

18. COMMUNITY ADVOCATE'S UPDATE

18.1. Sumner/Redcliffs/Mt Pleasant Youth Initiative (Shoreline Youth Trust)

At the Board meeting on Wednesday 4 April 2001, the Board resolved that the Community Advocate be requested to withhold payment of funds allocated to the Sumner/Redcliffs Mt Pleasant Youth Initiative until the Board has received a copy of the registered trust deed and is assured that it reflects the statement made in support of the proposal outlined to the Board.

The Board also requested information on other funding to the initiative. A letter from Hamish Flynn, the Youth Co-ordinator advises that they have been granted \$25,000 from the Community Trust. Please refer to clause 4.5 A revised budget and a copy of the registered trust deed have been received and circulated.

Recommendation: That the Board advise the Community Advocate to release the Board Project Funding to the Shoreline Youth Trust.

Chairman's

Recommendation: That the recommendation be adopted.

18.2 Sumner Out of School Care and Recreation Services (SOSCARS)

The Board will recall that in April the Board requested the OSCAR Network review SOSCARS operation and Management Committee and report back to the Board with its findings.

The review is nearly completed and a report from the OSCAR Network will be available to the board for its next meeting. The Community Advocate will release the \$15,000 Board Project Funds following approval from the Board at its 5 September meeting.

Recommendation: That the Community Advocate be requested to withhold payment of the \$15,000 allocated to Sumner Out of school Care and Recreation Services until the review has been completed and the Board has considered the report of the review.

Chairman's

Recommendation: That the recommendation be adopted.

18.3 Discretionary Fund Update

The attached schedule shows the Board's allocations to date. The balance remaining prior to this meeting is \$58,060.

18.4 Fund for the International Year of the Volunteer

In January 2001 the Board allocated \$5,000 to the Fund for the International Year of the Volunteer Committee. In June the Committee made its final allocations to the Sumner Surf Life Saving Club and the Woolston Rugby League Club (see attached).

18.5 Neighbourhood Week

Attached are the minutes from a meeting of the Neighbourhood Week Joint Board Committee held on Friday 6 July 2001.

Chairman's

Recommendation: That the information be received.

18.6 Nayland Street

At the Board meeting on 4 July the Board requested that a public information meeting be held to discuss Nayland Street and that notices be placed in the Sumner Library, the notice board and the local supermarket and that the pamphlet attached to the agenda as Appendix D - Nayland Street to be redrawn with two options showing either one way or two way on the area when moving from parking to residential.

On Tuesday 17 July a public meeting was held at the Sumner Community Centre. About 80 people attended the meeting. Council Officers outlined the proposals for kerb and channel renewal for Nayland Street and drainage upgrades for Richmond Hill and Nayland Street. Residents queries and concerns were addressed. The Area Engineer is considering the minor changes to the plan of two lane access to Marriner Street from Nayland Street.

The meeting was advised that approximately \$340,000 was budgeted for Nayland Street kerb and channel renewal and approximately \$250,000 for Richmond Hill inlet upgrade, Cave Rock outlet and additional drainage works to be undertaken in conjunction with the roading works.

Some residents were unable to stay until the end of the meeting but about 50 people voted by a show of hands as to whether they wished the work to proceed and whether the narrowing should be one lane or two lane.

The vote for proceeding with the work was split 50/50 and the majority voted for the narrowing to be two lane.

Other issues of concern raised, related to Sumner Village traffic management, improvement to drainage, and provision of a secondary flow path. Sumner Village traffic management issues will be addressed by the Board at the Capital Works Planning Meeting. The Area Engineer will provide a report to the meeting on 23 August 2001. A Floodplain Management Study for Sumner is underway and will identify long term flood damage reduction issues.

Recommendation: That the work proceed as shown on the publicity plan except for the narrowing mid block which be changed from 3.5m wide (one lane) to 6m wide (two lane).

Chairman's

Recommendation: That the recommendation be adopted.

18.7 Sumner Redcliffs Creche

Council approved \$300,000 to address the Sumner-Redcliffs Creche building needs. A working party was established to progress this issue. The project team is made up of Linda Rutland, Jude Pani, John Dunphy, Lindsay Fleming and representatives from the Creche.

Chairman's

Recommendation: That the information be received.

