

Decision released from confidential session			
Recommendation from (agenda report)	Date of meeting	Recommendation to (decision-making meeting)	Date of meeting
		Council	01 February 2024
Report Title and number			
Nelson Regional Sewerage Business Unit Iwi Representative Appointment			
Documents released			
Decision CL/2024/020 and Report R28152			
Decision			
<p>That the Council</p> <ol style="list-style-type: none"> 1. Receives the report Nelson Regional Sewerage Business Unit Iwi Representative Appointment (R28152) and its attachment (1833911234-755); and 2. Appoints Aneika Young as iwi representative to the Nelson Regional Sewerage Business Unit until 30 June 2025 noting that this appointment is subject to equivalent approval by Tasman District Council also being received; and 3. Approves that the annual honorarium for this role continue at \$8,000 plus any relevant taxes; and 4. Agrees that the report and decision only be made public once the candidate has been advised of both councils' decisions; and 5. Agrees the attachment (1833911234-755) remains confidential. 			

Report Title: Nelson Regional Sewerage Business Unit Iwi Representative Appointment
Report Author: Alec Louverdis - Group Manager Infrastructure
Report Authoriser: Alec Louverdis - Group Manager Infrastructure
Report Number: R28152

1. Purpose of Report

- 1.1 To consider appointing Aneika Young to the Nelson Regional Sewerage Business Unit, a joint committee of Nelson City Council and Tasman District Council (NRSBU).

2. Recommendation

That the Council

1. ***Receives the report Nelson Regional Sewerage Business Unit Iwi Representative Appointment (R28152) and its attachment (1833911234-755); and***
2. ***Appoints Aneika Young as iwi representative to the Nelson Regional Sewerage Business Unit until 30 June 2025 noting that this appointment is subject to equivalent approval by Tasman District Council also being received; and***
3. ***Approves that the annual honorarium for this role continue at \$8,000 plus any relevant taxes; and***
4. ***Agrees that the report and decision only be made public once the candidate has been advised of both councils' decisions; and***
5. ***Agrees the attachment (1833911234-755) remains confidential.***

3. Exclusion of the Public

3.1 This report has been placed in the confidential part of the agenda in accordance with section 48(1)(a) and section 7 of the Local Government Official Information and Meetings Act 1987. The reason for withholding information in this report under this Act is to:

- Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person

4. Background

4.1 On 21 June 2018, Council made the following resolutions (CL2018/150) in relation to the appointment and remuneration of iwi representatives to the NRSBU and NTRLBU:

Resolved CL2018/150

Approves in principle, subject to support from iwi and equivalent approval by Tasman District Council, the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) to provide voting rights for the iwi representatives; and

Approves in principle, subject to support from iwi and equivalent approval by Tasman District Council, the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) to provide that iwi representatives be remunerated in accordance with the joint policy for the remuneration of independent persons appointed to joint committees and business units; and

Approves in principle, subject to support from iwi and equivalent approval by Tasman District Council, that the remuneration for iwi representatives be set at \$8,000 per annum for the first term of appointment; and

Approves in principle, subject to support from iwi and equivalent approval by Tasman District Council, that the Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) be amended to state that a quorum for a meeting shall be half of the members if the number of members (including vacancies) is an even number, or a majority if the number of members (including vacancies) is an uneven number; and

Approves in principle, subject to support from iwi and equivalent approval by Tasman District Council, the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) as set out in attachments A1983271 and A1983272; and

Notes that iwi will be consulted on the proposed remuneration and the amended Memorandum of Understanding (MOU) for the Nelson Regional Sewerage Business Unit (NRSBU) and the amended Terms of Reference (TOR) for the Nelson Tasman Regional Landfill Business Unit (NTRLBU) as set out in attachments A1983271 and A1983272; and

Notes that once it is completed, the draft joint policy for the remuneration of independent persons appointed to joint committees and business units, will be brought to Council for adoption.

