



Extraordinary Council

OPEN MINUTES

Minutes of a meeting of Extraordinary Council held in the Council Chamber, 15 Forth Street, Invercargill on Wednesday, 31 January 2018 at 9.30am.

PRESENT

Mayor	Mayor Gary Tong
Deputy Mayor	Paul Duffy
Councillors	Brian Dillon
	John Douglas
	Bruce Ford
	Darren Frazer
	George Harpur
	Julie Keast
	Ebel Kremer
	Gavin Macpherson
	Neil Paterson

IN ATTENDANCE

Chief Executive Officer – Steve Ruru, Services and Assets – Ian Marshall, Chief Financial Officer – Anne Robson, Group Manager, Customer Support – Trudie Hurst, Communications Manager – Louise Pagan, Governance and Democracy Manager – Clare Sullivan and Committee Advisor – Fiona Dunlop.

1 Apologies

Apologies have been received from Councillors Baird and Perham.

Resolution

Moved Cr Paterson, seconded Deputy Mayor Duffy and **resolved:**

That Council accept the apologies.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

Mayor Tong advised that pursuant to section 46A(7) of the Local Government Official Information and Meetings Act 1987 there were two late items to be considered at this meeting. The first being a report relating to the Chaslands Highway Slip Repairs and the second, Financial Delegations to Chief Executive.

He advised that the reason that the item "Chaslands Highway Slip Repairs" was not on the agenda is that at the time of the agenda being published the recommended option and project cost information was not available and Discussion on the matter cannot be delayed until a subsequent meeting.

The reason why the discussion of the "Chaslands Highway Slip Repairs" item cannot be delayed until a subsequent meeting as the next council meeting being a month away, progress on the project would be unnecessarily halted at a critical point in the construction season particularly given the exceptionally fine weather Southland is experiencing..

Mayor Tong also advised that the reason that the item Financial Delegations for Chief Executive was not on the agenda is that it only come clear at the end of last week that the current continued weather conditions and water shortage are likely to result in additional expenditure required outside the current Annual Plan. The expenditure being discussed will also be higher than the financial delegation held by the Chief Executive for unbudgeted expenditure of \$10,000 & may be required where the Chief Executive has no unbudgeted financial delegation and the unbudgeted expenditure delegation held by

local Community Board, Community Development Area Subcommittee, Water Supply Subcommittee of \$20,000 won't be sufficient.

He also advised that the reason that the item Financial Delegations for Chief Executive needs to be discussed at this meeting of Council was because the next full meeting of Council is on 22 February 2018. The original intent was to include a report on that agenda however late on Friday 26 January 2018 issues arose in the water activity that mean there is likely to be capital expenditure needed (above \$10,000) in the next 1-2 weeks to ensure continuation of stock water supply to rural water schemes. A delay to the meeting on the 22 February 2018 may mean that there is a time delay in dealing with the issues or the Chief Executive has to operate outside current delegations.

Moved Mayor Tong, seconded Cr Kremer and **resolved:**

That the Council discuss the Chaslands Highway Slip Repairs and the Financial Delegations to the Chief Executive at this meeting of Council.

Reports - Governance

6.1 Whakamana te Waituna - Request for Council endorsement of draft Trust Deed and appointment of Trustees

Record No: R/18/1/1104

Team Leader, Resource Management Marcus Roy and Resource Management Planner – Margaret Ferguson were in attendance for this item.

Mr Roy advised that the purpose of this report is to seek the Council's endorsement of the Whakamana te Waituna Trust Deed and the appointment of Southland District Council elected representatives as Trustees.

The Meeting noted that the Southland District Council has been part of the Waituna Partnership for several years, along with Ngāi Tahu, Environment Southland and the Department of Conservation.

Resolution

Moved Mayor Tong, seconded Cr Harpur **and resolved:**

That the Council:

- a) **Receives the report titled "Whakamana te Waituna - Request for Council endorsement of draft Trust Deed and appointment of Trustees" dated 24 January 2018.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not**

require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.

