



Unconfirmed

MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 25 February 2009

Time: 9.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: A Dick - Chairman
T Gilbertson
N Kirton
E McGregor
L Remmerswaal
K Rose
C Scott
E von Dadelszen

In Attendance: A Newman – Chief Executive
P Drury – Group Manager Corporate Services
M Adye – Group Manager Asset Management
H Codlin – Group Manager Strategic Development
M Mohi – Chairman – Maori Committee
C Gilbertson – Administration Manager

1. WELCOME/PRAYER/APOLOGIES

Chairman Alan Dick welcomed everyone to the meeting and called up Councillor Rose to deliver the prayer. There were no apologies. The Chairman advised that he and the Chief Executive would be leaving the Council meeting to attend a meeting with the Minister of Transport at approximately 11am, therefore items would be discussed out of order of the agenda.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

19. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY, 17 DECEMBER 2008

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 19 - Confirmation of Public Excluded Minutes of Meeting held on Wednesday, 17 December 2008, with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

<u>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</u>	<u>REASON FOR PASSING THIS RESOLUTION</u>	<u>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</u>
10. Passenger Transport	7(2)(b)(ii) That the public conduct of this part of the agenda item would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**McGregor/Scott
CARRIED**

20. WATER METER BUSINESS UNIT PROPOSAL

Resolution:

That Council exclude the public from this section of the meeting being Agenda Item 20, Water Meter Business Unit Proposal, with the general subject of the item to be considered while the public are excluded, the reason for passing this resolution and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

<u>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</u>	<u>REASON FOR PASSING THIS RESOLUTION</u>	<u>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</u>
20 Water Meter Business Unit	7(2)© That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to honour an obligation of confidence. 7(2)(b) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information which otherwise would prejudice the commercial position of Council.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**McGregor/Scott
CARRIED**

The Council moved into Public Excluded session at 9.03am.

The Council moved out of Public Excluded session at 10.15am.

14. COUNCILLOR REMUNERATION 2009/10

The Chairman and Chief Executive advised the Remuneration Authority wrote to the Council during December 2008 and set down the indicative pool for Councillor remuneration for the 2009/10 year. Council must consider the options available to it so a recommendation can be made to the Remuneration Authority for the distribution of the net pool amongst elected members of Council.

Maori Committee Chairman Remuneration

The Chairman asked that the Council consider this issue first, which identifies the increase in workloads for this role and the importance of this role to the Council and recommends an increase in remuneration to the Chairman of the Maori Committee.

Council agreed to an increase in the current salary level for the Maori Committee Chairman.

1.10 That the Chairman of the Maori Committee be paid an annual salary equivalent to that paid to a Councillor without Committee Chairman responsibilities, this increase in salary being necessary due to the increased responsibilities currently being undertaken by the current Chairman of the Maori Committee. Further, it is noted that the payment of this salary is not funded from the Councillor remuneration pool as advised by the Remuneration Authority.

1.11 Amend the Policy Handbook, section 1.4.2(b) to reflect the change in the basis for the annual salary payment to the Chairman of the Maori Committee, being an amount equivalent to the salary paid to a Councillor with Committee Chair responsibilities, and that this amendment takes effect from the date of this resolution.

**Rose/Gilbertson
CARRIED**

Remuneration Pool

The Chairman advised the Council needs to accept that the Remuneration Authority has suggested an increase in the remuneration pool to recognise a catch up is required for the increase in cost of living, and that it is not a pay increase. If individual Councillors chose not to take the proposed increase, it is their personal choice to do with it what they wish, including making a donation of their choice.

Councillors spoke in both support of and in opposition to any increase, expressing the following views:- the position of Councillor included a large element of public good; that currently Councillors' pay was sufficient; that not accepting this increase would flag to the public that the significant hardship in the economic environment was being taken into account; the Remuneration Authority addresses remuneration issues on behalf of all Councils to take this decision away from Councillors; the proposed salary reflects the workloads of Councillors.

Resolutions:

1.1 Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance as Council is required to respond to the Remuneration Authority as a requirement of statute and, is required to determine for themselves, the appropriate apportionment of the remuneration pool as defined by the Authority.

