

Minutes of an extraordinary meeting of the Gore District Council, held in the Council Chambers, civic administration building, 29 Bowler Avenue, Gore, on Tuesday 16 May 2023, at 3.15pm.

Present His Worship the Mayor (Mr B R Bell), Crs Dickson, Gardyne, Hovell, MacDonell, McKenzie, P McPhail, R McPhail, Phillips, Reid and Stringer.

In attendance The Acting Chief Executive (Mr Rex Capil), General Manager Corporate Support (Ms Lornae Straith), General Manager Critical Services (Mr Jason Domigan), General Manager People and Culture (Mrs Nicky Cooper), General Manager Communication and Customer Support (Sonia Gerken), Governance Manager (Susan Jones), Facilities Administration Officer (Mr Neil Mair), three members of the Mataura Community Board and 50 members of the public in the gallery.

His Worship thanked all those in the Chambers for attending. He appreciated the support as did the Council. It was good to see people active in democracy. He went through some safety measures. If the meeting became unruly he would stand up and ask people to calm down. If it happened again he and the Council would leave the meeting.

1. MINISTERIAL INTERVENTION (SC3528)

A memo had been received from the Chief Executive together with a copy of a requisition signed by eight elected members, requesting an extraordinary meeting to be called.

Cr Hovell moved THAT the Council work with Local Government New Zealand and Taituara to develop an amended Terms of Reference for an independent review to renew confidence in the Council.

The motion was seconded by His Worship.

Cr Hovell he had stood for the Council to serve and benefit the community and to promote economic and social development for all who lived in Gore and the surrounding area. He hoped to work with others around the table and the wider community. That had been compromised by poor behaviours and a loss of trust around the table. He was conservative and he was averse to confrontation. For him

to be part of a group of people who were speaking out raised hope that there were serious issues. Some messages said the Mayor had been elected and the Council should let him get on with it. Not calling out bad behaviour allowed it to flourish. The Council had tried to work through the issues. Mental and physical health was at risk. It could pretend all was well and carry on. That was no longer the NZ way. In recent months, he had tried to work through issues but they still remained. He preferred to share openly with the community with all that was before it. In the spirit of openness, most Councillors had met with the Department of Internal Affairs on Friday of the previous week. The Mayor and Cr Mckenzie had not been not invited and it was his responsibility to tell them about the meeting and why it was being held but he had not done that. He apologised to both of them. Many people had contacted him in recent weeks. The elected representatives had considered the advice and comments received and that had resulted in the new resolution. The intention of the original resolution was to find a way forward in a new way. Advice received was there were better ways to achieve that. The new resolution was wider in scope than the original and would look at the relationships between the Councillors and the staff and the wider community. He had seen on the news that his name was part of a petition that had been included along with several other Councillors. He had not given any authority for his name to be used. If the community wanted the Council to move forward, then it could help. Social media commentary did not help the physical or mental health of Councillors or the staff in the building and many people in the wider community. He wanted to work together.

Cr R McPhail supported Cr Hovell's comments. Trust, confidence and integrity were the principles the Councillors came back to. They needed to act in the best interests of the community, not themselves and reflect on the various resolutions passed at meetings in past weeks. They had gone in ever decreasing circles in the hope of change. Councillors did not have the skills to correct some of the issues before it and needed assistance. In more recent days communication had occurred which he believed was a common sense approach for the issues being faced, and as described on the recent Sunday programme, was the "Gore way". It saddened him the way Gore was being portrayed. When looking at some of the previous resolutions and what was happening in the community, the Council needed to remind itself that one had been to support the Council staff and the Chief Executive. The Council was an employer and it needed to remind itself of its obligations as an employer. He believed the events that occurred in the last couple of weeks had cause to be a circuit breaker. The way the resolutions were dealt with today was the first step of rebuilding the trust with the community and the Council. Times of uncertainty tested character and showed the commitment the Council had for the community.

Cr Dickson respected the public who were in attendance at the meeting and for standing up for democracy, the community and staff. The last few months had been stressful and challenging. The Councillors had stood as elected members to make a difference. They made tough decisions. She recognised the current situation was unsustainable and there needed to be movement between the parties to get a resolution. She had signed the requisition for the Mayor to resign. It was more a cry for help than anything else as the Council was hamstrung. Councillors were the

Mayor's allies not his enemies. They were stepping out to move forward with him. Their role was to support the Mayor and the Council to be the best they could be for the District. She supported the motion wholeheartedly.

Cr Gardyne supported the motion. He had not signed the requisition but preferred coming to a meeting and discussing it was required. The Council needed to re-set, move forward and support the staff, Mayor and the Chief Executive going forward. It had to be a team effort. He thought they were on track.

