

MINUTES	MEETING	TIME
<b>KĀPITI COAST DISTRICT COUNCIL</b>	<b>THURSDAY 13 NOVEMBER 2014</b>	<b>8.30 AM</b>

Minutes of an additional meeting of the Kāpiti Coast District Council on Thursday 13 November 2014, commencing at 8.30 am in Council Chambers, Ground Floor, Kapiti Coast District Council, 175 Rimu Road, Paraparaumu.

#### PRESENT

Mayor	R	Church	Chair
Cr	M	Cardiff	
Cr	M	Bell	
Cr	D	Ammundsen	
Cr	J	Elliott	
Cr	K	Gurunathan	
Cr	P	Gaylor	
Cr	J	Holborow	
Cr	D	Scott	
Cr	G	Welsh	

#### ATTENDING

Ms	F	Vining	(Chair, Paraparaumu/Raumati Community Board)
Mr	M	Scott	(Chair, Waikanae Community Board)
Mr	P	Dougherty	(Chief Executive)
Ms	T	Evans	(Group Manager, Community Services)
Mr	S	McArthur	(Group Manager, Strategy and Partnerships)
Mr	W	Maxwell	(Group Manager, Corporate Services)
Mr	S	Mallon	(Group Manager, Infrastructure Services)
Ms	C	Scollay	(Arts & Museum Development Officer)
Ms	A	Kenna	(Acting Communications Manager)
Mr	T	Power	Senior Legal Counsel
Ms	S	Moynihan	Executive Secretary Relief/Minute Taker

The Chair, Mayor Church, opened the meeting and called for a minute's silence to mark the unexpected passing of Waikanae Ward Councillor Tony Lloyd.

Michael Scott (Chair, Waikanae Community Board) reflected that Tony was always ready with a smile and a handshake to welcome all. His heart was warm and his hospitality always generous. He was a committed family man whose priority in life was to provide for those who depended on him. He was reliable, hardworking, unfailingly honest and above all, a man of his own conscience.

He was humble when elected to represent his community, but enormously proud of the honour of sitting with others around the Council table and making plans for the future of the community he lived in for 49 years. Indeed perhaps the level of his work was not always known or appreciated, but even on this last occasion when in hospital he had his laptop with him to keep up with agendas and upcoming work.

The Chair then read the Council blessing.

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KCDC 14/11/172

**APOLOGIES**

There were no apologies.

KCDC 14/11/173

**DECLARATIONS OF INTEREST**

The following declarations were made:

- Cr Scott, who in a previous term in Council had been part of a group of Councillors with an interest in the arts who were looking at Mahara Gallery plans, recommendations etc. He had asked senior staff at the Council if they saw this as such, to which the answer was that it was not. On that basis he would be voting. (His involvement was before the 2012 Long Term Plan decision was made).
- Cr Holborow is a current member of the Mahara Gallery Trust Board, therefore will not be speaking or voting today.

There was a request for clarification regarding Cr Holborow's position as an appointee by the Council to bring an informed opinion into the discussion. In the past when Council has had debates and votes, the respective Councillor had been very welcome to participate.

The Senior Legal Counsel stated there was no conflict of interest in terms of the Local Authorities (Members Interests) Act, as long as Cr Holborow felt she could approach the issues with an open mind.

[A conflict of interest arises where a councillor has a pecuniary interest, which is not the case in this situation].

Cr Holborow responded that she would take part in the proceedings.

The Council accepted the integrity and open-mindedness of Councillors Holborow and Scott.

KCDC 14/11/174

**PUBLIC SPEAKING TIME**

Public Speaking Time

Mr Trevor Wright spoke about the Mahara Gallery. He offered his condolences to Council and Cr Lloyd's family and friends. As an artist who organised and ran exhibitions, he had an understanding of how an art gallery should be run. He expressed his concern that the Mahara Gallery was not sustainable as an enterprise and would fail.

In response to a question Mr Wright stated he was speaking only on his own behalf, and he supported the expansion of the Gallery.

KCDC 14/11/175

**CONFIRMATION OF MINUTES**

There were no amendments to the minutes of 18 September 2014.

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**MOVED (Church/Holborow)**

**That the minutes of 18 September 2014 be confirmed as a true and accurate record of that meeting.**

**CARRIED**

There were two amendments to the Minutes of 16 October 2014:

- On page 9 of the agenda – President Brian Daw(e), the correct spelling of which is Daw.
- The wording in the paragraph at the top of the page 14 should be tidied. ‘Mr McArthur commented that these were all...’ to be changed to ‘Mr McArthur asked for ...’

