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Not for Publication until after Commencement of Meeting**Notice Of Ordinary Meeting Of Council****Date 10.00 am on Wednesday 26 January 2011****Venue Council Chambers, Station Road, Dargaville****Timetable****9.45 am Morning Tea****10.00 am Workshops 1. Cames Road, Mangawhai
2. Work Programme Impacts of Recession on Funding****1 Cames Road, Mangawhai**

The issue of whether or not Cames Road should be developed as a through road or be maintained as two cul-de-sacs continues to create community unrest. The Council in its last term resolved to open Cames Road as a through road with constricted access. The Council did not address how this was to be funded.

Council needs to consider this matter in the near future and this opportunity is being provided to allow an informal discussion to enable Councillors to be better informed. Circulated separately for Councillors' information are:

- 1 Report from Council's Engineers, CPG, dated 30 September 2009
- 2 Report from Community Infrastructural Assets Manager dated 8 July 2010. This updates the earlier Engineer's report.
- 3 A letter from About Body Corporates Limited dated 14 April 2010, who were acting for the Mangawhai Ridge Incorporated Society.
- 4 A paper prepared by the then Roading Portfolio Holder dated 4 June 2008.

These papers provide a comprehensive background as a starting point for the discussion.

2 Work Programme: Impacts of Recession on Funding

With the current economic situation there is a higher level of hardship in the community. As a consequence rate arrears are increasing. This is having a negative impact on Council's cash flow and consequently the amount of cash in the bank to fund works is less than anticipated. A consequence of this is that if the full works programme is to be funded Council may have to raise additional finance through its bankers.

Council will be asked to consider if it wants to do this and complete its Works programme or should some projects be deferred.

Rate arrears have increased from just over \$100,000 in 2005 to \$700,000 in 2010. This has created significant cash flow issues today. Current trends indicate that rate arrears could reach \$1.22 million at the end of the 2010/2011 fiscal year.

Council managers will bring details of budgeted works not yet commenced to the workshop to enable this discussion to occur.

12.15 pm Lunch

1.00 pm Commencement of Council Meeting

1.00 pm Presentation

b) Presentation 1.00 pm :

Royal Society of New Zealand: Acknowledgement of Teacher Fellowship Support:
Diane Bell. Item 2.1 refers:

3.00 pm Afternoon Tea

3.15 pm Recommencement of Council Meeting, if required



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KAIPARA DISTRICT COUNCIL

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 26 January 2011 Commencing 1.00 pm**

**Recommendations contained in the order paper and reports are NOT Council decisions
but are provided as advice on which the debate can begin.
Please refer to Council minutes for Resolutions.**

Contents

1	Karakia: Cr Andrew Wade	4
1.1	Present	4
1.2	In Attendance	4
1.3	Apologies	4
2	Presentation/Public Forum	4
2.1	Royal Society of New Zealand: Acknowledgement of Teacher Fellowship Support	4
3	Confirmation of Minutes	4
3.1	Ordinary Council Meeting : 15 December 2010	4
4	Declaration of Conflicts of Interest	5
4.1	Declaration of Conflicts of Interest	5
5	Policy	5
5.1	Dargaville Community Cinema Charitable Trust: Proposed Agreement	5
5.2	Alcohol Reform Bill: Kaipara District Council Submission	6
5.3	Elected Members Expenses Policy Update	7
5.4	Warrants of Appointment: Mangawhai Community Wastewater Scheme, Construction Crew	9
5.5	Legislative Compliance Certification period ended 31 December 2010	10
6	Reports	10
6.1	Mayor's Report	10
6.2	Councillors Portfolio Reports	10
6.3	Chief Executive's Report: January 2011	11
7	Information Items	11
7.1	Correspondence Addressed to Mayor and Councillors: 1 December 2010 to 11 January 2011	11
7.2	Delegated Authority: Schedule of Decisions	11
7.3	Local Government New Zealand: Zone One Minutes 11 November 2010	12
7.4	Rural and Provincial Sector Minutes 18/19 November 2010 Wellington	12
8	Public Excluded Council Items 26 January 2010	13
	Open Council Meeting - Wednesday 26 January 2011	14
	Closure	14

Order Paper: Wednesday 26 January 2011**1 Karakia: Cr Andrew Wade**

Councillor Brian McEwing will open the Council meeting on 23 February 2011.

