

**MINUTES OF THE ORDINARY MEETING OF THE HOROWHENUA DISTRICT COUNCIL'S
FOXTON COMMUNITY BOARD HELD IN THE CHAMBERS, MAIN STREET, FOXTON ON
MONDAY, 3 MAY 2010 COMMENCING AT 6:30 PM**

PRESENT

Mr B P Vertongen QSM (Chair)
Ms N J Ellwood
Mr N G Gimblett
Mr J A Murdoch
Mr D J Roache
Cr D A Allan (HDC appointed representative)
Cr A M Hunt (HDC appointed representative)

IN ATTENDANCE

Mr D G Ward (Chief Executive Officer)
Mr D M Clapperton (Strategic & Corporate Services Manager)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

His Worship the Mayor, B J Duffy
Ms C Carlyle (Group Support Officer)
Mr S A Cull
Mrs S M Paddison

MEDIA IN ATTENDANCE

Ms L Jackson ("Manawatu Standard")

PUBLIC IN ATTENDANCE

There were 10 members of the public in attendance at the commencement of the meeting.

APOLOGIES

There were no apologies recorded.

ANNOUNCEMENTS

Public Speaking Rights

Items 466 & 467 Foxton Code of Conduct Subcommittee
Mr B Ten Have

Mr Ten Have had also advised that he would be recording the meeting.

Cr Allan sought clarification from Mr Ten Have in relation to who he was representing in recording the meeting.

Mr Ten Have said he was representing the Levin Ratepayers Association.

Late Items

Mr Ward advised there were no late items for consideration.

Members' Conflict of Interest

Items 455 & 467 Foxton Code of Conduct Subcommittee

Messrs Vertongen and Roache would withdraw from the table for these items and Mr Gimblett would assume the Chair.

CONFIRMATION OF MINUTES

Ordinary Meeting 22 March 2010 (Minute Items 456-463)

Resolved

(Roache / Murdoch)

"THAT the minutes of the Ordinary Meeting held on 22 March 2010 (Minute Items 456-463), as submitted, be confirmed as a true and correct record."

MATTERS ARISING

Page 4 Item 458 - Foxton Amenities - Retention of Foxton Service Façade

Cr Hunt noted that the original resolution in relation to retention of the existing façade of the present Foxton Service Centre was one of a suite of resolutions that had been rescinded. She queried the current status of this resolution.

To avoid any doubt, it was:

Resolved

(Allan / Roache)

"THAT the Foxton Community Board reconfirms its position that the existing façade of the present Foxton Service Centre be retained in any new building for the Te Awahou Nieuwe Stroom Project."

CARRIED

Page 7 Item 1858 Report re Sand Dune Encroachment

It was noted that this was an item on Council's Agenda for the meeting on 5 May 2010.

REPORTS

Item-465 Foxton Community Board Monitoring Report to 3 May 2010

File No 4177

Purpose

To provide an update on the Foxton Community Board Monitoring Report to 3 May 2010.

Resolved

(Roache / Allan)

"THAT Report 4177 be received."

"THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002."

Page 2 Item 399 Busy Bee Dairy

This matter was not yet completed. There had been some difficulties, with the solution sought being similar to that which had been put in place at the Rainbow Dairy, which was working well.

Item 401 Foxton Multi Purpose Facility

This was covered in the CEO's report.

Cr Hunt again raised the outdated poster advertising a public meeting that was displayed in a business premises in Main Street. Mr Ward to follow up with Council's Communications Manager who would be aware of the poster and its location.

NOTED

Page 3 Item 447 Forbes Road Show Home

It was suggested that the Board may wish to include the provision of the playground in its submission to the Draft Annual Plan.

Cr Hunt queried the funding of the show home and whether it was included in the Draft Annual Plan. It was noted that this was an In Committee item.

Resolved

(Allan / Roache)

"THAT the Foxton Committee Board includes the provision of the playground in the Forbes Road Subdivision in its submission to Council's Draft Annual Plan 2010/11."

Mr Vertongen vacated the Chair and the table for the next item. Mr Roache also withdrew from the table.

Mr Gimblett assumed the Chair.

