

Response to information request from Newshub

17 July 2023

Dear Caley

We are pleased to provide you with the final tranche of information following requests on 22 May and then updated 15 June.

We have collated emails between Mayor Bell, Councillors, the CEO and senior management team within the timeframes you specified. My apologies if there are some double ups from the emails sent to you previously.

Some information has been redacted in accordance with the Local Government Official Information and Meetings Act Section 7 (2)(a) to protect the privacy of individuals and Section 7(2)(g) to maintain legal professional privilege.

The Council has also withheld some emails under section 7(2)(g).

Thank you for your patience in waiting for a response.

If you are unsatisfied with the response, you are entitled to lodge a complaint with the Office of the Ombudsmen. You can find more information on its website <http://www.ombudsman.parliament.nz>

Kind regards

A handwritten signature in black ink, appearing to read 'Sonia Gerken'.

Sonia Gerken
GM Communications & Customer Support

Informal meeting in-person recollection

Thanks for your email on 15 June asking for councillors' in-person recollection of an informal meeting held on Monday 15 May.

All elected member at the meeting have provided me with their high level recollection of the meeting. There were no notes or minutes from this informal gathering.

However, the following is a summary of the responses from Councillors which would have been captured if notes had been taken:

The meeting started at 4:00pm and finished about 5:00pm. All elected members were present, although Cr B Reid did not arrive until about 4:25pm.

Two senior staff briefed councillors about a health & safety plan in place for the Council meeting the next day, given protestors were expected. The briefing lasted about 10 minutes then staff left.

Councillors discussed:

- Health and safety procedures for the Council meeting the next day
- The tabling of a vote of no confidence in the mayor
- The Sunday programme which aired the night before
- The pressure Council staff were under dealing with personal attacks
- General wellbeing check in with all elected members and further resignation concerns

Those elected members who commented said:

Cr Robert McKenzie: *There was some chat about the upcoming Tuesday meeting. I was not fully aware of what was happening until it was mentioned that motions would be tabled and not actioned re not seconded etc. The reason this action was taken by some council members has only become clear to me in recent times*

Cr Glenys Dickson: *The discussion was around Health and Safety with the upcoming Council meeting predicted to be difficult. Also, Councillors were feeling the stress of the events taking place and it was an opportunity to download and support each other*

Cr Bronwyn Reid: *I remember talk of the expectation of behaviours from protesters and the pressure council staff were under dealing with personal attacks and the logistics of the meeting next day*

Thank you for your patience in awaiting for a response.

If you are unsatisfied with the response, you are entitled to lodge a complaint with the Office of the Ombudsmen. You can find more information on its website <http://www.ombudsman.parliament.nz>

Kind regards

A handwritten signature in black ink, appearing to read 'Sonia Gerken', written in a cursive style.

Sonia Gerken
GM Communications & Customer Support

From: [Keith Hovell](#)
To: [Richard McPhail](#)
Subject: Fwd: Todays meeting
Date: Thursday, 11 May 2023 1:02:06 PM
Attachments: [image001.png](#)
[image002.png](#)

FYI
Keith

From: Michael Garbett <michael.garbett@al.nz>
Sent: Thursday, May 11, 2023 11:42 AM
To: Stephen Parry <SParry@goredc.govt.nz>; Keith Hovell <khovell@goredc.govt.nz>
Subject: FW: Todays meeting

Hi Steve and Keith,

I have received this from [REDACTED] this morning. I have acknowledged receipt and indicated I would certainly pass onto you for members to consider.

Kind regards,

Michael Garbett (he/him) | Partner | [Anderson Lloyd](#) | d +64 3 467 7173 | m +64 27 668 9752

From: [REDACTED]
Sent: Thursday, 11 May 2023 11:36 AM
To: Michael Garbett <michael.garbett@al.nz>
Subject: RE: Todays meeting

Good Morning Michael,
Thank you for your letter. You will have noted from the email my concerns as to instructions from Council in these circumstances, but I'm comfortable to engage as a matter of practicality. It is unclear the basis on which this item would be added to the agenda, nevertheless Mayor Bell would be open to these issues being added as a public excluded item to enable Council to have a full and frank discussion about the matters which have arisen and how Council can move forward. This links to my further suggestion below.
Obviously this latest exchange serves to highlight ongoing and wider issues within the Councillor dynamic. These need to be resolved by Council as a whole as a matter of urgency.
To that end I have had an preliminary discussion with [REDACTED] who you will know [REDACTED] is happy to have a chat with you directly), [REDACTED] has indicated [REDACTED] willingness to provide facilitation to the Councillors to assist resolution of extant issues between them and endeavour to improve functioning moving forward.
[REDACTED] has rightly identified the substantial issues in terms of internal conflict, interpersonal dynamics and environmental context which very much lend themselves to facilitation. Accordingly it will be Mayor Bell's proposal on Tuesday that the Council engage [REDACTED] to facilitate a workshop with urgency to enable present issues to be worked through between councillors in a safe environment and ideally bring some level of resolution to the ongoing issues. I would be grateful if you could explore these suggestions with relevant Councillors, to avoid further unhelpful escalation.