1.1 Present**1.2 In Attendance****1.3 Apologies****2 Presentation/Public Forum****P1 2.1 Royal Society of New Zealand: Acknowledgement of Teacher Fellowship Support**

Development Manager 3844.0

A letter dated 13 December 2010 from the Royal Society is attached, that expresses appreciation for Council's involvement in supporting Diane Bell as she completed a year's research as a Teacher Fellow of the Society. Ms Bell' final report is also attached.

Recommended

That the information be received.

3 Confirmation of Minutes**P16 3.1 Ordinary Council Meeting : 15 December 2010**

Governance Manager 1601.14

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 15 December 2010, as circulated, be confirmed as a true and correct record.

4 Declaration of Conflicts of Interest

4.1 Declaration of Conflicts of Interest

Governance Manager 1902.0

Audit has asked that this item be included on Council's Agenda each month. People's personal situations change and Audit believes it is appropriate that both Councillors and Managers give regular consideration as to whether or not they have a potential conflict of interest in respect of anything before Council.

5 Policy

P49 5.1 Dargaville Community Cinema Charitable Trust: Proposed Agreement

Corporate Services Manager 2105.51

Item 4.11 of Council's 22 September 2010 minutes refers.

A report dated 10 January 2011 from the Corporate Services Manager discussing the proposed agreement from the Dargaville Community Cinema Charitable Trust, is attached. The Dargaville Community Cinema Charitable Trust has approached Council with a proposed plain-English agreement for the provision of space for the Cinema to operate. The agreement is based on the Trust obtaining a loan which Council will guarantee and broker. A copy of the agreement and plans of the area are circulated with the Corporate Service Manager's report.

Staff concern is that the business plan appears to be based on optimistic projections of income and for this reason recommend that Council continues to work with the Trust until such time as it is able to provide Council with greater certainty on the viability of the proposal.

Council, as a provider of community and recreational facilities, may decide that it wants a community cinema in Kaipara and is prepared to pay for it. This would mean the proposal was not a risk, but an opportunity to have the facility provided at almost no cost to Council. This approach would need to be a decision of Council and is not recommended by staff as it has not been consulted with the community in this form. It is also not in line with Council's instructions to date which are to work toward an agreement that will be cost neutral to the ratepayer.

This report has also been discussed with the Portfolio Holder Councillor McEwing, who is aware of the risks, however supports the proposal as the risk is mitigated by the high calibre and good faith of the Trust members.

Recommended

That Council asks the Dargaville Community Cinema Charitable Trust to provide professional estimates of the costs for the proposed community cinema in the old Library area of the Dargaville Town Hall and a robust business plan based on this estimation.

Reason for the recommendation

Council wishes to assist the Trust to successfully provide a community facility that is cost neutral to the ratepayers.

P58 5.2 Alcohol Reform Bill: Kaipara District Council Submission

Development Manager 3706.0

A report from the Development Manager dated 13 January 2011 is attached relating to Kaipara District Council's submission to the Alcohol Reform Bill. The Alcohol Reform Bill was made in response to the Law Commission's 2010 Report on Alcohol. The Law Commission's Report was in reply to a number of highly publicised incidents involving alcohol over the last few years. These incidents range from the supply of alcohol to minors to the committing of crime in which the consumption of alcohol has been a major contributing factor. It has been recognised that harm created as a result of excessive consumption of alcohol, including crime and injury, places additional burdens on the Justice system, the Health system, and Social Services.

Many elements of the Sale of Liquor Act 1989 are retained in this Bill, including the fundamental requirement that a licence is required to sell alcohol to the public. The measures contained in the Bill relate to the following:

- The operation of the licensing system, including licence criteria, licence conditions and licensing bodies;
- The alcohol buying age;
- Supply of alcohol to under-18-year-olds by parents and other people;
- Promotion of alcohol;
- The management of alcohol in public places through alcohol-control bylaws;
- Provision to ban alcoholic products; and
- Enforcement of licences and alcohol offences.

The licensing system, alcohol-control bylaws, policy appeal process and associated costs are the main areas which will have some direct implications for the Kaipara District Council and forms the basis of the submission.

Recommended

That the Development Manager's report titled 'Alcohol Reform Bill: Kaipara District Council Submission' dated 13 January 2011 be adopted and that a submission be presented to the Justice and Electoral Select Committee regarding the Alcohol Reform Bill in the following terms:

- *Supporting the overall objectives of the legislation,*
- *Supporting the implementation of a Liquor policy at a local authority's discretion,*
- *Opposing the inclusion of an appeal stage to the end of the formal consultation process undertaken for a draft liquor policy,*
- *Requesting staged introduction of new signage requirements,*
- *Supporting councils being able to recover costs in relation to processing liquor applications,*
- *Requesting nationally organised and funded training,*
- *Requesting greater flexibility in how the decision-making process is operated to help keep costs down.*

Reason for the recommendation

The Alcohol Reform Bill will have implications for the Kaipara District Council, including costs and changes in procedures, and the submission process enables Council to have a say in the final form of the legislation.

