
MINUTES

TUESDAY 30 OCTOBER 2007

6.00PM

**Ilott Theatre
Ground Floor, Town Hall
Wakefield Street
Wellington**

PRESENT:

Mayor Prendergast
Councillor Ahipene-Mercer
Councillor Best
Councillor Cook
Councillor Coughlan
Councillor Foster
Councillor Gill
Councillor Goulden
Councillor McKinnon
Councillor Morrison
Councillor Pannett
Councillor Pepperell
Councillor Ritchie
Councillor Wade-Brown
Councillor Wain

178/07C **CHIEF EXECUTIVE'S WELCOME**
(1215/11/IM)

NOTED:

The Chief Executive Garry Poole opened the meeting and welcomed those present. He advised that there were no apologies and then called Mayor Prendergast forward to make her declaration.

179/07C **APOLOGIES**
(1215/11/IM)

NOTED:

There were no apologies.

180/07C **DECLARATION BY MAYOR PURSUANT TO SCHEDULE 7,
SECTION 14 OF THE LOCAL GOVERNMENT ACT 2002**
(1215/11/IM)

NOTED:

1. The Mayor made her declaration as follows:

“I, **Kerry Leigh Prendergast**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Wellington City, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Wellington City Council by virtue of the Local Government Act 2002, the Local Government Official Information & Meetings Act 1987, or any other Act.”

2. Mayor Prendergast assumed the Chair at this point and invited the Councillors to come forward and make their declarations.

181/07C **DECLARATION BY COUNCILLORS PURSUANT TO SCHEDULE
7, SECTION 14 OF THE LOCAL GOVERNMENT ACT 2002**
(1215/11/IM)

NOTED:

The Councillors made their declarations as follows:

“I, Raymond Ahipene-Mercer, Ngaire Elizabeth Best, Stephanie Thornley Cook, Johanna Coughlan, Andrew John Whitfield Foster, Leonie Frances Gill, Robin Charles Adrian Goulden, Ian Duncan McKinnon, John Francis MacLean Morrison, Iona Katherine Mary Pannett, Bryan Robert Pepperell,

Helene Ruth Paula Ritchie, Celia Margaret Wade-Brown and Hayley Gemma Wain, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Wellington City, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Wellington City Council by virtue of the Local Government Act 2002, the Local Government Official Information & Meetings Act 1987, or any other Act.”

182/07C **GENERAL EXPLANATION**
(1215/11/IM)

NOTED:

The Chief Executive gave the following explanation: on the Local Government Official Information And Meetings Act 1987 and other laws affecting the members including the appropriate provisions of the Local Authorities (Member’s Interests) Act 1968; Sections 99, 105 And 105a of the Crimes Act 1961; the Secret Commissions Act 1910; and the Securities Act 1978:

“As Chief Executive, and thus Principal Administrative Officer, of the Local Authority, I am required to give a general explanation to elected members of certain legislation which controls the way in which the Council’s business may be conducted and the law affecting elected members. This explanation does not attempt to cover all the detailed points of the legislation, but brings to the attention of elected members the key and more important issues affecting them.

The Local Government Official Information and Meetings Act 1987 - This Act governs the availability of information and is based on the principle that information should be made publicly available, unless one or more specific withholding grounds apply. Matters relating to requests and release of information are administered by officers of the Council.

This Act also sets meeting procedures and requirements. These include:

- A requirement to give public notice of meetings
- Public availability of the agenda and supporting papers
- The circumstances when Council may resolve to exclude the public from meetings, and the procedure that must be followed
- Giving the chair the responsibility to maintain order at meetings.

Law affecting elected members - There are certain provisions which Councillors must be aware of.

The first is the **Local Authorities (Members’ Interests) Act 1968** which has two main aspects:

- First, this Act prohibits certain contracts between the Council and its members, or persons associated with the member. A breach results in loss of office.

- Second, this Act prohibits an elected member from discussing or voting on an issue in which the member, directly or indirectly, has a pecuniary interest. Any member found to have contravened this part of the Act could be prosecuted, and if convicted, would lose office.

