



Mackenzie

DISTRICT COUNCIL

MINUTES

Extraordinary Council Meeting

28 September 2021

**MINUTES OF MACKENZIE DISTRICT COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, FAIRLIE
ON TUESDAY, 28 SEPTEMBER 2021 AT 11AM**

PRESENT: Mayor Graham Smith, Cr Anne Munro, Cr Stuart Barwood, Cr Murray Cox, Cr Emily Bradbury, Cr Matt Murphy

IN ATTENDANCE: Angela Oosthuizen (Acting Chief Executive), Tim Harty (General Manager Operations), Paul Numan (General Manager Corporate), David Adamson (Engineering Manager – Acting), Sam Molyneux (Executive Assistant), Chris Clarke (Communications Advisor).

1 OPENING

The Mayor opened the meeting with a karakia.

2 APOLOGIES

An apology was received from Cr James Leslie.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 REPORTS

4.1 WATER REFORM SUBMISSION TO LGNZ AND DIA

Council has been asked to submit questions and/or give feedback to the Government on;

- a) the areas of the Government's proposal that Council needs more information on and
- b) the changes to the Government's proposal/process.

This report updated Council on progress to date and the next steps.

David Adamson, the acting engineering manager, joined the meeting and updated the councillors on the draft submission.

The Mayor said he spoke with Minister Mahuta yesterday and reminded her that our questions were still to be answered. He said as far as the Canterbury mayors were concerned they're calling for a pause.

There were still more questions to incorporate and the submission was a work in progress, but only due to the complexities and to ensure we were covering all the bases.

The Mayor said this submission would go to the Minister. She would read all of the submissions, write a report to Cabinet, and from there a decision would be made for the next steps.

David Adamson suggested forwarding a copy of the submission to local MP's so they were aware of local concerns. And also to LGNZ.

The councillors were asked to go away and read the submission, and provide feedback in the next 24 hours.

Council agreed to go ahead with option one, which was to submit to central government.

Thanks was given to David Adamson, noting how comprehensive the submission was. They hoped the Minister would listen.

RESOLUTION 2021/133

Moved: Cr Anne Munro

Seconded: Cr Matt Murphy

That the report be received,

CARRIED

RESOLUTION 2021/134

Moved: Cr Stuart Barwood

Seconded: Cr Emily Bradbury

2. That Council notes officers' advice on the accuracy of the information provided to Council in June and July 2021 through the RFI and WICS modelling processes, and that
3. Council notes officers' analysis of the impacts of the Government's proposed three water service delivery model on the Mackenzies' communities and their wellbeing. This includes the impacts on the delivery of water services and water related outcomes and staff capability and capacity, on Mackenzie Council's sustainability (including rating impact, debt impact, and efficiency). It recognises that while the ability to borrow is reduced and its income stream is lessened, Mackenzie District Council is still a viable Council after water reform proceeds, and further that
4. Council notes the analysis of three waters service delivery options presented to Council to date via a series of workshops, and further that
5. Council notes that a decision to support the Government's preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002 (LGA). This prohibits Council from divesting its ownership or interest in a water service except to another local government organisation, and what we currently know (and don't know) about the Government's preferred option, and further that
6. Council notes that it cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan (LTP) amendment and ensuring it meets section 130 of the LGA, and further that
7. Council notes that the Government intends to make further decisions about the three waters service delivery model after 30 September 2021, and further that,
8. Council notes the desire wishes to gain an understanding of the community's views, and this cannot be meaningfully undertaken until Council has further information from the Government on the next steps in the reform process, and further that
9. Council delegates to the Mayor and CEO the power to prepare, sign and submit a submission to seek guidance on and/or give feedback to the Government on the Government's proposal, and further that,
10. Council notes that the CEO will circulate drafts of the submission to all Councillors as part of its preparation and report back further once they have received further information and guidance from Government and further that

11. Council notes that the CEO will report back once they have received further information and guidance from Government on what the next steps look like and how these should be managed, and further that
12. Council, in noting the above, agrees it has given consideration sections 76, 77, 78, and 79 of the Local Government Act 2002 and in its judgment considers it has complied with the decision-making process that those sections require (including, but not limited to, having sufficient information and analysis that is proportionate to the decisions being made).

CARRIED

4.2 ADOPTION OF THE DRAFT CONSULTATION DOCUMENT FOR 2021-2031

This item was removed from the agenda as the draft consultation document had not yet been approved by audit.

5 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2021/135

Moved: Cr Anne Munro

Seconded: Cr Emily Bradbury

That the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
5.1 - Proposed Exemption from Procurement Policy for Water Safety Plans	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

<p>5.2 - Award of Contract 1273 - Transportation Maintenance, Operation, Renewal and Improvements Contract 2021-31</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>5.3 - Smart Water Metering Supply and Installation Procurement Plan</p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>CARRIED</p>		

RESOLUTION 2021/136

Moved: Cr Emily Bradbury
 Seconded: Cr Murray Cox

That Council moves out of closed meeting into open meeting.

CARRIED

The minutes of this meeting were confirmed at the Ordinary Meeting of the Mackenzie District Council held on

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CHAIRPERSON