

# Minutes of the Regional Council Meeting held in Council Meeting Room One, Bay of Plenty Regional Council, 5 Quay Street, Whakatane on Tuesday, 25 October 2011 commencing at 11.00 a.m.

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## Present:

**Chairman:** Chairman J Cronin

**Deputy Chairman:** P Sherry

**Councillors:** R Bennett, J Mansell, T Marr, J Nees, I Noble, D Owens, P Thompson, L Thurston, M Whitaker

**In Attendance:** M McConway (Group Manager Technology & Economic Development), K Tarboton (Group Manager Environmental Hazards), M Taylor (Financial Controller), B Trott (Group Manager Corporate Services), J Green, S Hamilton, A Herbert and M Smith from Quayside Holdings Limited, E White from Bancorp Treasury Services Limited, S Cubbon (Committee Administrator)

**Apologies:** Councillors N Oppatt, and T Eru. Councillor T Marr (for lateness)

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## 1 **Adjournment**

The Chairman opened the meeting at 11.03 a.m. and called for an adjournment until the conclusion of the Finance & Corporate Committee meeting.

### **Resolved**

**That the Bay of Plenty Regional Council:**

- 1 Adjourns the meeting until the conclusion of the Finance & Corporate Committee meeting.**

Cronin/Sherry  
CARRIED

The meeting reconvened at 12.56 p.m.

## 2 **Reports**

### 2.1 **Quayside Holdings Limited - Annual Report for the year ended 30 June 2011**

Directors of Quayside Holdings Limited, John Green, Athol Herbert and Michael Smith along with Chief Executive Scott Hamilton were welcomed to the meeting by the Chairman to present the annual report for Quayside Holdings. Their presentation set out financial highlights of the year ended 30 June 2011 and challenges for the future.

### **Resolved**

**That the Bay of Plenty Regional Council:**

- 2 Receives the report, Quayside Holdings Limited - Annual Report for the year ended 30 June 2011.**

**Cronin/Owens  
CARRIED**

## **Attendance**

Councillor Marr joined the meeting at 1.30 p.m.

### **2.2 Update on the review of the Policy for the Appointment and Remuneration of Directors to the Boards of Council Subsidiaries**

Members were advised that the review of the policy to appoint Directors of Quayside Holdings Ltd would be the subject of a workshop to be held in November. Meantime approval was sought to extend the term of two Quayside Directors, Councillor Jane Nees and Athole Herbert, for six months. Their terms were to expire in October 2011.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Update on the review of the Policy for the Appointment and Remuneration of Directors to the Boards of Council Subsidiaries.**
- 2 Notes that the terms of the Directors – Athole Herbert and Cr Jane Nees - will expire on 31 October 2011.**
- 3 Extends the term of Athole Herbert by six months commencing 1 November 2011 and terminating on 30 April 2012.**
- 4 Extends the term of Cr Jane Nees by six months commencing 1 November 2011 and terminating on 30 April 2012.**
- 5 Confirms that the decision is within the Bay of Plenty Regional Council's strategic planning framework (Council's Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).**

**Thompson/Owens  
CARRIED**

### **2.3 Waioeka - Otara Rivers Scheme Rate**

Brian Trott, Group Manager Corporate Services presented the report requesting that Councillors revoke the targeted rate set for the Waioeka-Otara Rivers Scheme on 23 June 2011. Mr Trott noted this was an on-going process to rectify a previously reported error and Council would be asked to set the rates again at the 9 November meeting in accordance with S119.3.a of The Local Government (Rating) Act 2002.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Waioeka - Otara Rivers Scheme Rate.**
- 2 That the Bay of Plenty Regional Council revoke the targeted rates set for the Waioeka – Otara Rivers Scheme previously set by council resolution on 23 June 2011.**
- 3 That the Bay of Plenty Regional Council give public notice of its intention to set the targeted rates again for the Waioeka – Otara Rivers Scheme Rates which will be confirmed by Council at the 9 November 2011 meeting.**
- 4 Confirms that the decision is within the Bay of Plenty Regional Council's strategic planning framework (Council's Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).**