P64 5.3 Elected Members Expenses Policy Update

Corporate Services Manager 1801.0

Item 6.9 of 15 December 2010 Council minutes refers. At its December 2010 meeting, Council considered a report by the Governance Manager dated 7 December 2010, relating to the Elected Members Expenses Policy, a copy of this report is attached. Council resolved that the matter lie on the table until its 26 January 2011 meeting and requested that staff explore the issue further and bring back a revised draft policy.

Inquiries have been made regarding what other councils' approaches have been. There are still three approaches, some have not made a decision, some have adopted a policy that meets the 'guidelines', some have proposed an alternative policy. It is difficult to get information on how these have been received because of the holiday period and many councils have only a skeleton staff on prior to agenda closing. However from the responses the Corporate Services Manager has received no-one has yet had a response from the Remuneration Authority. The situation has not changed. Council still has only two options:

Option 1: Recommend an Expense Policy that meets the guidelines; and

Option 2: Recommend an Expense Policy that meets Councillors' needs, which is the 2009/10 one.

Option 1 could be done simultaneously with lobbying Central Government to investigate the disadvantages to rural local authorities. The risk to Option 2 is still that there is no right of appeal to what the Remuneration Authority decides and the results could be even less favourable than the guidelines.

This issue has been discussed with the Deputy Mayor who supports proposing a more equitable policy of only the first five kilometres of any trip not qualifying. There is significant justification for this approach as follows:

- Five kilometres is a reasonable distance to walk or cycle, any further is not and public transport is not an option in Kaipara.
- The impact on future representation if those elected members who live out of town are to be penalised is that Kaipara will end up with only those who live close to the centre standing for election. This cuts to the foundations of democracy. Can the remote citizens be effectively represented in this way?
- Kaipara has always applied the rules in a way which recognises the ratepayer need to receive value, sharing vehicles where possible, limiting the type of trip that qualifies for reimbursement, and requiring advance approval. It does not deserve to be penalised.
- The negative financial effect of the Remuneration Authority's proposed rules are such that some Councillors would not have stood had they been aware.
- The community will be disenfranchised as Councillors will not be in a position to attend as many community meetings.
- Mileage claimed over the last few years show that disallowing the first 30 kilometres would only affect those Councillors who work hard on behalf of the community; does the Remuneration Authority want to discourage this? Councillors that are rural based and could be considered isolated would be impacted on more. Is that democratic? Council is anticipating the Remuneration Authority will want to encourage responsible and transparent application of the rules whatever is adopted. As some Councillors claim almost none the recommended system could be open to abuse in the sense that decisions would be made concerning vehicles that are not based on efficiency.

All these issues will be provided to the Remuneration Authority in support of the recommended policy.

Recommended

***That** Council submits a recommended policy for Remuneration Authority approval as follows of the Remuneration Authority guidelines:*

- 1 ***That** Council's Expenses Policy be amended to include the following as required by the Remuneration Authority:*

***That** Council policy is to pay Elected Members \$0.70 per kilometre for approved mileage with the first five kilometres of any one event (round trip) not qualifying for payment; and*

***That** Council policy is to pay the first 5,000 kilometres qualifying for payment at \$0.70 per kilometre and any qualifying kilometres claim for after the threshold of 5,000 kilometres has been met be paid at \$0.35 per kilometre; and*

***That** Council policy is to pay \$15.00 per hour or prorated per part portion of any hour for any travel time in excess of two hours for any one event (round trip) with a maximum payment to any one elected member in any financial year of 100 hours; and*

***That** Council policy is to pay a communications allowance of up to \$500.00 to each elected member being a contribution towards the cost of:*

- a) mobile telephone;*
- b) computer or ancillary equipment;*
- c) an internet connection; and*

***That** the communications allowance applies to the period beginning 20 October 2010 and ending 30 June 2011 provided that the Kaipara District Council does not provide the member with a mobile telephone, computer or ancillary equipment and/or an internet connection.*

- 2 ***That** Council provides a Mayoral vehicle which may be garaged at the Mayor's home should the Mayor choose to do so.*

Reason for the recommendation

This is a fair policy for the needs of Kaipara District.