- 4.2 Equivalent resolutions were made by Tasman District Council (28 June 2018 and 8 November 2018).

5. Discussion

Recruitment

- 5.1 On 15 August 2023 the recruitment of an iwi representative was considered by iwi leaders at Te Ohu Whakahaere.
- 5.2 On 10 November 2023 the Te Tauihu GM-CE Forum concluded to support Aneika Young to be appointed to NRSBU subject to due diligence being undertaken by the recruitment agency.
- 5.3 On 15 December 2023 the recruitment agency confirmed their due diligence completed.
- 5.4 Following pre-checks under the Local Authorities (Members' Interests) Act 1968 nothing appears to preclude the appointment proceeding at this time.

Confirmation, Term and Remuneration

- 5.5 The Memorandum of Understanding for the NRSBU at section 4.2 (v), provide as follows in relation to the appointment of iwi representatives:

MOU, NRSBU:

- 4.2(v) *One member representing and nominated by local iwi and confirmed by both councils. This iwi advisor shall be appointed for a period of three years, and in such a way as to provide continuity through the triennial election period. The member shall*

be remunerated in accordance with the councils' 'Policy for the appointment and remuneration of jointly-appointed independent members on committees'.

- 5.6 The memorandum of understanding for NRSBU commenced on 1 July 2015 and shall terminate on 30 June 2025 unless terminated earlier by resolution of both councils. Therefore, this appointments term will conclude on 30 June 2025.
- 5.7 Iwi representatives were remunerated at \$8,000 per annum for the first term of appointment.
- 5.8 Subsequently iwi representatives' remuneration was to be set in accordance with the joint policy for the appointment and remuneration of jointly-appointed independent members on committees (S39498445-8015) which was approved by Nelson City Council and Tasman District Council in November 2018. The policy suggests a remuneration starting range of between \$6,692 and \$10,420 per annum for independent members of commercial committees.
- 5.9 To date, iwi representatives have been remunerated at \$8,000 per annum.

6. Options

- 6.1 The representative has been nominated by iwi and Council's role in this is to confirm the appointment unless it has significant concerns about the nominated representative.

Option 1: Appoint Ms Young as iwi representative to NRSBU	
Advantages	<ul style="list-style-type: none"> The candidate has the appropriate skills and experience The candidate is local with knowledge and longstanding commitment to Nelson
Risks and Disadvantages	<ul style="list-style-type: none"> None
Option 2: Do not appoint Ms Young as iwi representative to NRSBU	
Advantages	<ul style="list-style-type: none"> None
Risks and Disadvantages	<ul style="list-style-type: none"> Will create further delays in appointing an iwi representative to NRSBU

7. Next Steps

- 7.1 If confirmed by both councils, a letter of appointment will be sent to Ms Young requiring her formal acceptance of the role.

Attachments

Attachment 1: 1833911234-755 Aneika Young CV

Released 23 September 2024

Important considerations for decision making

Fit with Purpose of Local Government

Appointing an iwi representative to the Nelson Regional Sewerage Business Unit furthers the Council's commitment to building partnership with iwi and facilitating Māori participation in decision making under the Local Government Act 2002.

Consistency with Community Outcomes and Council Policy

The recommendations support the Community Outcome that "our infrastructure is efficient, cost-effective and meets current and future needs".

Risk

There is limited risk to Council resulting from this recommendation.

Financial impact

There is no new financial impact to Council resulting from this recommendation.

Degree of significance and level of engagement

This matter is of low significance because it is line with previous appointments.

Climate Impact

None

Inclusion of Māori in the decision making process

Recruitment for this position was supported by iwi leaders at Te Ohu Whakahaere on 15 August 2023. On 10 November 2023 Te Taihū GM-CE Forum concluded to support the appointment.

Legal context

Council has power to make this decision

Delegations

Council retains responsibility for appointments to the Nelson Tasman Regional Landfill Business Unit, in conjunction with Tasman District Council.