Ngā mihi | Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: Michael Garbett <michael.garbett@al.nz>

Sent: Wednesday, May 10, 2023 6:07 PM

To: [REDACTED]

Subject: FW: Todays meeting

[REDACTED]

I have been sent your email below by the Council. Please see the attached letter in reply on behalf of the Gore District Council.

Kind regards,

Michael Garbett ([he/him](#))

Partner

Anderson Lloyd

d [+64 3 467 7173](tel:+6434677173) | m [+64 27 668 9752](tel:+64276689752) | al.nz

Toitu Carbon Zero



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From: [REDACTED]

Sent: Wednesday, May 10, 2023 3:59 PM

To: Keith Hovell <khovell@goredc.govt.nz>

Cc: Ben Bell <bbell@goredc.govt.nz>

Subject: RE: Todays meeting

Good Afternoon Cr. Hovell

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It would be inappropriate for Council's legal advisors to provide such advice in these circumstances, as these actions have no proper mandate from Council. Rather on my instructions result from an informal "get together" convened following a workshop, without the full knowledge nor consent of many Councillors.

[REDACTED]

Your actions have the potential to make an already difficult situation far worse, I would suggest it is in all parties interests to let cool heads prevail.

To that end there is a willingness on Mayor Bell's part to engage in further discussion, including an openness to the engagement of an independent facilitator to assist Councillors in this process, Mayor Bell is happy to table such proposals at an in-committee councillor only session at next week's council meeting.

Ngā mihi | Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] If by mistake, please notify me as soon as possible and delete

Dear Ben

For the avoidance of doubt, I wish to confirm the discussion held in your office with myself and Cr Richard McPhail this morning at 11:30.

As discussed, the Councillors met informally last evening, following a Council workshop, to discuss your involvement and issues arising from the Sunday program, informed predominately by the questions put to the Chief Executive by TVNZ.

I regret to advise that you no longer have the trust nor the support of the majority of

Councillors. It is clear that the interests of the Gore District would be best served by you resigning from the position of Mayor.

It is the intent of Councillors to write to the Minister of Local Government this week advising of the above and seeking a meeting with him and/or the Department of Internal Affairs as soon as practicable. The extent of action sought to be taken will be influenced by whether you seek to remain in office. Should you not opt to resign by 3:00pm today it is intended to seek a vote of no confidence in your leadership at the Council meeting next Tuesday.

Should you opt to resign, I want to assure you that the Council will put in place strong support to enable you to transition from your current role. In that regard, the resignation could take place at a future date, no later than 30 June, with a request from you that a leave of absence be granted until the nominated resignation date.

As noted above, I would like to learn of your intentions by 3:00pm today.

Yours sincerely

Keith Hovell
Deputy Mayor

11 May 2023

Stephen Parry
Chief Executive
Gore District Council
29 Bowler Ave
GORE 9770

Dear Mr Parry

Requisition to Call an Extraordinary Meeting

We the undersigned, being elected members of the Gore District Council give notice that we wish to meet on Tuesday 16 May 2023 at 3:15 pm at the Gore Council to consider the following resolutions:

- 1 That the Council write to the Minister of Local Government requesting a meeting with Council Representatives to discuss intervention measures available to assist the Council to effectively govern and conduct its business as usual.**
- 2 That the Council pass a vote of no confidence in the Mayor, Benjamin Bell.**
- 3 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

Signed by:

Signature

Name

Signature

Name

Signature

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Name

From: [Keith Hovell](#)
To: [Councillors \(with e-mail\)](#)
Subject: New Wording For First Motion
Date: Tuesday, 16 May 2023 12:48:59 PM

As all may be aware from an email by Susan Freeman-Greene last night, discussions have taken place between LGNZ, Taitaura and DIA suggesting the following wording to replace Motion 1. In effect it calls for an independent review and is open in scope so able to pick up all issues currently going on. Ben supports this approach and I believe it will achieve the outcome sought by the motion we put together.

THAT the Council work with LGNZ and Taituara to develop an amended Terms of Reference for an independent review to restore confidence in the Council.

Feedback please

Regards

Keith

Media Statement from Gore District Councillors

On Wednesday, Gore District Council deputy mayor Keith Hovell and intermediary Cr Richard McPhail met with Gore District Mayor Ben Bell and asked him to resign.

The request was supported by Councillors Joe Stringer, Stewart MacDonell, John Gardyne, Neville Phillips, Glenys Dickson, Paul McPhail and Bronwyn Reid.

In a statement Cr Hovell said the actions of the mayor in recent weeks had led to the difficult decision to request his resignation.

The reasons for the request were:

- Nine out of 10 councillors had lost confidence in the mayor
- Nine out of 10 councillors had lost trust in the mayor acting in the best interests of the community and Council as a whole

The mayor had acted outside the decisions of the Council and broken the trust of councillors, Cr Hovell said.

There will be a notice of motion go before Tuesday's Council meeting that a letter be sent to the Minister of Local Government requesting a meeting. The purpose of the meeting will be to talk about intervention measures available to assist the Council to effectively govern and conduct its business as usual in light of the mayor's refusal to resign.

"Councillors desired outcome is to preserve the democratic representation, supported by some Crown support.

"We are eager to continue to represent the interests of the wider community and the people we serve."

There will also be an urgent late item for Tuesday's council meeting. The item will have two recommendations. They are:

- A vote of no confidence in the mayor
- Removal of the mayor from all committees, sub-committees and joint committees

From: [Keith Hovell](#)
To: [Bronwyn Reid](#); [Stewart MacDonell](#); [John Gardyne](#); [Glenys Dickson](#); [Richard McPhail](#); [Joe Stringer](#); [Neville Phillips](#); [Paul McPhail](#)
Subject: Press Release
Date: Wednesday, 10 May 2023 5:06:24 PM
Attachments: [Statement from Councillors.docx](#)

Good afternoon all

Attached is a draft press release. Would you please advise by return email if you wish for your name to be included or excluded from the press release. Advice to us is to release this tomorrow morning well in advance of the Sunday programme and the Council meeting next Tuesday.

You will note, it refers to seeking a resolution prior to writing to the Minister. Given we had only an informal meeting last night, that does not have the necessary status to enable a letter to be sent at this stage.

Following my meeting this morning with Ben, and Richard also, [REDACTED]
[REDACTED]

I will phone you all to check whether any issues.

Cheers

Keith

From: [Keith Hovell](#)
To: [Sonia Gerken](#); [Ben Bell](#); [.Councillors \(with e-mail\)](#)
Cc: [Rex Capil](#)
Subject: Re: Draft press release
Date: Tuesday, 16 May 2023 1:20:53 PM

I support that wording
Cheers
Keith

From: Sonia Gerken <SGerken@goredc.govt.nz>
Sent: Tuesday, May 16, 2023 1:20:11 PM
To: Keith Hovell <khovell@goredc.govt.nz>; Ben Bell <bbell@goredc.govt.nz>; .Councillors (with e-mail) <Councillors@goredc.govt.nz>
Cc: Rex Capil <rcapil@goredc.govt.nz>
Subject: RE: Draft press release

Hi

Thanks for the feedback – here's the amended sentence. I have added the word unanimously to re-enforce that councillors are speaking with one voice.
cheers

Given the councillors' desire to move forward, it was unanimously agreed not to proceed with the resolutions of a vote of no confidence and request to remove the Mayor from all Council committees, sub-committees and joint committees.

From: Keith Hovell <khovell@goredc.govt.nz>
Sent: Tuesday, 16 May 2023 1:10 PM
To: Ben Bell <bbell@goredc.govt.nz>; .Councillors (with e-mail) <Councillors@goredc.govt.nz>
Cc: Sonia Gerken <SGerken@goredc.govt.nz>; Rex Capil <rcapil@goredc.govt.nz>
Subject: Re: Draft press release

Thanks Ben

I would like to see the phrase "did not get support around the Council table" replaced with a statement to the effect that "Given the desire to move forward as above it was agreed not to proceed with the resolutions ..."

Happy to provide more detailed wording if required.

Cheers

Keith

From: Ben Bell <bbell@goredc.govt.nz>
Sent: Tuesday, May 16, 2023 1:03:55 PM
To: .Councillors (with e-mail) <Councillors@goredc.govt.nz>
Cc: Sonia Gerken <SGerken@goredc.govt.nz>; Rex Capil <rcapil@goredc.govt.nz>

Subject: Draft press release

Hi all,

Please find the attached Draft press release to go out in between meetings.

This has been reviewed by Sonia and she is comfortable with the messaging.

Could you all please get back to us ASAP with any changes or simply a yes if you are happy as it stands.

Cheers,

Ben

From: [Keith Hovell](#)
To: [John Gardyne](#)
Subject: Request for Extraordinary meeting
Date: Thursday, 11 May 2023 2:10:50 PM
Attachments: [May 2023.docx](#)

Hi John as discussed here is the requisition to ask for these items to be debated. Does that meet your concerns. Agreeing with the request to debate does not commit to a particular vote. Press statement is still proposed but not with your name.

Please advise if you are agreeable to sign this document.

Cheers

Keith

Press Release – for immediate use

16 May 2023

Gore District Mayor Ben Bell and councillors today apologised to the community and each other for the turmoil of recent days.

In a move to restore trust with the public and amongst each other, elected members have agreed to put their differences aside and refocus on serving the people of the Gore District.

In a joint statement, the elected members said they reunited following an in-depth, transparent, and honest conversation yesterday.

“We have agreed that we all need to communicate more openly and effectively so there are no further misunderstandings that could lead to an irreparable breakdown in trust.”

Given the Councillors’ desire to move forward, it was unanimously agreed not to proceed with the resolutions of a vote of no confidence and the request to remove the Mayor from all Council committees, sub-committees and joint committees.

It was decided to write to Local Government New Zealand and Taituara asking it to assist with the terms of reference for an independent review to renew confidence in the Council.

The issues relating to the Mayor and Chief Executive relationship were separate and would be addressed through mediation and an independent review.

The Council resolved that to protect the integrity of the mediation process and the independent review, it will be making no further comment on this topic until both processes are completed.

ENDS

From: [Richard McPhail](#)
To: [.Councillors \(with e-mail\); Ben Bell](#)
Cc: [REDACTED]
[REDACTED] As collective employers - emails being sent re CEO
Date: Wednesday, 17 May 2023 7:21:53 PM

Good evening All

I will be forwarding emails that have been received by either CEO or Council staff which are directly related to employment issues or requesting information around employment matters.

I am happy to take responses - but it is for your knowledge /noting only as [REDACTED] will be collating on file.

You will see the requests I have made /or queries. I am also happy for any insight anyone wishes to add if they deem prudent.

I will do this as part of Intermediary role but open to all offers of assistance. I will not be making any decisions or directions without consultation or approval from all.

I have spoken with Steve tonight [REDACTED]. He has been offered all support if required as his employer.

Thanks
Richard

Sent from my iPad

From: [Richard McPhail](#)
To: [Councillors \(with e-mail\)](#); [Ben Bell](#)
Subject: Fwd: GDC bereavement leave
Date: Wednesday, 17 May 2023 7:26:14 PM

FYI

As can be seen I have requested the correct leave determination for Steve to be advised by HR - he had indicated and requested for leave due to the family situation.

Sent from my iPad

Begin forwarded message:

From: Rex Capil <rcapil@goredc.govt.nz>
Date: 17 May 2023 at 2:38:03 PM NZST
To: Richard McPhail <RMcPhail@goredc.govt.nz>, Nicky Cooper <NCooper@goredc.govt.nz>
Cc: [REDACTED] Keith Hovell <khovell@goredc.govt.nz>
Subject: RE: GDC bereavement leave

Nicky

Can you please assist with Richard's query below – re leave and privacy matters etc

Thanks

Rex

From: Richard McPhail <RMcPhail@goredc.govt.nz>
Sent: Wednesday, May 17, 2023 2:27 PM
To: Rex Capil <rcapil@goredc.govt.nz>
Cc: [REDACTED] Keith Hovell <khovell@goredc.govt.nz>
Subject: Re: GDC bereavement leave

Hi Rex

Sorry for delay in replying. This is a cruel and totally inappropriate email for [REDACTED] to send to the CEO.

I would suggest this is placed on file for [REDACTED]. Also confirmation of what what leave Steve is entitled to please and what he currently is set up with leave wise for our records.

I will then forward this to all councillors to show the distaste in what people are doing.

I wish all councillors to have the correct information to disseminate of the leave for Steve formally ? Or is this a privacy issue - confirmation please.

Should we consider any reply or is it a privacy issue.

Thanks

Richard

Sent from my iPad

On 17/05/2023, at 10:29 AM, Rex Capil <rcapil@goredc.govt.nz> wrote:

Richard ([REDACTED])

As per the email I forwarded to you below – I have been doing a bit more thinking on this – and wondering if it is appropriate to forward to the rest of the Councillors as the employer – as heads up of the public pressure and impact this maybe having on your employer. I feel it is my duty as ACE to ensure you are aware of some of the [REDACTED] [REDACTED] pressures Steve maybe facing as a result of this situation. At the end of the day – we are all humans

I will leave it with you if you do wish to share with the Council (as the collective employer) as it is probably important they are not blindsided with impacts of this and what may be coming

Happy to discuss further as required – just trying to assist in that 'good employer' space

Thanks

Rex

From: Rex Capil

Sent: Wednesday, May 17, 2023 10:10 AM

To: Richard McPhail <RMcPhail@goredc.govt.nz>

Subject: FW: GDC bereavement leave

Richard

FYI as intermediary

Rex

From: Stephen Parry <SParry@goredc.govt.nz>
Sent: Wednesday, May 17, 2023 10:08 AM
To: .Senior Management Team
<SeniorManagementTeam@goredc.govt.nz>
Subject: FW: GDC bereavement leave

Fyi. Incredible. Words fail me.

Sent from my Galaxy

----- Original message -----

From: [REDACTED]
Date: 17/05/23 9:10 am (GMT+12:00)
To: Stephen Parry <SParry@goredc.govt.nz>, Information at Gore District Council <info@goredc.govt.nz>, Ben Bell <bbell@goredc.govt.nz>, Keith Hovell <khovell@goredc.govt.nz>
Subject: GDC bereavement leave

Dear Sir,

NZ bereavement leave is allowed for relatives of a deceased person, or for a miscarriage or still birth , and is allowed for 1 day or more determined by circumstances.

It is reported that CEO Gore District is on bereavement leave for [REDACTED].

Clearly the criteria used by the CEO to justify leave is beyond the law unless he has an employment agreement to the contrary.

Please advise me if the law applies in the current leave request to GDC and who is responsible to review the CEO's application.

He of all people at Council need to set an example and adhere to the law, which I am sure he knows only too well.

He is able to take annual leave like anyone else, in my opinion.

Regards



From: [Richard McPhail](#)
To: [Councillors \(with e-mail\); Ben Bell](#)
Cc: [REDACTED]
Subject: Fwd: Sunday programme - Mayor Bell. Legal Privilege - Not for disclosure
Date: Wednesday, 3 May 2023 7:34:01 PM

The below email is covered by Legal Privilege - Not for disclosure

Good evening

I have spoken to Steve this afternoon after our meeting and he is happy with the resolutions and particularly happy that staff have been recognised with confidence and support from the council as a whole and this resolution has been made available to the community via the media release.

[REDACTED] - I have mapped the way forward informally at present and will follow up with a face to face [REDACTED].

[REDACTED]

I will state my concern that a legal intervention could also be interpreted within the context of the programme and be incorrectly shown to form part of a media block by the Gore Council in relation to the situation currently under the spotlight. I.e : we have something to hide.

I note the reference to Comms person - did we discuss and confirm if required our GDC comms General manager will be used?

Ben , I am in Invercargill for the first part of day but back in Gore in afternoon if you need to catch up and discuss this. Also any other councillor who wishes to discuss feel free to call.

Any correspondence should include our legal adviser due to this being a privilege based conversation.

Thanks

Richard

Sent from my iPad

Begin forwarded message:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]
 [REDACTED]
 [REDACTED]

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[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

██████████

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: [Richard McPhail](#)
To: [.Councillors \(with e-mail\); Ben Bell](#)
Cc: [REDACTED]
Date: Tuesday, 9 May 2023 8:13:11 AM

Good morning Mayor, Councillors and [REDACTED]

I have started a second email trail for [REDACTED] administration as the other email trail is becoming difficult to navigate with those on a an IPad.

I would suggest all read the recent emails for transparency of discussion between legal and ourselves.

[REDACTED]

[REDACTED]

[REDACTED]

I intend to speak to you all at LTP today if possible. [REDACTED]

[REDACTED]

I note Ben has indicated the [REDACTED] process for any outcome - [REDACTED]
[REDACTED] We would need to get advice on carrying out an extraordinary meeting which is another reason for having guidances from the two GM's.

As for actual process on the ground I will await that from [REDACTED]

[REDACTED]

Happy to take calls or discuss in email process.

regards
Richard

Copy email for file

Dear Mayor Bell and Cr McPhail

I trust you both had a nice weekend.

Thank you for clarifying your position Mayor Bell. I appreciate your swift response

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] my iPad

From: [Richard McPhail](#)
To: [Senior Management Team](#)
Subject: Personal Thanks
Date: Wednesday, 17 May 2023 9:14:05 AM

Good morning.

The day after!

I would like to personally thank you all for the commitment and professionalism you have shown to myself and the rest of the council during this period of political disruption.

The honesty and advice given and firm but fair actions towards us has been a credit to yourselves and the Gore District Council staff. Please pass on this sentiment to all your staff.

From my corner I will always give you the backing you deserve and am hoping we now can get on with the essential work together in a more politically calm working environment for you all.

Kind Regards

Richard

Sent from my iPad

From: [Richard McPhail](#)
To: [Stephen Parry](#)
Subject: [REDACTED]
Date: Thursday, 11 May 2023 12:27:59 PM

Hi Steve

Called into council to see you but you had left. [REDACTED]
[REDACTED]

I am tied up for next couple hours but could catch up before 4pm council workshop this arvo. I realise there is more media in bound and you may want to discuss?

Thanks
Richard

Sent from my iPad

On 11/05/2023, at 12:11 PM, Stephen Parry <SParry@goredc.govt.nz> wrote:

Hi Richard,

[REDACTED]
[REDACTED]

Thanks,

Steve

From: [Richard McPhail](#)
To: [.Councillors \(with e-mail\)](#); [Ben Bell](#)
Subject: Re: Moving forward - Legal Privilege - Not for disclosure
Date: Tuesday, 9 May 2023 1:11:46 PM

Good afternoon all

I have noted the commentary of the councillors below and agree there has been implied connection. The issue needs addressed separately.

I will defer this to the deputy Mayor to deal with [REDACTED]
[REDACTED]

Regards

Richard

Sent from my iPad

On 9/05/2023, at 12:42 PM, Paul McPhail <PMcPhail@goredc.govt.nz> wrote:

Good afternoon fellow councillors

We the undersigned councillors are concerned by the content of the recent emails from the Mayor and the indication it is giving that the council or councillors have a breakdown in communication with the CEO.

The resolutions passed were quite clear.

We are concerned by the implication from the Mayor that we have a dispute.

We want this clarified- we are acting as the employers [REDACTED]

[REDACTED] to attempt to remedy the dispute/relationship breakdown between the Mayor and CEO.

We reiterate the dispute exists between the Mayor and the CEO not as the email states the full council and the CEO

Cr P McPhail Cr B Reid Cr N Phillips

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From: Ben Bell <bbell@goredc.govt.nz>
Sent: Monday, May 8, 2023 10:32:39 PM
To: .Councillors (with e-mail) <Councillors@goredc.govt.nz>
Subject: Fwd: Moving forward - Legal Privilege - Not for disclosure

Good evening all,

Please find the below email chain. This has been forwarded for transparency and is still legally privileged.

Happy to discuss further at tomorrow's meeting in a confidential setting if you

have any questions.

Regards,
Ben

From: Ben Bell <bbell@goredc.govt.nz>

Sent: Monday, May 8, 2023 10:26:11 PM

To: Richard McPhail <RMcPhail@goredc.govt.nz>; [REDACTED]
[REDACTED]

Subject: Re: Moving forward - Legal Privilege - Not for disclosure

Good evening [REDACTED]

Thank you for your effort on this, I appreciate the pace this has taken.

I will circulate this email chain with Councillors for transparency and leave it in Cr McPhail's capable hands to speak with elected members and the CEO personally.

[REDACTED]

[REDACTED]

[REDACTED]

I trust that Cr McPhail will keep you updated.

Regards,
Ben

From: Richard McPhail <RMcPhail@goredc.govt.nz>

Sent: Monday, May 8, 2023 7:33:02 PM

To: [REDACTED]
[REDACTED] Bell <bbell@goredc.govt.nz>

Subject: Re: Moving forward - Legal Privilege - Not for disclosure

Good evening [REDACTED]

Thank you for the update. And yes it was good weekend spent with friends and family duckshooting. Always a good catch up.

[REDACTED]

[REDACTED]

Thanks and regards

Richard

Sent from my iPad

[REDACTED]

Dear Mayor Bell and Cr McPhail

I trust you both had a nice weekend.

Thank you for clarifying your position Mayor Bell. I appreciate your swift response

[REDACTED]

[REDACTED]

[REDACTED]

I look forward to hearing from you further

regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: Ben Bell <bbell@goredc.govt.nz>

Sent: Friday, 5 May 2023 5:46 PM

To: [REDACTED]

Cc: Richard McPhail <RMcPhail@goredc.govt.nz>

Subject: Re: Moving forward - Legal Privilege - Not for disclosure

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Dear [REDACTED]

As we all understand, it is not in anyone's interests to engage in a prolonged email chain around these matters.

I am somewhat disappointed by the responses from yourself and Cr McPhail. I want to make it clear that nothing in what I have said contradicts what has been resolved. I have only provided further thoughts and questions on how what has been agreed upon by Council could best be implemented, taking into account how we might use the opportunity to move things forward for Council as a whole.

[REDACTED]

[REDACTED]

[REDACTED]

It is important to note that while I have agreed to Cr McPhail's appointment as an intermediary to facilitate communication between myself and the CEO, it cannot be construed as a delegation of my duties as Mayor. I also reject any suggestion that I am unaware that Councillors as a whole are the CEO's employer or that I have deviated from the doctrine of collective responsibility.

For clarity nothing has changed from my perspective in terms of the resolutions passed on Wednesday. I simply suggest that, in implementing the resolutions as passed, the points and possible approach I have raised be given consideration. I am willing to await

further updates and guidance as you and Cr McPhail move forward with the implementation of the resolutions.

Regards,
Ben

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Ben Bell | Mayor
T: 03 209 0330 | **DDI:** 021 962 883
E: bbell@goredc.govt.nz | **W:** www.goredc.govt.nz
Gore District Council, 29 Bowler Avenue, PO Box 8, Gore, 9740

<image001.jpg>

<[image002.png](#)>

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From: [REDACTED]
Sent: Friday, May 5, 2023 1:21:09 PM
To: Ben Bell <bbell@goredc.govt.nz>
Cc: Richard McPhail <RMcPhail@goredc.govt.nz>
Subject: RE: Moving forward - Legal Privilege - Not for disclosure

Dear Mayor Bell

Thank you for your email and I note your reaffirmation of your support [REDACTED]
[REDACTED] My understanding from information received
from Cr McPhail post our meeting on Wednesday was that Council
unanimously resolved [REDACTED]

[REDACTED]

As you may appreciate my understanding is that the Council resolved on 26 March 2023 that Councillor Richard McPhail would be the dedicated intermediary referred to in the below resolution:-

THAT as the employer of the Chief Executive, the Council note the breakdown in the relationship between the Mayor and the Chief Executive and agree to nominate and appoint an elected member (not the Mayor) to act as a dedicated intermediary between the Mayor

and Chief Executive for governance and relevant operational matters

Prior to receipt of your email I had received instructions via Richard [REDACTED]

[REDACTED]

[REDACTED]

If you are not united with your council in terms of how this process will be run and as previously agreed then it may not be worthwhile progressing [REDACTED]

[REDACTED]

I raise this because it seems your email is counter to the advice I have provided to Council and which I had until receipt your below email understood to have been unanimously accepted

I would welcome your urgent response

regards

<image003.jpg>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: Ben Bell <bbell@goredc.govt.nz>

Sent: Thursday, 4 May 2023 5:23 PM

To: .Councillors (with e-mail) <Councillors@goredc.govt.nz>

Cc: [REDACTED]

Subject: Moving forward - Legal Privilege - Not for disclosure

[External Email] Caution! This email originated from outside of the organisation. Do not click links or open attachments unless you recognise and can confirm the legitimacy of the sender, and know the content is safe.

The below email is covered by Legal Privilege - Not for disclosure

Dear Councillors,

I want to thank all of you for your participation and valuable input during yesterday's meeting, and especially to [REDACTED] for providing us with some helpful guidance on potential risks and a possible path forward.

[REDACTED]

resolve these issues promptly, so we can move on and refocus on delivering for the Gore District.

To achieve the best possible outcome, it [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After our conversations yesterday and some reflection, my preferred approach is for all councillors to participate [REDACTED] While my initial reaction was to form a smaller group of councillors [REDACTED]

[REDACTED] using tools like breakout sessions. [REDACTED]

[REDACTED] Nonetheless, it is crucial from my perspective that we are all present [REDACTED] to work collaboratively [REDACTED] toward an agreed solution and receive the same information at the same time. This will give us an opportunity to share our concerns and find common ground towards a mutually beneficial resolution.

[REDACTED]

[REDACTED]

I would like to stress that the success of our council depends on a collaborative and respectful working relationship between all councillors and our CEO. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I am confident that we can work together to find a solution that is in the best interests of our community and our council.

Regards,
Ben

Ben Bell | Mayor

T: 03 209 0330 | **DDI:** 021 962 883

E: bbell@goredc.govt.nz | **W:** www.goredc.govt.nz

Gore District Council, 29 Bowler Avenue, PO Box 8, Gore, 9740

<image001.jpg>

[<image002.png>](#)

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From: [Richard McPhail](#)
To: [Susan Jones](#)
Cc: [Ben Bell](#); [Stephen Parry](#)
Subject: Re: ToR - dedicated intermediary role
Date: Wednesday, 19 April 2023 10:58:24 PM

Good evening Susan. (For noting of Ben and Steve)

Thanks for that . Noted.

I intend that the formality aspects of this will be as follows:

- (1). Intend to contact by whatever means whether email / txt/phone or in person on the regular basis as outlined.
- (2). A notation of discussion or update only - unless it was deemed prudent to make full notes - which both Ben and Steve would get copies of any issue.
- (3). Both Ben and Steve have access to myself should an issue arise which would also be documented for council report.
- (4). Call in and texts of BAU - checking in will be only recorded as such. “ called - nil issues”
- (5). Email would also be good platform for any record - that either party wish me to note or action also can be reported to council as such.

As I understand from both Ben and Steve - signing of documents is not a regular occurrence - but I will inform Ben of any documents I sign in fairness to him and remaining impartial to both parties.

If there is a conflict or disagreement over any situation or issue - it will be documented and if required I will report back to all councillors outlining action taken or requesting guidance.

I also will due to my nature - enquire on health and wellness of both if required. This has not been stated in terms of reference but will be up to the individual if they wish to discuss or have an issue. If there was an issue it will be referred correctly and subject of individual privacy in the best interests of the individual.

If these notes could form the basis of the commencement of the intermediary file - I will use you in the Governance role and tabulate for my biannual report.

These are my self set process for recording to meet TOR and believe both Ben and Steve can work well within these and they provide a good starting point. I am open to any other discussion.

Thanks
Richard

Sent from my iPad

On 19/04/2023, at 5:30 PM, Susan Jones <SJones@goredc.govt.nz> wrote:

Dear Richard

Attached are the Terms of Reference for the dedicated intermediary role you were appointed to at the Council's meeting on 18 April.

Kind regards, Susan

<Dedicated intermediary role.pdf>

From: [Richard McPhail](#)
To: [Ben Bell](#)
Cc: [Joe Stringer](#)
Subject: Re: Update for Zone 5&6
Date: Monday, 24 April 2023 3:15:21 PM

Hi Ben

Thanks for that update - No doubt there would have been plenty of opinions at the conference.

I will discuss with Steve and ensure he has the continued support and more if required.

I will discuss with him the regular updates etc from CEO you have indicated.

Thanks
Richard

Sent from my iPad

On 24/04/2023, at 12:05 PM, Ben Bell <bbell@goredc.govt.nz> wrote:

Afternoon Richard,

Thanks for checking in last Friday, and hope you had a good weekend.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On a more positive note, I would be keen to set up a reoccurring meeting time so that I can receive any information that the CE has for me or furthermore the Council. Our one-on-one meetings used to be quite fruitful, and I would appreciate that continuous flow of information and communication.

Cheers,
Ben

From: [Richard McPhail](#)
To: [Stephen Parry](#)
Subject: Resolutions from extraordinary meeting
Date: Wednesday, 3 May 2023 2:18:28 PM
Attachments: [Resolutions - 3 May 2023.docx](#)

Good afternoon Steve

Further to our phone discussion - a copy of the resolutions is attached.

These are obviously in committee resolutions but it was passed that the first resolution be released to media to show support for you and the staff from both the Council.

From here we will catch up [REDACTED] and discuss the other matters in person in time lines moving forward. I am available on phone or emails at any time should you wish any assistance with these or you wish to advance any of the matters outlined.

[REDACTED].

regards

Richard

Sent from my iPad

Recommendation

1. The Mayor and Councillors support and have full confidence in the Chief Executive and staff in providing for the ongoing functioning of the council in undertaking its day to day activities.

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

7. The Council resolves to proactively release resolution 1 at the immediate conclusion of this meeting.

Moved by Cr Philips, Moved by Cr Reid

Passed unanimously