



# **AGENDA**

Extraordinary Meeting of the  
**Buller District Council**

**Commencing at 2:00pm**  
**Wednesday 5 October 2022**

*To be held at the*  
Clocktower Chambers  
Palmerston Street  
Westport

# Council

<b>Chairperson:</b>	<b>Mayor</b>
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting Frequency:</b>	Monthly – or as required
<b>Quorum:</b>	A majority of members (including vacancies)

---

## **Purpose**

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## **Terms of Reference**

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
    - a) The power to set district rates.
    - b) The power to create, adopt and implement a bylaw.
    - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
    - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
    - e) The power to appoint a Chief Executive Officer.
    - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
    - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
    - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
    - i) The power to approve or amend the Council's Standing Orders.
    - j) The power to approve or amend the Code of Conduct for Elected Members.
    - k) The power to appoint and discharge members of committees.
    - l) The power to establish a joint committee with another local authority or other public body.
    - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
    - n) Health & Safety obligations and legislative requirements are met.
-

2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
  - d) Approval of the Triennial Agreement.
  - e) Approval of the local governance statement required under the Local Government Act 2002.
  - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
  - g) Approval of any changes to the nature and delegations of the Committees.

# Common Delegations

The following delegations from Council are common to the Finance Audit and Risk Committee, Strategic Infrastructure Committee, and Community, Environment and Services Committee, within their respective areas of responsibility.

## General Principal

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

## Strategy, plans and policy

1. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
2. Recommend to Council for adoption.
3. Monitor and review as and when required.

## Bylaws

1. Develop and agree to the statement of proposal for new or amended bylaws for consultation
2. Recommend to Council new or amended bylaws for adoption.

## Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

## Submissions and legislation

1. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters.
2. Monitor and oversee strategic projects and programmes.
3. Monitor Council's Assets Management Plans/Strategic Infrastructure Plan.

**Contracts**

1. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
  - a) Do not require the approval of the whole of Council.
  - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

**Other**

1. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
2. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
3. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
4. Monitor Audit recommendations and ensure completion.

# Buller District Council Extraordinary Meeting

Venue: Clocktower Chambers, Westport. Livestreamed on BDC YouTube Channel



05 October 2022 02:00 PM

<b>Agenda Topic</b>	<b>Page</b>
1. Apologies	7
2. Members Interests	8
3. Letter of Resignation - S Mason	9
3.1 Attachment 1: Letter of Resignation - S Mason	12

**BULLER DISTRICT COUNCIL  
EXTRAORDINARY MEETING**

**5 OCTOBER 2022**

**AGENDA ITEM 1**

**Prepared by** Sharon Mason  
Chief Executive Officer

**APOLOGIES**

---

**1. REPORT SUMMARY**

That Buller District Council receive any apologies or requests for leave of absence from elected members.

**2. DRAFT RECOMMENDATION**

**That there are no apologies to be received and no requests for leave of absence.**

**OR**

**That Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.**

**BULLER DISTRICT COUNCIL  
EXTRAORDINARY MEETING**

**5 OCTOBER 2022**

**AGENDA ITEM 2**

**Prepared by** Sharon Mason  
Chief Executive Officer

**MEMBERS INTEREST**

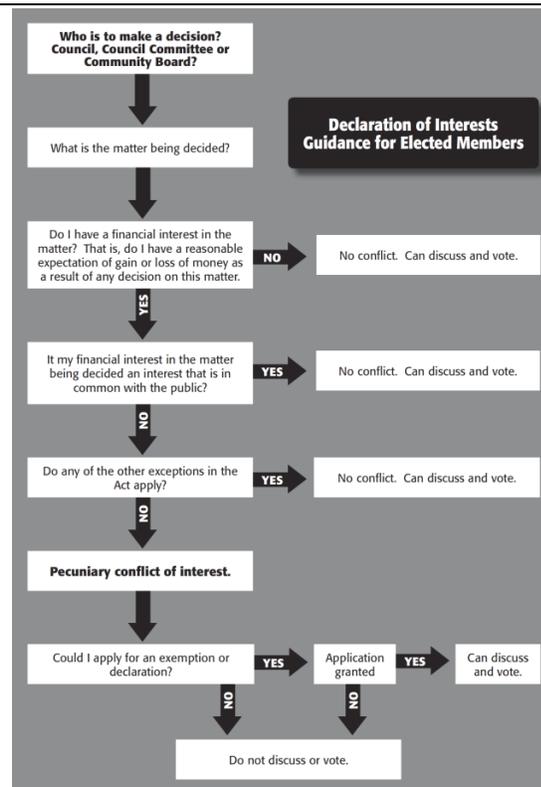
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Governance Assistant, of any changes required to their declared Members Interest Register.

The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).