1.2 Resolve the level of payments to be made to Councillors with Chair responsibilities and those without Chair responsibilities for the 2009/10 financial year, consistent with the remuneration pool as advised by the Remuneration

Authority covering that period, and recommend to the Remuneration Authority that these payment levels be included in the determination for the 2009/10 financial year.

- 1.3 Resolve that, where additional payments over the 2008/09 are recommended to the Remuneration Authority and given effect in the determination, that it is up to each individual Councillor's discretion if they wish to donate such an increase to a charity or other purpose.

**Dick/Rose
CARRIED 7/1**

Councillor Kirton recorded his vote against the motion

Hearings Committee

There was discussion on the number of days required for hearing Council plans and subsequently a reduction was made to the original number estimated.

The Chairman and Chief Executive left the meeting to attend a meeting with the Minister of Transport, therefore this item was adjourned until the Chairman's return.

Councillor Scott then assumed the Chair while Chairman Dick and Chief Executive attended a meeting with the Minister of Transport

3. CONFIRMATION OF MINUTES OF MEETING HELD ON WEDNESDAY, 17 DECEMBER 2008 AND TUESDAY, 3 FEBRUARY 2009

Resolution:

Minutes of the meeting held on Wednesday, 17 December 2008 a copy having been circulated prior to the meeting, were taken as read and confirmed.

**McGregor/Rose
CARRIED**

Resolution:

Minutes of the meeting held on Tuesday, 3 February 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed, as amended.

**Rose/von Dadelszen
CARRIED**

4. MATTERS ARISING FROM MINUTES OF THE MEETING HELD ON WEDNESDAY, 17 DECEMBER 2008

12. Rugby World Cup

Councillors noted that this project had been led by Ross Bramwell with support from Mayor Arnott and Mayor Yule. Council acknowledged the significant contribution Mr Bramwell has made and is making to this project.

5. ACTION ITEMS FROM COUNCIL MEETINGS

Evers-Swindell Twins, Naming of Open Space Pathway

Councillors were advised that the Geographical Society had written to Council stating they would not allow anything (this includes pathways) to be named after someone who was still living.

Resolution

That Council receives the report "Action Items from Council Meetings".

**McGregor/Gilbertson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- i. Leave of Absence
- ii. Further Information on Implementation of Plan Change re Air Quality
- iii. Item for Environmental Management Committee
- iv. Letter to the Editor re Complaint about Rabbits
- v. Mohaka River Information
- vi. Human Resources (HR) Report
- vii. Update on Tukituki

7. AFFIXING OF COMMON SEAL

The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 39 DP 921 CT B3/1158 - Agreement for Sale and Purchase - Transfer	2808 2809	17 December 2008 22 December 2008
	1.1.2 Lot 18 DP 4488 CT 56/281 - Agreement for Sale and Purchase - Transfer	2810 2811	22 December 2008 22 December 2008
1.2	Easement Creation of a mutual Easement between 41-43 Tom Parker Avenue – creating a service corridor	2807	15 December 2008
1.3	Awanui Stream Stopbank Reconstruction Specification for upstream Crystall Road Stage 2 Left Bank 0-565m	2812	7 January 2009
1.4	Staff Warrant	2813	13 January 2009
1.5	Land Purchase Agreement Part Pukahu 33E1B Block Right Bank, Awanui Stream, Upstream Crystall Road	2814	26 January 2009
1.6	Land Purchase Agreement Part Pukahu 33E2B Block Right Bank, Awanui Stream, Upstream Crystall Road	2815	29 January 2009
1.7	Creation of Esplanade Strip Lot 1 DPS85361 and Lot 3 DPS37805 Tararua Stream	2816	12 February 2009

Resolutions:

1. That Council:

- 1.1 Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature of the issue to be considered and decided.
- 1.2 Confirm the action to affix the Common Seal.

**von Dadelszen/Rose
CARRIED**

8. BY-ELECTION 2009

Mrs Gilbertson advised that following the resignation of the member for the Wairoa Constituency, Council would be holding a By-election to fill that position. Nominations opened on 5 February and close on 5 March and the election will be held on 24 April 2009. Council has engaged the assistance of Electionz.com to work with Council's Electoral Officer to run this By-election.

Councillors decided to have alphabetical order for the nomination papers and to allow early processing of votes for this By-election.

