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**MINUTES**

**THURSDAY 21 NOVEMBER 2013**

**7.30PM – 7.45PM**

**MAKARA HALL  
MAKARA ROAD  
MAKARA**

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**PRESENT:**

Murray Burdan  
Christine Grace  
Judy Liddell  
Wayne Rudd  
Margie Scotts

**IN ATTENDANCE:**

Mayor Wade-Brown  
Councillor Foster  
Councillor Lester  
Councillor Pannett

**087/13MB APOLOGIES**

**NOTED:**

Kevin Lavery – Chief Executive Officer advised of apologies for absence from Board Member Elect Hamish Todd.

**088/13MB MAYOR'S WELCOME**

**NOTED:**

Mayor Wade-Brown welcomed those present to the meeting.

## 089/13MB DECLARATIONS

### NOTED:

Mayor Wade-Brown called each Board member forward. They each made their declaration individually to serve as a member of the Makara/Ohariu Community Board.

**“I, Murray William Burdan, Christine Mary Grace, Judy Elizabeth Liddell, Wayne David Rudd, and Margaret Eleanor Scotts, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Tawa Community, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Tawa Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other act.”**

## 090/13MB GENERAL EXPLANATION

### NOTED:

Kevin Lavery - Chief Executive Officer, read the general explanation to the Board 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 the representative of the Chief Executive of Wellington City Council, I am required to give a general explanation to elected members of certain legislation which controls the way in which the Community Board’s business may be conducted and the laws affecting elected members. This explanation does not attempt to cover all the detailed points of the legislation, but brings to your attention the key issues affecting your role and functions as Makara/Ohariu Community Board members.

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 of the 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:

- the requirement to give public notice of meetings;
- the public availability of the agenda and supporting papers for the meetings of the Council and its committees, subcommittees and community boards;
- the circumstances when the Council may resolve to exclude the public from meetings, and the procedure that must be followed in such circumstances; and

- the responsibility of the Chair to maintain order at meetings.

There are certain other legislative provisions which elected members must be aware of.

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

- The Act prohibits certain contracts between the Council and its members, or with persons associated with its members. A breach could result in loss of office.
- The Act also 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 1961 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 seven 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. 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 two years and a fine of 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.

In addition to these key statutory provisions, if an elected member is convicted of an offence that carries a term of two or more years of imprisonment under any Act I have specified, or under any other Act, that member will lose office.”

091/13MB **ELECTION OF CHAIR AND DEPUTY CHAIR**

Report of Anusha Guler – Manager, Democratic Services. (REPORT 1)

**NOTED:**

Mayor Wade-Brown conducted proceedings for the election of the Chair and Deputy Chair.

**Moved Judy Liddell, seconded Murray Burdan, the substantive motion being recommendations 1 – 5 in the officer’s report.**

**The substantive motion was put and declared CARRIED.**

Mayor Wade-Brown called for nominations for the position of Chair.

Wayne Rudd nominated Christine Grace for Chair. This nomination was seconded by Murray Burdan.

Voting for Christine Grace as Chair was conducted. He received votes from Murray Burdan, Christine Grace, Judy Liddell, Wayne Rudd and Margie Scotts.

Mayor Wade-Brown declared that Christine Grace was elected as Chair of the Makara/Ohariu Community Board for the 2013/2016 Triennium.

Mayor Wade-Brown called for nominations for the position of Deputy Chair.

Murray Burdan nominated Hamish Todd for Deputy Chair. This nomination was seconded by Christine Grace.

Wayne Rudd nominated Judy Liddell for Deputy Chair. This nomination was seconded by Margie Scotts.

**Moved Christine Grace, seconded Murray Burdan, that the Makara/Ohariu Community Board agree to defer the vote on the election of the Deputy Chair of the Makara/Ohariu Community Board to the Thursday 19 December 2013 meeting.**

**The motion was put and declared CARRIED.**

**The substantive motion as amended was put and declared CARRIED.**

Christine Grace assumed the Chair and addressed the Board.

**RESOLVED:**

*THAT the Makara/Ohariu Community Board:*

1. *Receive the information.*
2. *Note the job description for the Chairperson of the Community Board as previously agreed by Council and set out in Appendix One.*
3. *Agree to **Christine Grace** Chairperson of the Makara/Ohariu Community Board for the 2013/2016 triennium.*
4. *Agree to defer the vote on the election of the Deputy Chair of the Makara/Ohariu Community Board to the Thursday 19 December 2013 meeting.*
5. *Agree that the elected Chair will undergo Chair training facilitated by Democratic Services within six months of their appointment.*

**NOTED:**

The resolution differs from the recommendations in the officer's report as follows:

The Community Board added the text in **bold**.

092/13MB **SETTING OF THE FIRST ORDINARY MEETING**

Report of Fiona Dunlop – Committee Advisor.

(REPORT 2)

**Moved Christine Grace, seconded Wayne Rudd, the substantive motion.**

**The substantive motion was put and declared CARRIED.**

**RESOLVED:**

*THAT the Makara/Ohariu Community Board:*

1. *Receive the information.*
2. *Agree to set the first ordinary meeting of the triennium for 7.00pm on 19 December 2013 at the Ohariu Valley Hall, Ohariu Valley Road, Ohariu Valley.*

093/13MB **ELECTIONS OF THE NEW ZEALAND COMMUNITY BOARDS'  
EXECUTIVE COMMITTEE**

Report of Charlie Inggs, Electoral Officer and Special Projects, Democratic Services. (REPORT 3)

**Moved Christine Grace, seconded Murray Burdan, the substantive motion.**

**The substantive motion was put and declared CARRIED.**

**Christine Grace, seconded Murray Burdan move that the Makara Ohariu Community Board agree to second the nominations of Alistair Sutton and Jack Marshall from Tawa Community Board for the positions of Zone Representative and Deputy Zone Representative.**

**The motion was put and declared CARRIED.**

**RESOLVED:**

*THAT the Makara/Ohariu Community Board:*

1. *Receive the information.*
2. ***Agree to second the nominations of Alistair Sutton and Jack Marshall from Tawa Community Board for the positions of Zone Representative and Deputy Zone Representative.***

**NOTED:**

The resolution differs from the recommendations in the officer's report as follows:

The Community Board added the text in **bold**.

094/13MB **MILL CREEK CONSENT CONDITIONS**

(REPORT 4)

Margie Scotts gave the Community Board an update on the sedimentation flowing into Smiths Bay Gully, Hawkins Gully and Makara Estuary.

Ms Scotts advised that she has sent a letter to the Minister for the Environment and to Greater Wellington Regional Council concerning the sedimentation.

The Community Board agreed to seek a response from Greater Wellington Regional Council, place this item on the agenda for the next Makara/Ohariu Community Board meeting and that Judy Liddell would take this issue back to the Community Liaison Group.

095/13MB **PROJECT MILL CREEK AND COMMUNITY LIAISON GROUP**  
(REPORT 5)

Judy Liddell gave the Community Board an update regarding the Community Liaison Group.

Ms Liddell noted complaints that Meridian have received and conveyed the discussions of the Community Liaison Group on the sedimentation issue to the Board.

The meeting concluded at 8.20pm.

Confirmed: \_\_\_\_\_  
  /            Chair            /