**Cronin/Whitaker  
CARRIED**

## **2.4 Local Government Funding Agency - Resolutions and Delegations**

The report sought Council approval of appropriate delegations to allow the process to join the Local Government Funding Agency to be carried out. Mr Trott noted the process was still on track, but there remained some issues to be ironed out.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Local Government Funding Agency - Resolutions and Delegations.**
- 2 Approves the participation actions, and delegations as set out below:**
  - (1) Approve participation by the Regional Council in the LGFA including the following:**
    - i. Subscribes to Shares in the LGFA with an aggregate issue price of up to \$2.5 million;**
    - ii. Subscribes for Uncalled Capital in the LGFA up to the value of share subscription;**
    - iii. Entering into the guarantee;**
    - iv. Subscribing to Borrower Notes;**
    - v. Committing to provide additional equity to the LGFA under certain circumstances;**
    - vi. Provides a Rates Charge to secure any obligations under the LGFA Scheme and**

- vii. Any other things required of a shareholder that is ancillary to, but not materially different from all other recommendations and delegations contained in this report.

**(2) Delegates to the Chief Executive authority by:**

- I. Agree the terms and conditions on which the Regional Council participates in the LGFA scheme, including which arrangements are entered into;
  - II. Determine how the Regional Council exercises its rights under the arrangements entered into in connection with the LGFA Scheme, including, without limitation, the Council's rights as a shareholder in the LGFA and
  - III. Execute such documents and deeds and take such other steps as the Chief Executive considers necessary or desirable to execute, or take in connection with the Regional Council's participation in the LGFA as a Principal Shareholding Local Authority.
- 3 Confirms that the decision is within the Bay of Plenty Regional Council's strategic planning framework (Council's Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).**

**Cronin/Sherry  
CARRIED**

## **2.5 Bay of Plenty Care for our Coast Fund**

*Refer Draft Deed of Trust 'Bay of Plenty Care for our Coast Fund', (Cooney Lees Morgan)*

Council was asked to approve the proposed Trust Deed for the Bay of Plenty Care for our Coast Fund. Mr Trott advised the Trust had been proposed as a response to the donations that had been offered following the Rena emergency. Members noted that the Trust would seek to become a charitable trust and grant an exemption from the requirement for the Trust to be a Council-controlled organisation.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Bay of Plenty Care for our Coast Fund.**
- 2 That the draft Trust Deed for the Bay of Plenty Care for the Coast Trust Fund be approved. The Trust Deed will be provided under separate cover prior to the meeting.**
- 3 That the Chairman and Chief Executive be authorised to approve any alterations to the Trust Deed provided these alternations are of a non-substantial nature.**
- 4 That approval be given for the proposed Trust to seek incorporation under the Charitable Trusts Act 1957.**

- 5 That the proposed Trust be granted an exemption from being a Council-controlled organisation, noting that the “Bay of Plenty Care for our Coast Fund” Trust will be a small organisation, that the nature and scope of its activities will be limited, and that there would be significant additional costs if the Trust were to be required to meet all obligations of a Council-controlled organisation.
- 6 Confirms that the decision is within the Bay of Plenty Regional Council’s strategic planning framework (Council’s Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).

**Cronin/Owens  
CARRIED**

## 2.6 Bay of Plenty Care for our Coast Fund Establishment

The report requested that Council approve the establishment of a Bay of Plenty Care for our Coast Fund and to approve the making of a grant of up to \$250,000 to the fund.

### **Resolved**

That the Regional Council:

- 1 Receives the report, Bay of Plenty Care for our Coast Fund Establishment.
- 2 That the Bay of Plenty Regional Council, on behalf of the region, establish a Trust to be known as the Bay of Plenty Care for our Coast Fund.
- 3 That the Chair and Deputy Chair of Council be delegated authority to make a grant of up to \$250,000 to the proposed Fund.
- 4 That the Council appoint the Chairman (John Cronin) as the Council’s appointed trustee to the proposed Trust.
- 5 Confirms that the decision is within the Bay of Plenty Regional Council’s strategic planning framework (Council’s Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).

**Bennett/Whitaker  
CARRIED**

**The meeting closed at 1.52 p.m.**

Confirmed

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Chairman Bay of Plenty Regional Council

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Date