Item-466 Proceedings Foxton Code of Conduct Subcommittee 25 March 2010 and 19 April 2010

File No 4176

Purpose

To present to the Foxton Community Board the minutes of the Foxton Code of Conduct Subcommittee meeting held on 25 March 2010 and 19 April 2010.

Mr Ten Have joined the table to exercise his speaking rights in relation to the Code of Conduct proceedings, advising that he was commenting on behalf of the Levin Ratepayers' Association.

Mr Ten Have commented:

- this was not a pleasant situation for anybody;
- in Mr Vertongen's own words this fiasco had been monitored nationally and internationally;
- the whole situation had arisen because the Community Board followed a due and lawful process to erect the seawall;
- in light of that it did seem unfair that a few people were targeted for exposing a weakness in that process;
- there was no "ghost to put to rest"; it was entirely a long-held view of Mr Vertongen, highlighted by the fact that he had had the article pinned to his wall (whether smoko or office) for some considerable time;
- when considering Mr Vertongen's comments and actions during this process, was this acceptable behaviour whilst conducting official duties?
- because of the involvement of all members of the Community Board in the process at one level or another, ultimately the Board was being asked to pass judgement on itself for bad behaviour.

Mr Ten Have concluded his remarks with the quotation that "justice should not only be done, but must be seen to be done."

For clarification, Cr Allan asked Mr Ten Have if he had been requested to appear by the Levin Ratepayers Association and if he had been mandated to do so.

Mr Ten Have said he had advised the President that he would be attending and speaking on the matter. The Code of Conduct enquiry had also been discussed at meetings of the Levin Ratepayers Association; however there had not been a meeting where he had been mandated specifically to speak on behalf of the Association on the matter.

Mr Gimblett corrected a statement made by Mr Ten Have during his discourse. He was not the Chair of the Foxton Code of Conduct Subcommittee; that position was held by Mr Cull.

Resolved

(Allan / Ellwood)

"THAT Report 4176 be received."

Resolved

(Allan / Hunt)

*"THAT the Foxton Community Board **receive** the minutes of the Foxton Code of Conduct Subcommittee meeting held on 25 March 2010 and 19 April 2010."*

Item-467 Foxton Code of Conduct Subcommittee Receipt of Report from the reconvened meeting of 3 May 2010

File No **4195**

Purpose

To receive the recommendations of the Foxton Code of Conduct Subcommittee following their recent meetings to consider an alleged breach of the Foxton Community Board Code of Conduct by Board Chairperson, Basil Vertongen.

Resolved

(Allan / Murdoch)

“THAT Report 4195 on the Foxtton Code of Conduct Subcommittee be received.”

“THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.”

Mr Ward, in speaking to this report, reiterated the background to this matter.

Mr Cull, Chairperson of the Foxtton Code of Conduct Subcommittee, joined the table and read the Subcommittee’s decision to the meeting (a copy of which is **attached** to the official minutes).

The unanimous conclusion reached by the Subcommittee was that Mr Vertongen had on the occasion in issue breached the Foxtton Community Board’s Code of Conduct.

With the Subcommittee having reached that conclusion, Mr Ward drew the Board’s attention to Section Part 4 (Compliance and Review) of the Code of Conduct, which outlined the actions that the Board should now consider as to penalty.

In speaking to the motion, Cr Allan acknowledged the submission made by Mr Ten Have. He had asked some very clear questions of Mr Ten Have to emphasise that underpinning this whole matter were issues of accountability and to be clear about the right things being done for the right reasons. He had been uneasy about Mr Ten Have saying he was representing the Levin Ratepayers Association (a group of approximately 400 people) as he believed it would have given more weight to Mr Ten Have’s comments if a meeting had been held to give a mandate to his representation.

Cr Allan said he spoke in support of the recommendation because he trusted the three person Panel that had been appointed and he respected the process. The three people appointed had been chosen because of their skills and abilities to do a very difficult job. He believed the process had been totally robust with the Panel hearing evidence and making a decision on that evidence. The Panel’s decision did endorse the stance that a breach had occurred. It was not about intentions, but it was about actions that had not sent an appropriate message.