Resolutions:

1. That Council:

- 1.1. Resolve that the decisions to be made are not significant under the criteria contained in Council's adopted "policy on significance"; however, Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on those issues without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
- 1.2. Resolve that the costs for the 2009 Wairoa By-election be paid for from the contingency budget.
- 1.3. Resolve that the order of each candidate will appear on the 2009 Wairoa By-election voting paper in alphabetical order of surname.
- 1.4. Resolve to allow voting documents in the 2009 Wairoa By-election to be processed during the voting period.

**McGregor/von Dadelszen
CARRIED**

**9. DRAFT TEN YEAR PLAN
PROMOTION & COMMUNITY CONSULTATION PROGRAMME**

Mr Bradley outlined the proposal for how the 10 Year Plan will be socialised and promoted to the public and how community consultation would occur.

Councillors approved the proposals and agreed that holding the Expos was a good idea as public meetings have not always worked well in the past.

Some changes were suggested to the proposed questions within the key themes, these will be revised before they are sent out.

Resolutions:

1. That Council:
 - 1.1. Receive this report.
 - 1.2. Endorse the proposed Promotion and Community Consultation Programme for the 2009-19 Draft Ten Year Plan, as amended.

**Gilbertson/von Dadelszen
CARRIED**

10. CHANGE TO 2009 MEETING SCHEDULE

Mrs Gilbertson outlined a revised meeting schedule for 2009 for Council to consider and adopt following a request to separate the Strategic Planning and Finance Committee meetings from the Asset Management meetings in March, July and November. Councillors discussed and agreed to the changes as proposed, the new dates will be Wednesday, 11 March; Wednesday, 15 July; and Tuesday, 17 November.

Resolutions:

1. That Council:
 - 1.1. Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
 - 1.2. Agree to change the previously approved 2009 schedule of meetings to take into account the change to the Strategic Planning and Finance Committee meeting dates.

**Rose/von Dadelszen
CARRIED**

11. BUILDING ACT DELEGATIONS

Mr Bryce Lawrence and Mr Darryl Lew advised the report sought delegations to appropriate staff to enable the Council to carry out its obligations under the Building Act 2004. The Council is responsible for dam structures under Section 13 of the Building Act 2004. The reason this report had to come to this Council meeting was that following a routine aerial survey a large potentially un-consented dam had been photographed, which necessitated timely further investigation because of potential liability issues for Council.

Resolutions:

1. That Council:
 - 1.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
 - 1.2. Delegates the functions and powers listed below, to the Chief Executive, and authorises the Chief Executive to further delegate to staff as he sees fit to enable Council to fulfil its obligations under the Building Act 2004.

Building Act 2004 Reference	Description
S194	To make an application for registration as a Building Consent Authority.
S208	To appeal a decision of the CEO of the Ministry responsible for the administration of the Building Act 2004.
S252(4)	To request to change the scope of accreditation.
S253	To make an application for accreditation to perform Building Consent Authority functions.
S276(2)(b)	To make submissions on a review of the regional authority.
S403(4)(b)	To make submissions as an “interested person” to proposed Orders in Council or regulations.
S222, S229 and S372	To appoint and authorise officers to inspect building work (S222), and issues infringement notices (S229 & S372)
S33(1)(b) or (c)	To require further information where there has been an application for a project information memoranda.
S34	To issue a project information memoranda.
S36	To attach a development contribution notice to project information memoranda.
S45(1)(c)	To specify the information that the Building Consent Authority “reasonably requires” to be lodged with a building consent application.
S48(1)	Decision on a building consent application.
S48(2)	To suspend an application where further information is required.
S49(2)	To decline a building consent application until any charges or levies payable are paid.
S51(3)	Decision to grant a building consent in the absence of a Project Information Memorandum (PIM).
S52(b)	Allowing a lapse period beyond 12 months for a building consent.
S67(1) and (2)	Decision to grant an application for a building consent subject to a waiver or modification and to impose any conditions.
S71(2)	To determine whether adequate provision has been made in respect of certain aspects relating to natural hazards.
S72	To determine whether the matters in s72 relating to natural hazards are satisfied.
S93(1) and s94	Decision to grant a code compliance certificate.
S93(2)	To agree on a period beyond two years for an application for a code compliance certificate.
S93(4)	To require further information in relation to an application for a code compliance certificate.
S96(1) and s98(1)	Decision to issue a certificate of acceptance.
S97(c)	To specify the information that the regional authority “reasonably requires” to be lodged with an application for a certificate of acceptance.
S98(2)	To require further information in relation to an application for a certificate of acceptance.
S99(2)	To qualify a certificate of acceptance to the effect that only parts of the