**MOVED (Cardiff/Ammundsen)**

**That the amended minutes of 16 October 2014 be confirmed as a true and accurate record of that meeting.**

**CARRIED**

KCDC 14/11/176

**MEMBERS’ BUSINESS**

- (a) Responses to public speaking – this had been covered during public speaking time and no further responses were necessary.
- (b) Leave of Absence – none was requested.
- (c) Matters of an Urgent Nature –

A Councillor queried the appropriateness of considering the Mahara Gallery upgrade in the absence of a voting representative of the people of Waikanae.

The following points were made:

- the Waikanae community had been canvassed in depth regarding the Mahara Gallery upgrade, in the previous triennium as well as the current;
- the Waikanae community remained in support of the Mahara Gallery Trust, Trustees and the work the Trust had accomplished thus far. Both the Chair of the Waikanae Community Board and Councillor Lloyd had been involved in meetings to look at the new Memorandum of Understanding, new funding plans and to ensure the development would be something to look forward to in the Long Term Plan;
- the Waikanae Community Board as well as the other Community Boards support the Mahara Gallery as the district gallery, and the project was not disadvantaged by not having Cr Lloyd’s voice at this table; and

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- Regardless of the election of a Waikanae ward councillor, all Councillors had taken an oath to best serve the interests of the district.

The Chair requested the Council move forward as they currently are.

KCDC 14/11/177

#### **MAYOR'S REPORT**

The Mayor highlighted recent activities, namely:

- Opening the District Health Boards Health Forum yesterday; and
- Attending the Wellington Airport Community Awards, where the regional award for Health and Wellbeing had been won by the Waikanae Menzshed. This was a superb win for a local community organisation and he noted Cr Lloyd had been a firm supporter.

KCDC 14/11/178

#### **MAHARA GALLERY : RENEWALS OF PARTNERSHIP AGREEMENT AND AGREEMENT FOR THE MAHARA GALLERY UPGRADE (CS-14-1194)**

The Chair introduced Mr John Mowbray, Chair of the Mahara Gallery Trust Board.

Mr Mowbray expressed his condolences over the loss of Cr Tony Lloyd who was a former Trustee of the Mahara Gallery and would be missed deeply.

Mr Mowbray then outlined the partnership agreement with KCDC and the Mahara Gallery successes to date. The Gallery Trust was fortunate to have been offered the opportunity to permanently house the Field Collection which includes works by Frances Hodgkins, and he acknowledged the Field Collection Trust for its generosity of what constituted a \$2 million gift for Kapiti.

He believed creating a museum-standard art gallery for the whole Kapiti Coast would create opportunities for tourism and economic development, as well as becoming a cornerstone of the developing town centre. Should the Gallery fail to be upgraded, the Collection and opportunities will be lost to the district.

In addition to other sizeable commitments, the Gallery so far this year has raised over \$50,000 in private donations and in September secured \$250,000 from the Wellington Community Trust. The feasibility study was funded by the Lotteries Commission (\$20,000) and the Regional Amenities Fund has approved funding for a project manager for the second year in a row.

The Mahara Gallery Trust believes there is widespread support for the upgrade. The fundraising strategy needs Council's support to succeed. In working with Council and raising its two-thirds of the costs of the project, the Trust is helping to create a council-owned asset that will be used by this district for many decades to come.

Ms Scollay then introduced her report which sought approval to renew agreements between the Council and the Mahara Gallery Trust. These are the Partnership Agreement and the Agreement for the Mahara Gallery Upgrade (to which the Field Collection Trust is also a signatory).

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- The Partnership Agreement is a renewal of the current funding agreement and is for three years to 30 June 2017. It contains an updated Schedule, Objectives, and Targets and Services to match the wording in Council's Strategy For Supporting the Arts (2012). The Mahara Gallery Trust has consistently complied with the current Partnership Agreement terms and Schedule.
- The Agreement for the Mahara Gallery Upgrade replaces the former Memorandum of Understanding for the Mahara Gallery Upgrade. It is project-based and covers three years to 2017 when it will then be renewed provided the project is proceeding.

