs into draft Annual Plans.	IN PROGRESS - Operations
10.8 Delegation of Harbourmaster Duties	25 Sept 2019	Conduct a review and amendment of the ORC Navigational Safety Bylaw 2019, noting date of relinquishment of transfer agmt will be the same as the effective date of the amended bylaw.	IN PROGRESS - Regulatory

8. CHAIRPERSON'S AND CHIEF EXECUTIVE'S REPORTS

8.1. Chairperson's Report

8.2. Chief Executive's Report Resolution

That the Chairperson's and Chief Executive's reports be received.

Moved: Cr Hobbs

Seconded: Cr Laws

CARRIED

9. MATTERS FOR COUNCIL DECISION

9.1. Decision-Making Structure 2019-2022 Triennium

Cr Hobbs introduced the report and opened discussion on the proposed committee structure.

After a general discussion, the Councillors decided to consider the issue of iwi representation on the Strategy and Planning Committee separately first. Cr Calvert asked if the legal advice received on iwi representation on committees could be released to the public. CE Gardner said the Council must resolve to waive privilege in order to make the advice public. The councillors determined to wait until the resolution on the item was reached before deciding to resolve to waive privilege on the advice. Cr Wilson then moved:

Resolution

That the Council:

- 1) **Approves** an invitation being extended to iwi representatives to join the Strategy and Planning Committee, with full voting rights.

Moved: Cr Wilson

Seconded: Cr Deaker

CARRIED

A division was called:

Vote

For: Cr Hope, Cr Robertson, Cr Deaker, Cr Noone, Cr Hobbs, Cr Wilson, Cr Scott, Cr Forbes

Against: Cr Kelliher, Cr Calvert, Cr Laws, Cr Kevin Malcolm

Chair Hobbs continued the discussion on the remaining actions on the report. Cr Robertson suggested the Objections Committee and the Commissioner Appointment Subcommittees be combined into one subcommittee. The Councillors agreed to this and also agreed to Cr Hope's request to be removed from the committee's membership. Cr Wilson suggested the appointment of alternates should also be included for committees where appropriate and Cr Laws asked that the committee structure and membership for all committees should be reviewed after 6 months. Cr Wilson then moved:

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the proposed decision-making structure as outlined.
- 3) **Approves** the proposed memberships of the committees and groups, as outlined.
- 4) **Notes** that should the decision-making structure outlined be agreed, further content and detail, including any delegations, terms of reference, broad strategic context, scope and terms of engagement will be presented for Council consideration and adoption following a discussion at the first meeting of those committees and groups (to be scheduled before Christmas). This may require amendments to the brief purpose statements of each committee outlined below.

- 5) **Notes** additional guidance on a possible operating model for the Portfolio Action Working Group, for further discussion and consideration.
- 6) **Notes** that the decision-making structure agreed upon can be reviewed at any point over the triennium to ensure it is fit for purpose.
- 7) **Considers** appointment of alternates, where appropriate, for committees at the 11 December meeting
- 8) **Reviews** the committee structure of the ORC, including membership of committee groups, after six months.

Moved: Cr Wilson

Seconded: Cr Deaker

CARRIED

Chair Hobbs adjourned the meeting at 10:35 a.m.

Chair Hobbs called the meeting back into order at 10:54 a.m.

9.2. Approval of Councillor Remuneration for 2019 - 2022 Triennium and adoption of updated Expenses, Reimbursements and Allowances Policy

Cr Laws requested the report be considered in two parts, with Councillor Remuneration and the Expenses Policy considered separately. The Councillors agreed and Cr Noone made a motion to accept the remuneration as set out.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the Chair's remuneration is set by the independent Remuneration Authority at \$147,000 per annum (total remuneration).
- 3) **Adopts** the proposed remuneration for the Deputy Chair of the Otago Regional Council as \$83,598 per annum.
- 4) **Adopts** the proposed remuneration for the remaining Councillors of the Otago Regional Council as \$62,000 per annum.
- 5) **Agrees** that this information be forwarded to the Remuneration Authority by the Chief Executive by 20 November, to be included in the Authority's December Determination.