5.4 Warrants of Appointment: Mangawhai Community Wastewater Scheme, Construction Crew

Community Infrastructural Assets Manager

6401.0/WOA

Water Infrastructural Group is Council's contracted service provider for the Mangawhai Community Wastewater Scheme. They are required to undertake new or remedial works or associated surveying or construction work to the wastewater piping from time to time within the Mangawhai area. This sometimes requires their personnel to enter onto private land to perform these functions. To avoid the implications associated with trespassing on private land Council relies on the Local Government Act 2002 and in particular sections 171 and 174, Authority to Act.

Silverstone Civil Limited has been appointed as contractor to Water Infrastructural Group to help with the completion of The Sands connections in Mangawhai. Further Warrants of Appointments are required for two additional construction staff from Silverstone Civil Limited, being Mita Pita and Kerry Griffin.

Recommended

That Council warrants Mita Horace Pita and Kerry Wayne Griffin from Silverstone Civil Limited engaged in the implementation to complete connections for The Sands to the Mangawhai Community Wastewater Scheme as authorised officers pursuant to sections 171 and 174 of the Local Government Act 2002.

Reason for the recommendation

This authorisation is necessary to enable M Pita and K Griffin to enter private property for the purpose of undertaking new or remedial works or associated surveying or construction work to the wastewater piping in Mangawhai without comprising the rights of affected property owners.

P69 5.5 Legislative Compliance Certification period ended 31 December 2010**Chief Executive 2112.01**

The signed certificates are attached, for the period ended 31 December 2010 of the sign-off from Management to Council that is undertaken half-yearly.

Recommended

That the information be received.

6 Reports**6.1 Mayor's Report****1701.02.03**

The Mayor to report, for information, on matters of interest.

6.2 Councillors Portfolio Reports**Councillors 1904 (various)**

This is an opportunity for Councillors to inform Council of activities they have undertaken on behalf of Council. Written reports are preferred as these are then attached to the Minutes. Verbal reports are not recorded in accordance with Section 3.17.2 of Standing Orders.

Cir 6.3 Chief Executive's Report: January 2011**Chief Executive 2002.02.10**

The Chief Executive's report for January 2011 is circulated separately.

Recommended

That the Chief Executive's report for January 2011 be received.

7 Information Items**P74 7.1 Correspondence Addressed to Mayor and Councillors: 1 December 2010 to 11 January 2011****Governance Manager 1701.01**

For the information of Councillors, attached are copies of all correspondence received addressed to the Mayor and Councillors, with a copy of the response where applicable, and file notes for all others. An additional letter has been received by the Mayor but has been excluded for privacy reasons.

Note the agenda timetable necessitates this information to be collated two weeks prior to the meeting. Correspondence received after that date will be reported to the next meeting along with responses which have been sent after the cut-off date.

All letters are acknowledged on receipt unless they are answered the day of receipt, or the Mayor specifically requests no acknowledgement.

Recommended

That the information be received.

P101 7.2 Delegated Authority: Schedule of Decisions**Development Manager 3803.0**

A schedule of decisions that has been made under delegated authority is attached. The purpose of this is not for Council to review the detail of these decisions as they have already been made under delegated authority, but rather to give an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

Recommended

That the Delegated Authority Schedule of Decisions be received.

P115 7.3 Local Government New Zealand: Zone One Minutes 11 November 2010

Governance Manager 2113.05

A copy of the minutes of the Zone One meeting hosted by Auckland Council on 11 November 2010, is attached for the information of Councillors.

Recommended

That the information be received.

P145 7.4 Rural and Provincial Sector Minutes 18/19 November 2010 Wellington

Governance Manager 2113.02.01

A copy of the Rural and Provincial Sector Minutes for the meeting held 18 and 19 November 2010, in Wellington, is attached for the information of Councillors.

Recommended

That the information be received.

8 Public Excluded Council Items 26 January 2010

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely, Public Excluded Council Minutes 15 December 2010.

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:

<i>Subject matter to be considered:</i>	<i>Ground(s) under Section 48 (1) for the passing this resolution:</i>
<i>Kaipara District Council 24 November 2010 Public Excluded minutes</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(g)</i>

Reason for passing this resolution in relation to each matter

This resolution is made in reliance of Section 48 (1)(a) of the Local Authority Official Information and Meetings Act and the particular interest or interests protected by Section 7 of that Act Section 7 of the Official Information Act 1982, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Section 7 (2)(g) maintain legal professional privilege.

Open Council Meeting - Wednesday 26 January 2011

Recommended

That the resolution made whilst in Public Excluded, be confirmed in Open Meeting.

Closure

Kaipara District Council

Dargaville