**DRAFT RECOMMENDATION:**

**That Members disclose any financial or non-financial interest in any of the agenda items.**



**BULLER DISTRICT COUNCIL**

**EXTRAORDINARY MEETING**

**5 OCTOBER 2022**

**AGENDA ITEM 3**

**Prepared by** Deputy Mayor  
Sharon Roche

**Reviewed by** Mayor  
Jamie Cleine

**Attachment 1** CEO Letter of Resignation

**CHIEF EXECUTIVE OFFICER RESIGNATION**

---

**1. REPORT SUMMARY**

Council has received a letter of resignation from Chief Executive Sharon Mason, which is attached to this report for information.

**2. RECOMMENDATION**

**That Council resolves that it:**

- 1. Accepts the resignation of Mrs Sharon Mason from her role as Chief Executive Officer of Buller District Council, effective from 2 December 2022.**
- 2. Notes that although the CEO employment contract requires three months' notice and that Mrs Masons' notice period would technically end at 28 December 2022, Council is happy to accept that her resignation becomes effective from 2 December 2022.**
- 3. Notes that timing of the current Council elections means that any decision regarding the appointment of an Acting Chief Executive Officer or regarding the commencing of a recruitment process for the permanent appointment for a new Chief Executive Officer would be made by the incoming Council after the election.**

4. **Agrees that because of the timing of the elections, and rather than overly delay the Chief Executive Officer recruitment process following the elections, that four recruiters should be invited to submit a formal proposal for conducting the recruitment process to the Human Resource Advisor by 5pm, Friday 14 October 2022 for consideration by the incoming Council.**
5. **Agrees that the recruiters to be invited to submit proposals would be advised that Council reserves the right to accept or decline any proposal, and that Council might choose to seek other proposals should it so desire.**
6. **Agrees that four recruitment providers be approached for such a proposal.**

### **3. BACKGROUND**

On 28 September 2022 Mayor Jamie Cleine received a letter from Sharon Mason tendering her resignation as Buller District Council's Chief Executive Officer.

Mrs Mason's Individual Employment Agreement (IEA) stipulates that she is required to give a three month notice period, however in her letter she has requested to negotiate an earlier exit date of 2 December 2022.

### **4. DISCUSSION**

There are various options available to council with regard to the request for early release from Mrs Mason's IEA:

- Adhere to the IEA and request that Mrs Mason work out her three month notice period which would see an effective finish date of 28 December 2022.
- Allow Mrs Mason to finish work on 2 December 2022, however the balance of her three month notice period is worked out through annual leave to 28 December 2022.
- Approves Mrs Mason's final day of work as 2 December 2022, with all annual leave and entitlements paid at that date.

Being that Mrs Mason has provided excellent service to council over the past four years, we see no reason to deny her this request, we therefore recommend that the early release date of 2 December 2022 is approved.

### **Acting Chief Executive Officer**

It will be the decision of the new incoming Council as to who is appointed as the Acting Chief Executive Officer to cover the period of Mrs Mason's departure and the appointment of a new Chief Executive Officer. This matter will be considered by the incoming Council at their full Council meeting on 26 October 2022.

### **Chief Executive Officer Recruitment**

Given the timing of the elections, and rather than overly delay the Chief Executive Officer recruitment process following the elections, we recommend that Council begin the process of seeking recruiters to submit a formal proposal for conducting a recruitment process.

This can be undertaken by Council's Human Resource Advisor Glenda Martyn, with a view to receiving formal proposals by 5pm, Friday 14 October 2022 for consideration by the incoming Council at their full Council meeting on 26 October 2022.

Recruitment providers will be invited to submit proposals will be advised that Council reserves the right to accept or decline any proposal, and that Council might choose to seek other proposals should it so desire. It will be entirely the decision of the new Council as to who they choose to use as recruiters.

It is recommended that four recruitment providers be approached for such a proposal in the first instance.

---

Mayor Jamie Cleine  
Buller District Council  
6-8 Brougham Street  
Westport  
jamie.cleine@bdc.govt.nz

28<sup>th</sup> September 2022

Dear Jamie & Elected Councillors,

Resignation Chief Executive Buller District Council

It is with some sadness that I hereby tender my resignation from the role of Chief Executive Buller District Council, effective from 28<sup>th</sup> September 2022. An opportunity has become available for me to return to the health sector environment, in a rural regional setting as a Chief Executive Officer. My BDC contract stipulates a 3 month notice period which would take me through until 28<sup>th</sup> December 2022. However, if possible, with mutual negotiation I would seek an earlier exit date with my final day of work being Friday 2 December 2022.

I have thoroughly enjoyed my tenure with Buller District Council and it has been a privilege to work in partnership with you and the elected members. The past 12 months have been a challenging period with two significant flood events and COVID lockdowns, I am proud that we have collaborated with our community, central government agencies and local NGO partners to navigate this period. I also acknowledge the wonderful council staff who have worked tirelessly to provide the best possible service to the Buller people, I feel humbled to have been their leader for the past four years.

Buller Council has strong strategic, operational and leadership foundations and is well placed to work with the incoming elected Mayor and Councillors to continue moving the district forward on a positive trajectory into the future.

Kind regards,



Sharon Mason