

19 September 2023

[REDACTED]
[REDACTED]

Kia ora [REDACTED]

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of **23 August 2023** requesting the following information:

1. Please advise the total amounts paid to these law firms in each of the years ended 30 June 2022 and 30 June 2023:

- **Simpson Grierson**
- **Power Law**
- **Others**

We have interpreted this question as requesting operating expenditure paid to law firms for legal services procured by Council in the period requested. If you require all amounts paid to law firms, including capex expenditure for property transactions and other third party firms, please advise and we will provide this information.

Legal Services	2021/22 \$	2022/23 \$
Brookfields Lawyers	57,962.50	37,406.66
Buddle Findlay	70,580.22	146,938.84
Luke Cunningham Clere		21,134.13
Maude & Miller	7,788.04	27,906.75
Molly McCarthy Barrister	4,997.00	
Paul Cheng & Co Solicitors		2,439.13
Power Law	318,666.86	251,706.52
Samantha Turner, Barrister	49,851.50	14,180.25
Simpson Grierson	472,820.29	381,018.69

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

2. How much was paid in total to external consultants in the year ended 30 June 2023 other than lawyers

The Council does not capture supplier information by the category of “external consultant”, therefore we are unable to answer this question.

Therefore I must decline this part of your request under section 17(g) of the LGOIMA on the basis that the information requested is not held by the local authority and the person dealing with the request has no grounds for believing that the information is either held by another local authority or a department or Minister of the Crown or organisation; or connected more closely with the functions of another local authority, or a department or Minister of the Crown or organisation.

3. What is the basis of the contract between Power Law and the KCDC including the cessation date

Council is operating on the terms of a contract for services with Power Law for legal services. The previous term of the contract ended on 5 February 2023; however, Council is currently reviewing the scope and nature of this engagement in view of the expiry of the previous term.

4. Please advise the amounts in cash and cash equivalent values of items paid to Mr Wayne Maxwell in each of the years ended 30 June 2022 and 30 June 2023

For the year ending 30 June 2022, Wayne Maxwell was paid \$598,807. Please refer to Council’s Annual Report which can be found on our website: [Annual reports - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/reports).

For the year ending 30 June 2023, Wayne Maxwell was not employed by Council. Council’s Annual Report is currently being prepared and is subject to Auditor’s review, but when it becomes available it will be available to view on our website.

Chief Executive - Wayne Maxwell	Fin Yr 20/22	Fin Yr 22/23
Remuneration package (including accrued annual leave)	\$379,808	-
Severance payment	\$218,999	-

5. In regard to the reported sale by Council of the property at 26 and 29 Marine Parade, Paraparaumu Beach, please advise --

[i] What valuation did Council seek on the value of the property before it was sold;

Kapiti Valuations Limited completed a current market valuation on 12 October 2021 for the Council.

[ii] What was the amount the property was sold for

26-29 Marine Parade sold for \$1,930,000.

[iii] Were any conditions imposed on the purchaser on use of the property and if so, what?

The sale and purchase agreement has conditions that are current and therefore this agreement is withheld under:

- Section 7(2)(b)(ii) of the Act which allows for Council to withhold information in order 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;
- Section 7(2)(h) of the Act as withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; and
- Section 7(2)(i) of the Act in order to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

In Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release

6. What was the cost of electric vehicles including hybrid electric vehicles bought by the Council in the 2021—2022 and 2022 — 2023 financial years

Cost Excluding GST	Fin Yr 20/21	Fin Yr 22/23
9 Electric/Hybrid vehicles	\$184,560.61	\$231,735.65

7. What happened to the electric rubbish truck the council bought a decade ago.

The electric rubbish truck was decommissioned and sold in 2020 as it was no longer fit for purpose.

8. ***Please advise the amount of Rates owed from Ratepayers in arrears as at 1 July 2022 and at 1 July 2023:***

Rate arrears at the end of each financial year	2021/22 \$,000	2022/23 \$,000
General (Property Rates)	1,758	2,060
Water Rates	510	463

9. ***How many new people were employed by the KCDC in the year ended 30 June 2023.***

For the period 1 July 2022 – 30 June 2023 the Council employed 115 new employees.

10. ***How many people left the employment of the KCDC in the year ended 30 June 2023 :***

a) voluntarily, b) involuntarily

For the period 1 July 2022 – 30 June 2023 there were 109 resignations including three retirements and one redundancy.

11. ***How many full time equivalent staff were employed as at 30 June 2023***

For the period 1 July 2022 – 30 June 2023 the Council employed 397 full time equivalent employees.

12. ***How many people are presently employed by the council as members of the Communications Team***

As at 30 June 2023 there were 12 employees within the Communication and Engagement Team. Key functions within the team include web publishing, managing Council's social media platforms and mobile apps, internal communications, strategic communications and engagement advice and support, graphic design, copywriting, and event coordination.

13. ***How many full time equivalent contractors did the KCDC have as at 30 June 2022 and 30 June 2023 and how many work(ed) out of council owned buildings***

The Council does not record contractors by full time equivalent, instead we track the actual spend for contractors. The Council paid \$2m to contractors who are back filling permanent staff and \$0.5m that were engaged for short periods and/or for specific projects.

Activity managers make arrangements directly with contractors as to where their work is conducted from and there is not a record of the location contractors work from.

On that basis I must decline this part of your request under section 17(e) of the LGOIMA as the documents alleged to contain the information requested does not exist, or despite reasonable efforts to locate them, they cannot be found.

Further, in order to provide you with this information Council staff would have to spend a substantial amount of time assessing records. I am therefore unable to provide this information as it is not held in a manner that would allow this information to be easily provided. Consideration has been given to whether your request could be further refined. However, in this particular situation we do not consider this would be possible. As such I refuse your request under section 17(f) of the Act as the information requested cannot be made available without substantial collation or research. I have considered whether we would be able to respond to this part of your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Council's ability to undertake its day-to-day work would be significantly impacted.

14. *How much was spent on advertisements by the council in each of the Kapiti News and Kapiti Observer in the year to 30 June 2023.*

Advertising Including GST	Fin Yr 22/23
Kapiti News	\$149,562.32
Kapiti Observer	\$43,141.17

15. *What was the net external debt of the KCDC as at 30 June 2023: a) borrowings; b:) other net liabilities*

Please note the 30 June 2023 numbers are still to be reviewed by the Auditors and are therefore subject to change. Given this, the numbers as they stand are:

	2022/23 \$000
Total gross borrowings	\$275,000
<i>Less</i>	
<i>Cash and cash equivalents</i>	<i>(\$14,084)</i>
<i>Term deposits</i>	<i>(\$55,000)</i>
<i>Borrower Notes</i>	<i>(\$6,109)</i>
Net borrowings	\$199,807

16. How much is the present renovation work in the Mahara Place quadrangle costing.

While final accounts are not yet complete, the physical quadrangle work will be approximately \$770,000 in line with the budget. There are some design costs assigned to the Gallery itself that are of benefit to the quadrangle, however these are accounted for in the Gallery project itself.

17. How many new complaints to the Ombudsman relating to KCDC were advised by the Ombudsman in each of the financial years ended 30 June 2022 and 30 June 2023

In the year ending 30 June 2022, Kāpiti Coast District Council was advised of 8 complaints made to the Office of the Ombudsman.

In the year ending 30 June 2023, Kāpiti Coast District Council was advised of 10 complaints made to the Office of the Ombudsman.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Darren Edwards
Chief Executive
Te Tumuaki