Under the **Crimes Act 1968** a member of a local authority who obtains or accepts or offers to accept any bribe to do or not do something, or who corruptly uses information obtained in an official capacity to get a direct or indirect pecuniary advantage, is liable to a term of imprisonment of up to 7 years.

Under the **Secret Commissions Act 1910** an elected member who accepts a gift or obtains any advantage from any other party as a reward for doing any act in relation to Council business commits an offence under this Act. It is also an offence not to disclose a pecuniary interest in any contract, and also to aid or abet or be involved in any way in an offence under this Act. Conviction can lead to imprisonment for up to 2 years and a fine up to \$1,000.

Under the **Securities Act 1978** elected members are in the same position as company directors if the Council were to offer stock to the public, such as to issue stock under its borrowing powers. Elected members therefore have the same responsibilities as directors and may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

If a member is convicted of an offence that carries a term of 2 or more years of imprisonment under any of the provisions referred to, or any under other Act, the member will lose office.”

183/07C **MAYOR’S OPENING SPEECH**
(1215/11/IM)

NOTED:

Good Evening. It is my pleasure and privilege to welcome you all here this evening. This is a very special occasion of us all.

On October 13 the voters of Wellington entrusted us with the future of this wonderful City. By voting for us they bestowed on us the responsibility of ensuring the economic, social, environmental and cultural wellbeing of their city. It is a responsibility that we cannot take lightly or be frivolous with.

With that responsibility they have entrusted us to do what is right, and in the best interests of Wellington and Wellingtonians. I am sure as I speak for us all when I say it will be a privilege to do so. It will be a very special privilege for me to lead this Council and the City for the next three years.

Elections are a good time to look back and reflect on where we've been and where we are going as a city.

It would be fair to say that Wellington has come a long way in the past 20 years. This is a city we can all be very proud of. Wellington is dynamic, vibrant city, a city known for its hospitality, its passion, its diversity, its tolerance and its people. It is, as we know, a great place to live, work and play.

It hasn't happened by accident or good fortune. It has happened by good planning – good strategic thinking, followed by action. Poet Lauris Edmond wrote of Wellington “It's true you can't live here by chance, you have to do and be, not simply watch or even describe. This is the city of action, the word headquarters of the verb”.

And she was right. You can do all the strategic planning and thinking you like, but if it is not followed up by action, then it is useless. And that's what is so special about Wellington City Council – It is a Council of Action with a team of dedicated staff led by a very dedicated Chief Executive.

I have seen many projects and many plans come to fruition in my previous six years as Mayor and I look forward to many more coming to life in the next three years.

Over the past three years we have taken some major steps forward in our key responsibility areas.

We established the public art panel and secured \$300,000 funding per annum for it. That has ensured the installations of some wonderful public works of arts – Sky Blues, Water Whirler and Geometric Progression in the City and two Meridian Energy Sculptures on Cobham Drive – The Tower of Light and Urban Forest.

We established Toi Poneke, our Arts Centre, which has been a huge success and is fully tenanted. We are extending the City Gallery. We continue to be recognised by Wellingtonians and the rest of the Country as the arts and cultural capital of New Zealand.

We've also maintained our reputation as the events capital by securing some outstanding events for the City, including the Montana World of Wearable Art Awards, the Volvo Ocean Race, the World Golden Oldies Rugby Festival, the Sevens for a further five years, the Soloceans Solo Around the World Yacht Race and the OK Work Dinghies Yachting Event, the Rolling Stones, Elton John, the Police, Matariki and of course the much anticipated LA Galaxy Football team match against the Phoenix. There are many others, far too many to mention tonight.

Some major projects have been completed. The Quays along the waterfront will be flush with colour this summer thanks to the “Greening the Quays” project. This project was a major success coming in well under budget and

on time. And we have had nothing but praise for the remarkable difference it has made to that area. I want to see those trees extended up Taranaki Street to New Zealand Memorial Park. We need an entrance befitting of such a poignant park in our city.

The Ngauranga to Airport study is well underway and options are being developed for consultation. The North Wellington Public Transport Study was adopted. The draft bus priority plan was completed and approved by SPC. A Walking and Cycling Plan is being developed for the new Council. SPC also approved a 10 year implementation plan of the more than 100 kilometres of walking tracks we maintain throughout and around our city.