Cr Allan did query the suggestion by the Panel that it was for the community to have the final say as there was nothing to suggest that Mr Vertongen would be standing at the next election.

Cr Hunt also thanked the Panel for the work done.

Resolved

(Allan / Ellwood)

“THAT the Foxtton Community Board accept the recommendation from the Foxtton Code of Conduct Subcommittee that Mr Vertongen’s indiscretion on this occasion be the subject of censure by the Board, but that no further action be taken.”

CARRIED

Resolved

(Allan / Hunt)

“THAT the members of the Foxtton Code of Conduct Subcommittee be thanked for the thoroughness of their investigation.”

CARRIED

The meeting recessed briefly (7.23-7.30 pm).

Mr Vertongen resumed the Chair and Mr Roache rejoined the table.

Item-468 Council resolutions relating to Foxton Community Board

File No **4179**

Purpose

To inform the Board of resolutions that the Horowhenua District Council passed at its meetings on 30 March 2010 and 14 April 2010.

Resolved

(Allan / Roache)

“THAT Report 4179 be received.”

“THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.”

Item 1867 - Proposal to Introduce Foxton Community Board Targeted Rate

Mr Gimblett expressed his concern in relation to this proposal and requested clarification as to why this had been proposed now. He did not believe this had been addressed at Council level and was contrary to last year's harmonisation exercise. He suggested it was almost a back door move to get rid of the Community Board. There had been a representation review 3-4 years ago and the Community Board had been retained, but this could affect the decision when the next representation review was undertaken.

Ms Ellwood said she also had this item marked as a “please explain”.

Mr Ward gave some background to the proposal, which had been raised by members of the public at Rating Workshops held in November last year and was among a number of options discussed. This was included in the Draft Annual Plan for community feedback. If it was adopted it a variation would be required to Council's Revenue and Financing Policy. Such a rate was not uncommon, with other local authorities with Community Boards having targeted rates similar to what was proposed.

Mr Roache agreed with Mr Gimblett that what was proposed would drive a wedge between the Community Board and the District Council. He cited other areas, such as Kapiti which had four community boards but did not charge a separate rate. He suggested the Board's opposition to this targeted rate be included in the Community Board's submission to the Draft Annual Plan.

NOTED

Mr Vertongen further commented:

- at the last election the Community Board had moved that the Board be reduced from five members to four;
- this had gone for independent review with the result being that the number had remained at five with a further councillor being added;
- harmonisation had been stressed during last year's LTCCP review as the way to go;

- he was aware that many community boards that were funded by a targeted rate had dollars to spend but did not have the same good working relationship with their councils as the Foxton Community Board had with HDC and such a targeted rate could adversely affect that relationship.

Mr Ward noted that the submissions to the Annual Plan closed on 21 May 2010 and, subject to the availability of Board Members, that the proposed workshop be held on 12 May 2010 at 6.30 pm. This would be confirmed.

NOTED

Item-469 Chief Executive Officer's Report to 3 May 2010

File No 4180

Purpose

To present to the Foxton Community Board, for information, issues relating to the Foxton Community Board area.

Resolved

(Roache / Allan)

"THAT Report 4180 be received."

"THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002."

Mr Ward worked his way through the Issues for Consideration:

3.c. Foxton Beach Freeholding Fund

Mr Ward provided a handout showing the balance in the Freeholding Fund. In future an update would be provided on a quarterly basis.

The grant to the Manawatu Estuary Trust was queried. It had been granted in 2004 for a two year period, which had been extended for a further two years. This had now lapsed and a further application would be required.

Cr Hunt queried the inclusion of funding for the Foxton Public Amenity Centre. She was not aware that a decision had been made that this would be funded from the Freeholding Fund and she was disturbed to see the figure included.

3.d. Wastewater Readings - Foxton Wastewater Discharge Consent

Mr Ward requested an amendment to the 08/03/10 downstream discharge figure from 108 to 185. The wide variation in the figures was noted. The testing regime would be followed up to see if there were any inconsistencies or any contributing factors, such as heavy rain.

Mr Murdoch commented on a recent meeting between SORT and Horizons, where it had been noted that much of the pollution was coming from cattle.