Moved: Cr Noone

Seconded: Cr Robertson

CARRIED

Chair Hobbs continued consideration of the Expense, Reimbursements and Allowance Policy. Cr Laws said as the region was large, and it was beneficial for Councillors to attend constituency events, the ORC should allow travel expense reimbursements to be made to Councillors who attended those events. He suggested that approval for those expenditures be given through the Chair. Chair Hobbs agreed and requested that whenever possible, she be given prior consideration for approval. Chair Hobbs also noted that she would include a summary of these reimbursements in her monthly Chairperson's Report to Council. Councillor Laws then moved:

Resolution

That the Council:

- 1) **Confirms** the attached *Expenses, Reimbursements and Allowances Policy* subject to inclusion of Chair-approved reimbursement of expenses for Councillor attendance at constituency events.

Moved: Cr Laws
Seconded: Cr Hope
CARRIED

9.3. Adoption of Standing Orders and Code of Conduct

Chair Hobbs introduced the report considering adoption of Standing Orders and the Code of Conduct. She asked if the Councillors had questions or concerns on any of the draft changes for discussion. Cr Laws asked if there was a way for a member attending via audio or audio/visual link to be considered present for purposes of a quorum. He said there were times Councillors from constituencies other than Dunedin could attend remotely rather than travel, for any number of reasons. Chair Hobbs noted the LGA2002 statute making ORC unable to override this and suggested she write the Minister for Local Government. The Councillors also discussed they were interested in having staff investigate the possibility of live-streaming the meetings or making the video available to the public.

Cr Deaker moved a point of order to suspend consideration of this item to allow Council consideration of Item 10.1, Plan Change 5A High Court Appeal while that staff was present.

Resolution

That the Council:

- 1) *Temporarily suspend consideration of Item 9.3 Adoption of Standing Orders and Code of Conduct to allow consideration of Item 10.1, Plan Change 5A High Court Appeal to be held while that staff was present.*

Moved: Cr Wilson
Seconded: Cr Scott
CARRIED

10. MATTERS FOR NOTING

10.1. Plan Change 5A High Court Appeal

Cr Forbes abstained from participation in the Plan Change 5A High Court Appeal discussion as she declared a conflict of interest.

General Manager Strategy, Policy and Science Gwyneth Elsum and Team Leader Freshwater and Land Tom De Pelsemaeker were present to answer questions. After a general discussion of the High Court appeal, Councillor Laws made a procedural motion to adjourn discussion on this item until the first meeting of the Strategy and Planning Committee on 27 November 2019 and to conduct the discussion in public-excluded as the item is related to a legal appeal.

Cr Scott left the meeting at 12:03 pm.

Cr Scott returned to the meeting at 12:05 pm.

Resolution

That the Council:

- 1) **Adjourn** the discussion on the Plan Change 5A High Court Appeal to the 27 November 2019 Strategy and Planning Committee meeting, and if necessary, move into public-excluded for the discussion.

Moved: Cr Laws

Seconded: Cr Calvert

CARRIED

Cr Malcolm, Cr Robertson and Cr Kelliher voted against the motion and asked that their votes be recorded in the minutes.

9. MATTERS FOR COUNCIL DECISION

9.3. Adoption of Standing Orders and Code of Conduct

Chair Hobbs reopened consideration of item 9.3 Adoption of Standing Orders and Code of Conduct after the discussion on Plan Change 5A High Court Appeal.

The Councillors reviewed the suggested changes. Cr Calvert requested an amendment to Sec 9.1, Distribution of the Agenda so the members of the meeting could be provided the agenda no later than 5 working days prior to the meeting. After a discussion with Executive Advisor Amanda Vercoe, who stated the intent of staff was to have the papers uploaded to the members no later than 4 days prior, or a Thursday before a Wednesday meeting, Cr Calvert then asked if the wording of the amendment could say "where possible". Cr Wilson noted that Option C should be chosen for Section 22.1, options for speaking and moving motions as it was the more informal method. This was included in the motion.

