

OTAGO REGIONAL COUNCIL

Minutes of an Extraordinary meeting of Council meeting held in the Council Chamber, 70 Stafford Street, Dunedin on Wednesday 27 January 2016 commencing at 8.30 am

Present:

- Cr Gretchen Robertson (Chairperson)
- Cr Graeme Bell
- Cr Doug Brown
- Cr Louise Croot MNZM
- Cr Michael Deaker
- Cr Gerrard Eckhoff
- Cr Gary Kelliher
- Cr Trevor Kempton
- Cr Sam Neill
- Cr Bryan Scott
- Cr David Shepherd
- Cr Stephen Woodhead

In attendance:

- Peter Bodeker
- Nick Donnelly
- Caroline Rowe
- Janet Favel

CONFIRMATION OF AGENDA

There were no changes to the agenda.

PART A - RECOMMENDATIONS

2016/0603 **Code of Conduct hearing process.** DCS, 26/1/16
Ref. A877277

Cr Robertson took the chair.

The Chief Executive formally advised that he had received a Code of conduct complaint from Cr Gerry Eckhoff. The complaint had been circulated to Councillors, both electronically and in hard copy. Report 2016/0603 circulated with the agenda made a recommendation to Council as to the process for hearing the complaint.

Cr Kelliher moved
Cr Kempton seconded

That the complaint be received.

Motion carried

Cr Robertson noted that subsequent to the agenda being circulated, in consultation with legal counsel Alastair Logan the report was amended to provide more details about the sections of Standing Orders to be suspended, and the speaking rights when the complaint was heard. The amended report had been circulated.

Cr Croot moved
Cr Kelliher seconded

That the report be received and that the process be endorsed by Council for the meeting on 10 February and for any further Code of Conduct hearing until the next triennium.

The Chief Executive advised that at the start of the next triennium the process to hear Code of Conduct complaints would be discussed for inclusion in Standing Orders.

Cr Eckhoff commented that the Code of Conduct did not state that a complaint must be formally received by Council, noting that it had been received and accepted by the Chief Executive. Cr Robertson considered that the correct process had been followed, as advised by Mr Logan.

Cr Eckhoff discussed the provision by the respondent of a statement of defence, and considered that clause (d)(i) should be clarified to make it mandatory when a complaint was received for a statement of defence to be filed to enable the complainant and Council to understand both sides of the complaint. If a statement of defence was not filed, there was significant disadvantage to the complainant that new evidence could be presented that the complainant had no knowledge of. Cr Eckhoff indicated that he would move an amendment to this effect.

Comment was made that the process set out in the report was specific to the upcoming hearing, and it was queried whether it was appropriate to move that this become standard procedure.

Cr Croot amended the motion
Cr Kelliher seconded

That this report be received and the process outlined be endorsed for the meeting on 10 February.

Cr Eckhoff moved an amendment to the motionm,
Cr Bell seconded

That the report be received and that clause (d)(i) be amended to read "~~If he wishes.~~—Councillor Woodhead must ~~may~~, through the CEO, provide a written reply to the complaint for pre circulation to all Councillors prior to the meeting on 10 February 2016.

There was discussion over whether this proposed wording was an amendment to the original motion.

Cr Robertson ruled that it was an acceptable amendment, and the amendment was put.

Amendment lost

The motion was then put by division.

For: Crs Brown, Croot, Deaker, Kelliher, Kempton, Neill, Robertson,
Scott, Shepherd, Woodhead

Against: Crs Bell, Eckhoff

Motion carried

The meeting closed at 9.08 am.



Chairperson