	structure were able to be inspected.
S106(3)	To specify the information that the regional authority “reasonably requires” to be lodged with an application for an amendment to a compliance schedule.
S106(4)	Decision to amend a compliance schedule in response to an application to do so.
S107(2)	Decision to amend a compliance schedule on the regional authority’s own initiative.
S109(c)	Decision to accept a recommendation to amend a compliance schedule arising from the annual warrant of fitness.
S110(c)	To require an owner of a dam to produce compliance schedule reports under s110(a).
S111(1)	Decision to inspect dam or specified systems where a compliance schedule has been issued.
S111(2)	To charge a fee for inspections under s111(1).
S112	Decision to grant building consent for an alteration to a dam.
S115	Decision to allow the change of use of a dam.
S116(1) and (3)	Decision to allow the extension of life of a dam.
S116A	Decision to allow subdivision of land affecting a dam.
S136(1)	Decision to approve a dam safety classification.
S143(1)	Decision to approve a dam safety assurance programme.
S220(1)	To require a person to carry out building work.
S220(2)	To make an application to the District Court for an order in respect of building work required to be done.
s220(4)(b)	To seek recovery of costs associated with carrying out building work authorised under s220(2).
S221(2)(a)	To destroy, sell, or otherwise dispose of any materials that result from carrying out building work authorised under s220(2).
S315(1)	To make a complaint about a licensed building practitioner.
S381(1)	To make an application to the District Court for an injunction in respect of certain continuing breaches.
S62(2)	To seek recovery of unpaid levies from a building consent applicant.
S145(2)	To allow a period beyond 15 working days for a dam safety assurance programme re-audit.
S154(1)	Decision whether a dam is dangerous in terms of s153.
S154(1)	Decision to require actions specified in s154(1) in relation to dangerous dams.
S155(1)(a)	To determine whether building consent is required in respect of notified work.
S156(1)	Decision to apply to the District Court for an order enabling the regional authority to carry out building work.
S156(3)(b)	Decision to recover costs of regional authority undertaking building work in accordance with s156(1).
S157(2)	Decision to take immediate action to remove danger.

S157(3)(b)	Decision to recover costs of regional authority taking action in accordance with s157(2).
S371(2)	To commence proceedings where an infringement notice has been issued.
S138(2)	To allow a period beyond 15 working days for a dam safety classification re-audit.
S148(a)(iii)	To agree on the location of the dam safety assurance programme.
S164(1)	Decision that a notice to fix should be issued.
S164(3)	Decision that another authority should issue a notice to fix.
S165(1)(b)	To determine a reasonable timeframe within which a notice to fix must be complied with.
S165(1)(c) and (d)	To determine whether a notice to fix should include a requirement to apply for a certificate of acceptance or a building consent (or amendment to an existing building consent).
S165(1)(f)	To determine whether a notice to fix should include a direction to cease building work and, if so, determining if and when work is able to resume.
S167(2)	To determine whether a notice to fix has been complied with.
S229(1)(a)	To authorise officers to issue infringement notices under s372.
S240(2)	To refuse to perform functions under the Building Act 2004 where fees, charges or levies are unpaid.
S222	To authorise officers to inspect building work

- 1.3. Delegates the power to the Chief Executive, to issue written warrants to contractors under Section 179 of the Local Government Act 2002, to enable those contractors to assist Council staff as required when fulfilling Council's obligations under the Building Act 2004.

**von Dadelszen/Gilbertson
CARRIED**

12. APPEALS ON KARAMU WATER PERMITS

Mr Darryl Lew and Ms Michelle Conland advised that this report sought Council's instructions to staff in relation to the 19 appeals from Te Taiwhenua o Heretaunga that have been lodged with the Environment Court, regarding resource consents granted within the Karamu catchment.