Cr Reid supported Hovell, McPhail and Dickson's comments. Everyone was here to do the best for the community and she gave her word to honour that commitment. Cr P McPhail also supported the previous comments and the motion. Cr Phillips supported the motion and said the people who knew him knew he had served in various organisations in the community for over 50 years. He was there to represent the Matura ward and the district and hoped to continue to do so.

Cr Stringer supported the motion. Cr MacDonell supported the motion, saying the Council needed to put the issues behind it and move forward for the good of the District. Cr McKenzie said it had been a very stressful exercise for everyone. He supported the Mayor and could see the potential to build a bloody good team of people to do a bloody good job. He supported the motion. The Council possibly needed some assistance, but it should build a good team.

His Worship appreciated the comments. He said over the past couple of days getting the request to resign was one of the darkest days of his life but following that, the immense pressure from the community pushed him up and pushed the Councillors down. He believed they had had difficult days too. He agreed there needed to be skills provided to assist the Council. Councillors were not perfect and there was a need for help from professionals to manoeuvre through it. He agreed wholeheartedly that the Council needed to return to the Gore way and getting on with the job. He thanked everyone at the meeting and across the country who had got involved in standing up for democracy and was sure the electoral system appreciated it. He felt Councillors had been making decisions to the best of their ability but it needed help to say what those decisions should be. He agreed with Cr McKenzie for the Council to come together and unite.

The motion was put and it was carried.

2023/58

3. VOTE OF NO CONFIDENCE (SC3528)

No motion was put forward.

4. LEGAL OPINION TO REMOVE THE MAYOR FROM THE CHIEF EXECUTIVE APPRAISAL COMMITTEE (SC3630)

A memo had been received from the Chief Executive following a report on the constitution and Terms of Reference for the Chief Executive's Performance Appraisal Committee discussed at the April meeting. The revised membership of the Committee had proposed to remove the Mayor as a member due to concerns in regard to a notable conflict of interest.

His Worship had challenged the Council's ability to remove him from the Appraisal Committee citing the specific provision of section 41A(5) in the Local Government Act 2002. Further, it had been contended by His Worship that a section within the Act trumped a clause within a schedule. This point was made as Clause 31 in Schedule 7 of the Act provided for a Council to appoint or remove any member to or from a Committee.

At the time the difference of view was expressed, the Chief Executive had advised the Council that staff were comfortable with the clarity provided in Clause 31 of Schedule 7 and had verbally conferred with the Council's lawyer before the item had been placed on the April Council meeting agenda. In the interests of certainty and clarity, a formal legal opinion on the Council's ability to remove the Mayor from a Committee had been requested.

A copy of a written opinion from Anderson Lloyd had been circulated. The opinion made it quite clear that clauses in a schedule were not subservient to sections located closer to a statute's commencement. The opinion was unambiguous in that the Council had the right under clause 31 of Schedule 7 to remove a member, including the Mayor, from a Committee.

His Worship said he had received all sorts of legal advice from throughout the country, but the recommendation stated it be received and noted. He did not feel it was appropriate to argue whether the opinion was correct.

Cr MacDonell moved THAT the report and legal opinion from Anderson Lloyd be received and noted.

The motion was seconded by Cr Dickson.

Cr R McPhail acknowledged receipt of the legal opinion. When it had been discussed previously, the question was asked whether the Mayor would remain on the Appraisal Committee. He asked if the Mayor intended to remain on the Chief Executive Appraisal Committee. His Worship said given the legal advice, he took it he was removed from the Committee. His reason for wanting the opinion was in relation to the next item and he did not believe it was fair or right for a Mayor to be removed from all of his Committees. As for the Chief Executive Appraisal Committee, there had been talk of unity, and he did not want to be a thorn in the

side of the Appraisal Committee and was more than happy to step away from its membership.

Cr R McPhail believe it would be pertinent for him to also withdraw from the Committee due to his being the appointed intermediary between the Mayor and Chief Executive.

The motion was put and it was carried.

2023/59

5. REQUEST TO REMOVE MAYOR FROM COMMITTEES, SUB-COMMITTEES AND JOINT COMMITTEES (SC3528)

The Mayor read the following motion:

THAT the Council remove the Mayor from the following Committees, Sub-Committees and Joint Committees:

- **Assets and Infrastructure Committee**
- **Audit and Risk Committee**
- **Community Wellbeing Committee**
- **Policy and Regulatory Committee**
- **Rural Halls and Domains Sub-Committee**
- **District Plan Sub-Committee**
- **Great South Joint Shareholder Committee**
- **Southland Waste Advisory Group (WasteNet)**
- **Southland Civil Defence Emergency Management Group**

The motion lapsed for want of a mover.

His Worship thanked those in attendance for their support.

The meeting concluded at 3.38pm