

Response to LGOIMA request from Liz Blue

14 June 2023

Dear Liz

Thank you for your email dated 16 May 2023 and your patience in awaiting a response. You have asked for the following:

1. Any information provided to the Mayor or Councillors in the past year in respect of a vote of no confidence in the Mayor;
2. Any information provided to the Mayor or Councillors in the past year in respect of removing the Mayor from committees, sub-committees or joint committees;
3. Any correspondence with the Department of Internal Affairs in the past year relating to issues between the Mayor and Council staff including the Chief Executive;
4. Any correspondence with the Department of Internal Affairs in the past year relating to issues between the Mayor and other Councillors;
5. Any correspondence with the Minister of Local Government in the past year relating to issues between the Mayor and Council staff including the Chief Executive;
6. Any correspondence with the Minister of Local Government in the past year relating to issues between the Mayor and other Councillors;
7. Details of any complaints in the past year about the Mayor;
8. Details of any complaints in the past year about other Councillors;
9. Details of any complaints in the past year about the Chief Executive.

As per our email exchange on 16 May, you refined your request to the timeframe 8 October 2022 to 16 May 2023.

The Council provides the following responses:

1. Please see below an extract from the minutes of a Council meeting on 28 March, in which a staff member provides councillors with advice about a vote of no confidence in the Mayor.
2. Here is a link to the agenda for an extraordinary Council meeting on 16 May, at which councillors considered legal advice on removing the mayor from the Chief Executive's appraisal committee <https://www.goredc.govt.nz/council/meetings/agendas-minutes?item=id:2m25rvom1cxby7d1hws>
3. There has been no correspondence with the Department of Internal Affairs on these issues.
4. As above
5. There has been no correspondence with the Minister of Local Government relating to issues between the Mayor and Council staff including the Chief Executive.
6. As above

For Questions 7 to 9, would you please provide clarification on what you are seeking. We assume you want official complaints. Would you be more specific about the nature of the complaints and from where they originated.

The Council makes every effort to respond to any requests for information. However, the extraordinary number of LGOIMAs we have received in the last six weeks has put our small team under extreme pressure. Again, thank you for your patience.

If you are unsatisfied with the response, you are entitled to lodge a complaint with the Office of the Ombudsmen. You can find more information on its website <http://www.ombudsman.parliament.nz>

Kind regards

A handwritten signature in black ink, appearing to read 'Sonia Gerken', written in a cursive style.

Sonia Gerken
GM Communications & Customer Support

The General Manager said the Council needed to look at the issue wearing different hats. The Council had been asked to the meeting as the employer of its employee because he had raised concerns. As he had pointed out, he had other means of dealing with the concerns if it did not go down the path offered. The responsibility to the employee was reasonably clear in terms of a process and what he had provided.

In answer to the question of Cr Hovell [REDACTED]

[REDACTED]. He was one vote and the only difference was he sat at the front of the table chairing a meeting. He had some powers that he could exercise as Mayor at the start of the term (eg appointment of Deputy Mayor, committee structure and appointment of Chairs and membership), but the rest of the time he was exactly the same as the Councillors.

The observation of the SMT was the Mayor seemed to think he had presidential type powers or had powers that were different to Councillors. The SMT also seemed to think the Council had allowed him to think he was different. If the Mayor did not accept, then the Council could exclude him, [REDACTED]. Politics was about numbers and if the Mayor did not have the numbers, the Mayor did not have the power.

The Council could not allow him to have the relationship with the Chief Executive, but going forward by doing what the Chief Executive had asked of the Council, appoint a designate in place to assist with the operation of the organisation. The Chief Executive had said several times, he just wanted to do his job. By the Mayor's actions, he had self-excluded himself from that. One of the most startling comments from the Mayor's commentary, his comment that he felt like a Council of one. That suggested to the General Manager that was how he operated.

The Council needed to bring him back into line and the ball was in the Council's court to do so. The vote at the previous Council meeting about waste and recycling had been 11-1. The Mayor did not have any extraordinary powers to veto what an 11-1 or 7-5 vote did. The General Manager said if the Mayor did not change, then there could be 11-1 votes for the next two and a half years. He had seen it in action in Invercargill. Bringing in Crown observers was not something the Council wanted. If the Mayor did not want to be involved, he had self-excluded himself. Appointing an intermediary provided confidence to the governance and operational arms of the Council.

Cr Reid said her worry was the Mayor would continue to do what he wanted to do in his way. When people who watched the meetings and told her what a shambles they are, what did the Council do? The Councillors were never approached. At some stage, what happened if there was a vote of no confidence in the Mayor and under what situation could that occur. The General Manager said the Council could have a vote of no confidence in the Mayor at any time, but it meant nothing. The only way a Mayor could leave office was if they did something unlawful or they resigned. Cr Hovell said his advice from the DIA was it would pick up on it and there would be a cost to the ratepayers.