On the waterfront – Waitangi Park has been completed and is proving extremely popular with locals and visitors alike. Last week I unveiled a magnificent sculpture – “Te Waka Pou” – by Ra Vincent at the Oriental Bay Entrance to the Park.

The Waterfront is an absolute jewel in Wellington’s Crown. Over the past 20 years it has been transformed into a vibrant and exciting place, A place of people and of life and we love it.

The Waterfront is now home to 66 business, four arts and cultural institutions, 152 apartments and a large number of restaurants, bars and cafes. That’s what draws people to our waterfront. That’s why they love it. And it’s getting busier.

Seventy-seven percent of Wellingtonians visit the Waterfront at least once a month, 96 percent agree the waterfront provides a lovely environment to walk, run or bike and 95 percent agree the waterfront is a place they are proud to bring friends and relatives to.

We can only build on that with the plans we have to make it even better. Wellingtonians love their waterfront.

We are also engaging much better with our community. Over the past three years we have set up an ethnic forum, Maori Hui, a Pacific Forum and a sports forum and they are all working extremely well. These forums give us the ability to reach out communities in ways we might not have before.

There are obviously still concerns in the community about consultation. I have some ideas in this area and am keen to try them out over the next three years.

The Migrant Work Programme has been a great success with most if its participants finding work or entering further study. We continue to make progress in that area, and with our migrant resettlement programme.

The Council has worked well with Central Government over the past six years, and in particular, in the last three years for the mutual benefit of

Wellington and New Zealand and we will continue to foster this relationship.

The \$220 million we secured from Central Government for the strengthening and redevelopment of our housing stock was a fantastic achievement and the result of much work by Council Staff and Politicians.

Last year we formed a partnership with the other eight local authorities in the Wellington Region to establish the Wellington Regional Strategy. This strategy is a blueprint for sustainable economic growth over the next 30 years. We want positive growth in the number of businesses and jobs in Wellington's many different sectors – Education, Film, ICT, Professional Engineering Manufacturing and Biotechnology – and we want to attract at least one long haul airline flying daily between Wellington and Asia.

There is of course, much work to be done. We can't rest on our laurels and I know you are all keen to get on with it.

I would like to take this opportunity to welcome our new Councillors – Jo Coughlan and Iona Pannett and to welcome back Ngaire Best, a Councillor in the term prior to the last one. It is good to have some new faces at the Council table, who, I know, bring with them fresh ideas.

I would also like to take this opportunity to say a very special thank you to our former colleagues Robert Armstrong and Alick Shaw. I am particularly saddened at the loss of both of them from the Council. Alick was a very loyal and worthy Deputy Mayor. His robust debate and intellect was an asset to this Council and he will be sorely missed.

Robert Armstrong provided a steady and reliable hand around the Council table and was very able Chair of the SPC. He too, will be sorely missed.

I would also like to take this opportunity to thank my family, especially my husband Rex, whose support, as always, has been invaluable.

This past election campaign was the worst I have ever experienced, with a high degree of personal politicking involved, including attacks on myself, my husband, and my daughter.

I was disturbed by the dishonesty of some of the Councillor Mayoral Candidates who consistently denied how they had voted, provided misinformation and gave out blatantly wrong facts and figures at their whim. They unashamedly put aside collective responsibility for the decisions they made and were part of the Council table. I was extremely disappointed by the lack of integrity by some candidates.

Voters, by reinstating me as Mayor, have given both the previous Council and I a vote of confidence for the work we have done so far and the way the city is heading.

Voters have instilled their trust in you and in me to continue along the path that we have been following and we must do that. So let's look forward.

Over the next three years I want to see the Indoor Community Sports Centre at Kilbirnie completed and opened. I want to see high speed internet access beaming into every office business and home in Wellington City. And I want Wellington to be the first "Green Capital". These three are "must haves if the City is to prosper.

Our vision is that by 2012, all of Wellington city will have affordable access to an open broadband network with sufficient two-way capacity in the city and out to the world to meet the ongoing information and communication needs of the city's residents, businesses, investors and institutions.

The Council has a key role to play in ensuring Wellington City has the necessary broadband infrastructure to be globally competitive. The Government has identified broadband as a priority with the expectation that each region or city takes the lead. I see Wellington taking a leading role in this.