Discussion included the following points:

- The project will not proceed to design stage at the end of 2015/16 unless Mahara Gallery has completed its fundraising.
- The fundraising strategy is pivotal on an application to the Lotteries Commission for \$850,000 and the success of that will unlock more fundraising opportunities. The Agreement would be a signed document the Gallery can present to the Lotteries Commission to demonstrate the Council's commitment to the project.
- If Council approves the Agreement for the Mahara Gallery Upgrade, it would then become a commitment in the 2015 Long Term Plan. If the Agreement is not approved, the Council will need to revise the scope and timing of the Waikanae Library and Mahara Gallery Upgrade Project.
- There was a query about whether this project triggered the Significance Policy, and the advice was that it did not.
- Clarification was sought on the project contingency sum. If it reduced over time, would that mean Council's commitment would reduce over time as well? As there is greater certainty of costs and the unknown portion of costs is reduced, it is possible the project budget will reduce. The quantum is unknown at this point, but numbers will potentially decrease.
- As there had been a full consultation process for the 2012 Long Term Plan, the public had already been involved in serious engagement on the process.
- The current copyright holder for the Field Collection is the Trustee of the Field Collection. However, copyright is only valid for 50 years and therefore no-one currently owns the copyright as it has expired.
- Some words in the Agreement could be tightened. Under point 9, Termination, it could be made clear that the Council's contribution was a third of the costs up to a maximum of \$1.73m. The expiry date needs clarification. It is conditional on the Trust having secured the rest of the funding. A clear definition of the word 'secure', would help with confidence around financial commitment from the Council. If the Council was happy with the alteration to wording to gain clarity, then it did not change the intent of the document, just the language.
- The meeting agreed that in Recommendation 68 the words 'as amended' should be added, and the amendment 'whichever was the lowest' will be in the amended Agreement with reference to the Council's contribution.
- The meeting agreed that under Recommendation 67 the signatory to the document should be Councillor Bell.

*Cr Welsh called for an adjournment of this Additional Council meeting at 10.02am to enable the Corporate Business Committee to begin.*

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*The Chair adjourned the meeting at 10.03am.*

*The Chair of the Corporate Business Committee (CBC) Cr Welsh opened the Corporate Business Committee meeting at 10.03am, welcoming Elected Members, then declared the CBC meeting adjourned.*

*The Chair of the Council (Additional) meeting of 13<sup>th</sup> November 2014 reconvened the Additional Council meeting at 10.04am and discussion continued.*

The 2012 LTP consultation demonstrated there was significant support for the project. The Mahara Gallery Trust and Council staff have worked hard to ensure correct figures, some certainty over cost and timeframe, a fresh quantity survey and a robust agreement going forward. This project falls firmly within the priorities recently set at Council and going into the next LTP, of supporting the Arts and Recreation as top priorities.

The Chair then outlined the amendments to the recommendations 67, 68 and 69:

- The replacement of the words 'One Councillor' with the words 'Councillor Bell' in the report recommendation 67;
- the insertion of the words 'as amended' following CS-14-1194, and the replacement of the words 'One Councillor' with the words 'Councillor Bell' in the report recommendation 68; and
- that the word 'draft' be removed in the report recommendation 69.

**MOVED (Holborow/Gaylor)**

- **That the Council approves the Partnership Agreement between Mahara Gallery Trust and the Council attached in Appendix One to CS-14-1194 as amended and authorises the Mayor, Councillor Bell and the Chief Executive to sign on behalf of the Council.**
- **That the Council approves the Agreement for the Mahara Gallery Upgrade attached in Appendix Two of CS-14-1194 as amended and authorises the Mayor, Councillor Bell and the Chief Executive to sign on behalf of Council.**
- **That the Council notes the financial requirements for both the Partnership Agreement and the Agreement for the Mahara Gallery Upgrade will be included as commitments in the 2015 Long Term Plan.**

A division was requested by Cr Ammundsen.

For the motion: Mayor, Cr Ammundsen, Cr Gaylor, Cr Cardiff, Cr Gurunathan, Cr Scott, Cr Holborrow, Cr Bell.

Against the motion: Cr Welsh, Cr Elliott.

**CARRIED**

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**RESOLUTION TO GO INTO PUBLIC EXCLUDED SESSION**

The motion to go into Public Excluded was deferred.

*The meeting closed at 10.13am.*

*Signed* ..... / ..... / 2014

Mayor Ross Church, Chair