Mr Lew advised that he and Ms Conland had met with a number of appellants and Te Taiwhenua and were hopeful of a resolution for a large number of the appeals (15 out of 19 ready to be signed off). Council congratulated the staff for their actions with these appeals.

Resolutions:

1. That Council:

- 1.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion to make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

- 1.2. Authorises officers to attend mediation of the appeals lodged with the Environment Court with respect to its decisions on the various water permit applications.
- 1.3. Delegates, in accordance with s34A of the Resource Management Act, to the Group Manager Environmental Management the authority to sign any mediated agreement on behalf of Council.

**Rose/Gilbertson
CARRIED**

13. APPOINTMENT OF COMMISSIONERS FOR A RESOURCE CONSENT HEARING

Ms Conland advised this report sought Council's approval for the appointment of two commissioners for the hearing of applications to take water from the Ngaruroro River. These applications have resulted from the Hawke's Bay Regional Council no longer requiring resource consent to take water from the Ngaruroro River to recharge the Roy's Hill Aquifer. Council approved the appointments.

Resolutions:

1. That Council:
 - 1.1 Delegates to Mr Hugh Hamilton and Mr Rowan Strickland authority under s.34 of the Resource Management Act 1991 to jointly hear and determine the resource consent applications WP090001T (Parker), WP090002T (Knauf), WP0900003T (Tumuhau Trust), WP090004T (Matapiro Services Limited), WP090005T (Te Taiwhenua o Heretaunga) and WP090006T (Poranui Farming Trust) to take water from the Ngaruroro River.
 - 1.2 Delegates to Mr Hugh Hamilton and Mr Rowan Strickland the necessary powers, functions and duties set out in Sections 37, 39 to 42A, 92, and 99 to 108A of the Resource Management Act 1991.

**McGregor/Gilbertson
CARRIED**

21. Sound System

Mrs Gilbertson advised that following a request from Councillors to investigate options to replace the current sound system in the Council Chambers, two quotes had been received ranging from \$39,415 to \$90,588.

Councillors debated the need for an upgrade noting the current system is inadequate, the speakers are of poor quality, there are not enough microphones and they are of poor quality; and only one microphone can be used at any time. Contrary views were also expressed.

It was also noted that the Chamber is used on numerous occasions for meetings other than Council meetings, these include Hearings and the Transport committee meetings, where there is a need to use this system.

Councillor Dick returned to the meeting at 12.20pm

Resolutions:

1. That Council:
 - 1.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

1.2. Resolves to upgrade the sound system in the Council Chambers.

**Rose/McGregor
CARRIED 4/3**

1.3. Delegates to the Tenders Committee to make a decision on which system is to be purchased.

1.4. Notes that any purchase will be funded from Council's asset replacement reserve.

**Rose/McGregor
CARRIED 5/3**

Councillor Gilbertson recorded his vote against the motion

***The meeting adjourned at 12.30pm and reconvened at 1.00pm
Chairman Dick assumed the Chair***

15. MARCOMMS ACTIVITY REPORT

Ms Codlin and Mr Broadley advised this report was to provide, for Councillors information, the Marketing Communications Activity Report for January 2009. As this was the first report produced by the MarComms team it was put on the Council agenda, but will now continue to be emailed to Councillors each month.

Resolution:

1. That the Council receives the Marketing Communications Activity Report for January 2009.

Council then reconvened the discussion on agenda item 14 – Councillor Remuneration.

14. COUNCILLOR REMUNERATION CONTINUED

Hearings

Chairman Dick advised that after consideration by the Hearings Committee Chairman, Councillor Scott, it had been identified that provision for 27 paid days for Hearings would be appropriate.

Air Quality

Councillors then debated whether Air Quality submissions should be heard by Commissioner(s) or full Council or the Hearings Committee. Issues debated included; whether Councillors had a bias or predetermination to preclude them hearing submissions; that it would be up to each Councillor to decide whether they think they have a bias or predetermined stance on any decision; a commissioner would be a very expensive cost to the ratepayers; Council has heard controversial submissions before (Coastal Hazards); if Council starts to delegate these plans, on what policies Council would decide.