We also have a key role to play to reduce our carbon footprint on the earth. The overwhelming global scientific view is that climate change is real and that activity is contributing to the problem.

Dangerous levels of global warming are expected within this century unless global greenhouse gas emissions are stabilised within the next decade and reduced 50 to 85 percent by 2050. We need to future proof the city against the environmental, social and economic impacts of climate change.

Yes there is much work to be done. I know, from meeting with you all that this Council can work together well.

We may have different views and we may want different outcomes, but together, with compromise and negotiation, we will be able to look back in three years time and say "I have made a difference".

I look forward to working with you on achieving all that we can for Wellington, the greatest little capital in the world.

184/07C **DATE AND TIME OF FIRST COUNCIL MEETING**

Report of Democratic Services.
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Ritchie the substantive motion clauses 1 and 2.

The substantive motion was put and was declared CARRIED on voices.

RESOLVED:*THAT Council:*

1. *Receive the information*
2. *Set the first Council meeting of the 2007/2010 triennium at 9.15am on Tuesday 6 November 2007 in the Council Chamber, First Floor, Town Hall, Wakefield Street, Wellington.*

185/07C **ELECTION OF DEPUTY MAYOR**

Report of Democratic Services
(1215/11/IM)

Moved Mayor Prendergast, seconded Councillor Wain the substantive motion recommendations 1, 2 and 4.

The substantive motion recommendations 1, 2 and 4 were put and declared CARRIED on voices.

Moved Mayor Prendergast, seconded Councillor Goulden the substantive motion recommendation 3.

The substantive motion recommendation 3 was put and declared CARRIED.

Moved Mayor Prendergast, seconded Councillor Morrison, that Councillor McKinnon be nominated for Deputy Mayor.

Further nominations were called for and none were received.

The motion that Councillor McKinnon be the Deputy Mayor was put and a French Presidential Vote conducted.

Those voting for Councillor McKinnon.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Ritchie, Wade-Brown and Wain.

Not Voting: Councillors Cook and Pannett.

Majority vote: 13:2

Councillor McKinnon was declared Deputy Mayor.

RESOLVED:

THAT Council:

1. *Receive the information*
2. *Agree the job description for the Deputy Mayor as set out in appendix one.*
3. *Elect Councillor McKinnon as Deputy Mayor for the 2007/2010 triennium.*
4. *Note that the Deputy Mayor may act as an ex officio member on committees and subcommittees in the absence of the Mayor with the Mayor's consent.*

The meeting concluded at 6.45pm.

Confirmed: _____

Chair

/ /

ROLE DESCRIPTION FOR DEPUTY MAYOR

Role Title:

Deputy Mayor of Wellington

Role of the Deputy Mayor:

The Deputy Mayor exercises the same roles as other elected members. Elected members are responsible for governance, including:

- the development and adoption of council policy
- monitoring the performance of the council against its stated objectives and policies
- prudent stewardship of council resources
- employment of the Chief Executive

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the role of Justice of the Peace).

In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Chair is empowered to perform the duties and responsibilities of the Mayor under Schedule 7, Clause 17(3)(4)(5) of the Local Government Act 2002:

- 3) The Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor, -
 - a) With the consent of the Mayor at any time during the temporary absence of the Mayor;
 - b) Without that consent, at any time while the Mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office;
 - c) While there is a vacancy in the office of the Mayor.

APPENDIX 1

- 4) In the absence of proof to the contrary, a Deputy Mayor acting as Mayor is presumed to have the authority to do so.
- 5) A Deputy Mayor continues to hold his or her office as Deputy Mayor, so long as he or she continues to be a member of the territorial authority, until the election of his or her successor.

When acting as Mayor, the additional responsibilities exercised by the Deputy Mayor shall include, but not be limited to, the following:

- Presiding at Council meetings and ensuring such meetings (including the business transacted at those meetings) are conducted in accordance with Standing Orders and any relevant legislation that may apply from time to time.
- Advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and the support of the Council.
- To act as spokesperson for the council
- To act as the ceremonial head of council
- To provide leadership and feedback to other elected members on teamwork and chairing of subordinate decision making bodies.