18.8 Avebury House

Community Development Worker, Lesley McMillan has commenced work at Avebury House. It is anticipated that the findings of Lesley's community consultation will be available to the Board in September. At that time we may consider a joint Board meeting to progress any issues depending on the outcome of the consultation.

Chairman's

Recommendation: That the information be received.

18.9 Capital Works Planning Process – 23 August 2001

Letters have been sent to the community inviting the community to respond by 13 August on the capital works planning process. Board members will have received a copy. The Seminar meeting of the Board on the 23rd August has been set aside to deal with feedback from the community. Proposals from elected members and Council staff must be in by the 13th August. Included in the process this year will be changes to the Board's Planning Statement to enable dialogue with standing committees and the Board to have more direct input and comment to the Council on key issues in the community.

Chairman's

Recommendation: That the information be received.

18.10 Local Government Act 1974 Review

The Board met on 11 July 2001 to consider feedback and make comments to the Strategy and Resources Committee. The chairperson attended meetings of the Strategy and Resources Committee on 13 and 20 July. A copy of the Council's submission on the Review will have been given to Board members. The Board may wish to consider if it wants to make any further comments or another submission to the Department of Internal Affairs on the Review.

Chairman's

Recommendation: That the information be received.

18.11 Community Garden – Smith Street

Work is continuing on developing the land adjacent to the Service Centre as a community garden. Warwick Scadden is involved in discussions with the community and is arranging for the removal of the diseased Poplar trees. These will be removed in the week beginning 6 August. Community activity developing a garden will commence shortly after.

Chairman's

Recommendation: That the information be received.

18.12 Scarborough Pool – Shade Cover

The Sumner Residents Association at their 23 July meeting confirmed their support for Council proceeding with shade covering for the Scarborough Pool. They also supported extension of the existing seating cover.

Chairman's

Recommendation: That the information be received.

18.13 Extraordinary Board Vacancy

The Board has received a legal opinion from Peter Mitchell on an extraordinary Board vacancy. The legal opinion follows:

“1. INTRODUCTION

The Board has sought my advice on the legal position regarding the vacancy on the Board caused by the recent death of Ms Liz McRostie, an elected Board member.

The Board wishes to know whether it has the option of not filling that vacancy for the remainder of the current Board term.

2. LOCAL GOVERNMENT ACT 1974

The Local Government Act 1974 provides that an extraordinary vacancy on a community board is created when an elected community board member dies.

Section 101ZR(2) provides:

“Where an extraordinary vacancy occurs in respect of an elected member of a community board, the board shall, subject to sections 117 – 120 of the Local Electoral Act 2001, fill the vacancy by appointing as a member of the board a person qualified to be elected as a member of the board.”

Section 117(2) and (3) of the Local Electoral Act 2001 provides:

“(2) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a community board 12 months or less than 12 months before the next triennial general election, the principal administrative officer of the local authority concerned must notify the local authority or community board of the vacancy immediately.

- (3) On receiving notice under subsection (2), the local authority or community board must, at its next ordinary meeting or, if that is not practicable, at its next subsequent ordinary meeting, determine by resolution—
 - (a) that the vacancy will be filled by the appointment by the local authority or community board of a person named in the resolution who is qualified to be elected as a member; or
 - (b) that the vacancy is not to be filled.”

As it is now less than 12 months before the next triennial general election, the Board must determine:

- (a) that the vacancy be filled by appointment; or
- (b) that the vacancy not be filled.

Where the Board decides to fill by appointment then it must give public notice of that resolution and at a subsequent meeting confirm the appointment, and from the date of that subsequent meeting the person appointed is to be treated as having been elected to fill the vacancy.

So that in practical terms even if the Board wished to fill the vacancy by appointment, the appointed person could not take office until the September meeting of the Board.

If the Board decides to resolve not to fill the vacancy, then it must give public notice of that resolution.

A draft resolution not to fill the vacancy could be:

“That pursuant to section 117(3)(b) of the Local Electoral Act 2001 the Hagley/Ferrymead Community Board resolves not to fill the vacancy caused by the death of Ms Liz McRostie.”

A consequence of not filling this vacancy is that the Council is unable to appoint a Councillor to the Board following the recent resignation of Cr Charles Manning. This is because the Board will have 5 elected members and the number of Councillors is not allowed to exceed more than half the number of elected members. So with 5 elected members the Board may have a maximum of 2 appointed members which it already has.”

Chairman’s Recommendation: Not seen by the Chairman