Councillor Rose then moved the following recommendation, which was seconded by Councillor Gilbertson:

Resolution:

- 1.4 Agree that Air Quality Plan submissions be heard by an Independent Commissioner(s), to make a recommendation back to Council.***

The motion, when put, was LOST 3/4.

- 1.4 Agree that the Proposed Air Quality plan change will be heard by the Hearings Committee.

**Gilbertson/Scott
CARRIED**

Scenarios

Councillors then discussed the scenarios and indicated a preference for scenario 7 with the reduced pool for Plan Hearings.

Resolutions:

1.5 Replace (subject to approval of the Remuneration Authority) Section 1.4.2 (Remuneration) of Council's Policy Handbook with the following, from 1 July 2009, and with elected members only ever being eligible for one salary with that salary being the highest applicable from the table below:

ROLE		COMMENT	SALARY
Chairman of Council:	Salary		\$109,429
Deputy Chairman	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$48,361.50
Chairman of: - Hearings Committee - Asset Management and Biosecurity Committee - Environmental Management Committee - Hawke's Bay Incorporated Advisory Board	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$48,361.50
All other elected members of Council	Salary	Being 4 members total \$175,446	\$43,861.50

**Rose/von Dadelszen
CARRIED 7/1**

1.6 Affirm the allocation of \$18,400 from the Remuneration pool, subject to approval of the Remuneration Authority. Further that Section 1.4.3 (Meeting Allowances) of Council's Policy Handbook state that a daily meeting allowance be paid to elected members of Council who sit on the Hearings Committee but only for meetings in excess of 6 (and excluding meetings to consider resource consent applications under the Resource Management Act 1991) in any one financial year of Council and that for the 7th and further meeting days a meeting fee allowance of \$230 per meeting per elected member be paid with the proviso elected members are present at the meeting for at least 75% of the time and there are sufficient funds remaining in the remuneration pool to allow the payment of daily meeting fee allowances.

Rose/von Dadelszen

Following further discussion the Chairman asked Councillors to reconsider whether scenario 7 was the most appropriate, Council then rescinded their earlier decision to adopt scenario 7 and agreed that scenario 8 allowed more flexibility with ability to pay a further committee chair if it is needed.

1.7 Agree to rescind the earlier decision (1.5) made by Council.

**Rose/von Dadelszen
CARRIED**

1.8 Replace (subject to approval of the Remuneration Authority) Section 1.4.2 (Remuneration) of Council's Policy Handbook with the following, from 1 July 2009, and with elected members only ever being eligible for one salary with that salary being the highest applicable from the table below:

ROLE		COMMENT	SALARY
Chairman of Council:	Salary		\$109,429
Deputy Chairman	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$47,799
Chairman of: - Hearings Committee - Asset Management and Biosecurity Committee - Environmental Management Committee - Strategy and Finance Committee - Hawke's Bay Incorporated Advisory Board	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$47,799
All other elected members of Council	Salary		\$43,299

Rose/von Dadelszen
CARRIED 7/1

Councillor Remmerswaal then moved an amendment to 1.9 to remove the words "but only for meetings in excess of 6" as the hearings commandeered a very large workload. This was seconded by Councillor Gilbertson, to read:

1.9 Affirm the allocation of \$18,400 (which represents 80 paid meetings) from the Remuneration pool, subject to approval of the Remuneration Authority. Further that Section 1.4.3 (Meeting Allowances) of Council's Policy Handbook state that a daily meeting allowance be paid to elected members of Council who sit on the Hearings Committee (and excluding meetings to consider resource consent applications under the Resource Management Act 1991) ~~in any one financial year of Council and that for the 7th and further meeting days a meeting fee allowance of \$230 per meeting per elected member be paid with the proviso elected members are present at the meeting for at least 75% of the time and there are sufficient funds remaining in the remuneration pool to allow the payment of daily meeting fee allowances.~~

Remmerswaal/Gilbertson
LOST 2/6

The motion when put was **LOST 2/6**, and the original Resolution 1.9 therefore stood.