- d) **Endorses the draft Whakamana te Waituna Trust deed for signing by the appointed Trustees at the upcoming ceremony at Bluff on Waitangi Day, 6 February 2018**
- e) **Resolves that the two Southland District Council appointees to the Trust shall initially be the two Waihopai Toetoes elected representatives, being Crs Duffy and Keast**
- f) **Determines, in accordance with the provisions of section 80 of the Local Government Act 2002 that the decision to appoint the two Waihopai Toetoes Councillors as Trustees constitutes a decision that is inconsistent with its Appointment of Directors Policy**
- g) **Determines that it is making this inconsistent decision because of the local knowledge and experience with the Waituna matters that the two Councillors concerned would bring**
- h) **Determines, in accordance with section 80(1)(c) of the Local Government Act 2002, that it will not be amending its Appointment of Directors policy to accommodate this decision.**

Reports - Operational Matters

A.1 Chaslands Highway Slip Repairs

Record No: R/18/1/1589

Strategic Manager Roading – Hartley Hare and Roading Asset Engineer – Roy Clearwater were in attendance for this item.

Mr Hare advised that the report was seeking endorsement of the proposed repair works and procurement to remediate the slip that occurred on Chaslands Highway in June 2015 along with additional preventative work of a secondary site which is starting to fail/slip on Chaslands Highway.

The Meeting noted that the report covered the methodology of repairing both the major and minor slips on Chaslands Highway.

Resolution

Moved Cr Douglas, seconded Cr Dillon **and resolved:**

That the Council:

- a) **Receives the report titled “Chaslands Highway Slip Repairs” dated 26 January 2018.**

- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Endorses the proposed methodology for repair of Chaslands Highway Slips from RP 28100-28240 and RP 27120-27170 respectively.**
- e) **Approves unbudgeted expenditure of up to \$1.25 million to enable the Chaslands Highway slip repair works to be completed subject to NZTA confirming funding for the full cost of repairs.**
- f) **Endorses the procurement of lowest price conforming methodology.**
- g) **Delegates authority to the Chief Executive to let a contract up to the value of \$1.25M subject to NZTA funding approval along with satisfactory tenders being received that provide value to the Southland District Council.**

A.2 Financial Delegation for Chief Executive

Record No: R/18/1/1892

Management Accountant – Susan McNamara was in attendance for this item.

Miss McNamara advised that the purpose of the report is to provide the Chief Executive with a financial delegation to approve expenditure needed due to extreme weather and/or other emergency works including issues arising from the current prolonged period of dry weather.

The Meeting noted that Southland has been experiencing a prolonged period of warm and dry weather. This weather pattern, combined with increased demand has caused a water shortage. The current financial delegations from Council will require any work above a minor nature to be approved by Council before being undertaken. This could create delays with being able to action the needed works.

Miss McNamara further advised that issues arising from the current dry weather have highlighted the need to put in place a delegation to enable the Chief Executive to authorise needed works in extreme weather and/or other emergency events.

The Meeting also noted that the report is requesting a delegation to the Chief Executive of \$500,000, with any expenditure above \$100,000 to be reported to Council, to enable work be undertaken as required in an extreme weather and/or other emergency event.

Resolution

Moved Cr Kremer, seconded Cr Frazer **and resolved:**

That the Council:

- a) **Receives the report titled "Financial Delegation for Chief Executive" dated 29 January 2018.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves a financial delegation to the Chief Executive for operational and capital expenditure required due to an extreme weather and/or other emergency event above existing budgets up to \$500,000.**
- e) **Requires the Chief Executive to report to Council where the expenditure under the delegation exceeds \$100,000.**

The meeting concluded at 9.47am

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE COUNCIL HELD ON WEDNESDAY
31 JANUARY 2018.

DATE:.....

CHAIRPERSON:.....