Cr Wilson asked for an amendment to be added to the resolution that staff report back within 4 months with options providing an ability to call on alternates and replacement for non-attendance of consecutive meetings of committees and subcommittees or delegations in Standing Orders. There was no further discussion and Chair Hobbs asked for a motion.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Notes** the requirement for Local Authorities to adopt Standing Orders and a Code of Conduct for the orderly conduct of its meetings.
- 3) **Notes** the requirement to achieve the agreement of at least 75% of members present at a meeting to adopt (and amend) the Standing Orders and the Code of Conduct.
- 4) **Approves** the adoption of Otago Regional Council Standing Orders, 13 November 2019, as provided in draft, with the following amendments:
 - i. Approves the amendment to Otago Regional Council's Standing Orders with updates to Section 2, Definitions;
 - ii. Approves the amendment to Otago Regional Council's Standing Orders, Section 4.2 Meeting duration, that no meeting can sit for more than two hours continuously without a break;

- iii. *Approves the amendment to Otago Regional Council's Standing Orders to include additional wording of clarification to Sections 3.5 Temporary suspension of standing orders; 9.6 Chair's report, 13.7 Right to attend by audio or audio visual link, 19.6 Request to have votes recorded, 20.2 Behaviour consistent with Code of Conduct, 21.5 Members may speak only once, 25.1 Procedural motions must be taken immediately, 25.2 Procedural motions to close or adjourn a debate (d), 28.1 Minutes to be evidence of proceedings;*
- iv. *Approves the amendment to Otago Regional Council's Standing Orders to include new Sections 8.5 Emergency meetings may be called, 8.6 Process for calling an emergency meeting, 8.7 Public notice – emergency and extraordinary meetings, 29 Keeping a record (29.1 to 29.3);*
- v. *Approves the amendment to Otago Regional Council's Standing Orders, to delete the following Sections: Emergency meetings may be called, Public notice – extraordinary meetings, Chief Executive may make other arrangements, Minute books – Inspection;*
- vi. *Approves the amendment to Otago Regional Council's Standing Orders to include a new section, Section 23.6 Chair may recommend amendment.*
- vii. *Decides under Section 22.1, Option C (informal) as the default for speaking and moving motions.*
- viii. *Approves the amendment to Section 9.10 Distribution of the agenda to state the agenda will be provided to every member of a meeting at least 5 working days before the meeting where possible and no less than two clear working days, except in the case of an extraordinary or emergency meeting.*

5) **Approves** the adoption of the Otago Regional Council Code of Conduct at 13 November 2019.

6) **Requests** a staff report within 4 months with options for possible amendments to Standing Orders keeping records of attendance and apologies at committee and subcommittee and delegation meetings, providing the ability to call on alternates and replacement for non-attendance of consecutive meetings of committees and subcommittees or delegations.

Moved: Cr Hope
 Seconded: Cr Deaker
 CARRIED

Chair Hobbs then made a motion that she write to the Minister for Local Government about the quorum concern.

Resolution

1) **That** the Chairperson will write to the Minister for Local Government regarding possible changes to the legislation which would allow members to be considered present and part of a quorum when attending a public meeting by audio or audio/visual link.

Moved: Cr Hobbs
 Seconded: Cr Laws
 CARRIED

9.4. ECO Fund - Terms of Reference

General Manager People, Culture and Communications Sally Giddens was present to answer questions about the report. Chair Hobbs asked if Councillors had any questions for Mrs Giddens. Cr Deaker noted the number high quality of applicants for the current round of funding requests and thanked staff for their work. There were no questions, and Chair Hobbs asked for a motion.

Cr Laws left the meeting at 12:28 pm.

Resolution

That the Council:

- 1) **Receives** this report.
- 2) **Adopts** the updated ECO Fund Decision Panel Terms of Reference.
- 3) **Notes** the ECO Fund Decision Panel Chair is being considered as part of the Decision Making Structure 2019-2022 Triennium agenda item.
- 4) **Notes** the Chief Executive, as delegated by Council, has appointed the ECO Fund Panel for the 1-20 October round as Cr Michael Deaker, Cr Marian Hobbs, Cr Alexa Forbes and Cr Kate Wilson.

Moved: Cr Kevin Malcolm

Seconded: Cr Hope

CARRIED

Cr Laws returned to the meeting at 12:30 pm.

11. CLOSURE

Cr Calvert had earlier asked to waive privilege and release the Buddle Findlay advice obtained on iwi representation on committees. As the discussion was concluded on the item in question, her motion was put.

Resolution

- 1) *That privilege be waived on the legal opinion for iwi representation on committees obtained from Buddle Findlay, allowing it to be released upon request.*

Moved: Cr Calvert

Seconded: Cr Laws

CARRIED

As there was no further business, Chair Hobbs declared the meeting closed at 12:32 pm.



Chairperson



Date