1.9 Affirm the allocation of \$18,400 (which represents 80 paid meetings) from the Remuneration pool, subject to approval of the Remuneration Authority. Further that Section 1.4.3 (Meeting Allowances) of Council's Policy

Handbook state that a daily meeting allowance be paid to elected members of Council who sit on the Hearings Committee but only for meetings in excess of 6 (and excluding meetings to consider resource consent applications under the Resource Management Act 1991) in any one financial year of Council and that for the 7th and further meeting days a meeting fee allowance of \$230 per meeting per elected member be paid with the proviso elected members are present at the meeting for at least 75% of the time and there are sufficient funds remaining in the remuneration pool to allow the payment of daily meeting fee allowances.

**Rose/von Dadelszen
CARRIED 7/1**

Resolutions 1.8 and 1.9 were then **CARRIED 7/1**

For completeness **all** resolutions (1.1 – 1.11) are shown below:

Resolutions:

1. That Council:

- 1.1 Agree that Council is required to respond to the Remuneration Authority as a requirement of statute and is required to determine for themselves the appropriate apportionment of the remuneration pool defined by the Authority
- 1.2 Resolve the level of payments to be made to Councillors with Chair responsibilities and those without Chair responsibilities for the 2009/10 financial year, consistent with the remuneration pool as advised by the Remuneration Authority covering that period, and recommend to the Remuneration Authority that these payment levels be included in the determination for the 2009/10 financial year.
- 1.3 Resolve that, where additional payments over the 2008/09 are recommended to the Remuneration Authority and given effect in the determination, that it is up to each individual Councillor's discretion if they wish to donate such an increase to a charity or other purpose.

**Dick/Rose
CARRIED 7/1**

Councillor Kirton recorded his vote against the motion

1.4 Agree that Air Quality Plan submissions be heard by an Independent Commissioner(s), to make a recommendation back to Council.

**Rose/Gilbertson
LOST 3/4.**

1.4 Agree that Air Quality Plan submissions be heard by the Hearings Committee.

**Gilbertson/Scott
CARRIED**

1.5 Replace (subject to approval of the Remuneration Authority) Section 1.4.2 (Remuneration) of Council's Policy Handbook with the following, from 1 July 2009, and with elected members only ever being eligible for one salary with that salary being the highest applicable from the table below:

ROLE		COMMENT	SALARY
Chairman of Council:	Salary		\$109,429
Deputy Chairman	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman	\$48,361.50

		responsibilities or Deputy Chairman responsibilities.	
Chairman of: - Hearings Committee - Asset Management and Biosecurity Committee - Environmental Management Committee - Hawke's Bay Incorporated Advisory Board	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$48,361.50
All other elected members of Council	Salary	Being 4 members total \$175,446	\$43,861.50

**Rose/von Dadelszen
CARRIED 7/1
LATER RESCINDED**

1.6 Agree to rescind the earlier decision (1.5) made by Council.

**Rose/von Dadelszen
CARRIED**

1.7 Agree to adopt scenario 8, and the salary levels relating to this scenario, be recommended to the Remuneration Authority, which includes an additional chair position be kept in reserve.

**Rose/von Dadelszen
CARRIED**

1.8 Replace (subject to approval of the Remuneration Authority) Section 1.4.2 (Remuneration) of Council's Policy Handbook with the following, from 1 July 2009, and with elected members only ever being eligible for one salary with that salary being the highest applicable from the table below:

ROLE		COMMENT	SALARY
Chairman of Council:	Salary		\$109,429
Deputy Chairman	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$47,799
Chairman of: - Hearings Committee - Asset Management and Biosecurity Committee - Environmental Management Committee - Strategy and Finance Committee - Hawke's Bay Incorporated Advisory Board	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chairman responsibilities or Deputy Chairman responsibilities.	\$47,799
All other elected members of Council	Salary		\$43,299

**Rose/von Dadelszen
CARRIED 7/1**

- 1.9 ***Affirm the allocation of \$18,400 from the Remuneration pool, subject to approval of the Remuneration Authority. Further that Section 1.4.3 (Meeting Allowances) of Council's Policy Handbook state that a daily meeting allowance be paid to elected members of Council who sit on the Hearings Committee (and excluding meetings to consider resource consent applications under the Resource Management Act 1991) ~~in any one financial year of Council and that for the 7th and further meeting days a meeting fee allowance of \$230 per meeting per elected member be paid with the proviso elected members are present at the meeting for at least 75% of the time and there are sufficient funds remaining in the remuneration pool to allow the payment of daily meeting fee allowances.~~***