3.e. Pinewood Motor Camp

Mr Vertongen gave a verbal update on the visit to the Camp with Officers on 22 April 2010. He worked through the proposed expenditure, giving a background to the various items

and stressing the areas (such as the work on the Camp Manager's House) that needed work done sooner rather than later.

It was suggested this also be included in the Board's submission to the Draft Annual Plan.

NOTED

Mr Ward said he would request Council's Facilities Assets Manager, Peter Shore, to prepare a report for the Board detailing the costs, funding source, etc, with this information to be prepared and circulated prior to the Board's proposed workshop.

Cr Hunt requested a copy of the feasibility study on the project. As the Freeholding Fund would be used, she wanted to know the projected revenue as well as the costs that may be involved.

3.h. Maintenance Works

The poor state of repair and décor at the Foxtton Memorial Hall was raised. This had been particularly noticeable at the recent Anzac Day observances.

It was suggested that there were options for progressing this matter expeditiously, such as using the Community Max Group which had done a superb job on the Shannon Memorial Hall.

Mr Roache queried when work would commence on tidying up the next section at the Foxtton Cemetery. He was of the understanding that this needed to be progressed as the next section would need to consolidate before it could be used and what was currently available may not last much more than twelve months. Should this also be included in the Board's submission to the Draft Annual Plan?

Mr Ward said he would look into the budgeted cemetery works for next year and check on funding.

NOTED

Item-470 Resource Consents Issued

File No **4181**

Purpose

To receive the listing of land use and subdivision resource consent applications approved under delegated authority.

Resolved

(Allan / Roache)

"THAT Report 4181 be received."

"THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002."

"THAT the list of land use and subdivision resource consents be received."

**Foxton Subdivision Resource Consents Granted Under Delegated Authority
12/03/10 to 22/04/10**

Date	File Ref	Subdivider	Address
8-Apr-10	SUB/2895	Jonathan Chapman	16 Brown Street, Foxton

**Foxton Land Use Resource Consents Granted Under Delegated Authority
12/03/10 to 22/04/10**

Date	File Ref	Applicant	Address
16-Mar-10	LUC/2798	James Burke & Christine Helm	23 Brown Terrace, Foxton Beach
17-Mar-10	LUC/2911	Leslie & Jan Thomas, & Karen McErlean	32 Palmer Road, Foxton Rural
18-Mar-10	LUC/2904	Harold Dykstra	126 State Highway 1, Foxton/Himatangi Rural
19-Mar-10	LUC/2919	Colin & Jennifer Loveridge	42 Edinburgh Terrace, Foxton Beach
1-Apr-10	LUC/2925	Te Koa Trust, David Russ & Bruce Stewart	63 Norbiton Road, Foxton
13-Apr-10	LUC/2922	Mark & Christine Treadwell & Ken MacKrell	36 Marine Parade South, Foxton Beach"

MOTION TO EXCLUDE THE PUBLIC

Resolved

(Allan / Roache)

"THAT the Foxton Community Board pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public."

**Confirmation of Minutes Ordinary Meeting 22 March 2010 (Minute Item 464))
Item 471 - In Committee Foxton Community Board Monitoring Report 3 May 2010
Item 472 - Proceedings Foxton Code of Conduct Subcommittee 26 April 2010**

Reason for Confidentiality

These reports are **CONFIDENTIAL** in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, which permits the meeting to be closed to the public for business relating to the following grounds: -

- 48(1a) *That the public conduct of the whole or 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.*

Subject to sections 6, 7 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary to:

- 7(2a) *Protect the privacy of natural persons, including that of deceased natural persons.*
- 7(2f) *Maintain the effective conduct of public affairs through-*
 - (ii) *The protection of such members, officers, employees, and persons from improper pressure or harassment.*
- 7(2i) *Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).*
- 7(2j) *Prevent the disclosure or use of official information for improper gain or improper advantage.*

Resolved

(Roache / Ellwood)

"THAT Mr Cull and Mrs Paddison re requested to remain in the meeting to take advantage of their knowledge in relation to Item 472 on the Agenda."

MEETING CLOSURE

There being no further business the meeting concluded at 8.34 pm.

CONFIRMED this day of

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Chairperson