

MEETING – AGENDA –

Ngā Take



COUNCIL

Te Kaunihera

C21-1
Tuesday, 9 February 2021
Council Chambers
Barkes Corner, Tauranga
1.00pm



*Western Bay of Plenty
District Council*

Council

Membership

Chairperson	Mayor Garry Webber
Deputy Chairperson	Deputy Mayor John Scrimgeour
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Monique Gray Cr Anne Henry Cr Christina Humphreys Cr Kevin Marsh Cr Margaret Murray-Benge Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

To ensure the effective and efficient governance and leadership of the District.

Power to Act:

- To exercise all non-delegable functions and powers of the Council including, but not limited to:
 - The power to make a rate;
 - The power to make a bylaw;
 - The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
 - The power to adopt a Long Term Plan, Annual Plan or Annual Report;
 - The power to appoint a chief executive;
 - The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement;
 - The power to adopt a remuneration and employment policy;
 - The power to approve a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991;
 - The power to make a final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/Trustees and representatives of Council to external organisations;
- To consider and make decisions regarding any matters relating to Council Controlled Organisations, including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) recommended by the Policy Committee or any matters referred from the Performance and Monitoring Committee.

- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council or any other entity.
- To consider applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- To consider applications to the Facilities in the Community Grant Fund.

Procedural matters:

- Approval of elected member training/conference attendance.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

Should there be insufficient time for Council to consider approval of a final submission to an external body, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to sign the submission on behalf of Council, provided the final submission is reported to the next scheduled meeting of Council or relevant Committee.

Power to sub-delegate:

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be held in the Council Chambers, Barks Corner, Tauranga on:
Tuesday, 9 February 2021 at 1.00pm

Order Of Business

1	Present	5
2	In Attendance	5
3	Apologies	5
4	Consideration of Late Items	5
5	Declarations of Interest	5
6	Public Excluded Items	5
7	Public Forum.....	5
	Nil	
8	Reports	6
	8.1 Process Requirement.....	6
9	Information for Receipt.....	7
10	Resolution to Exclude the Public	8
	10.1 Contract Number TC-WB1/21 Three Waters Maintenance Contract 2021.....	8

- 1 **PRESENT**
- 2 **IN ATTENDANCE**
- 3 **APOLOGIES**
- 4 **CONSIDERATION OF LATE ITEMS**
- 5 **DECLARATIONS OF INTEREST**
- 6 **PUBLIC EXCLUDED ITEMS**
- 7 **PUBLIC FORUM**

Nil

8 REPORTS

8.1 PROCESS REQUIREMENT

File Number: **A3976715**

Author: **Barbara Clarke, Senior Governance Advisor**

Authoriser: **Jan Pedersen, Group Manager People And Customer Services**

EXECUTIVE SUMMARY

This additional Council meeting has been specifically scheduled to consider the only item of business on the agenda, being a confidential report.

The Council meeting is required to be convened in 'Open Session' so that the recommendation to move into 'Public Excluded Session' can be put, and the reason(s) for confidentiality provided to the public.

In the absence of any other open reports on the agenda, this report serves to create the open agenda in Council's Info-council system.

9 INFORMATION FOR RECEIPT

10 RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

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
10.1 - Contract Number TC-WB1/21 Three Waters Maintenance Contract 2021	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 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)	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