**Remmerswaal/Gilbertson
LOST 2/6**

- 1.9 Affirm the allocation of \$18,400 from the Remuneration pool, subject to approval of the Remuneration Authority. Further that Section 1.4.3 (Meeting Allowances) of Council's Policy Handbook state that a daily meeting allowance be paid to elected members of Council who sit on the Hearings Committee but only for meetings in excess of 6 (and excluding meetings to consider resource consent applications under the Resource Management Act 1991) in any one financial year of Council and that for the 7th and further meeting days a meeting fee allowance of \$230 per meeting per elected member be paid with the proviso elected members are present at the meeting for at least 75% of the time and there are sufficient funds remaining in the remuneration pool to allow the payment of daily meeting fee allowances.

**von Dadelszen/ McGregor
CARRIED**

- 1.10 That the Chairman of the Maori Committee be paid an annual salary equivalent to that paid to a Councillor without Committee Chairman responsibilities, this increase in salary being necessary due to the increased responsibilities currently being undertaken by the current Chairman of the Maori Committee. Further, it is noted that the payment of this salary is not funded from the Councillor remuneration pool as advised by the Remuneration Authority.

**Rose/Gilbertson
CARRIED**

- 1.11 Amend the Policy Handbook, section 1.4.2(b) to reflect the change in the basis for the annual salary payment to the Chairman of the Maori Committee, being an amount equivalent to the salary paid to a Councillor with Committee Chair responsibilities, and that this amendment takes effect from the date of this resolution.

**Rose/Gilbertson
CARRIED**

16. 7 MONTH FINANCIAL REPORT

Mr Drury advised the Annual Plan Progress Report covered the first seven months of the 2008/09 financial year ending 30 June 2009. He also advised that the reforecasting exercise would be received by Council at their March meeting, which was one month earlier than usual.

Mr Drury updated Council on rates received for the 2008/09 year advising that in 2007/08 approximately \$82,000 of penalties were issued and this year penalty

notices have been sent out for \$121,000 of rate revenue, this amounts to approximately 1,000 more ratepayers than last year.

Resolution:

1. That the Annual Plan Progress Report for the first seven months of 2008/09 financial year be received.

**Gilbertson/Rose
CARRIED**

17. CHAIRMAN'S MONTHLY REPORT - 4 FEBRUARY TO 24 FEBRUARY 2009

The Chairman tabled his first monthly report and responded to questions from Councillors.

Resolution:

1. That the Chairman's report for 4 February to 24 February 2009 be received.

**Rose/McGregor
CARRIED**

18. GENERAL BUSINESS

i. Leave of Absence

Councillor McGregor requested and was granted leave of absence from 5 – 15 March.

**Rose/Scott
CARRIED**

ii. Further Information on Implementation of Plan Change re Air Quality

A question was asked whether Council staff were able to enter premises if they suspected homes did not comply with the Air Quality NES standards. Mr Lew responded that Council does not have powers of entry into residential dwellings. The only way staff could do this would be to take a police officer with a warrant; or knock on someone's door and ask to inspect their fireburner. Mr Lew said staff would need the same delegations that a District or City Council has.

iii. Item for Environmental Management Committee

A request was made and granted to include an item on the Environmental Management Committee.

iv. Letter to the Editor re Complaint about Rabbits

This letter to the editor was raised and discussed. Staff advised that no further action would be taken in this instance.

v. Mohaka River Information

An issue was raised about the mis-information that has been released recently about what Council is doing on the Mohaka River. This arose following a site visit between staff and media and subsequent mis-information being published. The Chairman advised he had requested via the Chief Executive that in future a Councillor would go with staff for these types of visits. Mr Lew confirmed that the information given to the press statement wasn't what the reporter had been handed.

vi. Human Resources (HR) Report

A request was made to include the HR report on the Council agenda in future. The Chairman will talk to the Chief Executive to see if this is appropriate.

vii. Update on Tukituki

A question was raised about the status of the peer review of scientific information that was to be completed by December 2008 on the Tukituki River, Councillors were advised the document is still with the Environmental Water Group for their comments.

Closure:

There being no further business the Chairman declared the meeting closed at 3.15pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: